

As Reported by the Senate Finance Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 49

Representative Smith, R.

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

Speaker Rosenberger

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4781.37, 4781.38, 4781.39, and 4781.45; to enact	448
new section 4781.54 and section 4781.011; and to	449
repeal sections 4781.02, 4781.03, 4781.05,	450

4781.13, 4781.54, and 4781.55 of the Revised Code; 451
to amend sections 329.04 and 2329.66 of the 452
Revised Code effective December 31, 2017; to 453
repeal the version of section 118.023 of the 454
Revised Code that is scheduled to take effect 455
September 29, 2017; to amend sections 109.572, 456
3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 457
4776.01 of the Revised Code effective January 21, 458
2018; to amend section 5101.61 and to amend, for 459
the purpose of adopting a new section number as 460
indicated in parentheses, section 5101.61 461
(5101.63) of the Revised Code effective one year 462
after the effective date of this act; to repeal 463
sections 103.44, 103.45, 103.46, 103.47, 103.48, 464
103.49, and 103.50 of the Revised Code effective 465
October 1, 2017; to repeal section 5166.35 of the 466
Revised Code effective January 1, 2019; to amend 467
for the purpose of codifying and changing the 468
number of Section 369.540 of Am. Sub. H.B. 64 of 469
the 131st General Assembly to section 3333.95 of 470
the Revised Code; to amend for the purpose of 471
codifying and changing the number of Section 472
529.10 of S.B. 310 of the 131st General Assembly 473
to section 123.211 of the Revised Code; to amend 474
Sections 205.10, 205.20, and 812.50 of Sub. H.B. 475
26 of the 132nd General Assembly, Sections 125.13 476
and 327.270 of Am. Sub. H.B. 64 of the 131st 477
General Assembly, Section 253.330 of Am. Sub. S.B. 478
260 of the 131st General Assembly, Sections 479
207.440, 213.10, 213.20, 217.10, 221.20, 227.10, 480
229.10, and 229.30 of S.B. 310 of the 131st 481
General Assembly, Sections 203.10, 207.290, 482
221.10, 223.10, and 239.10 of S.B. 310 of the 483

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

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

Section 101.01. That sections 101.34, 102.02, 102.022, 500
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6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, 651
and 6301.18 be amended; sections 103.42 (103.416), 152.08 652
(123.011), 3742.49 (3742.44), 3742.50 (3742.45), 3742.51 653
(3742.46), 4731.081 (4731.08), 4731.091 (4731.09), and 4731.092 654
(4731.091) be amended for the purpose of adopting new section 655
numbers as indicated in parentheses; and new sections 3319.229, 656
3742.43, and 5739.18 and sections 101.88, 101.881, 101.882, 657
101.89, 103.43, 107.036, 107.56, 109.46, 122.15, 122.151, 122.152, 658
122.153, 122.154, 122.155, 122.156, 125.03, 125.051, 125.32, 659
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5511.11, 5516.20, 5703.0510, 5705.233, 5709.48, 5709.49, 5709.50, 680
5747.031, 5747.503, 5747.504, 5748.10, 5907.17, 5907.18, 6301.111, 681
6301.112, 6301.20, and 6301.21 of the Revised Code be enacted to 682
read as follows: 683

Sec. 101.34. (A) There is hereby created a joint legislative 684
ethics committee to serve the general assembly. The committee 685
shall be composed of twelve members, six each from the two major 686
political parties, and each member shall serve on the committee 687
during the member's term as a member of that general assembly. Six 688
members of the committee shall be members of the house of 689
representatives appointed by the speaker of the house of 690
representatives, not more than three from the same political 691
party, and six members of the committee shall be members of the 692
senate appointed by the president of the senate, not more than 693
three from the same political party. A vacancy in the committee 694
shall be filled for the unexpired term in the same manner as an 695
original appointment. The members of the committee shall be 696
appointed within fifteen days after the first day of the first 697
regular session of each general assembly and the committee shall 698
meet and proceed to recommend an ethics code not later than thirty 699
days after the first day of the first regular session of each 700
general assembly. 701

In the first regular session of each general assembly, the 702
speaker of the house of representatives shall appoint the 703
chairperson of the committee from among the house members of the 704

committee, and the president of the senate shall appoint the 705
vice-chairperson of the committee from among the senate members of 706
the committee. In the second regular session of each general 707
assembly, the president of the senate shall appoint the 708
chairperson of the committee from among the senate members of the 709
committee, and the speaker of the house of representatives shall 710
appoint the vice-chairperson of the committee from among the house 711
members of the committee. The chairperson, vice-chairperson, and 712
members of the committee shall serve until their respective 713
successors are appointed or until they are no longer members of 714
the general assembly. 715

The committee shall meet at the call of the chairperson or 716
upon the written request of seven members of the committee. 717

(B) The joint legislative ethics committee: 718

(1) Shall recommend a code of ethics that is consistent with 719
law to govern all members and employees of each house of the 720
general assembly and all candidates for the office of member of 721
each house; 722

(2) May receive and hear any complaint that alleges a breach 723
of any privilege of either house, or misconduct of any member, 724
employee, or candidate, or any violation of the appropriate code 725
of ethics; 726

(3) May obtain information with respect to any complaint 727
filed pursuant to this section and to that end may enforce the 728
attendance and testimony of witnesses, and the production of books 729
and papers; 730

(4) May recommend whatever sanction is appropriate with 731
respect to a particular member, employee, or candidate as will 732
best maintain in the minds of the public a good opinion of the 733
conduct and character of members and employees of the general 734
assembly; 735

(5) May recommend legislation to the general assembly 736
relating to the conduct and ethics of members and employees of and 737
candidates for the general assembly; 738

(6) Shall employ an executive director for the committee and 739
may employ other staff as the committee determines necessary to 740
assist it in exercising its powers and duties. The executive 741
director and staff of the committee shall be known as the office 742
of legislative inspector general. At least one member of the staff 743
of the committee shall be an attorney at law licensed to practice 744
law in this state. The appointment and removal of the executive 745
director shall require the approval of at least eight members of 746
the committee. 747

(7) May employ a special counsel to assist the committee in 748
exercising its powers and duties. The appointment and removal of a 749
special counsel shall require the approval of at least eight 750
members of the committee. 751

(8) Shall act as an advisory body to the general assembly and 752
to individual members, candidates, and employees on questions 753
relating to ethics, possible conflicts of interest, and financial 754
disclosure; 755

(9) Shall provide for the proper forms on which a statement 756
required pursuant to section 102.02 or 102.021 of the Revised Code 757
shall be filed and instructions as to the filing of the statement; 758

(10) Exercise the powers and duties prescribed under sections 759
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 760
sections 121.60 to 121.69 of the Revised Code; 761

(11) Adopt, in accordance with section 111.15 of the Revised 762
Code, any rules that are necessary to implement and clarify 763
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 764

(C) There is hereby created in the state treasury the joint 765
legislative ethics committee fund. All money collected from 766

registration fees and late filing fees prescribed under sections 767
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 768
into the state treasury to the credit of the fund. Money credited 769
to the fund and any interest and earnings from the fund shall be 770
used solely for the operation of the joint legislative ethics 771
committee and the office of legislative inspector general and for 772
the purchase of data storage and computerization facilities for 773
the statements filed with the committee under sections 101.73, 774
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 775

(D) The chairperson of the joint legislative ethics committee 776
shall issue a written report, not later than the thirty-first day 777
of January of each year, to the speaker and minority leader of the 778
house of representatives and to the president and minority leader 779
of the senate that lists the number of committee meetings and 780
investigations the committee conducted during the immediately 781
preceding calendar year and the number of advisory opinions it 782
issued during the immediately preceding calendar year. 783

(E) Any investigative report that contains facts and findings 784
regarding a complaint filed with the joint legislative ethics 785
committee and that is prepared by the staff of the committee or a 786
special counsel to the committee shall become a public record upon 787
its acceptance by a vote of the majority of the members of the 788
committee, except for any names of specific individuals and 789
entities contained in the report. If the committee recommends 790
disciplinary action or reports its findings to the appropriate 791
prosecuting authority for proceedings in prosecution of the 792
violations alleged in the complaint, the investigatory report 793
regarding the complaint shall become a public record in its 794
entirety. 795

(F)(1) Any file obtained by or in the possession of the 796
former house ethics committee or former senate ethics committee 797
shall become the property of the joint legislative ethics 798

committee. Any such file is confidential if either of the 799
following applies: 800

(a) It is confidential under section 102.06 of the Revised 801
Code or the legislative code of ethics. 802

(b) If the file was obtained from the former house ethics 803
committee or from the former senate ethics committee, it was 804
confidential under any statute or any provision of a code of 805
ethics that governed the file. 806

(2) As used in this division, "file" includes, but is not 807
limited to, evidence, documentation, or any other tangible thing. 808

(G) There is hereby created in the state treasury the joint 809
legislative ethics committee investigative and financial 810
disclosure fund. Investment earnings of the fund shall be credited 811
to the fund. ~~Money in~~ All moneys credited to the fund shall be 812
used solely for ~~the operations~~ expenses related to the 813
investigative and financial disclosure functions of the committee 814
~~in conducting investigations.~~ 815

Sec. 101.88. (A) The departments enumerated in divisions (B) 816
and (C) of this section shall periodically be reviewed by the 817
general assembly. 818

(B) The following departments shall be reviewed during each 819
even-numbered general assembly: 820

(1) The office of budget and management; 821

(2) The department of administrative services; 822

(3) The department of agriculture; 823

(4) The department of health; 824

(5) The department of public safety; 825

(6) The department of developmental disabilities; 826

<u>(7) The development services agency;</u>	827
<u>(8) The department of rehabilitation and correction;</u>	828
<u>(9) The department of aging;</u>	829
<u>(10) The department of medicaid;</u>	830
<u>(11) The office of the adjutant general;</u>	831
<u>(12) The department of higher education.</u>	832
<u>(C) The following departments shall be reviewed during each odd-numbered general assembly:</u>	833
<u>(1) The department of commerce;</u>	834
<u>(2) The department of transportation;</u>	835
<u>(3) The department of natural resources;</u>	836
<u>(4) The department of job and family services;</u>	837
<u>(5) The department of mental health and addiction services;</u>	838
<u>(6) The department of insurance;</u>	839
<u>(7) The department of youth services;</u>	840
<u>(8) The environmental protection agency;</u>	841
<u>(9) The department of veterans services;</u>	842
<u>(10) The office of health transformation;</u>	843
<u>(11) The public utilities commission;</u>	844
<u>(12) The department of taxation.</u>	845
<u>(D) The general assembly may abolish, terminate, or transfer a department by no other means except by the enactment of a law, and may provide by law for the orderly, efficient, and expeditious conclusion of a department's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the department shall continue in effect according to their terms notwithstanding the department's</u>	847
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abolition, unless the general assembly provides otherwise by law. 854
The general assembly may provide by law for the temporary or 855
permanent transfer of some or all of a terminated or transferred 856
department's functions and personnel to a successor department, 857
board, or officer. 858

The abolition, termination, or transfer of a department shall 859
not cause the termination or dismissal of any claim pending 860
against the department by any person, or any claim pending against 861
any person by the department. Unless the general assembly provides 862
otherwise by law for the substitution of parties, the attorney 863
general shall succeed the department with reference to any pending 864
claim. 865

Sec. 101.881. (A) Not later than three months after the 866
commencement of a general assembly during which a department is 867
scheduled to be reviewed under division (B) or (C) of section 868
101.88 of the Revised Code, the president of the senate and the 869
speaker of the house of representatives each shall direct a 870
standing committee of the senate and of the house of 871
representatives, respectively, to hold hearings to receive the 872
testimony of the public and of the chief executive officer of the 873
department and otherwise shall review, consider, and evaluate the 874
usefulness, performance, and effectiveness of the department. The 875
president of the senate and the speaker of the house of 876
representatives may defer the review of a department until the 877
next general assembly during which the department is subject to 878
review. A department whose review has been deferred shall be 879
reviewed, without the option for deferment, during the next 880
general assembly during which the department is subject to review 881
under division (B) or (C) of section 101.88 of the Revised Code. 882

(B) The president of the senate and the speaker of the house 883
of representatives may direct a standing committee of the senate 884

and of the house of representatives, respectively, to hold 885
hearings to receive the testimony of the public and of the chief 886
executive officer of a department that is not scheduled to be 887
reviewed under division (B) or (C) of section 101.88 of the 888
Revised Code, and otherwise may review, consider, and evaluate the 889
usefulness, performance, and effectiveness of the department. 890

(C) Each department that is scheduled for review and each 891
department that is identified to be reviewed by a standing 892
committee shall submit to the standing committee a report that 893
contains all of the following information: 894

(1) The department's primary purpose and its various goals 895
and objectives; 896

(2) The department's past and anticipated workload, the 897
number of staff required to complete that workload, and the 898
department's total number of staff; 899

(3) The department's past and anticipated budgets and its 900
sources of funding. 901

(D) Each department shall have the burden of demonstrating to 902
the standing committee a public need for its continued existence. 903
In determining whether a department has demonstrated that need, 904
the standing committee shall consider, as relevant, all of the 905
following: 906

(1) Whether or not the public could be protected or served in 907
an alternate or less restrictive manner; 908

(2) Whether or not the department serves the public interest 909
rather than a specific interest; 910

(3) Whether or not rules adopted by the department are 911
consistent with the legislative mandate of the department as 912
expressed in the statutes that created and empowered the 913
department; 914

(4) The extent to which the department's jurisdiction and programs overlap or duplicate those of other departments, the extent to which the department coordinates with those other departments, and the extent to which the department's programs could be consolidated with the programs of other state departments; 915
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(5) Whether or not continuation of the department is necessary to protect the health, safety, or welfare of the public, and if so, whether or not the department's authority is narrowly tailored to protect against present, recognizable, and significant harms to the health, safety, or welfare of the public; 921
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(6) The amount of regulation exercised by the department compared to such regulation, if any, in other states; 926
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(7) Whether or not alternative means or methods can be used to improve efficiency and customer service to assist the department in the performance of its duties; 928
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(8) Whether or not the operation of the department has inhibited economic growth, reduced efficiency, or increased the cost of government; 931
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(9) An assessment of the authority of the department regarding fees, inspections, enforcement, and penalties; 934
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(10) The extent to which the department has permitted qualified applicants to serve the public; 936
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(11) The cost-effectiveness of the department in terms of number of employees, services rendered, and administrative costs incurred, both past and present; 938
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(12) Whether or not the department's operation has been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices; 941
942
943

(13) Whether the department has recommended statutory changes 944

to the general assembly that would benefit the public as opposed 945
to the persons regulated by the department, if any, and whether 946
its recommendations and other policies have been adopted and 947
implemented; 948

(14) Whether the department has required any persons it 949
regulates to report to it the impact of department rules and 950
decisions on the public as they affect service costs and service 951
delivery; 952

(15) Whether persons regulated by the department, if any, 953
have been required to assess problems in their business operations 954
that affect the public; 955

(16) Whether the department has encouraged public 956
participation in its rule-making and decision-making; 957

(17) The efficiency with which formal public complaints filed 958
with the department have been processed to completion; 959

(18) Whether the programs or services of the department 960
duplicate or overlap those of other departments; 961

(19) Whether the purpose for which the department was created 962
has been fulfilled, has changed, or no longer exists; 963

(20) Whether federal law requires that the department be 964
renewed in some form; 965

(21) An assessment of the administrative hearing process of a 966
department if the department has an administrative hearing 967
process; 968

(22) Any applicable criteria under division (E) of this 969
section; 970

(23) Changes needed in the enabling laws of the department in 971
order for it to comply with the criteria suggested by the 972
considerations listed in divisions (D)(1) to (22) of this section. 973

(E) In the review of a department that issues a license to 974

practice a trade or profession, the standing committee shall 975
consider all of the following: 976

(1) Whether the requirement for the license serves a 977
meaningful, defined public interest and provides the least 978
restrictive form of regulation that adequately protects the public 979
interest; 980

(2) The extent to which the objective of licensing may be 981
achieved through market forces, private or industry certification 982
and accreditation programs, or enforcement of other existing laws; 983

(3) The extent to which licensing ensures that practitioners 984
have occupational skill sets or competencies that correlate with a 985
public interest, and the impact that those criteria have on 986
applicants for a license, particularly those with moderate or low 987
incomes, seeking to enter the occupation or profession; 988

(4) The extent to which the requirement for the license 989
stimulates or restricts competition, affects consumer choice, and 990
affects the cost of services. 991

As used in division (E) of this section: 992

"Least restrictive form of regulation" means the public 993
policy of relying on one of the following, listed from the least 994
to the most restrictive, as a means of consumer protection: market 995
competition; third-party or consumer-created ratings and reviews; 996
private certification; specific private civil cause of action to 997
remedy consumer harm; actions under Chapter 1345. of the Revised 998
Code; regulation of the process of providing the specific goods or 999
services to consumers; inspection; bonding or insurance; 1000
registration; government certification; specialty occupational 1001
license for medical reimbursement; and occupational license. 1002

"Specialty occupational license for medical reimbursement" means a 1003
nontransferable authorization in law for an individual to provide 1004
identified medical services and qualify for payment or 1005

reimbursement from a government agency based on meeting personal 1006
qualifications established in law. 1007

"License" means a license, certificate, permit, or other 1008
authorization issued or conferred by a department or board under 1009
which a person may engage in a profession, occupation, or 1010
occupational activity. 1011

For purposes of division (E) of this section, a government 1012
regulatory requirement is in the public interest if it provides 1013
protection from present, recognizable, and significant harms to 1014
the health, safety, or welfare of the public. 1015

Sec. 101.882. The president of the senate and the speaker of 1016
the house of representatives shall notify the chief of the common 1017
sense initiative office, established under section 107.61 of the 1018
Revised Code, when a department is identified under division (A) 1019
or (B) of section 101.881 of the Revised Code to be reviewed by a 1020
standing committee. The chief or the chief's designee shall appear 1021
and testify before the standing committee, with respect to the 1022
department, and shall testify on at least all of the following: 1023

(A) Whether or not the common sense initiative office has, 1024
within the previous five years, received commentary related to the 1025
department through the comment system established under section 1026
107.62 of the Revised Code; 1027

(B) Whether or not the common sense initiative office has, 1028
within the previous five years, received advice from the small 1029
business advisory council with respect to rules of the department; 1030

(C) Any other information the chief believes will elucidate 1031
the effectiveness and efficiency of the department and in 1032
particular the quality of customer service provided by the 1033
department. 1034

Sec. 101.89. After the completion of the evaluation review of 1035

a department under section 101.881 of the Revised Code, the 1036
standing committee that conducted the review may prepare and 1037
publish a report of its findings and recommendations. A standing 1038
committee may include in a single report its findings and 1039
recommendations regarding more than one department. If the 1040
standing committee prepares and publishes a report, the committee 1041
shall furnish a copy of the report to the clerk of the house of 1042
representatives or the clerk of the senate, as the case may be. 1043
The clerk shall furnish a copy of the report to the president of 1044
the senate, the speaker of the house of representatives, the 1045
governor, and each affected department. The clerk shall make any 1046
published report available to the public on the internet web site 1047
of the general assembly. 1048

Sec. 102.02. (A)(1) Except as otherwise provided in division 1049
(H) of this section, all of the following shall file with the 1050
appropriate ethics commission the disclosure statement described 1051
in this division on a form prescribed by the appropriate 1052
commission: every person who is elected to or is a candidate for a 1053
state, county, or city office and every person who is appointed to 1054
fill a vacancy for an unexpired term in such an elective office; 1055
all members of the state board of education; the director, 1056
assistant directors, deputy directors, division chiefs, or persons 1057
of equivalent rank of any administrative department of the state; 1058
the president or other chief administrative officer of every state 1059
institution of higher education as defined in section 3345.011 of 1060
the Revised Code; the executive director and the members of the 1061
capitol square review and advisory board appointed or employed 1062
pursuant to section 105.41 of the Revised Code; all members of the 1063
Ohio casino control commission, the executive director of the 1064
commission, all professional employees of the commission, and all 1065
technical employees of the commission who perform an internal 1066
audit function; the individuals set forth in division (B)(2) of 1067

section 187.03 of the Revised Code; the chief executive officer 1068
and the members of the board of each state retirement system; each 1069
employee of a state retirement board who is a state retirement 1070
system investment officer licensed pursuant to section 1707.163 of 1071
the Revised Code; the members of the Ohio retirement study council 1072
appointed pursuant to division (C) of section 171.01 of the 1073
Revised Code; employees of the Ohio retirement study council, 1074
other than employees who perform purely administrative or clerical 1075
functions; the administrator of workers' compensation and each 1076
member of the bureau of workers' compensation board of directors; 1077
the bureau of workers' compensation director of investments; the 1078
chief investment officer of the bureau of workers' compensation; 1079
all members of the board of commissioners on grievances and 1080
discipline of the supreme court and the ethics commission created 1081
under section 102.05 of the Revised Code; every business manager, 1082
treasurer, or superintendent of a city, local, exempted village, 1083
joint vocational, or cooperative education school district or an 1084
educational service center; every person who is elected to or is a 1085
candidate for the office of member of a board of education of a 1086
city, local, exempted village, joint vocational, or cooperative 1087
education school district or of a governing board of an 1088
educational service center that has a total student count of 1089
twelve thousand or more as most recently determined by the 1090
department of education pursuant to section 3317.03 of the Revised 1091
Code; every person who is appointed to the board of education of a 1092
municipal school district pursuant to division (B) or (F) of 1093
section 3311.71 of the Revised Code; all members of the board of 1094
directors of a sanitary district that is established under Chapter 1095
6115. of the Revised Code and organized wholly for the purpose of 1096
providing a water supply for domestic, municipal, and public use, 1097
and that includes two municipal corporations in two counties; 1098
every public official or employee who is paid a salary or wage in 1099
accordance with schedule C of section 124.15 or schedule E-2 of 1100

section 124.152 of the Revised Code; members of the board of 1101
trustees and the executive director of the southern Ohio 1102
agricultural and community development foundation; all members 1103
appointed to the Ohio livestock care standards board under section 1104
904.02 of the Revised Code; all entrepreneurs in residence 1105
assigned by the LeanOhio office in the department of 1106
administrative services under section 125.65 of the Revised Code 1107
and every other public official or employee who is designated by 1108
the appropriate ethics commission pursuant to division (B) of this 1109
section. 1110

(2) The disclosure statement shall include all of the 1111
following: 1112

(a) The name of the person filing the statement and each 1113
member of the person's immediate family and all names under which 1114
the person or members of the person's immediate family do 1115
business; 1116

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 1117
section and except as otherwise provided in section 102.022 of the 1118
Revised Code, identification of every source of income, other than 1119
income from a legislative agent identified in division 1120
(A)(2)(b)(ii) of this section, received during the preceding 1121
calendar year, in the person's own name or by any other person for 1122
the person's use or benefit, by the person filing the statement, 1123
and a brief description of the nature of the services for which 1124
the income was received. If the person filing the statement is a 1125
member of the general assembly, the statement shall identify the 1126
amount of every source of income received in accordance with the 1127
following ranges of amounts: zero or more, but less than one 1128
thousand dollars; one thousand dollars or more, but less than ten 1129
thousand dollars; ten thousand dollars or more, but less than 1130
twenty-five thousand dollars; twenty-five thousand dollars or 1131
more, but less than fifty thousand dollars; fifty thousand dollars 1132

or more, but less than one hundred thousand dollars; and one 1133
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 1134
section shall not be construed to require a person filing the 1135
statement who derives income from a business or profession to 1136
disclose the individual items of income that constitute the gross 1137
income of that business or profession, except for those individual 1138
items of income that are attributable to the person's or, if the 1139
income is shared with the person, the partner's, solicitation of 1140
services or goods or performance, arrangement, or facilitation of 1141
services or provision of goods on behalf of the business or 1142
profession of clients, including corporate clients, who are 1143
legislative agents. A person who files the statement under this 1144
section shall disclose the identity of and the amount of income 1145
received from a person who the public official or employee knows 1146
or has reason to know is doing or seeking to do business of any 1147
kind with the public official's or employee's agency. 1148

(ii) If the person filing the statement is a member of the 1149
general assembly, the statement shall identify every source of 1150
income and the amount of that income that was received from a 1151
legislative agent during the preceding calendar year, in the 1152
person's own name or by any other person for the person's use or 1153
benefit, by the person filing the statement, and a brief 1154
description of the nature of the services for which the income was 1155
received. Division (A)(2)(b)(ii) of this section requires the 1156
disclosure of clients of attorneys or persons licensed under 1157
section 4732.12 of the Revised Code, or patients of persons 1158
~~certified~~ licensed under section 4731.14 of the Revised Code, if 1159
those clients or patients are legislative agents. Division 1160
(A)(2)(b)(ii) of this section requires a person filing the 1161
statement who derives income from a business or profession to 1162
disclose those individual items of income that constitute the 1163
gross income of that business or profession that are received from 1164
legislative agents. 1165

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 1166
of this section, division (A)(2)(b)(i) of this section applies to 1167
attorneys, physicians, and other persons who engage in the 1168
practice of a profession and who, pursuant to a section of the 1169
Revised Code, the common law of this state, a code of ethics 1170
applicable to the profession, or otherwise, generally are required 1171
not to reveal, disclose, or use confidences of clients, patients, 1172
or other recipients of professional services except under 1173
specified circumstances or generally are required to maintain 1174
those types of confidences as privileged communications except 1175
under specified circumstances. Division (A)(2)(b)(i) of this 1176
section does not require an attorney, physician, or other 1177
professional subject to a confidentiality requirement as described 1178
in division (A)(2)(b)(iii) of this section to disclose the name, 1179
other identity, or address of a client, patient, or other 1180
recipient of professional services if the disclosure would 1181
threaten the client, patient, or other recipient of professional 1182
services, would reveal details of the subject matter for which 1183
legal, medical, or professional advice or other services were 1184
sought, or would reveal an otherwise privileged communication 1185
involving the client, patient, or other recipient of professional 1186
services. Division (A)(2)(b)(i) of this section does not require 1187
an attorney, physician, or other professional subject to a 1188
confidentiality requirement as described in division 1189
(A)(2)(b)(iii) of this section to disclose in the brief 1190
description of the nature of services required by division 1191
(A)(2)(b)(i) of this section any information pertaining to 1192
specific professional services rendered for a client, patient, or 1193
other recipient of professional services that would reveal details 1194
of the subject matter for which legal, medical, or professional 1195
advice was sought or would reveal an otherwise privileged 1196
communication involving the client, patient, or other recipient of 1197
professional services. 1198

(c) The name of every corporation on file with the secretary 1199
of state that is incorporated in this state or holds a certificate 1200
of compliance authorizing it to do business in this state, trust, 1201
business trust, partnership, or association that transacts 1202
business in this state in which the person filing the statement or 1203
any other person for the person's use and benefit had during the 1204
preceding calendar year an investment of over one thousand dollars 1205
at fair market value as of the thirty-first day of December of the 1206
preceding calendar year, or the date of disposition, whichever is 1207
earlier, or in which the person holds any office or has a 1208
fiduciary relationship, and a description of the nature of the 1209
investment, office, or relationship. Division (A)(2)(c) of this 1210
section does not require disclosure of the name of any bank, 1211
savings and loan association, credit union, or building and loan 1212
association with which the person filing the statement has a 1213
deposit or a withdrawable share account. 1214

(d) All fee simple and leasehold interests to which the 1215
person filing the statement holds legal title to or a beneficial 1216
interest in real property located within the state, excluding the 1217
person's residence and property used primarily for personal 1218
recreation; 1219

(e) The names of all persons residing or transacting business 1220
in the state to whom the person filing the statement owes, in the 1221
person's own name or in the name of any other person, more than 1222
one thousand dollars. Division (A)(2)(e) of this section shall not 1223
be construed to require the disclosure of debts owed by the person 1224
resulting from the ordinary conduct of a business or profession or 1225
debts on the person's residence or real property used primarily 1226
for personal recreation, except that the superintendent of 1227
financial institutions shall disclose the names of all 1228
state-chartered savings and loan associations and of all service 1229
corporations subject to regulation under division (E)(2) of 1230

section 1151.34 of the Revised Code to whom the superintendent in 1231
the superintendent's own name or in the name of any other person 1232
owes any money, and that the superintendent and any deputy 1233
superintendent of banks shall disclose the names of all 1234
state-chartered banks and all bank subsidiary corporations subject 1235
to regulation under section 1109.44 of the Revised Code to whom 1236
the superintendent or deputy superintendent owes any money. 1237

(f) The names of all persons residing or transacting business 1238
in the state, other than a depository excluded under division 1239
(A)(2)(c) of this section, who owe more than one thousand dollars 1240
to the person filing the statement, either in the person's own 1241
name or to any person for the person's use or benefit. Division 1242
(A)(2)(f) of this section shall not be construed to require the 1243
disclosure of clients of attorneys or persons licensed under 1244
section 4732.12 of the Revised Code, or patients of persons 1245
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1246
the disclosure of debts owed to the person resulting from the 1247
ordinary conduct of a business or profession. 1248

(g) Except as otherwise provided in section 102.022 of the 1249
Revised Code, the source of each gift of over seventy-five 1250
dollars, or of each gift of over twenty-five dollars received by a 1251
member of the general assembly from a legislative agent, received 1252
by the person in the person's own name or by any other person for 1253
the person's use or benefit during the preceding calendar year, 1254
except gifts received by will or by virtue of section 2105.06 of 1255
the Revised Code, or received from spouses, parents, grandparents, 1256
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1257
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1258
fathers-in-law, mothers-in-law, or any person to whom the person 1259
filing the statement stands in loco parentis, or received by way 1260
of distribution from any inter vivos or testamentary trust 1261
established by a spouse or by an ancestor; 1262

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

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

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

or division (G)(2) of section 121.63 of the Revised Code, all of 1295
the nondisputed information contained in the statement delivered 1296
to that public official or employee by the legislative agent, 1297
executive agency lobbyist, or employer under division (F)(2) of 1298
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1299

(3) A person may file a statement required by this section in 1300
person, by mail, or by electronic means. 1301

(4) A person who is required to file a statement under this 1302
section shall file that statement according to the following 1303
deadlines, as applicable: 1304

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1305
and (d) of this section, the person shall file the statement not 1306
later than the fifteenth day of May of each year. 1307

(b) A Subject to divisions (A)(4)(b)(i) and (ii) of this 1308
section, a person who is a candidate for elective office shall 1309
file the statement no later than the thirtieth day before the 1310
primary, special, or general election at which the candidacy is to 1311
be voted on, whichever election occurs soonest, ~~except that a~~ 1312

(i) A person who is a write-in candidate shall file the 1313
statement no later than the twentieth day before the earliest 1314
election at which the person's candidacy is to be voted on. 1315

(ii) A person who is a candidate for the nomination of a 1316
political party for an office and who subsequently receives a 1317
certificate of nomination under section 3513.02, 3513.30, 1318
3513.301, or 3513.312 of the Revised Code because the person's 1319
primary race is uncontested shall file the statement no later than 1320
the thirtieth day before the primary election at which the 1321
person's candidacy would have been voted on if the race had been 1322
contested. 1323

(c) A person who is appointed to fill a vacancy for an 1324
unexpired term in an elective office shall file the statement 1325

within fifteen days after the person qualifies for office. 1326

(d) A person who is appointed or employed after the fifteenth 1327
day of May, other than a person described in division (A)(4)(c) of 1328
this section, shall file an annual statement within ninety days 1329
after appointment or employment. 1330

(5) No person shall be required to file with the appropriate 1331
ethics commission more than one statement or pay more than one 1332
filing fee for any one calendar year. 1333

(6) The appropriate ethics commission, for good cause, may 1334
extend for a reasonable time the deadline for filing a statement 1335
under this section. 1336

(7) A statement filed under this section is subject to public 1337
inspection at locations designated by the appropriate ethics 1338
commission except as otherwise provided in this section. 1339

(B) The Ohio ethics commission, the joint legislative ethics 1340
committee, and the board of commissioners on grievances and 1341
discipline of the supreme court, using the rule-making procedures 1342
of Chapter 119. of the Revised Code, may require any class of 1343
public officials or employees under its jurisdiction and not 1344
specifically excluded by this section whose positions involve a 1345
substantial and material exercise of administrative discretion in 1346
the formulation of public policy, expenditure of public funds, 1347
enforcement of laws and rules of the state or a county or city, or 1348
the execution of other public trusts, to file an annual statement 1349
under division (A) of this section. The appropriate ethics 1350
commission shall send the public officials or employees written 1351
notice of the requirement not less than thirty days before the 1352
applicable filing deadline unless the public official or employee 1353
is appointed after that date, in which case the notice shall be 1354
sent within thirty days after appointment, and the filing shall be 1355
made not later than ninety days after appointment. 1356

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

not be made subject to public inspection, except as is necessary 1390
for the enforcement of Chapters 102. and 2921. of the Revised Code 1391
and except as otherwise provided in this division. 1392

(C) No person shall knowingly fail to file, on or before the 1393
applicable filing deadline established under this section, a 1394
statement that is required by this section. 1395

(D) No person shall knowingly file a false statement that is 1396
required to be filed under this section. 1397

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1398
section, the statement required by division (A) or (B) of this 1399
section shall be accompanied by a filing fee of sixty dollars. 1400

(2) The statement required by division (A) of this section 1401
shall be accompanied by the following filing fee to be paid by the 1402
person who is elected or appointed to, or is a candidate for, any 1403
of the following offices: 1404

For state office, except member of the		1405
state board of education	\$95	1406
For office of member of general assembly	\$40	1407
For county office	\$60	1408
For city office	\$35	1409
For office of member of the state board		1410
of education	\$35	1411
For office of member of a city, local,		1412
exempted village, or cooperative		1413
education board of		1414
education or educational service		1415
center governing board	\$30	1416
For position of business manager,		1417
treasurer, or superintendent of a		1418
city, local, exempted village, joint		1419
vocational, or cooperative education		1420

school district or 1421
educational service center \$30 1422

(3) No judge of a court of record or candidate for judge of a 1423
court of record, and no referee or magistrate serving a court of 1424
record, shall be required to pay the fee required under division 1425
(E)(1) or (2) or (F) of this section. 1426

(4) For any public official who is appointed to a nonelective 1427
office of the state and for any employee who holds a nonelective 1428
position in a public agency of the state, the state agency that is 1429
the primary employer of the state official or employee shall pay 1430
the fee required under division (E)(1) or (F) of this section. 1431

(F) If a statement required to be filed under this section is 1432
not filed by the date on which it is required to be filed, the 1433
appropriate ethics commission shall assess the person required to 1434
file the statement a late filing fee of ten dollars for each day 1435
the statement is not filed, except that the total amount of the 1436
late filing fee shall not exceed two hundred fifty dollars. 1437

(G)(1) The appropriate ethics commission other than the Ohio 1438
ethics commission and the joint legislative ethics committee shall 1439
deposit all fees it receives under divisions (E) and (F) of this 1440
section into the general revenue fund of the state. 1441

(2) The Ohio ethics commission shall deposit all receipts, 1442
including, but not limited to, fees it receives under divisions 1443
(E) and (F) of this section, investigative or other fees, costs, 1444
or other funds it receives as a result of court orders, and all 1445
moneys it receives from settlements under division (G) of section 1446
102.06 of the Revised Code, into the Ohio ethics commission fund, 1447
which is hereby created in the state treasury. All moneys credited 1448
to the fund shall be used solely for expenses related to the 1449
operation and statutory functions of the commission. 1450

(3) The joint legislative ethics committee shall deposit all 1451

receipts it receives from the payment of financial disclosure 1452
statement filing fees under divisions (E) and (F) of this section 1453
into the joint legislative ethics committee investigative and 1454
financial disclosure fund. 1455

(H) Division (A) of this section does not apply to a person 1456
elected or appointed to the office of precinct, ward, or district 1457
committee member under Chapter 3517. of the Revised Code; a 1458
presidential elector; a delegate to a national convention; village 1459
or township officials and employees; any physician or psychiatrist 1460
who is paid a salary or wage in accordance with schedule C of 1461
section 124.15 or schedule E-2 of section 124.152 of the Revised 1462
Code and whose primary duties do not require the exercise of 1463
administrative discretion; or any member of a board, commission, 1464
or bureau of any county or city who receives less than one 1465
thousand dollars per year for serving in that position. 1466

Sec. 102.022. Each person who is an officer or employee of a 1467
political subdivision, who receives compensation of less than 1468
sixteen thousand dollars a year for holding an office or position 1469
of employment with that political subdivision, and who is required 1470
to file a statement under section 102.02 of the Revised Code; each 1471
member of the board of trustees of a state institution of higher 1472
education as defined in section 3345.011 of the Revised Code who 1473
is required to file a statement under section 102.02 of the 1474
Revised Code; and each individual set forth in division (B)(2) of 1475
section 187.03 of the Revised Code who is required to file a 1476
statement under section 102.02 of the Revised Code, shall include 1477
in that statement, in place of the information required by 1478
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1479
following information: 1480

(A) Exclusive of reasonable expenses, identification of every 1481
source of income over five hundred dollars received during the 1482

preceding calendar year, in the officer's or employee's own name 1483
or by any other person for the officer's or employee's use or 1484
benefit, by the person filing the statement, and a brief 1485
description of the nature of the services for which the income was 1486
received. This division shall not be construed to require the 1487
disclosure of clients of attorneys or persons licensed under 1488
section 4732.12 of the Revised Code or patients of persons 1489
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1490
division shall not be construed to require a person filing the 1491
statement who derives income from a business or profession to 1492
disclose the individual items of income that constitute the gross 1493
income of the business or profession. 1494

(B) The source of each gift of over five hundred dollars 1495
received by the person in the officer's or employee's own name or 1496
by any other person for the officer's or employee's use or benefit 1497
during the preceding calendar year, except gifts received by will 1498
or by virtue of section 2105.06 of the Revised Code, received from 1499
parents, grandparents, children, grandchildren, siblings, nephews, 1500
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1501
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1502
any person to whom the person filing the statement stands in loco 1503
parentis, or received by way of distribution from any inter vivos 1504
or testamentary trust established by a spouse or by an ancestor. 1505

Sec. 102.03. (A)(1) No present or former public official or 1506
employee shall, during public employment or service or for twelve 1507
months thereafter, represent a client or act in a representative 1508
capacity for any person on any matter in which the public official 1509
or employee personally participated as a public official or 1510
employee through decision, approval, disapproval, recommendation, 1511
the rendering of advice, investigation, or other substantial 1512
exercise of administrative discretion. 1513

(2) For twenty-four months after the conclusion of service, 1514
no former commissioner or attorney examiner of the public 1515
utilities commission shall represent a public utility, as defined 1516
in section 4905.02 of the Revised Code, or act in a representative 1517
capacity on behalf of such a utility before any state board, 1518
commission, or agency. 1519

(3) For twenty-four months after the conclusion of employment 1520
or service, no former public official or employee who personally 1521
participated as a public official or employee through decision, 1522
approval, disapproval, recommendation, the rendering of advice, 1523
the development or adoption of solid waste management plans, 1524
investigation, inspection, or other substantial exercise of 1525
administrative discretion under Chapter 343. or 3734. of the 1526
Revised Code shall represent a person who is the owner or operator 1527
of a facility, as defined in section 3734.01 of the Revised Code, 1528
or who is an applicant for a permit or license for a facility 1529
under that chapter, on any matter in which the public official or 1530
employee personally participated as a public official or employee. 1531

(4) For a period of one year after the conclusion of 1532
employment or service as a member or employee of the general 1533
assembly, no former member or employee of the general assembly 1534
shall represent, or act in a representative capacity for, any 1535
person on any matter before the general assembly, any committee of 1536
the general assembly, or the controlling board. Division (A)(4) of 1537
this section does not apply to or affect a person who separates 1538
from service with the general assembly on or before December 31, 1539
1995. As used in division (A)(4) of this section "person" does not 1540
include any state agency or political subdivision of the state. 1541

(5) As used in divisions (A)(1), (2), and (3) of this 1542
section, "matter" includes any case, proceeding, application, 1543
determination, issue, or question, but does not include the 1544
proposal, consideration, or enactment of statutes, rules, 1545

ordinances, resolutions, or charter or constitutional amendments. 1546
As used in division (A)(4) of this section, "matter" includes the 1547
proposal, consideration, or enactment of statutes, resolutions, or 1548
constitutional amendments. As used in division (A) of this 1549
section, "represent" includes any formal or informal appearance 1550
before, or any written or oral communication with, any public 1551
agency on behalf of any person. 1552

(6) Nothing contained in division (A) of this section shall 1553
prohibit, during such period, a former public official or employee 1554
from being retained or employed to represent, assist, or act in a 1555
representative capacity for the public agency by which the public 1556
official or employee was employed or on which the public official 1557
or employee served. 1558

(7) Division (A) of this section shall not be construed to 1559
prohibit the performance of ministerial functions, including, but 1560
not limited to, the filing or amendment of tax returns, 1561
applications for permits and licenses, incorporation papers, and 1562
other similar documents. 1563

(8) Division (A) of this section does not prohibit a 1564
nonelected public official or employee of a state agency, as 1565
defined in section 1.60 of the Revised Code, from becoming a 1566
public official or employee of another state agency. Division (A) 1567
of this section does not prohibit such an official or employee 1568
from representing or acting in a representative capacity for the 1569
official's or employee's new state agency on any matter in which 1570
the public official or employee personally participated as a 1571
public official or employee at the official's or employee's former 1572
state agency. However, no public official or employee of a state 1573
agency shall, during public employment or for twelve months 1574
thereafter, represent or act in a representative capacity for the 1575
official's or employee's new state agency on any audit or 1576
investigation pertaining to the official's or employee's new state 1577

agency in which the public official or employee personally 1578
participated at the official's or employee's former state agency 1579
through decision, approval, disapproval, recommendation, the 1580
rendering of advice, investigation, or other substantial exercise 1581
of administrative discretion. 1582

(9) Division (A) of this section does not prohibit a 1583
nonelected public official or employee of a political subdivision 1584
from becoming a public official or employee of a different 1585
department, division, agency, office, or unit of the same 1586
political subdivision. Division (A) of this section does not 1587
prohibit such an official or employee from representing or acting 1588
in a representative capacity for the official's or employee's new 1589
department, division, agency, office, or unit on any matter in 1590
which the public official or employee personally participated as a 1591
public official or employee at the official's or employee's former 1592
department, division, agency, office, or unit of the same 1593
political subdivision. As used in this division, "political 1594
subdivision" means a county, township, municipal corporation, or 1595
any other body corporate and politic that is responsible for 1596
government activities in a geographic area smaller than that of 1597
the state. 1598

(10) No present or former Ohio casino control commission 1599
official shall, during public service or for two years thereafter, 1600
represent a client, be employed or compensated by a person 1601
regulated by the commission, or act in a representative capacity 1602
for any person on any matter before or concerning the commission. 1603

No present or former commission employee shall, during public 1604
employment or for two years thereafter, represent a client or act 1605
in a representative capacity on any matter in which the employee 1606
personally participated as a commission employee through decision, 1607
approval, disapproval, recommendation, the rendering of advice, 1608
investigation, or other substantial exercise of administrative 1609

discretion. 1610

(B) No present or former public official or employee shall 1611
disclose or use, without appropriate authorization, any 1612
information acquired by the public official or employee in the 1613
course of the public official's or employee's official duties that 1614
is confidential because of statutory provisions, or that has been 1615
clearly designated to the public official or employee as 1616
confidential when that confidential designation is warranted 1617
because of the status of the proceedings or the circumstances 1618
under which the information was received and preserving its 1619
confidentiality is necessary to the proper conduct of government 1620
business. 1621

(C) No public official or employee shall participate within 1622
the scope of duties as a public official or employee, except 1623
through ministerial functions as defined in division (A) of this 1624
section, in any license or rate-making proceeding that directly 1625
affects the license or rates of any person, partnership, trust, 1626
business trust, corporation, or association in which the public 1627
official or employee or immediate family owns or controls more 1628
than five per cent. No public official or employee shall 1629
participate within the scope of duties as a public official or 1630
employee, except through ministerial functions as defined in 1631
division (A) of this section, in any license or rate-making 1632
proceeding that directly affects the license or rates of any 1633
person to whom the public official or employee or immediate 1634
family, or a partnership, trust, business trust, corporation, or 1635
association of which the public official or employee or the public 1636
official's or employee's immediate family owns or controls more 1637
than five per cent, has sold goods or services totaling more than 1638
one thousand dollars during the preceding year, unless the public 1639
official or employee has filed a written statement acknowledging 1640
that sale with the clerk or secretary of the public agency and the 1641

statement is entered in any public record of the agency's 1642
proceedings. This division shall not be construed to require the 1643
disclosure of clients of attorneys or persons licensed under 1644
section 4732.12 of the Revised Code, or patients of persons 1645
~~certified~~ licensed under section 4731.14 of the Revised Code. 1646

(D) No public official or employee shall use or authorize the 1647
use of the authority or influence of office or employment to 1648
secure anything of value or the promise or offer of anything of 1649
value that is of such a character as to manifest a substantial and 1650
improper influence upon the public official or employee with 1651
respect to that person's duties. 1652

(E) No public official or employee shall solicit or accept 1653
anything of value that is of such a character as to manifest a 1654
substantial and improper influence upon the public official or 1655
employee with respect to that person's duties. 1656

(F) No person shall promise or give to a public official or 1657
employee anything of value that is of such a character as to 1658
manifest a substantial and improper influence upon the public 1659
official or employee with respect to that person's duties. 1660

(G) In the absence of bribery or another offense under the 1661
Revised Code or a purpose to defraud, contributions made to a 1662
campaign committee, political party, legislative campaign fund, 1663
political action committee, or political contributing entity on 1664
behalf of an elected public officer or other public official or 1665
employee who seeks elective office shall be considered to accrue 1666
ordinarily to the public official or employee for the purposes of 1667
divisions (D), (E), and (F) of this section. 1668

As used in this division, "contributions," "campaign 1669
committee," "political party," "legislative campaign fund," 1670
"political action committee," and "political contributing entity" 1671
have the same meanings as in section 3517.01 of the Revised Code. 1672

(H)(1) No public official or employee, except for the 1673
president or other chief administrative officer of or a member of 1674
a board of trustees of a state institution of higher education as 1675
defined in section 3345.011 of the Revised Code, who is required 1676
to file a financial disclosure statement under section 102.02 of 1677
the Revised Code shall solicit or accept, and no person shall give 1678
to that public official or employee, an honorarium. Except as 1679
provided in division (H)(2) of this section, this division and 1680
divisions (D), (E), and (F) of this section do not prohibit a 1681
public official or employee who is required to file a financial 1682
disclosure statement under section 102.02 of the Revised Code from 1683
accepting and do not prohibit a person from giving to that public 1684
official or employee the payment of actual travel expenses, 1685
including any expenses incurred in connection with the travel for 1686
lodging, and meals, food, and beverages provided to the public 1687
official or employee at a meeting at which the public official or 1688
employee participates in a panel, seminar, or speaking engagement 1689
or provided to the public official or employee at a meeting or 1690
convention of a national organization to which any state agency, 1691
including, but not limited to, any state legislative agency or 1692
state institution of higher education as defined in section 1693
3345.011 of the Revised Code, pays membership dues. Except as 1694
provided in division (H)(2) of this section, this division and 1695
divisions (D), (E), and (F) of this section do not prohibit a 1696
public official or employee who is not required to file a 1697
financial disclosure statement under section 102.02 of the Revised 1698
Code from accepting and do not prohibit a person from promising or 1699
giving to that public official or employee an honorarium or the 1700
payment of travel, meal, and lodging expenses if the honorarium, 1701
expenses, or both were paid in recognition of demonstrable 1702
business, professional, or esthetic interests of the public 1703
official or employee that exist apart from public office or 1704
employment, including, but not limited to, such a demonstrable 1705

interest in public speaking and were not paid by any person or 1706
other entity, or by any representative or association of those 1707
persons or entities, that is regulated by, doing business with, or 1708
seeking to do business with the department, division, institution, 1709
board, commission, authority, bureau, or other instrumentality of 1710
the governmental entity with which the public official or employee 1711
serves. 1712

(2) No person who is a member of the board of a state 1713
retirement system, a state retirement system investment officer, 1714
or an employee of a state retirement system whose position 1715
involves substantial and material exercise of discretion in the 1716
investment of retirement system funds shall solicit or accept, and 1717
no person shall give to that board member, officer, or employee, 1718
payment of actual travel expenses, including expenses incurred 1719
with the travel for lodging, meals, food, and beverages. 1720

(I) A public official or employee may accept travel, meals, 1721
and lodging or expenses or reimbursement of expenses for travel, 1722
meals, and lodging in connection with conferences, seminars, and 1723
similar events related to official duties if the travel, meals, 1724
and lodging, expenses, or reimbursement is not of such a character 1725
as to manifest a substantial and improper influence upon the 1726
public official or employee with respect to that person's duties. 1727
The house of representatives and senate, in their code of ethics, 1728
and the Ohio ethics commission, under section 111.15 of the 1729
Revised Code, may adopt rules setting standards and conditions for 1730
the furnishing and acceptance of such travel, meals, and lodging, 1731
expenses, or reimbursement. 1732

A person who acts in compliance with this division and any 1733
applicable rules adopted under it, or any applicable, similar 1734
rules adopted by the supreme court governing judicial officers and 1735
employees, does not violate division (D), (E), or (F) of this 1736
section. This division does not preclude any person from seeking 1737

an advisory opinion from the appropriate ethics commission under 1738
section 102.08 of the Revised Code. 1739

(J) For purposes of divisions (D), (E), and (F) of this 1740
section, the membership of a public official or employee in an 1741
organization shall not be considered, in and of itself, to be of 1742
such a character as to manifest a substantial and improper 1743
influence on the public official or employee with respect to that 1744
person's duties. As used in this division, "organization" means a 1745
church or a religious, benevolent, fraternal, or professional 1746
organization that is tax exempt under subsection 501(a) and 1747
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1748
"Internal Revenue Code of 1986." This division does not apply to a 1749
public official or employee who is an employee of an organization, 1750
serves as a trustee, director, or officer of an organization, or 1751
otherwise holds a fiduciary relationship with an organization. 1752
This division does not allow a public official or employee who is 1753
a member of an organization to participate, formally or 1754
informally, in deliberations, discussions, or voting on a matter 1755
or to use the public official's or employee's official position 1756
with regard to the interests of the organization on the matter if 1757
the public official or employee has assumed a particular 1758
responsibility in the organization with respect to the matter or 1759
if the matter would affect that person's personal, pecuniary 1760
interests. 1761

(K) It is not a violation of this section for a prosecuting 1762
attorney to appoint assistants and employees in accordance with 1763
division (B) of section 309.06 and section 2921.421 of the Revised 1764
Code, for a chief legal officer of a municipal corporation or an 1765
official designated as prosecutor in a municipal corporation to 1766
appoint assistants and employees in accordance with sections 1767
733.621 and 2921.421 of the Revised Code, for a township law 1768
director appointed under section 504.15 of the Revised Code to 1769

appoint assistants and employees in accordance with sections 1770
504.151 and 2921.421 of the Revised Code, or for a coroner to 1771
appoint assistants and employees in accordance with division (B) 1772
of section 313.05 of the Revised Code. 1773

As used in this division, "chief legal officer" has the same 1774
meaning as in section 733.621 of the Revised Code. 1775

(L) No present public official or employee with a casino 1776
gaming regulatory function shall indirectly invest, by way of an 1777
entity the public official or employee has an ownership interest 1778
or control in, or directly invest in a casino operator, management 1779
company, holding company, casino facility, or gaming-related 1780
vendor. No present public official or employee with a casino 1781
gaming regulatory function shall directly or indirectly have a 1782
financial interest in, have an ownership interest in, be the 1783
creditor or hold a debt instrument issued by, or have an interest 1784
in a contractual or service relationship with a casino operator, 1785
management company, holding company, casino facility, or 1786
gaming-related vendor. This section does not prohibit or limit 1787
permitted passive investing by the public official or employee. 1788

As used in this division, "passive investing" means 1789
investment by the public official or employee by means of a mutual 1790
fund in which the public official or employee has no control of 1791
the investments or investment decisions. "Casino operator," 1792
"holding company," "management company," "casino facility," and 1793
"gaming-related vendor" have the same meanings as in section 1794
3772.01 of the Revised Code. 1795

(M) A member of the Ohio casino control commission, the 1796
executive director of the commission, or an employee of the 1797
commission shall not: 1798

(1) Accept anything of value, including but not limited to a 1799
gift, gratuity, emolument, or employment from a casino operator, 1800

management company, or other person subject to the jurisdiction of 1801
the commission, or from an officer, attorney, agent, or employee 1802
of a casino operator, management company, or other person subject 1803
to the jurisdiction of the commission; 1804

(2) Solicit, suggest, request, or recommend, directly or 1805
indirectly, to a casino operator, management company, or other 1806
person subject to the jurisdiction of the commission, or to an 1807
officer, attorney, agent, or employee of a casino operator, 1808
management company, or other person subject to the jurisdiction of 1809
the commission, the appointment of a person to an office, place, 1810
position, or employment; 1811

(3) Participate in casino gaming or any other amusement or 1812
activity at a casino facility in this state or at an affiliate 1813
gaming facility of a licensed casino operator, wherever located. 1814

In addition to the penalty provided in section 102.99 of the 1815
Revised Code, whoever violates division (M)(1), (2), or (3) of 1816
this section forfeits the individual's office or employment. 1817

Sec. 103.41. (A) As used in sections 103.41 to ~~103.415~~ 1818
103.416 of the Revised Code: 1819

(1) "JMOC" means the joint medicaid oversight committee 1820
created under this section. 1821

(2) "State and local government medicaid agency" means all of 1822
the following: 1823

(a) The department of medicaid; 1824

(b) The office of health transformation; 1825

(c) Each state agency and political subdivision with which 1826
the department of medicaid contracts under section 5162.35 of the 1827
Revised Code to have the state agency or political subdivision 1828
administer one or more components of the medicaid program, or one 1829
or more aspects of a component, under the department's 1830

supervision; 1831

(d) Each agency of a political subdivision that is 1832
responsible for administering one or more components of the 1833
medicaid program, or one or more aspects of a component, under the 1834
supervision of the department or a state agency or political 1835
subdivision described in division (A)(2)(c) of this section. 1836

(B) There is hereby created the joint medicaid oversight 1837
committee. JMOC shall consist of the following members: 1838

(1) Five members of the senate appointed by the president of 1839
the senate, three of whom are members of the majority party and 1840
two of whom are members of the minority party; 1841

(2) Five members of the house of representatives appointed by 1842
the speaker of the house of representatives, three of whom are 1843
members of the majority party and two of whom are members of the 1844
minority party. 1845

(C) The term of each JMOC member shall begin on the day of 1846
appointment to JMOC and end on the last day that the member serves 1847
in the house (in the case of a member appointed by the speaker) or 1848
senate (in the case of a member appointed by the president) during 1849
the general assembly for which the member is appointed to JMOC. 1850
The president and speaker shall make the initial appointments not 1851
later than fifteen days after March 20, 2014. However, if this 1852
section takes effect before January 1, 2014, the president and 1853
speaker shall make the initial appointments during the period 1854
beginning January 1, 2014, and ending January 15, 2014. The 1855
president and speaker shall make subsequent appointments not later 1856
than fifteen days after the commencement of the first regular 1857
session of each general assembly. JMOC members may be reappointed. 1858
A vacancy on JMOC shall be filled in the same manner as the 1859
original appointment. 1860

(D) In odd-numbered years, the speaker shall designate one of 1861

the majority members from the house as the JMOC chairperson and 1862
the president shall designate one of the minority members from the 1863
senate as the JMOC ranking minority member. In even-numbered 1864
years, the president shall designate one of the majority members 1865
from the senate as the JMOC chairperson and the speaker shall 1866
designate one of the minority members from the house as the JMOC 1867
ranking minority member. 1868

(E) In appointing members from the minority, and in 1869
designating ranking minority members, the president and speaker 1870
shall consult with the minority leader of their respective houses. 1871

(F) JMOC shall meet at the call of the JMOC chairperson. The 1872
chairperson shall call JMOC to meet not less often than once each 1873
calendar month, unless the chairperson and ranking minority member 1874
agree that the chairperson should not call JMOC to meet for a 1875
particular month. 1876

(G) Notwithstanding section 101.26 of the Revised Code, the 1877
members, when engaged in their duties as members of JMOC on days 1878
when there is not a voting session of the member's house of the 1879
general assembly, shall be paid at the per diem rate of one 1880
hundred fifty dollars, and their necessary traveling expenses, 1881
which shall be paid from the funds appropriated for the payment of 1882
expenses of legislative committees. 1883

(H) JMOC may employ professional, technical, and clerical 1884
employees as are necessary for JMOC to be able successfully and 1885
efficiently to perform its duties. All such employees are in the 1886
unclassified service and serve at JMOC's pleasure. JMOC may 1887
contract for the services of persons who are qualified by 1888
education and experience to advise, consult with, or otherwise 1889
assist JMOC in the performance of its duties. 1890

(I) The JMOC chairperson, when authorized by JMOC and the 1891
president and speaker, may issue subpoenas and subpoenas duces 1892

tecum in aid of JMOC's performance of its duties. A subpoena may 1893
require a witness in any part of the state to appear before JMOC 1894
at a time and place designated in the subpoena to testify. A 1895
subpoena duces tecum may require witnesses or other persons in any 1896
part of the state to produce books, papers, records, and other 1897
tangible evidence before JMOC at a time and place designated in 1898
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1899
be issued, served, and returned, and has consequences, as 1900
specified in sections 101.41 to 101.45 of the Revised Code. 1901

(J) The JMOC chairperson may administer oaths to witnesses 1902
appearing before JMOC. 1903

Sec. ~~103.42~~ 103.416. ~~(A) During the period beginning July 1,~~ 1904
~~2015, and ending June 30, 2018, the joint medicaid oversight~~ 1905
~~committee~~ JMOC on a quarterly basis shall monitor the actions of 1906
the department of medicaid under section 5167.04 of the Revised 1907
Code in preparing to implement ~~and implementing~~ inclusion of 1908
alcohol, drug addiction, and mental health services covered by 1909
medicaid in the care management system established under section 1910
5167.03 of the Revised Code. 1911

~~(B)(1) The committee shall review any proposal by the~~ 1912
~~department to include all or part of the services in all or part~~ 1913
~~of the system before January 1, 2018. In conducting its review,~~ 1914
~~the committee shall consider all of the following for each service~~ 1915
~~to be included:~~ 1916

~~(a) The proposed timeline for including the service;~~ 1917

~~(b) Any issues related to medicaid recipients' access to the~~ 1918
~~service;~~ 1919

~~(c) The adequacy of the network of providers of the service;~~ 1920

~~(d) Payment levels for the service.~~ 1921

~~(2) The committee shall vote on whether to approve or~~ 1922

~~disapprove the proposal. If a majority of the committee members~~ 1923
~~approve the proposal, the committee shall notify the department~~ 1924
~~and the proposal may be implemented.~~ 1925

~~(C) Beginning July 1, 2018, the committee Code. When the~~ 1926
~~inclusion of the services in the system begins to be implemented,~~ 1927
~~JMOC on a periodic basis shall monitor the department's inclusion~~ 1928
~~of the services in the system.~~ 1929

Sec. 103.43. (A) As used in this section: 1930

(1) "Care management system" means the system established 1931
under section 5167.03 of the Revised Code. 1932

(2) "Integrated care delivery system" has the same meaning as 1933
in section 5164.01 of the Revised Code. 1934

(3) "Long-term care services" means both of the following: 1935

(a) Home and community-based services available under 1936
Medicaid waiver components as defined in section 5166.01 of the 1937
Revised Code; 1938

(b) Nursing facility services as defined in section 5165.01 1939
of the Revised Code. 1940

(B) If the general assembly enacts legislation authorizing 1941
the inclusion of long-term care services in the care management 1942
system beyond the inclusion of those services that have been 1943
implemented under the integrated care delivery system, the 1944
patient-centered medicaid long-term care delivery system advisory 1945
committee shall be created effective on the date that the act 1946
authorizing the inclusion takes effect. All of the following shall 1947
serve as members of the committee: 1948

(1) Two members of the house of representatives who chair 1949
committees of the house of representatives to which legislation 1950
concerning medicaid is commonly referred, appointed by the speaker 1951
of the house of representatives; 1952

<u>(2) Two members of the senate who chair committees of the senate to which legislation concerning medicaid is commonly referred, appointed by the senate president;</u>	1953
	1954
	1955
<u>(3) The executive director of the office of health transformation or the executive director's designee;</u>	1956
	1957
<u>(4) The medicaid director or the director's designee;</u>	1958
<u>(5) The director of aging or the director's designee;</u>	1959
<u>(6) The director of health or the director's designee;</u>	1960
<u>(7) The state long-term care ombudsman or the ombudsman's designee;</u>	1961
	1962
<u>(8) One representative of each of the following organizations, appointed by the chief executive of the organization:</u>	1963
	1964
	1965
<u>(a) Leadingage Ohio;</u>	1966
<u>(b) The academy of senior health sciences;</u>	1967
<u>(c) The Ohio aging advocacy coalition;</u>	1968
<u>(d) The Ohio assisted living association;</u>	1969
<u>(e) The Ohio association of health plans;</u>	1970
<u>(f) The Ohio association of area agencies on aging;</u>	1971
<u>(g) The Ohio council for home care and hospice;</u>	1972
<u>(h) The Ohio health care association;</u>	1973
<u>(i) The Ohio Olmstead task force;</u>	1974
<u>(j) The universal health care action network Ohio;</u>	1975
<u>(k) AARP Ohio;</u>	1976
<u>(l) the center for community solutions.</u>	1977
<u>(C) Members of the committee shall serve without compensation or reimbursement, except to the extent that serving on the</u>	1978
	1979

committee is part of their usual job duties. 1980

(D) The speaker of the house of representatives shall appoint 1981
one of the members described in division (B)(1) of this section as 1982
the committee's co-chairperson. The senate president shall appoint 1983
one of the members described in division (B)(2) of this section to 1984
serve as the committee's other co-chairperson. The employees of 1985
the joint medicaid oversight committee shall provide the committee 1986
any administrative assistance the committee needs. The department 1987
of medicaid shall provide the committee updates about the 1988
inclusion of long-term care services in the care management 1989
system. 1990

(E) The committee shall advise the joint medicaid oversight 1991
committee on projects that measure improvements to the delivery of 1992
long-term care services to medicaid recipients and periodically 1993
recommend to the medicaid director policy changes intended to make 1994
additional improvements. Each quarter, the committee shall 1995
complete a report regarding its work. The reports shall be 1996
submitted to the general assembly in accordance with section 1997
101.68 of the Revised Code and to the joint medicaid oversight 1998
committee. 1999

Sec. 105.41. (A) There is hereby created in the legislative 2000
branch of government the capitol square review and advisory board, 2001
consisting of twelve members as follows: 2002

(1) Two members of the senate, appointed by the president of 2003
the senate, both of whom shall not be members of the same 2004
political party; 2005

(2) Two members of the house of representatives, appointed by 2006
the speaker of the house of representatives, both of whom shall 2007
not be members of the same political party; 2008

(3) Four members appointed by the governor, with the advice 2009

and consent of the senate, not more than three of whom shall be 2010
members of the same political party, one of whom shall be the 2011
chief of staff of the governor's office, one of whom shall 2012
represent the Ohio arts council, one of whom shall represent the 2013
Ohio history connection, and one of whom shall represent the 2014
public at large; 2015

(4) One member, who shall be a former president of the 2016
senate, appointed by the current president of the senate. If the 2017
current president of the senate, in the current president's 2018
discretion, decides for any reason not to make the appointment or 2019
if no person is eligible or available to serve, the seat shall 2020
remain vacant. 2021

(5) One member, who shall be a former speaker of the house of 2022
representatives, appointed by the current speaker of the house of 2023
representatives. If the current speaker of the house of 2024
representatives, in the current speaker's discretion, decides for 2025
any reason not to make the appointment or if no person is eligible 2026
or available to serve, the seat shall remain vacant. 2027

(6) The clerk of the senate and the clerk of the house of 2028
representatives. 2029

(B) Terms of office of each appointed member of the board 2030
shall be for three years, except that members of the general 2031
assembly appointed to the board shall be members of the board only 2032
so long as they are members of the general assembly and the chief 2033
of staff of the governor's office shall be a member of the board 2034
only so long as the appointing governor remains in office. Each 2035
member shall hold office from the date of the member's appointment 2036
until the end of the term for which the member was appointed. In 2037
case of a vacancy occurring on the board, the president of the 2038
senate, the speaker of the house of representatives, or the 2039
governor, as the case may be, shall in the same manner prescribed 2040
for the regular appointment to the commission, fill the vacancy by 2041

appointing a member. Any member appointed to fill a vacancy 2042
occurring prior to the expiration of the term for which the 2043
member's predecessor was appointed shall hold office for the 2044
remainder of the term. Any appointed member shall continue in 2045
office subsequent to the expiration date of the member's term 2046
until the member's successor takes office, or until a period of 2047
sixty days has elapsed, whichever occurs first. 2048

(C) The board shall hold meetings in a manner and at times 2049
prescribed by the rules adopted by the board. A majority of the 2050
board constitutes a quorum, and no action shall be taken by the 2051
board unless approved by at least six members or by at least seven 2052
members if a person is appointed under division (A)(4) or (5) of 2053
this section. At its first meeting, the board shall adopt rules 2054
for the conduct of its business and the election of its officers, 2055
and shall organize by selecting officers other than a chairperson 2056
as it considers necessary. In odd-numbered years, the majority 2057
member from the senate shall serve as chairperson; in 2058
even-numbered years, the majority member from the house of 2059
representatives shall serve as chairperson. Board members shall 2060
serve without compensation but shall be reimbursed for actual and 2061
necessary expenses incurred in the performance of their duties. 2062

(D) The board may do any of the following: 2063

(1) Employ or hire on a consulting basis professional, 2064
technical, and clerical employees as are necessary for the 2065
performance of its duties. All employees of the board are in the 2066
unclassified service and serve at the pleasure of the board. For 2067
purposes of section 4117.01 of the Revised Code, employees of the 2068
board shall be considered employees of the general assembly, 2069
except that employees who are covered by a collective bargaining 2070
agreement on September 29, 2011, shall remain subject to the 2071
agreement until the agreement expires on its terms, and the 2072
agreement shall not be extended or renewed. Upon expiration of the 2073

agreement, the employees are considered employees of the general assembly for purposes of section 4117.01 of the Revised Code and are in the unclassified service and serve at the pleasure of the board.

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

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

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

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

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

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

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ Operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be

limited to, the casual and recreational use of the capitol square. 2105

(3) Employ, fix the compensation of, and prescribe the duties 2106
of the executive director of the board and other employees the 2107
board considers necessary for the performance of its powers and 2108
duties; 2109

(4) Establish and maintain the capitol collection trust. The 2110
capitol collection trust shall consist of furniture, antiques, and 2111
other items of personal property that the board shall store in 2112
suitable facilities until they are ready to be displayed in the 2113
capitol square. 2114

(5) Perform repair, construction, contracting, purchasing, 2115
maintenance, supervisory, and operating activities the board 2116
determines are necessary for the operation and maintenance of the 2117
capitol square; 2118

(6) Maintain and preserve the capitol square, in accordance 2119
with guidelines issued by the United States secretary of the 2120
interior for application of the secretary's standards for 2121
rehabilitation adopted in 36 C.F.R. part 67; 2122

(7) Plan and develop a center at the capitol building for the 2123
purpose of educating visitors about the history of Ohio, including 2124
its political, economic, and social development and the design and 2125
erection of the capitol building and its grounds. 2126

(F)(1) The board shall lease capital facilities improved by 2127
the department of administrative services or financed by the 2128
treasurer of state pursuant to Chapter 154. of the Revised Code 2129
for the use of the board, and may enter into any other agreements 2130
with the department, the Ohio public facilities commission, or any 2131
other authorized governmental agency ancillary to improvement, 2132
financing, or leasing of those capital facilities, including, but 2133
not limited to, any agreement required by the applicable bond 2134
proceedings authorized by Chapter 154. of the Revised Code. Any 2135

lease of capital facilities authorized by this section shall be 2136
governed by Chapter 154. of the Revised Code. 2137

(2) Fees, receipts, and revenues received by the board from 2138
the state underground parking garage constitute available receipts 2139
as defined in section 154.24 of the Revised Code, and may be 2140
pledged to the payment of bond service charges on obligations 2141
issued by the treasurer of state pursuant to Chapter 154. of the 2142
Revised Code to improve, finance, or purchase capital facilities 2143
useful to the board. The treasurer of state may, with the consent 2144
of the board, provide in the bond proceedings for a pledge of all 2145
or a portion of those fees, receipts, and revenues as the 2146
treasurer of state determines. The treasurer of state may provide 2147
in the bond proceedings or by separate agreement with the board 2148
for the transfer of those fees, receipts, and revenues to the 2149
appropriate bond service fund or bond service reserve fund as 2150
required to pay the bond service charges when due, and any such 2151
provision for the transfer of those fees, receipts, and revenues 2152
shall be controlling notwithstanding any other provision of law 2153
pertaining to those fees, receipts, and revenues. 2154

(3) All moneys received by the treasurer of state on account 2155
of the board and required by the applicable bond proceedings or by 2156
separate agreement with the board to be deposited, transferred, or 2157
credited to the bond service fund or bond service reserve fund 2158
established by the bond proceedings shall be transferred by the 2159
treasurer of state to such fund, whether or not it is in the 2160
custody of the treasurer of state, without necessity for further 2161
appropriation. 2162

(G)(1) Except as otherwise provided in division (G)(2) of 2163
this section, all fees, receipts, and revenues received by the 2164
board from the state underground parking garage shall be deposited 2165
into the state treasury to the credit of the underground parking 2166
garage operating fund, which is hereby created, to be used for the 2167

purposes specified in division (F) of this section and for the 2168
operation and maintenance of the garage. All investment earnings 2169
of the fund shall be credited to the fund. 2170

(2) There is hereby created the parking garage automated 2171
equipment fund, which shall be in the custody of the treasurer of 2172
state but shall not be part of the state treasury. Money in the 2173
fund shall be used to purchase the automated teller machine 2174
quality dollar bills needed for operation of the parking garage 2175
automated equipment. The fund shall consist of fees, receipts, or 2176
revenues received by the board from the state underground parking 2177
garage; provided, however, that the total amount deposited into 2178
the fund at any one time shall not exceed ten thousand dollars. 2179
All investment earnings of the fund shall be credited to the fund. 2180

(H) All donations received by the board shall be deposited 2181
into the state treasury to the credit of the capitol square 2182
renovation gift fund, which is hereby created. The fund shall be 2183
used by the board as follows: 2184

(1) To provide part or all of the funding related to 2185
construction, goods, or services for the renovation of the capitol 2186
square; 2187

(2) To purchase art, antiques, and artifacts for display at 2188
the capitol square; 2189

(3) To award contracts or make grants to organizations for 2190
educating the public regarding the historical background and 2191
governmental functions of the capitol square. Chapters 125., 127., 2192
and 153. and section 3517.13 of the Revised Code do not apply to 2193
purchases made exclusively from the fund, notwithstanding anything 2194
to the contrary in those chapters or that section. All investment 2195
earnings of the fund shall be credited to the fund. 2196

(I) Except as provided in divisions (G), (H), and (J) of this 2197
section, all fees, receipts, and revenues received by the board 2198

shall be deposited into the state treasury to the credit of the 2199
sale of goods and services fund, which is hereby created. Money 2200
credited to the fund shall be used solely to pay costs of the 2201
board other than those specified in divisions (F) and (G) of this 2202
section. All investment earnings of the fund shall be credited to 2203
the fund. 2204

(J) There is hereby created in the state treasury the capitol 2205
square improvement fund, to be used by the board to pay 2206
construction, renovation, and other costs related to the capitol 2207
square for which money is not otherwise available to the board. 2208
Whenever the board determines that there is a need to incur those 2209
costs and that the unencumbered, unobligated balance to the credit 2210
of the underground parking garage operating fund exceeds the 2211
amount needed for the purposes specified in division (F) of this 2212
section and for the operation and maintenance of the garage, the 2213
board may request the director of budget and management to 2214
transfer from the underground parking garage operating fund to the 2215
capitol square improvement fund the amount needed to pay such 2216
construction, renovation, or other costs. The director then shall 2217
transfer the amount needed from the excess balance of the 2218
underground parking garage operating fund. 2219

(K) As the operation and maintenance of the capitol square 2220
constitute essential government functions of a public purpose, the 2221
board shall not be required to pay taxes or assessments upon the 2222
square, upon any property acquired or used by the board under this 2223
section, or upon any income generated by the operation of the 2224
square. 2225

(L) As used in this section, "capitol square" means the 2226
capitol building, senate building, capitol atrium, capitol 2227
grounds, the state underground parking garage, and the warehouse 2228
owned by the board. 2229

(M) The capitol annex shall be known as the senate building. 2230

(N) Any person may possess a firearm in a motor vehicle in 2231
the state underground parking garage at the state capitol 2232
building, if the person's possession of the firearm in the motor 2233
vehicle is not in violation of section 2923.16 of the Revised Code 2234
or any other provision of the Revised Code. Any person may store 2235
or leave a firearm in a locked motor vehicle that is parked in the 2236
state underground parking garage at the state capitol building, if 2237
the person's transportation and possession of the firearm in the 2238
motor vehicle while traveling to the garage was not in violation 2239
of section 2923.16 of the Revised Code or any other provision of 2240
the Revised Code. 2241

Sec. 106.042. (A) The adoption by the general assembly of a 2242
concurrent resolution invalidating any version of a proposed rule 2243
prohibits the agency that proposed the rule from instituting or 2244
continuing rule-making proceedings with regard to any version of 2245
the proposed rule for the remaining term of the general assembly. 2246
However, the general assembly may adopt a concurrent resolution 2247
that authorizes the agency to institute or continue rule-making 2248
proceedings with regard to the proposed rule, but the agency may 2249
not adopt any version of the proposed rule unless it has been 2250
submitted to the joint committee on agency rule review and the 2251
time for legislative review has expired without adoption of a 2252
concurrent resolution invalidating the proposed rule. 2253

(B) The failure of the general assembly to adopt a concurrent 2254
resolution invalidating a proposed or existing rule is not a 2255
ratification of the lawfulness or reasonableness of the proposed 2256
or existing rule or of the validity of the procedure by which the 2257
rule was proposed or adopted. 2258

~~Sec. 107.031. Until the first committee appointed under 2259
division (C) of section 3317.012 of the Revised Code to reexamine 2260
the cost of an adequate education makes its report to the office 2261~~

~~of budget and management and the general assembly, the~~ The 2262
governor shall ensure that among the various budget 2263
recommendations made by the governor and the director of budget 2264
and management to the general assembly each biennium there are 2265
recommendations for appropriations to the Ohio ~~school~~ facilities 2266
construction commission, aggregating not less than three hundred 2267
million dollars per fiscal year, ~~excluding recommendations for~~ 2268
~~appropriations from the education facilities trust fund, created~~ 2269
~~in section 183.26 of the Revised Code,~~ for constructing, 2270
acquiring, replacing, reconstructing, or adding to classroom 2271
facilities, as such term is defined in section 3318.01 of the 2272
Revised Code. 2273

Sec. 107.036. (A) For each business incentive tax credit, the 2274
main operating appropriations act shall contain a detailed 2275
estimate of the total amount of credits that may be authorized in 2276
each year, an estimate of the amount of credits expected to be 2277
claimed in each year, and an estimate of the amount of credits 2278
expected to remain outstanding at the end of the biennium. The 2279
governor shall include such estimates in the state budget 2280
submitted to the general assembly pursuant to section 107.03 of 2281
the Revised Code. 2282

(B) As used in this section, "business incentive tax credit" 2283
means all of the following: 2284

(1) The job creation tax credit under section 122.17 of the 2285
Revised Code; 2286

(2) The job retention tax credit under section 122.171 of the 2287
Revised Code; 2288

(3) The historic preservation tax credit under section 2289
149.311 of the Revised Code; 2290

(4) The motion picture tax credit under section 122.85 of the 2291

<u>Revised Code;</u>	2292
<u>(5) The new markets tax credit under section 5725.33 of the</u>	2293
<u>Revised Code;</u>	2294
<u>(6) The research and development credit under section 166.21</u>	2295
<u>of the Revised Code;</u>	2296
<u>(7) The small business investment credit under section 122.86</u>	2297
<u>of the Revised Code.</u>	2298
Sec. 107.35. Not later than December 31, 2014, the <u>The</u>	2299
governor's office of workforce transformation, with staff support	2300
and assistance from the departments of job and family services	2301
and, education, and the Ohio board of regents <u>higher education,</u>	2302
<u>and the opportunities for Ohioans with disabilities agency,</u> shall	2303
establish criteria to use for evaluating the performance of state	2304
and local workforce programs using basic, aligned workforce	2305
measures related to system efficiency and effectiveness. <u>The</u>	2306
<u>office shall include in the criteria a measure to determine the</u>	2307
<u>effectiveness of a workforce program in transitioning individuals</u>	2308
<u>participating in any federal, state, or local means-tested public</u>	2309
<u>assistance program to unsubsidized employment.</u> The office shall	2310
develop and make available on the internet through a web site a	2311
public dashboard to display metrics regarding the state's	2312
administration of primary workforce programs, including the	2313
following programs:	2314
(A) The adult basic and literacy education program;	2315
(B) Programs administered under the federal "Carl D. Perkins	2316
Career and Technical Education Act of 2006," 120 Stat. 683, 20	2317
U.S.C. 2301 et seq., as amended;	2318
(C) State aid and scholarships within the Ohio board of	2319
regents <u>administered by the department of higher education;</u>	2320
(D) Programs administered under title I of the federal	2321

~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 2322
~~et seq., as amended "Workforce Innovation and Opportunity Act," 29~~ 2323
~~U.S.C. 3101 et seq.;~~ 2324

(E) The state vocational rehabilitation program administered 2325
under title I of the federal "Rehabilitation Act of 1973," 29 2326
U.S.C. 701, et seq. 2327

Sec. 107.56. (A) As used in this section, "board or 2328
commission" means any of the following: 2329

- (1) The accountancy board; 2330
- (2) The architects board; 2331
- (3) The state cosmetology and barber board; 2332
- (4) The board of embalmers and funeral directors; 2333
- (5) The board of executives of long-term services and 2334
supports; 2335
- (6) The crematory review board; 2336
- (7) The motor vehicle dealers board; 2337
- (8) The motor vehicle repair board; 2338
- (9) The motor vehicle salvage dealer's licensing board; 2339
- (10) The Ohio athletic commission; 2340
- (11) The Ohio construction industry licensing board; 2341
- (12) The Ohio landscape architects board; 2342
- (13) The Ohio real estate commission; 2343
- (14) The real estate appraiser board; 2344
- (15) The state auctioneers commission; 2345
- (16) The state speech and hearing professionals board; 2346
- (17) The state board of education; 2347

<u>(18) The state board of emergency medical, fire, and transportation services;</u>	2348
	2349
<u>(19) The board of nursing;</u>	2350
<u>(20) The state board of pharmacy;</u>	2351
<u>(21) The state board of registration for professional engineers and surveyors;</u>	2352
	2353
<u>(22) The state board of psychology;</u>	2354
<u>(23) The state chiropractic board;</u>	2355
<u>(24) The state dental board;</u>	2356
<u>(25) The state medical board;</u>	2357
<u>(26) The state veterinary medical licensing board;</u>	2358
<u>(27) The state vision professionals board;</u>	2359
<u>(28) The counselor, social worker, and marriage and family therapist board;</u>	2360
	2361
<u>(29) The chemical dependency professionals board;</u>	2362
<u>(30) The Ohio occupational therapy, physical therapy, and athletic trainers board;</u>	2363
	2364
<u>(31) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	2365
	2366
	2367
<u>(B) The common sense initiative office shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the office pursuant to division (C) of this section.</u>	2368
	2369
	2370
	2371
<u>(1) The following actions are subject to review under this section:</u>	2372
	2373
<u>(a) Any action that directly or indirectly has an effect of any of the following:</u>	2374
	2375

<u>(i) Fixing prices, limiting price competition, or increasing prices in this state for the goods or services that are provided by the occupation or industry regulated by the board or commission;</u>	2376
	2377
	2378
	2379
<u>(ii) Dividing, allocating, or assigning customers, potential customers, or geographic markets in this state among members of the occupation or industry regulated by the board or commission;</u>	2380
	2381
	2382
<u>(iii) Excluding present or potential competitors from the occupation or industry regulated by the board or commission;</u>	2383
	2384
<u>(iv) Limiting the output or supply in this state of any good or service provided by the members of the occupation or industry regulated by the board or commission.</u>	2385
	2386
	2387
<u>(b) Any other activity that could be subject to state or federal antitrust law if the action were undertaken by a private person or combination of private persons.</u>	2388
	2389
	2390
<u>(2) Except as provided in division (H) of this section, the following actions are not subject to review under this section:</u>	2391
	2392
<u>(a) Denying an application to obtain a license because the applicant has violated or has not complied with the Ohio Revised Code or the Ohio Administrative Code;</u>	2393
	2394
	2395
<u>(b) Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative Code.</u>	2396
	2397
	2398
	2399
<u>(C)(1) The following persons or entities may refer an action to the office for review under this section:</u>	2400
	2401
<u>(a) A board or commission that has taken or is proposing to take an action;</u>	2402
	2403
<u>(b) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a</u>	2404
	2405

board or commission; 2406

(c) A person who has been granted a stay pursuant to division (G) of this section. 2407
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(2) A board or commission or person who refers an action to the office shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the office. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission. 2409
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(3) The referral of an action by a board or commission for review by the office does not constitute an admission that the action violates any state or federal law. 2416
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(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the office for review within thirty days after receiving notice of the action or proposed action. 2419
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(5) If an ongoing action or an action proposed by a board or commission is referred to the office for review under this section, the board or commission shall cease the ongoing action or not take the proposed action until the office has approved of the action pursuant to division (E) of this section and prepared and transmitted the memorandum required under division (F) of this section. 2424
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(D) The office shall determine whether an action referred to the office under this section is supported by, and consistent with, a clearly articulated state policy as expressed in the statutes creating the board or commission or the statutes and rules setting forth the board's or commission's powers, authority, and duties. If the office finds this to be the case, the office 2431
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shall determine whether the clearly articulated state policy is 2437
merely a pretext by which the board or commission enables the 2438
members of an occupation or industry the board or commission 2439
regulates to engage in anticompetitive conduct that could be 2440
subject to state or federal antitrust law if the action were taken 2441
by a private person or combination of private persons. 2442

(E) After making the determinations required under division 2443
(D) of this section, the office shall take one of the following 2444
actions: 2445

(1) Approve the board or commission action if the office 2446
determines that the action is pursuant to a clearly articulated 2447
state policy and that the policy is not a pretext as described in 2448
division (D) of this section. If the office approves the board's 2449
or commission's action, the board or commission may proceed to 2450
take or may continue the action. 2451

(2) Disapprove the board or commission action if the office 2452
determines that the action is not pursuant to a clearly 2453
articulated state policy or that if it is pursuant to a clearly 2454
articulated state policy, that policy is a pretext as described in 2455
division (D) of this section. If the office disapproves the 2456
board's or commission's action, the action is void. 2457

(F) The office shall prepare a memorandum that explains the 2458
office's approval or disapproval. The office shall transmit a copy 2459
of the memorandum to the person and the board or commission or to 2460
the board or commission if only the board or commission is 2461
involved. The office shall post the memorandum on the web site 2462
maintained by the office. 2463

(G)(1) A person having standing to commence and prosecute a 2464
state or federal antitrust action against a board or commission 2465
shall exhaust the remedies provided by this section before 2466
commencing such an action. This division shall not apply to the 2467

attorney general, a county prosecuting attorney, or any assistant 2468
prosecutor designated to assist a county prosecuting attorney. 2469

(2) The state, a board or commission, or a member of a board 2470
or commission in the member's official capacity, may request a 2471
stay of any lawsuit alleging that a board or commission engaged in 2472
anticompetitive conduct by taking an action described in division 2473
(B)(1) or (2) of this section that has not been previously 2474
reviewed by the office under this section. If the lawsuit was 2475
initiated by a person other than the attorney general, a county 2476
prosecuting attorney, or any assistant prosecutor designated to 2477
assist a county prosecuting attorney, the court shall grant the 2478
request. If the lawsuit was initiated by the attorney general, a 2479
county prosecuting attorney, or any assistant prosecutor 2480
designated to assist a county prosecuting attorney, the court 2481
shall deny the request. Any stay granted under this division will 2482
continue in effect until the office has prepared and transmitted 2483
the memorandum required under division (F) of this section. 2484

(H) The office shall review any action referred to the office 2485
by a party who has been granted a stay pursuant to division (G) of 2486
this section. 2487

(I) Notwithstanding any provision of this section to the 2488
contrary, an action taken by a board or commission is not subject 2489
to review under this section if the members of the board or 2490
commission who are members of the occupation or industry affected 2491
by the action are prohibited by statute from hearing, considering, 2492
deciding, or otherwise participating in the action. 2493

(J) The office shall adopt rules under Chapter 119. of the 2494
Revised Code that are necessary for the implementation and 2495
administration of this section. 2496

Sec. 109.46. (A) As used in this section, "domestic violence 2497
program" means any of the following: 2498

(1) The nonprofit state domestic violence coalition 2499
designated by the family and youth services bureau of the United 2500
States department of health and human services; 2501

(2) A program operated by a nonprofit entity the primary 2502
purpose of which is to provide a broad range of services to 2503
victims of domestic violence that may include, but are not limited 2504
to, hotlines, emergency shelters, victim advocacy and support, 2505
justice systems advocacy, individual and group counseling for 2506
adults and children, or transitional service and education to 2507
prevent domestic violence. The program may provide some or all of 2508
the services described in this division. 2509

(B)(1) There is hereby created in the state treasury the 2510
domestic violence program fund consisting of money appropriated to 2511
the fund by the general assembly or donated to the fund. The 2512
attorney general shall administer the domestic violence program 2513
fund. The attorney general may not use more than five per cent of 2514
the moneys appropriated or deposited into the fund to pay costs 2515
associated with administering the fund, and shall use at least 2516
ninety-five per cent of the moneys appropriated or deposited into 2517
the fund for the purpose of providing funding to domestic violence 2518
programs under this section. 2519

(2) The attorney general shall adopt rules pursuant to 2520
Chapter 119. of the Revised Code that shall establish procedures 2521
for domestic violence programs to apply to the attorney general 2522
for funding from the domestic violence program fund and procedures 2523
for the attorney general to distribute money out of the fund to 2524
domestic violence programs. 2525

(C)(1) Priority of funding from the domestic violence program 2526
fund shall be given to the domestic violence programs in existence 2527
on and after July 1, 2017. 2528

(2) A domestic violence program that receives funds from the 2529

domestic violence program fund shall use the funds received for 2530
the following purposes: 2531

(a) To provide training and technical assistance to service 2532
providers, if the program that receives the funds is the nonprofit 2533
state domestic violence coalition specified in division (A)(1) of 2534
this section; 2535

(b) To provide services to victims of domestic violence, 2536
including, but not limited to, education to prevent domestic 2537
violence, if the program that receives the funds is a nonprofit 2538
entity described in division (A)(2) of this section. Funds 2539
received under this division may also be used for general 2540
operating support, including capital improvements and primary 2541
prevention and risk reduction programs for the general population. 2542

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2543
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2544
a completed form prescribed pursuant to division (C)(1) of this 2545
section, and a set of fingerprint impressions obtained in the 2546
manner described in division (C)(2) of this section, the 2547
superintendent of the bureau of criminal identification and 2548
investigation shall conduct a criminal records check in the manner 2549
described in division (B) of this section to determine whether any 2550
information exists that indicates that the person who is the 2551
subject of the request previously has been convicted of or pleaded 2552
guilty to any of the following: 2553

(a) A violation of section 2903.01, 2903.02, 2903.03, 2554
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2555
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2556
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2557
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2558
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2559
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2560

2925.06, or 3716.11 of the Revised Code, felonious sexual 2561
penetration in violation of former section 2907.12 of the Revised 2562
Code, a violation of section 2905.04 of the Revised Code as it 2563
existed prior to July 1, 1996, a violation of section 2919.23 of 2564
the Revised Code that would have been a violation of section 2565
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2566
had the violation been committed prior to that date, or a 2567
violation of section 2925.11 of the Revised Code that is not a 2568
minor drug possession offense; 2569

(b) A violation of an existing or former law of this state, 2570
any other state, or the United States that is substantially 2571
equivalent to any of the offenses listed in division (A)(1)(a) of 2572
this section; 2573

(c) If the request is made pursuant to section 3319.39 of the 2574
Revised Code for an applicant who is a teacher, any offense 2575
specified in section 3319.31 of the Revised Code. 2576

(2) On receipt of a request pursuant to section 3712.09 or 2577
3721.121 of the Revised Code, a completed form prescribed pursuant 2578
to division (C)(1) of this section, and a set of fingerprint 2579
impressions obtained in the manner described in division (C)(2) of 2580
this section, the superintendent of the bureau of criminal 2581
identification and investigation shall conduct a criminal records 2582
check with respect to any person who has applied for employment in 2583
a position for which a criminal records check is required by those 2584
sections. The superintendent shall conduct the criminal records 2585
check in the manner described in division (B) of this section to 2586
determine whether any information exists that indicates that the 2587
person who is the subject of the request previously has been 2588
convicted of or pleaded guilty to any of the following: 2589

(a) A violation of section 2903.01, 2903.02, 2903.03, 2590
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2591
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2592

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2593
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2594
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2595
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2596
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2597
2925.22, 2925.23, or 3716.11 of the Revised Code; 2598

(b) An existing or former law of this state, any other state, 2599
or the United States that is substantially equivalent to any of 2600
the offenses listed in division (A)(2)(a) of this section. 2601

(3) On receipt of a request pursuant to section 173.27, 2602
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2603
or 5123.169 of the Revised Code, a completed form prescribed 2604
pursuant to division (C)(1) of this section, and a set of 2605
fingerprint impressions obtained in the manner described in 2606
division (C)(2) of this section, the superintendent of the bureau 2607
of criminal identification and investigation shall conduct a 2608
criminal records check of the person for whom the request is made. 2609
The superintendent shall conduct the criminal records check in the 2610
manner described in division (B) of this section to determine 2611
whether any information exists that indicates that the person who 2612
is the subject of the request previously has been convicted of, 2613
has pleaded guilty to, or (except in the case of a request 2614
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2615
Code) has been found eligible for intervention in lieu of 2616
conviction for any of the following, regardless of the date of the 2617
conviction, the date of entry of the guilty plea, or (except in 2618
the case of a request pursuant to section 5164.34, 5164.341, or 2619
5164.342 of the Revised Code) the date the person was found 2620
eligible for intervention in lieu of conviction: 2621

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2622
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2623
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2624

2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	2625
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	2626
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	2627
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	2628
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2629
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2630
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2631
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2632
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2633
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	2634
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	2635
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	2636
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	2637
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	2638
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	2639
2927.12, or 3716.11 of the Revised Code;	2640
(b) Felonious sexual penetration in violation of former	2641
section 2907.12 of the Revised Code;	2642
(c) A violation of section 2905.04 of the Revised Code as it	2643
existed prior to July 1, 1996;	2644
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2645
the Revised Code when the underlying offense that is the object of	2646
the conspiracy, attempt, or complicity is one of the offenses	2647
listed in divisions (A)(3)(a) to (c) of this section;	2648
(e) A violation of an existing or former municipal ordinance	2649
or law of this state, any other state, or the United States that	2650
is substantially equivalent to any of the offenses listed in	2651
divisions (A)(3)(a) to (d) of this section.	2652
(4) On receipt of a request pursuant to section 2151.86 of	2653
the Revised Code, a completed form prescribed pursuant to division	2654
(C)(1) of this section, and a set of fingerprint impressions	2655

obtained in the manner described in division (C)(2) of this 2656
section, the superintendent of the bureau of criminal 2657
identification and investigation shall conduct a criminal records 2658
check in the manner described in division (B) of this section to 2659
determine whether any information exists that indicates that the 2660
person who is the subject of the request previously has been 2661
convicted of or pleaded guilty to any of the following: 2662

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2663
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2664
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2665
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2666
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2667
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2668
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2669
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2670
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2671
of the Revised Code, a violation of section 2905.04 of the Revised 2672
Code as it existed prior to July 1, 1996, a violation of section 2673
2919.23 of the Revised Code that would have been a violation of 2674
section 2905.04 of the Revised Code as it existed prior to July 1, 2675
1996, had the violation been committed prior to that date, a 2676
violation of section 2925.11 of the Revised Code that is not a 2677
minor drug possession offense, two or more OVI or OVUAC violations 2678
committed within the three years immediately preceding the 2679
submission of the application or petition that is the basis of the 2680
request, or felonious sexual penetration in violation of former 2681
section 2907.12 of the Revised Code; 2682

(b) A violation of an existing or former law of this state, 2683
any other state, or the United States that is substantially 2684
equivalent to any of the offenses listed in division (A)(4)(a) of 2685
this section. 2686

(5) Upon receipt of a request pursuant to section 5104.013 of 2687

the Revised Code, a completed form prescribed pursuant to division 2688
(C)(1) of this section, and a set of fingerprint impressions 2689
obtained in the manner described in division (C)(2) of this 2690
section, the superintendent of the bureau of criminal 2691
identification and investigation shall conduct a criminal records 2692
check in the manner described in division (B) of this section to 2693
determine whether any information exists that indicates that the 2694
person who is the subject of the request has been convicted of or 2695
pleaded guilty to any of the following: 2696

(a) A violation of section 2151.421, 2903.01, 2903.02, 2697
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2698
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2699
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2700
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2701
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2702
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2703
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2704
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2705
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2706
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2707
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2708
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2709
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2710
Revised Code, felonious sexual penetration in violation of former 2711
section 2907.12 of the Revised Code, a violation of section 2712
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2713
violation of section 2919.23 of the Revised Code that would have 2714
been a violation of section 2905.04 of the Revised Code as it 2715
existed prior to July 1, 1996, had the violation been committed 2716
prior to that date, a violation of section 2925.11 of the Revised 2717
Code that is not a minor drug possession offense, a violation of 2718
section 2923.02 or 2923.03 of the Revised Code that relates to a 2719
crime specified in this division, or a second violation of section 2720

4511.19 of the Revised Code within five years of the date of 2721
application for licensure or certification. 2722

(b) A violation of an existing or former law of this state, 2723
any other state, or the United States that is substantially 2724
equivalent to any of the offenses or violations described in 2725
division (A)(5)(a) of this section. 2726

(6) Upon receipt of a request pursuant to section 5153.111 of 2727
the Revised Code, a completed form prescribed pursuant to division 2728
(C)(1) of this section, and a set of fingerprint impressions 2729
obtained in the manner described in division (C)(2) of this 2730
section, the superintendent of the bureau of criminal 2731
identification and investigation shall conduct a criminal records 2732
check in the manner described in division (B) of this section to 2733
determine whether any information exists that indicates that the 2734
person who is the subject of the request previously has been 2735
convicted of or pleaded guilty to any of the following: 2736

(a) A violation of section 2903.01, 2903.02, 2903.03, 2737
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2738
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2739
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2740
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2741
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2742
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2743
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2744
felonious sexual penetration in violation of former section 2745
2907.12 of the Revised Code, a violation of section 2905.04 of the 2746
Revised Code as it existed prior to July 1, 1996, a violation of 2747
section 2919.23 of the Revised Code that would have been a 2748
violation of section 2905.04 of the Revised Code as it existed 2749
prior to July 1, 1996, had the violation been committed prior to 2750
that date, or a violation of section 2925.11 of the Revised Code 2751
that is not a minor drug possession offense; 2752

(b) A violation of an existing or former law of this state, 2753
any other state, or the United States that is substantially 2754
equivalent to any of the offenses listed in division (A)(6)(a) of 2755
this section. 2756

(7) On receipt of a request for a criminal records check from 2757
an individual pursuant to section 4749.03 or 4749.06 of the 2758
Revised Code, accompanied by a completed copy of the form 2759
prescribed in division (C)(1) of this section and a set of 2760
fingerprint impressions obtained in a manner described in division 2761
(C)(2) of this section, the superintendent of the bureau of 2762
criminal identification and investigation shall conduct a criminal 2763
records check in the manner described in division (B) of this 2764
section to determine whether any information exists indicating 2765
that the person who is the subject of the request has been 2766
convicted of or pleaded guilty to a felony in this state or in any 2767
other state. If the individual indicates that a firearm will be 2768
carried in the course of business, the superintendent shall 2769
require information from the federal bureau of investigation as 2770
described in division (B)(2) of this section. Subject to division 2771
(F) of this section, the superintendent shall report the findings 2772
of the criminal records check and any information the federal 2773
bureau of investigation provides to the director of public safety. 2774

(8) On receipt of a request pursuant to section 1321.37, 2775
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2776
Code, a completed form prescribed pursuant to division (C)(1) of 2777
this section, and a set of fingerprint impressions obtained in the 2778
manner described in division (C)(2) of this section, the 2779
superintendent of the bureau of criminal identification and 2780
investigation shall conduct a criminal records check with respect 2781
to any person who has applied for a license, permit, or 2782
certification from the department of commerce or a division in the 2783
department. The superintendent shall conduct the criminal records 2784

check in the manner described in division (B) of this section to 2785
determine whether any information exists that indicates that the 2786
person who is the subject of the request previously has been 2787
convicted of or pleaded guilty to any of the following: a 2788
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2789
2925.03 of the Revised Code; any other criminal offense involving 2790
theft, receiving stolen property, embezzlement, forgery, fraud, 2791
passing bad checks, money laundering, or drug trafficking, or any 2792
criminal offense involving money or securities, as set forth in 2793
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2794
the Revised Code; or any existing or former law of this state, any 2795
other state, or the United States that is substantially equivalent 2796
to those offenses. 2797

(9) On receipt of a request for a criminal records check from 2798
the treasurer of state under section 113.041 of the Revised Code 2799
or from an individual under section 4701.08, 4715.101, 4717.061, 2800
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2801
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2802
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2803
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2804
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 2805
or 4783.04 of the Revised Code, accompanied by a completed form 2806
prescribed under division (C)(1) of this section and a set of 2807
fingerprint impressions obtained in the manner described in 2808
division (C)(2) of this section, the superintendent of the bureau 2809
of criminal identification and investigation shall conduct a 2810
criminal records check in the manner described in division (B) of 2811
this section to determine whether any information exists that 2812
indicates that the person who is the subject of the request has 2813
been convicted of or pleaded guilty to any criminal offense in 2814
this state or any other state. Subject to division (F) of this 2815
section, the superintendent shall send the results of a check 2816
requested under section 113.041 of the Revised Code to the 2817

treasurer of state and shall send the results of a check requested 2818
under any of the other listed sections to the licensing board 2819
specified by the individual in the request. 2820

(10) On receipt of a request pursuant to section 1121.23, 2821
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2822
Code, a completed form prescribed pursuant to division (C)(1) of 2823
this section, and a set of fingerprint impressions obtained in the 2824
manner described in division (C)(2) of this section, the 2825
superintendent of the bureau of criminal identification and 2826
investigation shall conduct a criminal records check in the manner 2827
described in division (B) of this section to determine whether any 2828
information exists that indicates that the person who is the 2829
subject of the request previously has been convicted of or pleaded 2830
guilty to any criminal offense under any existing or former law of 2831
this state, any other state, or the United States. 2832

(11) On receipt of a request for a criminal records check 2833
from an appointing or licensing authority under section 3772.07 of 2834
the Revised Code, a completed form prescribed under division 2835
(C)(1) of this section, and a set of fingerprint impressions 2836
obtained in the manner prescribed in division (C)(2) of this 2837
section, the superintendent of the bureau of criminal 2838
identification and investigation shall conduct a criminal records 2839
check in the manner described in division (B) of this section to 2840
determine whether any information exists that indicates that the 2841
person who is the subject of the request previously has been 2842
convicted of or pleaded guilty or no contest to any offense under 2843
any existing or former law of this state, any other state, or the 2844
United States that is a disqualifying offense as defined in 2845
section 3772.07 of the Revised Code or substantially equivalent to 2846
such an offense. 2847

(12) On receipt of a request pursuant to section 2151.33 or 2848
2151.412 of the Revised Code, a completed form prescribed pursuant 2849

to division (C)(1) of this section, and a set of fingerprint 2850
impressions obtained in the manner described in division (C)(2) of 2851
this section, the superintendent of the bureau of criminal 2852
identification and investigation shall conduct a criminal records 2853
check with respect to any person for whom a criminal records check 2854
is required under that section. The superintendent shall conduct 2855
the criminal records check in the manner described in division (B) 2856
of this section to determine whether any information exists that 2857
indicates that the person who is the subject of the request 2858
previously has been convicted of or pleaded guilty to any of the 2859
following: 2860

(a) A violation of section 2903.01, 2903.02, 2903.03, 2861
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2862
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2863
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2864
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2865
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2866
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2867
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2868
2925.22, 2925.23, or 3716.11 of the Revised Code; 2869

(b) An existing or former law of this state, any other state, 2870
or the United States that is substantially equivalent to any of 2871
the offenses listed in division (A)(12)(a) of this section. 2872

(13) On receipt of a request pursuant to section 3796.12 of 2873
the Revised Code, a completed form prescribed pursuant to division 2874
(C)(1) of this section, and a set of fingerprint impressions 2875
obtained in a manner described in division (C)(2) of this section, 2876
the superintendent of the bureau of criminal identification and 2877
investigation shall conduct a criminal records check in the manner 2878
described in division (B) of this section to determine whether any 2879
information exists that indicates that the person who is the 2880
subject of the request previously has been convicted of or pleaded 2881

guilty to the following: 2882

(a) A disqualifying offense as specified in rules adopted 2883
under division (B)(2)(b) of section 3796.03 of the Revised Code if 2884
the person who is the subject of the request is an administrator 2885
or other person responsible for the daily operation of, or an 2886
owner or prospective owner, officer or prospective officer, or 2887
board member or prospective board member of, an entity seeking a 2888
license from the department of commerce under Chapter 3796. of the 2889
Revised Code; 2890

(b) A disqualifying offense as specified in rules adopted 2891
under division (B)(2)(b) of section 3796.04 of the Revised Code if 2892
the person who is the subject of the request is an administrator 2893
or other person responsible for the daily operation of, or an 2894
owner or prospective owner, officer or prospective officer, or 2895
board member or prospective board member of, an entity seeking a 2896
license from the state board of pharmacy under Chapter 3796. of 2897
the Revised Code. 2898

(14) On receipt of a request required by section 3796.13 of 2899
the Revised Code, a completed form prescribed pursuant to division 2900
(C)(1) of this section, and a set of fingerprint impressions 2901
obtained in a manner described in division (C)(2) of this section, 2902
the superintendent of the bureau of criminal identification and 2903
investigation shall conduct a criminal records check in the manner 2904
described in division (B) of this section to determine whether any 2905
information exists that indicates that the person who is the 2906
subject of the request previously has been convicted of or pleaded 2907
guilty to the following: 2908

(a) A disqualifying offense as specified in rules adopted 2909
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2910
the person who is the subject of the request is seeking employment 2911
with an entity licensed by the department of commerce under 2912
Chapter 3796. of the Revised Code; 2913

(b) A disqualifying offense as specified in rules adopted 2914
under division (B)(14)(a) of section 3796.04 of the Revised Code 2915
if the person who is the subject of the request is seeking 2916
employment with an entity licensed by the state board of pharmacy 2917
under Chapter 3796. of the Revised Code. 2918

(B) Subject to division (F) of this section, the 2919
superintendent shall conduct any criminal records check to be 2920
conducted under this section as follows: 2921

(1) The superintendent shall review or cause to be reviewed 2922
any relevant information gathered and compiled by the bureau under 2923
division (A) of section 109.57 of the Revised Code that relates to 2924
the person who is the subject of the criminal records check, 2925
including, if the criminal records check was requested under 2926
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2927
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2928
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2929
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 2930
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2931
5123.169, or 5153.111 of the Revised Code, any relevant 2932
information contained in records that have been sealed under 2933
section 2953.32 of the Revised Code; 2934

(2) If the request received by the superintendent asks for 2935
information from the federal bureau of investigation, the 2936
superintendent shall request from the federal bureau of 2937
investigation any information it has with respect to the person 2938
who is the subject of the criminal records check, including 2939
fingerprint-based checks of national crime information databases 2940
as described in 42 U.S.C. 671 if the request is made pursuant to 2941
section 2151.86 or 5104.013 of the Revised Code or if any other 2942
Revised Code section requires fingerprint-based checks of that 2943
nature, and shall review or cause to be reviewed any information 2944
the superintendent receives from that bureau. If a request under 2945

section 3319.39 of the Revised Code asks only for information from 2946
the federal bureau of investigation, the superintendent shall not 2947
conduct the review prescribed by division (B)(1) of this section. 2948

(3) The superintendent or the superintendent's designee may 2949
request criminal history records from other states or the federal 2950
government pursuant to the national crime prevention and privacy 2951
compact set forth in section 109.571 of the Revised Code. 2952

(4) The superintendent shall include in the results of the 2953
criminal records check a list or description of the offenses 2954
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2955
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 2956
whichever division requires the superintendent to conduct the 2957
criminal records check. The superintendent shall exclude from the 2958
results any information the dissemination of which is prohibited 2959
by federal law. 2960

(5) The superintendent shall send the results of the criminal 2961
records check to the person to whom it is to be sent not later 2962
than the following number of days after the date the 2963
superintendent receives the request for the criminal records 2964
check, the completed form prescribed under division (C)(1) of this 2965
section, and the set of fingerprint impressions obtained in the 2966
manner described in division (C)(2) of this section: 2967

(a) If the superintendent is required by division (A) of this 2968
section (other than division (A)(3) of this section) to conduct 2969
the criminal records check, thirty; 2970

(b) If the superintendent is required by division (A)(3) of 2971
this section to conduct the criminal records check, sixty. 2972

(C)(1) The superintendent shall prescribe a form to obtain 2973
the information necessary to conduct a criminal records check from 2974
any person for whom a criminal records check is to be conducted 2975
under this section. The form that the superintendent prescribes 2976

pursuant to this division may be in a tangible format, in an 2977
electronic format, or in both tangible and electronic formats. 2978

(2) The superintendent shall prescribe standard impression 2979
sheets to obtain the fingerprint impressions of any person for 2980
whom a criminal records check is to be conducted under this 2981
section. Any person for whom a records check is to be conducted 2982
under this section shall obtain the fingerprint impressions at a 2983
county sheriff's office, municipal police department, or any other 2984
entity with the ability to make fingerprint impressions on the 2985
standard impression sheets prescribed by the superintendent. The 2986
office, department, or entity may charge the person a reasonable 2987
fee for making the impressions. The standard impression sheets the 2988
superintendent prescribes pursuant to this division may be in a 2989
tangible format, in an electronic format, or in both tangible and 2990
electronic formats. 2991

(3) Subject to division (D) of this section, the 2992
superintendent shall prescribe and charge a reasonable fee for 2993
providing a criminal records check under this section. The person 2994
requesting the criminal records check shall pay the fee prescribed 2995
pursuant to this division. In the case of a request under section 2996
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2997
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2998
the manner specified in that section. 2999

(4) The superintendent of the bureau of criminal 3000
identification and investigation may prescribe methods of 3001
forwarding fingerprint impressions and information necessary to 3002
conduct a criminal records check, which methods shall include, but 3003
not be limited to, an electronic method. 3004

(D) The results of a criminal records check conducted under 3005
this section, other than a criminal records check specified in 3006
division (A)(7) of this section, are valid for the person who is 3007
the subject of the criminal records check for a period of one year 3008

from the date upon which the superintendent completes the criminal 3009
records check. If during that period the superintendent receives 3010
another request for a criminal records check to be conducted under 3011
this section for that person, the superintendent shall provide the 3012
results from the previous criminal records check of the person at 3013
a lower fee than the fee prescribed for the initial criminal 3014
records check. 3015

(E) When the superintendent receives a request for 3016
information from a registered private provider, the superintendent 3017
shall proceed as if the request was received from a school 3018
district board of education under section 3319.39 of the Revised 3019
Code. The superintendent shall apply division (A)(1)(c) of this 3020
section to any such request for an applicant who is a teacher. 3021

(F)(1) Subject to division (F)(2) of this section, all 3022
information regarding the results of a criminal records check 3023
conducted under this section that the superintendent reports or 3024
sends under division (A)(7) or (9) of this section to the director 3025
of public safety, the treasurer of state, or the person, board, or 3026
entity that made the request for the criminal records check shall 3027
relate to the conviction of the subject person, or the subject 3028
person's plea of guilty to, a criminal offense. 3029

(2) Division (F)(1) of this section does not limit, restrict, 3030
or preclude the superintendent's release of information that 3031
relates to the arrest of a person who is eighteen years of age or 3032
older, to an adjudication of a child as a delinquent child, or to 3033
a criminal conviction of a person under eighteen years of age in 3034
circumstances in which a release of that nature is authorized 3035
under division (E)(2), (3), or (4) of section 109.57 of the 3036
Revised Code pursuant to a rule adopted under division (E)(1) of 3037
that section. 3038

(G) As used in this section: 3039

(1) "Criminal records check" means any criminal records check 3040
conducted by the superintendent of the bureau of criminal 3041
identification and investigation in accordance with division (B) 3042
of this section. 3043

(2) "Minor drug possession offense" has the same meaning as 3044
in section 2925.01 of the Revised Code. 3045

(3) "OVI or OVUAC violation" means a violation of section 3046
4511.19 of the Revised Code or a violation of an existing or 3047
former law of this state, any other state, or the United States 3048
that is substantially equivalent to section 4511.19 of the Revised 3049
Code. 3050

(4) "Registered private provider" means a nonpublic school or 3051
entity registered with the superintendent of public instruction 3052
under section 3310.41 of the Revised Code to participate in the 3053
autism scholarship program or section 3310.58 of the Revised Code 3054
to participate in the Jon Peterson special needs scholarship 3055
program. 3056

Sec. 109.5721. (A) As used in this section: 3057

(1) "Employment" includes volunteer service. 3058

(2) "Independent provider" has the same meaning as in section 3059
5164.341 of the Revised Code. 3060

(3) "Licensure" means the authorization, evidenced by a 3061
license, certificate, registration, permit, or other authority 3062
that is issued or conferred by a public office, to engage in a 3063
profession, occupation, or occupational activity, to be a foster 3064
caregiver, or to have control of and operate certain specific 3065
equipment, machinery, or premises over which a public office has 3066
jurisdiction. 3067

~~(3)~~(4) "Participating public office" means a public office 3068
that requires a fingerprint background check as a condition of 3069

employment with, licensure by, or approval for adoption by the 3070
public office and that elects to receive notice under division 3071
~~(C)~~(D) of this section in accordance with rules adopted by the 3072
attorney general. "Participating public office" also means the 3073
department of medicaid if it elects to receive notices under 3074
division (D) of this section regarding independent providers. 3075

~~(4)~~(5) "Public office" has the same meaning as in section 3076
117.01 of the Revised Code. 3077

~~(5)~~(6) "Participating private party" means any person or 3078
private entity that is allowed to request a criminal records check 3079
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 3080
the Revised Code. 3081

(B) Within six months after August 15, 2007, the 3082
superintendent of the bureau of criminal identification and 3083
investigation shall establish and maintain a database of 3084
fingerprints of individuals on whom the bureau has conducted 3085
criminal records checks for either of the ~~purpose of determining~~ 3086
following purposes: 3087

(1) To determine the individual's eligibility for employment 3088
with, licensure by, or approval for adoption by a public office or 3089
participating private party; 3090

(2) To determine whether an applicant for a medicaid provider 3091
agreement as an independent provider is ineligible for the 3092
medicaid provider agreement because of section 5164.341 of the 3093
Revised Code. The 3094

(C) The superintendent shall maintain the database separate 3095
and apart from other records maintained by the bureau. The 3096
database shall be known as the retained applicant fingerprint 3097
database. 3098

~~(C)~~(D) When the superintendent receives information that an 3099
individual whose name is in the retained applicant fingerprint 3100

database has been arrested for, convicted of, or pleaded guilty to 3101
any offense, the superintendent shall promptly notify ~~any~~ the 3102
following of the individual's arrest, conviction, or guilty plea: 3103

(1) Any participating public office or participating private 3104
party that employs, licensed, or approved the individual ~~of the~~ 3105
~~arrest, conviction, or guilty plea;~~ 3106

(2) The department of medicaid if the individual is an 3107
independent provider. The 3108

(E)(1) A participating public office or participating private 3109
party that receives ~~the~~ a notification under division (D) of this 3110
section, and its employees and officers, shall use the information 3111
contained in the notification solely to determine the individual's 3112
continued eligibility for ~~continued employment~~ the following: 3113

(a) Employment with the participating public office or 3114
participating private party, ~~to retain licensure issued;~~ 3115

(b) Licensure by the participating public office, ~~or to be~~ 3116
~~approved;~~ 3117

(c) Approval for adoption by the participating public office; 3118

(d) A medicaid provider agreement as an independent provider. 3119
The 3120

(2) Except as provided in division (E) of section 5164.341 of 3121
the Revised Code, information contained in the notification is 3122
confidential and not a public record under section 149.43 of the 3123
Revised Code and a participating public office or participating 3124
private party, and its employees and officers, shall not disclose 3125
that information to any person for any ~~other~~ purpose not specified 3126
in division (E)(1) of this section. 3127

~~(D)~~(F) If an individual has submitted fingerprint impressions 3128
for employment with, licensure by, or approval for adoption by a 3129
participating public office or participating private party and 3130

seeks employment with, licensure by, or approval for adoption by 3131
another participating public office or participating private 3132
party, the other participating public office or participating 3133
private party shall reprint the individual. If an individual has 3134
been reprinted, the superintendent shall update that individual's 3135
information accordingly. 3136

~~(E)~~(G) The bureau of criminal identification and 3137
investigation and the participating public office or participating 3138
private party shall use information contained in the retained 3139
applicant fingerprint database and in the notice described in 3140
division ~~(C)~~(D) of this section only for the purpose of ~~employment~~ 3141
~~with, licensure by, or approval for adoption by the participating~~ 3142
~~public office or participating private party~~ this section. This 3143
information is otherwise confidential and not a public record 3144
under section 149.43 of the Revised Code. 3145

~~(F)~~(H) The attorney general shall adopt rules in accordance 3146
with Chapter 119. of the Revised Code governing the operation and 3147
maintenance of the database. The rules shall provide for, but not 3148
be limited to, both of the following: 3149

(1) The expungement or sealing of records of ~~individuals~~ the 3150
following: 3151

(a) Individuals who are deceased ~~or~~; 3152

(b) Individuals who are no longer employed, granted 3153
licensure, or approved for adoption by the participating public 3154
office or participating private party that required submission of 3155
the individual's fingerprints; 3156

(c) Individuals who are no longer independent providers. 3157

(2) The terms under which a public office or participating 3158
private party may elect to receive notification under division 3159
~~(C)~~(D) of this section, including payment of any reasonable fee 3160
that may be charged for the purpose. 3161

~~(G)~~(I) No public office or employee of a public office shall 3162
be considered negligent in a civil action solely because the 3163
public office did not elect to be a participating public office. 3164

~~(H)~~(J)(1) No person shall knowingly use information contained 3165
in or received from the retained applicant fingerprint database 3166
for purposes not authorized by this section. 3167

(2) No person shall knowingly use information contained in or 3168
received from the retained applicant fingerprint database with the 3169
intent to harass or intimidate another person. 3170

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(2) of this 3171
section is guilty of unlawful use of retained applicant 3172
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 3173
this section is a misdemeanor of the fourth degree. A violation of 3174
division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 3175
degree. 3176

Sec. 109.71. There is hereby created in the office of the 3177
attorney general the Ohio peace officer training commission. The 3178
commission shall consist of ~~nine~~ ten members appointed by the 3179
governor with the advice and consent of the senate and selected as 3180
follows: one member representing the public; one member who 3181
represents a fraternal organization representing law enforcement 3182
officers; two members who are incumbent sheriffs; two members who 3183
are incumbent chiefs of police; one member from the bureau of 3184
criminal identification and investigation; one member from the 3185
state highway patrol; one member who is the special agent in 3186
charge of a field office of the federal bureau of investigation in 3187
this state; and one member from the department of education, trade 3188
and industrial education services, law enforcement training. 3189

This section does not confer any arrest authority or any 3190
ability or authority to detain a person, write or issue any 3191
citation, or provide any disposition alternative, as granted under 3192

Chapter 2935. of the Revised Code.	3193
Pursuant to division (A)(9) of section 101.82 of the Revised Code, the commission is exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.	3194 3195 3196
As used in sections 109.71 to 109.801 of the Revised Code:	3197
(A) "Peace officer" means:	3198
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;	3199 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212
(2) A police officer who is employed by a railroad company and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	3213 3214 3215
(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;	3216 3217 3218 3219 3220
(4) An undercover drug agent;	3221
(5) Enforcement agents of the department of public safety	3222

whom the director of public safety designates under section	3223
5502.14 of the Revised Code;	3224
(6) An employee of the department of natural resources who is	3225
a natural resources law enforcement staff officer designated	3226
pursuant to section 1501.013, a natural resources officer	3227
appointed pursuant to section 1501.24, a forest-fire investigator	3228
appointed pursuant to section 1503.09, or a wildlife officer	3229
designated pursuant to section 1531.13 of the Revised Code;	3230
(7) An employee of a park district who is designated pursuant	3231
to section 511.232 or 1545.13 of the Revised Code;	3232
(8) An employee of a conservancy district who is designated	3233
pursuant to section 6101.75 of the Revised Code;	3234
(9) A police officer who is employed by a hospital that	3235
employs and maintains its own proprietary police department or	3236
security department, and who is appointed and commissioned by the	3237
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3238
Revised Code;	3239
(10) Veterans' homes police officers designated under section	3240
5907.02 of the Revised Code;	3241
(11) A police officer who is employed by a qualified	3242
nonprofit corporation police department pursuant to section	3243
1702.80 of the Revised Code;	3244
(12) A state university law enforcement officer appointed	3245
under section 3345.04 of the Revised Code or a person serving as a	3246
state university law enforcement officer on a permanent basis on	3247
June 19, 1978, who has been awarded a certificate by the executive	3248
director of the Ohio peace officer training commission attesting	3249
to the person's satisfactory completion of an approved state,	3250
county, municipal, or department of natural resources peace	3251
officer basic training program;	3252

(13) A special police officer employed by the department of	3253
mental health and addiction services pursuant to section 5119.08	3254
of the Revised Code or the department of developmental	3255
disabilities pursuant to section 5123.13 of the Revised Code;	3256
(14) A member of a campus police department appointed under	3257
section 1713.50 of the Revised Code;	3258
(15) A member of a police force employed by a regional	3259
transit authority under division (Y) of section 306.35 of the	3260
Revised Code;	3261
(16) Investigators appointed by the auditor of state pursuant	3262
to section 117.091 of the Revised Code and engaged in the	3263
enforcement of Chapter 117. of the Revised Code;	3264
(17) A special police officer designated by the	3265
superintendent of the state highway patrol pursuant to section	3266
5503.09 of the Revised Code or a person who was serving as a	3267
special police officer pursuant to that section on a permanent	3268
basis on October 21, 1997, and who has been awarded a certificate	3269
by the executive director of the Ohio peace officer training	3270
commission attesting to the person's satisfactory completion of an	3271
approved state, county, municipal, or department of natural	3272
resources peace officer basic training program;	3273
(18) A special police officer employed by a port authority	3274
under section 4582.04 or 4582.28 of the Revised Code or a person	3275
serving as a special police officer employed by a port authority	3276
on a permanent basis on May 17, 2000, who has been awarded a	3277
certificate by the executive director of the Ohio peace officer	3278
training commission attesting to the person's satisfactory	3279
completion of an approved state, county, municipal, or department	3280
of natural resources peace officer basic training program;	3281
(19) A special police officer employed by a municipal	3282
corporation who has been awarded a certificate by the executive	3283

director of the Ohio peace officer training commission for 3284
satisfactory completion of an approved peace officer basic 3285
training program and who is employed on a permanent basis on or 3286
after March 19, 2003, at a municipal airport, or other municipal 3287
air navigation facility, that has scheduled operations, as defined 3288
in section 119.3 of Title 14 of the Code of Federal Regulations, 3289
14 C.F.R. 119.3, as amended, and that is required to be under a 3290
security program and is governed by aviation security rules of the 3291
transportation security administration of the United States 3292
department of transportation as provided in Parts 1542. and 1544. 3293
of Title 49 of the Code of Federal Regulations, as amended; 3294

(20) A police officer who is employed by an owner or operator 3295
of an amusement park that has an average yearly attendance in 3296
excess of six hundred thousand guests and that employs and 3297
maintains its own proprietary police department or security 3298
department, and who is appointed and commissioned by a judge of 3299
the appropriate municipal court or county court pursuant to 3300
section 4973.17 of the Revised Code; 3301

(21) A police officer who is employed by a bank, savings and 3302
loan association, savings bank, credit union, or association of 3303
banks, savings and loan associations, savings banks, or credit 3304
unions, who has been appointed and commissioned by the secretary 3305
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3306
Code, and who has been awarded a certificate by the executive 3307
director of the Ohio peace officer training commission attesting 3308
to the person's satisfactory completion of a state, county, 3309
municipal, or department of natural resources peace officer basic 3310
training program; 3311

(22) An investigator, as defined in section 109.541 of the 3312
Revised Code, of the bureau of criminal identification and 3313
investigation who is commissioned by the superintendent of the 3314
bureau as a special agent for the purpose of assisting law 3315

enforcement officers or providing emergency assistance to peace 3316
officers pursuant to authority granted under that section; 3317

(23) A state fire marshal law enforcement officer appointed 3318
under section 3737.22 of the Revised Code or a person serving as a 3319
state fire marshal law enforcement officer on a permanent basis on 3320
or after July 1, 1982, who has been awarded a certificate by the 3321
executive director of the Ohio peace officer training commission 3322
attesting to the person's satisfactory completion of an approved 3323
state, county, municipal, or department of natural resources peace 3324
officer basic training program; 3325

(24) A gaming agent employed under section 3772.03 of the 3326
Revised Code. 3327

(B) "Undercover drug agent" has the same meaning as in 3328
division (B)(2) of section 109.79 of the Revised Code. 3329

(C) "Crisis intervention training" means training in the use 3330
of interpersonal and communication skills to most effectively and 3331
sensitively interview victims of rape. 3332

(D) "Missing children" has the same meaning as in section 3333
2901.30 of the Revised Code. 3334

Sec. 109.803. (A)(1) Subject to ~~division~~ divisions (A)(2) and 3335
(B) of this section, every appointing authority shall require each 3336
of its appointed peace officers and troopers to complete up to 3337
twenty-four hours of continuing professional training each 3338
calendar year, as directed by the Ohio peace officer training 3339
commission. The number of hours directed by the commission, up to 3340
twenty-four hours, is intended to be a minimum requirement, and 3341
appointing authorities are encouraged to exceed the number of 3342
hours the commission directs as the minimum. The commission shall 3343
set the required minimum number of hours based upon available 3344
funding for reimbursement as described in this division. If no 3345

funding for the reimbursement is available, no continuing 3346
professional training will be required. 3347

(2) An appointing authority may submit a written request to 3348
the peace officer training commission that requests for a calendar 3349
year because of emergency circumstances an extension of the time 3350
within which one or more of its appointed peace officers or 3351
troopers must complete the required minimum number of hours of 3352
continuing professional training set by the commission, as 3353
described in division (A)(1) of this section. A request made under 3354
this division shall set forth the name of each of the appointing 3355
authority's peace officers or troopers for whom an extension is 3356
requested, identify the emergency circumstances related to that 3357
peace officer or trooper, include documentation of those emergency 3358
circumstances, and set forth the date on which the request is 3359
submitted to the commission. A request shall be made under this 3360
division not later than the fifteenth day of December in the 3361
calendar year for which the extension is requested. 3362

Upon receipt of a written request made under this division, 3363
the executive director of the commission shall review the request 3364
and the submitted documentation. If the executive director of the 3365
commission is satisfied that emergency circumstances exist for any 3366
peace officer or trooper for whom a request was made under this 3367
division, the executive director may approve the request for that 3368
peace officer or trooper and grant an extension of the time within 3369
which that peace officer or trooper must complete the required 3370
minimum number of hours of continuing professional training set by 3371
the commission. An extension granted under this division may be 3372
for any period of time the executive director believes to be 3373
appropriate, and the executive director shall specify in the 3374
notice granting the extension the date on which the extension 3375
ends. Not later than thirty days after the date on which a request 3376
is submitted to the commission, for each peace officer and trooper 3377

for whom an extension is requested, the executive director either 3378
shall approve the request and grant an extension or deny the 3379
request and deny an extension and shall send to the appointing 3380
authority that submitted the request written notice of the 3381
executive director's decision. 3382

If the executive director grants an extension of the time 3383
within which a particular appointed peace officer or trooper of an 3384
appointing authority must complete the required minimum number of 3385
hours of continuing professional training set by the commission, 3386
the appointing authority shall require that peace officer or 3387
trooper to complete the required minimum number of hours of 3388
training not later than the date on which the extension ends. 3389

(B) With the advice of the Ohio peace officer training 3390
commission, the attorney general shall adopt in accordance with 3391
Chapter 119. of the Revised Code rules setting forth minimum 3392
standards for continuing professional training for peace officers 3393
and troopers and governing the administration of continuing 3394
professional training programs for peace officers and troopers. 3395
The rules adopted by the attorney general under division (B) of 3396
this section shall do all of the following: 3397

(1) Allow peace officers and troopers to earn credit for up 3398
to four hours of continuing professional training for time spent 3399
while on duty providing drug use prevention education training 3400
that utilizes evidence-based curricula to students in school 3401
districts, community schools established under Chapter 3314., STEM 3402
schools established under Chapter 3326., and college-preparatory 3403
boarding schools established under Chapter 3328. of the Revised 3404
Code. 3405

(2) Allow a peace officer or trooper appointed by a law 3406
enforcement agency to earn hours of continuing professional 3407
training for other peace officers or troopers appointed by the law 3408
enforcement agency by providing drug use prevention education 3409

training under division (B)(1) of this section so that hours 3410
earned by the peace officer or trooper providing the training in 3411
excess of four hours may be applied to offset the number of 3412
continuing professional training hours required of another peace 3413
officer or trooper appointed by that law enforcement agency. 3414

(3) Prohibit the use of continuing professional training 3415
hours earned under division (B)(1) or (2) of this section from 3416
being used to offset any mandatory hands-on training requirement. 3417

(C) The attorney general shall transmit a certified copy of 3418
any rule adopted under this section to the secretary of state. 3419

Sec. 109.91. (A) There is hereby established within the 3420
office of the attorney general the crime victims assistance 3421
office. 3422

(B) There is hereby established the state victims assistance 3423
advisory council. The council shall consist of a chairperson, to 3424
be appointed by the attorney general, three ex officio members, 3425
and seventeen members to be appointed by the attorney general as 3426
follows: one member who represents the Ohio victim-witness 3427
association; three members who represent local victim assistance 3428
programs, including one from a municipally operated program and 3429
one from a county-operated program; one member who represents the 3430
interests of elderly victims; one member who represents the 3431
interests of individuals with mental illness; one member who is a 3432
board member of any statewide or local organization that exists 3433
primarily to aid victims of domestic violence or who is an 3434
employee of, or counselor for, such an organization; one member 3435
who is a board member of any statewide or local organization that 3436
exists primarily to aid victims of sexual violence or who is an 3437
employee of or a counselor for an organization that exists 3438
primarily to aid victims of sexual violence; one member who is an 3439
employee or officer of a county probation department or a 3440

probation department operated by the department of rehabilitation 3441
and correction; one member who is a county prosecuting attorney; 3442
one member who is a city law director; one member who is a county 3443
sheriff; one member who is a member or officer of a township or 3444
municipal police department; one member who is a court of common 3445
pleas judge; one member who is a municipal court judge or county 3446
court judge; and two members who are private citizens and are not 3447
government employees. 3448

The council shall include the following ex officio, nonvoting 3449
members: the attorney general, one member of the senate to be 3450
designated by the president of the senate, and one member of the 3451
house of representatives to be designated by the speaker of the 3452
house. 3453

Members of the council shall serve without compensation, but 3454
shall be reimbursed for travel and other necessary expenses that 3455
are incurred in the conduct of their official duties as members of 3456
the council. The chairperson and members of the council appointed 3457
by the attorney general shall serve at the pleasure of the 3458
attorney general. The attorney general shall serve on the council 3459
until the end of the term of office that qualified the attorney 3460
general for membership on the council. The member of the senate 3461
and the member of the house of representatives shall serve at the 3462
pleasure of the president of the senate and the speaker of the 3463
house of representatives, respectively. 3464

(C) The victims assistance advisory council shall perform 3465
~~both~~ all of the following duties: 3466

(1) Advise the crime victims assistance office in determining 3467
crime and delinquency victim service needs, determining crime and 3468
delinquency victim policies for the state, and improving and 3469
exercising leadership in the quality of crime and delinquency 3470
victim programs in the state; 3471

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

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

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

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

(3) Provide advice and counsel to the attorney general in determining the needs of victims of domestic violence and developing a policy for the attorney general in the administration of the domestic violence program fund created under section 109.46 of the Revised Code;

(4) Make recommendations to the attorney general in the distribution of domestic violence program funds under section 109.46 of the Revised Code.

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

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

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

(3) Assistance to victims of crime or delinquent acts in 3502
judicial proceedings; 3503

(4) Assistance to victims of crime or delinquent acts under 3504
the operation of any political subdivision of the state or a 3505
branch of the criminal justice system set forth in division 3506
(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 3507

(5) Technical assistance to persons or organizations that 3508
provide services to victims of crime or delinquent acts under the 3509
operation of a branch of the criminal justice system set forth in 3510
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 3511
Code. 3512

A victim assistance program does not include the program for 3513
the reparation of crime victims established pursuant to Chapter 3514
2743. of the Revised Code. 3515

Sec. 111.42. (A) ~~Except for a~~ A person described in division 3516
~~(F) of this section, an adult person, or a parent or guardian~~ 3517
~~acting on behalf of a minor, incompetent, or ward, when changing~~ 3518
~~residence, to whom all of the following applies~~ may apply to the 3519
secretary of state with the assistance of an application assistant 3520
to ~~have~~ become a participant in the address confidentiality 3521
program, in which an address designated by the secretary of state 3522
~~serve~~ serves as the person's address or the address of the minor, 3523
incompetent, or ward- on whose behalf the person is applying: 3524

(1) The applicant is an adult who is applying on behalf of 3525
the person's self or is a parent or guardian applying on behalf of 3526
a minor, incompetent, or ward. 3527

(2) The applicant or the minor, incompetent, or ward, as 3528
applicable, resides, works, or attends a school or an institution 3529
of higher education in this state. 3530

(3) The applicant or the minor, incompetent, or ward, as 3531

applicable, is changing residence. 3532

(4) The applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. 3533
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(5) The applicant or the minor, incompetent, or ward, as applicable, is not a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. 3539
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(B) An application to become a participant in the address confidentiality program shall be made on a form prescribed by the secretary of state and filed in the office of the secretary of state in the manner prescribed by the secretary of state. The application shall contain all of the following: 3543
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(1) A notarized statement by the applicant that the applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery; 3548
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(2) A statement that the application assistant recommends that the applicant or the minor, incompetent, or ward, as applicable, participate in the address confidentiality program; 3555
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(3) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail; 3558
3559
3560

~~(3)~~(4) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant; 3561
3562

~~(4)~~(5) The address or addresses of the applicant's residence, 3563
school, institution of higher education, business, or place of 3564
employment that the applicant requests not be disclosed for the 3565
reason that disclosure will increase the risk that the applicant, 3566
a member of the applicant's household, or the minor, incompetent, 3567
or ward on whose behalf the application is made will be threatened 3568
or physically harmed by another person; 3569

~~(5)~~(6) The signature of the applicant, the name and signature 3570
of the application assistant who assisted the applicant, and the 3571
date on which the applicant and the application assistant signed 3572
the application; 3573

~~(6)~~(7) Except for a claim based on the performance or 3574
nonperformance of a public duty that was manifestly outside the 3575
scope of the officer's or employee's office or employment or in 3576
which the officer or employee acted with malicious purpose, in bad 3577
faith, or in a wanton or reckless manner, a voluntary release and 3578
waiver of all future claims against the state for any claim that 3579
may arise from participation in the address confidentiality 3580
program. 3581

~~(B)~~(C) Upon receiving a properly completed application under 3582
division ~~(A)~~(B) of this section, the secretary of state shall do 3583
all of the following: 3584

(1) Certify the applicant or the minor, incompetent, or ward 3585
on whose behalf the application is filed as a program participant; 3586

(2) Designate each eligible address listed in the application 3587
as a confidential address; 3588

(3) Issue the program participant a unique program 3589
participant identification number; 3590

(4) Issue the program participant an address confidentiality 3591
program authorization card, which shall be valid during the period 3592
that the program participant remains certified to participate in 3593

the address confidentiality program, and which shall include the 3594
address at which the program participant may receive mail through 3595
the office of the secretary of state; 3596

(5) Provide information to the program participant concerning 3597
the manner in which the program participant may use the secretary 3598
of state as the program participant's agent for the purposes of 3599
receiving mail and receiving service of process and the types of 3600
mail that the secretary of state will forward to the program 3601
participant; 3602

~~(5)~~(6) Provide information to the program participant 3603
concerning the process to register to vote and to vote as a 3604
program participant, if the program participant is eligible to 3605
vote. 3606

~~(C)~~(D) A program participant shall update the person's 3607
application information, within thirty days after any change has 3608
occurred, by submitting a notice of change to the office of the 3609
secretary of state on a form prescribed by the secretary of state. 3610
The secretary of state may, with proper notice, cancel a program 3611
~~participant from the program~~ participant's certification if the 3612
participant is found to be unreachable for a period of sixty days 3613
or more. 3614

~~(D)~~(E) The certification of a program participant shall be 3615
valid for four years after the date of the filing of the 3616
application for the program participant unless the certification 3617
is withdrawn or invalidated before the end of that four-year 3618
period. 3619

~~(E)~~(F)(1) A program participant who continues to be eligible 3620
to participate in the address confidentiality program may renew 3621
the program participant's certification by submitting a renewal 3622
application to the secretary of state with the assistance of an 3623
application assistant. The renewal application shall be on a form 3624

prescribed by the secretary of state and shall contain all of the 3625
information described in division ~~(A)~~(B) of this section. 3626

(2) The secretary of state may prescribe by rule a grace 3627
period during which a program participant whose certification has 3628
expired may renew the program participant's certification without 3629
being considered to have ceased being a program participant during 3630
that period. 3631

(3) When a program participant renews the program 3632
participant's certification, the program participant shall 3633
continue to use the program participant's original program 3634
participant identification number. 3635

~~(F)~~(G) A tier I sex offender/child-victim offender, a tier II 3636
sex offender/child-victim offender, or a tier III sex 3637
offender/child-victim offender is not eligible to participate in 3638
the address confidentiality program described in sections 111.41 3639
to 111.99 of the Revised Code. 3640

Sec. 111.43. (A) A program participant may request that a 3641
governmental entity, other than a board of elections, use the 3642
address designated by the secretary of state as the program 3643
participant's address. Except as otherwise provided in division 3644
(D) of this section and in section 111.44 of the Revised Code, if 3645
the program participant requests that a governmental entity use 3646
that address, the governmental entity shall accept that address. 3647
The program participant may provide the program participant's 3648
address confidentiality program authorization card as proof of the 3649
program participant's status. 3650

(B) If a program participant's employer, school, or 3651
institution of higher education is not a governmental entity, the 3652
program participant may request that the employer, school, or 3653
institution of higher education use the address designated by the 3654
secretary of state as the program participant's address. The 3655

program participant may provide the program participant's address 3656
confidentiality program authorization card as proof of the program 3657
participant's status. 3658

(C)(1) The office of the secretary of state shall, on each 3659
day that the secretary of state's office is open for business, 3660
place all ~~first-class mail~~ of the following that the secretary of 3661
state receives on behalf of a program participant ~~that the~~ 3662
~~secretary of state receives~~ into an envelope or package and mail 3663
that envelope or package to the program participant at the mailing 3664
address the program participant provided to the secretary of state 3665
for that purpose: 3666

(a) First class letters, flats, packages, or parcels 3667
delivered via the United States postal service, including 3668
priority, express, and certified mail; 3669

(b) Packages or parcels that are clearly identifiable as 3670
containing pharmaceutical agents or medical supplies; 3671

(c) Packages, parcels, periodicals, or catalogs that are 3672
clearly identifiable as being sent by a governmental entity; 3673

(d) Packages, parcels, periodicals, or catalogs that have 3674
received prior authorization from the office of the secretary of 3675
state for forwarding under this section. The 3676

(2) Except as provided in divisions (C)(1)(a) to (d) of this 3677
section, the office of the secretary of state shall not forward 3678
any packages, parcels, periodicals, or catalogs received on behalf 3679
of a program participant. 3680

(3) The secretary of state may contract with the United 3681
States postal service to establish special postal rates for the 3682
envelopes or packages used in mailing forwarding a program 3683
participant's ~~first-class~~ mail under this section 3684

~~(2)~~(4)(a) Upon receiving service of process on behalf of a 3685

program participant, the office of the secretary of state shall 3686
immediately forward the process by certified mail, return receipt 3687
requested, to the program participant at the mailing address the 3688
program participant provided to the secretary of state for that 3689
purpose. Service of process upon the office of the secretary of 3690
state on behalf of a program participant constitutes service upon 3691
the program participant under rule 4.2 of the Rules of Civil 3692
Procedure. 3693

(b) The secretary of state may prescribe by rule the manner 3694
in which process may be served on the secretary of state as the 3695
agent of a program participant. 3696

(c) Upon request by a person who intends to serve process on 3697
an individual, the secretary of state shall confirm whether the 3698
individual is a program participant but shall not disclose any 3699
other information concerning a program participant. 3700

(D) Division (A) of this section does not apply to a 3701
municipal-owned public utility. The confidential addresses of 3702
participants of the address confidentiality program that are 3703
maintained by a municipal-owned public utility are not a public 3704
record and shall not be released by a municipal-owned public 3705
utility or by any employee of a municipal-owned public utility. 3706

Sec. 111.44. (A) A program participant who is eligible to 3707
vote may apply to the board of elections of the county in which 3708
the program participant resides to request that the program 3709
participant's voter registration record be kept confidential. The 3710
program participant shall submit an application to the director of 3711
the board of elections, on a form prescribed by the secretary of 3712
state, that includes all of the following: 3713

(1) The information required under section 3503.14 of the 3714
Revised Code to register to vote; 3715

(2) The program participant's program participant 3716
identification number; 3717

(3) If the program participant is currently registered to 3718
vote ~~in at another county or another state~~ address, the address at 3719
which the program participant is registered to vote and a 3720
statement that, if the program participant is registered in 3721
another county or state, the program participant authorizes the 3722
director to instruct the appropriate authority to cancel the 3723
program participant's existing voter registration; 3724

(4) A statement that the program participant understands all 3725
of the following: 3726

(a) That during the time the program participant chooses to 3727
have a confidential voter registration record, the program 3728
participant may vote only by absent voter's ballots; 3729

(b) That the program participant may provide the program 3730
participant's program participant identification number instead of 3731
the program participant's residence address on an application for 3732
absent voter's ballots or on an absent voter's ballot 3733
identification envelope statement of voter; 3734

(c) That casting any ballot in person will reveal the program 3735
participant's precinct and residence address to precinct election 3736
officials and employees of the board of elections and may reveal 3737
the program participant's precinct or residence address to members 3738
of the public; 3739

(d) That if the program participant signs an election 3740
petition, the program participant's residence address will be made 3741
available to the public. 3742

(B)(1) A program participant who is not currently registered 3743
to vote in this state must submit an application under this 3744
section not later than the thirtieth day before the day of an 3745
election in order to be eligible to vote in that election, as 3746

provided in sections 3503.01 and 3503.19 of the Revised Code. 3747

(2) A program participant who is currently registered to vote 3748
in this state may submit an application under this section at any 3749
time to request that the program participant's voter registration 3750
record be kept confidential. 3751

(C) Upon the receipt by the director of the board of 3752
elections of a valid application under division (A) of this 3753
section, all of the following shall apply: 3754

(1) The director or the deputy director shall contact the 3755
secretary of state to confirm that the program participant 3756
identification number provided on the application matches the 3757
number the secretary of state issued to the program participant. 3758

(2) The application shall be treated as the program 3759
participant's voter registration form. The form shall be stored in 3760
a secure manner, such that only the members of the board of 3761
elections, the director, and the deputy director have access to 3762
the form and to the residence address contained in the form. 3763

(3) The director or the deputy director shall record the 3764
program participant's program participant identification number in 3765
the statewide voter registration database and the official 3766
registration list instead of the program participant's residence 3767
address and precinct. 3768

(4) If the program participant is currently registered to 3769
vote in the county, the director or the deputy director shall do 3770
all of the following: 3771

(a) Remove the residence address and precinct information 3772
from the program participant's voter registration record, the 3773
statewide voter registration database, and the official 3774
registration list; 3775

(b) Remove the program participant's name and registration 3776

information from any pollbook, poll list, or signature pollbook in 3777
which it appears and from any publicly available registration list 3778
in which it appears. 3779

(5) If the program participant is currently registered to 3780
vote in another county, the director or the deputy director shall 3781
notify the board of elections of the county in which the program 3782
participant is registered to cancel the program participant's 3783
registration. ~~The program participant's existing registration 3784
shall be considered to have been transferred to the county in 3785
which the program participant currently resides. Notwithstanding 3786
any contrary provision of section 3503.01 of the Revised Code, if 3787
the program participant submitted the application less than thirty 3788
days before the day of an election, the program participant shall 3789
be eligible to vote in that election.~~ 3790

(6) If the program participant is currently registered to 3791
vote in another state, the director or the deputy director shall 3792
notify the appropriate authority in that state to cancel the 3793
program participant's registration. 3794

(7) The director or the deputy director shall promptly send 3795
an acknowledgment notice to the program participant on a form 3796
prescribed by the secretary of state. 3797

~~(C)(D)~~(1)(a) The residence address or precinct of a program 3798
participant who has a confidential voter registration record, as 3799
described in this section, shall not appear in the statewide voter 3800
registration database or in the official registration list. The 3801
program participant's program participant identification number 3802
shall appear in place of that information. 3803

(b) No information concerning the program participant, 3804
including the program participant's name, shall be included in any 3805
pollbook, poll list, or signature pollbook. 3806

(c) No information concerning the program participant, 3807

including the program participant's name, shall be included in the 3808
version of the statewide voter registration database that is 3809
available to the public or in any version of an official 3810
registration list that is available to the public. 3811

(2) Notwithstanding any contrary provision of the Revised 3812
Code, a program participant who has a confidential voter 3813
registration record may vote only by casting absent voter's 3814
ballots. 3815

(3) Not later than the forty-fifth day before the day of an 3816
election, the secretary of state shall mail a notice to each 3817
program participant who has a confidential voter registration 3818
record. The notice shall inform the program participant of all of 3819
the following: 3820

(a) That if the program participant wishes to vote in the 3821
election, the program participant should cast absent voter's 3822
ballots by mail; 3823

(b) The procedure for the program participant to cast absent 3824
voter's ballots; 3825

(c) That casting any ballot in person will reveal the program 3826
participant's precinct and residence address to precinct election 3827
officials and employees of the board of elections and may reveal 3828
the program participant's precinct or residence address to members 3829
of the public. 3830

~~(D)~~(E)(1) A program participant who has a confidential voter 3831
registration record and who has had a change of name or change of 3832
address may submit an application under division (A) of this 3833
section that includes the program participant's updated 3834
information. The director or the deputy director shall treat that 3835
application as a notice of change of name or change of address. 3836

(2) If the program participant currently resides in that 3837
county, the director or the deputy director shall replace the 3838

program participant's existing registration form with the new 3839
registration form. 3840

(3) If the program participant currently resides in another 3841
county in this state, the director or the deputy director shall 3842
cancel the program participant's existing registration form and 3843
shall transmit the program participant's new registration form to 3844
the director of the board of elections of the county in which the 3845
elector currently resides, and the new registration form shall be 3846
processed in accordance with division ~~(B)~~(C) of this section. 3847

~~(E)~~(F) A person who has a confidential voter registration 3848
record and who ceases being a program participant or who wishes to 3849
cease having a confidential voter registration record shall submit 3850
an application, on a form prescribed by the secretary of state, 3851
that includes all of the following: 3852

(1) The information required under section 3503.14 of the 3853
Revised Code to register to vote; 3854

(2) The person's program participant identification number; 3855

(3) A statement that the person has ceased being a program 3856
participant or that the person wishes to cease having a 3857
confidential voter registration record; 3858

(4) A statement that the director should do one of the 3859
following: 3860

(a) Treat the person's existing voter registration form in 3861
the same manner as other voter registration forms; 3862

(b) Cancel the person's voter registration. 3863

~~(F)~~(G)(1) Upon receiving a valid application under division 3864
~~(E)~~(F) of this section from a person who wishes the board of 3865
elections to treat the person's existing voter registration form 3866
in the same manner as other voter registration forms, or upon 3867
receiving a notice from the secretary of state under division (B) 3868

of section 111.45 of the Revised Code concerning a person who has 3869
a confidential voter registration record, the director or the 3870
deputy director shall do all of the following: 3871

(a) Store the person's voter registration form in the same 3872
manner as other voter registration forms; 3873

(b) Remove the person's program participant identification 3874
number from the person's registration form and from the statewide 3875
voter registration database; 3876

(c) Ensure that the statewide voter registration database and 3877
any poll list, pollbook, or registration list accurately reflect 3878
the person's current name and registration information. 3879

(2) Notwithstanding any contrary provision of section 3503.01 3880
of the Revised Code, if the director receives an application or 3881
notice described in division ~~(F)~~(G)(1) of this section concerning 3882
an elector less than thirty days before the day of an election, 3883
the elector shall be eligible to vote in that election. 3884

~~(G)~~(H) Upon receiving a valid application under division 3885
~~(E)~~(F) of this section from a person who wishes to have the 3886
person's voter registration canceled, the director or the deputy 3887
director shall cancel the person's voter registration. 3888

Sec. 111.45. (A) The secretary of state shall cancel the 3889
certification of a program participant if any of the following are 3890
true: 3891

(1) The program participant's application contained one or 3892
more false statements. 3893

(2) The program participant has filed a written, notarized 3894
request with the secretary of state, on a form prescribed by the 3895
secretary of state, asking to cease being a program participant. 3896

(3) The program participant's certification has expired and 3897
the program participant has not renewed the certification in 3898

accordance with division ~~(E)~~(F) of section 111.42 of the Revised Code not later than the deadline specified by the secretary of state by rule to renew the certification.

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

Sec. 113.061. The treasurer of state shall adopt rules in accordance with Chapter 119. of the Revised Code governing the remittance of taxes by electronic funds transfer as required under sections 3769.103, 718.851, 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 5751.07 of the Revised Code and any other section of the Revised Code under which a person is required to remit taxes by electronic funds transfer. The rules shall govern the modes of electronic funds transfer acceptable to the treasurer of state and under what circumstances each mode is acceptable, the content and format of electronic funds transfers, the coordination of payment by electronic funds transfer and filing of associated tax reports and returns, the remittance of taxes by means other than electronic funds transfer by persons otherwise required to do so but relieved of the requirement by the treasurer of state, and any other matter that in the opinion of the treasurer of state facilitates payment by electronic funds transfer in a manner consistent with those sections.

Upon failure by a person, if so required, to remit taxes by electronic funds transfer in the manner prescribed under section 3769.103, 718.851, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised Code and rules adopted under this section, the treasurer of state shall notify the tax commissioner of such failure if the treasurer

of state determines that such failure was not due to reasonable 3930
cause or was due to willful neglect, and shall provide the tax 3931
commissioner with any information used in making that 3932
determination. The tax commissioner may assess an additional 3933
charge as specified in the respective section of the Revised Code 3934
governing the requirement to remit taxes by electronic funds 3935
transfer. 3936

The treasurer of state may implement means of acknowledging, 3937
upon the request of a taxpayer, receipt of tax remittances made by 3938
electronic funds transfer, and may adopt rules governing 3939
acknowledgments. The cost of acknowledging receipt of electronic 3940
remittances shall be paid by the person requesting acknowledgment. 3941

The treasurer of state, not the tax commissioner, is 3942
responsible for resolving any problems involving electronic funds 3943
transfer transmissions. 3944

Sec. 117.46. Each ~~biennium~~ odd-numbered general assembly the 3945
auditor of state shall conduct a minimum of four performance 3946
audits under this section. Except as otherwise provided in this 3947
section, at least two of the audits shall be of state agencies 3948
selected from ~~a list comprised of the administrative~~ departments 3949
listed in division (B) of section ~~121.02~~ 101.88 of the Revised 3950
Code and the department of education and at least two of the 3951
audits shall be of other state agencies. ~~At~~ These performance 3952
audits shall be completed before the end of the general assembly 3953
and shall be made available to the standing committee directed to 3954
conduct the review under section 101.88 of the Revised Code during 3955
the subsequent general assembly. 3956

Each even-numbered general assembly the auditor of state 3957
shall conduct a minimum of four performance audits under this 3958
section. Except as otherwise provided in this section, at least 3959
two of the audits shall be of state agencies selected from the 3960

departments listed in division (C) of section 101.88 of the 3961
Revised Code and the department of education and at least two of 3962
the audits shall be of other state agencies. These performance 3963
audits shall be completed before the end of the general assembly 3964
and shall be made available to the standing committee directed to 3965
conduct the review under section 101.88 of the Revised Code during 3966
the subsequent general assembly. 3967

At the auditor of state's discretion, the auditor of state 3968
may conduct a performance audit of a state institution of higher 3969
education as one of the four ~~required~~ performance audits required 3970
during a general assembly. The offices of the attorney general, 3971
auditor of state, governor, secretary of state, and treasurer of 3972
state and agencies of the legislative and judicial branches are 3973
not subject to an audit under this section. 3974

The auditor shall select each agency or institution to be 3975
audited and shall determine whether to audit the entire agency or 3976
institution or a portion of the agency or institution by auditing 3977
one or more programs, offices, boards, councils, or other entities 3978
within that agency or institution. The auditor shall make the 3979
selection and determination in consultation with the governor and 3980
the speaker and minority leader of the house of representatives 3981
and president and minority leader of the senate. 3982

An audit of a portion of an agency or institution shall be 3983
considered an audit of one agency or institution. The authority to 3984
audit a portion of an agency or institution in no way limits the 3985
auditor's ability to audit an entire agency or institution if it 3986
is in the best interest of the state. 3987

The performance audits under this section shall be conducted 3988
pursuant to sections 117.01 and 117.13 of the Revised Code. In 3989
conducting a performance audit, the auditor of state shall 3990
determine the scope of the audit, but shall consider, if 3991
appropriate, supervisory and subordinate level operations in the 3992

agency or institution. A performance audit under this section 3993
shall not include review or evaluation of an institution's 3994
academic performance. 3995

As used in this section and in sections 117.461, 117.462, 3996
117.463, 117.47, 117.471, and 147.472 of the Revised Code, "state 3997
institution of higher education" has the meaning defined in 3998
section 3345.011 of the Revised Code. 3999

Sec. 120.08. There is hereby created in the state treasury 4000
the indigent defense support fund, consisting of money paid into 4001
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4002
4511.19 of the Revised Code and pursuant to sections 2937.22, 4003
2949.091, and 2949.094 of the Revised Code out of the additional 4004
court costs imposed under those sections. The state public 4005
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 4006
the money in the fund for the purposes of reimbursing county 4007
governments for expenses incurred pursuant to sections 120.18, 4008
120.28, and 120.33 of the Revised Code and operating its system 4009
pursuant to division (C)(7) of section 120.04 of the Revised Code 4010
and division (B) of section 120.33 of the Revised Code. 4011
Disbursements from the fund to county governments shall be made at 4012
least once per year and shall be allocated proportionately so that 4013
each county receives an equal percentage of its total cost for 4014
operating its county public defender system, its joint county 4015
public defender system, its county appointed counsel system, or 4016
its system operated under division (C)(7) of section 120.04 of the 4017
Revised Code and division (B) of section 120.33 of the Revised 4018
Code. The state public defender may use not more than ~~twelve~~ 4019
seventeen per cent of the money in the fund for the purposes of 4020
appointing assistant state public defenders, providing other 4021
personnel, equipment, and facilities necessary for the operation 4022
of the state public defender office, and providing training, 4023
developing and implementing electronic forms, or establishing and 4024

maintaining an information technology system used for the uniform 4025
operation of this chapter. 4026

Sec. 120.18. (A) The county public defender commission's 4027
report to the board of county commissioners shall be audited by 4028
the county auditor. The board of county commissioners, after 4029
review and approval of the audited report, may then certify it to 4030
the state public defender for reimbursement. If a request for the 4031
reimbursement of any operating expenditure incurred by a county 4032
public defender office is not received by the state public 4033
defender within sixty days after the end of the calendar month in 4034
which the expenditure is incurred, the state public defender shall 4035
not pay the requested reimbursement, unless the county has 4036
requested, and the state public defender has granted, an extension 4037
of the sixty-day time limit. Each request for reimbursement shall 4038
include a certification by the county public defender that the 4039
persons provided representation by the county public defender's 4040
office during the period covered by the report were indigent and, 4041
for each person provided representation during that period, a 4042
financial disclosure form completed by the person on a form 4043
prescribed by the state public defender. The state public defender 4044
shall also review the report and, in accordance with the 4045
standards, guidelines, and maximums established pursuant to 4046
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4047
prepare a voucher for fifty per cent of the total cost of each 4048
county public defender's office for the period of time covered by 4049
the certified report and a voucher for ~~fifty~~ one hundred per cent 4050
of the costs and expenses that are reimbursable under section 4051
120.35 of the Revised Code, if any, or, if the amount of money 4052
appropriated by the general assembly to reimburse counties for the 4053
operation of county public defender offices, joint county public 4054
defender offices, and county appointed counsel systems is not 4055

sufficient to pay fifty per cent of the total cost of all of the 4056
offices and systems, for the lesser amount required by section 4057
120.34 of the Revised Code. For the purposes of this section, 4058
"total cost" means total expenses minus costs and expenses 4059
reimbursable under section 120.35 of the Revised Code and any 4060
funds received by the county public defender commission pursuant 4061
to a contract, except a contract entered into with a municipal 4062
corporation pursuant to division (E) of section 120.14 of the 4063
Revised Code, gift, or grant. 4064

(B) If the county public defender fails to maintain the 4065
standards for the conduct of the office established by rules of 4066
the Ohio public defender commission pursuant to divisions (B) and 4067
(C) of section 120.03 or the standards established by the state 4068
public defender pursuant to division (B)(7) of section 120.04 of 4069
the Revised Code, the Ohio public defender commission shall notify 4070
the county public defender commission and the board of county 4071
commissioners of the county that the county public defender has 4072
failed to comply with its rules or the standards of the state 4073
public defender. Unless the county public defender commission or 4074
the county public defender corrects the conduct of the county 4075
public defender's office to comply with the rules and standards 4076
within ninety days after the date of the notice, the state public 4077
defender may deny payment of all or part of the county's 4078
reimbursement from the state provided for in division (A) of this 4079
section. 4080

Sec. 120.28. (A) The joint county public defender 4081
commission's report to the joint board of county commissioners 4082
shall be audited by the fiscal officer of the district. The joint 4083
board of county commissioners, after review and approval of the 4084
audited report, may then certify it to the state public defender 4085
for reimbursement. If a request for the reimbursement of any 4086
operating expenditure incurred by a joint county public defender 4087

office is not received by the state public defender within sixty 4088
days after the end of the calendar month in which the expenditure 4089
is incurred, the state public defender shall not pay the requested 4090
reimbursement, unless the joint board of county commissioners has 4091
requested, and the state public defender has granted, an extension 4092
of the sixty-day time limit. Each request for reimbursement shall 4093
include a certification by the joint county public defender that 4094
all persons provided representation by the joint county public 4095
defender's office during the period covered by the request were 4096
indigent and, for each person provided representation during that 4097
period, a financial disclosure form completed by the person on a 4098
form prescribed by the state public defender. The state public 4099
defender shall also review the report and, in accordance with the 4100
standards, guidelines, and maximums established pursuant to 4101
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4102
prepare a voucher for fifty per cent of the total cost of each 4103
joint county public defender's office for the period of time 4104
covered by the certified report and a voucher for ~~fifty one~~ 4105
hundred per cent of the costs and expenses that are reimbursable 4106
under section 120.35 of the Revised Code, if any, or, if the 4107
amount of money appropriated by the general assembly to reimburse 4108
counties for the operation of county public defender offices, 4109
joint county public defender offices, and county appointed counsel 4110
systems is not sufficient to pay fifty per cent of the total cost 4111
of all of the offices and systems, for the lesser amount required 4112
by section 120.34 of the Revised Code. For purposes of this 4113
section, "total cost" means total expenses minus costs and 4114
expenses reimbursable under section 120.35 of the Revised Code and 4115
any funds received by the joint county public defender commission 4116
pursuant to a contract, except a contract entered into with a 4117
municipal corporation pursuant to division (E) of section 120.24 4118
of the Revised Code, gift, or grant. Each county in the district 4119
shall be entitled to a share of such state reimbursement in 4120

proportion to the percentage of the total cost it has agreed to 4121
pay. 4122

(B) If the joint county public defender fails to maintain the 4123
standards for the conduct of the office established by the rules 4124
of the Ohio public defender commission pursuant to divisions (B) 4125
and (C) of section 120.03 or the standards established by the 4126
state public defender pursuant to division (B)(7) of section 4127
120.04 of the Revised Code, the Ohio public defender commission 4128
shall notify the joint county public defender commission and the 4129
board of county commissioners of each county in the district that 4130
the joint county public defender has failed to comply with its 4131
rules or the standards of the state public defender. Unless the 4132
joint public defender commission or the joint county public 4133
defender corrects the conduct of the joint county public 4134
defender's office to comply with the rules and standards within 4135
ninety days after the date of the notice, the state public 4136
defender may deny all or part of the counties' reimbursement from 4137
the state provided for in division (A) of this section. 4138

Sec. 120.33. (A) In lieu of using a county public defender or 4139
joint county public defender to represent indigent persons in the 4140
proceedings set forth in division (A) of section 120.16 of the 4141
Revised Code, the board of county commissioners of any county may 4142
adopt a resolution to pay counsel who are either personally 4143
selected by the indigent person or appointed by the court. The 4144
resolution shall include those provisions the board of county 4145
commissioners considers necessary to provide effective 4146
representation of indigent persons in any proceeding for which 4147
counsel is provided under this section. The resolution shall 4148
include provisions for contracts with any municipal corporation 4149
under which the municipal corporation shall reimburse the county 4150
for counsel appointed to represent indigent persons charged with 4151
violations of the ordinances of the municipal corporation. 4152

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

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

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

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

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

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

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

attorney fee council pursuant to division (D) of this section, and 4184
the board of county commissioners shall approve that amount or 4185
rate. 4186

(4) Counsel selected by the indigent person or appointed by 4187
the court at the request of an indigent person in a county that 4188
adopts a resolution to pay counsel, except for counsel appointed 4189
to represent a person charged with any violation of an ordinance 4190
of a municipal corporation that has not contracted with the county 4191
commissioners for the payment of appointed counsel, shall be paid 4192
by the county and shall receive the compensation and expenses the 4193
court approves. With respect to capital cases, the court shall 4194
approve compensation and expenses in accordance with the amount or 4195
at the rate set by the capital case attorney fee council pursuant 4196
to division (D) of this section. Each request for payment shall ~~be~~ 4197
~~accompanied by~~ include a financial disclosure form ~~and an~~ 4198
~~affidavit of indigency that are~~ completed by the indigent person 4199
on ~~forms~~ a form prescribed by the state public defender. 4200
Compensation and expenses shall not exceed the amounts fixed by 4201
the board of county commissioners in the schedule adopted pursuant 4202
to division (A)(3) of this section. No court shall approve 4203
compensation and expenses that exceed the amount fixed pursuant to 4204
division (A)(3) of this section. 4205

The fees and expenses approved by the court shall not be 4206
taxed as part of the costs and shall be paid by the county. 4207
However, if the person represented has, or may reasonably be 4208
expected to have, the means to meet some part of the cost of the 4209
services rendered to the person, the person shall pay the county 4210
an amount that the person reasonably can be expected to pay. 4211
Pursuant to section 120.04 of the Revised Code, the county shall 4212
pay to the state public defender a percentage of the payment 4213
received from the person in an amount proportionate to the 4214
percentage of the costs of the person's case that were paid to the 4215

county by the state public defender pursuant to this section. The 4216
money paid to the state public defender shall be credited to the 4217
client payment fund created pursuant to division (B)(5) of section 4218
120.04 of the Revised Code. 4219

The county auditor shall draw a warrant on the county 4220
treasurer for the payment of counsel in the amount fixed by the 4221
court, plus the expenses the court fixes and certifies to the 4222
auditor. The county auditor shall report periodically, but not 4223
less than annually, to the board of county commissioners and to 4224
the state public defender the amounts paid out pursuant to the 4225
approval of the court. The board of county commissioners, after 4226
review and approval of the auditor's report, or the county 4227
auditor, with permission from and notice to the board of county 4228
commissioners, may then certify it to the state public defender 4229
for reimbursement. The state public defender may pay a requested 4230
reimbursement only if the request for reimbursement ~~is accompanied~~ 4231
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 4232
~~indigency~~ completed by the indigent person on ~~forms~~ a form 4233
prescribed by the state public defender or if the court certifies 4234
by electronic signature as prescribed by the state public defender 4235
that a financial disclosure form ~~and affidavit of indigency have~~ 4236
has been completed by the indigent person and ~~are~~ is available for 4237
inspection. If a request for the reimbursement of the cost of 4238
counsel in any case is not received by the state public defender 4239
within ninety days after the end of the calendar month in which 4240
the case is finally disposed of by the court, unless the county 4241
has requested and the state public defender has granted an 4242
extension of the ninety-day limit, the state public defender shall 4243
not pay the requested reimbursement. The state public defender 4244
shall also review the report and, in accordance with the 4245
standards, guidelines, and maximums established pursuant to 4246
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4247
prepare a voucher for fifty per cent of the total cost of each 4248

county appointed counsel system in the period of time covered by 4249
the certified report and a voucher for ~~fifty~~ one hundred per cent 4250
of the costs and expenses that are reimbursable under section 4251
120.35 of the Revised Code, if any, or, if the amount of money 4252
appropriated by the general assembly to reimburse counties for the 4253
operation of county public defender offices, joint county public 4254
defender offices, and county appointed counsel systems is not 4255
sufficient to pay fifty per cent of the total cost of all of the 4256
offices and systems other than costs and expenses that are 4257
reimbursable under section 120.35 of the Revised Code, for the 4258
lesser amount required by section 120.34 of the Revised Code. 4259

(5) If any county appointed counsel system fails to maintain 4260
the standards for the conduct of the system established by the 4261
rules of the Ohio public defender commission pursuant to divisions 4262
(B) and (C) of section 120.03 or the standards established by the 4263
state public defender pursuant to division (B)(7) of section 4264
120.04 of the Revised Code, the Ohio public defender commission 4265
shall notify the board of county commissioners of the county that 4266
the county appointed counsel system has failed to comply with its 4267
rules or the standards of the state public defender. Unless the 4268
board of county commissioners corrects the conduct of its 4269
appointed counsel system to comply with the rules and standards 4270
within ninety days after the date of the notice, the state public 4271
defender may deny all or part of the county's reimbursement from 4272
the state provided for in division (A)(4) of this section. 4273

(B) In lieu of using a county public defender or joint county 4274
public defender to represent indigent persons in the proceedings 4275
set forth in division (A) of section 120.16 of the Revised Code, 4276
and in lieu of adopting the resolution and following the procedure 4277
described in division (A) of this section, the board of county 4278
commissioners of any county may contract with the state public 4279
defender for the state public defender's legal representation of 4280

indigent persons. A contract entered into pursuant to this 4281
division may provide for payment for the services provided on a 4282
per case, hourly, or fixed contract basis. 4283

(C) If a court appoints an attorney pursuant to this section 4284
to represent a petitioner in a postconviction relief proceeding 4285
under section 2953.21 of the Revised Code, the petitioner has 4286
received a sentence of death, and the proceeding relates to that 4287
sentence, the attorney who represents the petitioner in the 4288
proceeding pursuant to the appointment shall be certified under 4289
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4290
represent indigent defendants charged with or convicted of an 4291
offense for which the death penalty can be or has been imposed. 4292

(D)(1) There is hereby created the capital case attorney fee 4293
council, appointed as described in division (D)(2) of this 4294
section. The council shall set an amount by case, or a rate on an 4295
hourly basis, to be paid under this section to counsel in a 4296
capital case. 4297

(2) The capital case attorney fee council shall consist of 4298
five members, all of whom shall be active judges serving on one of 4299
the district courts of appeals in this state. Terms for council 4300
members shall be the lesser of three years or until the member 4301
ceases to be an active judge of a district court of appeals. The 4302
initial terms shall commence ninety days after ~~the effective date~~ 4303
~~of this amendment~~ September 28, 2016. The chief justice of the 4304
supreme court shall appoint the members of the council, and shall 4305
make all of the appointments not later than sixty days after ~~the~~ 4306
~~effective date of this amendment~~ September 28, 2016. When any 4307
vacancy occurs, the chief justice shall appoint an active judge of 4308
a district court of appeals in this state to fill the vacancy for 4309
the unexpired term, in the same manner as prescribed in this 4310
division. The chief justice shall designate a chairperson from the 4311
appointed members of the council. Members of the council shall 4312

receive no additional compensation for their service as a member, 4313
but may be reimbursed for expenses reasonably incurred in service 4314
to the council, to be paid by the supreme court. The supreme court 4315
may provide administrative support to the council. 4316

(3) The capital case attorney fee council initially shall 4317
meet not later than one hundred twenty days after ~~the effective~~ 4318
~~date of this amendment~~ September 28, 2016. Thereafter, the council 4319
shall meet not less than annually. 4320

(4) Upon setting the amount or rate described in division 4321
(D)(1) of this section, the chairperson of the capital case 4322
attorney fee council promptly shall provide written notice to the 4323
state public defender of the amount or rate so set. The amount or 4324
rate so set shall become effective ninety days after the date on 4325
which the chairperson provides that written notice to the state 4326
public defender. The council shall specify that effective date in 4327
the written notice provided to the state public defender. All 4328
amounts or rates set by the council shall be final, subject to 4329
modification as described in division (D)(5) of this section, and 4330
not subject to appeal. 4331

(5) The capital case attorney fee council may modify an 4332
amount or rate set as described in division (D)(4) of this 4333
section. The provisions of that division apply with respect to any 4334
such modification of an amount or rate. 4335

Sec. 120.34. The total amount of money paid to all counties 4336
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 4337
of the Revised Code for the reimbursement of a percentage of the 4338
counties' cost of operating county public defender offices, joint 4339
county public defender offices, and county appointed counsel 4340
systems shall not exceed the total amount appropriated for that 4341
fiscal year by the general assembly for the reimbursement of the 4342
counties for the operation of the offices and systems. If the 4343

amount appropriated by the general assembly in any fiscal year is 4344
insufficient to pay fifty per cent of the total cost in the fiscal 4345
year of all county public defender offices, all joint county 4346
public defender offices, and all county appointed counsel systems, 4347
the amount of money paid in that fiscal year pursuant to sections 4348
120.18, 120.28, and 120.33 of the Revised Code to each county for 4349
the fiscal year shall be reduced proportionately so that each 4350
county is paid an equal percentage of its total cost in the fiscal 4351
year for operating its county public defender system, its joint 4352
county public defender system, and its county appointed counsel 4353
system. 4354

The total amount of money paid to all counties in any fiscal 4355
year pursuant to section 120.35 of the Revised Code for the 4356
reimbursement of a percentage of the counties' costs and expenses 4357
of conducting the defense in capital cases shall not exceed the 4358
total amount appropriated for that fiscal year by the general 4359
assembly for the reimbursement of the counties for conducting the 4360
defense in capital cases. If the amount appropriated by the 4361
general assembly in any fiscal year is insufficient to pay ~~fifty~~ 4362
one hundred per cent of the counties' total costs and expenses of 4363
conducting the defense in capital cases in the fiscal year, the 4364
amount of money paid in that fiscal year pursuant to section 4365
120.35 of the Revised Code to each county for the fiscal year 4366
shall be reduced proportionately so that each county is paid an 4367
equal percentage of its costs and expenses of conducting the 4368
defense in capital cases in the fiscal year. 4369

If any county receives an amount of money pursuant to section 4370
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 4371
excess of the amount of reimbursement it is entitled to receive 4372
pursuant to this section, the state public defender shall request 4373
the board of county commissioners to return the excess payment and 4374
the board of county commissioners, upon receipt of the request, 4375

shall direct the appropriate county officer to return the excess 4376
payment to the state. 4377

Within thirty days of the end of each fiscal quarter, the 4378
state public defender shall provide to the office of budget and 4379
management and the ~~legislative budget office of the~~ legislative 4380
service commission an estimate of the amount of money that will be 4381
required for the balance of the fiscal year to make the payments 4382
required by sections 120.18, 120.28, 120.33, and 120.35 of the 4383
Revised Code. 4384

Sec. 120.35. The state public defender shall, pursuant to 4385
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 4386
reimburse ~~fifty~~ one hundred per cent of all costs and expenses of 4387
conducting the defense in capital cases. If appropriations are 4388
insufficient to pay ~~fifty~~ one hundred per cent of such costs and 4389
expenses, the state public defender shall reimburse such costs and 4390
expenses as provided in section 120.34 of the Revised Code. 4391

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 4392
(5), or (6) of this section, if a person who is a defendant in a 4393
criminal case or a party in a case in juvenile court requests or 4394
is provided a state public defender, a county or joint county 4395
public defender, or any other counsel appointed by the court, the 4396
court in which the criminal case is initially filed or the 4397
juvenile court, whichever is applicable, shall assess, unless the 4398
application fee is waived or reduced, a non-refundable application 4399
fee of twenty-five dollars. 4400

The court shall direct the person to pay the application fee 4401
to the clerk of court. The person shall pay the application fee to 4402
the clerk of court at the time the person files ~~an affidavit of~~ 4403
~~indigency or~~ a financial disclosure form with the court, a state 4404
public defender, a county or joint county public defender, or any 4405

other counsel appointed by the court or within seven days of that 4406
date. If the person does not pay the application fee within that 4407
seven-day period, the court shall assess the application fee at 4408
sentencing or at the final disposition of the case. 4409

(2) For purposes of this section, a criminal case includes 4410
any case involving a violation of any provision of the Revised 4411
Code or of an ordinance of a municipal corporation for which the 4412
potential penalty includes loss of liberty and includes any 4413
contempt proceeding in which a court may impose a term of 4414
imprisonment. 4415

(3) In a juvenile court proceeding, the court shall not 4416
assess the application fee against a child if the court appoints a 4417
guardian ad litem for the child or the court appoints an attorney 4418
to represent the child at the request of a guardian ad litem. 4419

(4) The court shall not assess an application fee for a 4420
postconviction proceeding or when the defendant files an appeal. 4421

(5)(a) Except when the court assesses an application fee 4422
pursuant to division (A)(5)(b) of this section, the court shall 4423
assess an application fee when a person is charged with a 4424
violation of a community control sanction or a violation of a 4425
post-release control sanction. 4426

(b) If a charge of violating a community control sanction or 4427
post-release control sanction described in division (A)(5)(a) of 4428
this section results in a person also being charged with violating 4429
any provision of the Revised Code or an ordinance of a municipal 4430
corporation, the court shall only assess an application fee for 4431
the case that results from the additional charge. 4432

(6) If a case is transferred from one court to another court 4433
and the person failed to pay the application fee to the court that 4434
initially assessed the application fee, the court that initially 4435
assessed the fee shall remove the assessment, and the court to 4436

which the case was transferred shall assess the application fee. 4437

(7) The court shall assess an application fee pursuant to 4438
this section one time per case. For purposes of assessing the 4439
application fee, a case means one complete proceeding or trial 4440
held in one court for a person on an indictment, information, 4441
complaint, petition, citation, writ, motion, or other document 4442
initiating a case that arises out of a single incident or a series 4443
of related incidents, or when one individual is charged with two 4444
or more offenses that the court handles simultaneously. The court 4445
may waive or reduce the fee for a specific person in a specific 4446
case upon a finding that the person lacks financial resources that 4447
are sufficient to pay the fee or that payment of the fee would 4448
result in an undue hardship. 4449

(B) No court, state public defender, county or joint county 4450
public defender, or other counsel appointed by the court shall 4451
deny a person the assistance of counsel solely due to the person's 4452
failure to pay the application fee assessed pursuant to division 4453
(A) of this section. A person's present inability, failure, or 4454
refusal to pay the application fee shall not disqualify that 4455
person from legal representation. 4456

(C) The application fee assessed pursuant to division (A) of 4457
this section is separate from and in addition to any other amount 4458
assessed against a person who is found to be able to contribute 4459
toward the cost of the person's legal representation pursuant to 4460
division (D) of section 2941.51 of the Revised Code. 4461

(D) The clerk of the court that assessed the fees shall 4462
forward all application fees collected pursuant to this section to 4463
the county treasurer for deposit in the county treasury. The 4464
county shall retain eighty per cent of the application fees so 4465
collected to offset the costs of providing legal representation to 4466
indigent persons. Not later than the last day of each month, the 4467
county auditor shall remit twenty per cent of the application fees 4468

so collected in the previous month to the state public defender. 4469
The state public defender shall deposit the remitted fees into the 4470
state treasury to the credit of the client payment fund created 4471
pursuant to division (B)(5) of section 120.04 of the Revised Code. 4472
The state public defender may use that money in accordance with 4473
that section. 4474

(E) On or before the twentieth day of each month beginning in 4475
February of the year 2007, each clerk of court shall provide to 4476
the state public defender a report including all of the following: 4477

(1) The number of persons in the previous month who requested 4478
or were provided a state public defender, county or joint county 4479
public defender, or other counsel appointed by the court; 4480

(2) The number of persons in the previous month for whom the 4481
court waived the application fee pursuant to division (A) of this 4482
section; 4483

(3) The dollar value of the application fees assessed 4484
pursuant to division (A) of this section in the previous month; 4485

(4) The amount of assessed application fees collected in the 4486
previous month; 4487

(5) The balance of unpaid assessed application fees at the 4488
open and close of the previous month. 4489

(F) As used in this section: 4490

(1) "Clerk of court" means the clerk of the court of common 4491
pleas of the county, the clerk of the juvenile court of the 4492
county, the clerk of the domestic relations division of the court 4493
of common pleas of the county, the clerk of the probate court of 4494
the county, the clerk of a municipal court in the county, the 4495
clerk of a county-operated municipal court, or the clerk of a 4496
county court in the county, whichever is applicable. 4497

(2) "County-operated municipal court" has the same meaning as 4498

in section 1901.03 of the Revised Code. 4499

Sec. 121.40. (A) There is hereby created the Ohio commission 4500
on service and volunteerism consisting of ~~twenty-one~~ nineteen 4501
voting members including the superintendent of public instruction 4502
or the superintendent's designee, the chancellor of higher 4503
education or the chancellor's designee, the director of youth 4504
services or the director's designee, the director of aging or the 4505
director's designee, ~~the chairperson of the committee of the house~~ 4506
~~of representatives dealing with education or the chairperson's~~ 4507
~~designee, the chairperson of the committee of the senate dealing~~ 4508
~~with education or the chairperson's designee,~~ and fifteen members 4509
who shall be appointed by the governor with the advice and consent 4510
of the senate and who shall serve terms of office of three years. 4511
The appointees shall include educators, including teachers and 4512
administrators; representatives of youth organizations; students 4513
and parents; representatives of organizations engaged in volunteer 4514
program development and management throughout the state, including 4515
youth and conservation programs; and representatives of business, 4516
government, nonprofit organizations, social service agencies, 4517
veterans organizations, religious organizations, or philanthropies 4518
that support or encourage volunteerism within the state. The 4519
director of the governor's office of faith-based and community 4520
initiatives shall serve as a nonvoting ex officio member of the 4521
commission. Members of the commission shall receive no 4522
compensation, but shall be reimbursed for actual and necessary 4523
expenses incurred in the performance of their official duties. 4524

(B) The commission shall appoint an executive director for 4525
the commission, who shall be in the unclassified civil service. 4526
The governor shall be informed of the appointment of an executive 4527
director before such an appointment is made. The executive 4528
director shall supervise the commission's activities and report to 4529
the commission on the progress of those activities. The executive 4530

director shall do all things necessary for the efficient and 4531
effective implementation of the duties of the commission. 4532

The responsibilities assigned to the executive director do 4533
not relieve the members of the commission from final 4534
responsibility for the proper performance of the requirements of 4535
this section. 4536

(C) The commission or its designee shall do all of the 4537
following: 4538

(1) Employ, promote, supervise, and remove all employees as 4539
needed in connection with the performance of its duties under this 4540
section and may assign duties to those employees as necessary to 4541
achieve the most efficient performance of its functions, and to 4542
that end may establish, change, or abolish positions, and assign 4543
and reassign duties and responsibilities of any employee of the 4544
commission. Personnel employed by the commission who are subject 4545
to Chapter 4117. of the Revised Code shall retain all of their 4546
rights and benefits conferred pursuant to that chapter. Nothing in 4547
this chapter shall be construed as eliminating or interfering with 4548
Chapter 4117. of the Revised Code or the rights and benefits 4549
conferred under that chapter to public employees or to any 4550
bargaining unit. 4551

(2) Maintain its office in Columbus, and may hold sessions at 4552
any place within the state; 4553

(3) Acquire facilities, equipment, and supplies necessary to 4554
house the commission, its employees, and files and records under 4555
its control, and to discharge any duty imposed upon it by law. The 4556
expense of these acquisitions shall be audited and paid for in the 4557
same manner as other state expenses. For that purpose, the 4558
commission shall prepare and submit to the office of budget and 4559
management a budget for each biennium according to sections 4560
101.532 and 107.03 of the Revised Code. The budget submitted shall 4561

cover the costs of the commission and its staff in the discharge 4562
of any duty imposed upon the commission by law. The commission 4563
shall not delegate any authority to obligate funds. 4564

(4) Pay its own payroll and other operating expenses from 4565
line items designated by the general assembly; 4566

(5) Retain its fiduciary responsibility as appointing 4567
authority. Any transaction instructions shall be certified by the 4568
appointing authority or its designee. 4569

(6) Establish the overall policy and management of the 4570
commission in accordance with this chapter; 4571

(7) Assist in coordinating and preparing the state 4572
application for funds under sections 101 to 184 of the "National 4573
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4574
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4575
overseeing the "National and Community Service Trust Act of 1993," 4576
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4577
state, and assist in developing objectives for a comprehensive 4578
strategy to encourage and expand community service programs 4579
throughout the state; 4580

(8) Assist the state board of education, school districts, 4581
the chancellor of higher education, and institutions of higher 4582
education in coordinating community service education programs 4583
through cooperative efforts between institutions and organizations 4584
in the public and private sectors; 4585

(9) Assist the departments of natural resources, youth 4586
services, aging, and job and family services in coordinating 4587
community service programs through cooperative efforts between 4588
institutions and organizations in the public and private sectors; 4589

(10) Suggest individuals and organizations that are available 4590
to assist school districts, institutions of higher education, and 4591
the departments of natural resources, youth services, aging, and 4592

job and family services in the establishment of community service 4593
programs and assist in investigating sources of funding for 4594
implementing these programs; 4595

(11) Assist in evaluating the state's efforts in providing 4596
community service programs using standards and methods that are 4597
consistent with any statewide objectives for these programs and 4598
provide information to the state board of education, school 4599
districts, the chancellor of higher education, institutions of 4600
higher education, and the departments of natural resources, youth 4601
services, aging, and job and family services to guide them in 4602
making decisions about these programs; 4603

(12) Assist the state board of education in complying with 4604
section 3301.70 of the Revised Code and the chancellor of higher 4605
education in complying with division (B)(2) of section 3333.043 of 4606
the Revised Code. 4607

(D) The commission shall in writing enter into an agreement 4608
with another state agency to serve as the commission's fiscal 4609
agent. Before entering into such an agreement, the commission 4610
shall inform the governor of the terms of the agreement and of the 4611
state agency designated to serve as the commission's fiscal agent. 4612
The fiscal agent shall be responsible for all the commission's 4613
fiscal matters and financial transactions, as specified in the 4614
agreement. Services to be provided by the fiscal agent include, 4615
but are not limited to, the following: 4616

(1) Preparing and processing payroll and other personnel 4617
documents that the commission executes as the appointing 4618
authority; 4619

(2) Maintaining ledgers of accounts and reports of account 4620
balances, and monitoring budgets and allotment plans in 4621
consultation with the commission; and 4622

(3) Performing other routine support services that the fiscal 4623

agent considers appropriate to achieve efficiency. 4624

(E)(1) The commission, in conjunction and consultation with 4625
the fiscal agent, has the following authority and responsibility 4626
relative to fiscal matters: 4627

(a) Sole authority to draw funds for any and all federal 4628
programs in which the commission is authorized to participate; 4629

(b) Sole authority to expend funds from their accounts for 4630
programs and any other necessary expenses the commission may incur 4631
and its subgrantees may incur; and 4632

(c) Responsibility to cooperate with and inform the fiscal 4633
agent fully of all financial transactions. 4634

(2) The commission shall follow all state procurement, 4635
fiscal, human resources, statutory, and administrative rule 4636
requirements. 4637

(3) The fiscal agent shall determine fees to be charged to 4638
the commission, which shall be in proportion to the services 4639
performed for the commission. 4640

(4) The commission shall pay fees owed to the fiscal agent 4641
from a general revenue fund of the commission or from any other 4642
fund from which the operating expenses of the commission are paid. 4643
Any amounts set aside for a fiscal year for the payment of these 4644
fees shall be used only for the services performed for the 4645
commission by the fiscal agent in that fiscal year. 4646

(F) The commission may accept and administer grants from any 4647
source, public or private, to carry out any of the commission's 4648
functions this section establishes. 4649

Sec. 121.48. There is hereby created the office of the 4650
inspector general, to be headed by the inspector general. 4651

The term of the inspector general serving on the effective 4652

date of this amendment ends January 11, 2021. The ~~governor shall~~ 4653
~~appoint the~~ inspector general shall be appointed by the governor 4654
quadrennially thereafter, subject to section 121.49 of the Revised 4655
Code and the advice and consent of the senate. ~~The inspector~~ 4656
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4657
~~of the appointing governor~~ of four years commencing on the second 4658
Monday of January. The governor may remove the inspector general 4659
from office only after delivering written notice to the inspector 4660
general of the reasons for which the governor intends to remove 4661
the inspector general from office and providing the inspector 4662
general with an opportunity to appear and show cause why the 4663
inspector general should not be removed. 4664

In addition to the duties imposed by section 121.42 of the 4665
Revised Code, the inspector general shall manage the office of the 4666
inspector general. The inspector general shall establish and 4667
maintain offices in Columbus. 4668

The inspector general may employ and fix the compensation of 4669
one or more deputy inspectors general. Each deputy inspector 4670
general shall serve for a term coinciding with the term of the 4671
appointing inspector general, and shall perform the duties, 4672
including the performance of investigations, that are assigned by 4673
the inspector general. All deputy inspectors general are in the 4674
unclassified service and serve at the pleasure of the inspector 4675
general. 4676

In addition to deputy inspectors general, the inspector 4677
general may employ and fix the compensation of professional, 4678
technical, and clerical employees that are necessary for the 4679
effective and efficient operation of the office of the inspector 4680
general. All professional, technical, and clerical employees of 4681
the office of the inspector general are in the unclassified 4682
service and serve at the pleasure of the appointing inspector 4683
general. 4684

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

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

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

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

(B)(1) The governor shall, within sixty days after ~~the effective date of this section~~ September 28, 2012, appoint to the TourismOhio advisory board one individual who is a representative

of convention and visitors' bureaus, one individual who is a 4716
representative of the lodging industry, one individual who is a 4717
representative of the restaurant industry, one individual who is a 4718
representative of attractions, one individual who is a 4719
representative of special events and festivals, one individual who 4720
is a representative of agritourism, and three individuals who are 4721
representatives of the tourism industry. Of the initial 4722
appointments, two individuals shall serve a term of one year, 4723
three individuals shall serve a term of two years, and the 4724
remainder shall serve a term of three years. Thereafter, terms of 4725
office shall be for three years. Each individual appointed to the 4726
board shall be a United States citizen. 4727

(2) For purposes of division (B)(1) of this section, an 4728
individual is a "representative of the tourism industry" if the 4729
individual possesses five years or more executive-level experience 4730
in the attractions, lodging, restaurant, transportation, or retail 4731
industry or five years or more executive-level experience with a 4732
destination marketing organization. 4733

(C)(1) Each member of the TourismOhio advisory board shall 4734
hold office from the date of the member's appointment until the 4735
end of the term for which the member is appointed. Vacancies that 4736
occur on the board shall be filled in the manner prescribed for 4737
regular appointments to the board. A member appointed to fill a 4738
vacancy occurring prior to the expiration of the term for which 4739
the member's predecessor was appointed shall hold office for the 4740
remainder of that predecessor's term. A member shall continue in 4741
office subsequent to the expiration date of the member's term 4742
until the member's successor takes office or until sixty days have 4743
elapsed, whichever occurs first. Any member appointed to the board 4744
is eligible for reappointment. 4745

(2) The governor shall designate one member of the board as 4746
chairperson. 4747

(3) Members appointed to the board may be reimbursed for 4748
actual and necessary expenses incurred in connection with their 4749
official duties. 4750

Sec. 122.08. (A) There is hereby created within the 4751
~~department of development services agency~~ an office to be known as 4752
the office of small business and entrepreneurship. The office 4753
shall be under the supervision of a manager appointed by the 4754
director of development services. 4755

(B) The office shall do all of the following: 4756

(1) Act as liaison between the small business community and 4757
state governmental agencies; 4758

(2) Furnish information and technical assistance to persons 4759
and small businesses concerning the establishment and maintenance 4760
of a small business, and concerning state laws and rules relevant 4761
to the operation of a small business. In conjunction with these 4762
duties, the office shall keep a record of all proposed and 4763
currently effective state agency rules affecting small businesses, 4764
and may testify before the joint committee on agency rule review 4765
concerning any proposed rule affecting small businesses. 4766

(3) Prepare and publish the small business register under 4767
section 122.081 of the Revised Code; 4768

(4) Receive complaints from small businesses concerning 4769
governmental activity, compile and analyze those complaints, and 4770
periodically make recommendations to the governor and the general 4771
assembly on changes in state laws or agency rules needed to 4772
eliminate burdensome and unproductive governmental regulation to 4773
improve the economic climate within which small businesses 4774
operate; 4775

(5) Receive complaints or questions from small businesses and 4776
direct those businesses to the appropriate governmental agency. 4777

If, within a reasonable period of time, a complaint is not 4778
satisfactorily resolved or a question is not satisfactorily 4779
answered, the office shall, on behalf of the small business, make 4780
every effort to secure a satisfactory result. For this purpose, 4781
the office may consult with any state governmental agency and may 4782
make any suggestion or request that seems appropriate. 4783

(6) Utilize, to the maximum extent possible, the printed and 4784
electronic media to disseminate information of current concern and 4785
interest to the small business community and to make known to 4786
small businesses the services available through the office. The 4787
office shall publish such books, pamphlets, and other printed 4788
materials, and shall participate in such trade association 4789
meetings, conventions, fairs, and other meetings involving the 4790
small business community, as the manager considers appropriate. 4791

(7) Prepare a description of the activities of the office for 4792
inclusion in the department of development's development services 4793
agency's annual report to the governor and general assembly, ~~a~~ 4794
~~description of the activities of the office and a report of the~~ 4795
~~number of rules affecting small businesses that were recorded by~~ 4796
~~the office during the preceding calendar year;~~ 4797

(8) Operate the Ohio first-stop business connection to assist 4798
individuals in identifying and preparing applications for business 4799
licenses, permits, and certificates and to serve as ~~the central~~ a 4800
public distributor for all forms, applications, and other 4801
information related to business licensing. Each state agency, 4802
board, and commission shall cooperate in providing assistance, 4803
information, and materials to enable the connection to perform its 4804
duties under this division. 4805

(9) Provide information to individuals about the resources 4806
available on the OhioMeansJobs web site and through the local 4807
OhioMeansJobs one-stop systems established under section 6301.08 4808
of the Revised Code that connect businesses with job seekers. As 4809

used in this division, "OhioMeansJobs" has the same meaning as in 4810
section 6301.01 of the Revised Code. 4811

(C) The office may, upon the request of a state agency, 4812
assist the agency with the preparation of any rule that will 4813
affect small businesses. 4814

(D) The director of development services shall assign 4815
employees and furnish equipment and supplies to the office as the 4816
director considers necessary for the proper performance of the 4817
duties assigned to the office. 4818

Sec. 122.081. (A) The office of small business and 4819
entrepreneurship in the ~~department of~~ development services agency 4820
shall prepare and publish a "small business register" or contract 4821
with any person as provided in this section to prepare and publish 4822
the register. The small business register shall contain the 4823
following information regarding each proposed rule recorded by the 4824
office of small business and entrepreneurship: 4825

(1) The title and administrative code rule number of the 4826
proposed rule; 4827

(2) A brief summary of the proposed rule; 4828

(3) The date on which the proposed rule was recorded by the 4829
office of small business and entrepreneurship; and 4830

(4) The name, address, and telephone number of an individual 4831
or office within the agency that proposed the rule who can provide 4832
information about the proposed rule. 4833

(B) The small business register shall be published on a 4834
weekly basis. The information required under division (A) of this 4835
section shall be published in the register no later than two weeks 4836
after the proposed rule to which the information relates is 4837
recorded by the office of small business and entrepreneurship. The 4838
office of ~~small business~~ shall furnish the small business 4839

register, on a single copy or subscription basis, to any person 4840
who requests it and pays a single copy price or subscription rate 4841
fixed by the office. The office shall furnish the chairpersons of 4842
the standing committees of the senate and house of representatives 4843
having jurisdiction over small businesses with free subscriptions 4844
to the small business register. 4845

(C) Upon the request of the office of small business and 4846
entrepreneurship, the director of administrative services shall, 4847
in accordance with the competitive selection procedure of Chapter 4848
125. of the Revised Code, let a contract for the compilation, 4849
printing, and distribution of the small business register. 4850

(D) The office of small business and entrepreneurship shall 4851
adopt, and may amend or rescind, in accordance with Chapter 119. 4852
of the Revised Code, such rules as are necessary to enable it to 4853
properly carry out this section. 4854

Sec. 122.15. As used in this section and sections 122.151 to 4855
122.156 of the Revised Code: 4856

(A) "Affiliate" means a person that directly, or indirectly 4857
through one or more intermediaries, controls, is controlled by, or 4858
is under common control with another person. For the purposes of 4859
this division, a person is "controlled by" another person if the 4860
controlling person holds, directly or indirectly, the majority 4861
voting or ownership interest in the controlled person or has 4862
control over the day-to-day operations of the controlled person by 4863
contract or by law. 4864

(B) "Closing date" means the date on which a rural business 4865
and high-growth industry fund has collected all of the amounts 4866
specified by divisions (G)(1) and (2) of section 122.151 of the 4867
Revised Code. 4868

(C) "Credit-eligible capital contribution" means an 4869

investment of cash by a person subject to the tax imposed by 4870
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 4871
Revised Code in a rural business and high-growth industry fund 4872
that equals the amount specified on a notice of tax credit 4873
allocation issued by the development services agency under 4874
division (F)(2) of section 122.151 of the Revised Code. The 4875
investment shall purchase an equity interest in the fund or 4876
purchase, at par value or premium, a debt instrument issued by the 4877
fund that meets all of the following criteria: 4878

(1) The debt instrument has an original maturity date of at 4879
least five years after the date of issuance. 4880

(2) The debt instrument has a repayment schedule that is not 4881
faster than a level principal amortization over five years. 4882

(3) The debt instrument has no interest, distribution, or 4883
payment features dependent on the fund's profitability or the 4884
success of the fund's growth investments. 4885

(D) "Eligible investment authority" means the amount stated 4886
on the notice issued under division (F)(1) of section 122.151 of 4887
the Revised Code certifying the rural business and high-growth 4888
industry fund. Sixty per cent of a fund's eligible investment 4889
authority shall be comprised of credit-eligible capital 4890
contributions. 4891

(E) "Growth investment" means any capital or equity 4892
investment in a rural business concern or high-growth industry 4893
business concern, or any loan to such business concerns with a 4894
stated maturity of at least one year. A secured loan or the 4895
provision of a revolving line of credit to a rural business 4896
concern or a high-growth industry business concern is a growth 4897
investment only if the rural business and high-growth industry 4898
fund obtains an affidavit from the president or chief executive 4899
officer of the business concern attesting that the business 4900

concern sought and was denied similar financing from a commercial bank. 4901
4902

(F) "High-growth industry business concern" means an operating company that is engaged in an industry that is assigned a North American industry classification system code within sector 11, 21, 23, 31 to 33, 42, 48, 49, 54, 56, 62, or 81, or that is certified by the development services agency under division (B) of section 122.156 of the Revised Code. 4903
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(G) "New job years" means the amount computed under division (A) of section 122.155 of the Revised Code. 4909
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(H) "Operating company" means any business that has its principal business operations in this state, has fewer than two hundred fifty employees or not more than fifteen million dollars in net income for the preceding taxable year, and that is none of the following: 4911
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(1) A country club; 4916

(2) A racetrack or other facility used for gambling; 4917

(3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises; 4918
4919

(4) A massage parlor; 4920

(5) A hot tub facility; 4921

(6) A suntan facility; 4922

(7) A business engaged in the development or holding of intangibles for sale; 4923
4924

(8) A private or commercial golf course; 4925

(9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed 4926
4927
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solely for the purpose of renting, either directly or indirectly, 4930
or selling real property back to such principal user if such 4931
principal user does not derive fifteen per cent or more of its 4932
gross annual revenue from the rental or sale of real property; 4933

(10) A publicly traded business. 4934

For the purposes of this division, "net income" means federal 4935
gross income as required to be reported under the Internal Revenue 4936
Code less federal and state taxes imposed on or measured by 4937
income. 4938

(I) A business's "principal business operations" are in this 4939
state if at least eighty per cent of the business's employees 4940
reside in this state, the individuals who receive eighty per cent 4941
of the business's payroll reside in this state, or the business 4942
has agreed to use the proceeds of a growth investment to relocate 4943
at least eighty per cent of its employees to this state or pay at 4944
least eighty per cent of its payroll to individuals residing in 4945
this state. 4946

(J) "Rural area" means either of the following: 4947

(1) Any area that is not located in a city having a 4948
population greater than fifty thousand or in the urbanized area 4949
adjacent to such a city; 4950

(2) Any area determined to be "rural in character" by the 4951
under secretary of agriculture for rural development within the 4952
United States department of agriculture. 4953

(K) "Rural business concern" means an operating company that 4954
has its principal business operations located in a rural area. 4955

(L) "Rural business and high-growth industry fund" and "fund" 4956
mean an entity certified by the development services agency under 4957
section 122.151 of the Revised Code. 4958

(M) "Taxable year" when used in reference to an insurance 4959

company means the calendar year ending on the thirty-first day of 4960
December next preceding the day the annual statement is required 4961
to be returned under section 5725.18 or 5729.02 of the Revised 4962
Code; when used in reference to a financial institution, "taxable 4963
year" has the same meaning as in section 5726.01 of the Revised 4964
Code. 4965

Sec. 122.151. (A) On and after September 1, 2017, a person 4966
that has developed a business plan to invest in rural business 4967
concerns and high-growth industry business concerns in this state 4968
and has successfully solicited private investors to make capital 4969
contributions in support of the plan may apply to the development 4970
services agency for certification as a rural business and 4971
high-growth industry fund. The application shall include all of 4972
the following: 4973

(1) The total eligible investment authority sought by the 4974
applicant under the business plan; 4975

(2) Documents and other evidence sufficient to prove, to the 4976
satisfaction of the agency, that the applicant meets all of the 4977
following criteria: 4978

(a) The applicant or an affiliate of the applicant is 4979
licensed as a rural business investment company under 7 U.S.C. 4980
2009cc, or as a small business investment company under 15 U.S.C. 4981
681. 4982

(b) As of the date the application is submitted, the 4983
applicant has invested more than one hundred million dollars in 4984
operating companies, including at least fifty million dollars in 4985
operating companies located in rural areas. In computing 4986
investments under this division, the applicant may include 4987
investments made by affiliates of the applicant and investments 4988
made in businesses that are not operating companies but would 4989
qualify as operating companies if the principal business 4990

operations were located in this state. 4991

(3) The industries in which the applicant proposes to make 4992
growth investments and the percentage of the growth investments 4993
that will be made in each industry. The applicant shall identify 4994
each industry by using the codes utilized by the north American 4995
industry classification system. 4996

(4) An estimate of the number of new job years and retained 4997
job years that will be produced in this state as a result of the 4998
applicant's growth investments; 4999

(5) A revenue impact assessment for the applicant's proposed 5000
growth investments prepared by a nationally recognized third-party 5001
independent economic forecasting firm using a dynamic economic 5002
forecasting model. The revenue impact assessment shall analyze the 5003
applicant's business plan over the ten years following the date 5004
the application is submitted to the agency. 5005

(6) A signed affidavit from each investor successfully 5006
solicited by the applicant to make a credit eligible capital 5007
contribution in support of the business plan. Each affidavit shall 5008
include information sufficient for the tax commissioner to 5009
identify the investor and shall state the amount of the investor's 5010
credit-eligible capital contribution. 5011

(7) A nonrefundable application fee of five thousand dollars. 5012

(B)(1) Except as provided in division (B)(2) of this section, 5013
the development services agency shall review and make a 5014
determination with respect to each application submitted under 5015
division (A) of this section within sixty days of receipt. The 5016
agency shall review and make determinations on the applications in 5017
the order in which the applications are received by the agency. 5018
Applications received by the agency on the same day shall be 5019
deemed to have been received simultaneously. Except as provided in 5020
division (C) of section 122.154 of the Revised Code, the agency 5021

shall approve not more than one hundred million dollars in 5022
eligible investment authority and not more than sixty million 5023
dollars in credit-eligible capital contributions under this 5024
section. Not more than one-third of the eligible investment 5025
authority and credit-eligible capital contributions approved under 5026
this section may be awarded to a single rural business and 5027
high-growth industry fund and its affiliates. 5028

(2) If the agency denies an application for certification as 5029
a fund, and approving a subsequently submitted application would 5030
result in exceeding the dollar limitation on eligible investment 5031
authority or credit-eligible contributions prescribed by division 5032
(B)(1) of this section assuming the previously denied application 5033
were completed, clarified, or cured under division (D) of this 5034
section, the agency may refrain from making a determination on the 5035
subsequently submitted application until the previously denied 5036
application is reconsidered or the fifteen-day period for 5037
submitting additional information respecting that application has 5038
passed, whichever comes first. 5039

(C) The agency shall deny an application submitted under this 5040
section if any of the following are true: 5041

(1) The application is incomplete. 5042

(2) The application fee is not paid in full. 5043

(3) The applicant does not satisfy all the criteria described 5044
in division (A)(2) of this section. 5045

(4) The revenue impact assessment submitted under division 5046
(A)(5) of this section does not demonstrate that the applicant's 5047
business plan will result in a positive economic impact on this 5048
state over a ten-year period that exceeds the cumulative amount of 5049
tax credits that would be issued under section 122.152 of the 5050
Revised Code if the application were approved. 5051

(5) The credit-eligible capital contributions described in 5052

affidavits submitted under division (A)(6) of this section do not 5053
equal sixty per cent of the total amount of eligible investment 5054
authority sought under the applicant's business plan. 5055

(6) The agency has already approved the maximum total 5056
eligible investment authority and credit-eligible capital 5057
contributions allowed under division (B) of this section or the 5058
maximum amount allowed with respect to the applicant fund under 5059
that division. 5060

(D) If the agency denies an application under division (C) of 5061
this section, the agency shall send notice of its determination to 5062
the applicant. The notice shall include the reason or reasons that 5063
the application was denied. If the application was denied for any 5064
reason other than the reason specified in division (C)(6) of this 5065
section, the applicant may provide additional information to the 5066
agency to complete, clarify, or cure defects in the application. 5067
The additional information must be submitted within fifteen days 5068
after the date the notice of denial was dispatched by the agency. 5069
If the person submits additional information within fifteen days, 5070
the agency shall reconsider the application within thirty days 5071
after receiving the additional information. The application shall 5072
be reviewed and considered before any pending application 5073
submitted after the original submission date of the reconsidered 5074
application. If the person does not submit additional information 5075
within fifteen days after dispatch of the notice of denial, the 5076
person may submit a new application with a new submission date at 5077
any time. 5078

(E) If approving multiple simultaneously submitted 5079
applications would result in exceeding the overall eligible 5080
investment limit prescribed by division (B) of this section, the 5081
agency shall proportionally reduce the eligible investment 5082
authority and the credit-eligible capital contributions for each 5083
approved application as necessary to avoid exceeding the limit. 5084

(F) The agency shall not deny a rural business and high-growth industry fund application or reduce the requested eligible investment authority for reasons other than those described in divisions (C) and (E) of this section. If the agency approves such an application, the agency shall issue all of the following notices: 5085
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(1) To the applicant, a written notice certifying that the applicant qualifies as a rural business and high-growth industry fund and specifying the amount of the applicant's eligible investment authority; 5091
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(2) To each investor whose affidavit was included in the application, a notice specifying the amount of credit-eligible capital allocated to the investor and the associated tax credit amount; 5095
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(3) To the tax commissioner, a notice of the amount and utilization schedule of the tax credits allocated to each investor receiving a notice under division (F)(2) of this section. 5099
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(G) A fund shall do all of the following within sixty days of receiving the certification issued under division (F)(1) of this section: 5102
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(1) Collect the credit-eligible capital contributions from each investor in the amount set forth in the notice provided to the investor under division (F)(2) of this section; 5105
5106
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(2) Collect one or more investments of cash that, when added to the contributions collected under division (G)(1) of this section, equal the fund's eligible investment authority. At least ten per cent of the fund's eligible investment authority shall be comprised of equity investments contributed by affiliates of the fund, including employees, officers, and directors of such affiliates. 5108
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Within sixty-five days after receiving the certification 5115

issued under division (F)(1) of this section, the fund shall send 5116
to the agency documentation sufficient to prove that the amounts 5117
described in divisions (G)(1) and (2) of this section have been 5118
collected. If the fund fails to fully comply with division (G) of 5119
this section, the fund's certification shall lapse. 5120

Eligible investment authority and corresponding 5121
credit-eligible capital contributions that lapse under this 5122
division do not count toward limits on total eligible investment 5123
authority and credit-eligible capital contributions prescribed by 5124
division (B) of this section. Once eligible investment authority 5125
has lapsed, the agency shall first award lapsed authority pro rata 5126
to each fund that was awarded less than the requested eligible 5127
investment authority under division (E) of this section. Any 5128
remaining eligible investment authority may be awarded by the 5129
agency to new applicants. 5130

(H) Application fees submitted to the agency pursuant to 5131
division (A)(7) of this section shall be credited to the Ohio 5132
rural and high-growth industry jobs fund, which is hereby created, 5133
and shall be used by the agency to administer this section and 5134
sections 122.15 to 122.156 of the Revised Code. 5135

Sec. 122.152. (A) There is hereby allowed a nonrefundable tax 5136
credit for owners of tax credit certificates issued by the 5137
development services agency under division (B) of this section. 5138
The credit may be claimed against the tax imposed by section 5139
3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the Revised 5140
Code. 5141

(B) On the closing date, a taxpayer that made a 5142
credit-eligible capital contribution to a rural business and 5143
high-growth industry fund shall earn a vested credit equal to the 5144
amount specified in the notice issued under division (F)(2) of 5145
section 122.151 of the Revised Code. On or before the third, 5146

fourth, fifth, and sixth anniversary dates of the closing date, 5147
the agency shall issue a tax credit certificate to the taxpayer 5148
specifying the corresponding anniversary date and a credit amount 5149
equal to one-fourth of the total credit authorized under this 5150
section. The owner of the certificate may claim the credit amount 5151
for the taxable year that includes the date specified on the 5152
certificate. A tax credit certificate issued under section 122.151 5153
of the Revised Code may not be sold or transferred except to an 5154
affiliate of the taxpayer that is subject to the tax imposed by 5155
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 5156
Revised Code. The taxpayer making a credit-eligible capital 5157
contribution and the issuance of a tax credit by the agency does 5158
not represent a verification or certification by the agency of 5159
compliance with the recapture provisions of section 122.153 of the 5160
Revised Code. The tax credit earned and vested under this division 5161
is subject to recapture under section 122.153 of the Revised Code. 5162

(C) The credit shall be claimed in the order required under 5163
section 5725.98, 5726.98, or 5729.98 of the Revised Code as 5164
applicable. If the amount of the credit for a taxable year exceeds 5165
the tax otherwise due for that year, the excess shall be carried 5166
forward to ensuing taxable years until fully used. A taxpayer 5167
claiming a credit under this section shall submit a copy of the 5168
tax credit certificate with the taxpayer's return for each taxable 5169
year in which the credit is claimed. 5170

Sec. 122.153. (A) The development services agency shall 5171
recapture tax credits claimed under section 122.152 of the Revised 5172
Code if any of the following occur with respect to a rural 5173
business and high-growth industry fund before the fund is 5174
decertified under division (C) of this section: 5175

(1) The fund in which the credit-eligible capital 5176
contribution was made does not invest fifty per cent of its 5177

eligible investment authority in growth investments within one 5178
year of the closing date and one hundred per cent of its eligible 5179
investment authority in growth investments in this state within 5180
two years of the closing date. 5181

(2) On the second anniversary of the closing date, the fund 5182
has not invested fifty per cent of its eligible investment 5183
authority in growth investments in rural business concerns in this 5184
state and fifty per cent of its eligible investment authority in 5185
growth investments in high-growth industry business concerns in 5186
this state. 5187

(3) The fund, after investing one hundred per cent of its 5188
eligible investment authority in growth investments in this state, 5189
fails to maintain that investment until the sixth anniversary of 5190
the closing date. For the purposes of this division, an investment 5191
is "maintained" even if the investment is sold or repaid so long 5192
as the fund reinvests an amount equal to the capital returned or 5193
recovered by the fund from the original investment, exclusive of 5194
any profits realized, in other growth investments in this state 5195
within twelve months of the receipt of such capital, provided that 5196
the fund shall make the reinvestment even if such twelve-month 5197
anniversary occurs after the fifth anniversary of the closing 5198
date. Amounts received periodically by a fund shall be treated as 5199
continually invested in growth investments if the amounts are 5200
reinvested in one or more growth investments by the end of the 5201
following calendar year, provided that the fund shall make the 5202
reinvestment even if the end of the following calendar year occurs 5203
after the fifth anniversary of the closing date. Except as 5204
otherwise provided by this division, a fund is not required to 5205
reinvest capital returned from growth investments if the capital 5206
is returned after the fifth anniversary of the closing date, and 5207
such growth investments shall be considered held continuously by 5208
the fund through the sixth anniversary of the closing date. 5209

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

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

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

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

(2) The reinvestment of capital that was returned to or recovered by a fund from a growth investment that was sold or repaid shall be counted as a growth investment for the purposes of division (A) of this section even if the reinvestment results in more than twenty per cent of the fund's eligible investment

authority being invested in the same rural business concern or 5242
high-growth industry business concern. 5243

(3) A growth investment in an affiliate of a rural business 5244
concern or high-growth industry business concern shall be treated 5245
as a growth investment in that rural business concern or 5246
high-growth industry business concern for the purposes of division 5247
(B) of this section. 5248

(C)(1) If the agency recaptures a tax credit under division 5249
(A) of this section, the agency shall notify the tax commissioner 5250
and the superintendent of insurance of the recapture. The 5251
superintendent or the commissioner shall make an assessment under 5252
Chapter 5725., 5726., or 5729. of the Revised Code for the amount 5253
of the credit claimed by each certificate owner associated with 5254
the fund before the recapture was finalized. The time limitations 5255
on assessments under those chapters do not apply to an assessment 5256
under this division, but the superintendent or the commissioner 5257
shall make the assessment within one year after the date the 5258
agency notifies the superintendent or the commissioner of the 5259
recapture. Following the recapture of a tax credit under division 5260
(A) of this section, no tax credit certificate associated with the 5261
fund may be utilized. Notwithstanding division (B) of section 5262
122.152 of the Revised Code, if a tax credit is recaptured under 5263
division (A) of this section the agency shall not issue future tax 5264
credit certificates to taxpayers that made credit-eligible capital 5265
contributions to the fund. 5266

(2) If tax credits are recaptured, the associated eligible 5267
investment authority and credit-eligible capital contributions do 5268
not count toward the limit on total eligible investment authority 5269
and credit-eligible capital contributions described by division 5270
(B) of section 122.151 of the Revised Code. The agency shall first 5271
award reverted authority pro rata to each fund that was awarded 5272
less than the requested eligible investment authority under 5273

division (E) of section 122.151 of the Revised Code. Any remaining 5274
eligible investment authority may be awarded by the agency to new 5275
applicants. 5276

(D)(1) On or after the sixth anniversary of the closing date, 5277
a fund that has not committed any of the acts described in 5278
division (A) of this section may apply to the agency to decertify 5279
as a rural business and high-growth industry fund. The agency 5280
shall respond to the application within thirty days after 5281
receiving the application. In evaluating the application, the fact 5282
that no tax credit has been recaptured with respect to the fund 5283
shall be sufficient evidence to prove that the fund is eligible 5284
for decertification. The agency shall not unreasonably deny an 5285
application submitted under this division. 5286

(2) The agency shall send notice of its determination with 5287
respect to an application submitted under division (D)(1) of this 5288
section to the fund. If the application is denied, the notice 5289
shall include the reason or reasons for the determination. 5290

(3) The agency shall not recapture a tax credit due to any 5291
actions of a fund that occur after the date the fund's application 5292
for decertification is approved under division (D) of this 5293
section. This division does not prohibit the agency from 5294
recapturing a tax credit due to the actions of a fund that occur 5295
before the date the fund's application for decertification is 5296
approved, even if those actions are discovered after that date. 5297

Sec. 122.154. (A) Each rural business and high-growth 5298
industry fund shall submit a report to the development services 5299
agency on or before the first day of each March following the end 5300
of the calendar year that includes the closing date until the year 5301
after the fund has decertified. The report shall provide an 5302
itemization of the fund's growth investments and shall include the 5303
following documents and information: 5304

- (1) A bank statement evidencing each growth investment; 5305
- (2) The name, location, and industry class of each business 5306
that received a growth investment from the fund and evidence that 5307
the business qualified as a rural business concern or high-growth 5308
industry business concern at the time the investment was made. If 5309
the fund obtained a written opinion from the agency on the 5310
business's status as a rural business concern or high-growth 5311
industry business concern under division (A) of section 122.156 of 5312
the Revised Code, or if the fund requests such an opinion and the 5313
agency failed to respond within fifteen days as required by that 5314
division, a copy of the agency's favorable opinion or a dated copy 5315
of the fund's unanswered request, as applicable, shall be 5316
sufficient evidence that the business qualified as a rural 5317
business concern or high-growth industry business concern at the 5318
time the investment was made. 5319
- (3) The number of employment positions that existed at each 5320
business described in division (A)(2) of this section on the date 5321
the business received the growth investment; 5322
- (4) The number of new job years resulting from each of the 5323
fund's growth investments made or maintained in the preceding 5324
calendar year, the proportion of those new job years that are with 5325
rural business concerns, and the proportion of those new job years 5326
that are with high-growth industry business concerns; 5327
- (5) Any other information required by the agency. 5328
- (B) Each fund shall submit a report to the agency on or 5329
before the fifth business day after the second anniversary of the 5330
closing date that provides documentation sufficient to prove that 5331
the fund has met the investment thresholds described in divisions 5332
(A)(1) and (2) of section 122.153 of the Revised Code and has not 5333
implicated any of the other recapture provisions described in 5334
divisions (A)(3) to (5) of that section. 5335

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

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

Sec. 122.155. (A)(1) For each calendar year in which a rural business and high-growth industry fund makes or maintains a growth investment in a rural business concern or high-growth industry business concern in this state, the fund shall determine the number of new job years produced at the business concern as a result of the investment. New job years shall be computed by subtracting the number of employment positions at the business concern on the date of the fund's initial growth investment in the business concern from the number of employment positions at the

business concern on the last day of the calendar year in which the 5368
investment was made or maintained. If the computation results in a 5369
number less than zero, the number of new job years produced by the 5370
fund's growth investment for that calendar year period shall be 5371
zero. 5372

(2) A fund may determine and include, for the purposes of 5373
this section and section 122.154 of the Revised Code, the number 5374
of new job years produced at a business concern after the year in 5375
which the fund's growth investment is repaid or redeemed. The new 5376
job years shall be computed in the same manner as in division 5377
(A)(1) of this section based on reporting information provided by 5378
the business concern to the fund. 5379

(B) After a fund's application for decertification is 5380
approved under division (D) of section 122.153 of the Revised 5381
Code, the fund shall determine the state reimbursement amount. The 5382
state reimbursement amount shall equal the amount by which the 5383
fund's credit-eligible capital contributions exceed the product 5384
obtained by multiplying thirty thousand dollars by the aggregate 5385
number of new job years for the fund. If that product is greater 5386
than the fund's credit-eligible capital contributions, the state 5387
reimbursement amount shall equal zero. In the absence of 5388
additional information provided by the fund or discovered by the 5389
agency, the number of new job years for the purposes of this 5390
division equals the sum of all new job years reported by the fund 5391
on the annual reports required under division (A) of section 5392
122.154 of the Revised Code. 5393

(C) After the state reimbursement amount is computed under 5394
division (B) of this section, the fund shall not be permitted to 5395
make further distributions to equity holders of the fund without 5396
first remitting to the agency the lesser of the state 5397
reimbursement amount or the remaining balance of the fund after 5398
all persons holding equity in the fund receive a payment or 5399

distribution equal to the person's equity investment and the 5400
person's federal and state tax liability, including penalties and 5401
interest, related to the person's ownership, management, or 5402
operation of the fund. All amounts received by the agency under 5403
this division shall be credited to the general revenue fund. 5404

(D) The director of development services, upon the request of 5405
a fund, may waive all or a portion of the remission required under 5406
division (C) of this section if the director determines, based on 5407
an affidavit of the chief executive officer or president of a 5408
rural business concern or high-growth industry business concern, 5409
that the growth investments of the fund resulted in the retention 5410
of employment positions that would have otherwise been eliminated 5411
at rural business concerns and high-growth industry business 5412
concerns in this state. The amount waived shall not exceed the 5413
product of thirty thousand dollars multiplied by the number of 5414
retained employment positions multiplied by the number of years in 5415
which the fund made or maintained a growth investment in the 5416
business concern that retained the employment positions. 5417

Sec. 122.156. (A) A rural business and high-growth industry 5418
fund, before investing in a business, may request a written 5419
opinion from the development services agency as to whether the 5420
business qualifies as a rural business concern or a high-growth 5421
industry business concern based on the criteria prescribed by 5422
section 122.15 of the Revised Code. The request shall be submitted 5423
in a form prescribed by rule of the agency. The agency shall issue 5424
a written opinion to the fund within fifteen business days of 5425
receiving such a request. Notwithstanding division (I) of section 5426
122.15 of the Revised Code, if the agency determines that the 5427
business qualifies as a rural business concern or high-growth 5428
industry business concern, or if the agency fails to timely issue 5429
the written opinion as required under this section, the business 5430
shall be considered a rural business concern or high-growth 5431

industry business concern for the purposes of sections 122.15 to 5432
122.156 of the Revised Code. 5433

(B) Upon the request of a fund or an operating company, the 5434
agency may certify an operating company as a high-growth industry 5435
business concern, irrespective of the industry in which the 5436
operating company is engaged, if the agency determines that a 5437
growth investment in the operating company would be beneficial to 5438
the economic growth of the state. 5439

Sec. 122.17. (A) As used in this section: 5440

(1) "Payroll" means the total taxable income paid by the 5441
employer during the employer's taxable year, or during the 5442
calendar year that includes the employer's tax period, to each 5443
employee or each home-based employee employed in the project to 5444
the extent such payroll is not used to determine the credit under 5445
section 122.171 of the Revised Code. "Payroll" excludes amounts 5446
paid before the day the taxpayer becomes eligible for the credit 5447
and retirement or other benefits paid or contributed by the 5448
employer to or on behalf of employees. 5449

(2) "Baseline payroll" means Ohio employee payroll, except 5450
that the applicable measurement period is the twelve months 5451
immediately preceding the date the tax credit authority approves 5452
the taxpayer's application or the date the tax credit authority 5453
receives the recommendation described in division (C)(2)(a) of 5454
this section, whichever occurs first, multiplied by the sum of one 5455
plus an annual pay increase factor to be determined by the tax 5456
credit authority. 5457

(3) "Ohio employee payroll" means the amount of compensation 5458
used to determine the withholding obligations in division (A) of 5459
section 5747.06 of the Revised Code and paid by the employer 5460
during the employer's taxable year, or during the calendar year 5461
that includes the employer's tax period, to each the following: 5462

(a) An employee employed in the project who is a resident of this state, as defined in section 5747.01 of the Revised Code, to each including a qualifying work-from-home employee not designated as a home-based employee by an applicant under division (C)(1) of this section; 5463
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(b) An employee employed at the project site location who is not a resident and whose compensation is not exempt from the tax imposed under section 5747.02 of the Revised Code pursuant to a reciprocity agreement with another state under division (A)(3) of section 5747.05 of the Revised Code, or to each; 5468
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(c) A home-based employee employed in the project, to the extent. 5473
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"Ohio employee payroll" excludes any such compensation to the extent it is not used to determine the credit under section 122.171 of the Revised Code. "Ohio employee payroll", and excludes amounts paid before the day the taxpayer becomes eligible for the credit under this section. 5475
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(4) "Excess payroll" means Ohio employee payroll minus baseline payroll. 5480
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(5) "Home-based employee" means an employee whose services are performed primarily from the employee's residence in this state exclusively for the benefit of the project and whose rate of pay is at least one hundred thirty-one per cent of the federal minimum wage under 29 U.S.C. 206. 5482
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(6) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" excludes hours that are counted for a credit under section 122.171 of the Revised Code. 5487
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(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the 5492
5493

agreement. 5494

(8) "Qualifying work-from-home employee" means an employee 5495
who is a resident of this state and whose services are supervised 5496
from the employer's project location and performed primarily from 5497
a residence of the employee located in this state. 5498

(9) "Resident" or "resident of this state" means an 5499
individual who is a resident as defined in section 5747.01 of the 5500
Revised Code. 5501

(B) The tax credit authority may make grants under this 5502
section to foster job creation in this state. Such a grant shall 5503
take the form of a refundable credit allowed against the tax 5504
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5505
5747.02 or levied under Chapter 5751. of the Revised Code. The 5506
credit shall be claimed for the taxable years or tax periods 5507
specified in the taxpayer's agreement with the tax credit 5508
authority under division (D) of this section. With respect to 5509
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5510
Chapter 5751. of the Revised Code, the credit shall be claimed in 5511
the order required under section 5726.98, 5733.98, 5747.98, or 5512
5751.98 of the Revised Code. The amount of the credit available 5513
for a taxable year or for a calendar year that includes a tax 5514
period equals the excess payroll for that year multiplied by the 5515
percentage specified in the agreement with the tax credit 5516
authority. 5517

(C)(1) A taxpayer or potential taxpayer who proposes a 5518
project to create new jobs in this state may apply to the tax 5519
credit authority to enter into an agreement for a tax credit under 5520
this section. 5521

An application shall not propose to include both home-based 5522
employees and employees who are not home-based employees in the 5523
computation of Ohio employee payroll for the purposes of the same 5524

tax credit agreement, except that a qualifying work-from-home 5525
employee shall not be considered to be a home-based employee 5526
unless so designated by the applicant. If a taxpayer or potential 5527
taxpayer employs both home-based employees and employees who are 5528
not home-based employees in a project, the taxpayer shall submit 5529
separate applications for separate tax credit agreements for the 5530
project, one of which shall include home-based employees in the 5531
computation of Ohio employee payroll and one of which shall 5532
include all other employees in the computation of Ohio employee 5533
payroll. 5534

The director of development services shall prescribe the form 5535
of the application. After receipt of an application, the authority 5536
may enter into an agreement with the taxpayer for a credit under 5537
this section if it determines all of the following: 5538

(a) The taxpayer's project will increase payroll; 5539

(b) The taxpayer's project is economically sound and will 5540
benefit the people of this state by increasing opportunities for 5541
employment and strengthening the economy of this state; 5542

(c) Receiving the tax credit is a major factor in the 5543
taxpayer's decision to go forward with the project. 5544

(2)(a) A taxpayer that chooses to begin the project prior to 5545
receiving the determination of the authority may, upon submitting 5546
the taxpayer's application to the authority, request that the 5547
chief investment officer of the nonprofit corporation formed under 5548
section 187.01 of the Revised Code and the director review the 5549
taxpayer's application and recommend to the authority that the 5550
taxpayer's application be considered. As soon as possible after 5551
receiving such a request, the chief investment officer and the 5552
director shall review the taxpayer's application and, if they 5553
determine that the application warrants consideration by the 5554
authority, make that recommendation to the authority not later 5555

than six months after the application is received by the 5556
authority. 5557

(b) The authority shall consider any taxpayer's application 5558
for which it receives a recommendation under division (C)(2)(a) of 5559
this section. If the authority determines that the taxpayer does 5560
not meet all of the criteria set forth in division (C)(1) of this 5561
section, the authority and the development services agency shall 5562
proceed in accordance with rules adopted by the director pursuant 5563
to division (I) of this section. 5564

(D) An agreement under this section shall include all of the 5565
following: 5566

(1) A detailed description of the project that is the subject 5567
of the agreement; 5568

(2)(a) The term of the tax credit, which, except as provided 5569
in division (D)(2)(b) of this section, shall not exceed fifteen 5570
years, and the first taxable year, or first calendar year that 5571
includes a tax period, for which the credit may be claimed; 5572

(b) If the tax credit is computed on the basis of home-based 5573
employees, the term of the credit shall expire on or before the 5574
last day of the taxable or calendar year ending before the 5575
beginning of the seventh year after September 6, 2012, the 5576
effective date of H.B. 327 of the 129th general assembly. 5577

(3) A requirement that the taxpayer shall maintain operations 5578
at the project location for at least the greater of seven years or 5579
the term of the credit plus three years; 5580

(4) The percentage, as determined by the tax credit 5581
authority, of excess payroll that will be allowed as the amount of 5582
the credit for each taxable year or for each calendar year that 5583
includes a tax period; 5584

(5) The pay increase factor to be applied to the taxpayer's 5585

baseline payroll; 5586

(6) A requirement that the taxpayer annually shall report to 5587
the director of development services full-time equivalent 5588
employees, payroll, Ohio employee payroll, investment, the 5589
provision of health care benefits and tuition reimbursement if 5590
required in the agreement, and other information the director 5591
needs to perform the director's duties under this section; 5592

(7) A requirement that the director of development services 5593
annually review the information reported under division (D)(6) of 5594
this section and verify compliance with the agreement; if the 5595
taxpayer is in compliance, a requirement that the director issue a 5596
certificate to the taxpayer stating that the information has been 5597
verified and identifying the amount of the credit that may be 5598
claimed for the taxable or calendar year; 5599

(8) A provision providing that the taxpayer may not relocate 5600
a substantial number of employment positions from elsewhere in 5601
this state to the project location unless the director of 5602
development services determines that the legislative authority of 5603
the county, township, or municipal corporation from which the 5604
employment positions would be relocated has been notified by the 5605
taxpayer of the relocation. 5606

For purposes of this section, the movement of an employment 5607
position from one political subdivision to another political 5608
subdivision shall be considered a relocation of an employment 5609
position unless the employment position in the first political 5610
subdivision is replaced. The movement of a qualifying 5611
work-from-home employee to a different residence located in this 5612
state or to the project location shall not be considered a 5613
relocation of an employment position. 5614

(9) If the tax credit is computed on the basis of home-based 5615
employees, that the tax credit may not be claimed by the taxpayer 5616

until the taxable year or tax period in which the taxpayer employs 5617
at least two hundred employees more than the number of employees 5618
the taxpayer employed on June 30, 2011. 5619

(E) If a taxpayer fails to meet or comply with any condition 5620
or requirement set forth in a tax credit agreement, the tax credit 5621
authority may amend the agreement to reduce the percentage or term 5622
of the tax credit. The reduction of the percentage or term may 5623
take effect in the current taxable or calendar year. 5624

(F) Projects that consist solely of point-of-final-purchase 5625
retail facilities are not eligible for a tax credit under this 5626
section. If a project consists of both point-of-final-purchase 5627
retail facilities and nonretail facilities, only the portion of 5628
the project consisting of the nonretail facilities is eligible for 5629
a tax credit and only the excess payroll from the nonretail 5630
facilities shall be considered when computing the amount of the 5631
tax credit. If a warehouse facility is part of a 5632
point-of-final-purchase retail facility and supplies only that 5633
facility, the warehouse facility is not eligible for a tax credit. 5634
Catalog distribution centers are not considered 5635
point-of-final-purchase retail facilities for the purposes of this 5636
division, and are eligible for tax credits under this section. 5637

(G) Financial statements and other information submitted to 5638
the development services agency or the tax credit authority by an 5639
applicant or recipient of a tax credit under this section, and any 5640
information taken for any purpose from such statements or 5641
information, are not public records subject to section 149.43 of 5642
the Revised Code. However, the chairperson of the authority may 5643
make use of the statements and other information for purposes of 5644
issuing public reports or in connection with court proceedings 5645
concerning tax credit agreements under this section. Upon the 5646
request of the tax commissioner or, if the applicant or recipient 5647
is an insurance company, upon the request of the superintendent of 5648

insurance, the chairperson of the authority shall provide to the 5649
commissioner or superintendent any statement or information 5650
submitted by an applicant or recipient of a tax credit in 5651
connection with the credit. The commissioner or superintendent 5652
shall preserve the confidentiality of the statement or 5653
information. 5654

(H) A taxpayer claiming a credit under this section shall 5655
submit to the tax commissioner or, if the taxpayer is an insurance 5656
company, to the superintendent of insurance, a copy of the 5657
director of development services' certificate of verification 5658
under division (D)(7) of this section with the taxpayer's tax 5659
report or return for the taxable year or for the calendar year 5660
that includes the tax period. Failure to submit a copy of the 5661
certificate with the report or return does not invalidate a claim 5662
for a credit if the taxpayer submits a copy of the certificate to 5663
the commissioner or superintendent within the time prescribed by 5664
section 5703.0510 of the Revised Code or within thirty days after 5665
the commissioner or superintendent requests it. 5666

(I) The director of development services, after consultation 5667
with the tax commissioner and the superintendent of insurance and 5668
in accordance with Chapter 119. of the Revised Code, shall adopt 5669
rules necessary to implement this section, including rules that 5670
establish a procedure to be followed by the tax credit authority 5671
and the development services agency in the event the authority 5672
considers a taxpayer's application for which it receives a 5673
recommendation under division (C)(2)(a) of this section but does 5674
not approve it. The rules may provide for recipients of tax 5675
credits under this section to be charged fees to cover 5676
administrative costs of the tax credit program. For the purposes 5677
of these rules, a qualifying work-from-home employee shall be 5678
considered to be an employee employed at the applicant's project 5679
location. The fees collected shall be credited to the ~~business~~ 5680

~~assistance tax incentives operating~~ fund created in section 5681
122.174 of the Revised Code. At the time the director gives public 5682
notice under division (A) of section 119.03 of the Revised Code of 5683
the adoption of the rules, the director shall submit copies of the 5684
proposed rules to the chairpersons of the standing committees on 5685
economic development in the senate and the house of 5686
representatives. 5687

(J) For the purposes of this section, a taxpayer may include 5688
a partnership, a corporation that has made an election under 5689
subchapter S of chapter one of subtitle A of the Internal Revenue 5690
Code, or any other business entity through which income flows as a 5691
distributive share to its owners. A partnership, S-corporation, or 5692
other such business entity may elect to pass the credit received 5693
under this section through to the persons to whom the income or 5694
profit of the partnership, S-corporation, or other entity is 5695
distributed. The election shall be made on the annual report 5696
required under division (D)(6) of this section. The election 5697
applies to and is irrevocable for the credit for which the report 5698
is submitted. If the election is made, the credit shall be 5699
apportioned among those persons in the same proportions as those 5700
in which the income or profit is distributed. 5701

(K)(1) If the director of development services determines 5702
that a taxpayer who has received a credit under this section is 5703
not complying with the requirements of the agreement, the director 5704
shall notify the tax credit authority of the noncompliance. After 5705
receiving such a notice, and after giving the taxpayer an 5706
opportunity to explain the noncompliance, the tax credit authority 5707
may require the taxpayer to refund to this state a portion of the 5708
credit in accordance with the following: 5709

(a) If the taxpayer fails to comply with the requirement 5710
under division (D)(3) of this section, an amount determined in 5711
accordance with the following: 5712

(i) If the taxpayer maintained operations at the project 5713
location for a period less than or equal to the term of the 5714
credit, an amount not exceeding one hundred per cent of the sum of 5715
any credits allowed and received under this section; 5716

(ii) If the taxpayer maintained operations at the project 5717
location for a period longer than the term of the credit, but less 5718
than the greater of seven years or the term of the credit plus 5719
three years, an amount not exceeding seventy-five per cent of the 5720
sum of any credits allowed and received under this section. 5721

(b) If, on the metric evaluation date, the taxpayer fails to 5722
substantially meet the job creation, payroll, or investment 5723
requirements included in the agreement, an amount determined at 5724
the discretion of the authority; 5725

(c) If the taxpayer fails to substantially maintain the 5726
number of new full-time equivalent employees or amount of payroll 5727
required under the agreement at any time during the term of the 5728
agreement after the metric evaluation date, an amount determined 5729
at the discretion of the authority. 5730

(2) If a taxpayer files for bankruptcy and fails as described 5731
in division (K)(1)(a), (b), or (c) of this section, the director 5732
may immediately commence an action to recoup an amount not 5733
exceeding one hundred per cent of the sum of any credits received 5734
by the taxpayer under this section. 5735

(3) In determining the portion of the tax credit to be 5736
refunded to this state, the tax credit authority shall consider 5737
the effect of market conditions on the taxpayer's project and 5738
whether the taxpayer continues to maintain other operations in 5739
this state. After making the determination, the authority shall 5740
certify the amount to be refunded to the tax commissioner or 5741
superintendent of insurance, as appropriate. If the amount is 5742
certified to the commissioner, the commissioner shall make an 5743

assessment for that amount against the taxpayer under Chapter 5744
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5745
amount is certified to the superintendent, the superintendent 5746
shall make an assessment for that amount against the taxpayer 5747
under Chapter 5725. or 5729. of the Revised Code. The time 5748
limitations on assessments under those chapters do not apply to an 5749
assessment under this division, but the commissioner or 5750
superintendent, as appropriate, shall make the assessment within 5751
one year after the date the authority certifies to the 5752
commissioner or superintendent the amount to be refunded. 5753

(L) On or before the first day of August each year, the 5754
director of development services shall submit a report to the 5755
governor, the president of the senate, and the speaker of the 5756
house of representatives on the tax credit program under this 5757
section. The report shall include information on the number of 5758
agreements that were entered into under this section during the 5759
preceding calendar year, a description of the project that is the 5760
subject of each such agreement, and an update on the status of 5761
projects under agreements entered into before the preceding 5762
calendar year. 5763

(M) There is hereby created the tax credit authority, which 5764
consists of the director of development services and four other 5765
members appointed as follows: the governor, the president of the 5766
senate, and the speaker of the house of representatives each shall 5767
appoint one member who shall be a specialist in economic 5768
development; the governor also shall appoint a member who is a 5769
specialist in taxation. Terms of office shall be for four years. 5770
Each member shall serve on the authority until the end of the term 5771
for which the member was appointed. Vacancies shall be filled in 5772
the same manner provided for original appointments. Any member 5773
appointed to fill a vacancy occurring prior to the expiration of 5774
the term for which the member's predecessor was appointed shall 5775

hold office for the remainder of that term. Members may be 5776
reappointed to the authority. Members of the authority shall 5777
receive their necessary and actual expenses while engaged in the 5778
business of the authority. The director of development services 5779
shall serve as chairperson of the authority, and the members 5780
annually shall elect a vice-chairperson from among themselves. 5781
Three members of the authority constitute a quorum to transact and 5782
vote on the business of the authority. The majority vote of the 5783
membership of the authority is necessary to approve any such 5784
business, including the election of the vice-chairperson. 5785

The director of development services may appoint a 5786
professional employee of the development services agency to serve 5787
as the director's substitute at a meeting of the authority. The 5788
director shall make the appointment in writing. In the absence of 5789
the director from a meeting of the authority, the appointed 5790
substitute shall serve as chairperson. In the absence of both the 5791
director and the director's substitute from a meeting, the 5792
vice-chairperson shall serve as chairperson. 5793

(N) For purposes of the credits granted by this section 5794
against the taxes imposed under sections 5725.18 and 5729.03 of 5795
the Revised Code, "taxable year" means the period covered by the 5796
taxpayer's annual statement to the superintendent of insurance. 5797

(O) On or before the first day of March of each of the five 5798
calendar years beginning with 2014, each taxpayer subject to an 5799
agreement with the tax credit authority under this section on the 5800
basis of home-based employees shall report the number of 5801
home-based employees and other employees employed by the taxpayer 5802
in this state to the development services agency. 5803

(P) On or before the first day of January of 2019, the 5804
director of development services shall submit a report to the 5805
governor, the president of the senate, and the speaker of the 5806
house of representatives on the effect of agreements entered into 5807

under this section in which the taxpayer included home-based 5808
employees in the computation of income tax revenue, as that term 5809
was defined in this section prior to the amendment of this section 5810
by H.B. 64 of the 131st general assembly. The report shall include 5811
information on the number of such agreements that were entered 5812
into in the preceding six years, a description of the projects 5813
that were the subjects of such agreements, and an analysis of 5814
nationwide home-based employment trends, including the number of 5815
home-based jobs created from July 1, 2011, through June 30, 2017, 5816
and a description of any home-based employment tax incentives 5817
provided by other states during that time. 5818

(Q) The director of development services may require any 5819
agreement entered into under this section for a tax credit 5820
computed on the basis of home-based employees to contain a 5821
provision that the taxpayer makes available health care benefits 5822
and tuition reimbursement to all employees. 5823

(R) Original agreements approved by the tax credit authority 5824
under this section in 2014 or 2015 before ~~the effective date of~~ 5825
~~this division~~ September 29, 2015, may be revised at the request of 5826
the taxpayer to conform with the amendments to this section and 5827
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5828
Code by H.B. 64 of the 131st general assembly, upon mutual 5829
agreement of the taxpayer and the development services agency, and 5830
approval by the tax credit authority. 5831

(S)(1) As used in division (S) of this section: 5832

(a) "Eligible agreement" means an agreement approved by the 5833
tax credit authority under this section on or before December 31, 5834
2013. 5835

(b) "Reporting period" means a period corresponding to the 5836
annual report required under division (D)(6) of this section. 5837

(c) "Income tax revenue" has the same meaning as under this 5838

section as it existed before September 29, 2015, the effective 5839
date of the amendment of this section by H.B. 64 of the 131st 5840
general assembly. 5841

(2) In calendar year 2016 and thereafter, the tax credit 5842
authority shall annually determine a withholding adjustment factor 5843
to be used in the computation of income tax revenue for eligible 5844
agreements. The withholding adjustment factor shall be a numerical 5845
percentage that equals the percentage that employer income tax 5846
withholding rates have been increased or decreased as a result of 5847
changes in the income tax rates prescribed by section 5747.02 of 5848
the Revised Code by amendment of that section taking effect on or 5849
after June 29, 2013. 5850

(3) Except as provided in division (S)(4) of this section, 5851
for reporting periods ending in 2015 and thereafter for taxpayers 5852
subject to eligible agreements, the tax credit authority shall 5853
adjust the income tax revenue reported on the taxpayer's annual 5854
report by multiplying the withholding adjustment factor by the 5855
taxpayer's income tax revenue and doing one of the following: 5856

(a) If the income tax rates prescribed by section 5747.02 of 5857
the Revised Code have decreased by amendment of that section 5858
taking effect on or after June 29, 2013, add the product to the 5859
taxpayer's income tax revenue. 5860

(b) If the income tax rates prescribed by section 5747.02 of 5861
the Revised Code have increased by amendment of that section 5862
taking effect on or after June 29, 2013, subtract the product from 5863
the taxpayer's income tax revenue. 5864

(4) Division (S)(3) of this section shall not apply unless 5865
all of the following apply for the reporting period with respect 5866
to the eligible agreement: 5867

(a) The taxpayer has achieved one hundred per cent of the new 5868
employment commitment identified in the agreement. 5869

(b) If applicable, the taxpayer has achieved one hundred per cent of the new payroll commitment identified in the agreement. 5870
5871

(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement. 5872
5873

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period. 5874
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Sec. 122.171. (A) As used in this section: 5879

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following: 5880
5881
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(a) Payments made for the acquisition of personal property through operating leases; 5886
5887

(b) Project costs paid before January 1, 2002; 5888

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code. 5889
5890
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(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following: 5893
5894

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section; 5895
5896
5897
5898

(b) The taxpayer makes or causes to be made payments for the 5899
capital investment project of one of the following: 5900

(i) If the taxpayer is engaged at the project site primarily 5901
as a manufacturer, at least fifty million dollars in the aggregate 5902
at the project site during a period of three consecutive calendar 5903
years, including the calendar year that includes a day of the 5904
taxpayer's taxable year or tax period with respect to which the 5905
credit is granted; 5906

(ii) If the taxpayer is engaged at the project site primarily 5907
in significant corporate administrative functions, as defined by 5908
the director of development services by rule, at least twenty 5909
million dollars in the aggregate at the project site during a 5910
period of three consecutive calendar years including the calendar 5911
year that includes a day of the taxpayer's taxable year or tax 5912
period with respect to which the credit is granted. 5913

(c) The taxpayer had a capital investment project reviewed 5914
and approved by the tax credit authority as provided in divisions 5915
(C), (D), and (E) of this section. 5916

(3) "Full-time equivalent employees" means the quotient 5917
obtained by dividing the total number of hours for which employees 5918
were compensated for employment in the project by two thousand 5919
eighty. "Full-time equivalent employees" shall exclude hours that 5920
are counted for a credit under section 122.17 of the Revised Code. 5921

(4) "Ohio employee payroll" has the same meaning as in 5922
section 122.17 of the Revised Code. 5923

(5) "Manufacturer" has the same meaning as in section 5924
5739.011 of the Revised Code. 5925

(6) "Project site" means an integrated complex of facilities 5926
in this state, as specified by the tax credit authority under this 5927
section, within a fifteen-mile radius where a taxpayer is 5928
primarily operating as an eligible business. 5929

(7) "Related member" has the same meaning as in section 5930
5733.042 of the Revised Code as that section existed on the 5931
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5932
general assembly, September 29, 1997. 5933

(8) "Taxable year" includes, in the case of a domestic or 5934
foreign insurance company, the calendar year ending on the 5935
thirty-first day of December preceding the day the superintendent 5936
of insurance is required to certify to the treasurer of state 5937
under section 5725.20 or 5729.05 of the Revised Code the amount of 5938
taxes due from insurance companies. 5939

(B) The tax credit authority created under section 122.17 of 5940
the Revised Code may grant a nonrefundable tax credit to an 5941
eligible business under this section for the purpose of fostering 5942
job retention in this state. Upon application by an eligible 5943
business and upon consideration of the determination of the 5944
director of budget and management, tax commissioner, and the 5945
superintendent of insurance in the case of an insurance company, 5946
and the recommendation and determination of the director of 5947
development services under division (C) of this section, the tax 5948
credit authority may grant the credit against the tax imposed by 5949
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5950
5751.02 of the Revised Code. 5951

The credit authorized in this section may be granted for a 5952
period up to fifteen taxable years or, in the case of the tax 5953
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5954
period of up to fifteen calendar years. The credit amount for a 5955
taxable year or a calendar year that includes the tax period for 5956
which a credit may be claimed equals the Ohio employee payroll for 5957
that year multiplied by the percentage specified in the agreement 5958
with the tax credit authority. The credit shall be claimed in the 5959
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5960
5747.98, or 5751.98 of the Revised Code. In determining the 5961

percentage and term of the credit, the tax credit authority shall 5962
consider both the number of full-time equivalent employees and the 5963
value of the capital investment project. The credit amount may not 5964
be based on the Ohio employee payroll for a calendar year before 5965
the calendar year in which the tax credit authority specifies the 5966
tax credit is to begin, and the credit shall be claimed only for 5967
the taxable years or tax periods specified in the eligible 5968
business' agreement with the tax credit authority. In no event 5969
shall the credit be claimed for a taxable year or tax period 5970
terminating before the date specified in the agreement. 5971

If a credit allowed under this section for a taxable year or 5972
tax period exceeds the taxpayer's tax liability for that year or 5973
period, the excess may be carried forward for the three succeeding 5974
taxable or calendar years, but the amount of any excess credit 5975
allowed in any taxable year or tax period shall be deducted from 5976
the balance carried forward to the succeeding year or period. 5977

(C) A taxpayer that proposes a capital investment project to 5978
retain jobs in this state may apply to the tax credit authority to 5979
enter into an agreement for a tax credit under this section. The 5980
director of development services shall prescribe the form of the 5981
application. After receipt of an application, the authority shall 5982
forward copies of the application to the director of budget and 5983
management, the tax commissioner, and the superintendent of 5984
insurance in the case of an insurance company, each of whom shall 5985
review the application to determine the economic impact the 5986
proposed project would have on the state and the affected 5987
political subdivisions and shall submit a summary of their 5988
determinations to the authority. The authority shall also forward 5989
a copy of the application to the director of development services, 5990
who shall review the application to determine the economic impact 5991
the proposed project would have on the state and the affected 5992
political subdivisions and shall submit a summary of the 5993

director's determinations and recommendations to the authority. 5994

(D) Upon review and consideration of the determinations and 5995
recommendations described in division (C) of this section, the tax 5996
credit authority may enter into an agreement with the taxpayer for 5997
a credit under this section if the authority determines all of the 5998
following: 5999

(1) The taxpayer's capital investment project will result in 6000
the retention of employment in this state. 6001

(2) The taxpayer is economically sound and has the ability to 6002
complete the proposed capital investment project. 6003

(3) The taxpayer intends to and has the ability to maintain 6004
operations at the project site for at least the greater of (a) the 6005
term of the credit plus three years, or (b) seven years. 6006

(4) Receiving the credit is a major factor in the taxpayer's 6007
decision to begin, continue with, or complete the project. 6008

(E) An agreement under this section shall include all of the 6009
following: 6010

(1) A detailed description of the project that is the subject 6011
of the agreement, including the amount of the investment, the 6012
period over which the investment has been or is being made, the 6013
number of full-time equivalent employees at the project site, and 6014
the anticipated Ohio employee payroll to be generated. 6015

(2) The term of the credit, the percentage of the tax credit, 6016
the maximum annual value of tax credits that may be allowed each 6017
year, and the first year for which the credit may be claimed. 6018

(3) A requirement that the taxpayer maintain operations at 6019
the project site for at least the greater of (a) the term of the 6020
credit plus three years, or (b) seven years. 6021

(4) A requirement that the taxpayer retain at least five 6022
hundred full-time equivalent employees at the project site and 6023

within this state for the entire term of the credit, or a 6024
requirement that the taxpayer maintain an annual Ohio employee 6025
payroll of at least thirty-five million dollars for the entire 6026
term of the credit. 6027

(5) A requirement that the taxpayer annually report to the 6028
director of development services full-time equivalent employees, 6029
Ohio employee payroll, capital investment, and other information 6030
the director needs to perform the director's duties under this 6031
section. 6032

(6) A requirement that the director of development services 6033
annually review the annual reports of the taxpayer to verify the 6034
information reported under division (E)(5) of this section and 6035
compliance with the agreement. Upon verification, the director 6036
shall issue a certificate to the taxpayer stating that the 6037
information has been verified and identifying the amount of the 6038
credit for the taxable year or calendar year that includes the tax 6039
period. In determining the number of full-time equivalent 6040
employees, no position shall be counted that is filled by an 6041
employee who is included in the calculation of a tax credit under 6042
section 122.17 of the Revised Code. 6043

(7) A provision providing that the taxpayer may not relocate 6044
a substantial number of employment positions from elsewhere in 6045
this state to the project site unless the director of development 6046
services determines that the taxpayer notified the legislative 6047
authority of the county, township, or municipal corporation from 6048
which the employment positions would be relocated. 6049

For purposes of this section, the movement of an employment 6050
position from one political subdivision to another political 6051
subdivision shall be considered a relocation of an employment 6052
position unless the movement is confined to the project site. The 6053
transfer of an employment position from one political subdivision 6054
to another political subdivision shall not be considered a 6055

relocation of an employment position if the employment position in 6056
the first political subdivision is replaced by another employment 6057
position. 6058

(8) A waiver by the taxpayer of any limitations periods 6059
relating to assessments or adjustments resulting from the 6060
taxpayer's failure to comply with the agreement. 6061

(F) If a taxpayer fails to meet or comply with any condition 6062
or requirement set forth in a tax credit agreement, the tax credit 6063
authority may amend the agreement to reduce the percentage or term 6064
of the credit. The reduction of the percentage or term may take 6065
effect in the current taxable or calendar year. 6066

(G) Financial statements and other information submitted to 6067
the department of development services or the tax credit authority 6068
by an applicant for or recipient of a tax credit under this 6069
section, and any information taken for any purpose from such 6070
statements or information, are not public records subject to 6071
section 149.43 of the Revised Code. However, the chairperson of 6072
the authority may make use of the statements and other information 6073
for purposes of issuing public reports or in connection with court 6074
proceedings concerning tax credit agreements under this section. 6075
Upon the request of the tax commissioner, or the superintendent of 6076
insurance in the case of an insurance company, the chairperson of 6077
the authority shall provide to the commissioner or superintendent 6078
any statement or other information submitted by an applicant for 6079
or recipient of a tax credit in connection with the credit. The 6080
commissioner or superintendent shall preserve the confidentiality 6081
of the statement or other information. 6082

(H) A taxpayer claiming a tax credit under this section shall 6083
submit to the tax commissioner or, in the case of an insurance 6084
company, to the superintendent of insurance, a copy of the 6085
director of development services' certificate of verification 6086
under division (E)(6) of this section with the taxpayer's tax 6087

report or return for the taxable year or for the calendar year 6088
that includes the tax period. Failure to submit a copy of the 6089
certificate with the report or return does not invalidate a claim 6090
for a credit if the taxpayer submits a copy of the certificate to 6091
the commissioner or superintendent within the time prescribed by 6092
section 5703.0510 of the Revised Code or within thirty days after 6093
the commissioner or superintendent requests it. 6094

(I) For the purposes of this section, a taxpayer may include 6095
a partnership, a corporation that has made an election under 6096
subchapter S of chapter one of subtitle A of the Internal Revenue 6097
Code, or any other business entity through which income flows as a 6098
distributive share to its owners. A partnership, S-corporation, or 6099
other such business entity may elect to pass the credit received 6100
under this section through to the persons to whom the income or 6101
profit of the partnership, S-corporation, or other entity is 6102
distributed. The election shall be made on the annual report 6103
required under division (E)(5) of this section. The election 6104
applies to and is irrevocable for the credit for which the report 6105
is submitted. If the election is made, the credit shall be 6106
apportioned among those persons in the same proportions as those 6107
in which the income or profit is distributed. 6108

(J)(1) If the director of development services determines 6109
that a taxpayer that received a certificate under division (E)(6) 6110
of this section is not complying with the requirements of the 6111
agreement, the director shall notify the tax credit authority of 6112
the noncompliance. After receiving such a notice, and after giving 6113
the taxpayer an opportunity to explain the noncompliance, the 6114
authority may terminate the agreement and require the taxpayer, or 6115
any related member or members that claimed the tax credit under 6116
division (N) of this section, to refund to the state all or a 6117
portion of the credit claimed in previous years, as follows: 6118

(a) If the taxpayer fails to comply with the requirement 6119

under division (E)(3) of this section, an amount determined in 6120
accordance with the following: 6121

(i) If the taxpayer maintained operations at the project site 6122
for less than or equal to the term of the credit, an amount not to 6123
exceed one hundred per cent of the sum of any tax credits allowed 6124
and received under this section. 6125

(ii) If the taxpayer maintained operations at the project 6126
site longer than the term of the credit, but less than the greater 6127
of seven years or the term of the credit plus three years, the 6128
amount required to be refunded shall not exceed seventy-five per 6129
cent of the sum of any tax credits allowed and received under this 6130
section. 6131

(b) If the taxpayer fails to substantially maintain both the 6132
number of full-time equivalent employees and the amount of Ohio 6133
employee payroll required under the agreement at any time during 6134
the term of the agreement or during the post-term reporting 6135
period, an amount determined at the discretion of the authority. 6136

(2) If a taxpayer files for bankruptcy and fails as described 6137
in division (J)(1)(a) or (b) of this section, the director may 6138
immediately commence an action to recoup an amount not exceeding 6139
one hundred per cent of the sum of any credits received by the 6140
taxpayer under this section. 6141

(3) In determining the portion of the credit to be refunded 6142
to this state, the authority shall consider the effect of market 6143
conditions on the taxpayer's project and whether the taxpayer 6144
continues to maintain other operations in this state. After making 6145
the determination, the authority shall certify the amount to be 6146
refunded to the tax commissioner or the superintendent of 6147
insurance. If the taxpayer, or any related member or members who 6148
claimed the tax credit under division (N) of this section, is not 6149
an insurance company, the commissioner shall make an assessment 6150

for that amount against the taxpayer under Chapter 5726., 5733., 6151
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6152
any related member or members that claimed the tax credit under 6153
division (N) of this section, is an insurance company, the 6154
superintendent of insurance shall make an assessment under section 6155
5725.222 or 5729.102 of the Revised Code. The time limitations on 6156
assessments under those chapters and sections do not apply to an 6157
assessment under this division, but the commissioner or 6158
superintendent shall make the assessment within one year after the 6159
date the authority certifies to the commissioner or superintendent 6160
the amount to be refunded. 6161

(K) The director of development services, after consultation 6162
with the tax commissioner and the superintendent of insurance and 6163
in accordance with Chapter 119. of the Revised Code, shall adopt 6164
rules necessary to implement this section. The rules may provide 6165
for recipients of tax credits under this section to be charged 6166
fees to cover administrative costs of the tax credit program. The 6167
fees collected shall be credited to the ~~business assistance tax~~ 6168
incentives operating fund created in section 122.174 of the 6169
Revised Code. At the time the director gives public notice under 6170
division (A) of section 119.03 of the Revised Code of the adoption 6171
of the rules, the director shall submit copies of the proposed 6172
rules to the chairpersons of the standing committees on economic 6173
development in the senate and the house of representatives. 6174

(L) On or before the first day of August of each year, the 6175
director of development services shall submit a report to the 6176
governor, the president of the senate, and the speaker of the 6177
house of representatives on the tax credit program under this 6178
section. The report shall include information on the number of 6179
agreements that were entered into under this section during the 6180
preceding calendar year, a description of the project that is the 6181
subject of each such agreement, and an update on the status of 6182

projects under agreements entered into before the preceding 6183
calendar year. 6184

(M) The aggregate amount of nonrefundable tax credits issued 6185
under this section during any calendar year for capital investment 6186
projects reviewed and approved by the tax credit authority may not 6187
exceed the following amounts: 6188

(1) For 2010, thirteen million dollars; 6189

(2) For 2011 through 2023, the amount of the limit for the 6190
preceding calendar year plus thirteen million dollars; 6191

(3) For 2024 and each year thereafter, one hundred 6192
ninety-five million dollars. 6193

The limitations in division (M) of this section do not apply 6194
to credits for capital investment projects approved by the tax 6195
credit authority before July 1, 2009. 6196

(N) This division applies only to an eligible business that 6197
is part of an affiliated group that includes a diversified savings 6198
and loan holding company or a grandfathered unitary savings and 6199
loan holding company, as those terms are defined in section 6200
5726.01 of the Revised Code. Notwithstanding any contrary 6201
provision of the agreement between such an eligible business and 6202
the tax credit authority, any credit granted under this section 6203
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6204
5747.02, or 5751.02 of the Revised Code to the eligible business, 6205
at the election of the eligible business and without any action by 6206
the tax credit authority, may be shared with any member or members 6207
of the affiliated group that includes the eligible business, which 6208
member or members may claim the credit against the taxes imposed 6209
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6210
of the Revised Code. Credits shall be claimed by the eligible 6211
business in sequential order, as applicable, first claiming the 6212
credits to the fullest extent possible against the tax that the 6213

certificate holder is subject to, then against the tax imposed by, 6214
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6215
lastly 5726.02 of the Revised Code. The credits may be allocated 6216
among the members of the affiliated group in such manner as the 6217
eligible business elects, but subject to the sequential order 6218
required under this division. This division applies to credits 6219
granted before, on, or after March 27, 2013, the effective date of 6220
H.B. 510 of the 129th general assembly. Credits granted before 6221
that effective date that are shared and allocated under this 6222
division may be claimed in those calendar years in which the 6223
remaining taxable years specified in the agreement end. 6224

As used in this division, "affiliated group" means a group of 6225
two or more persons with fifty per cent or greater of the value of 6226
each person's ownership interests owned or controlled directly, 6227
indirectly, or constructively through related interests by common 6228
owners during all or any portion of the taxable year, and the 6229
common owners. "Affiliated group" includes, but is not limited to, 6230
any person eligible to be included in a consolidated elected 6231
taxpayer group under section 5751.011 of the Revised Code or a 6232
combined taxpayer group under section 5751.012 of the Revised 6233
Code. 6234

(O)(1) As used in division (O) of this section: 6235

(a) "Eligible agreement" means an agreement approved by the 6236
tax credit authority under this section on or before December 31, 6237
2013. 6238

(b) "Reporting period" means a period corresponding to the 6239
annual report required under division (E)(5) of this section. 6240

(c) "Income tax revenue" has the same meaning as under 6241
division (S) of section 122.17 of the Revised Code. 6242

(2) In calendar year 2016 and thereafter, the tax credit 6243
authority shall annually determine a withholding adjustment factor 6244

to be used in the computation of income tax revenue for eligible 6245
agreements. The withholding adjustment factor shall be a numerical 6246
percentage that equals the percentage that employer income tax 6247
withholding rates have been increased or decreased as a result of 6248
changes in the income tax rates prescribed by section 5747.02 of 6249
the Revised Code by amendment of that section taking effect on or 6250
after June 29, 2013. 6251

(3) Except as provided in division (0)(4) of this section, 6252
for reporting periods ending in 2015 and thereafter for taxpayers 6253
subject to eligible agreements, the tax credit authority shall 6254
adjust the income tax revenue reported on the taxpayer's annual 6255
report by multiplying the withholding adjustment factor by the 6256
taxpayer's income tax revenue and doing one of the following: 6257

(a) If the income tax rates prescribed by section 5747.02 of 6258
the Revised Code have decreased by amendment of this section 6259
taking effect on or after June 29, 2013, add the product to the 6260
taxpayer's income tax revenue. 6261

(b) If the income tax rates prescribed by section 5747.02 of 6262
the Revised Code have increased by amendment of this section 6263
taking effect on or after June 29, 2013, subtract the product from 6264
the taxpayer's income tax revenue. 6265

(4) Division (0)(3) of this section shall not apply unless 6266
all of the following apply with respect to the eligible agreement: 6267

(a) The taxpayer has achieved one hundred per cent of the job 6268
retention commitment identified in the agreement. 6269

(b) If applicable, the taxpayer has achieved one hundred per 6270
cent of the payroll retention commitment identified in the 6271
agreement. 6272

(c) If applicable, the taxpayer has achieved one hundred per 6273
cent of the investment commitment identified in the agreement. 6274

(5) Failure by a taxpayer to have achieved any of the 6275
applicable commitments described in divisions (O)(4)(a) to (c) of 6276
this section in a reporting period does not disqualify the 6277
taxpayer for the adjustment under division (O) of this section for 6278
an ensuing reporting period. 6279

Sec. 122.174. There is hereby created in the state treasury 6280
the ~~business assistance tax incentives operating~~ fund. The fund 6281
shall consist of any amounts appropriated to it and money credited 6282
to the fund pursuant to ~~division (I) of section 121.17, division~~ 6283
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 6284
~~division (C)(2) of section 122.85, division (C) of section 122.86,~~ 6285
~~3735.672, and division (C) of section 5709.68, or 5725.33~~ of the 6286
Revised Code. The director of development services shall use money 6287
in the fund to pay expenses related to the administration of (A) 6288
the business services division of the development services agency 6289
and (B) the programs described in those sections. 6290

Sec. 122.175. (A) As used in this section: 6291

(1) "Capital investment project" means a plan of investment 6292
at a project site for the acquisition, construction, renovation, 6293
expansion, replacement, or repair of a computer data center or of 6294
computer data center equipment, but does not include any of the 6295
following: 6296

(a) Project costs paid before a date determined by the tax 6297
credit authority for each capital investment project; 6298

(b) Payments made to a related member as defined in section 6299
5733.042 of the Revised Code or to a consolidated elected taxpayer 6300
or a combined taxpayer as defined in section 5751.01 of the 6301
Revised Code. 6302

(2) "Computer data center" means a facility used or to be 6303
used primarily to house computer data center equipment used or to 6304

be used in conducting one or more computer data center businesses, 6305
as determined by the tax credit authority. 6306

(3) "Computer data center business" means, as may be further 6307
determined by the tax credit authority, a business that provides 6308
electronic information services as defined in division (Y)(1)(c) 6309
of section 5739.01 of the Revised Code, or that leases a facility 6310
to one or more such businesses. "Computer data center business" 6311
does not include providing electronic publishing as defined in 6312
~~division (LLL)~~ of that section. 6313

(4) "Computer data center equipment" means tangible personal 6314
property used or to be used for any of the following: 6315

(a) To conduct a computer data center business, including 6316
equipment cooling systems to manage the performance of computer 6317
data center equipment; 6318

(b) To generate, transform, transmit, distribute, or manage 6319
electricity necessary to operate the tangible personal property 6320
used or to be used in conducting a computer data center business; 6321

(c) As building and construction materials sold to 6322
construction contractors for incorporation into a computer data 6323
center. 6324

(5) "Eligible computer data center" means a computer data 6325
center that satisfies all of the following requirements: 6326

(a) One or more taxpayers operating a computer data center 6327
business at the project site will, in the aggregate, make payments 6328
for a capital investment project of at least one hundred million 6329
dollars at the project site during one of the following cumulative 6330
periods: 6331

(i) For projects beginning in 2013, ~~five~~ six consecutive 6332
calendar years; 6333

(ii) For projects beginning in 2014, four consecutive 6334

calendar years; 6335

(iii) For projects beginning in or after 2015, three 6336
consecutive calendar years. 6337

(b) One or more taxpayers operating a computer data center 6338
business at the project site will, in the aggregate, pay annual 6339
compensation that is subject to the withholding obligation imposed 6340
under section 5747.06 of the Revised Code of at least one million 6341
five hundred thousand dollars to employees employed at the project 6342
site for each year of the agreement beginning on or after the 6343
first day of the twenty-fifth month after the agreement was 6344
entered into under this section. 6345

(6) "Person" has the same meaning as in section 5701.01 of 6346
the Revised Code. 6347

(7) "Project site," "related member," and "tax credit 6348
authority" have the same meanings as in sections 122.17 and 6349
122.171 of the Revised Code. 6350

(8) "Taxpayer" means any person subject to the taxes imposed 6351
under Chapters 5739. and 5741. of the Revised Code. 6352

(B) The tax credit authority may completely or partially 6353
exempt from the taxes levied under Chapters 5739. and 5741. of the 6354
Revised Code the sale, storage, use, or other consumption of 6355
computer data center equipment used or to be used at an eligible 6356
computer data center. Any such exemption shall extend to charges 6357
for the delivery, installation, or repair of the computer data 6358
center equipment subject to the exemption under this section. 6359

(C) A taxpayer that proposes a capital improvement project 6360
for an eligible computer data center in this state may apply to 6361
the tax credit authority to enter into an agreement under this 6362
section authorizing a complete or partial exemption from the taxes 6363
imposed under Chapters 5739. and 5741. of the Revised Code on 6364
computer data center equipment purchased by the applicant or any 6365

other taxpayer that operates a computer data center business at 6366
the project site and used or to be used at the eligible computer 6367
data center. The director of development services shall prescribe 6368
the form of the application. After receipt of an application, the 6369
authority shall forward copies of the application to the director 6370
of budget and management and the tax commissioner, each of whom 6371
shall review the application to determine the economic impact that 6372
the proposed eligible computer data center would have on the state 6373
and any affected political subdivisions and submit to the 6374
authority a summary of their determinations. The authority shall 6375
also forward a copy of the application to the director of 6376
development services who shall review the application to determine 6377
the economic impact that the proposed eligible computer data 6378
center would have on the state and the affected political 6379
subdivisions and shall submit a summary of their determinations 6380
and recommendations to the authority. 6381

(D) Upon review and consideration of such determinations and 6382
recommendations, the tax credit authority may enter into an 6383
agreement with the applicant and any other taxpayer that operates 6384
a computer data center business at the project site for a complete 6385
or partial exemption from the taxes imposed under Chapters 5739. 6386
and 5741. of the Revised Code on computer data center equipment 6387
used or to be used at an eligible computer data center if the 6388
authority determines all of the following: 6389

(1) The capital investment project for the eligible computer 6390
data center will increase payroll and the amount of income taxes 6391
to be withheld from employee compensation pursuant to section 6392
5747.06 of the Revised Code. 6393

(2) The applicant is economically sound and has the ability 6394
to complete or effect the completion of the proposed capital 6395
investment project. 6396

(3) The applicant intends to and has the ability to maintain 6397

operations at the project site for the term of the agreement. 6398

(4) Receiving the exemption is a major factor in the 6399
applicant's decision to begin, continue with, or complete the 6400
capital investment project. 6401

(E) An agreement entered into under this section shall 6402
include all of the following: 6403

(1) A detailed description of the capital investment project 6404
that is the subject of the agreement, including the amount of the 6405
investment, the period over which the investment has been or is 6406
being made, the annual compensation to be paid by each taxpayer 6407
subject to the agreement to its employees at the project site, and 6408
the anticipated amount of income taxes to be withheld from 6409
employee compensation pursuant to section 5747.06 of the Revised 6410
Code. 6411

(2) The percentage of the exemption from the taxes imposed 6412
under Chapters 5739. and 5741. of the Revised Code for the 6413
computer data center equipment used or to be used at the eligible 6414
computer data center, the length of time the computer data center 6415
equipment will be exempted, and the first date on which the 6416
exemption applies. 6417

(3) A requirement that the computer data center remain an 6418
eligible computer data center during the term of the agreement and 6419
that the applicant maintain operations at the eligible computer 6420
data center during that term. An applicant does not violate the 6421
requirement described in division (E)(3) of this section if the 6422
applicant ceases operations at the eligible computer data center 6423
during the term of the agreement but resumes those operations 6424
within eighteen months after the date of cessation. The agreement 6425
shall provide that, in such a case, the applicant and any other 6426
taxpayer that operates a computer data center business at the 6427
project site shall not claim the tax exemption authorized in the 6428

agreement for any purchase of computer data center equipment made 6429
during the period in which the applicant did not maintain 6430
operations at the eligible computer data center. 6431

(4) A requirement that, for each year of the term of the 6432
agreement beginning on or after the first day of the twenty-fifth 6433
month after the date the agreement was entered into, one or more 6434
taxpayers operating a computer data center business at the project 6435
site will, in the aggregate, pay annual compensation that is 6436
subject to the withholding obligation imposed under section 6437
5747.06 of the Revised Code of at least one million five hundred 6438
thousand dollars to employees at the eligible computer data 6439
center. 6440

(5) A requirement that each taxpayer subject to the agreement 6441
annually report to the director of development services 6442
employment, tax withholding, capital investment, and other 6443
information required by the director to perform the director's 6444
duties under this section. 6445

(6) A requirement that the director of development services 6446
annually review the annual reports of each taxpayer subject to the 6447
agreement to verify the information reported under division (E)(5) 6448
of this section and compliance with the agreement. Upon 6449
verification, the director shall issue a certificate to each such 6450
taxpayer stating that the information has been verified and that 6451
the taxpayer remains eligible for the exemption specified in the 6452
agreement. 6453

(7) A provision providing that the taxpayers subject to the 6454
agreement may not relocate a substantial number of employment 6455
positions from elsewhere in this state to the project site unless 6456
the director of development services determines that the 6457
appropriate taxpayer notified the legislative authority of the 6458
county, township, or municipal corporation from which the 6459
employment positions would be relocated. For purposes of this 6460

paragraph, the movement of an employment position from one 6461
political subdivision to another political subdivision shall be 6462
considered a relocation of an employment position unless the 6463
movement is confined to the project site. The transfer of an 6464
employment position from one political subdivision to another 6465
political subdivision shall not be considered a relocation of an 6466
employment position if the employment position in the first 6467
political subdivision is replaced by another employment position. 6468

(8) A waiver by each taxpayer subject to the agreement of any 6469
limitations periods relating to assessments or adjustments 6470
resulting from the taxpayer's failure to comply with the 6471
agreement. 6472

(F) The term of an agreement under this section shall be 6473
determined by the tax credit authority, and the amount of the 6474
exemption shall not exceed one hundred per cent of such taxes that 6475
would otherwise be owed in respect to the exempted computer data 6476
center equipment. 6477

(G) If any taxpayer subject to an agreement under this 6478
section fails to meet or comply with any condition or requirement 6479
set forth in the agreement, the tax credit authority may amend the 6480
agreement to reduce the percentage of the exemption or term during 6481
which the exemption applies to the computer data center equipment 6482
used or to be used by the noncompliant taxpayer at an eligible 6483
computer data center. The reduction of the percentage or term may 6484
take effect in the current calendar year. 6485

(H) Financial statements and other information submitted to 6486
the department of development services or the tax credit authority 6487
by an applicant for or recipient of an exemption under this 6488
section, and any information taken for any purpose from such 6489
statements or information, are not public records subject to 6490
section 149.43 of the Revised Code. However, the chairperson of 6491
the authority may make use of the statements and other information 6492

for purposes of issuing public reports or in connection with court 6493
proceedings concerning tax exemption agreements under this 6494
section. Upon the request of the tax commissioner, the chairperson 6495
of the authority shall provide to the tax commissioner any 6496
statement or other information submitted by an applicant for or 6497
recipient of an exemption under this section. The tax commissioner 6498
shall preserve the confidentiality of the statement or other 6499
information. 6500

(I) The tax commissioner shall issue a direct payment permit 6501
under section 5739.031 of the Revised Code to each taxpayer 6502
subject to an agreement under this section. Such direct payment 6503
permit shall authorize the taxpayer to pay any sales and use taxes 6504
due on purchases of computer data center equipment used or to be 6505
used in an eligible computer data center and to pay any sales and 6506
use taxes due on purchases of tangible personal property or 6507
taxable services other than computer data center equipment used or 6508
to be used in an eligible computer data center directly to the tax 6509
commissioner. Each such taxpayer shall pay pursuant to such direct 6510
payment permit all sales tax levied on such purchases under 6511
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6512
Code and all use tax levied on such purchases under sections 6513
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6514
consistent with the terms of the agreement entered into under this 6515
section. 6516

During the term of an agreement under this section each 6517
taxpayer subject to the agreement shall submit to the tax 6518
commissioner a return that shows the amount of computer data 6519
center equipment purchased for use at the eligible computer data 6520
center, the amount of tangible personal property and taxable 6521
services other than computer data center equipment purchased for 6522
use at the eligible computer data center, the amount of tax under 6523
Chapter 5739. or 5741. of the Revised Code that would be due in 6524

the absence of the agreement under this section, the exemption 6525
percentage for computer data center equipment specified in the 6526
agreement, and the amount of tax due under Chapter 5739. or 5741. 6527
of the Revised Code as a result of the agreement under this 6528
section. Each such taxpayer shall pay the tax shown on the return 6529
to be due in the manner and at the times as may be further 6530
prescribed by the tax commissioner. Each such taxpayer shall 6531
include a copy of the director of development services' 6532
certificate of verification issued under division (E)(6) of this 6533
section. Failure to submit a copy of the certificate with the 6534
return does not invalidate the claim for exemption if the taxpayer 6535
submits a copy of the certificate to the tax commissioner within 6536
~~sixty days after the tax commissioner requests it~~ the time 6537
prescribed by section 5703.0510 of the Revised Code. 6538

(J) If the director of development services determines that 6539
one or more taxpayers received an exemption from taxes due on the 6540
purchase of computer data center equipment purchased for use at a 6541
computer data center that no longer complies with the requirement 6542
under division (E)(3) of this section, the director shall notify 6543
the tax credit authority and, if applicable, the taxpayer that 6544
applied to enter the agreement for the exemption under division 6545
(C) of this section of the noncompliance. After receiving such a 6546
notice, and after giving each taxpayer subject to the agreement an 6547
opportunity to explain the noncompliance, the authority may 6548
terminate the agreement and require each such taxpayer to pay to 6549
the state all or a portion of the taxes that would have been owed 6550
in regards to the exempt equipment in previous years, all as 6551
determined under rules adopted pursuant to division (K) of this 6552
section. In determining the portion of the taxes that would have 6553
been owed on the previously exempted equipment to be paid to this 6554
state by a taxpayer, the authority shall consider the effect of 6555
market conditions on the eligible computer data center, whether 6556
the taxpayer continues to maintain other operations in this state, 6557

and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

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

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

update on the status of eligible computer data centers under 6590
agreements entered into before the preceding calendar year. 6591

(M) A taxpayer may be made a party to an existing agreement 6592
entered into under this section by the tax credit authority and 6593
another taxpayer or group of taxpayers. In such a case, the 6594
taxpayer shall be entitled to all benefits and bound by all 6595
obligations contained in the agreement and all requirements 6596
described in this section. When an agreement includes multiple 6597
taxpayers, each taxpayer shall be entitled to a direct payment 6598
permit as authorized in division (I) of this section. 6599

Sec. 122.641. (A)(1) There is hereby created the lakes in 6600
economic distress revolving loan program to assist businesses and 6601
other entities that are adversely affected due to economic 6602
circumstances that result in the declaration of a lake as an area 6603
under economic distress by the director of natural resources under 6604
division (A)(2) of this section. The director of development 6605
services shall administer the program. 6606

(2) The director of natural resources shall do both of the 6607
following: 6608

(a) Declare a lake as an area under economic distress. The 6609
director shall declare a lake as an area under economic distress 6610
based solely on environmental or safety issues, including the 6611
closure of a dam for safety reasons. 6612

(b) Subsequently declare a lake as an area no longer under 6613
economic distress when the environmental or safety issues, as 6614
applicable, have been resolved. 6615

(B) There is hereby created in the state treasury the lakes 6616
in economic distress revolving loan fund. The fund shall consist 6617
of money appropriated to it, all payments of principal and 6618
interest on loans made from the fund, and all investment earnings 6619

on money in the fund. The director of development services shall 6620
use money in the fund to make loans under this section, provided 6621
that the loans shall be zero interest loans during the time that 6622
an applicable lake has been declared an area under economic 6623
distress under division (A)(2)(a) of this section. 6624

(C) The director shall adopt rules in accordance with Chapter 6625
119. of the Revised that do both of the following: 6626

(1) Establish requirements and procedures for the making of 6627
loans under this section, including all of the following: 6628

(a) Eligibility criteria; 6629

(b) Application procedures; 6630

(c) Criteria for approval or disapproval of loans, including 6631
a stipulation that an applicant must demonstrate that the loan 6632
will help to achieve long-term economic stability in the area; 6633

(d) Criteria for repayment of the loans, including the 6634
establishment of an interest rate that does not exceed two points 6635
less than prime after an applicable lake has been declared as an 6636
area no longer under economic distress under division (A)(2)(b) of 6637
this section. 6638

The eligibility criteria established by the director shall 6639
not require applicants to experience a reduction in gross revenue 6640
for a defined period of greater than ten per cent. 6641

Any material provided to the development services agency by 6642
an applicant is not a public record for the purposes of section 6643
149.43 of the Revised Code and shall remain confidential. 6644

(2) Establish any other provisions necessary to administer 6645
this section. 6646

(D) In administering the program, the director shall assist 6647
businesses and other entities in determining the amount of loans 6648
needed. 6649

Sec. 122.85. (A) As used in this section and in sections 6650
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6651

(1) "Tax credit-eligible production" means a motion picture 6652
production certified by the director of development services under 6653
division (B) of this section as qualifying the motion picture 6654
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6655
or 5751.54 of the Revised Code. 6656

(2) "Certificate owner" means a motion picture company to 6657
which a tax credit certificate is issued or a person to which the 6658
company has transferred under division (H) of this section the 6659
authority to claim all or a part of the tax credit authorized by 6660
that certificate. 6661

(3) "Motion picture company" means an individual, 6662
corporation, partnership, limited liability company, or other form 6663
of business association producing a motion picture. 6664

(4) "Eligible production expenditures" means expenditures 6665
made after June 30, 2009, for goods or services purchased and 6666
consumed in this state by a motion picture company directly for 6667
the production of a tax credit-eligible production. 6668

"Eligible production expenditures" includes, but is not 6669
limited to, expenditures for cast and crew wages, accommodations, 6670
costs of set construction and operations, editing and related 6671
services, photography, sound synchronization, lighting, wardrobe, 6672
makeup and accessories, film processing, transfer, sound mixing, 6673
special and visual effects, music, location fees, and the purchase 6674
or rental of facilities and equipment. 6675

(5) "Motion picture" means entertainment content created in 6676
whole or in part within this state for distribution or exhibition 6677
to the general public, including, but not limited to, 6678
feature-length films; documentaries; long-form, specials, 6679

miniseries, series, and interstitial television programming; 6680
interactive web sites; sound recordings; videos; music videos; 6681
interactive television; interactive games; video games; 6682
commercials; any format of digital media; and any trailer, pilot, 6683
video teaser, or demo created primarily to stimulate the sale, 6684
marketing, promotion, or exploitation of future investment in 6685
either a product or a motion picture by any means and media in any 6686
digital media format, film, or videotape, provided the motion 6687
picture qualifies as a motion picture. "Motion picture" does not 6688
include any television program created primarily as news, weather, 6689
or financial market reports, a production featuring current events 6690
or sporting events, an awards show or other gala event, a 6691
production whose sole purpose is fundraising, a long-form 6692
production that primarily markets a product or service or in-house 6693
corporate advertising or other similar productions, a production 6694
for purposes of political advocacy, or any production for which 6695
records are required to be maintained under 18 U.S.C. 2257 with 6696
respect to sexually explicit content. 6697

(B) For the purpose of encouraging and developing a strong 6698
film industry in this state, the director of development services 6699
may certify a motion picture produced by a motion picture company 6700
as a tax credit-eligible production. In the case of a television 6701
series, the director may certify the production of each episode of 6702
the series as a separate tax credit-eligible production. A motion 6703
picture company shall apply for certification of a motion picture 6704
as a tax credit-eligible production on a form and in the manner 6705
prescribed by the director. Each application shall include the 6706
following information: 6707

(1) The name and telephone number of the motion picture 6708
production company; 6709

(2) The name and telephone number of the company's contact 6710
person; 6711

(3) A list of the first preproduction date through the last production date in Ohio;	6712 6713
(4) The Ohio production office address and telephone number;	6714
(5) The total production budget of the motion picture;	6715
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	6716 6717 6718
(7) The total percentage of the motion picture being shot in Ohio;	6719 6720
(8) The level of employment of cast and crew who reside in Ohio;	6721 6722
(9) A synopsis of the script;	6723
(10) The shooting script;	6724
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6725 6726
(12) Documentation of financial ability to undertake and complete the motion picture;	6727 6728
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	6729 6730
(14) Any other information considered necessary by the director.	6731 6732
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in	6733 6734 6735 6736 6737 6738 6739 6740

this section prohibits an applicant whose tax credit-eligible 6741
production certification has been rescinded from submitting a 6742
subsequent application for certification. 6743

(C)(1) A motion picture company whose motion picture has been 6744
certified as a tax credit-eligible production may apply to the 6745
director of development services on or after July 1, 2009, for a 6746
refundable credit against the tax imposed by section 5726.02, 6747
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6748
consultation with the tax commissioner shall prescribe the form 6749
and manner of the application and the information or documentation 6750
required to be submitted with the application. 6751

The credit is determined as follows: 6752

(a) If the total budgeted eligible production expenditures 6753
stated in the application submitted under division (B) of this 6754
section or the actual eligible production expenditures as finally 6755
determined under division (D) of this section, whichever is least, 6756
is less than or equal to three hundred thousand dollars, no credit 6757
is allowed; 6758

(b) If the total budgeted eligible production expenditures 6759
stated in the application submitted under division (B) of this 6760
section or the actual eligible production expenditures as finally 6761
determined under division (D) of this section, whichever is least, 6762
is greater than three hundred thousand dollars, the credit equals 6763
thirty per cent of the least of such budgeted or actual eligible 6764
expenditure amounts. 6765

(2) Except as provided in division (C)(4) of this section, if 6766
the director of development services approves a motion picture 6767
company's application for a credit, the director shall issue a tax 6768
credit certificate to the company. The director in consultation 6769
with the tax commissioner shall prescribe the form and manner of 6770
issuing certificates. The director shall assign a unique 6771

identifying number to each tax credit certificate and shall record 6772
the certificate in a register devised and maintained by the 6773
director for that purpose. The certificate shall state the amount 6774
of the eligible production expenditures on which the credit is 6775
based and the amount of the credit. Upon the issuance of a 6776
certificate, the director shall certify to the tax commissioner 6777
the name of the applicant, the amount of eligible production 6778
expenditures shown on the certificate, and any other information 6779
required by the rules adopted to administer this section. 6780

(3) The amount of eligible production expenditures for which 6781
a tax credit may be claimed is subject to inspection and 6782
examination by the tax commissioner or employees of the 6783
commissioner under section 5703.19 of the Revised Code and any 6784
other applicable law. Once the eligible production expenditures 6785
are finally determined under section 5703.19 of the Revised Code 6786
and division (D) of this section, the credit amount is not subject 6787
to adjustment unless the director determines an error was 6788
committed in the computation of the credit amount. 6789

(4) No tax credit certificate may be issued before the 6790
completion of the tax credit-eligible production. Not more than 6791
forty million dollars of tax credit may be allowed per fiscal year 6792
beginning July 1, 2016. 6793

(D) A motion picture company whose motion picture has been 6794
certified as a tax credit-eligible production shall engage, at the 6795
company's expense, an independent certified public accountant to 6796
examine the company's production expenditures to identify the 6797
expenditures that qualify as eligible production expenditures. The 6798
certified public accountant shall issue a report to the company 6799
and to the director of development services certifying the 6800
company's eligible production expenditures and any other 6801
information required by the director. Upon receiving and examining 6802
the report, the director may disallow any expenditure the director 6803

determines is not an eligible production expenditure. If the 6804
director disallows an expenditure, the director shall issue a 6805
written notice to the motion picture production company stating 6806
that the expenditure is disallowed and the reason for the 6807
disallowance. Upon examination of the report and disallowance of 6808
any expenditures, the director shall determine finally the lesser 6809
of the total budgeted eligible production expenditures stated in 6810
the application submitted under division (B) of this section or 6811
the actual eligible production expenditures for the purpose of 6812
computing the amount of the credit. 6813

(E) No credit shall be allowed under section 5726.55, 6814
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6815
director has reviewed the report and made the determination 6816
prescribed by division (D) of this section. 6817

(F) This state reserves the right to refuse the use of this 6818
state's name in the credits of any tax credit-eligible motion 6819
picture production. 6820

(G)(1) The director of development services in consultation 6821
with the tax commissioner shall adopt rules for the administration 6822
of this section, including rules setting forth and governing the 6823
criteria for determining whether a motion picture production is a 6824
tax credit-eligible production; activities that constitute the 6825
production of a motion picture; reporting sufficient evidence of 6826
reviewable progress; expenditures that qualify as eligible 6827
production expenditures; a competitive process for approving 6828
credits; consideration of geographic distribution of credits; and 6829
implementation of the program described in division (I) of this 6830
section. The rules shall be adopted under Chapter 119. of the 6831
Revised Code. 6832

(2) The director may require a reasonable application fee to 6833
cover administrative costs of the tax credit program. The fees 6834
collected shall be credited to the ~~business assistance tax~~ 6835

incentives operating fund created in section 122.174 of the 6836
Revised Code. All grants, gifts, fees, and contributions made to 6837
the director for marketing and promotion of the motion picture 6838
industry within this state shall also be credited to the fund. ~~The~~ 6839
~~director shall use money in the fund to pay expenses related to~~ 6840
~~the administration of the Ohio film office and the credit~~ 6841
~~authorized by this section and sections 5726.55, 5733.59, 5747.66,~~ 6842
~~and 5751.54 of the Revised Code.~~ 6843

(H)(1) After the director of development services makes the 6844
determination required under division (D) of this section, a 6845
motion picture company to which a tax credit certificate is issued 6846
may transfer the authority to claim all or a portion of the amount 6847
of the tax credit the motion picture company is authorized to 6848
claim pursuant to that certificate under section 5726.55, 5733.59, 6849
5747.66, or 5751.54 of the Revised Code to one or more other 6850
persons. Within thirty days after a transfer under this division, 6851
the motion picture company shall submit the following information 6852
to the director, on a form prescribed by the director: 6853

(a) Information necessary for the director to identify the 6854
certificate that is the basis for the transfer; 6855

(b) The portion or amount of the tax credit transferred to 6856
each transferee; 6857

(c) The portion or amount of the tax credit that the motion 6858
picture company retains the authority to claim; 6859

(d) The tax identification number of each transferee; 6860

(e) The date of the transfer; 6861

(f) Any other information required by the director; 6862

(g) Any information required by the tax commissioner. 6863

The director shall deliver a copy of any submission received 6864
under division (H)(1) of this section to the tax commissioner. 6865

(2) A transferee may not claim a credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless and until the transferring motion picture company complies with division (H)(1) of this section. A transferee may claim the transferred amount of any credit or portion of a credit for the same taxable year or tax period for which the transferring motion picture company was authorized to claim the credit or portion of a credit pursuant to the certificate. A motion picture company shall make no transfer under division (H)(1) of this section after the last day of the tax period or taxable year for which the motion picture company is required to claim the credit pursuant to the certificate.

A motion picture company may make not more than one transfer under division (H)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit.

(I) The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from motion picture companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and 6898
upon the receipt of any salary information and other documentation 6899
required by the director, authorize a reimbursement payment to 6900
each motion picture company whose application was approved under 6901
division (1)(2) of this section. The payment shall equal fifty per 6902
cent of the salaries paid to film and multimedia trainees employed 6903
in the production. 6904

Sec. 122.86. (A) As used in this section and section 5747.81 6905
of the Revised Code: 6906

(1) "Small business enterprise" means a corporation, 6907
pass-through entity, or other person satisfying all of the 6908
following: 6909

(a) At the time of a qualifying investment, the enterprise 6910
meets all of the following requirements: 6911

(i) Has no outstanding tax or other liabilities owed to the 6912
state; 6913

(ii) Is in good standing with the secretary of state, if the 6914
enterprise is required to be registered with the secretary; 6915

(iii) Is current with any court-ordered payments; 6916

(iv) Is not engaged in any illegal activity. 6917

(b) At the time of a qualifying investment, the enterprise's 6918
assets according to generally accepted accounting principles do 6919
not exceed fifty million dollars, or its annual sales do not 6920
exceed ten million dollars. When making this determination, the 6921
assets and annual sales of all of the enterprise's related or 6922
affiliated entities shall be included in the calculation. 6923

(c) The enterprise employs at least fifty full-time 6924
equivalent employees in this state for whom the enterprise is 6925
required to withhold income tax under section 5747.06 of the 6926
Revised Code, or more than one-half the enterprise's total number 6927

of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) Intangible personal property, including patents, copyrights, trademarks, service marks, or licenses used in business primarily in this state from the time of its acquisition by the enterprise until the end of the holding period;

(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees.

(2) "Qualifying investment" means an investment of money made

on or after July 1, 2011, to acquire capital stock or other equity 6959
interest in a small business enterprise. "Qualifying investment" 6960
does not include either of the following: 6961

(a) Any investment of money an eligible investor derives, 6962
directly or indirectly, from a grant or loan from the federal 6963
government or the state or a political subdivision, including the 6964
third frontier program under Chapter 184. of the Revised Code; 6965

(b) Any investment of money which is the basis of a tax 6966
credit granted under any other section of the Revised Code. 6967

(3) "Eligible investor" means an individual, estate, or trust 6968
subject to the tax imposed by section 5747.02 of the Revised Code, 6969
or a pass-through entity in which such an individual, estate, or 6970
trust holds a direct or indirect ownership or other equity 6971
interest. To qualify as an eligible investor, the individual, 6972
estate, trust, or pass-through entity shall not owe any 6973
outstanding tax or other liability to the state at the time of a 6974
qualifying investment. 6975

(4) "Holding period" means the two-year period beginning on 6976
the day a qualifying investment is made. 6977

(5) "Pass-through entity" has the same meaning as in section 6978
5733.04 of the Revised Code. 6979

(B) Any eligible investor that makes a qualifying investment 6980
in a small business enterprise on or after July 1, 2011, may apply 6981
to the director of development services to obtain a small business 6982
investment certificate from the director. Alternatively, a small 6983
business enterprise may apply on behalf of eligible investors to 6984
obtain the certificates for those investors. The director, in 6985
consultation with the tax commissioner, shall prescribe the form 6986
or manner in which an applicant shall apply for the certificate, 6987
devise the form of the certificate, and prescribe any records or 6988
other information an applicant shall furnish with the application 6989

to evidence the qualifying investment. The applicant shall state 6990
the amount of the intended investment. The applicant shall pay an 6991
application fee equal to the greater of one-tenth of one per cent 6992
of the amount of the intended investment or one hundred dollars. 6993

A small business investment certificate entitles the 6994
certificate holder to receive a tax credit under section 5747.81 6995
of the Revised Code if the certificate holder qualifies for the 6996
credit as otherwise provided in this section. If the certificate 6997
holder is a pass-through entity, the certificate entitles the 6998
entity's equity owners to receive their distributive or 6999
proportionate shares of the credit. In any fiscal biennium, an 7000
eligible investor may not apply for small business investment 7001
certificates representing intended investment amounts in excess of 7002
ten million dollars. Such certificates are not transferable. 7003

The director of development services may reserve small 7004
business investment certificates to qualifying applicants in the 7005
order in which the director receives applications, but may issue 7006
the certificates as the applications are completed. An application 7007
is completed when the director has validated that an eligible 7008
investor has made a qualified investment and the small business 7009
enterprise has made the appropriate reinvestment of the qualified 7010
investment pursuant to the requirements of division (A)(1)(d) of 7011
this section. To qualify for a certificate, an eligible investor 7012
must satisfy both of the following, subject to the limitation on 7013
the amount of qualifying investments for which certificates may be 7014
issued under division (C) of this section: 7015

(1) The eligible investor makes a qualifying investment on or 7016
after July 1, 2011. 7017

(2) The eligible investor pledges not to sell or otherwise 7018
dispose of the qualifying investment before the conclusion of the 7019
applicable holding period. 7020

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment certificates may be issued for a fiscal biennium shall not exceed ten million dollars.

(2) The director of development services shall not issue a small business investment certificate to an eligible investor representing an amount of qualifying investment in excess of the amount of the intended investment indicated on the investor's application for the certificate.

(3) The director of development services shall not issue small business investment certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed one hundred million dollars.

(4) The director of development services may issue a small business investment certificate only if both of the following apply at the time of issuance:

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;

(b) The eligible investor does not owe any outstanding tax or other liability to the state.

(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment certificate has been issued, upon the request of the director of development services, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. Each enterprise shall also provide annually to the director records or evidence regarding the number of jobs created or retained in the state. No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an

enterprise is not a small business enterprise for the purposes of 7052
this section. The director shall compile and maintain a register 7053
of small business enterprises qualifying under this section and 7054
shall certify the register to the tax commissioner. The director 7055
shall also compile and maintain a record of the number of jobs 7056
created or retained as a result of qualifying investments made 7057
pursuant to this section. 7058

(E) After the conclusion of the applicable holding period for 7059
a qualifying investment, a person to whom a small business 7060
investment certificate has been issued under this section may 7061
claim a credit as provided under section 5747.81 of the Revised 7062
Code. 7063

(F) The director of development services, in consultation 7064
with the tax commissioner, may adopt rules for the administration 7065
of this section, including rules governing the following: 7066

(1) Documents, records, or other information eligible 7067
investors shall provide to the director; 7068

(2) Any information a small business enterprise shall provide 7069
for the purposes of this section and section 5747.81 of the 7070
Revised Code; 7071

(3) Determination of the number of full-time equivalent 7072
employees of a small business enterprise; 7073

(4) Verification of a small business enterprise's investment 7074
in tangible personal property and intangible personal property 7075
under division (A)(1)(d) of this section, including when such 7076
investments have been made and where the property is used in 7077
business; 7078

(5) Circumstances under which small business enterprises or 7079
eligible investors may be subverting the purposes of this section 7080
and section 5747.81 of the Revised Code. 7081

~~There is hereby created in the state treasury the InvestOhio support fund. The fund shall consist of the fees (G) Application fees paid under division (B) of this section and shall be used by the development services agency to pay the costs of administering the small business investment certificate program established under this section credited to the tax incentives operating fund created in section 122.174 of the Revised Code.~~

Sec. 122.98. (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members:

(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party;

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party;

(3) Fifteen members representing the aviation, aerospace, or technology industry, the military, or academia. One such member shall be appointed by the governor, and fourteen such members shall be appointed by majority vote of the six members representing the senate and house of representatives.

The legislative members of the committee shall be appointed not later than September 1, 2014, and the remaining members shall be appointed within ten days thereafter. The initial term of all members shall end on December 31, 2016. Thereafter, the term of all members shall end on the thirty-first day of December of the year following the year of appointment. Vacancies shall be filled in the manner of the original appointment.

The first legislator appointed to the committee by the speaker of the house of representatives after the effective date

of H.B. 292 of the 130th general assembly, September 17, 2014, 7112
shall serve as the first chairperson of the committee and shall 7113
serve until December 31, 2016. Every general assembly thereafter, 7114
the chairperson shall alternate between the first legislator 7115
appointed by the president of the senate and the first legislator 7116
appointed by the speaker of the house of representatives. 7117

(B) The duties of the committee shall include, but are not 7118
limited to, all of the following: 7119

(1) Studying and developing comprehensive strategies to 7120
promote the aviation, aerospace, and technology industry 7121
throughout the state, including through the commercialization of 7122
aviation, aerospace, and technology products and ideas; 7123

(2) Encouraging communication and resource-sharing among 7124
individuals and organizations involved in the aviation, aerospace, 7125
and technology industry, including business, the military, and 7126
academia; 7127

(3) Promoting research and development in the aviation, 7128
aerospace, and technology industry, including research and 7129
development of unmanned aerial vehicles; 7130

(4) Providing assistance related to military base realignment 7131
and closure. 7132

(C) The Ohio aerospace and aviation council shall serve as an 7133
advisory council to the committee. 7134

(D) The committee shall compile an annual report of its 7135
activities, findings, and recommendations and shall furnish a copy 7136
of the report to the governor, president of the senate, and 7137
speaker of the house of representatives not later than ~~July 1,~~ 7138
~~2015,~~ and the ~~first~~ thirty-first day of ~~July~~ December of each year 7139
~~thereafter.~~ 7140

Sec. 123.01. (A) The department of administrative services, 7141

in addition to those powers enumerated in Chapters 124. and 125. 7142
of the Revised Code and provided elsewhere by law, shall exercise 7143
the following powers: 7144

(1) To prepare and suggest comprehensive plans for the 7145
development of grounds and buildings under the control of a state 7146
agency; 7147

(2) To acquire, by purchase, gift, devise, lease, or grant, 7148
all real estate required by a state agency, in the exercise of 7149
which power the department may exercise the power of eminent 7150
domain, in the manner provided by sections 163.01 to 163.22 of the 7151
Revised Code; 7152

(3) To erect, supervise, and maintain all public monuments 7153
and memorials erected by the state, except where the supervision 7154
and maintenance is otherwise provided by law; 7155

(4) To procure, by lease, storage accommodations for a state 7156
agency; 7157

(5) To lease or grant easements or licenses for unproductive 7158
and unused lands or other property under the control of a state 7159
agency. Such leases, easements, or licenses may be granted to any 7160
person or entity, shall be for a period not to exceed fifteen 7161
years, and shall be executed for the state by the director of 7162
administrative services, provided that the director shall grant 7163
leases, easements, or licenses of university land for periods not 7164
to exceed twenty-five years for purposes approved by the 7165
respective university's board of trustees wherein the uses are 7166
compatible with the uses and needs of the university and may grant 7167
leases of university land for periods not to exceed forty years 7168
for purposes approved by the respective university's board of 7169
trustees pursuant to section 123.17 of the Revised Code. 7170

(6) To lease space for the use of a state agency; 7171

(7) To have general supervision and care of the storerooms, 7172

offices, and buildings leased for the use of a state agency;	7173
(8) To exercise general custodial care of all real property of the state;	7174 7175
(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	7176 7177 7178 7179
(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.	7180 7181 7182 7183 7184 7185 7186 7187 7188 7189
(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:	7190 7191 7192 7193 7194 7195
(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;	7196 7197
(ii) Details to scale and full sized, so drawn and represented as to be easily understood;	7198 7199
(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;	7200 7201
(iv) Definite and complete specifications of the work to be	7202

performed, together with such directions as will enable a 7203
competent mechanic or other builder to carry them out and afford 7204
bidders all needed information; 7205

(v) A full and accurate estimate of each item of expense and 7206
of the aggregate cost thereof. 7207

(b) The department shall give public notice, in such 7208
newspaper, in such form, and with such phraseology as the director 7209
of administrative services prescribes, published once each week 7210
for four consecutive weeks, of the time when and place where bids 7211
will be received for entering into an agreement to lease to a 7212
state agency a building, structure, or other improvement. The last 7213
publication shall be at least eight days preceding the day for 7214
opening the bids. The bids shall contain the terms upon which the 7215
builder would propose to lease the building, structure, or other 7216
improvement to the state agency. The form of the bid approved by 7217
the department shall be used, and a bid is invalid and shall not 7218
be considered unless that form is used without change, alteration, 7219
or addition. Before submitting bids pursuant to this section, any 7220
builder shall comply with Chapter 153. of the Revised Code. 7221

(c) On the day and at the place named for receiving bids for 7222
entering into lease agreements with a state agency, the director 7223
of administrative services shall open the bids and shall publicly 7224
proceed immediately to tabulate the bids upon duplicate sheets. No 7225
lease agreement shall be entered into until the bureau of workers' 7226
compensation has certified that the person to be awarded the lease 7227
agreement has complied with Chapter 4123. of the Revised Code, 7228
until, if the builder submitting the lowest and best bid is a 7229
foreign corporation, the secretary of state has certified that the 7230
corporation is authorized to do business in this state, until, if 7231
the builder submitting the lowest and best bid is a person 7232
nonresident of this state, the person has filed with the secretary 7233
of state a power of attorney designating the secretary of state as 7234

its agent for the purpose of accepting service of summons in any 7235
action brought under Chapter 4123. of the Revised Code, and until 7236
the agreement is submitted to the attorney general and the 7237
attorney general's approval is certified thereon. Within thirty 7238
days after the day on which the bids are received, the department 7239
shall investigate the bids received and shall determine that the 7240
bureau and the secretary of state have made the certifications 7241
required by this section of the builder who has submitted the 7242
lowest and best bid. Within ten days of the completion of the 7243
investigation of the bids, the department shall award the lease 7244
agreement to the builder who has submitted the lowest and best bid 7245
and who has been certified by the bureau and secretary of state as 7246
required by this section. If bidding for the lease agreement has 7247
been conducted upon the basis of basic plans, specifications, 7248
bills of materials, and estimates of costs, upon the award to the 7249
builder the department, or the builder with the approval of the 7250
department, shall appoint an architect or engineer licensed in 7251
this state to prepare such further detailed plans, specifications, 7252
and bills of materials as are required to construct the building, 7253
structure, or improvement. The department shall adopt such rules 7254
as are necessary to give effect to this section. The department 7255
may reject any bid. Where there is reason to believe there is 7256
collusion or combination among bidders, the bids of those 7257
concerned therein shall be rejected. 7258

(11) To acquire by purchase, gift, devise, or grant and to 7259
transfer, lease, or otherwise dispose of all real property 7260
required to assist in the development of a conversion facility as 7261
defined in section 5709.30 of the Revised Code as that section 7262
existed before its repeal by Amended Substitute House Bill 95 of 7263
the 125th general assembly; 7264

(12) To lease for a period not to exceed forty years, 7265
notwithstanding any other division of this section, the 7266

state-owned property located at 408-450 East Town Street, 7267
Columbus, Ohio, formerly the state school for the deaf, to a 7268
developer in accordance with this section. "Developer," as used in 7269
this section, has the same meaning as in section 123.77 of the 7270
Revised Code. 7271

Such a lease shall be for the purpose of development of the 7272
land for use by senior citizens by constructing, altering, 7273
renovating, repairing, expanding, and improving the site as it 7274
existed on June 25, 1982. A developer desiring to lease the land 7275
shall prepare for submission to the department a plan for 7276
development. Plans shall include provisions for roads, sewers, 7277
water lines, waste disposal, water supply, and similar matters to 7278
meet the requirements of state and local laws. The plans shall 7279
also include provision for protection of the property by insurance 7280
or otherwise, and plans for financing the development, and shall 7281
set forth details of the developer's financial responsibility. 7282

The department may employ, as employees or consultants, 7283
persons needed to assist in reviewing the development plans. Those 7284
persons may include attorneys, financial experts, engineers, and 7285
other necessary experts. The department shall review the 7286
development plans and may enter into a lease if it finds all of 7287
the following: 7288

(a) The best interests of the state will be promoted by 7289
entering into a lease with the developer; 7290

(b) The development plans are satisfactory; 7291

(c) The developer has established the developer's financial 7292
responsibility and satisfactory plans for financing the 7293
development. 7294

The lease shall contain a provision that construction or 7295
renovation of the buildings, roads, structures, and other 7296
necessary facilities shall begin within one year after the date of 7297

the lease and shall proceed according to a schedule agreed to 7298
between the department and the developer or the lease will be 7299
terminated. The lease shall contain such conditions and 7300
stipulations as the director considers necessary to preserve the 7301
best interest of the state. Moneys received by the state pursuant 7302
to this lease shall be paid into the general revenue fund. The 7303
lease shall provide that at the end of the lease period the 7304
buildings, structures, and related improvements shall become the 7305
property of the state without cost. 7306

(13) To manage the use of space owned and controlled by the 7307
department by doing all of the following: 7308

(a) Biennially implementing, by state agency location, a 7309
census of agency employees assigned space; 7310

(b) Periodically in the discretion of the director of 7311
administrative services: 7312

(i) Requiring each state agency to categorize the use of 7313
space allotted to the agency between office space, common areas, 7314
storage space, and other uses, and to report its findings to the 7315
department; 7316

(ii) Creating and updating a master space utilization plan 7317
for all space allotted to state agencies. The plan shall 7318
incorporate space utilization metrics. 7319

(iii) Conducting a cost-benefit analysis to determine the 7320
effectiveness of state-owned buildings; 7321

(iv) Assessing the alternatives associated with consolidating 7322
the commercial leases for buildings located in Columbus. 7323

(c) Commissioning a comprehensive space utilization and 7324
capacity study in order to determine the feasibility of 7325
consolidating existing commercially leased space used by state 7326
agencies into a new state-owned facility. 7327

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;

(e) Providing technical assistance and training to state employees involved in the purchasing process;

(f) Working with the development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.

(16) To require all state agencies, departments, divisions, 7358
bureaus, offices, units, commissions, boards, authorities, 7359
quasi-governmental entities, institutions, and state institutions 7360
of higher education to implement procedures to ensure that all of 7361
the passenger automobiles they acquire in each fiscal year, except 7362
for those passenger automobiles acquired for use in law 7363
enforcement or emergency rescue work, achieve a fleet average fuel 7364
economy of not less than the fleet average fuel economy for that 7365
fiscal year as the department shall prescribe by rule. The 7366
department shall adopt the rule prior to the beginning of the 7367
fiscal year, in accordance with the average fuel economy standards 7368
established by federal law for passenger automobiles manufactured 7369
during the model year that begins during the fiscal year. 7370

Each state agency, department, division, bureau, office, 7371
unit, commission, board, authority, quasi-governmental entity, 7372
institution, and state institution of higher education shall 7373
determine its fleet average fuel economy by dividing the total 7374
number of passenger vehicles acquired during the fiscal year, 7375
except for those passenger vehicles acquired for use in law 7376
enforcement or emergency rescue work, by a sum of terms, each of 7377
which is a fraction created by dividing the number of passenger 7378
vehicles of a given make, model, and year, except for passenger 7379
vehicles acquired for use in law enforcement or emergency rescue 7380
work, acquired during the fiscal year by the fuel economy measured 7381
by the administrator of the United States environmental protection 7382
agency, for the given make, model, and year of vehicle, that 7383
constitutes an average fuel economy for combined city and highway 7384
driving. 7385

As used in division (A)(16) of this section, "acquired" means 7386
leased for a period of sixty continuous days or more, or 7387
purchased. 7388

(B) This section and section 125.02 of the Revised Code shall 7389

not interfere with any of the following: 7390

(1) The power of the adjutant general to purchase military 7391
supplies, or with the custody of the adjutant general of property 7392
leased, purchased, or constructed by the state and used for 7393
military purposes, or with the functions of the adjutant general 7394
as director of state armories; 7395

(2) The power of the director of transportation in acquiring 7396
rights-of-way for the state highway system, or the leasing of 7397
lands for division or resident district offices, or the leasing of 7398
lands or buildings required in the maintenance operations of the 7399
department of transportation, or the purchase of real property for 7400
garage sites or division or resident district offices, or in 7401
preparing plans and specifications for and constructing such 7402
buildings as the director may require in the administration of the 7403
department; 7404

(3) The power of the director of public safety and the 7405
registrar of motor vehicles to purchase or lease real property and 7406
buildings to be used solely as locations to which a deputy 7407
registrar is assigned pursuant to division (B) of section 4507.011 7408
of the Revised Code and from which the deputy registrar is to 7409
conduct the deputy registrar's business, the power of the director 7410
of public safety to purchase or lease real property and buildings 7411
to be used as locations for division or district offices as 7412
required in the maintenance of operations of the department of 7413
public safety, and the power of the superintendent of the state 7414
highway patrol in the purchase or leasing of real property and 7415
buildings needed by the patrol, to negotiate the sale of real 7416
property owned by the patrol, to rent or lease real property owned 7417
or leased by the patrol, and to make or cause to be made repairs 7418
to all property owned or under the control of the patrol; 7419

(4) The power of the division of liquor control in the 7420
leasing or purchasing of retail outlets and warehouse facilities 7421

for the use of the division; 7422

(5) The power of the director of development services to 7423
enter into leases of real property, buildings, and office space to 7424
be used solely as locations for the state's foreign offices to 7425
carry out the purposes of section 122.05 of the Revised Code; 7426

(6) The power of the director of environmental protection to 7427
enter into environmental covenants, to grant and accept easements, 7428
or to sell property pursuant to division (G) of section 3745.01 of 7429
the Revised Code; 7430

(7) The power of the department of public safety under 7431
section 5502.01 of the Revised Code to direct security measures 7432
and operations for the Vern Riffe center and the James A. Rhodes 7433
state office tower. The department of administrative services 7434
shall implement all security measures and operations at the Vern 7435
Riffe center and the James A. Rhodes state office tower as 7436
directed by the department of public safety. 7437

(C) Purchases for, and the custody and repair of, buildings 7438
under the management and control of the capitol square review and 7439
advisory board, the opportunities for Ohioans with disabilities 7440
agency, the bureau of workers' compensation, or the departments of 7441
public safety, job and family services, mental health and 7442
addiction services, developmental disabilities, and rehabilitation 7443
and correction; buildings of educational and benevolent 7444
institutions under the management and control of boards of 7445
trustees; and purchases or leases for, and the custody and repair 7446
of, office space used for the purposes of ~~the joint legislative~~ 7447
~~ethics committee~~ any agency of the legislative branch of state 7448
government are not subject to the control and jurisdiction of the 7449
department of administrative services. 7450

~~If the joint legislative ethics committee~~ an agency of the 7451
legislative branch of state government, except the capitol square 7452

review and advisory board, so requests, the ~~committee agency~~ and 7453
the director of administrative services may enter into a contract 7454
under which the department of administrative services agrees to 7455
perform any services requested by the ~~committee agency~~ that the 7456
department is authorized under this section to perform. 7457

(D) Any instrument by which real property is acquired 7458
pursuant to this section shall identify the agency of the state 7459
that has the use and benefit of the real property as specified in 7460
section 5301.012 of the Revised Code. 7461

Sec. ~~152.08~~ 123.011. (A) The ~~Ohio building authority~~ 7462
department of administrative services may: 7463

(1) ~~Acquire, by gift, grant, or purchase, and hold and~~ 7464
~~mortgage, real estate and interests therein and personal property~~ 7465
~~suitable for its purposes, provided that no land used by the~~ 7466
~~authority pursuant to section 152.05 of the Revised Code shall be~~ 7467
~~mortgaged by the authority;~~ 7468

(2) ~~Purchase, construct, reconstruct, equip, furnish,~~ 7469
~~improve, alter, enlarge, maintain, repair, and operate buildings,~~ 7470
~~facilities, and other properties for the purposes set forth in~~ 7471
~~section 152.04 of the Revised Code. The authority shall construct,~~ 7472
~~operate, and maintain its buildings, facilities, and other~~ 7473
~~properties in a healthy, safe, and sanitary manner.~~ 7474

(3) ~~Issue revenue bonds to secure funds to accomplish its~~ 7475
~~purposes, the principal of and interest on and all other payments~~ 7476
~~required to be made by the trust agreement or indenture securing~~ 7477
~~such bonds to be paid solely from revenues accruing to the~~ 7478
~~authority through the operation of its buildings, facilities, and~~ 7479
~~other properties;~~ 7480

(4) ~~Enter into contracts and execute all instruments~~ 7481
~~necessary in the conduct of its business;~~ 7482

~~(5) Fix, alter, and charge rentals and other charges for the use and occupancy of its buildings, facilities, and other properties and enter into leases with the persons specified in section 152.04 of the Revised Code;~~

~~(6) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;~~

~~(7)(2) Provide for the persons occupying its buildings, facilities, and other properties, health clinics, medical services, food services, and such other services as such persons cannot provide for themselves; and, if the authority department determines that it is more advantageous, it may enter into contracts with persons, firms, or corporations or with any governmental agency, board, commission, or department to provide any of such clinics or services;~~

~~(8) Pledge, hypothecate, or otherwise encumber such of its rentals or other charges as may be agreed as security for its obligations, and enter into trust agreements or indentures for the benefit of its bondholders;~~

~~(9) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal agency or other governmental or private source, and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, or devises of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any federal or other governmental or private source may be repaid in accordance with the terms of such advance or loan.~~

~~(10) Conduct investigations into housing and living conditions in order to be able to purchase, construct, or reconstruct suitable buildings and facilities to fulfill its purpose, and determine the best locations within the state for its buildings, facilities, and other properties;~~

~~(11) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal government, or other political subdivision, or public agency for the planning and installation of streets, roads, alleys, public parks and recreation areas, public utility facilities, and other necessary appurtenances to its projects;~~

~~(12) Purchase fire, extended coverage, and liability insurance for its property, and insurance covering the authority and its officers and employees for liability for damage or injury to persons or property;~~

~~(13) Sell, lease, release, or otherwise dispose of property owned by the authority and not needed for the purposes of the authority and grant such easements across the property of the authority as will not interfere with its use of its property;~~

~~(14) Establish rules and regulations for the use and operation of its buildings, facilities, and other properties;~~

~~(15) Do all other acts necessary to the fulfillment of its purposes.~~

~~(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.~~

~~(C) Any person may possess a firearm in a motor vehicle in the parking garage at the Riffe center for government and the arts in Columbus, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the~~

Revised Code or any other provision of the Revised Code. Any 7545
person may store or leave a firearm in a locked motor vehicle that 7546
is parked in the parking garage at the Riffe center for government 7547
and the arts in Columbus, if the person's transportation and 7548
possession of the firearm in the motor vehicle while traveling to 7549
the garage was not in violation of section 2923.16 of the Revised 7550
Code or any other provision of the Revised Code. 7551

Sec. 123.20. (A) There is hereby created the Ohio facilities 7552
construction commission. The commission shall administer the 7553
design and construction of improvements to public facilities of 7554
the state in accordance with this chapter, the provision of 7555
financial assistance to school districts for the acquisition or 7556
construction of classroom facilities in accordance with Chapter 7557
3318. of the Revised Code, and any other applicable provisions of 7558
the Revised Code. 7559

The commission is a body corporate and politic, an agency of 7560
state government and an instrumentality of the state, performing 7561
essential governmental functions of this state. The carrying out 7562
of the purposes and the exercise by the commission of its powers 7563
are essential public functions and public purposes of the state. 7564
The commission may, in its own name, sue and be sued, enter into 7565
contracts, and perform all the powers and duties given to it by 7566
the Revised Code, but it does not have and shall not exercise the 7567
power of eminent domain. In its discretion and as it determines 7568
appropriate, the commission may delegate to any of its members, 7569
executive director, or other employees any of the commission's 7570
powers and duties to carry out its functions. 7571

(B) The commission shall consist of seven members, three of 7572
whom shall be voting members+. The voting members shall be 7573
director of the office of budget and management and, the director 7574
of administrative services, ~~or their designees,~~ and ~~a member~~ an 7575

additional administrative department head listed in section 121.03 7576
of the Revised Code whom the governor shall appoint. Each voting 7577
member of the commission may designate an employee of the member's 7578
agency to serve on the member's behalf. 7579

The nonvoting members shall be two members of the senate 7580
appointed by the president of the senate and two members of the 7581
house of representatives appointed by the speaker of the house of 7582
representatives. The nonvoting members who are senators shall not 7583
be members of the same political party, and the nonvoting members 7584
who are representatives shall not be members of the same political 7585
party. 7586

Not later than the thirty-first day of January of an 7587
odd-numbered year, the president of the senate and the speaker of 7588
the house of representatives shall appoint the nonvoting members 7589
of the commission to serve for the duration of that general 7590
assembly. A seat on the commission becomes vacant if the nonvoting 7591
member who held the seat ceases to serve in the chamber of the 7592
general assembly from which the nonvoting member was appointed. A 7593
vacancy in a nonvoting seat on the commission shall be filled in 7594
the manner provided for original appointments not later than the 7595
thirty-first day after the day the seat becomes vacant. 7596

Members of the commission or their designees shall serve 7597
without compensation. 7598

~~Within sixty days after the effective date of this section,~~ 7599
~~the commission shall meet and organize by electing voting members~~ 7600
~~as the chairperson and vice chairperson of the commission, who~~ 7601
~~shall hold their offices until the next organizational meeting of~~ 7602
~~the commission.~~ Organizational meetings of the commission shall be 7603
held at the first meeting of each calendar year. At each 7604
organizational meeting, the commission shall elect from among its 7605
voting members a chairperson and vice-chairperson, who shall serve 7606
until the next annual organizational meeting. The commission shall 7607

adopt rules pursuant to Chapter 119. of the Revised Code for the 7608
conduct of its internal business and shall keep a journal of its 7609
proceedings. Including the organizational meeting, the commission 7610
shall meet at least once each calendar year. 7611

Two voting members of the commission constitute a quorum, and 7612
the affirmative vote of two members is necessary for approval of 7613
any action taken by the commission. A vacancy in the membership of 7614
the commission does not impair a quorum from exercising all the 7615
rights and performing all the duties of the commission. Meetings 7616
of the commission may be held anywhere in the state and shall be 7617
held in compliance with section 121.22 of the Revised Code. 7618

~~(C) Within sixty days after the effective date of this 7619
section, the governor shall appoint a member to the commission. 7620
The initial appointment shall be for a term ending three years 7621
after the effective date of this section, with subsequent terms 7622
ending three years after they begin, on the same day of the same 7623
month as the initial term. 7624~~

~~A vacancy for the member appointed by the governor shall be 7625
filled in the same manner as provided for the original 7626
appointment. The appointed member shall hold office for the 7627
remainder of the term for which the vacancy existed. After the 7628
expiration of the term, the appointed member shall continue in 7629
office for a period of sixty days or until the appointed member's 7630
successor takes office, whichever period is shorter. 7631~~

~~(D)~~ The commission shall file an annual report of its 7632
activities and finances, including a report of the expenditures 7633
and progress of the classroom facilities assistance program under 7634
Chapter 3318. of the Revised Code, with the governor, speaker of 7635
the house of representatives, president of the senate, and 7636
chairpersons of the house and senate finance committees. 7637

~~(E)~~(D) The commission shall be exempt from the requirements 7638

of sections 101.82 to 101.87 of the Revised Code. 7639

Sec. 123.21. (A) The Ohio facilities construction commission 7640
may perform any act and ensure the performance of any function 7641
necessary or appropriate to carry out the purposes of, and 7642
exercise the powers granted under this chapter or any other 7643
provision of the Revised Code, including any of the following: 7644

(1) ~~Prepare~~ Except as otherwise provided in section 123.211 7645
of the Revised Code, prepare, or contract to be prepared, by 7646
licensed engineers or architects, surveys, general and detailed 7647
plans, specifications, bills of materials, and estimates of cost 7648
for any projects, improvements, or public buildings to be 7649
constructed by state agencies that may be authorized by 7650
legislative appropriations or any other funds made available 7651
therefor, provided that the construction of the projects, 7652
improvements, or public buildings is a statutory duty of the 7653
commission. This section does not require the independent 7654
employment of an architect or engineer as provided by section 7655
153.01 of the Revised Code in the cases to which section 153.01 of 7656
the Revised Code applies. This section does not affect or alter 7657
the existing powers of the director of transportation. 7658

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7659
the Revised Code, have general supervision over the construction 7660
of any projects, improvements, or public buildings constructed for 7661
a state agency and over the inspection of materials prior to their 7662
incorporation into those projects, improvements, or buildings. 7663

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7664
the Revised Code, make contracts for and supervise the design and 7665
construction of any projects and improvements or the construction 7666
and repair of buildings under the control of a state agency. All 7667
such contracts may be based in whole or in part on the unit price 7668
or maximum estimated cost, with payment computed and made upon 7669

actual quantities or units. 7670

(4) Adopt, amend, and rescind rules pertaining to the 7671
administration of the construction of the public works of the 7672
state as required by law, in accordance with Chapter 119. of the 7673
Revised Code. 7674

(5) Contract with, retain the services of, or designate, and 7675
fix the compensation of, such agents, accountants, consultants, 7676
advisers, and other independent contractors as may be necessary or 7677
desirable to carry out the programs authorized under this chapter, 7678
or authorize the executive director to perform such powers and 7679
duties. 7680

(6) Receive and accept any gifts, grants, donations, and 7681
pledges, and receipts therefrom, to be used for the programs 7682
authorized under this chapter. 7683

(7) Make and enter into all contracts, commitments, and 7684
agreements, and execute all instruments, necessary or incidental 7685
to the performance of its duties and the execution of its rights 7686
and powers under this chapter, or authorize the executive director 7687
to perform such powers and duties. 7688

(8) Debar a contractor as provided in section 153.02 of the 7689
Revised Code. 7690

(9) Enter into and administer cooperative agreements for 7691
cultural projects, as provided in sections 123.28 and 123.281 of 7692
the Revised Code. 7693

(B) The commission shall appoint and fix the compensation of 7694
an executive director who shall serve at the pleasure of the 7695
commission. The executive director shall exercise all powers that 7696
the commission possesses, supervise the operations of the 7697
commission, and perform such other duties as delegated by the 7698
commission. The executive director also shall employ and fix the 7699
compensation of such employees as will facilitate the activities 7700

and purposes of the commission, who shall serve at the pleasure of 7701
the executive director. The employees of the commission are exempt 7702
from Chapter 4117. of the Revised Code and are not considered 7703
public employees as defined in section 4117.01 of the Revised 7704
Code. Any agreement entered into prior to July 1, 2012, between 7705
the office of collective bargaining and the exclusive 7706
representative for employees of the commission is binding and 7707
shall continue to have effect. 7708

(C) The attorney general shall serve as the legal 7709
representative for the commission and may appoint other counsel as 7710
necessary for that purpose in accordance with section 109.07 of 7711
the Revised Code. 7712

Sec. 124.384. (A) Except as otherwise provided in this 7713
section, employees whose salaries or wages are paid by warrant of 7714
the director of budget and management and who have accumulated 7715
sick leave under section 124.38 or 124.382 of the Revised Code 7716
shall be paid for a percentage of their accumulated balances, upon 7717
separation for any reason, including death but excluding 7718
retirement, at their last base rate of pay at the rate of one hour 7719
of pay for every two hours of accumulated balances. An employee 7720
who retires in accordance with any retirement plan offered by the 7721
state shall be paid upon retirement for each hour of the 7722
employee's accumulated sick leave balance at a rate of fifty-five 7723
per cent of the employee's last base rate of pay. 7724

An employee serving in a temporary work level who elects to 7725
convert unused sick leave to cash shall do so at the base rate of 7726
pay of the employee's normal classification. If an employee dies, 7727
the employee's unused sick leave shall be paid in accordance with 7728
section 2113.04 of the Revised Code or to the employee's estate. 7729

In order to be eligible for the payment authorized by this 7730
section, an employee shall have at least one year of state service 7731

and shall request all or a portion of that payment no later than 7732
three years after separation from state service. No person is 7733
eligible to receive all or a portion of the payment authorized by 7734
this section at any time later than three years after the person's 7735
separation from state service. 7736

(B) ~~Except as otherwise provided in this division, a~~ A person 7737
initially employed on or after July 5, 1987, by a state agency in 7738
which the employees' salaries or wages are paid directly by 7739
warrant of the director of budget and management shall receive 7740
payment under this section only for sick leave accumulated while 7741
employed by state agencies in which the employees' salaries or 7742
wages are paid directly by warrant of the director of budget and 7743
management. A Additionally, a person initially employed on or 7744
after July 5, 1987, but before October 1, 2017, by the state 7745
department of education as an unclassified employee shall receive 7746
payment under this section ~~only for sick leave accumulated while~~ 7747
~~employed by state agencies in which the employees' salaries or~~ 7748
~~wages are paid directly by warrant of the director of budget and~~ 7749
~~management and~~ for sick leave placed to the employee's credit 7750
under division (E)(2) of section 124.382 of the Revised Code. 7751

(C) For employees paid in accordance with section 124.152 of 7752
the Revised Code and those employees listed in divisions (B)(2) 7753
and (4) of section 124.14 of the Revised Code, the director of 7754
administrative services, with the approval of the director of 7755
budget and management, may establish a plan for early payment of 7756
accrued sick leave and vacation leave. 7757

Sec. 124.93. (A) As used in this section, "physician" means 7758
any person who holds a valid ~~certificate~~ license to practice 7759
medicine and surgery or osteopathic medicine and surgery issued 7760
under Chapter 4731. of the Revised Code. 7761

(B) No health insuring corporation that, on or after July 1, 7762

1993, enters into or renews a contract with the department of 7763
administrative services under section 124.82 of the Revised Code, 7764
because of a physician's race, color, religion, sex, national 7765
origin, disability or military status as defined in section 7766
4112.01 of the Revised Code, age, or ancestry, shall refuse to 7767
contract with that physician for the provision of health care 7768
services under section 124.82 of the Revised Code. 7769

Any health insuring corporation that violates this division 7770
is deemed to have engaged in an unlawful discriminatory practice 7771
as defined in section 4112.02 of the Revised Code and is subject 7772
to Chapter 4112. of the Revised Code. 7773

(C) Each health insuring corporation that, on or after July 7774
1, 1993, enters into or renews a contract with the department of 7775
administrative services under section 124.82 of the Revised Code 7776
and that refuses to contract with a physician for the provision of 7777
health care services under that section shall provide that 7778
physician with a written notice that clearly explains the reason 7779
or reasons for the refusal. The notice shall be sent to the 7780
physician by regular mail within thirty days after the refusal. 7781

Any health insuring corporation that fails to provide notice 7782
in compliance with this division is deemed to have engaged in an 7783
unfair and deceptive act or practice in the business of insurance 7784
as defined in section 3901.21 of the Revised Code and is subject 7785
to sections 3901.19 to 3901.26 of the Revised Code. 7786

Sec. 125.03. (A) Any state agency wanting to purchase 7787
automatic data processing, computer services as defined in section 7788
2913.01 of the Revised Code, electronic publishing services, or 7789
electronic information services, or any consulting services 7790
related to information technology, the aggregate cost of which 7791
would amount to more than fifty thousand dollars over the next 7792
succeeding five-year period, shall make the purchase by 7793

competitive selection and with the approval of the controlling board. In its request for approval, the agency shall provide the board with a comparative analysis of the cost of similar systems utilized by other states and a description of the measures it took to find the most cost-effective system. The comparative analysis shall not be considered a public record under section 149.43 of the Revised Code unless the request is approved by the board and the agency has awarded the contract.

(B) Any state agency wanting to enter into a contract for the procurement of energy, the aggregate cost of which would amount to more than fifty thousand dollars over the next succeeding five-year period, shall make the purchase by competitive selection and with the approval of the controlling board.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and	7824 7825
(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.	7826 7827 7828
(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:	7829 7830 7831
(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;	7832 7833 7834
(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;	7835 7836 7837
(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;	7838 7839 7840
(4) Office of support services <u>Ohio pharmacy services</u> at the department of mental health <u>and addiction services</u> as prescribed in section 5119.44 of the Revised Code;	7841 7842 7843
(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and	7844 7845
(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.	7846 7847 7848
(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the	7849 7850 7851 7852 7853

determination, the department may consult with each of the first 7854
requisite procurement programs. When the department has made its 7855
determination, it shall: 7856

(1) Direct the requesting agency to obtain the desired 7857
supplies or services through the proper first requisite 7858
procurement program; 7859

(2) Provide the agency with a waiver from the use of the 7860
applicable first requisite procurement programs under sections 7861
125.609 or 5147.07 of the Revised Code; or 7862

(3) Determine whether the purchase can be fulfilled through a 7863
second requisite procurement program under division (E) of this 7864
section. 7865

(E) In making the determination that a purchase is subject to 7866
a second requisite procurement program, the department shall 7867
identify potentially applicable programs and notify each program 7868
of the requested purchase. The notified second requisite 7869
procurement program shall respond to the department within two 7870
business days with regard to its ability to provide the requested 7871
purchase. If the second requisite procurement program can provide 7872
the requested purchase, the department shall direct the requesting 7873
agency to make the requested purchase from the appropriate second 7874
requisite procurement program. If the department has not received 7875
notification from a second requisite procurement program within 7876
two business days and the department has made the determination 7877
that the purchase is not subject to a second requisite procurement 7878
program, the department shall provide a waiver to the requesting 7879
agency. 7880

(F) Within five business days after receipt of a request, the 7881
department shall notify the requesting agency of its determination 7882
and provide any waiver under divisions (D) or (E) of this section. 7883
If the department fails to respond within five business days or 7884

fails to provide an explanation for any further delay within that 7885
time, the requesting agency may use direct purchasing authority to 7886
make the requested purchase, subject to the requirements of 7887
division (G) of this section and section 127.16 of the Revised 7888
Code. 7889

(G) As provided in sections 125.02 and 125.05 of the Revised 7890
Code and subject to such rules as the director of administrative 7891
services may adopt, the department may issue a release and permit 7892
to the agency to secure supplies or services. A release and permit 7893
shall specify the supplies or services to which it applies, the 7894
time during which it is operative, and the reason for its 7895
issuance. A release and permit for telephone, other 7896
telecommunications, and computer services shall be provided in 7897
accordance with section 125.18 of the Revised Code and shall 7898
specify the type of services to be rendered, the number and type 7899
of hardware to be used, and may specify the amount of such 7900
services to be performed. No requesting agency shall proceed with 7901
such purchase until it has received an approved release and permit 7902
from the director of administrative services or the director's 7903
designee. 7904

Sec. 125.04. (A) Except for the requirements of division (B) 7905
of this section, section 125.092, and division (B) of section 7906
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7907
to 125.15 of the Revised Code do not apply to or affect state 7908
institutions of higher education. 7909

(B)(1) As used in this division: 7910

(a) "Chartered nonpublic school" has the same meaning as in 7911
section 3310.01 of the Revised Code. 7912

(b) "Emergency medical service organization" has the same 7913
meaning as in section 4765.01 of the Revised Code. 7914

(c) "Governmental agency" means a political subdivision or special district in this state established by or under law, or any combination of these entities; the United States or any department, division, or agency of the United States; one or more other states or groups of states; other purchasing consortia; and any agency, commission, or authority established under an interstate compact or agreement.

(d) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.

(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, county board of elections, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such

purchase contracts shall file with the department a certified copy 7946
of an ordinance or resolution of the legislative authority or 7947
governing board of the political subdivision. The resolution or 7948
ordinance shall request that the political subdivision be 7949
authorized to participate in such contracts and shall agree that 7950
the political subdivision will be bound by such terms and 7951
conditions as the department prescribes and that it will directly 7952
pay the vendor under each purchase contract. A board of elections 7953
desiring to participate in such purchase contracts shall file with 7954
the purchasing authority a written request for inclusion in the 7955
program. A private fire company, private, nonprofit emergency 7956
medical service organization, or chartered nonpublic school 7957
desiring to participate in such purchase contracts shall file with 7958
the department a written request for inclusion in the program 7959
signed by the chief officer of the company, organization, or 7960
chartered nonpublic school. A governmental agency desiring to 7961
participate in such purchase contracts shall file with the 7962
department a written request for inclusion in the program. A state 7963
institution of higher education desiring to participate in such 7964
purchase contracts shall file with the department a certified copy 7965
of resolution of the board of trustees or similar authorizing 7966
body. The resolution shall request that the state institution of 7967
higher education be authorized to participate in such contracts. 7968

A request for inclusion shall include an agreement to be 7969
bound by such terms and conditions as the department prescribes 7970
and to make direct payments to the vendor under each purchase 7971
contract. 7972

The department shall include in its annual report, an 7973
estimate of the purchases made by state institutions of higher 7974
education, governmental agencies, political subdivisions, county 7975
boards of elections, private fire companies, private, nonprofit 7976
emergency medical service organizations, and chartered nonpublic 7977

schools from contracts pursuant to this division. The department 7978
may require such entities to file a report with the department, as 7979
often as it finds necessary, stating how many such contracts the 7980
entities participated in within a specified period of time, and 7981
any other information the department requires. 7982

(3) Purchases made by a political subdivision or a county 7983
board of elections under this division are exempt from any 7984
competitive selection procedures otherwise required by law. No 7985
political subdivision shall make any purchase under this division 7986
when bids have been received for such purchase by the subdivision, 7987
unless such purchase can be made upon the same terms, conditions, 7988
and specifications at a lower price under this division. 7989

(C) A political subdivision as defined in division (B) of 7990
this section or a county board of elections may purchase supplies 7991
or services from another party, including a political subdivision, 7992
instead of through participation in contracts described in 7993
division (B) of this section if the political subdivision or 7994
county board of elections can purchase those supplies or services 7995
from the other party upon equivalent terms, conditions, and 7996
specifications but at a lower price than it can through those 7997
contracts. Purchases that a political subdivision or county board 7998
of elections makes under this division are exempt from any 7999
competitive selection procedures otherwise required by law. A 8000
political subdivision or county board of elections that makes any 8001
purchase under this division shall maintain sufficient information 8002
regarding the purchase to verify that the political subdivision or 8003
county board of elections satisfied the conditions for making a 8004
purchase under this division. Nothing in this division restricts 8005
any action taken by a county or township as authorized by division 8006
(B)(1) of section 9.48 of the Revised Code. 8007

(D) This section does not apply to supplies or services 8008
purchased by a state agency directly as provided in section 125.05 8009

of the Revised Code, or to purchases of supplies or services for 8010
the emergency management agency or other state agencies as 8011
provided in section 125.061 of the Revised Code. 8012

Sec. 125.051. (A) As used in this section: 8013

(1) "Advertising" includes advertising in print or electronic 8014
newspapers, journals, or magazines and advertising broadcast over 8015
radio or television or placed on the internet. 8016

(2) "State official" means an official elected to a statewide 8017
office or a member of the general assembly. 8018

(B) Any advertising purchased with public money by a state 8019
official for the same purpose that, in the aggregate, exceeds 8020
fifty thousand dollars during the fiscal year, shall be subject to 8021
controlling board approval. 8022

Sec. 125.061. (A) As used in this section: 8023

(1) "Emergency" has the same meaning as defined in section 8024
5502.21 of the Revised Code. 8025

(2) "State procurement emergency" means a situation that 8026
creates all of the following: 8027

(a) A threat to public health, safety, or welfare; 8028

(b) An immediate and serious need for supplies or services 8029
that cannot be met through normal procurement methods required by 8030
state law; and 8031

(c) A serious threat of harm to the functioning of state 8032
government, the preservation or protection of property, or the 8033
health or safety of any person. 8034

(B) During the period of an emergency ~~as defined in section~~ 8035
5502.21 of the Revised Code, the department of administrative 8036
services may suspend, for the emergency management agency 8037

established in section 5502.22 of the Revised Code or any other 8038
state agency participating in response and recovery activities as 8039
defined in section 5502.21 of the Revised Code, the purchasing and 8040
contracting requirements contained in Chapter 125. and any 8041
requirement of Chapter 153. of the Revised Code that otherwise 8042
would apply to the agency. The director of public safety or the 8043
executive director of the emergency management agency shall make 8044
the request for the suspension of these requirements to the 8045
department of administrative services concurrently with the 8046
request to the governor or the president of the United States for 8047
the declaration of an emergency. The governor also shall include 8048
in any proclamation the governor issues declaring an emergency 8049
language requesting the suspension of those requirements during 8050
the period of the emergency. 8051

~~(B) Before any purchase may be made under a suspension 8052
authorized by this section, the director of administrative 8053
services shall send notice of the suspension as approved under 8054
division (A) of this section to the director of budget and 8055
management and to the members of the controlling board. The notice 8056
shall provide details of the request for suspension and shall 8057
include a copy of the director's approval. 8058~~

(C) During the period of a state procurement emergency, the 8059
department of administrative services may suspend, for any state 8060
agency, the purchasing and contracting requirements contained in 8061
Chapter 125. of the Revised Code that would otherwise be required 8062
of the agency. 8063

(1) The director or administrative head of the state agency 8064
where the state procurement emergency exists shall request the 8065
department of administrative services to suspend the purchasing 8066
and contracting requirements in Chapter 125. of the Revised Code. 8067

(2) The request shall include information detailing the 8068
immediacy of the state procurement emergency and a description of 8069

the necessary supplies or services that cannot be timely purchased 8070
through normal procurement methods otherwise required by state 8071
law. 8072

(3) Whenever practical, the agency shall obtain a release and 8073
permit from the department of administrative services under 8074
section 125.035 of the Revised Code before making purchases under 8075
this division. 8076

(D) Before any purchase may be made under a suspension 8077
authorized by this section, the director of administrative 8078
services shall send notice of the suspension as approved by the 8079
director to the director of budget and management and to the 8080
members of the controlling board. The notice shall provide details 8081
of the request for suspension and shall include a copy of the 8082
director's approval. 8083

(E) Purchases made by state agencies under this section are 8084
exempt from the requirements of section 127.16 of the Revised 8085
Code, except that state agencies making purchases under this 8086
section shall file a report with the president of the controlling 8087
board describing all such purchases made by the agency during the 8088
period covered by the emergency declaration or state procurement 8089
emergency. The report shall be filed within ninety days after the 8090
declaration or state procurement emergency condition expires. 8091

Sec. 125.18. (A) There is hereby established the office of 8092
information technology within the department of administrative 8093
services. The office shall be under the supervision of a state 8094
chief information officer to be appointed by the director of 8095
administrative services and subject to removal at the pleasure of 8096
the director. The chief information officer is an assistant 8097
director of administrative services. 8098

(B) Under the direction of the director of administrative 8099
services, the state chief information officer shall lead, oversee, 8100

and direct state agency activities related to information 8101
technology development and use. In that regard, the state chief 8102
information officer shall do all of the following: 8103

(1) Coordinate and superintend statewide efforts to promote 8104
common use and development of technology by state agencies. The 8105
office of information technology shall establish policies and 8106
standards that govern and direct state agency participation in 8107
statewide programs and initiatives. 8108

(2) Establish policies and standards for the acquisition and 8109
use of common information technology by state agencies, including, 8110
but not limited to, hardware, software, technology services, and 8111
security, and the extension of the service life of information 8112
technology systems, with which state agencies shall comply; 8113

(3) Establish criteria and review processes to identify state 8114
agency information technology projects or purchases that require 8115
alignment or oversight. As appropriate, the department of 8116
administrative services shall provide the governor and the 8117
director of budget and management with notice and advice regarding 8118
the appropriate allocation of resources for those projects. The 8119
state chief information officer may require state agencies to 8120
provide, and may prescribe the form and manner by which they must 8121
provide, information to fulfill the state chief information 8122
officer's alignment and oversight role; 8123

(4) Establish policies and procedures for the security of 8124
personal information that is maintained and destroyed by state 8125
agencies; 8126

(5) Employ a chief information security officer who is 8127
responsible for the implementation of the policies and procedures 8128
described in division (B)(4) of this section and for coordinating 8129
the implementation of those policies and procedures in all of the 8130
state agencies; 8131

(6) Employ a chief privacy officer who is responsible for	8132
advising state agencies when establishing policies and procedures	8133
for the security of personal information and developing education	8134
and training programs regarding the state's security procedures;	8135
(7) Establish policies on the purchasing, use, and	8136
reimbursement for use of handheld computing and telecommunications	8137
devices by state agency employees;	8138
(8) Establish policies for the reduction of printing and the	8139
use of electronic records by state agencies;	8140
(9) Establish policies for the reduction of energy	8141
consumption by state agencies;	8142
(10) Compute the amount of revenue attributable to the	8143
amortization of all equipment purchases and capitalized systems	8144
from information technology service delivery and major information	8145
technology purchases operating appropriation items and major	8146
computer purchases capital appropriation items that is recovered	8147
as part of the information technology services rates the	8148
department of administrative services charges and deposits into	8149
the information technology fund created in section 125.15 of the	8150
Revised Code;	8151
(11) Regularly review and make recommendations regarding	8152
improving the infrastructure of the state's cybersecurity	8153
operations with existing resources and through partnerships	8154
between government, business, and institutions of higher	8155
education;	8156
(12) Assist, as needed, with general state efforts to grow	8157
the cybersecurity industry in this state.	8158
(C)(1) The chief information security officer shall assist	8159
each state agency with the development of an information	8160
technology security strategic plan and review that plan, and each	8161
state agency shall submit that plan to the state chief information	8162

officer. The chief information security officer may require that 8163
each state agency update its information technology security 8164
strategic plan annually as determined by the state chief 8165
information officer. 8166

(2) Prior to the implementation of any information technology 8167
data system, a state agency shall prepare or have prepared a 8168
privacy impact statement for that system. 8169

(D) When a state agency requests a purchase of information 8170
technology supplies or services under Chapter 125. of the Revised 8171
Code, the state chief information officer may review and reject 8172
the requested purchase for noncompliance with information 8173
technology direction, plans, policies, standards, or 8174
project-alignment criteria. 8175

(E) The office of information technology may operate 8176
technology services for state agencies in accordance with this 8177
chapter. 8178

Notwithstanding any provision of the Revised Code to the 8179
contrary, the office of information technology may assess a 8180
transaction fee on each license or registration issued as part of 8181
an electronic licensing system operated by the office in an amount 8182
determined by the office not to exceed three dollars and fifty 8183
cents. The transaction fee shall apply to all transactions, 8184
regardless of form, that immediately precede the issuance, 8185
renewal, reinstatement, reactivation of, or other activity that 8186
results in, a license or registration to operate as a regulated 8187
professional or entity. Each license or registration is a separate 8188
transaction to which a fee under this division applies. 8189
Notwithstanding any provision of the Revised Code to the contrary, 8190
if a fee is assessed under this section, no agency, board, or 8191
commission shall issue a license or registration unless a fee 8192
required by this division has been received. The director of 8193
administrative services may collect the fee or require a state 8194

agency, board, or commission for which the system is being 8195
operated to collect the fee. Amounts received under this division 8196
shall be deposited in or transferred to the professions licensing 8197
system fund created in division (I) of this section. 8198

(F) With the approval of the director of administrative 8199
services, the office of information technology may establish 8200
cooperative agreements with federal and local government agencies 8201
and state agencies that are not under the authority of the 8202
governor for the provision of technology services and the 8203
development of technology projects. 8204

(G) The office of information technology may operate a 8205
program to make information technology purchases. The director of 8206
administrative services may recover the cost of operating the 8207
program from all participating government entities by issuing 8208
intrastate transfer voucher billings for the procured technology 8209
or through any pass-through billing method agreed to by the 8210
director of administrative services, the director of budget and 8211
management, and the participating government entities that will 8212
receive the procured technology. 8213

If the director of administrative services chooses to recover 8214
the program costs through intrastate transfer voucher billings, 8215
the participating government entities shall process the intrastate 8216
transfer vouchers to pay for the cost. Amounts received under this 8217
section for the information technology purchase program shall be 8218
deposited to the credit of the information technology governance 8219
fund created in section 125.15 of the Revised Code. 8220

(H) Upon request from the director of administrative 8221
services, the director of budget and management may transfer cash 8222
from the information technology fund created in section 125.15 of 8223
the Revised Code to the major information technology purchases 8224
fund in an amount not to exceed the amount computed under division 8225
(B)(10) of this section. The major information technology 8226

purchases fund is hereby created in the state treasury. 8227

(I) There is hereby created in the state treasury the 8228
professions licensing system fund. The fund shall be used to 8229
operate the electronic licensing system referenced in division (E) 8230
of this section. 8231

(J) As used in this section: 8232

(1) "Personal information" has the same meaning as in section 8233
149.45 of the Revised Code. 8234

(2) "State agency" means every organized body, office, or 8235
agency established by the laws of the state for the exercise of 8236
any function of state government, other than any state-supported 8237
institution of higher education, the office of the auditor of 8238
state, treasurer of state, secretary of state, or attorney 8239
general, the adjutant general's department, the bureau of workers' 8240
compensation, the industrial commission, the public employees 8241
retirement system, the Ohio police and fire pension fund, the 8242
state teachers retirement system, the school employees retirement 8243
system, the state highway patrol retirement system, the general 8244
assembly or any legislative agency, the capitol square review 8245
advisory board, or the courts or any judicial agency. 8246

Sec. 125.22. (A) The department of administrative services 8247
shall establish the central service agency to perform routine 8248
support for the following boards and commissions: 8249

(1) Architects board; 8250

(2) ~~Barber board;~~ 8251

~~(3)~~ State chiropractic board; 8252

~~(4)~~(3) State cosmetology and barber board ~~of cosmetology;~~ 8253

~~(5)~~(4) Accountancy board; 8254

~~(6)~~(5) State dental board; 8255

(7) State board of optometry;	8256
(8) (6) Ohio occupational therapy, physical therapy, and athletic trainers board;	8257 8258
(9) (7) State board of registration for professional engineers and surveyors;	8259 8260
(10) State board of sanitarian registration;	8261
(11) (8) Board of embalmers and funeral directors;	8262
(12) (9) State board of psychology;	8263
(13) Ohio optical dispensers board;	8264
(14) Board of speech pathology and audiology;	8265
(15) (10) Counselor, social worker, and marriage and family therapist board;	8266 8267
(16) (11) State veterinary medical licensing board;	8268
(17) Ohio board of dietetics;	8269
(18) (12) Commission on Hispanic-Latino affairs;	8270
(19) Ohio respiratory care board;	8271
(20) (13) Ohio commission on African-American males;	8272
(21) (14) Chemical dependency professionals board;	8273
<u>(15) State vision professionals board;</u>	8274
<u>(16) State speech and hearing professionals board.</u>	8275
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	8276 8277 8278 8279 8280 8281
(a) Preparing and processing payroll and other personnel	8282

documents;	8283
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	8284 8285
(c) Maintaining ledgers of accounts and balances;	8286
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8287 8288
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	8289 8290 8291
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	8292 8293 8294
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	8295 8296 8297 8298
(C) The director of administrative services shall be the appointing authority for the agency.	8299 8300
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	8301 8302 8303
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the	8304 8305 8306 8307 8308 8309 8310 8311 8312

state treasury to the credit of the central service agency fund, 8313
which is hereby created. All expenses incurred by the agency in 8314
performing services for the boards or commissions shall be paid 8315
from the fund. 8316

(F) Nothing in this section shall be construed as a grant of 8317
authority for the central service agency to initiate or deny 8318
personnel or fiscal actions for the boards and commissions. 8319

Sec. 125.28. (A) The director of administrative services 8320
shall determine the reimbursable cost of space in state-owned or 8321
state-leased facilities and shall collect reimbursements for that 8322
cost. 8323

(B) The director may provide building maintenance services 8324
and ~~minor construction project management~~ tenant improvement 8325
services to any state agency and may collect reimbursements for 8326
the cost of providing those services. 8327

(C) All money collected by the department of administrative 8328
services, for operating expenses of facilities owned or maintained 8329
by the department, or for tenant improvement services, shall be 8330
deposited into the state treasury to the credit of the building 8331
management fund, which is hereby created. ~~All money collected by~~ 8332
~~the department for minor construction project management services~~ 8333
~~shall be deposited into the state treasury to the credit of the~~ 8334
~~minor construction project management fund, which is hereby~~ 8335
~~created.~~ All money collected for depreciation and related costs 8336
shall be deposited into the building improvement fund created 8337
under section 125.27 of the Revised Code or deposited into the 8338
building management fund and then transferred by the director of 8339
budget and management to the building improvement fund. 8340

Sec. 125.32. (A) The department of administrative services 8341
may establish an enterprise data management and analytics program 8342

to gather, combine, and analyze data provided by one or more 8343
agencies to measure the outcome of state-funded programs, develop 8344
policies to promote the effective, efficient, and best use of 8345
state resources, and to identify, prevent, or eliminate the 8346
fraudulent use of state funds, state resources, or state programs. 8347
Participating state agencies may use data gathered under the 8348
program for these purposes. 8349

(B) A state agency shall provide data for use under the 8350
program. A state agency that provides data under the program shall 8351
comply with the data-sharing protocol adopted under division (D) 8352
of this section. Notwithstanding any other provision of the 8353
Revised Code, a state agency's provision of data under the program 8354
is considered a permitted use of the data under the Revised Code 8355
and the state agency is not in violation of any contrary provision 8356
of the Revised Code by providing the data. 8357

(C)(1) A state agency that provides data under the program 8358
retains ownership over the data. Notwithstanding any other 8359
provision of the Revised Code, only the state agency that provides 8360
data under the program may be required under the law of this state 8361
to respond to requests for records or information regarding the 8362
provided data, including public records requests, subpoenas, 8363
warrants, and investigatory requests. 8364

(2) Participating state agencies shall maintain the 8365
confidentiality of data gathered under the program in accordance 8366
with confidentiality laws applicable to the data when in the 8367
possession of the state agency that provided the data. Employees 8368
of the department of administrative services or another state 8369
agency who gain access to another state agency's confidential data 8370
under the program are subject to any confidentiality requirements 8371
or duty to maintain confidentiality of the data established by law 8372
applicable to the state agency that provided the data. The results 8373

of the data analysis shall be compared against the confidentiality 8374
laws applicable to the source data to determine if the results 8375
retain any attributes of the source data that bring the results 8376
within the scope of any of the confidentiality obligations that 8377
applied to the source data. If so, the data analysis results are 8378
subject to those applicable confidentiality obligations and, in 8379
the event of a conflict between applicable confidentiality 8380
obligations, the most stringent of those obligations shall 8381
control. 8382

(D) In consultation with state agencies participating under 8383
the program, the department of administrative services shall 8384
develop a data-sharing protocol and a security plan for the 8385
program. The security plan shall state how the data is to be 8386
protected. The data-sharing protocol shall include at least the 8387
following: 8388

(1) How participating state agencies may use confidential 8389
data in accordance with confidentiality laws applicable to the 8390
provided data; 8391

(2) Who has authority to access data gathered under the 8392
program; and 8393

(3) How participating state agencies shall make, verify, and 8394
retain corrections to personal information gathered under the 8395
program. 8396

Any collection of data derived under the program that is a 8397
"system" with "personal information" as defined in section 1347.01 8398
of the Revised Code shall comply with Chapter 1347. of the Revised 8399
Code. 8400

Sec. 126.11. (A)(1) The director of budget and management 8401
shall, upon consultation with the treasurer of state, coordinate 8402
and approve the scheduling of initial sales of publicly offered 8403

securities of the state and of publicly offered fractionalized 8404
interests in or securitized issues of public obligations of the 8405
state. The director shall from time to time develop and distribute 8406
to state issuers an approved sale schedule for each of the 8407
obligations covered by division (A) or (B) of this section. 8408
Division (A) of this section applies only to those obligations on 8409
which the state or a state agency is the direct obligor or obligor 8410
on any backup security or related credit enhancement facility or 8411
source of money subject to state appropriations that is intended 8412
for payment of those obligations. 8413

(2) The issuers of obligations pursuant to section 151.03, 8414
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8415
Revised Code shall submit to the director: 8416

(a) For review and approval: the projected sale date, amount, 8417
and type of obligations proposed to be sold; their purpose, 8418
security, and source of payment; the proposed structure and 8419
maturity schedule; the trust agreement and any supplemental 8420
agreements; and any credit enhancement facilities or interest rate 8421
hedges for the obligations; 8422

(b) For review and comment: the authorizing order or 8423
resolution; preliminary and final offering documents; method of 8424
sale; preliminary and final pricing information; and any written 8425
reports or recommendations of financial advisors or consultants 8426
relating to those obligations; 8427

(c) Promptly after each sale of those obligations: final 8428
terms, including sale price, maturity schedule and yields, and 8429
sources and uses; names of the original purchasers or 8430
underwriters; a copy of the final offering document and of the 8431
transcript of proceedings; and any other pertinent information 8432
requested by the director. 8433

(3) The issuer of obligations pursuant to section 151.06 or 8434

151.40 or Chapter 154. of the Revised Code shall submit to the 8435
director: 8436

(a) For review and mutual agreement: the projected sale date, 8437
amount, and type of obligations proposed to be sold; their 8438
purpose, security, and source of payment; the proposed structure 8439
and maturity schedule; the trust agreement and any supplemental 8440
agreements; and any credit enhancement facilities or interest rate 8441
hedges for the obligations; 8442

(b) For review and comment: the authorizing order or 8443
resolution; preliminary and final offering documents; method of 8444
sale; preliminary and final pricing information; and any written 8445
reports or recommendations of financial advisors or consultants 8446
relating to those obligations; 8447

(c) Promptly after each sale of those obligations: final 8448
terms, including sale price, maturity schedule and yields, and 8449
sources and uses; names of the original purchasers or 8450
underwriters; a copy of the final offering document and of the 8451
transcript of proceedings; and any other pertinent information 8452
requested by the director. 8453

(4) The issuers of obligations pursuant to Chapter 166., 8454
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8455
shall submit to the director: 8456

(a) For review and comment: the projected sale date, amount, 8457
and type of obligations proposed to be sold; the purpose, 8458
security, and source of payment; and preliminary and final 8459
offering documents; 8460

(b) Promptly after each sale of those obligations: final 8461
terms, including a maturity schedule; names of the original 8462
purchasers or underwriters; a copy of the complete continuing 8463
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8464
rule as from time to time in effect; and any other pertinent 8465

information requested by the director. 8466

(5) Not later than thirty days after the end of a fiscal 8467
year, each issuer of obligations subject to divisions (A) and (B) 8468
of this section shall submit to the director and to the treasurer 8469
of state a sale plan for the then current fiscal year for each 8470
type of obligation, projecting the amount and term of each 8471
issuance, the method of sale, and the month of sale. 8472

(B) Issuers of obligations pursuant to section 3318.085 or 8473
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8474
Code shall submit to the director copies of the preliminary and 8475
final offering documents upon their availability if not previously 8476
submitted pursuant to division (A) of this section. 8477

(C) State agencies or state issuers seeking new legislation 8478
or changes to existing law relating to public obligations for 8479
which the state or a state agency is the direct obligor, or 8480
obligor on any backup security or related credit enhancement 8481
facility, shall timely submit the legislation or changes to the 8482
director for review and comment. 8483

(D) Not later than the first day of January of each year, 8484
every state agency obligated to make payments on outstanding 8485
public obligations with respect to which fractionalized interests 8486
have been publicly issued, such as certificates of participation, 8487
shall submit a report to the director of the amounts payable from 8488
state appropriations under those public obligations during the 8489
then current and next two fiscal years, identifying the 8490
appropriation or intended appropriation from which payment is 8491
expected to be made. 8492

~~(D)~~(E)(1) Information relating generally to the historic, 8493
current, or future demographics or economy or financial condition 8494
or funds or general operations of the state, and descriptions of 8495
any state contractual obligations relating to public obligations, 8496

to be contained in any offering document, continuing disclosure 8497
document, or written presentation prepared, approved, or provided, 8498
or committed to be provided, by an issuer in connection with the 8499
original issuance and sale of, or rating, remarketing, or credit 8500
enhancement facilities relating to, public obligations referred to 8501
in division (A) of this section shall be approved as to format and 8502
accuracy by the director before being presented, published, or 8503
disseminated in preliminary, draft, or final form, or publicly 8504
filed in paper, electronic, or other format. 8505

(2) Except for information described in division ~~(D)~~(E)(1) of 8506
this section that is to be contained in an offering document, 8507
continuing disclosure document, or written presentation, division 8508
~~(D)~~(E)(1) of this section does not inhibit direct communication 8509
between an issuer and a rating agency, remarketing agent, or 8510
credit enhancement provider concerning an issuance of public 8511
obligations referred to in division (A) of this section or matters 8512
associated with that issuance. 8513

(3) The materials approved and provided pursuant to division 8514
~~(D)~~(E) of this section are the information relating to the 8515
particular subjects provided by the state or state agencies that 8516
are required or contemplated by any applicable state or federal 8517
securities laws and any commitments by the state or state agencies 8518
made under those laws. Reliance for the purpose should not be 8519
placed on any other information publicly provided, in any format 8520
including electronic, by any state agency for other purposes, 8521
including general information provided to the public or to 8522
portions of the public. A statement to that effect shall be 8523
included in those materials so approved or provided. 8524

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8525
this section may take steps, by formal agreement, covenants in the 8526
proceedings, or otherwise, as may be necessary or appropriate to 8527
comply or permit compliance with applicable lawful disclosure 8528

requirements relating to those obligations, and may, subject to 8529
division ~~(D)~~(E) of this section, provide, make available, or file 8530
copies of any required disclosure materials as necessary or 8531
appropriate. Any such formal agreement or covenant relating to 8532
subjects referred to in division ~~(D)~~(E) of this section, and any 8533
description of that agreement or covenant to be contained in any 8534
offering document, shall be approved by the director before being 8535
entered into or published or publicly disseminated in preliminary, 8536
draft, or final form or publicly filed in paper, electronic, or 8537
other format. The director shall be responsible for making all 8538
filings in compliance with those requirements relating to direct 8539
obligations of the state, including fractionalized interests in 8540
those obligations. 8541

~~(F)~~(G) No state agency or official shall, without the 8542
approval of the director of budget and management and either the 8543
general assembly or the state controlling board, do either of the 8544
following: 8545

(1) Enter into or commit to enter into a public obligation 8546
under which fractionalized interests in the payments are to be 8547
publicly offered, which payments are anticipated to be made from 8548
money from any source appropriated or to be appropriated by the 8549
general assembly or in which the provision stated in section 9.94 8550
of the Revised Code is not included; 8551

(2) Except as otherwise expressly authorized for the purpose 8552
by law, agree or commit to provide, from money from any source to 8553
be appropriated in the future by the general assembly, financial 8554
assistance to or participation in the costs of capital facilities, 8555
or the payment of debt charges, directly or by way of a credit 8556
enhancement facility, a reserve, rental payments, or otherwise, on 8557
obligations issued to pay costs of capital facilities. 8558

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8559
same meaning as in section 9.98 of the Revised Code; "credit 8560

enhancement facilities," "debt charges," "fractionalized interests 8561
in public obligations," "obligor," "public issuer," and 8562
"securities" have the same meanings as in section 133.01 of the 8563
Revised Code; "public obligation" has the same meaning as in 8564
division (GG)(2) of section 133.01 of the Revised Code; 8565
"obligations" means securities or public obligations or 8566
fractionalized interests in them; "issuers" means issuers of 8567
securities or state obligors on public obligations; "offering 8568
document" means an official statement, offering circular, private 8569
placement memorandum, or prospectus, or similar document; and 8570
"director" means the director of budget and management or the 8571
employee of the office of budget and management designated by the 8572
director for the purpose. 8573

Sec. 126.22. The director of budget and management may: 8574

(A) Perform accounting services for and design and implement 8575
accounting systems with state agencies; 8576

(B) Provide other accounting services, including the 8577
maintenance and periodic auditing of the financial records of and 8578
submission of vouchers by state agencies, provision of assistance 8579
in the analysis of the financial position of state agencies, and 8580
preparation and submission of reports; 8581

(C) Change any accounting code appearing in appropriations 8582
acts of the general assembly; 8583

(D) Correct accounting errors committed by any state agency 8584
or state institution of higher education, including, but not 8585
limited to, the reestablishment of encumbrances cancelled in 8586
error. 8587

Sec. 126.231. Beginning on July 1, 2018, and every six months 8588
thereafter, the director of budget and management shall furnish to 8589
the president and minority leader of the senate, the speaker and 8590

minority leader of the house of representatives, and the 8591
chairpersons of the finance committees of the senate and house of 8592
representatives a report of all of the following: 8593

(A) Line items that have been discontinued, but have a 8594
remaining balance; 8595

(B)(1) For a July report, funds that had no expenditures in 8596
the immediately preceding fiscal year; 8597

(2) For a January report, funds that had no expenditures in 8598
the current fiscal year; 8599

(C) Funds that have spent less than half of their 8600
appropriations; 8601

(D) Dedicated purpose funds that have more than one hundred 8602
per cent of their appropriation in cash on hand. 8603

Sec. 126.35. (A) The director of budget and management shall 8604
draw warrants or process electronic funds transfers against the 8605
treasurer of state pursuant to all requests for payment that the 8606
director has approved under section 126.07 of the Revised Code. 8607

(B) Unless a cash assistance payment is to be made by 8608
electronic benefit transfer, payment by the director of budget and 8609
management to a participant in the Ohio works first program 8610
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of~~ 8611
~~disability financial assistance pursuant to Chapter 5115. of the~~ 8612
~~Revised Code,~~ or a recipient of cash assistance provided under the 8613
refugee assistance program established under section 5101.49 of 8614
the Revised Code shall be made by direct deposit to the account of 8615
the participant or recipient in the financial institution 8616
designated under section 329.03 of the Revised Code. Payment by 8617
the director of budget and management to a recipient of benefits 8618
distributed through the medium of electronic benefit transfer 8619
pursuant to section 5101.33 of the Revised Code shall be by 8620

electronic benefit transfer. Payment by the director of budget and management as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee. Payment to any other payee who has designated a financial institution and account for the direct deposit of such payment may be made by direct deposit to the account of the payee in the financial institution as provided in section 9.37 of the Revised Code. Accounts maintained by the director of budget and management or the director's agent in a financial institution for the purpose of effectuating payment by direct deposit or electronic benefit transfer shall be maintained in accordance with section 135.18 of the Revised Code.

(C) All other payments from the state treasury shall be made by paper warrants, electronic funds transfers, or by direct deposit payable to the respective payees. The director of budget and management may mail the paper warrants to the respective payees or distribute them through other state agencies, whichever the director determines to be the better procedure.

Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by that issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but the bonds may be issued only under the following conditions:

(A) The subdivision desiring to issue the bonds shall obtain from the county auditor a certificate showing the total amount of delinquent taxes due and unpayable to the subdivision at the last semiannual tax settlement.

(B) The fiscal officer of that subdivision shall prepare a

statement, from the books of the subdivision, verified by the 8652
fiscal officer under oath, which shall contain the following facts 8653
of the subdivision: 8654

(1) The total bonded indebtedness; 8655

(2) The aggregate amount of notes payable or outstanding 8656
accounts of the subdivision, incurred prior to the commencement of 8657
the current fiscal year, which shall include all evidences of 8658
indebtedness issued by the subdivision except notes issued in 8659
anticipation of bond issues and the indebtedness of any 8660
nontax-supported public utility; 8661

~~(3) Except in the case of school districts, the aggregate 8662
current year's requirement for disability financial assistance 8663
provided under Chapter 5115. of the Revised Code that the 8664
subdivision is unable to finance except by the issue of bonds; 8665~~

~~(4) The indebtedness outstanding through the issuance of any 8666
bonds or notes pledged or obligated to be paid by any delinquent 8667
taxes; 8668~~

~~(5)~~(4) The total of any other indebtedness; 8669

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 8670
any bonds, notes, or certificates, including delinquent 8671
assessments on improvements on which the bonds have been paid; 8672

~~(7)~~(6) The budget requirements for the fiscal year for bond 8673
and note retirement; 8674

~~(8)~~(7) The estimated revenue for the fiscal year. 8675

(C) The certificate and statement provided for in divisions 8676
(A) and (B) of this section shall be forwarded to the tax 8677
commissioner together with a request for authority to issue bonds 8678
of the subdivision in an amount not to exceed seventy per cent of 8679
the net unobligated delinquent taxes and assessments due and owing 8680
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 8681

section. 8682

(D) No subdivision may issue bonds under this section in 8683
excess of a sufficient amount to pay the indebtedness of the 8684
subdivision as shown by division (B)(2) of this section ~~and,~~ 8685
~~except in the case of school districts, to provide funds for~~ 8686
~~disability financial assistance as shown by division (B)(3) of~~ 8687
~~this section.~~ 8688

(E) The tax commissioner shall grant to the subdivision 8689
authority requested by the subdivision as restricted by divisions 8690
(C) and (D) of this section and shall make a record of the 8691
certificate, statement, and grant in a record book devoted solely 8692
to such recording and which shall be open to inspection by the 8693
public. 8694

(F) The commissioner shall immediately upon issuing the 8695
authority provided in division (E) of this section notify the 8696
proper authority having charge of the retirement of bonds of the 8697
subdivision by forwarding a copy of the grant of authority and of 8698
the statement provided for in division (B) of this section. 8699

(G) Upon receipt of authority, the subdivision shall proceed 8700
according to law to issue the amount of bonds authorized by the 8701
commissioner, and authorized by the taxing authority, provided the 8702
taxing authority of that subdivision may submit, by resolution, to 8703
the electors of that subdivision the question of issuing the 8704
bonds. The resolution shall make the declarations and statements 8705
required by section 133.18 of the Revised Code. The county auditor 8706
and taxing authority shall thereupon proceed as set forth in 8707
divisions (C) and (D) of that section. The election on the 8708
question of issuing the bonds shall be held under divisions (E), 8709
(F), and (G) of that section, except that publication of the 8710
notice of the election shall be made on two separate days prior to 8711
the election in a newspaper of general circulation in the 8712
subdivision or as provided in section 7.16 of the Revised Code. If 8713

the board of elections operates and maintains a web site, notice 8714
of the election also shall be posted on that web site for thirty 8715
days prior to the election. The bonds may be exchanged at their 8716
face value with creditors of the subdivision in liquidating the 8717
indebtedness described and enumerated in division (B)(2) of this 8718
section or may be sold as provided in Chapter 133. of the Revised 8719
Code, and in either event shall be uncontestable. 8720

(H) The per cent of delinquent taxes and assessments 8721
collected for and to the credit of the subdivision after the 8722
exchange or sale of bonds as certified by the commissioner shall 8723
be paid to the authority having charge of the sinking fund of the 8724
subdivision, which money shall be placed in a separate fund for 8725
the purpose of retiring the bonds so issued. The proper authority 8726
of the subdivisions shall provide for the levying of a tax 8727
sufficient in amount to pay the debt charges on all such bonds 8728
issued under this section. 8729

(I) This section is for the sole purpose of assisting the 8730
various subdivisions in paying their unsecured indebtedness, ~~and~~ 8731
~~providing funds for disability financial assistance.~~ The bonds 8732
issued under authority of this section shall not be used for any 8733
other purpose, and any exchange for other purposes, or the use of 8734
the money derived from the sale of the bonds by the subdivision 8735
for any other purpose, is misapplication of funds. 8736

(J) The bonds authorized by this section shall be redeemable 8737
or payable in not to exceed ten years from date of issue and shall 8738
not be subject to or considered in calculating the net 8739
indebtedness of the subdivision. The budget commission of the 8740
county in which the subdivision is located shall annually allocate 8741
such portion of the then delinquent levy due the subdivision which 8742
is unpledged for other purposes to the payment of debt charges on 8743
the bonds issued under authority of this section. 8744

(K) The issue of bonds under this section shall be governed 8745

by Chapter 133. of the Revised Code, respecting the terms used, 8746
forms, manner of sale, and redemption except as otherwise provided 8747
in this section. 8748

The board of county commissioners of any county may issue 8749
bonds authorized by this section and distribute the proceeds of 8750
the bond issues to any or all of the cities and townships of the 8751
county, ~~according to their relative needs for disability financial~~ 8752
~~assistance as determined by the county.~~ 8753

All sections of the Revised Code inconsistent with or 8754
prohibiting the exercise of the authority conferred by this 8755
section are inoperative respecting bonds issued under this 8756
section. 8757

Sec. 131.33. (A) No state agency shall incur an obligation 8758
which exceeds the agency's current appropriation authority. Except 8759
as provided in division (D) of this section, unexpended balances 8760
of appropriations shall, at the close of the period for which the 8761
appropriations are made, revert to the funds from which the 8762
appropriations were made, except that the director of budget and 8763
management shall transfer such unexpended balances from the first 8764
fiscal year to the second fiscal year of an agency's 8765
appropriations to the extent necessary for voided warrants to be 8766
reissued pursuant to division (C) of section 126.37 of the Revised 8767
Code. 8768

Except as provided in this section, appropriations made to a 8769
specific fiscal year shall be expended only to pay liabilities 8770
incurred within that fiscal year. 8771

(B) All payrolls shall be charged to the allotments of the 8772
fiscal quarters in which the applicable payroll vouchers are 8773
certified by the director of budget and management in accordance 8774
with section 126.07 of the Revised Code. As used in this division, 8775
"payrolls" means any payment made in accordance with section 8776

125.21 of the Revised Code. 8777

(C) Legal liabilities from prior fiscal years for which there 8778
is no reappropriation authority shall be discharged from the 8779
unencumbered balances of current appropriations. 8780

(D)(1) Federal grant funds obligated by the department of job 8781
and family services for financial allocations to county family 8782
services agencies and local ~~workforce investment~~ boards may, at 8783
the discretion of the director of job and family services, be 8784
available for expenditure for the duration of the federal grant 8785
period of obligation and liquidation, as follows: 8786

(a) At the end of the state fiscal year, all unexpended 8787
county family services agency and local ~~workforce investment~~ board 8788
financial allocations obligated from federal grant funds may 8789
continue to be valid for expenditure during subsequent state 8790
fiscal years. 8791

(b) The financial allocations described in division (D)(1)(a) 8792
of this section shall be reconciled at the end of the federal 8793
grant period of availability or as required by federal law, 8794
regardless of the state fiscal year of the appropriation. 8795

(2) The director of job and family services may adopt rules 8796
in accordance with section 111.15 of the Revised Code, as if they 8797
were internal management rules, as necessary to implement division 8798
(D) of this section. 8799

(3) As used in division (D) of this section: 8800

(a) "County family services agency" has the same meaning as 8801
in section 307.981 of the Revised Code. 8802

(b) "Local ~~workforce investment~~ board" ~~means a local~~ 8803
~~workforce investment board established under section 117 of the~~ 8804
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 8805
~~as amended~~ has the same meaning as in section 6301.01 of the 8806

Revised Code. 8807

Sec. 131.35. (A) With respect to the federal funds received 8808
into any fund of the state from which transfers may be made under 8809
division (D) of section 127.14 of the Revised Code: 8810

(1) No state agency may make expenditures of any federal 8811
funds, whether such funds are advanced prior to expenditure or as 8812
reimbursement, unless such expenditures are made pursuant to 8813
specific appropriations of the general assembly, are authorized by 8814
the controlling board pursuant to division (A)(5) of this section, 8815
or are authorized by an executive order issued in accordance with 8816
section 107.17 of the Revised Code, and until an allotment has 8817
been approved by the director of budget and management. All 8818
federal funds received by a state agency shall be reported to the 8819
director within fifteen days of the receipt of such funds or the 8820
notification of award, whichever occurs first. The director shall 8821
prescribe the forms and procedures to be used when reporting the 8822
receipt of federal funds. 8823

(2) If the federal funds received are greater than the amount 8824
of such funds appropriated by the general assembly for a specific 8825
purpose, the total appropriation of federal and state funds for 8826
such purpose shall remain at the amount designated by the general 8827
assembly, except that the expenditure of federal funds received in 8828
excess of such specific appropriation may be authorized by the 8829
controlling board, subject to division (D) of this section. 8830

(3) To the extent that the expenditure of excess federal 8831
funds is authorized, the controlling board may transfer a like 8832
amount of general revenue fund appropriation authority from the 8833
affected agency to the emergency purposes appropriation of the 8834
controlling board, if such action is permitted under federal 8835
regulations. 8836

(4) Additional funds may be created by the controlling board 8837

to receive revenues not anticipated in an appropriations act for 8838
the biennium in which such new revenues are received. ~~Expenditures~~ 8839
Subject to division (D) of this section, expenditures from such 8840
additional funds may be authorized by the controlling board, but 8841
such authorization shall not extend beyond the end of the biennium 8842
in which such funds are created. 8843

(5) Controlling board authorization for a state agency to 8844
make an expenditure of federal funds constitutes authority for the 8845
agency to participate in the federal program providing the funds, 8846
and the agency is not required to obtain an executive order under 8847
section 107.17 of the Revised Code to participate in the federal 8848
program. 8849

(B) With respect to nonfederal funds received into the 8850
waterways safety fund, the wildlife fund, and any fund of the 8851
state from which transfers may be made under division (D) of 8852
section 127.14 of the Revised Code: 8853

(1) No state agency may make expenditures of any such funds 8854
unless the expenditures are made pursuant to specific 8855
appropriations of the general assembly. 8856

(2) If the receipts received into any fund are greater than 8857
the amount appropriated, the appropriation for that fund shall 8858
remain at the amount designated by the general assembly or, 8859
subject to division (D) of this section, as increased and approved 8860
by the controlling board. 8861

(3) Additional funds may be created by the controlling board 8862
to receive revenues not anticipated in an appropriations act for 8863
the biennium in which such new revenues are received. ~~Expenditures~~ 8864
Subject to division (D) of this section, expenditures from such 8865
additional funds may be authorized by the controlling board, but 8866
such authorization shall not extend beyond the end of the biennium 8867
in which such funds are created. 8868

(C) The controlling board shall not authorize more than ten 8869
per cent of additional spending from the occupational licensing 8870
and regulatory fund, created in section 4743.05 of the Revised 8871
Code, in excess of any appropriation made by the general assembly 8872
to a licensing agency except an appropriation for costs related to 8873
the examination or reexamination of applicants for a license. As 8874
used in this division, "licensing agency" and "license" have the 8875
same meanings as in section 4745.01 of the Revised Code. 8876

(D) The amount of any expenditure authorized under division 8877
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 8878
related purpose or item in any fiscal year shall not exceed an 8879
amount greater than one per cent of the general revenue fund 8880
appropriations for that fiscal year. 8881

Sec. 131.44. (A) As used in this section: 8882

(1) "Surplus revenue" means the excess, if any, of the total 8883
fund balance over the required year-end balance. 8884

(2) "Total fund balance" means the sum of the unencumbered 8885
balance in the general revenue fund on the last day of the 8886
preceding fiscal year plus the balance in the budget stabilization 8887
fund. 8888

(3) "Required year-end balance" means the sum of the 8889
following: 8890

(a) Eight and one-half per cent of the general revenue fund 8891
revenues for the preceding fiscal year; 8892

(b) "Ending fund balance," which means one-half of one per 8893
cent of general revenue fund revenues for the preceding fiscal 8894
year; 8895

(c) "Carryover balance," which means, with respect to a 8896
fiscal biennium, the excess, if any, of the estimated general 8897
revenue fund appropriation and transfer requirement for the second 8898

fiscal year of the biennium over the estimated general revenue 8899
fund revenue for that fiscal year; 8900

(d) "Capital appropriation reserve," which means the amount, 8901
if any, of general revenue fund capital appropriations made for 8902
the current biennium that the director of budget and management 8903
has determined will be encumbered or disbursed; 8904

(e) "Income tax reduction impact reserve," which means an 8905
amount equal to the reduction projected by the director of budget 8906
and management in income tax revenue in the current fiscal year 8907
attributable to the previous reduction in the income tax rate made 8908
by the tax commissioner pursuant to division (B) of section 8909
5747.02 of the Revised Code. 8910

(4) "Estimated general revenue fund appropriation and 8911
transfer requirement" means the most recent adjusted 8912
appropriations made by the general assembly from the general 8913
revenue fund and includes both of the following: 8914

(a) Appropriations made and transfers of appropriations from 8915
the first fiscal year to the second fiscal year of the biennium in 8916
provisions of acts of the general assembly signed by the governor 8917
but not yet effective; 8918

(b) Transfers of appropriations from the first fiscal year to 8919
the second fiscal year of the biennium approved by the controlling 8920
board. 8921

(5) "Estimated general revenue fund revenue" means the most 8922
recent such estimate available to the director of budget and 8923
management. 8924

(B)(1) Not later than the thirty-first day of July each year, 8925
the director of budget and management shall determine the surplus 8926
revenue that existed on the preceding thirtieth day of June and 8927
transfer from the general revenue fund, to the extent of the 8928
unobligated, unencumbered balance on the preceding thirtieth day 8929

of June in excess of one-half of one per cent of the general 8930
revenue fund revenues in the preceding fiscal year, the following: 8931

(a) First, to the budget stabilization fund, any amount 8932
necessary for the balance of the budget stabilization fund to 8933
equal eight and one-half per cent of the general revenue fund 8934
revenues of the preceding fiscal year; 8935

(b) Then, to the income tax reduction fund, which is hereby 8936
created in the state treasury, an amount equal to the surplus 8937
revenue. 8938

(2) Not later than the thirty-first day of July each year, 8939
the director shall determine the percentage that the balance in 8940
the income tax reduction fund is of the amount of revenue that the 8941
director estimates will be received from the tax levied under 8942
section 5747.02 of the Revised Code in the current fiscal year 8943
without regard to any reduction under division (B) of that 8944
section. If that percentage exceeds thirty-five one hundredths of 8945
one per cent, the director shall certify the percentage to the tax 8946
commissioner not later than the thirty-first day of July. 8947

(C) The director of budget and management shall transfer 8948
money in the income tax reduction fund to the general revenue 8949
fund, the local government fund, and the public library fund as 8950
necessary to offset revenue reductions resulting from the 8951
reductions in taxes required under division (B) of section 5747.02 8952
of the Revised Code in the respective amounts and percentages 8953
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 8954
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 8955
transferred had been collected as taxes under Chapter 5747. of the 8956
Revised Code. If no reductions in taxes are made under that 8957
division that affect revenue received in the current fiscal year, 8958
the director shall not transfer money from the income tax 8959
reduction fund to the general revenue fund, the local government 8960
fund, and the public library fund. 8961

~~Sec. 131.51. (A) On or before July 5, 2013, the tax commissioner shall compute the following amounts and certify those amounts to the director of budget and management:~~

~~(1) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the local government fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one hundredth of one per cent.~~

~~(2) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the public library fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one hundredth of one per cent.~~

~~(B) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(1) of this section by one and sixty-six one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division ~~(C)~~(B) of this section. Money shall be distributed from the local government fund as required under ~~section~~ sections 5747.50 and 5747.503 of the Revised Code during the same month in which it is credited to the fund.~~

~~(C)~~(B) On or before the seventh day of each month, the director of budget and management shall credit to the public

library fund an amount equal to the product obtained by 8993
multiplying the percentage calculated under division ~~(A)(2)~~ of 8994
~~this section by~~ one and sixty-six one-hundredths per cent of the 8995
total tax revenue credited to the general revenue fund during the 8996
preceding month. In determining the total tax revenue credited to 8997
the general revenue fund during the preceding month, the director 8998
shall include amounts transferred from the fund during the 8999
preceding month under this division and division ~~(B)~~(A) of this 9000
section. Money shall be distributed from the public library fund 9001
as required under section 5747.47 of the Revised Code during the 9002
same month in which it is credited to the fund. 9003

~~(D)~~(C) The director of budget and management shall develop a 9004
schedule identifying the specific tax revenue sources to be used 9005
to make the monthly transfers required under divisions ~~(B)~~(A) and 9006
~~(C)~~(B) of this section. The director may, from time to time, 9007
revise the schedule as the director considers necessary. 9008

Sec. 133.022. (A) As used in this section: 9009

(1) "Large local educational agency" and "qualified school 9010
construction bond" have the same meaning as in section 54F of the 9011
Internal Revenue Code, 26 U.S.C. 54F. 9012

(2) "National limit" means, as applicable, the limitation on 9013
the aggregate amount of qualified school construction bonds that 9014
may be issued by the states each calendar year under section 54F 9015
of the Internal Revenue Code. 9016

(3) "State portion" means the portion of the national limit 9017
allocated to this state pursuant to section 54F of the Internal 9018
Revenue Code. 9019

(B)(1) To provide for the orderly and prompt issuance of 9020
qualified school construction bonds, the Ohio ~~school~~ facilities 9021
construction commission, in consultation with the director of 9022

budget and management, shall allocate the state portion among 9023
those issuers authorized to issue qualified school construction 9024
bonds. The Ohio ~~school~~ facilities construction commission may also 9025
accept from any large local educational agency the allocation 9026
received by that agency under section 54F(d)(2) of the Internal 9027
Revenue Code and reallocate it to any issuer or issuers authorized 9028
to issue obligations, including any large local educational 9029
agency. 9030

(2) The factors to be considered when making allocations of 9031
the state portion or reallocations of any amounts received by a 9032
large local educational agency include the following: 9033

(a) The interests of the state with regard to education and 9034
economic development; 9035

(b) The need and ability of each issuer to issue obligations. 9036

(3) The Ohio ~~school~~ facilities construction commission, in 9037
consultation with the director of budget and management, shall 9038
establish procedures for making allocations, including those from 9039
any carryover of the state portion, and shall adopt guidelines to 9040
carry out the purposes of this section. 9041

Sec. 133.06. (A) A school district shall not incur, without a 9042
vote of the electors, net indebtedness that exceeds an amount 9043
equal to one-tenth of one per cent of its tax valuation, except as 9044
provided in divisions (G) and (H) of this section and in division 9045
(D) of section 3313.372 of the Revised Code, or as prescribed in 9046
section 3318.052 or 3318.44 of the Revised Code, or as provided in 9047
division (J) of this section. 9048

(B) Except as provided in divisions (E), (F), and (I) of this 9049
section, a school district shall not incur net indebtedness that 9050
exceeds an amount equal to nine per cent of its tax valuation. 9051

(C) A school district shall not submit to a vote of the 9052

electors the question of the issuance of securities in an amount 9053
that will make the district's net indebtedness after the issuance 9054
of the securities exceed an amount equal to four per cent of its 9055
tax valuation, unless the superintendent of public instruction, 9056
acting under policies adopted by the state board of education, and 9057
the tax commissioner, acting under written policies of the 9058
commissioner, consent to the submission. A request for the 9059
consents shall be made at least one hundred twenty days prior to 9060
the election at which the question is to be submitted. 9061

The superintendent of public instruction shall certify to the 9062
district the superintendent's and the tax commissioner's decisions 9063
within thirty days after receipt of the request for consents. 9064

If the electors do not approve the issuance of securities at 9065
the election for which the superintendent of public instruction 9066
and tax commissioner consented to the submission of the question, 9067
the school district may submit the same question to the electors 9068
on the date that the next special election may be held under 9069
section 3501.01 of the Revised Code without submitting a new 9070
request for consent. If the school district seeks to submit the 9071
same question at any other subsequent election, the district shall 9072
first submit a new request for consent in accordance with this 9073
division. 9074

(D) In calculating the net indebtedness of a school district, 9075
none of the following shall be considered: 9076

(1) Securities issued to acquire school buses and other 9077
equipment used in transporting pupils or issued pursuant to 9078
division (D) of section 133.10 of the Revised Code; 9079

(2) Securities issued under division (F) of this section, 9080
under section 133.301 of the Revised Code, and, to the extent in 9081
excess of the limitation stated in division (B) of this section, 9082
under division (E) of this section; 9083

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	9084 9085 9086 9087
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	9088 9089
(5) Debt incurred under section 3313.374 of the Revised Code;	9090
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	9091 9092 9093
(7) Debt incurred under section 3318.042 of the Revised Code.	9094
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	9095 9096
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	9097 9098 9099
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	9100 9101
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	9102 9103 9104 9105
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	9106 9107 9108
(a) The history of and a projection of the growth of the tax valuation;	9109 9110
(b) The projected needs;	9111
(c) The estimated cost of permanent improvements proposed to	9112

meet such projected needs. 9113

(3) The superintendent of public instruction shall certify 9114
the district as an approved special needs district if the 9115
superintendent finds both of the following: 9116

(a) The district does not have available sufficient 9117
additional funds from state or federal sources to meet the 9118
projected needs. 9119

(b) The projection of the potential average growth of tax 9120
valuation during the next five years, according to the information 9121
certified to the superintendent and any other information the 9122
superintendent obtains, indicates a likelihood of potential 9123
average growth of tax valuation of the district during the next 9124
five years of an average of not less than one and one-half per 9125
cent per year. The findings and certification of the 9126
superintendent shall be conclusive. 9127

(4) An approved special needs district may incur net 9128
indebtedness by the issuance of securities in accordance with the 9129
provisions of this chapter in an amount that does not exceed an 9130
amount equal to the greater of the following: 9131

(a) Twelve per cent of the sum of its tax valuation plus an 9132
amount that is the product of multiplying that tax valuation by 9133
the percentage by which the tax valuation has increased over the 9134
tax valuation on the first day of the sixtieth month preceding the 9135
month in which its board determines to submit to the electors the 9136
question of issuing the proposed securities; 9137

(b) Twelve per cent of the sum of its tax valuation plus an 9138
amount that is the product of multiplying that tax valuation by 9139
the percentage, determined by the superintendent of public 9140
instruction, by which that tax valuation is projected to increase 9141
during the next ten years. 9142

(F) A school district may issue securities for emergency 9143

purposes, in a principal amount that does not exceed an amount 9144
equal to three per cent of its tax valuation, as provided in this 9145
division. 9146

(1) A board of education, by resolution, may declare an 9147
emergency if it determines both of the following: 9148

(a) School buildings or other necessary school facilities in 9149
the district have been wholly or partially destroyed, or condemned 9150
by a constituted public authority, or that such buildings or 9151
facilities are partially constructed, or so constructed or planned 9152
as to require additions and improvements to them before the 9153
buildings or facilities are usable for their intended purpose, or 9154
that corrections to permanent improvements are necessary to remove 9155
or prevent health or safety hazards. 9156

(b) Existing fiscal and net indebtedness limitations make 9157
adequate replacement, additions, or improvements impossible. 9158

(2) Upon the declaration of an emergency, the board of 9159
education may, by resolution, submit to the electors of the 9160
district pursuant to section 133.18 of the Revised Code the 9161
question of issuing securities for the purpose of paying the cost, 9162
in excess of any insurance or condemnation proceeds received by 9163
the district, of permanent improvements to respond to the 9164
emergency need. 9165

(3) The procedures for the election shall be as provided in 9166
section 133.18 of the Revised Code, except that: 9167

(a) The form of the ballot shall describe the emergency 9168
existing, refer to this division as the authority under which the 9169
emergency is declared, and state that the amount of the proposed 9170
securities exceeds the limitations prescribed by division (B) of 9171
this section; 9172

(b) The resolution required by division (B) of section 133.18 9173
of the Revised Code shall be certified to the county auditor and 9174

the board of elections at least one hundred days prior to the election; 9175
9176

(c) The county auditor shall advise and, not later than 9177
ninety-five days before the election, confirm that advice by 9178
certification to, the board of education of the information 9179
required by division (C) of section 133.18 of the Revised Code; 9180

(d) The board of education shall then certify its resolution 9181
and the information required by division (D) of section 133.18 of 9182
the Revised Code to the board of elections not less than ninety 9183
days prior to the election. 9184

(4) Notwithstanding division (B) of section 133.21 of the 9185
Revised Code, the first principal payment of securities issued 9186
under this division may be set at any date not later than sixty 9187
months after the earliest possible principal payment otherwise 9188
provided for in that division. 9189

(G)(1) The board of education may contract with an architect, 9190
professional engineer, or other person experienced in the design 9191
and implementation of energy conservation measures for an analysis 9192
and recommendations pertaining to installations, modifications of 9193
installations, or remodeling that would significantly reduce 9194
energy consumption in buildings owned by the district. The report 9195
shall include estimates of all costs of such installations, 9196
modifications, or remodeling, including costs of design, 9197
engineering, installation, maintenance, repairs, measurement and 9198
verification of energy savings, and debt service, forgone residual 9199
value of materials or equipment replaced by the energy 9200
conservation measure, as defined by the Ohio ~~school~~ facilities 9201
construction commission, a baseline analysis of actual energy 9202
consumption data for the preceding three years with the utility 9203
baseline based on only the actual energy consumption data for the 9204
preceding twelve months, and estimates of the amounts by which 9205
energy consumption and resultant operational and maintenance 9206

costs, as defined by the commission, would be reduced. 9207

If the board finds after receiving the report that the amount 9208
of money the district would spend on such installations, 9209
modifications, or remodeling is not likely to exceed the amount of 9210
money it would save in energy and resultant operational and 9211
maintenance costs over the ensuing fifteen years, the board may 9212
submit to the commission a copy of its findings and a request for 9213
approval to incur indebtedness to finance the making or 9214
modification of installations or the remodeling of buildings for 9215
the purpose of significantly reducing energy consumption. 9216

The ~~school~~ facilities construction commission, in 9217
consultation with the auditor of state, may deny a request under 9218
~~this~~ division (G)(1) of this section by the board of education of 9219
any school district that is in a state of fiscal watch pursuant to 9220
division (A) of section 3316.03 of the Revised Code, if it 9221
determines that the expenditure of funds is not in the best 9222
interest of the school district. 9223

No district board of education of a school district that is 9224
in a state of fiscal emergency pursuant to division (B) of section 9225
3316.03 of the Revised Code shall submit a request without 9226
submitting evidence that the installations, modifications, or 9227
remodeling have been approved by the district's financial planning 9228
and supervision commission established under section 3316.05 of 9229
the Revised Code. 9230

No board of education of a school district ~~that, for three or~~ 9231
~~more consecutive years, has been declared to be in a state of~~ 9232
~~academic emergency under section 3302.03 of the Revised Code, as~~ 9233
~~that section existed prior to March 22, 2013, and has failed to~~ 9234
~~meet adequate yearly progress, or has met any condition set forth~~ 9235
~~in division (A) of~~ for which an academic distress commission has 9236
been established under section 3302.10 of the Revised Code shall 9237
submit a request without first receiving approval to incur 9238

indebtedness from the district's academic distress commission 9239
established under that section, for so long as such commission 9240
continues to be required for the district. 9241

(2) The board of education may contract with a person 9242
experienced in the implementation of student transportation to 9243
produce a report that includes an analysis of and recommendations 9244
for the use of alternative fuel vehicles by school districts. The 9245
report shall include cost estimates detailing the return on 9246
investment over the life of the alternative fuel vehicles and 9247
environmental impact of alternative fuel vehicles. The report also 9248
shall include estimates of all costs associated with alternative 9249
fuel transportation, including facility modifications and vehicle 9250
purchase costs or conversion costs. 9251

If the board finds after receiving the report that the amount 9252
of money the district would spend on purchasing alternative fuel 9253
vehicles or vehicle conversion is not likely to exceed the amount 9254
of money it would save in fuel and resultant operational and 9255
maintenance costs over the ensuing five years, the board may 9256
submit to the commission a copy of its findings and a request for 9257
approval to incur indebtedness to finance the purchase of new 9258
alternative fuel vehicles or vehicle conversions for the purpose 9259
of reducing fuel costs. 9260

The facilities construction commission, in consultation with 9261
the auditor of state, may deny a request under division (G)(2) of 9262
this section by the board of education of any school district that 9263
is in a state of fiscal watch pursuant to division (A) of section 9264
3316.03 of the Revised Code, if it determines that the expenditure 9265
of funds is not in the best interest of the school district. 9266

No district board of education of a school district that is 9267
in a state of fiscal emergency pursuant to division (B) of section 9268
3316.03 of the Revised Code shall submit a request without 9269
submitting evidence that the purchase or conversion of alternative 9270

fuel vehicles has been approved by the district's financial 9271
planning and supervision commission established under section 9272
3316.05 of the Revised Code. 9273

No board of education of a school district for which an 9274
academic distress commission has been established under section 9275
3302.10 of the Revised Code shall submit a request without first 9276
receiving approval to incur indebtedness from the district's 9277
academic distress commission established under that section, for 9278
so long as such commission continues to be required for the 9279
district. 9280

(3) ~~The school~~ facilities construction commission shall 9281
approve the board's request provided that the following conditions 9282
are satisfied: 9283

(a) The commission determines that the board's findings are 9284
reasonable. 9285

(b) The request for approval is complete. 9286

(c) ~~The~~ If the request was submitted under division (G)(1) of 9287
this section, the installations, modifications, or remodeling are 9288
consistent with any project to construct or acquire classroom 9289
facilities, or to reconstruct or make additions to existing 9290
classroom facilities under sections 3318.01 to 3318.20 or sections 9291
3318.40 to 3318.45 of the Revised Code. 9292

Upon receipt of the commission's approval, the district may 9293
issue securities without a vote of the electors in a principal 9294
amount not to exceed nine-tenths of one per cent of its tax 9295
valuation for the purpose ~~of making such installations,~~ 9296
~~modifications, or remodeling~~ specified in division (G)(1) or (2) 9297
of this section, but the total net indebtedness of the district 9298
without a vote of the electors incurred under this and all other 9299
sections of the Revised Code, except section 3318.052 of the 9300
Revised Code, shall not exceed one per cent of the district's tax 9301

valuation. 9302

~~(3)~~(4)(a) So long as any securities issued under ~~this~~ 9303
division (G)(1) of this section remain outstanding, the board of 9304
education shall monitor the energy consumption and resultant 9305
operational and maintenance costs of buildings in which 9306
installations or modifications have been made or remodeling has 9307
been done pursuant to ~~this~~ that division. Except as provided in 9308
division (G)(4)(b) of this section, the board shall maintain and 9309
annually update a report in a form and manner prescribed by the 9310
~~school~~ facilities construction commission documenting the 9311
reductions in energy consumption and resultant operational and 9312
maintenance cost savings attributable to such installations, 9313
modifications, or remodeling. The resultant operational and 9314
maintenance cost savings shall be certified by the school district 9315
treasurer. The report shall be submitted annually to the 9316
commission. 9317

~~(4)~~(b) If the ~~school~~ facilities construction commission 9318
verifies that the certified annual reports submitted to the 9319
commission by a board of education under division (G)~~(3)~~(4)(a) of 9320
this section fulfill the guarantee required under division (B) of 9321
section 3313.372 of the Revised Code for three consecutive years, 9322
the board of education shall no longer be subject to the annual 9323
reporting requirements of division (G)~~(3)~~(4)(a) of this section. 9324

(5) So long as any securities issued under division (G)(2) of 9325
this section remain outstanding, the board of education shall 9326
monitor the purchase of new alternative fuel vehicles or vehicle 9327
conversions pursuant to that division. The board shall maintain 9328
and annually update a report in a form and manner prescribed by 9329
the facilities construction commission documenting the purchase of 9330
new alternative fuel vehicles or vehicle conversions, the 9331
associated environmental impact, and return on investment. The 9332
resultant fuel and operational and maintenance cost savings shall 9333

be certified by the school district treasurer. The report shall be 9334
submitted annually to the commission. 9335

(H) With the consent of the superintendent of public 9336
instruction, a school district may incur without a vote of the 9337
electors net indebtedness that exceeds the amounts stated in 9338
divisions (A) and (G) of this section for the purpose of paying 9339
costs of permanent improvements, if and to the extent that both of 9340
the following conditions are satisfied: 9341

(1) The fiscal officer of the school district estimates that 9342
receipts of the school district from payments made under or 9343
pursuant to agreements entered into pursuant to section 725.02, 9344
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9345
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 9346
Revised Code, or distributions under division (C) of section 9347
5709.43 or division (B) of section 5709.47 of the Revised Code, or 9348
any combination thereof, are, after accounting for any appropriate 9349
coverage requirements, sufficient in time and amount, and are 9350
committed by the proceedings, to pay the debt charges on the 9351
securities issued to evidence that indebtedness and payable from 9352
those receipts, and the taxing authority of the district confirms 9353
the fiscal officer's estimate, which confirmation is approved by 9354
the superintendent of public instruction; 9355

(2) The fiscal officer of the school district certifies, and 9356
the taxing authority of the district confirms, that the district, 9357
at the time of the certification and confirmation, reasonably 9358
expects to have sufficient revenue available for the purpose of 9359
operating such permanent improvements for their intended purpose 9360
upon acquisition or completion thereof, and the superintendent of 9361
public instruction approves the taxing authority's confirmation. 9362

The maximum maturity of securities issued under division (H) 9363
of this section shall be the lesser of twenty years or the maximum 9364
maturity calculated under section 133.20 of the Revised Code. 9365

(I) A school district may incur net indebtedness by the 9366
issuance of securities in accordance with the provisions of this 9367
chapter in excess of the limit specified in division (B) or (C) of 9368
this section when necessary to raise the school district portion 9369
of the basic project cost and any additional funds necessary to 9370
participate in a project under Chapter 3318. of the Revised Code, 9371
including the cost of items designated by the ~~school~~ facilities 9372
construction commission as required locally funded initiatives, 9373
the cost of other locally funded initiatives in an amount that 9374
does not exceed fifty per cent of the district's portion of the 9375
basic project cost, and the cost for site acquisition. The 9376
commission shall notify the superintendent of public instruction 9377
whenever a school district will exceed either limit pursuant to 9378
this division. 9379

(J) A school district whose portion of the basic project cost 9380
of its classroom facilities project under sections 3318.01 to 9381
3318.20 of the Revised Code is greater than or equal to one 9382
hundred million dollars may incur without a vote of the electors 9383
net indebtedness in an amount up to two per cent of its tax 9384
valuation through the issuance of general obligation securities in 9385
order to generate all or part of the amount of its portion of the 9386
basic project cost if the controlling board has approved the 9387
~~school~~ facilities construction commission's conditional approval 9388
of the project under section 3318.04 of the Revised Code. The 9389
school district board and the Ohio ~~school~~ facilities construction 9390
commission shall include the dedication of the proceeds of such 9391
securities in the agreement entered into under section 3318.08 of 9392
the Revised Code. No state moneys shall be released for a project 9393
to which this section applies until the proceeds of any bonds 9394
issued under this section that are dedicated for the payment of 9395
the school district portion of the project are first deposited 9396
into the school district's project construction fund. 9397

Sec. 133.061. (A) This section applies only to a school 9398
district that satisfies all of the following conditions: 9399

(1) The district, prior to ~~the effective date of this section~~ 9400
June 30, 2007, undertook a classroom facilities project under 9401
section 3318.37 of the Revised Code. 9402

(2) The district will undertake a subsequent classroom 9403
facilities project under section 3318.37 of the Revised Code that 9404
will consist of a single building housing grades six through 9405
twelve. 9406

(3) The district's project described in division (A)(2) of 9407
this section will include locally funded initiatives that are not 9408
required by the Ohio ~~school~~ facilities construction commission. 9409

(4) The district's project described in division (A)(2) of 9410
this section will commence within two years after ~~the effective~~ 9411
~~date of this section~~ June 30, 2007. 9412

(B) Notwithstanding any other provision of law to the 9413
contrary, a school district to which this section applies may 9414
incur net indebtedness by the issuance of securities in accordance 9415
with the provisions of this chapter in excess of the limit 9416
specified in division (B) or (C) of section 133.06 of the Revised 9417
Code when necessary to raise the school district portion of the 9418
basic project cost and any additional funds necessary to 9419
participate in the classroom facilities project described in 9420
division (A)(2) of this section, including the cost of items 9421
designated by the Ohio ~~school~~ facilities construction commission 9422
as required locally funded initiatives, the cost for site 9423
acquisition, and the cost of the locally funded initiatives that 9424
are not required by the commission described in division (A)(3) of 9425
this section, as long as the district's total net indebtedness 9426
after the issuance of those securities does not exceed one hundred 9427
twenty-five per cent of the limit prescribed in division (B) of 9428

section 133.06 of the Revised Code and the electors of the 9429
district approve the issuance of those securities. 9430

The ~~school~~ facilities construction commission shall notify 9431
the superintendent of public instruction whenever a school 9432
district will exceed either limit pursuant to this section. 9433

Sec. 135.143. (A) The treasurer of state may invest or 9434
execute transactions for any part or all of the interim funds of 9435
the state in the following classifications of obligations: 9436

(1) United States treasury bills, notes, bonds, or any other 9437
obligations or securities issued by the United States treasury or 9438
any other obligation guaranteed as to principal and interest by 9439
the United States; 9440

(2) Bonds, notes, debentures, or any other obligations or 9441
securities issued by any federal government agency or 9442
instrumentality; 9443

(3)(a) Bonds, notes, and other obligations of the state of 9444
Ohio, including, but not limited to, any obligations issued by the 9445
treasurer of state, the Ohio public facilities commission, the 9446
Ohio building authority, the Ohio housing finance agency, the Ohio 9447
water development authority, and the Ohio turnpike infrastructure 9448
commission; 9449

(b) Bonds, notes, and other obligations of any state or 9450
political subdivision thereof rated in the three highest 9451
categories by at least one nationally recognized standard rating 9452
service and purchased through a registered securities broker or 9453
dealer, provided the treasurer of state is not the sole purchaser 9454
of the bonds, notes, or other obligations at original issuance. 9455

(4)(a) Written repurchase agreements with any eligible Ohio 9456
financial institution that is a member of the federal reserve 9457
system or federal home loan bank, or any registered United States 9458

government securities dealer, under the terms of which agreement 9459
the treasurer of state purchases and the eligible financial 9460
institution or dealer agrees unconditionally to repurchase any of 9461
the securities that are listed in division (A)(1), (2), or (6) of 9462
this section. The market value of securities subject to these 9463
transactions must exceed the principal value of the repurchase 9464
agreement by an amount specified by the treasurer of state, and 9465
the securities must be delivered into the custody of the treasurer 9466
of state or the qualified trustee or agent designated by the 9467
treasurer of state. The agreement shall contain the requirement 9468
that for each transaction pursuant to the agreement, the 9469
participating institution or dealer shall provide all of the 9470
following information: 9471

(i) The par value of the securities; 9472

(ii) The type, rate, and maturity date of the securities; 9473

(iii) A numerical identifier generally accepted in the 9474
securities industry that designates the securities. 9475

(b) The treasurer of state also may sell any securities, 9476
listed in division (A)(1), (2), or (6) of this section, regardless 9477
of maturity or time of redemption of the securities, under the 9478
same terms and conditions for repurchase, provided that the 9479
securities have been fully paid for and are owned by the treasurer 9480
of state at the time of the sale. 9481

(5) Securities lending agreements with any eligible financial 9482
institution that is a member of the federal reserve system or 9483
federal home loan bank or any recognized United States government 9484
securities dealer, under the terms of which agreements the 9485
treasurer of state lends securities and the eligible financial 9486
institution or dealer agrees to simultaneously exchange similar 9487
securities or cash, equal value for equal value. 9488

Securities and cash received as collateral for a securities 9489

lending agreement are not interim funds of the state. The 9490
investment of cash collateral received pursuant to a securities 9491
lending agreement may be invested only in such instruments 9492
specified by the treasurer of state in accordance with a written 9493
investment policy. 9494

(6) Various forms of commercial paper issued by any entity 9495
that is organized under the laws of the United States or a state, 9496
which notes are rated in the two highest categories by two 9497
nationally recognized standard rating services, provided that the 9498
total amount invested under this section in any commercial paper 9499
at any time shall not exceed forty per cent of the state's total 9500
average portfolio, as determined and calculated by the treasurer 9501
of state; 9502

(7) Bankers acceptances, maturing in two hundred seventy days 9503
or less, provided that the total amount invested in bankers 9504
acceptances at any time shall not exceed ten per cent of the 9505
state's total average portfolio, as determined and calculated by 9506
the treasurer of state; 9507

(8) Certificates of deposit in eligible institutions applying 9508
for interim moneys as provided in section 135.08 of the Revised 9509
Code, including linked deposits as provided in sections 135.61 to 9510
135.67 of the Revised Code, agricultural linked deposits as 9511
provided in sections 135.71 to 135.76 of the Revised Code, 9512
business linked deposits as provided in sections 135.77 to 135.774 9513
of the Revised Code, and housing linked deposits as provided in 9514
sections 135.81 to 135.87 of the Revised Code; 9515

(9) The state treasurer's investment pool authorized under 9516
section 135.45 of the Revised Code; 9517

(10) Debt interests, other than commercial paper described in 9518
division (A)(6) of this section, rated in the three highest 9519
categories by two nationally recognized standard rating services 9520

and issued by entities that are organized under the laws of the 9521
United States or a state, or issued by foreign nations 9522
diplomatically recognized by the United States government, or any 9523
instrument based on, derived from, or related to such interests, 9524
provided that: 9525

(a) The investments in debt interests other than commercial 9526
paper shall not exceed in the aggregate twenty-five per cent of 9527
the state's portfolio. 9528

(b) The investments in debt interests issued by foreign 9529
nations shall not exceed in the aggregate two per cent of the 9530
state's portfolio. 9531

The treasurer of state shall invest under division (A)(10) of 9532
this section in a debt interest issued by a foreign nation only if 9533
the debt interest is backed by the full faith and credit of that 9534
foreign nation, and provided that all interest and principal shall 9535
be denominated and payable in United States funds. 9536

(c) When added to the investment in commercial paper, the 9537
investments in the debt interests of a single issuer shall not 9538
exceed in the aggregate five per cent of the state's portfolio. 9539

(d) For purposes of division (A)(10) of this section, a debt 9540
interest is rated in the three highest categories by two 9541
nationally recognized standard rating services if either the debt 9542
interest itself or the issuer of the debt interest is rated, or is 9543
implicitly rated, in the three highest categories by two 9544
nationally recognized standard rating services. 9545

(e) For purposes of division (A)(10) of this section, the 9546
"state's portfolio" means the state's total average portfolio, as 9547
determined and calculated by the treasurer of state. 9548

(11) No-load money market mutual funds rated in the highest 9549
category by one nationally recognized standard rating service or 9550
consisting exclusively of obligations described in division 9551

(A)(1), (2), or (6) of this section and repurchase agreements 9552
secured by such obligations. 9553

(12) Obligations issued by, or on behalf of, an Ohio 9554
political subdivision under Chapter 133. of the Revised Code or 9555
Section 12 of Article XVIII, Ohio Constitution, and identified in 9556
an agreement described in division (G) of this section. 9557

(B) Whenever, during a period of designation, the treasurer 9558
of state classifies public moneys as interim moneys, the treasurer 9559
of state shall notify the state board of deposit of such action. 9560
The notification shall be given within thirty days after such 9561
classification and, in the event the state board of deposit does 9562
not concur in such classification or in the investments or 9563
deposits made under this section, the board may order the 9564
treasurer of state to sell or liquidate any of the investments or 9565
deposits, and any such order shall specifically describe the 9566
investments or deposits and fix the date upon which they are to be 9567
sold or liquidated. Investments or deposits so ordered to be sold 9568
or liquidated shall be sold or liquidated for cash by the 9569
treasurer of state on the date fixed in such order at the then 9570
current market price. Neither the treasurer of state nor the 9571
members of the state board of deposit shall be held accountable 9572
for any loss occasioned by sales or liquidations of investments or 9573
deposits at prices lower than their cost. Any loss or expense 9574
incurred in making these sales or liquidations is payable as other 9575
expenses of the treasurer's office. 9576

(C) If any securities or obligations invested in by the 9577
treasurer of state pursuant to this section are registrable either 9578
as to principal or interest, or both, such securities or 9579
obligations shall be registered in the name of the treasurer of 9580
state. 9581

(D) The treasurer of state is responsible for the safekeeping 9582
of all securities or obligations under this section. Any such 9583

securities or obligations may be deposited for safekeeping as 9584
provided in section 113.05 of the Revised Code. 9585

(E) Interest earned on any investments or deposits authorized 9586
by this section shall be collected by the treasurer of state and 9587
credited by the treasurer of state to the proper fund of the 9588
state. 9589

(F) Whenever investments or deposits acquired under this 9590
section mature and become due and payable, the treasurer of state 9591
shall present them for payment according to their tenor, and shall 9592
collect the moneys payable thereon. The moneys so collected shall 9593
be treated as public moneys subject to sections 135.01 to 135.21 9594
of the Revised Code. 9595

(G) The treasurer of state and any entity issuing obligations 9596
referred to in division (A)(12) of this section, which obligations 9597
mature within one year from the original date of issuance, may 9598
enter into an agreement providing for: 9599

(1) The purchase of those obligations by the treasurer of 9600
state on terms and subject to conditions set forth in the 9601
agreement; 9602

(2) The payment to the treasurer of state of a reasonable fee 9603
as consideration for the agreement of the treasurer of state to 9604
purchase those obligations; provided, however, that the treasurer 9605
of state shall not be authorized to enter into any such agreement 9606
with a board of education of a school district that has an 9607
outstanding obligation with respect to a loan received under 9608
authority of section 3313.483 of the Revised Code. 9609

(H) For purposes of division (G) of this section, a fee shall 9610
not be considered reasonable unless it is set to recover only the 9611
direct costs, a reasonable estimate of the indirect costs 9612
associated with the purchasing of obligations under division (G) 9613
of this section and any reselling of the obligations or any 9614

interest in the obligations, including interests in a fund 9615
comprised of the obligations, and the administration thereof. No 9616
money from the general revenue fund shall be used to subsidize the 9617
purchase or resale of these obligations. 9618

(I) All money collected by the treasurer of state from the 9619
fee imposed by division (G) of this section shall be deposited to 9620
the credit of the state political subdivision obligations fund, 9621
which is hereby created in the state treasury. Money credited to 9622
the fund shall be used solely to pay the treasurer of state's 9623
direct and indirect costs associated with purchasing and reselling 9624
obligations under division (G) of this section. 9625

(J) As used in this section, "political subdivision" means a 9626
county, township, municipal corporation, school district, or other 9627
body corporate and politic responsible for governmental activities 9628
in a geographic area smaller than that of the state. 9629

Sec. 135.182. (A) As used in this section: 9630

(1) "Public depository" means that term as defined in section 9631
135.01 of the Revised Code, but also means an institution that 9632
receives or holds any public deposits as defined in section 135.31 9633
of the Revised Code. 9634

(2) "Public depositor" means that term as defined in section 9635
135.01 of the Revised Code, but also includes a county and any 9636
municipal corporation that has adopted a charter under Article 9637
XVIII, Ohio Constitution. 9638

(3) "Public deposits," "public moneys," and "treasurer" mean 9639
those terms as defined in section 135.01 of the Revised Code, but 9640
also have the same meanings as are set forth in section 135.31 of 9641
the Revised Code. 9642

(B)(1) Not later than July 1, 2017, the treasurer of state 9643
shall create the Ohio pooled collateral program. Under this 9644

program, each institution designated as a public depository that 9645
selects the pledging method prescribed in division (A)(2) of 9646
section 135.18 or division (A)(2) of section 135.37 of the Revised 9647
Code shall pledge to the treasurer of state a single pool of 9648
eligible securities for the benefit of all public depositors at 9649
the public depository to secure the repayment of all uninsured 9650
public deposits at the public depository, provided that at all 9651
times the total market value of the securities so pledged is at 9652
least equal to either of the following: 9653

(a) One hundred two per cent of the total amount of all 9654
uninsured public deposits; 9655

(b) An amount determined by rules adopted by the treasurer of 9656
state that set forth the criteria for determining the aggregate 9657
market value of the pool of eligible securities pledged by a 9658
public depository pursuant to division (B) of this section. Such 9659
criteria shall include, but are not limited to, prudent capital 9660
and liquidity management by the public depository and the safety 9661
and soundness of the public depository as determined by a 9662
third-party rating organization. 9663

(2) The treasurer of state shall monitor the eligibility, 9664
market value, and face value of the pooled securities pledged by 9665
the public depository. Each public depository shall carry in its 9666
accounting records at all times a general ledger or other 9667
appropriate account of the total amount of all public deposits to 9668
be secured by the pool, as determined at the opening of business 9669
each day, and the total market value of securities pledged to 9670
secure such deposits, and report such information to the treasurer 9671
of state in a manner and frequency as determined by the treasurer 9672
of state pursuant to rules adopted by the treasurer of state. A 9673
public depositor shall be responsible for periodically confirming 9674
the accuracy of its account balances with the treasurer of state; 9675
otherwise, the treasurer of state shall be the sole public 9676

depositor responsible for monitoring and ensuring the sufficiency 9677
of securities pledged under this section. 9678

(C) The public depository shall designate a qualified trustee 9679
approved by the treasurer of state and place with such trustee for 9680
safekeeping the eligible securities pledged pursuant to division 9681
(B) of this section. The trustee shall hold the eligible 9682
securities in an account indicating the treasurer of state's 9683
security interest in the eligible securities. The treasurer of 9684
state shall give written notice of the trustee to all public 9685
depositors for which such securities are pledged. The trustee 9686
shall report to the treasurer of state information relating to the 9687
securities pledged to secure such public deposits in a manner and 9688
frequency as determined by the treasurer of state. 9689

(D) In order for a public depository to receive public moneys 9690
under this section, the public depository and the treasurer of 9691
state shall first execute an agreement that sets forth the entire 9692
arrangement among the parties and that meets the requirements 9693
described in 12 U.S.C. 1823(e). In addition, the agreement shall 9694
authorize the treasurer of state to obtain control of the 9695
collateral pursuant to division (D) of section 1308.24 of the 9696
Revised Code. 9697

(E) The securities or other obligations described in division 9698
(D) of section 135.18 of the Revised Code shall be eligible as 9699
collateral for the purposes of division (B) of this section, 9700
provided no such securities or obligations pledged as collateral 9701
are at any time in default as to either principal or interest. 9702

(F) Any federal reserve bank or branch thereof located in 9703
this state or federal home loan bank, without compliance with 9704
Chapter 1111. of the Revised Code and without becoming subject to 9705
any other law of this state relative to the exercise by 9706
corporations of trust powers generally, is qualified to act as 9707
trustee for the safekeeping of securities, under this section. Any 9708

institution mentioned in section 135.03 or 135.32 of the Revised 9709
Code that holds a certificate of qualification issued by the 9710
superintendent of financial institutions or any institution 9711
complying with sections 1111.04, 1111.05, and 1111.06 of the 9712
Revised Code is qualified to act as trustee for the safekeeping of 9713
securities under this section, other than those belonging to 9714
itself or to an affiliate as defined in section 1101.01 of the 9715
Revised Code. 9716

(G) The public depository may substitute, exchange, or 9717
release eligible securities deposited with the qualified trustee 9718
pursuant to this section, provided that such substitution, 9719
exchange, or release is effectuated pursuant to written 9720
authorization from the treasurer of state, and such action does 9721
not reduce the total market value of the securities to an amount 9722
that is less than the amount established pursuant to division (B) 9723
of this section. 9724

(H) Notwithstanding the fact that a public depository is 9725
required to pledge eligible securities in certain amounts to 9726
secure public deposits, a qualified trustee has no duty or 9727
obligation to determine the eligibility, market value, or face 9728
value of any securities deposited with the trustee by a public 9729
depository. This applies in all situations including, but not 9730
limited to, a substitution or exchange of securities, but 9731
excluding those situations effectuated by division (I) of this 9732
section in which the trustee is required to determine face and 9733
market value. 9734

(I) The qualified trustee shall enter into a custodial 9735
agreement with the treasurer of state and public depository in 9736
which the trustee agrees to comply with entitlement orders 9737
originated by the treasurer of state without further consent by 9738
the public depository or, in the case of collateral held by the 9739
public depository in an account at a federal reserve bank, the 9740

treasurer of state shall have the treasurer's security interest 9741
marked on the books of the federal reserve bank where the account 9742
for the collateral is maintained. If the public depository fails 9743
to pay over any part of the public deposits made therein as 9744
provided by law and secured pursuant to division (B) of this 9745
section, the treasurer of state shall give written notice of this 9746
failure to the qualified trustee holding the pool of securities 9747
pledged against the public deposits, and at the same time shall 9748
send a copy of this notice to the public depository. Upon receipt 9749
of this notice, the trustee shall transfer to the treasurer of 9750
state for sale, the pooled securities that are necessary to 9751
produce an amount equal to the public deposits made by the public 9752
depositor and not paid over, less the portion of the deposits 9753
covered by any federal deposit insurance, plus any accrued 9754
interest due on the deposits. The treasurer of state shall sell 9755
any of the bonds or other securities so transferred. When a sale 9756
of bonds or other securities has been so made and upon payment to 9757
the public depositor of the purchase money, the treasurer of state 9758
shall transfer such bonds or securities whereupon the absolute 9759
ownership of such bonds or securities shall pass to the 9760
purchasers. Any surplus after deducting the amount due to the 9761
public depositor and expenses of sale shall be paid to the public 9762
depository. 9763

(J) Any charges or compensation of a qualified trustee for 9764
acting as such under this section shall be paid by the public 9765
depository and in no event shall be chargeable to the public 9766
depositor or to any officer of the public depositor. The charges 9767
or compensation shall not be a lien or charge upon the securities 9768
deposited for safekeeping prior or superior to the rights to and 9769
interests in the securities of the public depositor. The treasurer 9770
and the treasurer's bonders or surety shall be relieved from any 9771
liability to the public depositor or to the public depository for 9772
the loss or destruction of any securities deposited with a 9773

qualified trustee pursuant to this section. 9774

(K)(1) The following information is confidential and not a public record under section 149.43 of the Revised Code: 9775
9776

(a) All reports or other information obtained or created about a public depository for purposes of division (B)(1)(b) of this section; 9777
9778
9779

(b) The identity of a public depositor's public depository; 9780

(c) The identity of a public depository's public depositors. 9781

(2) Nothing in this section prevents the treasurer of state from releasing or exchanging such confidential information as required by law or for the operation of the pooled collateral program. 9782
9783
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9785

(L) The treasurer of state may impose reasonable fees, including late fees, upon public depositories participating in the pooled collateral program to defray the actual and necessary expenses incurred by the treasurer in connection with the program. All such fees collected by the treasurer shall be deposited into the state treasury to the credit of the administrative fund created in section 113.20 of the Revised Code. 9786
9787
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9792

(M) The treasurer of state may adopt rules necessary for the implementation of this section and sections 135.18 and 135.181 of the Revised Code. Such rules shall be adopted in accordance with Chapter 119. of the Revised Code. 9793
9794
9795
9796

Sec. 135.35. (A) The investing authority shall deposit or invest any part or all of the county's inactive moneys and shall invest all of the money in the county public library fund when required by section 135.352 of the Revised Code. The following classifications of securities and obligations are eligible for such deposit or investment: 9797
9798
9799
9800
9801
9802

(1) United States treasury bills, notes, bonds, or any other 9803

obligation or security issued by the United States treasury, any 9804
other obligation guaranteed as to principal or interest by the 9805
United States, or any book entry, zero-coupon United States 9806
treasury security that is a direct obligation of the United 9807
States. 9808

Nothing in the classification of eligible securities and 9809
obligations set forth in divisions (A)(2) to (10) of this section 9810
shall be construed to authorize any investment in stripped 9811
principal or interest obligations of such eligible securities and 9812
obligations. 9813

(2) Bonds, notes, debentures, or any other obligations or 9814
securities issued by any federal government agency or 9815
instrumentality, including, but not limited to, the federal 9816
national mortgage association, federal home loan bank, federal 9817
farm credit bank, federal home loan mortgage corporation, and 9818
government national mortgage association. All federal agency 9819
securities shall be direct issuances of federal government 9820
agencies or instrumentalities. 9821

(3) Time certificates of deposit or savings or deposit 9822
accounts, including, but not limited to, passbook accounts, in any 9823
eligible institution mentioned in section 135.32 of the Revised 9824
Code; 9825

(4) Bonds and other obligations of this state or the 9826
political subdivisions of this state; 9827

(5) No-load money market mutual funds rated in the highest 9828
category at the time of purchase by at least one nationally 9829
recognized standard rating service or consisting exclusively of 9830
obligations described in division (A)(1), (2), or (6) of section 9831
135.143 of the Revised Code and repurchase agreements secured by 9832
such obligations, provided that investments in securities 9833
described in this division are made only through eligible 9834

institutions mentioned in section 135.32 of the Revised Code;	9835
(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;	9836 9837
(7) Securities lending agreements with any eligible institution mentioned in section 135.32 of the Revised Code that is a member of the federal reserve system or federal home loan bank or with any recognized United States government securities dealer meeting the description in division (J)(1) of this section, under the terms of which agreements the investing authority lends securities and the eligible institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.	9838 9839 9840 9841 9842 9843 9844 9845 9846
Securities and cash received as collateral for a securities lending agreement are not inactive moneys of the county or moneys of a county public library fund. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in instruments specified by the investing authority in the written investment policy described in division (K) of this section.	9847 9848 9849 9850 9851 9852 9853
(8) Up to twenty-five <u>forty</u> per cent of the county's total average portfolio in either of the following investments:	9854 9855
(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:	9856 9857 9858 9859
(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.	9860 9861 9862
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	9863 9864 9865

(iii) The notes mature not later than two hundred seventy 9866
days after purchase. 9867

(b) Bankers acceptances of banks that are insured by the 9868
federal deposit insurance corporation and that mature not later 9869
than one hundred eighty days after purchase. 9870

No investment shall be made pursuant to division (A)(8) of 9871
this section unless the investing authority has completed 9872
additional training for making the investments authorized by 9873
division (A)(8) of this section. The type and amount of additional 9874
training shall be approved by the treasurer of state and may be 9875
conducted by or provided under the supervision of the treasurer of 9876
state. 9877

(9) Up to fifteen per cent of the county's total average 9878
portfolio in notes issued by corporations that are incorporated 9879
under the laws of the United States and that are operating within 9880
the United States, or by depository institutions that are doing 9881
business under authority granted by the United States or any state 9882
and that are operating within the United States, provided both of 9883
the following apply: 9884

(a) The notes are rated in the second highest or higher 9885
category by at least two nationally recognized standard rating 9886
services at the time of purchase. 9887

(b) The notes mature not later than two years after purchase. 9888

(10) Debt interests rated at the time of purchase in the 9889
three highest categories by two nationally recognized standard 9890
rating services and issued by foreign nations diplomatically 9891
recognized by the United States government. All interest and 9892
principal shall be denominated and payable in United States funds. 9893
The investments made under division (A)(10) of this section shall 9894
not exceed in the aggregate two per cent of a county's total 9895
average portfolio. 9896

The investing authority shall invest under division (A)(10) 9897
of this section in a debt interest issued by a foreign nation only 9898
if the debt interest is backed by the full faith and credit of 9899
that foreign nation, there is no prior history of default, and the 9900
debt interest matures not later than five years after purchase. 9901
For purposes of division (A)(10) of this section, a debt interest 9902
is rated in the three highest categories by two nationally 9903
recognized standard rating services if either the debt interest 9904
itself or the issuer of the debt interest is rated, or is 9905
implicitly rated, at the time of purchase in the three highest 9906
categories by two nationally recognized standard rating services. 9907

(11) A current unpaid or delinquent tax line of credit 9908
authorized under division (G) of section 135.341 of the Revised 9909
Code, provided that all of the conditions for entering into such a 9910
line of credit under that division are satisfied, or bonds and 9911
other obligations of a county land reutilization corporation 9912
organized under Chapter 1724. of the Revised Code, if the county 9913
land reutilization corporation is located wholly or partly within 9914
the same county as the investing authority. 9915

(B) Nothing in the classifications of eligible obligations 9916
and securities set forth in divisions (A)(1) to (10) of this 9917
section shall be construed to authorize investment in a 9918
derivative, and no investing authority shall invest any county 9919
inactive moneys or any moneys in a county public library fund in a 9920
derivative. For purposes of this division, "derivative" means a 9921
financial instrument or contract or obligation whose value or 9922
return is based upon or linked to another asset or index, or both, 9923
separate from the financial instrument, contract, or obligation 9924
itself. Any security, obligation, trust account, or other 9925
instrument that is created from an issue of the United States 9926
treasury or is created from an obligation of a federal agency or 9927
instrumentality or is created from both is considered a derivative 9928

instrument. An eligible investment described in this section with 9929
a variable interest rate payment, based upon a single interest 9930
payment or single index comprised of other eligible investments 9931
provided for in division (A)(1) or (2) of this section, is not a 9932
derivative, provided that such variable rate investment has a 9933
maximum maturity of two years. A treasury inflation-protected 9934
security shall not be considered a derivative, provided the 9935
security matures not later than five years after purchase. 9936

(C) Except as provided in division (D) of this section, any 9937
investment made pursuant to this section must mature within five 9938
years from the date of settlement, unless the investment is 9939
matched to a specific obligation or debt of the county or to a 9940
specific obligation or debt of a political subdivision of this 9941
state, and the investment is specifically approved by the 9942
investment advisory committee. 9943

(D) The investing authority may also enter into a written 9944
repurchase agreement with any eligible institution mentioned in 9945
section 135.32 of the Revised Code or any eligible securities 9946
dealer pursuant to division (J) of this section, under the terms 9947
of which agreement the investing authority purchases and the 9948
eligible institution or dealer agrees unconditionally to 9949
repurchase any of the securities listed in divisions (D)(1) to 9950
(5), except letters of credit described in division (D)(2), of 9951
section 135.18 of the Revised Code. The market value of securities 9952
subject to an overnight written repurchase agreement must exceed 9953
the principal value of the overnight written repurchase agreement 9954
by at least two per cent. A written repurchase agreement must 9955
exceed the principal value of the overnight written repurchase 9956
agreement, by at least two per cent. A written repurchase 9957
agreement shall not exceed thirty days, and the market value of 9958
securities subject to a written repurchase agreement must exceed 9959
the principal value of the written repurchase agreement by at 9960

least two per cent and be marked to market daily. All securities 9961
purchased pursuant to this division shall be delivered into the 9962
custody of the investing authority or the qualified custodian of 9963
the investing authority or an agent designated by the investing 9964
authority. A written repurchase agreement with an eligible 9965
securities dealer shall be transacted on a delivery versus payment 9966
basis. The agreement shall contain the requirement that for each 9967
transaction pursuant to the agreement the participating 9968
institution shall provide all of the following information: 9969

(1) The par value of the securities; 9970

(2) The type, rate, and maturity date of the securities; 9971

(3) A numerical identifier generally accepted in the 9972
securities industry that designates the securities. 9973

No investing authority shall enter into a written repurchase 9974
agreement under the terms of which the investing authority agrees 9975
to sell securities owned by the county to a purchaser and agrees 9976
with that purchaser to unconditionally repurchase those 9977
securities. 9978

(E) No investing authority shall make an investment under 9979
this section, unless the investing authority, at the time of 9980
making the investment, reasonably expects that the investment can 9981
be held until its maturity. The investing authority's written 9982
investment policy shall specify the conditions under which an 9983
investment may be redeemed or sold prior to maturity. 9984

(F) No investing authority shall pay a county's inactive 9985
moneys or moneys of a county public library fund into a fund 9986
established by another subdivision, treasurer, governing board, or 9987
investing authority, if that fund was established by the 9988
subdivision, treasurer, governing board, or investing authority 9989
for the purpose of investing or depositing the public moneys of 9990
other subdivisions. This division does not apply to the payment of 9991

public moneys into either of the following: 9992

(1) The Ohio subdivision's fund pursuant to division (A)(6) 9993
of this section; 9994

(2) A fund created solely for the purpose of acquiring, 9995
constructing, owning, leasing, or operating municipal utilities 9996
pursuant to the authority provided under section 715.02 of the 9997
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 9998

For purposes of division (F) of this section, "subdivision" 9999
includes a county. 10000

(G) The use of leverage, in which the county uses its current 10001
investment assets as collateral for the purpose of purchasing 10002
other assets, is prohibited. The issuance of taxable notes for the 10003
purpose of arbitrage is prohibited. Contracting to sell securities 10004
not owned by the county, for the purpose of purchasing such 10005
securities on the speculation that bond prices will decline, is 10006
prohibited. 10007

(H) Any securities, certificates of deposit, deposit 10008
accounts, or any other documents evidencing deposits or 10009
investments made under authority of this section shall be issued 10010
in the name of the county with the county treasurer or investing 10011
authority as the designated payee. If any such deposits or 10012
investments are registrable either as to principal or interest, or 10013
both, they shall be registered in the name of the treasurer. 10014

(I) The investing authority shall be responsible for the 10015
safekeeping of all documents evidencing a deposit or investment 10016
acquired under this section, including, but not limited to, 10017
safekeeping receipts evidencing securities deposited with a 10018
qualified trustee, as provided in section 135.37 of the Revised 10019
Code, and documents confirming the purchase of securities under 10020
any repurchase agreement under this section shall be deposited 10021
with a qualified trustee, provided, however, that the qualified 10022

trustee shall be required to report to the investing authority, 10023
auditor of state, or an authorized outside auditor at any time 10024
upon request as to the identity, market value, and location of the 10025
document evidencing each security, and that if the participating 10026
institution is a designated depository of the county for the 10027
current period of designation, the securities that are the subject 10028
of the repurchase agreement may be delivered to the treasurer or 10029
held in trust by the participating institution on behalf of the 10030
investing authority. 10031

Upon the expiration of the term of office of an investing 10032
authority or in the event of a vacancy in the office for any 10033
reason, the officer or the officer's legal representative shall 10034
transfer and deliver to the officer's successor all documents 10035
mentioned in this division for which the officer has been 10036
responsible for safekeeping. For all such documents transferred 10037
and delivered, the officer shall be credited with, and the 10038
officer's successor shall be charged with, the amount of moneys 10039
evidenced by such documents. 10040

(J)(1) All investments, except for investments in securities 10041
described in divisions (A)(5), (6), and (11) of this section, 10042
shall be made only through a member of the financial industry 10043
regulatory authority (FINRA), through a bank, savings bank, or 10044
savings and loan association regulated by the superintendent of 10045
financial institutions, or through an institution regulated by the 10046
comptroller of the currency, federal deposit insurance 10047
corporation, or board of governors of the federal reserve system. 10048

(2) Payment for investments shall be made only upon the 10049
delivery of securities representing such investments to the 10050
treasurer, investing authority, or qualified trustee. If the 10051
securities transferred are not represented by a certificate, 10052
payment shall be made only upon receipt of confirmation of 10053
transfer from the custodian by the treasurer, governing board, or 10054

qualified trustee. 10055

(K)(1) Except as otherwise provided in division (K)(2) of 10056
this section, no investing authority shall make an investment or 10057
deposit under this section, unless there is on file with the 10058
auditor of state a written investment policy approved by the 10059
investing authority. The policy shall require that all entities 10060
conducting investment business with the investing authority shall 10061
sign the investment policy of that investing authority. All 10062
brokers, dealers, and financial institutions, described in 10063
division (J)(1) of this section, initiating transactions with the 10064
investing authority by giving advice or making investment 10065
recommendations shall sign the investing authority's investment 10066
policy thereby acknowledging their agreement to abide by the 10067
policy's contents. All brokers, dealers, and financial 10068
institutions, described in division (J)(1) of this section, 10069
executing transactions initiated by the investing authority, 10070
having read the policy's contents, shall sign the investment 10071
policy thereby acknowledging their comprehension and receipt. 10072

(2) If a written investment policy described in division 10073
(K)(1) of this section is not filed on behalf of the county with 10074
the auditor of state, the investing authority of that county shall 10075
invest the county's inactive moneys and moneys of the county 10076
public library fund only in time certificates of deposits or 10077
savings or deposit accounts pursuant to division (A)(3) of this 10078
section, no-load money market mutual funds pursuant to division 10079
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 10080
division (A)(6) of this section. 10081

(L)(1) The investing authority shall establish and maintain 10082
an inventory of all obligations and securities acquired by the 10083
investing authority pursuant to this section. The inventory shall 10084
include a description of each obligation or security, including 10085
type, cost, par value, maturity date, settlement date, and any 10086

coupon rate. 10087

(2) The investing authority shall also keep a complete record 10088
of all purchases and sales of the obligations and securities made 10089
pursuant to this section. 10090

(3) The investing authority shall maintain a monthly 10091
portfolio report and issue a copy of the monthly portfolio report 10092
describing such investments to the county investment advisory 10093
committee, detailing the current inventory of all obligations and 10094
securities, all transactions during the month that affected the 10095
inventory, any income received from the obligations and 10096
securities, and any investment expenses paid, and stating the 10097
names of any persons effecting transactions on behalf of the 10098
investing authority. 10099

(4) The monthly portfolio report shall be a public record and 10100
available for inspection under section 149.43 of the Revised Code. 10101

(5) The inventory and the monthly portfolio report shall be 10102
filed with the board of county commissioners. The monthly 10103
portfolio report also shall be filed with the treasurer of state. 10104

(M) An investing authority may enter into a written 10105
investment or deposit agreement that includes a provision under 10106
which the parties agree to submit to nonbinding arbitration to 10107
settle any controversy that may arise out of the agreement, 10108
including any controversy pertaining to losses of public moneys 10109
resulting from investment or deposit. The arbitration provision 10110
shall be set forth entirely in the agreement, and the agreement 10111
shall include a conspicuous notice to the parties that any party 10112
to the arbitration may apply to the court of common pleas of the 10113
county in which the arbitration was held for an order to vacate, 10114
modify, or correct the award. Any such party may also apply to the 10115
court for an order to change venue to a court of common pleas 10116
located more than one hundred miles from the county in which the 10117

investing authority is located. 10118

For purposes of this division, "investment or deposit 10119
agreement" means any agreement between an investing authority and 10120
a person, under which agreement the person agrees to invest, 10121
deposit, or otherwise manage, on behalf of the investing 10122
authority, a county's inactive moneys or moneys in a county public 10123
library fund, or agrees to provide investment advice to the 10124
investing authority. 10125

(N)(1) An investment held in the county portfolio on 10126
September 27, 1996, that was a legal investment under the law as 10127
it existed before September 27, 1996, may be held until maturity. 10128

(2) An investment held in the county portfolio on September 10129
10, 2012, that was a legal investment under the law as it existed 10130
before September 10, 2012, may be held until maturity. 10131

Sec. 135.45. (A) Subject to division (B) of this section, a 10132
treasurer, governing board, or investing authority of a 10133
subdivision may pay public moneys of the subdivision into the Ohio 10134
subdivision's fund, which may be established in the custody of the 10135
treasurer of state. The treasurer of state shall invest the moneys 10136
in the fund as in separately managed accounts and pooled accounts, 10137
including the state treasurer's investment pool, in the same 10138
manner, in the same types of instruments, and subject to the same 10139
limitations provided for the deposit and investment of interim 10140
moneys of the state, except that the fund shall not be invested in 10141
the linked deposits authorized under sections 135.61 to 135.67 of 10142
the Revised Code. 10143

(B)(1) On and after July 1, 1997, a treasurer, governing 10144
board, or investing authority of a subdivision that has not 10145
entered into an agreement with the treasurer of state under 10146
division (C) of this section shall not invest public moneys of the 10147
subdivision in a pooled account of the Ohio subdivision's fund 10148

under division (B)(6) of section 135.14 of the Revised Code or 10149
division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ 10150
pool does not maintain the highest letter or numerical rating 10151
provided by at least one nationally recognized standard rating 10152
service. 10153

(2) Upon receipt of notice that the ~~fund~~ pool does not 10154
maintain the highest letter or numerical rating required under 10155
division (B)(1) of this section, the treasurer of state shall have 10156
ninety days to obtain the required highest letter or numerical 10157
rating. If the treasurer of state fails to obtain the required 10158
highest letter or numerical rating, the treasurer of state shall 10159
have an additional one hundred eighty days to develop a plan to 10160
dissolve the ~~fund~~ pool. The plan shall include reasonable 10161
standards for the equitable return of public moneys in the ~~fund~~ 10162
pool to those subdivisions participating in the ~~fund~~ pool. 10163

(3) Treasurers, governing boards, or investing authorities of 10164
subdivisions participating in the ~~fund~~ pool shall not be required 10165
to divest in the ~~fund~~ pool during the initial one hundred eighty 10166
days following the treasurer of state's receipt of notice under 10167
division (B)(2) of this section. 10168

(C) A treasurer, governing board, or investing authority of a 10169
subdivision that wishes to invest public moneys of the subdivision 10170
in a separately managed account or pooled account of the Ohio 10171
subdivision's fund may enter into an agreement with the treasurer 10172
of state that sets forth the manner in which the money is to be 10173
invested. The treasurer of state shall invest the moneys in 10174
accordance with the agreement, subject to the limitations set 10175
forth in division (A) of this section. For purposes of this 10176
division, the limitation on investments in debt interests provided 10177
in division (A)(10)(a) of section 135.143 of the Revised Code 10178
shall not apply to a subdivision's excess reserves. 10179

(D) The treasurer of state shall adopt such rules as are 10180

necessary for the implementation of this section, including the 10181
efficient administration of and accounting for the separately 10182
managed accounts and pooled accounts, including the state 10183
treasurer's investment pool, ~~including and the~~ specification of 10184
minimum amounts ~~which that~~ may be paid into ~~the pool~~ such pools 10185
and minimum periods of time for which such payments shall be 10186
retained in the ~~pool~~ pools. The rules shall provide for the 10187
administrative expenses of the separately managed accounts and 10188
pooled accounts, including the state treasurer's investment pool, 10189
to be paid from ~~its~~ the earnings and for the interest earnings in 10190
excess of such expenses to be credited to the several treasurers, 10191
governing boards, and investing authorities participating in ~~the a~~ 10192
pool in a manner which equitably reflects the differing amounts of 10193
their respective investments in the pool and the differing periods 10194
of time for which such amounts are in the pool. 10195

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 10196
shall give bond with sufficient sureties, payable to the 10197
treasurers, governing boards, and investing authorities of 10198
subdivisions participating in the ~~pool~~ fund, for the benefit of 10199
the subdivisions whose moneys are paid into the ~~pool~~ fund for 10200
investment, in the total penal sum of two hundred fifty thousand 10201
dollars, conditioned for the faithful discharge of ~~his~~ the 10202
treasurer of state's duties in relation to the ~~pool~~ fund. 10203

~~(E)(F)~~ (F) The treasurer of state and ~~his bondsmen~~ the treasurer 10204
of state's bonders or surety are liable for the loss of any 10205
interim moneys of the state and subdivisions invested under this 10206
section ~~through the state treasurer's investment pool~~ to the same 10207
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 10208
state's bonders or surety are liable for the loss of public moneys 10209
under section 135.19 of the Revised Code. 10210

~~(F)(G)~~ (G) As used in this section: 10211

(1) "Interim moneys" and "governing board" have the same 10212

meanings as in section 135.01 of the Revised Code. 10213

(2)(a) "Subdivision" has the same meaning as in section 10214
135.01 of the Revised Code, but also includes a county, ~~or~~ a 10215
municipal corporation that has adopted a charter under Article 10216
XVIII, Ohio Constitution, or any government entity for which the 10217
fund is a permissible investment. 10218

(b) "Public moneys of a subdivision" has the same meaning as 10219
in section 135.01 of the Revised Code, but also includes "public 10220
moneys" as defined in section 135.31 of the Revised Code, and 10221
funds held in the custody of the treasurer of state 10222
notwithstanding any limitations on the permissible investments of 10223
such funds. 10224

(3) "Treasurer" has the same meaning as in sections 135.01 10225
and 135.31 of the Revised Code. 10226

(4) "Investing authority" has the same meaning as in section 10227
135.31 of the Revised Code. 10228

(5) "Excess reserves" means the amount of a subdivision's 10229
public moneys that exceed the average of a subdivision's annual 10230
operating expenses in the immediately preceding three fiscal 10231
years. 10232

Sec. 135.63. The treasurer of state may invest in linked 10233
deposits under sections 135.61 to 135.67, short-term installment 10234
loan linked deposits under sections 135.68 to 135.70, agricultural 10235
linked deposits under sections 135.71 to 135.76, business linked 10236
deposits under sections 135.77 to 135.774, housing linked deposits 10237
under sections 135.81 to 135.87, assistive technology device 10238
linked deposits under sections 135.91 to 135.97, and SaveNOW 10239
linked deposits under sections 135.101 to 135.106 of the Revised 10240
Code, provided that at the time of placement of any such linked 10241
deposit the combined amount of investments in all such linked 10242

deposits is not more than twelve per cent of the state's total 10243
average investment portfolio as determined by the treasurer of 10244
state. When deciding whether to invest in any such linked 10245
deposits, the treasurer of state shall give priority to the 10246
investment, liquidity, and cash flow needs of the state. 10247

Sec. 135.71. As used in sections 135.71 to 135.76 of the 10248
Revised Code: 10249

(A) "Eligible agricultural business" means any person engaged 10250
in agriculture that has all of the following characteristics: 10251

(1) Is headquartered and domiciled in this state; 10252

(2) Maintains land or facilities for agricultural purposes in 10253
this state provided that the land or facilities within this state 10254
comprise not less than fifty-one per cent of the total of all 10255
lands or facilities maintained by the person; 10256

(3) Is organized for profit. 10257

(B) "Eligible lending institution" means a financial 10258
institution that is eligible to make commercial loans, agrees to 10259
participate in the agricultural linked deposit program, and is any 10260
of the following: 10261

(1) Is a public depository of state funds under section 10262
135.03 of the Revised Code; ~~or~~ 10263

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 10264
Code, is an institution of the farm credit system organized under 10265
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 10266
2001, as amended; 10267

(3) Notwithstanding sections 135.01 to 135.21 of the Revised 10268
Code, is a federal credit union, a foreign credit union licensed 10269
pursuant to section 1733.39 of the Revised Code, or a credit union 10270
as defined in section 1733.01 of the Revised Code, located in this 10271
state. 10272

(C) "Agricultural linked deposit" means a certificate of deposit placed by the treasurer of state with an eligible lending institution under section 135.74 of the Revised Code, share certificates issued by an eligible lending institution that are purchased by the treasurer of state, or an investment in bonds, notes, debentures, or other obligations or securities issued by the federal farm credit bank with regard to an eligible lending institution.

(D) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.

Sec. 135.77. As used in sections 135.77 to 135.774 of the Revised Code:

(A) "Business linked deposit" means share certificates issued by an eligible lending institution that are purchased by the treasurer of state in accordance with sections 135.772 to 135.774 of the Revised Code.

(B) "Eligible lending institution" means a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state.

(C) "Eligible small business" means any person that has all of the following characteristics:

(1) Is domiciled in this state;

(2) Maintains offices and operating facilities exclusively in this state and transacts business in this state;

(3) Employs fewer than one hundred fifty employees, the majority of whom are residents of this state;

(4) Is organized for profit;

(5) Is able to save or create one full-time job or two part-time jobs in this state for every fifty thousand dollars borrowed. 10303
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(D) "Full-time job" means a job with regular hours of service totaling at least forty hours per week or any other standard of service accepted as full-time by the employee's employer. 10306
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(E) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state. 10309
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(F) "Part-time job" means a job with regular hours of service totaling fewer than forty hours per week or any other standard of service accepted as part-time by the employee's employer. 10313
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Sec. 135.771. The general assembly finds that small businesses play an important role in creating jobs in this state. Accordingly, it is declared to be the public policy of the state through the business linked deposit program to foster economic growth and development within Ohio's small businesses, and to protect the jobs of this state. 10316
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Sec. 135.772. (A) In accordance with section 135.64 of the Revised Code, an eligible lending institution that desires to receive a business linked deposit shall accept and review applications for loans from eligible small businesses and forward to the treasurer of state a linked deposit loan package. 10322
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(B) No loan issued pursuant to sections 135.77 to 135.774 of the Revised Code shall exceed four hundred thousand dollars. 10327
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Sec. 135.773. In accordance with section 135.65 of the Revised Code, the treasurer of state may accept or reject a business linked deposit loan package, or any portion thereof, and 10329
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shall enter into a deposit agreement regarding any accepted loan packages. 10332
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Sec. 135.774. (A) Upon the placement of a business linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible small business listed in the linked deposit loan package required by section 135.772 of the Revised Code and in accordance with the deposit agreement required by section 135.773 of the Revised Code. The loan shall be at a rate that reflects the following percentage rate reduction below the present borrowing rate applicable to each eligible small business: 10334
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(1) Three per cent if the present borrowing rate is greater than five per cent; 10343
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(2) Two and one-tenth per cent if the present borrowing rate is equal to or less than five per cent. 10345
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A certification of compliance with this section in the form and manner as prescribed by the treasurer of state shall be required of the eligible lending institution. 10347
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(B) The treasurer of state shall take any and all steps necessary to implement the business linked deposit program and monitor compliance of eligible lending institutions and eligible small businesses, including the development of guidelines as necessary. 10350
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(C) The state and the treasurer of state are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible small business. Any delay in payments or default on the part of an eligible small business does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state. 10355
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Sec. 135.78. (A) As used in this section, "eligible lending institution" has the same meaning as in section 135.77 of the Revised Code. 10362
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(B) The treasurer of state shall, in accordance with Chapter 111. of the Revised Code, adopt rules addressing the participation of eligible lending institutions in the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code and the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, including, but not limited to, the manner in which an eligible lending institution is designated and the linked deposits are placed, held, and collateralized. 10365
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Participation of eligible lending institutions in those linked deposit programs shall not begin until these rules have been adopted. 10373
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Sec. 143.01. As used in this chapter: 10376

(A) "Killed in the line of duty" means either of the following: 10377
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(1) Death in the line of duty; 10379

(2) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty. 10380
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(B) "Totally and permanently disabled" means unable to engage in any substantial gainful employment for a period of not less than twelve months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent. 10383
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(C) "Volunteer peace officer" means any person who is employed as a police officer, sheriff's deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity by a county sheriff's department or the police department of a municipal corporation, township, township police district, or 10387
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joint police district and is not a <u>either of the following:</u>	10392
<u>(1) A member of the public employees retirement system, Ohio</u>	10393
police and fire pension fund, state highway patrol retirement	10394
system, or the Cincinnati retirement system;	10395
<u>(2) A retirant as defined in section 145.01 of the Revised</u>	10396
<u>Code.</u>	10397
Sec. 151.03. This section applies to obligations as defined	10398
in this section.	10399
(A) As used in this section:	10400
(1) "Costs of capital facilities" includes related direct	10401
administrative expenses and allocable portions of direct costs of	10402
the using school district and the Ohio school facilities	10403
<u>construction</u> commission.	10404
(2) "Net state lottery proceeds" means the amount determined	10405
by the director of budget and management to be an excess amount to	10406
the credit of the state lottery fund and to be transferred to the	10407
lottery profits education fund, and moneys from time to time in	10408
the lottery profits education fund, all as provided for and	10409
referred to in section 3770.06 of the Revised Code.	10410
(3) "Ohio school facilities <u>construction</u> commission" and	10411
"school district" have the same meanings as in section 3318.01 of	10412
the Revised Code.	10413
(4) "Obligations" means obligations as defined in section	10414
151.01 of the Revised Code issued to pay costs of capital	10415
facilities for a system of common schools throughout the state.	10416
(5) "Using school district" means the school district, or two	10417
or more school districts acting jointly, that are the ultimate	10418
users of the capital facilities for a system of common schools	10419
financed with net proceeds of obligations.	10420

(B) The issuing authority shall issue obligations to pay 10421
costs of capital facilities for a system of common schools 10422
throughout the state pursuant to Section 2n of Article VIII, Ohio 10423
Constitution, section 151.01 of the Revised Code, and this 10424
section. The issuing authority, upon the certification by the Ohio 10425
~~school~~ facilities construction commission to it of the amount of 10426
moneys needed in the school building program assistance fund 10427
created by section 3318.25 of the Revised Code for purposes of 10428
that fund, shall issue obligations in the amount determined to be 10429
required by the issuing authority. 10430

(C) Net proceeds of obligations shall be deposited into the 10431
school building program assistance fund created by section 3318.25 10432
of the Revised Code. 10433

(D) There is hereby created in the state treasury the "common 10434
schools capital facilities bond service fund." All moneys received 10435
by the state and required by the bond proceedings, consistent with 10436
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10437
transferred, or credited to the bond service fund, and all other 10438
moneys transferred or allocated to or received for the purposes of 10439
that fund, shall be deposited and credited to the bond service 10440
fund, subject to any applicable provisions of the bond proceedings 10441
but without necessity for any act of appropriation. During the 10442
period beginning with the date of the first issuance of 10443
obligations and continuing during the time that any obligations 10444
are outstanding in accordance with their terms, so long as moneys 10445
in the bond service fund are insufficient to pay debt service when 10446
due on those obligations payable from that fund (except the 10447
principal amounts of bond anticipation notes payable from the 10448
proceeds of renewal notes or bonds anticipated) and due in the 10449
particular fiscal year, a sufficient amount of revenues of the 10450
state, including net state lottery proceeds, is committed and, 10451
without necessity for further act of appropriation, shall be paid 10452

to the bond service fund for the purpose of paying that debt 10453
service when due. 10454

Sec. 153.02. (A) The executive director of the Ohio 10455
facilities construction commission, may debar a contractor from 10456
contract awards for public improvements as referred to in section 10457
153.01 of the Revised Code or for projects as defined in section 10458
3318.01 of the Revised Code, upon proof that the contractor has 10459
done any of the following: 10460

(1) Defaulted on a contract requiring the execution of a 10461
takeover agreement as set forth in division (B) of section 153.17 10462
of the Revised Code; 10463

(2) Knowingly failed during the course of a contract to 10464
maintain the coverage required by the bureau of workers' 10465
compensation; 10466

(3) Knowingly failed during the course of a contract to 10467
maintain the contractor's drug-free workplace program as required 10468
by the contract; 10469

(4) Knowingly failed during the course of a contract to 10470
maintain insurance required by the contract or otherwise by law, 10471
resulting in a substantial loss to the owner, as owner is referred 10472
to in section 153.01 of the Revised Code, or to the commission and 10473
school district board, as provided in division (F) of section 10474
3318.08 of the Revised Code; 10475

(5) Misrepresented the firm's qualifications in the selection 10476
process set forth in sections 153.65 to 153.71 or section 3318.10 10477
of the Revised Code; 10478

(6) Been convicted of a criminal offense related to the 10479
application for or performance of any public or private contract, 10480
including, but not limited to, embezzlement, theft, forgery, 10481
bribery, falsification or destruction of records, receiving stolen 10482

property, and any other offense that directly reflects on the 10483
contractor's business integrity; 10484

(7) Been convicted of a criminal offense under state or 10485
federal antitrust laws; 10486

(8) Deliberately or willfully submitted false or misleading 10487
information in connection with the application for or performance 10488
of a public contract; 10489

(9) Been debarred from bidding on or participating in a 10490
contract with any state or federal agency. 10491

(B) When the executive director debars a contractor that is a 10492
partnership, association, or corporation, the executive director 10493
also may debar any partner of the partnership or any officer or 10494
director of the association or corporation, as applicable. 10495

(C) When the executive director reasonably believes that 10496
grounds for debarment exist, the executive director shall send the 10497
contractor a notice of proposed debarment indicating the grounds 10498
for the proposed debarment and the procedure for requesting a 10499
hearing on the proposed debarment. The hearing shall be conducted 10500
in accordance with Chapter 119. of the Revised Code. If the 10501
contractor does not respond with a request for a hearing in the 10502
manner specified in Chapter 119. of the Revised Code, the 10503
executive director shall issue the debarment decision without a 10504
hearing and shall notify the contractor of the decision by 10505
certified mail, return receipt requested. 10506

~~(C)~~(D) The executive director shall determine the length of 10507
the debarment period and may rescind the debarment at any time 10508
upon notification to the contractor. During the period of 10509
debarment, the contractor is not eligible to bid for or 10510
participate in any contract for a public improvement as referred 10511
to in section 153.01 of the Revised Code or for a project as 10512
defined in section 3318.01 of the Revised Code. After the 10513

debarment period expires, the contractor shall be eligible to bid 10514
for and participate in such contracts. 10515

~~(D)~~(E) The executive director shall maintain a list of all 10516
contractors currently debarred under this section. Any 10517
governmental entity awarding a contract for construction of a 10518
public improvement or project may use a contractor's presence on 10519
the debarment list to determine whether a contractor is 10520
responsible or best under section 9.312 or any other section of 10521
the Revised Code in the award of a contract. 10522

(F) As used in this section, "contractor" means a 10523
construction contracting business, a subcontractor of a 10524
construction contracting business, a supplier of materials, or a 10525
manufacturer of materials. 10526

Sec. 154.11. The issuing authority may authorize and issue 10527
obligations for the refunding, including funding and retirement, 10528
of any obligations previously issued under this chapter and any 10529
other bonds or notes previously issued ~~under Chapter 152. of the~~ 10530
~~Revised Code~~ to pay the costs of capital facilities. Such 10531
obligations may be issued in amounts sufficient for payment of the 10532
principal amount of the prior obligations, any redemption premiums 10533
thereon, principal maturities of any such obligations maturing 10534
prior to the redemption of the remaining obligations on a parity 10535
therewith, interest accrued or to accrue to the maturity dates or 10536
dates of redemption of such obligations, and any expenses incurred 10537
or to be incurred in connection with such issuance and such 10538
refunding, funding, and retirement. Subject to the bond 10539
proceedings therefor, the portion of proceeds of the sale of 10540
obligations issued under this section to be applied to bond 10541
service charges on the prior obligations shall be credited to the 10542
bond service fund for those prior obligations. Obligations 10543
authorized under this section shall be deemed to be issued for 10544

those purposes for which those prior obligations were issued and 10545
are subject to the provisions of Chapter 154. of the Revised Code 10546
pertaining to other obligations, except as otherwise indicated by 10547
this section and except for division (A) of section 154.02 of the 10548
Revised Code, provided that, unless otherwise authorized by the 10549
general assembly, any limitations imposed by the general assembly 10550
pursuant to that division with respect to bond service charges 10551
applicable to the prior obligations shall be applicable to the 10552
obligations issued under this section to refund, fund, or retire 10553
those prior obligations. 10554

Sec. 166.08. (A) As used in this chapter: 10555

(1) "Bond proceedings" means the resolution, order, trust 10556
agreement, indenture, lease, and other agreements, amendments and 10557
supplements to the foregoing, or any one or more or combination 10558
thereof, authorizing or providing for the terms and conditions 10559
applicable to, or providing for the security or liquidity of, 10560
obligations issued pursuant to this section, and the provisions 10561
contained in such obligations. 10562

(2) "Bond service charges" means principal, including 10563
mandatory sinking fund requirements for retirement of obligations, 10564
and interest, and redemption premium, if any, required to be paid 10565
by the state on obligations. 10566

(3) "Bond service fund" means the applicable fund and 10567
accounts therein created for and pledged to the payment of bond 10568
service charges, which may be, or may be part of, the economic 10569
development bond service fund created by division (S) of this 10570
section including all moneys and investments, and earnings from 10571
investments, credited and to be credited thereto. 10572

(4) "Issuing authority" means the treasurer of state, or the 10573
officer who by law performs the functions of such officer. 10574

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 10575
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(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; and any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges. 10578
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(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the economic development bond service fund created by division (S) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto. 10594
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(B) Subject to the limitations provided in section 166.11 of the Revised Code, the issuing authority, upon the certification by the director of development or, ~~with respect to eligible advanced energy projects~~ prior to the effective date of this amendment, upon certification by the Ohio air quality development authority regarding eligible advanced energy projects, to the issuing 10601
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authority of the amount of moneys or additional moneys needed in 10607
the facilities establishment fund, the loan guarantee fund, the 10608
innovation Ohio loan fund, the innovation Ohio loan guarantee 10609
fund, the research and development loan fund, the logistics and 10610
distribution infrastructure fund, the advanced energy research and 10611
development fund, or the advanced energy research and development 10612
taxable fund, as applicable, for the purpose of paying, or making 10613
loans for, allowable costs from the facilities establishment fund, 10614
allowable innovation costs from the innovation Ohio loan fund, 10615
allowable costs from the research and development loan fund, 10616
allowable costs from the logistics and distribution infrastructure 10617
fund, allowable costs from the advanced energy research and 10618
development fund, or allowable costs from the advanced energy 10619
research and development taxable fund, as applicable, or needed 10620
for capitalized interest, for funding reserves, and for paying 10621
costs and expenses incurred in connection with the issuance, 10622
carrying, securing, paying, redeeming, or retirement of the 10623
obligations or any obligations refunded thereby, including payment 10624
of costs and expenses relating to letters of credit, lines of 10625
credit, insurance, put agreements, standby purchase agreements, 10626
indexing, marketing, remarketing and administrative arrangements, 10627
interest swap or hedging agreements, and any other credit 10628
enhancement, liquidity, remarketing, renewal, or refunding 10629
arrangements, all of which are authorized by this section, or 10630
providing moneys for the loan guarantee fund or the innovation 10631
Ohio loan guarantee fund, as provided in this chapter or needed 10632
for the purposes of funds established in accordance with or 10633
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 10634
122.561, 122.57, and 122.80 of the Revised Code which are within 10635
the authorization of Section 13 of Article VIII, Ohio 10636
Constitution, or, prior to the effective date of this amendment, 10637
with respect to certain eligible advanced energy projects, Section 10638
2p of Article VIII, Ohio Constitution, shall issue obligations of 10639

the state under this section in the required amount; provided that 10640
such obligations may be issued to satisfy the covenants in 10641
contracts of guarantee made under section 166.06 or 166.15 of the 10642
Revised Code, notwithstanding limitations otherwise applicable to 10643
the issuance of obligations under this section. The proceeds of 10644
such obligations, except for the portion to be deposited in 10645
special funds, including reserve funds, as may be provided in the 10646
bond proceedings, shall as provided in the bond proceedings be 10647
deposited by the director of development to the facilities 10648
establishment fund, the loan guarantee fund, the innovation Ohio 10649
loan guarantee fund, the innovation Ohio loan fund, the research 10650
and development loan fund, or the logistics and distribution 10651
infrastructure fund, or be deposited by the Ohio air quality 10652
development authority prior to the effective date of this 10653
amendment to the advanced energy research and development fund or 10654
the advanced energy research and development taxable fund. Bond 10655
proceedings for project financing obligations may provide that the 10656
proceeds derived from the issuance of such obligations shall be 10657
deposited into such fund or funds provided for in the bond 10658
proceedings and, to the extent provided for in the bond 10659
proceedings, such proceeds shall be deemed to have been deposited 10660
into the facilities establishment fund and transferred to such 10661
fund or funds. The issuing authority may appoint trustees, paying 10662
agents, and transfer agents and may retain the services of 10663
financial advisors, accounting experts, and attorneys, and retain 10664
or contract for the services of marketing, remarketing, indexing, 10665
and administrative agents, other consultants, and independent 10666
contractors, including printing services, as are necessary in the 10667
issuing authority's judgment to carry out this section. The costs 10668
of such services are allowable costs payable from the facilities 10669
establishment fund or the research and development loan fund, 10670
allowable innovation costs payable from the innovation Ohio loan 10671
fund, ~~or~~ allowable costs payable from the logistics and 10672

distribution infrastructure fund, or allowable costs payable prior 10673
to the effective date of this amendment from the advanced energy 10674
research and development fund, or the advanced energy research and 10675
development taxable fund, as applicable. 10676

(C) The holders or owners of such obligations shall have no 10677
right to have moneys raised by taxation obligated or pledged, and 10678
moneys raised by taxation shall not be obligated or pledged, for 10679
the payment of bond service charges. Such holders or owners shall 10680
have no rights to payment of bond service charges from any moneys 10681
accruing to the state from the lease, sale, or other disposition, 10682
or use, of project facilities, or from payment of the principal of 10683
or interest on loans made, or fees charged for guarantees made, or 10684
from any money or property received by the director, treasurer of 10685
state, or the state under Chapter 122. of the Revised Code, or 10686
from any other use of the proceeds of the sale of the obligations, 10687
and no such moneys may be used for the payment of bond service 10688
charges, except for accrued interest, capitalized interest, and 10689
reserves funded from proceeds received upon the sale of the 10690
obligations and except as otherwise expressly provided in the 10691
applicable bond proceedings pursuant to written directions by the 10692
director. The right of such holders and owners to payment of bond 10693
service charges is limited to all or that portion of the pledged 10694
receipts and those special funds pledged thereto pursuant to the 10695
bond proceedings in accordance with this section, and each such 10696
obligation shall bear on its face a statement to that effect. 10697

(D) Obligations shall be authorized by resolution or order of 10698
the issuing authority and the bond proceedings shall provide for 10699
the purpose thereof and the principal amount or amounts, and shall 10700
provide for or authorize the manner or agency for determining the 10701
principal maturity or maturities, not exceeding twenty-five years 10702
from the date of issuance, the interest rate or rates or the 10703
maximum interest rate, the date of the obligations and the dates 10704

of payment of interest thereon, their denomination, and the 10705
establishment within or without the state of a place or places of 10706
payment of bond service charges. Sections 9.98 to 9.983 of the 10707
Revised Code are applicable to obligations issued under this 10708
section, subject to any applicable limitation under section 166.11 10709
of the Revised Code. The purpose of such obligations may be stated 10710
in the bond proceedings in terms describing the general purpose or 10711
purposes to be served. The bond proceedings also shall provide, 10712
subject to the provisions of any other applicable bond 10713
proceedings, for the pledge of all, or such part as the issuing 10714
authority may determine, of the pledged receipts and the 10715
applicable special fund or funds to the payment of bond service 10716
charges, which pledges may be made either prior or subordinate to 10717
other expenses, claims, or payments, and may be made to secure the 10718
obligations on a parity with obligations theretofore or thereafter 10719
issued, if and to the extent provided in the bond proceedings. The 10720
pledged receipts and special funds so pledged and thereafter 10721
received by the state are immediately subject to the lien of such 10722
pledge without any physical delivery thereof or further act, and 10723
the lien of any such pledges is valid and binding against all 10724
parties having claims of any kind against the state or any 10725
governmental agency of the state, irrespective of whether such 10726
parties have notice thereof, and shall create a perfected security 10727
interest for all purposes of Chapter 1309. of the Revised Code, 10728
without the necessity for separation or delivery of funds or for 10729
the filing or recording of the bond proceedings by which such 10730
pledge is created or any certificate, statement or other document 10731
with respect thereto; and the pledge of such pledged receipts and 10732
special funds is effective and the money therefrom and thereof may 10733
be applied to the purposes for which pledged without necessity for 10734
any act of appropriation. Every pledge, and every covenant and 10735
agreement made with respect thereto, made in the bond proceedings 10736
may therein be extended to the benefit of the owners and holders 10737

of obligations authorized by this section, and to any trustee 10738
therefor, for the further security of the payment of the bond 10739
service charges. 10740

(E) The bond proceedings may contain additional provisions as 10741
to: 10742

(1) The redemption of obligations prior to maturity at the 10743
option of the issuing authority at such price or prices and under 10744
such terms and conditions as are provided in the bond proceedings; 10745

(2) Other terms of the obligations; 10746

(3) Limitations on the issuance of additional obligations; 10747

(4) The terms of any trust agreement or indenture securing 10748
the obligations or under which the same may be issued; 10749

(5) The deposit, investment and application of special funds, 10750
and the safeguarding of moneys on hand or on deposit, without 10751
regard to Chapter 131. or 135. of the Revised Code, but subject to 10752
any special provisions of this chapter, with respect to particular 10753
funds or moneys, provided that any bank or trust company which 10754
acts as depository of any moneys in the special funds may furnish 10755
such indemnifying bonds or may pledge such securities as required 10756
by the issuing authority; 10757

(6) Any or every provision of the bond proceedings being 10758
binding upon such officer, board, commission, authority, agency, 10759
department, or other person or body as may from time to time have 10760
the authority under law to take such actions as may be necessary 10761
to perform all or any part of the duty required by such provision; 10762

(7) Any provision that may be made in a trust agreement or 10763
indenture; 10764

(8) Any other or additional agreements with the holders of 10765
the obligations, or the trustee therefor, relating to the 10766
obligations or the security therefor, including the assignment of 10767

mortgages or other security obtained or to be obtained for loans 10768
under section 122.43, 166.07, or 166.16 of the Revised Code. 10769

(F) The obligations may have the great seal of the state or a 10770
facsimile thereof affixed thereto or printed thereon. The 10771
obligations and any coupons pertaining to obligations shall be 10772
signed or bear the facsimile signature of the issuing authority. 10773
Any obligations or coupons may be executed by the person who, on 10774
the date of execution, is the proper issuing authority although on 10775
the date of such bonds or coupons such person was not the issuing 10776
authority. If the issuing authority whose signature or a facsimile 10777
of whose signature appears on any such obligation or coupon ceases 10778
to be the issuing authority before delivery thereof, such 10779
signature or facsimile is nevertheless valid and sufficient for 10780
all purposes as if the former issuing authority had remained the 10781
issuing authority until such delivery; and if the seal to be 10782
affixed to obligations has been changed after a facsimile of the 10783
seal has been imprinted on such obligations, such facsimile seal 10784
shall continue to be sufficient as to such obligations and 10785
obligations issued in substitution or exchange therefor. 10786

(G) All obligations are negotiable instruments and securities 10787
under Chapter 1308. of the Revised Code, subject to the provisions 10788
of the bond proceedings as to registration. The obligations may be 10789
issued in coupon or in registered form, or both, as the issuing 10790
authority determines. Provision may be made for the registration 10791
of any obligations with coupons attached thereto as to principal 10792
alone or as to both principal and interest, their exchange for 10793
obligations so registered, and for the conversion or reconversion 10794
into obligations with coupons attached thereto of any obligations 10795
registered as to both principal and interest, and for reasonable 10796
charges for such registration, exchange, conversion, and 10797
reconversion. 10798

(H) Obligations may be sold at public sale or at private 10799

sale, as determined in the bond proceedings. 10800

Obligations issued to provide moneys for the loan guarantee 10801
fund or the innovation Ohio loan guarantee fund may, as determined 10802
by the issuing authority, be sold at private sale, and without 10803
publication of a notice of sale. 10804

(I) Pending preparation of definitive obligations, the 10805
issuing authority may issue interim receipts or certificates which 10806
shall be exchanged for such definitive obligations. 10807

(J) In the discretion of the issuing authority, obligations 10808
may be secured additionally by a trust agreement or indenture 10809
between the issuing authority and a corporate trustee which may be 10810
any trust company or bank having a place of business within the 10811
state. Any such agreement or indenture may contain the resolution 10812
or order authorizing the issuance of the obligations, any 10813
provisions that may be contained in any bond proceedings, and 10814
other provisions which are customary or appropriate in an 10815
agreement or indenture of such type, including, but not limited 10816
to: 10817

(1) Maintenance of each pledge, trust agreement, indenture, 10818
or other instrument comprising part of the bond proceedings until 10819
the state has fully paid the bond service charges on the 10820
obligations secured thereby, or provision therefor has been made; 10821

(2) In the event of default in any payments required to be 10822
made by the bond proceedings, or any other agreement of the 10823
issuing authority made as a part of the contract under which the 10824
obligations were issued, enforcement of such payments or agreement 10825
by mandamus, the appointment of a receiver, suit in equity, action 10826
at law, or any combination of the foregoing; 10827

(3) The rights and remedies of the holders of obligations and 10828
of the trustee, and provisions for protecting and enforcing them, 10829
including limitations on rights of individual holders of 10830

obligations; 10831

(4) The replacement of any obligations that become mutilated 10832
or are destroyed, lost, or stolen; 10833

(5) Such other provisions as the trustee and the issuing 10834
authority agree upon, including limitations, conditions, or 10835
qualifications relating to any of the foregoing. 10836

(K) Any holders of obligations or trustees under the bond 10837
proceedings, except to the extent that their rights are restricted 10838
by the bond proceedings, may by any suitable form of legal 10839
proceedings, protect and enforce any rights under the laws of this 10840
state or granted by such bond proceedings. Such rights include the 10841
right to compel the performance of all duties of the issuing 10842
authority, the director of development, the Ohio air quality 10843
development authority, or the division of liquor control required 10844
by this chapter or the bond proceedings; to enjoin unlawful 10845
activities; and in the event of default with respect to the 10846
payment of any bond service charges on any obligations or in the 10847
performance of any covenant or agreement on the part of the 10848
issuing authority, the director of development, the Ohio air 10849
quality development authority, or the division of liquor control 10850
in the bond proceedings, to apply to a court having jurisdiction 10851
of the cause to appoint a receiver to receive and administer the 10852
pledged receipts and special funds, other than those in the 10853
custody of the treasurer of state, which are pledged to the 10854
payment of the bond service charges on such obligations or which 10855
are the subject of the covenant or agreement, with full power to 10856
pay, and to provide for payment of bond service charges on, such 10857
obligations, and with such powers, subject to the direction of the 10858
court, as are accorded receivers in general equity cases, 10859
excluding any power to pledge additional revenues or receipts or 10860
other income or moneys of the issuing authority or the state or 10861
governmental agencies of the state to the payment of such 10862

principal and interest and excluding the power to take possession 10863
of, mortgage, or cause the sale or otherwise dispose of any 10864
project facilities. 10865

Each duty of the issuing authority and the issuing 10866
authority's officers and employees, and of each governmental 10867
agency and its officers, members, or employees, undertaken 10868
pursuant to the bond proceedings or any agreement or lease, 10869
lease-purchase agreement, or loan made under authority of this 10870
chapter, and in every agreement by or with the issuing authority, 10871
is hereby established as a duty of the issuing authority, and of 10872
each such officer, member, or employee having authority to perform 10873
such duty, specifically enjoined by the law resulting from an 10874
office, trust, or station within the meaning of section 2731.01 of 10875
the Revised Code. 10876

The person who is at the time the issuing authority, or the 10877
issuing authority's officers or employees, are not liable in their 10878
personal capacities on any obligations issued by the issuing 10879
authority or any agreements of or with the issuing authority. 10880

(L) The issuing authority may authorize and issue obligations 10881
for the refunding, including funding and retirement, and advance 10882
refunding with or without payment or redemption prior to maturity, 10883
of any obligations previously issued by the issuing authority. 10884
Such obligations may be issued in amounts sufficient for payment 10885
of the principal amount of the prior obligations, any redemption 10886
premiums thereon, principal maturities of any such obligations 10887
maturing prior to the redemption of the remaining obligations on a 10888
parity therewith, interest accrued or to accrue to the maturity 10889
dates or dates of redemption of such obligations, and any 10890
allowable costs including expenses incurred or to be incurred in 10891
connection with such issuance and such refunding, funding, and 10892
retirement. Subject to the bond proceedings therefor, the portion 10893
of proceeds of the sale of obligations issued under this division 10894

to be applied to bond service charges on the prior obligations 10895
shall be credited to an appropriate account held by the trustee 10896
for such prior or new obligations or to the appropriate account in 10897
the bond service fund for such obligations. Obligations authorized 10898
under this division shall be deemed to be issued for those 10899
purposes for which such prior obligations were issued and are 10900
subject to the provisions of this section pertaining to other 10901
obligations, except as otherwise provided in this section; 10902
provided that, unless otherwise authorized by the general 10903
assembly, any limitations imposed by the general assembly pursuant 10904
to this section with respect to bond service charges applicable to 10905
the prior obligations shall be applicable to the obligations 10906
issued under this division to refund, fund, advance refund or 10907
retire such prior obligations. 10908

(M) The authority to issue obligations under this section 10909
includes authority to issue obligations in the form of bond 10910
anticipation notes and to renew the same from time to time by the 10911
issuance of new notes. The holders of such notes or interest 10912
coupons pertaining thereto shall have a right to be paid solely 10913
from the pledged receipts and special funds that may be pledged to 10914
the payment of the bonds anticipated, or from the proceeds of such 10915
bonds or renewal notes, or both, as the issuing authority provides 10916
in the resolution or order authorizing such notes. Such notes may 10917
be additionally secured by covenants of the issuing authority to 10918
the effect that the issuing authority and the state will do such 10919
or all things necessary for the issuance of such bonds or renewal 10920
notes in appropriate amount, and apply the proceeds thereof to the 10921
extent necessary, to make full payment of the principal of and 10922
interest on such notes at the time or times contemplated, as 10923
provided in such resolution or order. For such purpose, the 10924
issuing authority may issue bonds or renewal notes in such 10925
principal amount and upon such terms as may be necessary to 10926
provide funds to pay when required the principal of and interest 10927

on such notes, notwithstanding any limitations prescribed by or 10928
for purposes of this section. Subject to this division, all 10929
provisions for and references to obligations in this section are 10930
applicable to notes authorized under this division. 10931

The issuing authority in the bond proceedings authorizing the 10932
issuance of bond anticipation notes shall set forth for such bonds 10933
an estimated interest rate and a schedule of principal payments 10934
for such bonds and the annual maturity dates thereof, and for 10935
purposes of any limitation on bond service charges prescribed 10936
under division (A) of section 166.11 of the Revised Code, the 10937
amount of bond service charges on such bond anticipation notes is 10938
deemed to be the bond service charges for the bonds anticipated 10939
thereby as set forth in the bond proceedings applicable to such 10940
notes, but this provision does not modify any authority in this 10941
section to pledge receipts and special funds to, and covenant to 10942
issue bonds to fund, the payment of principal of and interest and 10943
any premium on such notes. 10944

(N) Obligations issued under this section are lawful 10945
investments for banks, societies for savings, savings and loan 10946
associations, deposit guarantee associations, trust companies, 10947
trustees, fiduciaries, insurance companies, including domestic for 10948
life and domestic not for life, trustees or other officers having 10949
charge of sinking and bond retirement or other special funds of 10950
political subdivisions and taxing districts of this state, the 10951
commissioners of the sinking fund of the state, the administrator 10952
of workers' compensation, the state teachers retirement system, 10953
the public employees retirement system, the school employees 10954
retirement system, and the Ohio police and fire pension fund, 10955
notwithstanding any other provisions of the Revised Code or rules 10956
adopted pursuant thereto by any governmental agency of the state 10957
with respect to investments by them, and are also acceptable as 10958
security for the deposit of public moneys. 10959

(O) Unless otherwise provided in any applicable bond 10960
proceedings, moneys to the credit of or in the special funds 10961
established by or pursuant to this section may be invested by or 10962
on behalf of the issuing authority only in notes, bonds, or other 10963
obligations of the United States, or of any agency or 10964
instrumentality of the United States, obligations guaranteed as to 10965
principal and interest by the United States, obligations of this 10966
state or any political subdivision of this state, and certificates 10967
of deposit of any national bank located in this state and any 10968
bank, as defined in section 1101.01 of the Revised Code, subject 10969
to inspection by the superintendent of banks. If the law or the 10970
instrument creating a trust pursuant to division (J) of this 10971
section expressly permits investment in direct obligations of the 10972
United States or an agency of the United States, unless expressly 10973
prohibited by the instrument, such moneys also may be invested in 10974
no-front-end-load money market mutual funds consisting exclusively 10975
of obligations of the United States or an agency of the United 10976
States and in repurchase agreements, including those issued by the 10977
fiduciary itself, secured by obligations of the United States or 10978
an agency of the United States; and in common trust funds 10979
established in accordance with section 1111.20 of the Revised Code 10980
and consisting exclusively of any such securities, notwithstanding 10981
division (A)(4) of that section. The income from such investments 10982
shall be credited to such funds as the issuing authority 10983
determines, and such investments may be sold at such times as the 10984
issuing authority determines or authorizes. 10985

(P) Provision may be made in the applicable bond proceedings 10986
for the establishment of separate accounts in the bond service 10987
fund and for the application of such accounts only to the 10988
specified bond service charges on obligations pertinent to such 10989
accounts and bond service fund and for other accounts therein 10990
within the general purposes of such fund. Unless otherwise 10991
provided in any applicable bond proceedings, moneys to the credit 10992

of or in the several special funds established pursuant to this 10993
section shall be disbursed on the order of the treasurer of state, 10994
provided that no such order is required for the payment from the 10995
bond service fund when due of bond service charges on obligations. 10996

(Q) The issuing authority may pledge all, or such portion as 10997
the issuing authority determines, of the pledged receipts to the 10998
payment of bond service charges on obligations issued under this 10999
section, and for the establishment and maintenance of any 11000
reserves, as provided in the bond proceedings, and make other 11001
provisions therein with respect to pledged receipts as authorized 11002
by this chapter, which provisions are controlling notwithstanding 11003
any other provisions of law pertaining thereto. 11004

(R) The issuing authority may covenant in the bond 11005
proceedings, and any such covenants are controlling 11006
notwithstanding any other provision of law, that the state and 11007
applicable officers and governmental agencies of the state, 11008
including the general assembly, so long as any obligations are 11009
outstanding, shall: 11010

(1) Maintain statutory authority for and cause to be charged 11011
and collected wholesale and retail prices for spirituous liquor 11012
sold by the state or its agents so that the pledged receipts are 11013
sufficient in amount to meet bond service charges, and the 11014
establishment and maintenance of any reserves and other 11015
requirements provided for in the bond proceedings, and, as 11016
necessary, to meet covenants contained in contracts of guarantee 11017
made under section 166.06 of the Revised Code; 11018

(2) Take or permit no action, by statute or otherwise, that 11019
would impair the exemption from federal income taxation of the 11020
interest on the obligations. 11021

(S) There is hereby created the economic development bond 11022
service fund, which shall be in the custody of the treasurer of 11023

state but shall be separate and apart from and not a part of the 11024
state treasury. All moneys received by or on account of the 11025
issuing authority or state agencies and required by the applicable 11026
bond proceedings, consistent with this section, to be deposited, 11027
transferred, or credited to a bond service fund or the economic 11028
development bond service fund, and all other moneys transferred or 11029
allocated to or received for the purposes of the fund, shall be 11030
deposited and credited to such fund and to any separate accounts 11031
therein, subject to applicable provisions of the bond proceedings, 11032
but without necessity for any act of appropriation. During the 11033
period beginning with the date of the first issuance of 11034
obligations and continuing during such time as any such 11035
obligations are outstanding, and so long as moneys in the 11036
pertinent bond service funds are insufficient to pay all bond 11037
services charges on such obligations becoming due in each year, a 11038
sufficient amount of the gross profit on the sale of spirituous 11039
liquor included in pledged receipts are committed and shall be 11040
paid to the bond service fund or economic development bond service 11041
fund in each year for the purpose of paying the bond service 11042
charges becoming due in that year without necessity for further 11043
act of appropriation for such purpose and notwithstanding anything 11044
to the contrary in Chapter 4301. of the Revised Code. The economic 11045
development bond service fund is a trust fund and is hereby 11046
pledged to the payment of bond service charges to the extent 11047
provided in the applicable bond proceedings, and payment thereof 11048
from such fund shall be made or provided for by the treasurer of 11049
state in accordance with such bond proceedings without necessity 11050
for any act of appropriation. 11051

(T) The obligations, the transfer thereof, and the income 11052
therefrom, including any profit made on the sale thereof, shall at 11053
all times be free from taxation within the state. 11054

Sec. 166.11. (A) The aggregate amount of debt service payable 11055

in any calendar year on project financing obligations issued under 11056
section 166.08 of the Revised Code, exclusive of make-whole call 11057
redemptions or other optional prepayments, shall not exceed fifty 11058
million dollars. The aggregate principal amount of obligations, 11059
exclusive of project financing obligations, that may be issued 11060
under section 166.08 of the Revised Code is six hundred thirty 11061
million dollars, plus the principal amount of any such obligations 11062
retired by payment, the amounts held or obligations pledged for 11063
the payment of the principal amount of any such obligations 11064
outstanding, amounts in special funds held as reserves to meet 11065
bond service charges, and amounts of obligations issued to provide 11066
moneys required to meet payments from the loan guarantee fund 11067
created in section 166.06 of the Revised Code and the innovation 11068
Ohio loan guarantee fund created in section 166.15 of the Revised 11069
Code. Of that six hundred thirty million dollars, not more than 11070
eighty-four million principal amount of obligations may be issued 11071
for eligible advanced energy projects and not more than one 11072
hundred million principal amount of obligations may be issued for 11073
eligible logistics and distribution projects. No portion of the 11074
eighty-four million principal amount for eligible advanced energy 11075
projects may be issued after the effective date of this amendment. 11076
The terms of the obligations issued under section 166.08 of the 11077
Revised Code, other than obligations issued to meet guarantees 11078
that cannot be satisfied from amounts then held in the loan 11079
guarantee fund or the innovation Ohio loan guarantee fund, shall 11080
be such that the aggregate amount of moneys used from profit from 11081
the sale of spirituous liquor, and not from other sources, in any 11082
fiscal year shall not exceed sixty-three million dollars. For 11083
purposes of the preceding sentence, "other sources" include the 11084
annual investment income on special funds to the extent it will be 11085
available for payment of any bond service charges in lieu of use 11086
of profit from the sale of spirituous liquor, and shall be 11087
estimated on the basis of the expected funding of those special 11088

funds and assumed investment earnings thereon at a rate equal to 11089
the weighted average yield on investments of those special funds 11090
determined as of any date within sixty days immediately preceding 11091
the date of issuance of the bonds in respect of which the 11092
determination is being made. Amounts received in any fiscal year 11093
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 11094
shall not be included when determining the sixty-three million 11095
dollar limit. The determinations required by this division shall 11096
be made by the treasurer of state at the time of issuance of an 11097
issue of obligations and shall be conclusive for purposes of such 11098
issue of obligations from and after their issuance and delivery. 11099

(B) The aggregate amount of the guaranteed portion of the 11100
unpaid principal of loans guaranteed under sections 166.06 and 11101
166.15 of the Revised Code and the unpaid principal of loans made 11102
under sections 166.07, 166.16, and 166.21 of the Revised Code may 11103
not at any time exceed eight hundred million dollars. Of that 11104
eight hundred million dollars, the aggregate amount of the 11105
guaranteed portion of the unpaid principal of loans guaranteed 11106
under sections 166.06 and 166.15 of the Revised Code shall not at 11107
any time exceed two hundred million dollars. However, the 11108
limitations established under this division do not apply to loans 11109
made with proceeds from the issuance and sale of project financing 11110
obligations. 11111

Sec. 166.50. "Microbusiness" means an independently owned and 11112
operated for-profit business entity, including any affiliates, 11113
that has fewer than twenty full-time employees or full-time 11114
equivalent employees and is located in this state. 11115

For purposes of this section: 11116

(A) "Full-time employee" means an employee who, with respect 11117
to a calendar month, is employed an average of at least thirty 11118
hours of service per week. 11119

(B) The number of full-time equivalent employees for a 11120
calendar month is determined by calculating the aggregate number 11121
of hours of service for that calendar month for employees who were 11122
not full-time employees and dividing that number by one hundred 11123
twenty. 11124

Sec. 167.03. (A) The council shall have the power to: 11125

(1) Study such area governmental problems common to two or 11126
more members of the council as it deems appropriate, including but 11127
not limited to matters affecting health, safety, welfare, 11128
education, economic conditions, and regional development; 11129

(2) Promote cooperative arrangements and coordinate action 11130
among its members, and between its members and other agencies of 11131
local or state governments, whether or not within Ohio, and the 11132
federal government; 11133

(3) Make recommendations for review and action to the members 11134
and other public agencies that perform functions within the 11135
region; 11136

(4) Promote cooperative agreements and contracts among its 11137
members or other governmental agencies and private persons, 11138
corporations, or agencies; 11139

(5) Operate a public safety answering point in accordance 11140
with Chapter 128. of the Revised Code; 11141

(6) Perform planning directly by personnel of the council, or 11142
under contracts between the council and other public or private 11143
planning agencies. 11144

(B) The council may: 11145

(1) Review, evaluate, comment upon, and make recommendations, 11146
relative to the planning and programming, and the location, 11147
financing, and scheduling of public facility projects within the 11148
region and affecting the development of the area; 11149

(2) Act as an areawide agency to perform comprehensive 11150
planning for the programming, locating, financing, and scheduling 11151
of public facility projects within the region and affecting the 11152
development of the area and for other proposed land development or 11153
uses, which projects or uses have public metropolitan wide or 11154
interjurisdictional significance; 11155

(3) Act as an agency for coordinating, based on metropolitan 11156
wide comprehensive planning and programming, local public 11157
policies, and activities affecting the development of the region 11158
or area. 11159

(C) The council may, by appropriate action of the governing 11160
bodies of the members, perform such other functions and duties as 11161
are performed or capable of performance by the members and 11162
necessary or desirable for dealing with problems of mutual 11163
concern. 11164

(D) The authority granted to the council by this section or 11165
in any agreement by the members thereof shall not displace any 11166
existing municipal, county, regional, or other planning commission 11167
or planning agency in the exercise of its statutory powers. 11168

(E) A council, with an educational service center as its 11169
fiscal agent, that is established to provide health care benefits 11170
to the council members' officers and employees and their 11171
dependents may contract to administer and coordinate a self-funded 11172
health benefit program of a nonprofit corporation organized under 11173
Chapter 1702. of the Revised Code. 11174

Sec. 173.01. The department of aging shall: 11175

(A) Be the designated state agency to administer programs of 11176
the federal government relating to the aged, requiring action 11177
within the state, that are not the specific responsibility of 11178
another state agency under federal or state statutes. The 11179

department shall be the sole state agency to administer funds 11180
granted by the federal government under the "Older Americans Act 11181
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 11182
shall not supplant or take over for the counties or municipal 11183
corporations or from other state agencies or facilities any of the 11184
specific responsibilities borne by them on November 23, 1973. The 11185
department shall cooperate with such federal and state agencies, 11186
counties, and municipal corporations and private agencies or 11187
facilities within the state in furtherance of the purposes as set 11188
forth in this chapter. 11189

(B) Administer state funds appropriated for its use for 11190
administration and for grants and may use appropriated state funds 11191
as state match for federal grants. All federal funds received 11192
shall be reported to the director of budget and management. 11193

(C) Review all proposed plans, programs, and rules primarily 11194
affecting persons sixty years of age or older, and shall be sent a 11195
copy of all proposed and final rules, as well as proposals for 11196
plans and programs that primarily affect persons sixty years of 11197
age or older and notices of all hearings on such rules, plans, and 11198
programs. Any state agency proposing a plan, program, or rule that 11199
primarily affects persons sixty years of age or older shall submit 11200
a copy of such proposal to the department for its written 11201
comments. No such proposed plan, program, or rule shall take 11202
effect until the department's comments have been requested. The 11203
department shall review the proposal and submit a written comment 11204
on such proposal to the agency making the proposal, within thirty 11205
days from the date the department receives the proposal. If the 11206
department does not agree that the proposed plan, program, or rule 11207
shall take effect as proposed, the department shall set forth in 11208
writing its reasons and its suggestions for changes in the 11209
proposed plan, program, or rule. If the agency making the proposal 11210
does not choose to comply with the suggestions of the department, 11211

the agency making the proposal shall send the department, no later than thirty days before the proposal becomes final, written notice of its intention not to comply with such suggestions and its reason for such noncompliance.

This section does not apply to plans or revisions adopted under section 5101.46 of the Revised Code.

(D) Plan, initiate, coordinate, and evaluate statewide programs, services, and activities for elderly people;

(E) Disseminate information concerning the problems of elderly people and establish and maintain a central clearinghouse of information on public programs at all levels of government that would be of interest or benefit to the elderly;

(F) Report annually to the governor and the general assembly on the department's programs;

(G) Have authority to contract with public or private groups to perform services for the department;

~~(H) Conduct investigations under section 3721.17 of the Revised Code;~~

~~(I) Hire investigators to conduct investigations of alleged violations of sections 3721.10 to 3721.17 of the Revised Code pursuant to section 3721.17 of the Revised Code;~~

~~(J) Adopt rules under Chapter 119. of the Revised Code to govern investigations conducted under section 3721.17 of the Revised Code;~~

~~(K)~~ Adopt rules pursuant to in accordance with Chapter 119. of the Revised Code to govern the operation of services and facilities for the elderly that are provided, operated, contracted for, or supported by the department, and determine that those services and facilities are operated in conformity with the rules;

~~(L)~~(I) Determine the needs of the elderly and represent their

interests at all levels of government; 11242

~~(M)~~(J) Establish and operate a state long-term care ombudsman 11243
program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of 11244
the "Older Americans Act of 1965," ~~as amended by the~~ 11245
~~"Comprehensive Older Americans Act Amendments of 1978," 92 Stat.~~ 11246
~~1524, 42 U.S.C.A. 3027, and amendments thereto~~ 42 U.S.C. 3027 and 11247
3058. 11248

Sec. 173.14. As used in sections 173.14 to ~~173.27~~ 173.28 of 11249
the Revised Code: 11250

(A)(1) Except as otherwise provided in division (A)(2) of 11251
this section, "long-term care facility" includes any residential 11252
facility that provides personal care services for more than 11253
twenty-four hours for one or more unrelated adults, including all 11254
of the following: 11255

(a) A "nursing home," "residential care facility," or "home 11256
for the aging," as those terms are defined in section 3721.01 of 11257
the Revised Code; 11258

(b) A facility authorized to provide extended care services 11259
under Title XVIII of the "Social Security Act," 49 Stat. 620 11260
(1935), 42 U.S.C. 301, as amended, including a long-term acute 11261
care hospital that provides medical and rehabilitative care to 11262
patients who require an average length of stay greater than 11263
twenty-five days and is classified by the centers for medicare and 11264
medicaid services as a long-term care hospital pursuant to 42 11265
C.F.R. 412.23(e); 11266

(c) A county home or district home operated pursuant to 11267
Chapter 5155. of the Revised Code; 11268

(d) A residential facility licensed under section 5119.34 of 11269
the Revised Code that provides accommodations, supervision, and 11270
personal care services for three to sixteen unrelated adults or 11271

accommodations and personal care services for only one or two 11272
adults who are receiving payments under the residential state 11273
supplement program established under section 5119.41 of the 11274
Revised Code; 11275

(e) A facility approved by the veterans administration under 11276
section 104(a) of the "Veterans Health Care Amendments of 1983," 11277
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 11278
the placement and care of veterans. 11279

(2) "Long-term care facility" does not include a residential 11280
facility licensed under section 5123.19 of the Revised Code. 11281

(B) "Resident" means a resident of a long-term care facility 11282
and, where appropriate, includes a prospective, previous, or 11283
deceased resident of a long-term care facility. 11284

(C) "Community-based long-term care services" means health 11285
and social services provided to persons in their own homes or in 11286
community care settings, and includes any of the following: 11287

(1) Case management; 11288

(2) Home health care; 11289

(3) Homemaker services; 11290

(4) Chore services; 11291

(5) Respite care; 11292

(6) Adult day care; 11293

(7) Home-delivered meals; 11294

(8) Personal care; 11295

(9) Physical, occupational, and speech therapy; 11296

(10) Transportation; 11297

(11) Any other health and social services provided to persons 11298
that allow them to retain their independence in their own homes or 11299

in community care settings. 11300

(D) "Recipient" means a recipient of community-based 11301
long-term care services and, where appropriate, includes a 11302
prospective, previous, or deceased recipient of community-based 11303
long-term care services. 11304

(E) "Sponsor" means an adult relative, friend, or guardian 11305
who has an interest in or responsibility for the welfare of a 11306
resident or a recipient. 11307

(F) "Personal care services" has the same meaning as in 11308
section 3721.01 of the Revised Code. 11309

(G) "Regional long-term care ombudsman program" means an 11310
entity, either public or private and nonprofit, designated as a 11311
regional long-term care ombudsman program by the state long-term 11312
care ombudsman. 11313

(H) "Representative of the office of the state long-term care 11314
ombudsman program" means the state long-term care ombudsman or a 11315
member of the ombudsman's staff, or a person certified as a 11316
representative of the office under section 173.21 of the Revised 11317
Code. 11318

(I) "Area agency on aging" means an area agency on aging 11319
established under the "Older Americans Act of 1965," 79 Stat. 219, 11320
42 U.S.C.A. 3001, as amended. 11321

(J) "Long-term care provider" means a long-term care facility 11322
or a provider of community-based long-term care services. 11323

(K) "Advocacy visit" means a visit by a representative of the 11324
office of the state long-term care ombudsman program to a 11325
long-term care provider, a resident, or a recipient when the 11326
purpose of the visit is one or more of the following: 11327

(1) To establish a regular presence that creates awareness of 11328
the availability of the office of the long-term care ombudsman 11329

program; 11330

(2) To increase awareness of the services the office 11331

provides; 11332

(3) To address any other matter not related to the 11333

representative's investigation of a specific complaint. 11334

An advocacy visit may unexpectedly involve addressing 11335

uncomplicated complaints or lead to an investigation of a 11336

complaint when needed. 11337

Sec. 173.15. The state long-term care ombudsman program 11338

established by the department of aging pursuant to division ~~(M)~~(J) 11339

of section 173.01 of the Revised Code shall be known as "the 11340

office of the state long-term care ombudsman program." It shall 11341

consist of the state long-term care ombudsman ~~and his,~~ the 11342

ombudsman's staff, and regional long-term care ombudsman programs. 11343

In establishing and operating the office, the department shall 11344

consider the views of area agencies on aging, individuals age 11345

sixty or older, and agencies and other entities that provide 11346

services to individuals age sixty and older. 11347

The department of aging shall appoint the state ombudsman, 11348

who shall serve at the pleasure of the department. The department 11349

shall appoint as state ombudsman an individual who has no conflict 11350

of interest with the position and is capable of administering the 11351

office impartially, has an understanding of long-term care issues, 11352

and has experience related to the concerns of residents and 11353

recipients, such as experience in the fields of aging, health 11354

care, and long-term care; work with community programs and health 11355

care providers; and work with and involvement in volunteer 11356

programs. No individual or entity whose interests are in conflict 11357

with the responsibilities of the state ombudsman shall be involved 11358

in ~~his~~ the ombudsman's appointment. 11359

The department shall ensure that no employee or 11360
representative of the office and no individual involved in the 11361
designation of the head of any regional long-term care ombudsman 11362
program has any interest that is, or may be, in conflict with the 11363
interests and concerns of the office and shall ensure that 11364
mechanisms are in place to remedy any conflicts. 11365

For purposes of this section, conflicts of interest may 11366
include, but are not limited to, employment by a long-term care 11367
~~facility or a provider of community based long term care services~~ 11368
within two years prior to being employed by or associated with the 11369
office of the state long-term care ombudsman program, affiliation 11370
with or financial interest in a long-term care ~~facility or a~~ 11371
~~provider of community based long term care services,~~ and 11372
affiliation with or financial interest in a membership 11373
organization of long-term care providers. 11374

Sec. 173.17. (A) The state long-term care ombudsman shall do 11375
all of the following: 11376

(1) Appoint a staff and direct and administer the work of the 11377
staff; 11378

~~(2) Supervise the nursing home investigative unit established~~ 11379
~~under division (I) of section 173.01 of the Revised Code;~~ 11380

~~(3)~~ Oversee the performance and operation of the office of 11381
the state long-term care ombudsman program, including the 11382
operation of regional long-term care ombudsman programs; 11383

~~(4)~~(3) Establish and maintain a statewide uniform reporting 11384
system to collect and analyze information relating to complaints 11385
and conditions in long-term care facilities and complaints 11386
regarding the provision of community-based long-term care services 11387
for the purpose of identifying and resolving significant problems; 11388

~~(5)~~(4) Provide for public forums to discuss concerns and 11389

problems relating to action, inaction, or decisions that may 11390
adversely affect the health, safety, welfare, or rights of 11391
residents ~~and~~, recipients of ~~services by providers of long-term~~ 11392
~~care~~ and their representatives with respect to services by 11393
long-term care providers, public agencies and entities, and social 11394
service agencies. This may include any of the following: 11395
conducting public hearings; sponsoring workshops and conferences; 11396
holding meetings for the purpose of obtaining information about 11397
residents and recipients, discussing and publicizing their needs, 11398
and advocating solutions to their problems; and promoting the 11399
development of citizen organizations. 11400

~~(6)~~(5) Encourage, cooperate with, and assist in the 11401
development and operation of services to provide current, 11402
objective, and verified information about long-term care; 11403

~~(7)~~(6) Develop and implement, with the assistance of regional 11404
programs, a continuing program to publicize, through the media and 11405
civic organizations, the office, its purposes, and its methods of 11406
operation; 11407

~~(8)~~(7) Maintain written descriptions of the duties and 11408
qualifications of representatives of the office; 11409

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11410
long-term care by doing all of the following: 11411

(a) Preparing an annual report containing information and 11412
findings regarding the types of problems experienced by residents 11413
and recipients and the complaints made by or on behalf of 11414
residents and recipients. The report shall include recommendations 11415
for policy, regulatory, and legislative changes to solve problems, 11416
resolve complaints, and improve the quality of care and life for 11417
residents and recipients ~~and~~. The report shall be submitted to the 11418
governor, the speaker of the house of representatives, the 11419
president of the senate, the ~~directors~~ director of health ~~and~~, the 11420

medicaid director, the director of job and family services, the 11421
director of mental health and addiction services, and the 11422
~~commissioner of the administration on~~ assistant secretary for 11423
aging of the United States department of health and human 11424
services. 11425

(b) Monitoring and analyzing the development and 11426
implementation of federal, state, and local laws, rules, and 11427
policies regarding long-term care services in this state and 11428
recommending to officials changes the office considers appropriate 11429
in ~~these~~ those laws, rules, and policies; 11430

(c) Providing information and making recommendations to 11431
public agencies, members of the general assembly, and others 11432
regarding problems and concerns of residents and recipients. 11433

~~(10)~~(9) Conduct training for employees and volunteers on the 11434
ombudsman's staff and for representatives of the office employed 11435
by regional programs; 11436

~~(11)~~(10) Monitor the training of representatives of the 11437
office who provide volunteer services to regional programs, and 11438
provide technical assistance to the regional programs in 11439
conducting the training; 11440

~~(12)~~(11) Issue certificates attesting to the successful 11441
completion of training and specifying the level of responsibility 11442
for which a representative of the office who has completed 11443
training is qualified; 11444

~~(13)~~(12) Register as a residents' rights advocate with the 11445
department of health under division (B) of section 3701.07 of the 11446
Revised Code; 11447

(13) Conduct advocacy visits and authorize other 11448
representatives of the office of the state long-term care 11449
ombudsman program to conduct advocacy visits; 11450

(14) Perform other duties specified by the department of 11451
aging. 11452

(B) The state ombudsman may delegate to any member of the 11453
ombudsman's staff any of the ombudsman's authority or duties ~~under~~ 11454
set forth in sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11455
~~to any member of the ombudsman's staff other than any authority or~~ 11456
duty required by federal law to be exercised or performed by the 11457
ombudsman. The state ombudsman is responsible for any authority or 11458
duties the ombudsman delegates. 11459

Sec. 173.19. (A) The office of the state long-term care 11460
ombudsman program, through the state long-term care ombudsman and 11461
the regional long-term care ombudsman programs, shall receive, 11462
investigate, and attempt to resolve complaints made by residents, 11463
recipients, sponsors, ~~providers of~~ long-term care providers, or 11464
any person acting on behalf of a resident or recipient, relating 11465
to either of the following: 11466

(1) The health, safety, welfare, or civil rights of a 11467
resident or recipient or any violation of a resident's rights 11468
described in sections 3721.10 to 3721.17 of the Revised Code; 11469

(2) Any action or inaction or decision by ~~a provider of~~ 11470
~~long-term care or representative of a provider, a governmental~~ 11471
~~entity, or a private social service agency~~ any of the following 11472
that may adversely affect the health, safety, welfare, or rights 11473
of a resident or recipient: a long-term care provider or a 11474
representative of a long-term care provider; a medicaid managed 11475
care organization, as defined in section 5167.01 of the Revised 11476
Code; a government entity; or a private social service agency. 11477

(B) The department of aging shall adopt rules in accordance 11478
with Chapter 119. of the Revised Code regarding the handling of 11479
complaints received under this section, including procedures for 11480
conducting investigations of complaints. The rules shall include 11481

procedures to ensure that no representative of the office 11482
investigates any complaint involving a ~~provider~~ of long-term care 11483
provider with which the representative was once employed or 11484
associated. 11485

The state ombudsman and regional programs shall establish 11486
procedures for handling complaints consistent with the 11487
department's rules. Complaints shall be dealt with in accordance 11488
with the procedures established under this division. 11489

(C) The office of the state long-term care ombudsman program 11490
may decline to investigate any complaint if it determines any of 11491
the following: 11492

(1) That the complaint is frivolous, vexatious, or not made 11493
in good faith; 11494

(2) That the complaint was made so long after the occurrence 11495
of the incident on which it is based that it is no longer 11496
reasonable to conduct an investigation; 11497

(3) That an adequate investigation cannot be conducted 11498
because of insufficient funds, insufficient staff, lack of staff 11499
expertise, or any other reasonable factor that would result in an 11500
inadequate investigation despite a good faith effort; 11501

(4) That an investigation by the office would create a real 11502
or apparent conflict of interest. 11503

(D) If a regional long-term care ombudsman program declines 11504
to investigate a complaint, it shall refer the complaint to the 11505
state long-term care ombudsman. 11506

(E) Each complaint to be investigated by a regional program 11507
shall be assigned to a representative of the office of the state 11508
long-term care ombudsman program. If the representative determines 11509
that the complaint is valid, the representative shall assist the 11510
parties in attempting to resolve it. If the representative is 11511

unable to resolve it, the representative shall refer the complaint 11512
to the state ombudsman. 11513

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11514
173.28 of the Revised Code, a representative has the right to 11515
private communication with residents and their sponsors and access 11516
to long-term care facilities, including the right to tour resident 11517
areas unescorted and the right to tour facilities unescorted as 11518
reasonably necessary to the investigation of a complaint. Access 11519
to facilities shall be during reasonable hours or, during 11520
investigation of a complaint, at other times appropriate to the 11521
complaint. 11522

When community-based long-term care services are provided at 11523
a location other than the recipient's home, a representative has 11524
the right to private communication with the recipient and the 11525
recipient's sponsors and access to the community-based long-term 11526
care site, including the right to tour the site unescorted. Access 11527
to the site shall be during reasonable hours or, during the 11528
investigation of a complaint, at other times appropriate to the 11529
complaint. 11530

(F) The state ombudsman shall determine whether complaints 11531
referred to the ombudsman under division (D) or (E) of this 11532
section warrant investigation. The ombudsman's determination in 11533
this matter is final. 11534

(G) No long-term care provider or other entity, no person 11535
employed by a long-term care provider or other entity, and no 11536
other individual shall do either of the following: 11537

(1) Knowingly deny a representative of the office of the 11538
state long-term care ombudsman program the right to private 11539
communication or access described in division (E) of this section; 11540

(2) Engage in willful interference. 11541

As used in division (G)(2) of this section, "willful 11542

interference" means any action or inaction that is intended to 11543
prevent, interfere with, or impede a representative of the office 11544
of the state long-term care ombudsman program from exercising any 11545
of the rights or performing any of the duties of an ombudsman set 11546
forth in sections 173.14 to 173.28 of the Revised Code. 11547

Sec. 173.20. (A) If consent is given and unless otherwise 11548
prohibited by law, a representative of the office of the state 11549
long-term care ombudsman program shall have access to any records, 11550
including medical records, of a resident or a recipient that are 11551
reasonably necessary for investigation of a complaint. Consent may 11552
be given in any of the following ways: 11553

(1) In writing by the resident or recipient; 11554

(2) Orally by the resident or recipient, witnessed in writing 11555
at the time it is given by one other person, ~~and, if the records~~ 11556
~~involved are being maintained by a long term care provider, also~~ 11557
~~by an employee of the long term care provider designated under~~ 11558
~~division (E)(1) of this section;~~ 11559

(3) In writing by the guardian of the resident or recipient; 11560

(4) In writing by the attorney in fact of the resident or 11561
recipient, if the resident or recipient has authorized the 11562
attorney in fact to give such consent; 11563

(5) In writing by the executor or administrator of the estate 11564
of a deceased resident or recipient. 11565

(B) If consent to access to records is not refused by a 11566
resident or recipient or the resident's or recipient's legal 11567
representative but cannot be obtained and any of the following 11568
circumstances exist, a representative of the office of the state 11569
long-term care ombudsman program, on approval of the state 11570
long-term care ombudsman, may inspect the records of a resident or 11571
a recipient, including medical records, that are reasonably 11572

necessary for investigation of a complaint: 11573

(1) The resident or recipient is unable to express written or 11574
oral consent and there is no guardian or attorney in fact; 11575

(2) There is a guardian or attorney in fact, but the guardian 11576
or attorney in fact cannot be contacted within three working days; 11577

(3) There is a guardianship or durable power of attorney, but 11578
its existence is unknown by the long-term care provider and the 11579
representative of the office at the time of the investigation; 11580

(4) There is no executor or administrator of the estate of a 11581
deceased resident or recipient. 11582

(C) If a representative of the office of the state long-term 11583
care ombudsman program has been refused access to records by a 11584
guardian or attorney in fact, but has reasonable cause to believe 11585
that the guardian or attorney in fact is not acting in the best 11586
interests of the resident or recipient, the representative may, on 11587
approval of the state long-term care ombudsman, inspect the 11588
records of the resident or recipient, including medical records, 11589
that are reasonably necessary for investigation of a complaint. 11590

(D) A representative of the office of the state long-term 11591
care ombudsman program shall have access to any records of a 11592
long-term care provider reasonably necessary to an investigation 11593
conducted under this section, including but not limited to: 11594
incident reports, dietary records, policies and procedures of a 11595
facility required to be maintained under section 5165.06 of the 11596
Revised Code, admission agreements, staffing schedules, any 11597
document depicting the actual staffing pattern of the provider, 11598
any financial records that are matters of public record, resident 11599
council and grievance committee minutes, and any waiting list 11600
maintained by a facility in accordance with section 5165.08 of the 11601
Revised Code, or any similar records or lists maintained by a 11602
provider of community-based long-term care services. Pursuant to 11603

division (E)~~(2)~~ of this section, a representative shall be 11604
permitted to make or obtain copies of any of these records after 11605
giving the long-term care provider twenty-four hours' notice. A 11606
long-term care provider may impose a charge for providing copies 11607
of records under this division that does not exceed the actual and 11608
necessary expense of making the copies. 11609

~~The state ombudsman shall take whatever action is necessary 11610
to ensure that any copy of a record made or obtained under this 11611
division is returned to the long term care provider no later than 11612
three years after the date the investigation for which the copy 11613
was made or obtained is completed. 11614~~

~~(E)~~(1)~~ Each long term care provider shall designate one or 11615
more of its employees to be responsible for witnessing the giving 11616
of oral consent under division (A) of this section. In the event 11617
that a designated employee is not available when a resident or 11618
recipient attempts to give oral consent, the provider shall 11619
designate another employee to witness the consent. 11620~~

~~(2)~~ Each long-term care provider shall designate one or more 11621
of its employees to be responsible for releasing records for 11622
copying to representatives of the office of the state long-term 11623
care ombudsman program who request permission to make or obtain 11624
copies of records specified in division (D) of this section. In 11625
the event that a designated employee is not available when a 11626
representative of the office makes the request, the long-term care 11627
provider shall designate another employee to release the records 11628
for copying. 11629

(F) A long-term care provider or any employee of such a 11630
provider is immune from civil or criminal liability or action 11631
taken pursuant to a professional disciplinary procedure for the 11632
release or disclosure of records to a representative of the office 11633
pursuant to this section. 11634

(G) A state or local government agency or entity with records 11635
relevant to a complaint or investigation being conducted by a 11636
representative of the office shall provide the representative 11637
access to the records. 11638

(H) The state ombudsman, with the approval of the director of 11639
aging, may issue a subpoena to compel any person the ombudsman 11640
reasonably believes may be able to provide information to appear 11641
before the ombudsman or the ombudsman's designee and give sworn 11642
testimony and to produce documents, books, records, papers, or 11643
other evidence the state ombudsman believes is relevant to the 11644
investigation. On the refusal of a witness to be sworn or to 11645
answer any question put to the witness, or if a person disobeys a 11646
subpoena, the ombudsman shall apply to the Franklin county court 11647
of common pleas for a contempt order, as in the case of 11648
disobedience of the requirements of a subpoena issued from the 11649
court, or a refusal to testify in the court. 11650

(I) The state ombudsman may petition the court of common 11651
pleas in the county in which a long-term care facility is located 11652
to issue an injunction against any long-term care facility in 11653
violation of sections 3721.10 to 3721.17 of the Revised Code. 11654

(J) ~~Any~~ To the extent permitted by federal law, a 11655
representative of the office may report to an appropriate 11656
authority any suspected violation of ~~Chapter 3721. of the Revised~~ 11657
~~Code~~ state law discovered during the course of an advocacy visit 11658
or investigation ~~may be reported to the department of health. Any~~ 11659
~~suspected criminal violation discovered during the course of an~~ 11660
~~investigation shall be reported to the attorney general or other~~ 11661
~~appropriate law enforcement authorities.~~ 11662

(K) The department of aging shall adopt rules in accordance 11663
with Chapter 119. of the Revised Code for referral by the state 11664
ombudsman and regional long-term care ombudsman programs of 11665
complaints to other public agencies or entities. A public agency 11666

or entity to which a complaint is referred shall keep the state 11667
ombudsman or regional program handling the complaint advised and 11668
notified in writing in a timely manner of the disposition of the 11669
complaint to the extent permitted by law. 11670

Sec. 173.21. (A) The office of the state long-term care 11671
ombudsman program, through the state long-term care ombudsman and 11672
the regional long-term care ombudsman programs, shall require each 11673
representative of the office to complete a training and 11674
certification program in accordance with this section and to meet 11675
the continuing education requirements established under this 11676
section. 11677

(B) The department of aging shall adopt rules ~~under~~ in 11678
accordance with Chapter 119. of the Revised Code specifying the 11679
content of training programs for representatives of the office of 11680
the state long-term care ombudsman program. Training for 11681
representatives other than those who are volunteers providing 11682
services through regional long-term care ombudsman programs shall 11683
include instruction regarding federal, state, and local laws, 11684
rules, and policies on long-term care facilities and 11685
community-based long-term care services; investigative techniques; 11686
and other topics considered relevant by the department and shall 11687
consist of the following: 11688

(1) A minimum of forty clock hours of basic instruction, 11689
which shall be completed before the trainee is permitted to handle 11690
complaints without the supervision of a representative of the 11691
office certified under this section; 11692

(2) An additional sixty clock hours of instruction, which 11693
shall be completed within the first fifteen months of employment; 11694

(3) An internship of twenty clock hours, which shall be 11695
completed within the first twenty-four months of employment, 11696
including instruction in, and observation of, basic nursing care 11697

and long-term care provider operations and procedures. The 11698
internship shall be performed at a site that has been approved as 11699
an internship site by the state long-term care ombudsman. 11700

(4) One of the following, which shall be completed within the 11701
first twenty-four months of employment: 11702

(a) Observation of a survey conducted by the director of 11703
health to certify a nursing facility to participate in the 11704
medicaid program; 11705

(b) Observation of an inspection conducted by the director of 11706
mental health and addiction services to license a residential 11707
facility under section 5119.34 of the Revised Code that provides 11708
accommodations, supervision, and personal care services for three 11709
to sixteen unrelated adults. 11710

(5) Any other training considered appropriate by the 11711
department. 11712

(C) Any person who for a period of at least six months prior 11713
to June 11, 1990, served as an ombudsman through the long-term 11714
care ombudsman program established by the department of aging 11715
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 11716
be required to complete a training program. Such a person and 11717
persons who complete a training program shall take an examination 11718
administered by the department of aging. On attainment of a 11719
passing score, the person shall be certified by the department as 11720
a representative of the office. The department shall issue the 11721
person an identification card, which the representative shall show 11722
at the request of any person with whom the representative deals 11723
while performing the representative's duties and which shall be 11724
surrendered at the time the representative separates from the 11725
office. 11726

(D) The state ombudsman and each regional program shall 11727
conduct training programs for volunteers on their respective 11728

staffs in accordance with the rules of the department of aging 11729
adopted under division (B) of this section. Training programs may 11730
be conducted that train volunteers to complete some, but not all, 11731
of the duties of a representative of the office. Each regional 11732
office shall bear the cost of training its representatives who are 11733
volunteers. On completion of a training program, the 11734
representative shall take an examination administered by the 11735
department of aging. On attainment of a passing score, a volunteer 11736
shall be certified by the department as a representative 11737
authorized to perform services specified in the certification. The 11738
department shall issue an identification card, which the 11739
representative shall show at the request of any person with whom 11740
the representative deals while performing the representative's 11741
duties and which shall be surrendered at the time the 11742
representative separates from the office. Except as a supervised 11743
part of a training program, no volunteer shall perform any duty 11744
unless ~~he~~ the volunteer is certified as a representative having 11745
received appropriate training for that duty. 11746

(E) The state ombudsman shall provide technical assistance to 11747
regional programs conducting training programs for volunteers and 11748
shall monitor the training programs. 11749

(F) Prior to scheduling an observation of a certification 11750
survey or licensing inspection for purposes of division (B)(4) of 11751
this section, the state ombudsman shall obtain permission to have 11752
the survey or inspection observed from both ~~the director of health~~ 11753
~~and~~ the long-term care facility at which the survey or inspection 11754
is to take place and, as the case may be, the director of health 11755
or director of mental health and addiction services. 11756

(G) The department of aging shall establish continuing 11757
education requirements for representatives of the office. 11758

Sec. 173.22. (A) The collection, compilation, analysis, and 11759

dissemination of information by the office of the state long-term care ombudsman program shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records of residents or recipients. The identity of a resident or recipient, a complainant who is not a resident or recipient, or an individual providing information about a complaint shall not be disclosed without the written consent of the resident or recipient, complainant, or individual, or ~~his~~ a legal representative of any of the foregoing, or except as required by court order.

The investigative files, ~~including any proprietary records of a long-term care provider contained in the files,~~ of the office and any records contained in those files, including any proprietary records of a long-term care provider or records relating to advocacy visits, are not public records subject to inspection or copying under section 149.43 of the Revised Code and are exempt from the provisions of Chapter 1347. of the Revised Code. Information contained in investigative and other files maintained by the state long-term care ombudsman and regional long-term care ombudsman programs shall be disclosed only at the discretion of the state ombudsman ~~or the regional program maintaining the records~~ or if disclosure is required by court order.

(B) No report prepared by the state ombudsman or a regional program shall include any information that violates the confidentiality requirements of this section. Proprietary records of a specific long-term care provider are subject to the confidentiality requirements of this section.

Sec. 173.24. (A) As used in this section, ~~"employee:~~ 11788

(1) "Employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code. 11789
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(2) "Retaliatory action" includes physical, mental, or verbal abuse; change of room assignment; withholding of services; failure to provide care in a timely manner; discharge; and termination of employment. 11791
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(B) An employee providing information to or participating in good faith in registering a complaint with the office of the state long-term care ombudsman program or participating in the investigation of a complaint or in administrative or judicial proceedings resulting from a complaint registered with the office shall have the full protection against disciplinary or retaliatory action provided by division (G) of section 3721.17 and by sections 4113.51 to 4113.53 of the Revised Code. 11795
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(C) No long-term care provider or other entity, no person employed by a long-term care provider, or other entity, ~~or~~ employee of such other entity and no other individual shall knowingly subject any resident ~~or~~ recipient, employee, representative of the office of the state long-term care ombudsman program, or another individual to any form of retaliation, reprisal, discipline, or discrimination for ~~providing~~ doing any of the following: 11803
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(1) Providing information to the office ~~or for participating;~~ 11811

(2) Participating in registering a complaint with the office; 11812
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(3) Cooperating with or participating in the investigation of a complaint, by the office or in administrative or judicial proceedings resulting from a complaint registered with the office. Retaliatory actions include, but are not limited to, physical, mental, or verbal abuse; change of room assignment; the withholding of services; and failure to provide care in a timely manner. 11814
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Sec. 173.27. (A) As used in this section: 11821

(1) "Applicant" means a person who is under final 11822
consideration for employment by a responsible party in a 11823
full-time, part-time, or temporary position that involves 11824
providing ombudsman services to residents and recipients. 11825
"Applicant" includes a person who is under final consideration for 11826
employment as the state long-term care ombudsman or the head of a 11827
regional long-term care ombudsman program. "Applicant" does not 11828
include a person seeking to provide ombudsman services to 11829
residents and recipients as a volunteer without receiving or 11830
expecting to receive any form of remuneration other than 11831
reimbursement for actual expenses. 11832

(2) "Criminal records check" has the same meaning as in 11833
section 109.572 of the Revised Code. 11834

(3) "Disqualifying offense" means any of the offenses listed 11835
or described in divisions (A)(3)(a) to (e) of section 109.572 of 11836
the Revised Code. 11837

(4) "Employee" means a person employed by a responsible party 11838
in a full-time, part-time, or temporary position that involves 11839
providing ombudsman services to residents and recipients. 11840
"Employee" includes the person employed as the state long-term 11841
care ombudsman and a person employed as the head of a regional 11842
long-term care ombudsman program. "Employee" does not include a 11843
person who provides ombudsman services to residents and recipients 11844
as a volunteer without receiving or expecting to receive any form 11845
of remuneration other than reimbursement for actual expenses. 11846

(5) "Responsible party" means the following: 11847

(a) In the case of an applicant who is under final 11848
consideration for employment as the state long-term care ombudsman 11849
or the person employed as the state long-term care ombudsman, the 11850

director of aging; 11851

(b) In the case of any other applicant who is under final 11852
consideration for employment with the state long-term care 11853
ombudsman program or any other employee of the state long-term 11854
care ombudsman program, the state long-term care ombudsman; 11855

(c) In the case of an applicant who is under final 11856
consideration for employment with a regional long-term care 11857
ombudsman program (including as the head of the regional program) 11858
or an employee of a regional long-term care ombudsman program 11859
(including the head of a regional program), the regional long-term 11860
care ombudsman program. 11861

(B) A responsible party may not employ an applicant or 11862
continue to employ an employee in a position that involves 11863
providing ombudsman services to residents and recipients if any of 11864
the following apply: 11865

(1) A review of the databases listed in division (D) of this 11866
section reveals any of the following: 11867

(a) That the applicant or employee is included in one or more 11868
of the databases listed in divisions (D)(1) to (5) of this 11869
section; 11870

(b) That there is in the state nurse aide registry 11871
established under section 3721.32 of the Revised Code a statement 11872
detailing findings by the director of health that the applicant or 11873
employee abused, neglected, or abused exploited a long-term care 11874
facility or residential care facility resident or misappropriated 11875
property of such a resident; 11876

(c) That the applicant or employee is included in one or more 11877
of the databases, if any, specified in rules adopted under this 11878
section and the rules prohibit the responsible party from 11879
employing an applicant or continuing to employ an employee 11880
included in such a database in a position that involves providing 11881

ombudsman services to residents and recipients. 11882

(2) After the applicant or employee is provided, pursuant to 11883
division (E)(2)(a) of this section, a copy of the form prescribed 11884
pursuant to division (C)(1) of section 109.572 of the Revised Code 11885
and the standard impression sheet prescribed pursuant to division 11886
(C)(2) of that section, the applicant or employee fails to 11887
complete the form or provide the applicant's or employee's 11888
fingerprint impressions on the standard impression sheet. 11889

(3) Unless the applicant or employee meets standards 11890
specified in rules adopted under this section, the applicant or 11891
employee is found by a criminal records check required by this 11892
section to have been convicted of, pleaded guilty to, or been 11893
found eligible for intervention in lieu of conviction for a 11894
disqualifying offense. 11895

(C) A responsible party or a responsible party's designee 11896
shall inform each applicant of both of the following at the time 11897
of the applicant's initial application for employment in a 11898
position that involves providing ombudsman services to residents 11899
and recipients: 11900

(1) That a review of the databases listed in division (D) of 11901
this section will be conducted to determine whether the 11902
responsible party is prohibited by division (B)(1) of this section 11903
from employing the applicant in the position; 11904

(2) That, unless the database review reveals that the 11905
applicant may not be employed in the position, a criminal records 11906
check of the applicant will be conducted and the applicant is 11907
required to provide a set of the applicant's fingerprint 11908
impressions as part of the criminal records check. 11909

(D) As a condition of any applicant's being employed by a 11910
responsible party in a position that involves providing ombudsman 11911
services to residents and recipients, the responsible party or 11912

designee shall conduct a database review of the applicant in 11913
accordance with rules adopted under this section. If rules adopted 11914
under this section so require, the responsible party or designee 11915
shall conduct a database review of an employee in accordance with 11916
the rules as a condition of the responsible party continuing to 11917
employ the employee in a position that involves providing 11918
ombudsman services to residents and recipients. A database review 11919
shall determine whether the applicant or employee is included in 11920
any of the following: 11921

(1) The excluded parties list system that is maintained by 11922
the United States general services administration pursuant to 11923
subpart 9.4 of the federal acquisition regulation and available at 11924
the federal web site known as the system for award management; 11925

(2) The list of excluded individuals and entities maintained 11926
by the office of inspector general in the United States department 11927
of health and human services pursuant to section 1128 of the 11928
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 11929
amended, and section 1156 of the "Social Security Act," 96 Stat. 11930
388 (1982), 42 U.S.C. 1320c-5, as amended; 11931

(3) The registry of developmental disabilities employees 11932
established under section 5123.52 of the Revised Code; 11933

(4) The internet-based sex offender and child-victim offender 11934
database established under division (A)(11) of section 2950.13 of 11935
the Revised Code; 11936

(5) The internet-based database of inmates established under 11937
section 5120.66 of the Revised Code; 11938

(6) The state nurse aide registry established under section 11939
3721.32 of the Revised Code; 11940

(7) Any other database, if any, specified in rules adopted 11941
under this section. 11942

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following:	11976 11977
(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;	11978 11979 11980 11981 11982
(b) Obtain the completed form and standard impression sheet from the applicant or employee;	11983 11984
(c) Forward the completed form and standard impression sheet to the superintendent.	11985 11986
(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.	11987 11988 11989 11990 11991 11992 11993 11994 11995
(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:	11996 11997 11998 11999
(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients;	12000 12001 12002 12003
(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins	12004 12005 12006

conditional employment. 12007

(2) A responsible party shall terminate the employment of an 12008
applicant employed conditionally under division (F)(1) of this 12009
section if the results of the criminal records check, other than 12010
the results of any request for information from the federal bureau 12011
of investigation, are not obtained within the period ending sixty 12012
days after the date the request for the criminal records check is 12013
made. Regardless of when the results of the criminal records check 12014
are obtained, if the results indicate that the applicant has been 12015
convicted of, pleaded guilty to, or been found eligible for 12016
intervention in lieu of conviction for a disqualifying offense, 12017
the responsible party shall terminate the applicant's employment 12018
unless the applicant meets standards specified in rules adopted 12019
under this section that permit the responsible party to employ the 12020
applicant and the responsible party chooses to employ the 12021
applicant. Termination of employment under this division shall be 12022
considered just cause for discharge for purposes of division 12023
(D)(2) of section 4141.29 of the Revised Code if the applicant 12024
makes any attempt to deceive the responsible party or designee 12025
about the applicant's criminal record. 12026

(G) The report of any criminal records check conducted 12027
pursuant to a request made under this section is not a public 12028
record for the purposes of section 149.43 of the Revised Code and 12029
shall not be made available to any person other than the 12030
following: 12031

(1) The applicant or employee who is the subject of the 12032
criminal records check or the applicant's or employee's 12033
representative; 12034

(2) The responsible party or designee; 12035

(3) In the case of a criminal records check conducted for an 12036
applicant who is under final consideration for employment with a 12037

regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to

be conducted; 12099

(c) If the rules specify other databases to be checked as 12100
part of the database reviews, the circumstances under which a 12101
responsible party is prohibited from employing an applicant or 12102
continuing to employ an employee who is found by a database review 12103
to be included in one or more of those databases; 12104

(d) Standards that an applicant or employee must meet for a 12105
responsible party to be permitted to employ the applicant or 12106
continue to employ the employee in a position that involves 12107
providing ombudsman services to residents and recipients if the 12108
applicant or employee is found by a criminal records check 12109
required by this section to have been convicted of, pleaded guilty 12110
to, or been found eligible for intervention in lieu of conviction 12111
for a disqualifying offense. 12112

Sec. 173.28. (A)~~(1)~~ As used in this ~~division~~ section, 12113
"incident" means the occurrence of a violation with respect to a 12114
resident or recipient, ~~as those terms are defined in section~~ 12115
~~173.14 of the Revised Code.~~ A violation is a separate incident for 12116
each day it occurs and for each resident who is subject to it. 12117

(B)(1) In lieu of the fine that may be imposed under division 12118
(A) of section 173.99 of the Revised Code for a criminal offense, 12119
the director of aging may, under Chapter 119. of the Revised Code, 12120
fine a long-term care provider or other entity, ~~or~~ a person 12121
employed by a long-term care provider or other entity, or an 12122
individual for a violation of division (C) of section 173.24 of 12123
the Revised Code. The fine shall not exceed one thousand dollars 12124
per incident. 12125

(2) In lieu of the fine that may be imposed under division 12126
(C) of section 173.99 of the Revised Code for a criminal offense, 12127
the director may, under Chapter 119. of the Revised Code, fine a 12128
long-term care provider or other entity, ~~or~~ a person employed by a 12129

long-term care provider or other entity, or an individual for 12130
~~violating a violation of~~ division ~~(E)(G)~~(1) or (2) of section 12131
173.19 of the Revised Code ~~by denying a representative of the~~ 12132
~~office of the state long-term care ombudsman program the access~~ 12133
~~required by that division.~~ The fine shall not exceed five hundred 12134
dollars for each day the violation continued. 12135

~~(B)~~(C) On request of the director, the attorney general shall 12136
bring and prosecute to judgment a civil action to collect any fine 12137
imposed under division ~~(A)~~(B)(1) or (2) of this section that 12138
remains unpaid thirty days after the violator's final appeal is 12139
exhausted. 12140

~~(C)~~(D) All fines collected under this section shall be 12141
deposited into the state treasury to the credit of the state 12142
long-term care ombudsman program fund created under section 173.26 12143
of the Revised Code. 12144

Sec. 173.38. (A) As used in this section: 12145

(1) "Applicant" means a person who is under final 12146
consideration for employment with a responsible party in a 12147
full-time, part-time, or temporary direct-care position or is 12148
referred to a responsible party by an employment service for such 12149
a position. "Applicant" does not include a person being considered 12150
for a direct-care position as a volunteer. 12151

(2) "Area agency on aging" has the same meaning as in section 12152
173.14 of the Revised Code. 12153

(3) "Chief administrator of a responsible party" includes a 12154
consumer when the consumer is a responsible party. 12155

(4) "Community-based long-term care services" means 12156
community-based long-term care services, as defined in section 12157
173.14 of the Revised Code, that are provided under a program the 12158
department of aging administers. 12159

(5) "Consumer" means an individual who receives community-based long-term care services.	12160 12161
(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	12162 12163
(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	12164 12165
(i) In-person contact with one or more consumers;	12166
(ii) Access to one or more consumers' personal property or records.	12167 12168
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	12169 12170 12171
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	12172 12173 12174
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	12175 12176 12177 12178 12179 12180
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	12181 12182
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	12183 12184
(12) "Responsible party" means the following:	12185
(a) An area agency on aging in the case of either of the following:	12186 12187
(i) A person who is an applicant because the person is under	12188

final consideration for employment with the agency in a full-time, 12189
part-time, or temporary direct-care position or is referred to the 12190
agency by an employment service for such a position; 12191

(ii) A person who is an employee because the person is 12192
employed by the agency in a full-time, part-time, or temporary 12193
direct-care position or works in such a position due to being 12194
referred to the agency by an employment service. 12195

(b) A PASSPORT administrative agency in the case of either of 12196
the following: 12197

(i) A person who is an applicant because the person is under 12198
final consideration for employment with the agency in a full-time, 12199
part-time, or temporary direct-care position or is referred to the 12200
agency by an employment service for such a position; 12201

(ii) A person who is an employee because the person is 12202
employed by the agency in a full-time, part-time, or temporary 12203
direct-care position or works in such a position due to being 12204
referred to the agency by an employment service. 12205

(c) A provider in the case of either of the following: 12206

(i) A person who is an applicant because the person is under 12207
final consideration for employment with the provider in a 12208
full-time, part-time, or temporary direct-care position or is 12209
referred to the provider by an employment service for such a 12210
position; 12211

(ii) A person who is an employee because the person is 12212
employed by the provider in a full-time, part-time, or temporary 12213
direct-care position or works in such a position due to being 12214
referred to the provider by an employment service. 12215

(d) A subcontractor in the case of either of the following: 12216

(i) A person who is an applicant because the person is under 12217
final consideration for employment with the subcontractor in a 12218

full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is

subject to a database review or criminal records check under 12249
section 173.381 or 3701.881 of the Revised Code or to any 12250
individual who is subject to a criminal records check under 12251
section 3721.121 of the Revised Code. If a provider or 12252
subcontractor also is a waiver agency, the provider or 12253
subcontractor may provide for applicants and employees to undergo 12254
database reviews and criminal records checks in accordance with 12255
section 5164.342 of the Revised Code rather than this section. 12256

(C) No responsible party shall employ an applicant or 12257
continue to employ an employee in a direct-care position if any of 12258
the following apply: 12259

(1) A review of the databases listed in division (E) of this 12260
section reveals any of the following: 12261

(a) That the applicant or employee is included in one or more 12262
of the databases listed in divisions (E)(1) to (5) of this 12263
section; 12264

(b) That there is in the state nurse aide registry 12265
established under section 3721.32 of the Revised Code a statement 12266
detailing findings by the director of health that the applicant or 12267
employee ~~abused~~, neglected, or ~~abused~~ exploited a long-term care 12268
facility or residential care facility resident or misappropriated 12269
property of such a resident; 12270

(c) That the applicant or employee is included in one or more 12271
of the databases, if any, specified in rules adopted under this 12272
section and the rules prohibit the responsible party from 12273
employing an applicant or continuing to employ an employee 12274
included in such a database in a direct-care position. 12275

(2) After the applicant or employee is provided, pursuant to 12276
division (F)(2)(a) of this section, a copy of the form prescribed 12277
pursuant to division (C)(1) of section 109.572 of the Revised Code 12278
and the standard impression sheet prescribed pursuant to division 12279

(C)(2) of that section, the applicant or employee fails to 12280
complete the form or provide the applicant's or employee's 12281
fingerprint impressions on the standard impression sheet. 12282

(3) Unless the applicant or employee meets standards 12283
specified in rules adopted under this section, the applicant or 12284
employee is found by a criminal records check required by this 12285
section to have been convicted of, pleaded guilty to, or been 12286
found eligible for intervention in lieu of conviction for a 12287
disqualifying offense. 12288

(D) Except as provided by division (G) of this section, the 12289
chief administrator of a responsible party shall inform each 12290
applicant of both of the following at the time of the applicant's 12291
initial application for employment or referral to the responsible 12292
party by an employment service for a direct-care position: 12293

(1) That a review of the databases listed in division (E) of 12294
this section will be conducted to determine whether the 12295
responsible party is prohibited by division (C)(1) of this section 12296
from employing the applicant in the direct-care position; 12297

(2) That, unless the database review reveals that the 12298
applicant may not be employed in the direct-care position, a 12299
criminal records check of the applicant will be conducted and the 12300
applicant is required to provide a set of the applicant's 12301
fingerprint impressions as part of the criminal records check. 12302

(E) As a condition of employing any applicant in a 12303
direct-care position, the chief administrator of a responsible 12304
party shall conduct a database review of the applicant in 12305
accordance with rules adopted under this section. If rules adopted 12306
under this section so require, the chief administrator of a 12307
responsible party shall conduct a database review of an employee 12308
in accordance with the rules as a condition of continuing to 12309
employ the employee in a direct-care position. However, a chief 12310

administrator is not required to conduct a database review of an 12311
applicant or employee if division (G) of this section applies. A 12312
database review shall determine whether the applicant or employee 12313
is included in any of the following: 12314

(1) The excluded parties list system that is maintained by 12315
the United States general services administration pursuant to 12316
subpart 9.4 of the federal acquisition regulation and available at 12317
the federal web site known as the system for award management; 12318

(2) The list of excluded individuals and entities maintained 12319
by the office of inspector general in the United States department 12320
of health and human services pursuant to the "Social Security 12321
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 12322

(3) The registry of developmental disabilities employees 12323
established under section 5123.52 of the Revised Code; 12324

(4) The internet-based sex offender and child-victim offender 12325
database established under division (A)(11) of section 2950.13 of 12326
the Revised Code; 12327

(5) The internet-based database of inmates established under 12328
section 5120.66 of the Revised Code; 12329

(6) The state nurse aide registry established under section 12330
3721.32 of the Revised Code; 12331

(7) Any other database, if any, specified in rules adopted 12332
under this section. 12333

(F)(1) As a condition of employing any applicant in a 12334
direct-care position, the chief administrator of a responsible 12335
party shall request that the superintendent of the bureau of 12336
criminal identification and investigation conduct a criminal 12337
records check of the applicant. If rules adopted under this 12338
section so require, the chief administrator of a responsible party 12339
shall request that the superintendent conduct a criminal records 12340

check of an employee at times specified in the rules as a 12341
condition of continuing to employ the employee in a direct-care 12342
position. However, the chief administrator is not required to 12343
request the criminal records check of the applicant or employee if 12344
division (G) of this section applies or the responsible party is 12345
prohibited by division (C)(1) of this section from employing the 12346
applicant or continuing to employ the employee in a direct-care 12347
position. If an applicant or employee for whom a criminal records 12348
check request is required by this section does not present proof 12349
of having been a resident of this state for the five-year period 12350
immediately prior to the date the criminal records check is 12351
requested or provide evidence that within that five-year period 12352
the superintendent has requested information about the applicant 12353
or employee from the federal bureau of investigation in a criminal 12354
records check, the chief administrator shall request that the 12355
superintendent obtain information from the federal bureau of 12356
investigation as part of the criminal records check. Even if an 12357
applicant or employee for whom a criminal records check request is 12358
required by this section presents proof of having been a resident 12359
of this state for the five-year period, the chief administrator 12360
may request that the superintendent include information from the 12361
federal bureau of investigation in the criminal records check. 12362

(2) The chief administrator shall do all of the following: 12363

(a) Provide to each applicant and employee for whom a 12364
criminal records check request is required by this section a copy 12365
of the form prescribed pursuant to division (C)(1) of section 12366
109.572 of the Revised Code and a standard impression sheet 12367
prescribed pursuant to division (C)(2) of that section; 12368

(b) Obtain the completed form and standard impression sheet 12369
from the applicant or employee; 12370

(c) Forward the completed form and standard impression sheet 12371
to the superintendent. 12372

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal

records check of the employee under division (F) of this section. 12404

(H)(1) A responsible party may employ conditionally an 12405
applicant for whom a criminal records check request is required by 12406
this section prior to obtaining the results of the criminal 12407
records check if the responsible party is not prohibited by 12408
division (C)(1) of this section from employing the applicant in a 12409
direct-care position and either of the following applies: 12410

(a) The chief administrator of the responsible party requests 12411
the criminal records check in accordance with division (F) of this 12412
section not later than five business days after the applicant 12413
begins conditional employment. 12414

(b) The applicant is referred to the responsible party by an 12415
employment service, the employment service or the applicant 12416
provides the chief administrator of the responsible party a letter 12417
that is on the letterhead of the employment service, the letter is 12418
dated and signed by a supervisor or another designated official of 12419
the employment service, and the letter states all of the 12420
following: 12421

(i) That the employment service has requested the 12422
superintendent to conduct a criminal records check regarding the 12423
applicant; 12424

(ii) That the requested criminal records check is to include 12425
a determination of whether the applicant has been convicted of, 12426
pleaded guilty to, or been found eligible for intervention in lieu 12427
of conviction for a disqualifying offense; 12428

(iii) That the employment service has not received the 12429
results of the criminal records check as of the date set forth on 12430
the letter; 12431

(iv) That the employment service promptly will send a copy of 12432
the results of the criminal records check to the chief 12433
administrator of the responsible party when the employment service 12434

receives the results. 12435

(2) If a responsible party employs an applicant conditionally 12436
pursuant to division (H)(1)(b) of this section, the employment 12437
service, on its receipt of the results of the criminal records 12438
check, promptly shall send a copy of the results to the chief 12439
administrator of the responsible party. 12440

(3) A responsible party that employs an applicant 12441
conditionally pursuant to division (H)(1)(a) or (b) of this 12442
section shall terminate the applicant's employment if the results 12443
of the criminal records check, other than the results of any 12444
request for information from the federal bureau of investigation, 12445
are not obtained within the period ending sixty days after the 12446
date the request for the criminal records check is made. 12447
Regardless of when the results of the criminal records check are 12448
obtained, if the results indicate that the applicant has been 12449
convicted of, pleaded guilty to, or been found eligible for 12450
intervention in lieu of conviction for a disqualifying offense, 12451
the responsible party shall terminate the applicant's employment 12452
unless the applicant meets standards specified in rules adopted 12453
under this section that permit the responsible party to employ the 12454
applicant and the responsible party chooses to employ the 12455
applicant. Termination of employment under this division shall be 12456
considered just cause for discharge for purposes of division 12457
(D)(2) of section 4141.29 of the Revised Code if the applicant 12458
makes any attempt to deceive the responsible party about the 12459
applicant's criminal record. 12460

(I) The report of any criminal records check conducted 12461
pursuant to a request made under this section is not a public 12462
record for the purposes of section 149.43 of the Revised Code and 12463
shall not be made available to any person other than the 12464
following: 12465

(1) The applicant or employee who is the subject of the 12466

criminal records check or the applicant's or employee's representative;	12467 12468
(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;	12469 12470 12471
(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;	12472 12473 12474 12475
(4) The employment service that requested the criminal records check;	12476 12477
(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;	12478 12479 12480
(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:	12481 12482 12483
(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;	12484 12485 12486
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;	12487 12488 12489 12490
(c) The criminal records check is requested by a consumer who is acting as a responsible party.	12491 12492
(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	12493 12494
(a) A denial of employment of the applicant or employee;	12495
(b) Employment or unemployment benefits of the applicant or	12496

employee;	12497
(c) A civil or criminal action regarding the medicaid program	12498
or a program the department of aging administers.	12499
(J) In a tort or other civil action for damages that is	12500
brought as the result of an injury, death, or loss to person or	12501
property caused by an applicant or employee who a responsible	12502
party employs in a direct-care position, all of the following	12503
shall apply:	12504
(1) If the responsible party employed the applicant or	12505
employee in good faith and reasonable reliance on the report of a	12506
criminal records check requested under this section, the	12507
responsible party shall not be found negligent solely because of	12508
its reliance on the report, even if the information in the report	12509
is determined later to have been incomplete or inaccurate.	12510
(2) If the responsible party employed the applicant in good	12511
faith on a conditional basis pursuant to division (H) of this	12512
section, the responsible party shall not be found negligent solely	12513
because it employed the applicant prior to receiving the report of	12514
a criminal records check requested under this section.	12515
(3) If the responsible party in good faith employed the	12516
applicant or employee because the applicant or employee meets	12517
standards specified in rules adopted under this section, the	12518
responsible party shall not be found negligent solely because the	12519
applicant or employee has been convicted of, pleaded guilty to, or	12520
been found eligible for intervention in lieu of conviction for a	12521
disqualifying offense.	12522
(K) The director of aging shall adopt rules in accordance	12523
with Chapter 119. of the Revised Code to implement this section.	12524
(1) The rules may do the following:	12525
(a) Require employees to undergo database reviews and	12526

criminal records checks under this section;	12527
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	12528 12529 12530
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	12531 12532 12533
(2) The rules shall specify all of the following:	12534
(a) The meaning of the term "subcontractor";	12535
(b) The procedures for conducting database reviews under this section;	12536 12537
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	12538 12539 12540 12541
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	12542 12543 12544 12545 12546
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	12547 12548 12549 12550 12551 12552 12553
Sec. 173.381. (A) As used in this section:	12554
(1) "Community-based long-term care services" means	12555

community-based long-term care services, as defined in section	12556
173.14 of the Revised Code, that are provided under a program the	12557
department of aging administers.	12558
(2) "Community-based long-term care services certificate"	12559
means a certificate issued under section 173.391 of the Revised	12560
Code.	12561
(3) "Community-based long-term care services contract or	12562
grant" means a contract or grant awarded under section 173.392 of	12563
the Revised Code.	12564
(4) "Criminal records check" has the same meaning as in	12565
section 109.572 of the Revised Code.	12566
(5) "Disqualifying offense" means any of the offenses listed	12567
or described in divisions (A)(3)(a) to (e) of section 109.572 of	12568
the Revised Code.	12569
(6) "Provider" has the same meaning as in section 173.39 of	12570
the Revised Code.	12571
(7) "Self-employed provider" means a provider who works for	12572
the provider's self and has no employees.	12573
(B) This section does not apply to any individual who is	12574
subject to a database review or criminal records check under	12575
section 3701.881 of the Revised Code.	12576
(C)(1) The department of aging or its designee shall take the	12577
following actions when the circumstances specified in division	12578
(C)(2) of this section apply:	12579
(a) Refuse to issue a community-based long-term care services	12580
certificate to a self-employed provider;	12581
(b) Revoke a self-employed provider's community-based	12582
long-term care services certificate;	12583
(c) Refuse to award a community-based long-term care services	12584
contract or grant to a self-employed provider;	12585

(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	12586 12587 12588
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	12589 12590 12591
(a) A review of the databases listed in division (E) of this section reveals any of the following:	12592 12593
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	12594 12595 12596
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider <u>abused</u> , <u>neglected</u> , or abused <u>exploited</u> a long-term care facility or residential care facility resident or misappropriated property of such a resident;	12597 12598 12599 12600 12601 12602
(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.	12603 12604 12605 12606 12607
(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet.	12608 12609 12610 12611 12612 12613 12614
(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed	12615 12616

provider is found by a criminal records check required by this 12617
section to have been convicted of, pleaded guilty to, or been 12618
found eligible for intervention in lieu of conviction for a 12619
disqualifying offense. 12620

(D) The department of aging or its designee shall inform each 12621
self-employed provider of both of the following at the time of the 12622
self-employed provider's initial application for a community-based 12623
long-term care services certificate or initial bid for a 12624
community-based long-term care services contract or grant: 12625

(1) That a review of the databases listed in division (E) of 12626
this section will be conducted to determine whether the department 12627
or its designee is required by division (C) of this section to 12628
refuse to issue or award a community-based long-term care services 12629
certificate or community-based long-term care services contract or 12630
grant to the self-employed provider; 12631

(2) That, unless the database review reveals that the 12632
department or its designee is required to refuse to issue or award 12633
a community-based long-term care services certificate or 12634
community-based long-term care services contract or grant to the 12635
self-employed provider, a criminal records check of the 12636
self-employed provider will be conducted and the self-employed 12637
provider is required to provide a set of the self-employed 12638
provider's fingerprint impressions as part of the criminal records 12639
check. 12640

(E) As a condition of issuing or awarding a community-based 12641
long-term care services certificate or community-based long-term 12642
care services contract or grant to a self-employed provider, the 12643
department of aging or its designee shall conduct a database 12644
review of the self-employed provider in accordance with rules 12645
adopted under this section. If rules adopted under this section so 12646
require, the department or its designee shall conduct a database 12647
review of a self-employed provider in accordance with the rules as 12648

a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check

of the self-employed provider. If rules adopted under this section 12679
so require, the department or its designee shall request that the 12680
superintendent conduct a criminal records check of a self-employed 12681
provider at times specified in the rules as a condition of not 12682
revoking or terminating the self-employed provider's 12683
community-based long-term care services certificate or 12684
community-based long-term care services contract or grant. 12685
However, the department or its designee is not required to request 12686
the criminal records check of the self-employed provider if the 12687
department or its designee, because of circumstances specified in 12688
division (C)(2)(a) of this section, is required to refuse to issue 12689
or award a community-based long-term care services certificate or 12690
community-based long-term care services contract or grant to the 12691
self-employed provider or to revoke or terminate the self-employed 12692
provider's certificate or contract or grant. 12693

If a self-employed provider for whom a criminal records check 12694
request is required by this section does not present proof of 12695
having been a resident of this state for the five-year period 12696
immediately prior to the date the criminal records check is 12697
requested or provide evidence that within that five-year period 12698
the superintendent has requested information about the 12699
self-employed provider from the federal bureau of investigation in 12700
a criminal records check, the department or its designee shall 12701
request that the superintendent obtain information from the 12702
federal bureau of investigation as part of the criminal records 12703
check. Even if a self-employed provider for whom a criminal 12704
records check request is required by this section presents proof 12705
of having been a resident of this state for the five-year period, 12706
the department or its designee may request that the superintendent 12707
include information from the federal bureau of investigation in 12708
the criminal records check. 12709

(2) The department or its designee shall do all of the 12710

following:	12711
(a) Provide to each self-employed provider for whom a	12712
criminal records check request is required by this section a copy	12713
of the form prescribed pursuant to division (C)(1) of section	12714
109.572 of the Revised Code and a standard impression sheet	12715
prescribed pursuant to division (C)(2) of that section;	12716
(b) Obtain the completed form and standard impression sheet	12717
from the self-employed provider;	12718
(c) Forward the completed form and standard impression sheet	12719
to the superintendent.	12720
(3) The department or its designee shall pay to the bureau of	12721
criminal identification and investigation the fee prescribed	12722
pursuant to division (C)(3) of section 109.572 of the Revised Code	12723
for each criminal records check of a self-employed provider the	12724
department or its designee requests under this section. The	12725
department or its designee may charge the self-employed provider a	12726
fee that does not exceed the amount the department or its designee	12727
pays to the bureau.	12728
(G) The report of any criminal records check of a	12729
self-employed provider conducted pursuant to a request made under	12730
this section is not a public record for the purposes of section	12731
149.43 of the Revised Code and shall not be made available to any	12732
person other than the following:	12733
(1) The self-employed provider or the self-employed	12734
provider's representative;	12735
(2) The department of aging, the department's designee, or a	12736
representative of the department or its designee;	12737
(3) The medicaid director and the staff of the department of	12738
medicaid who are involved in the administration of the medicaid	12739
program if the self-employed provider is to provide, or provides,	12740

community-based long-term care services under a component of the	12741
medicaid program that the department of aging administers;	12742
(4) A court, hearing officer, or other necessary individual	12743
involved in a case dealing with any of the following:	12744
(a) A refusal to issue or award a community-based long-term	12745
services certificate or community-based long-term care services	12746
contract or grant to the self-employed provider;	12747
(b) A revocation or termination of the self-employed	12748
provider's community-based long-term care services certificate or	12749
community-based long-term care services contract or grant;	12750
(c) A civil or criminal action regarding a program the	12751
department of aging administers.	12752
(H) In a tort or other civil action for damages that is	12753
brought as the result of an injury, death, or loss to person or	12754
property caused by a self-employed provider, both of the following	12755
shall apply:	12756
(1) If the department of aging or its designee, in good faith	12757
and reasonable reliance on the report of a criminal records check	12758
requested under this section, issued or awarded a community-based	12759
long-term care services certificate or community-based long-term	12760
care services contract or grant to the self-employed provider or	12761
did not revoke or terminate the self-employed provider's	12762
certificate or contract or grant, the department and its designee	12763
shall not be found negligent solely because of its reliance on the	12764
report, even if the information in the report is determined later	12765
to have been incomplete or inaccurate.	12766
(2) If the department or its designee in good faith issued or	12767
awarded a community-based long-term care services certificate or	12768
community-based long-term care services contract or grant to the	12769
self-employed provider or did not revoke or terminate the	12770
self-employed provider's certificate or contract or grant because	12771

the self-employed provider meets standards specified in rules 12772
adopted under this section, the department and its designee shall 12773
not be found negligent solely because the self-employed provider 12774
has been convicted of, pleaded guilty to, or been found eligible 12775
for intervention in lieu of conviction for a disqualifying 12776
offense. 12777

(I) The director of aging shall adopt rules in accordance 12778
with Chapter 119. of the Revised Code to implement this section. 12779

(1) The rules may do the following: 12780

(a) Require self-employed providers who have been issued or 12781
awarded community-based long-term care services certificates or 12782
community-based long-term care services contracts or grants to 12783
undergo database reviews and criminal records checks under this 12784
section; 12785

(b) If the rules require self-employed providers who have 12786
been issued or awarded community-based long-term care services 12787
certificates or community-based long-term care services contracts 12788
or grants to undergo database reviews and criminal records checks 12789
under this section, exempt one or more classes of such 12790
self-employed providers from the requirements; 12791

(c) For the purpose of division (E)(7) of this section, 12792
specify other databases that are to be checked as part of a 12793
database review conducted under this section. 12794

(2) The rules shall specify all of the following: 12795

(a) The procedures for conducting database reviews under this 12796
section; 12797

(b) If the rules require self-employed providers who have 12798
been issued or awarded community-based long-term care services 12799
certificates or community-based long-term care services contracts 12800
or grants to undergo database reviews and criminal records checks 12801

under this section, the times at which the database reviews and 12802
criminal records checks are to be conducted; 12803

(c) If the rules specify other databases to be checked as 12804
part of the database reviews, the circumstances under which the 12805
department of aging or its designee is required to refuse to issue 12806
or award a community-based long-term care services certificate or 12807
community-based long-term care services contract or grant to a 12808
self-employed provider or to revoke or terminate a self-employed 12809
provider's certificate or contract or grant when the self-employed 12810
provider is found by a database review to be included in one or 12811
more of those databases; 12812

(d) Standards that a self-employed provider must meet for the 12813
department or its designee to be permitted to issue or award a 12814
community-based long-term care services certificate or 12815
community-based long-term care services contract or grant to the 12816
self-employed provider or not to revoke or terminate the 12817
self-employed provider's certificate or contract or grant if the 12818
self-employed provider is found by a criminal records check 12819
required by this section to have been convicted of, pleaded guilty 12820
to, or been found eligible for intervention in lieu of conviction 12821
for a disqualifying offense. 12822

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the 12823
Revised Code: 12824

(1) "Area agency on aging" means a public or private 12825
nonprofit entity designated under section 173.011 of the Revised 12826
Code to administer programs on behalf of the department of aging. 12827

(2) "Department of aging-administered medicaid waiver 12828
component" means each of the following: 12829

(a) The medicaid-funded component of the PASSPORT program 12830
created under section 173.52 of the Revised Code; 12831

(b) The choices program created under section 173.53 of the Revised Code;	12832
	12833
(e) The medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code;	12834
	12835
(d) <u>(c)</u> Any other medicaid waiver component, as defined in section 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of medicaid under section 5162.35 of the Revised Code.	12836
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	12839
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	12840
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	12842
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	12843
	12844
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	12845
	12846
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(i) Home health services;	12849
(ii) Private duty nursing services;	12850
(iii) Durable medical equipment;	12851
(iv) Services of a clinical nurse specialist;	12852
(v) Services of a certified nurse practitioner.	12853
(c) Services available to a participant of the PACE program.	12854
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	12855
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(5) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	12859
	12860

(6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code. 12861
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(7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program. 12864
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(8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract. 12867
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(9) "Representative" means a person acting on behalf of an individual ~~specified in division (G) of this section~~ who is the subject of a long-term care consultation. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of the individual. 12871
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(B) The department of aging shall develop a long-term care consultation program whereby individuals or their representatives are provided with long-term care consultations and receive through these professional consultations information about options available to meet long-term care needs and information about factors to consider in making long-term care decisions. The long-term care consultations ~~provided under the program~~ may be provided at any appropriate time, ~~as permitted or required under this section and the rules adopted under it,~~ including either prior to or after the individual who is the subject of a consultation has been admitted to a nursing facility or granted assistance in receiving home and community-based services covered by medicaid components the department of aging administers. 12876
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(C) The long-term care consultation program shall be administered by the department of aging, except that the department may have the program administered on a regional basis 12889
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by one or more program administrators. The department and each 12892
program administrator shall administer the program in such a 12893
manner that all of the following are included: 12894

(1) Coordination and collaboration with respect to all 12895
available funding sources for long-term care services; 12896

(2) Assessments of individuals regarding their long-term care 12897
service needs; 12898

(3) Assessments of individuals regarding their on-going 12899
eligibility for long-term care services; 12900

(4) Procedures for assisting individuals in obtaining access 12901
to, and coordination of, health and supportive services, including 12902
department of aging-administered medicaid waiver components; 12903

(5) Priorities for using available resources efficiently and 12904
effectively. 12905

(D) The program's long-term care consultations shall be 12906
provided by individuals certified by the department under section 12907
173.422 of the Revised Code. 12908

(E) The information provided through a long-term care 12909
consultation shall be appropriate to the individual's needs and 12910
situation and shall address all of the following: 12911

(1) The availability of any long-term care options open to 12912
the individual; 12913

(2) Sources and methods of both public and private payment 12914
for long-term care services; 12915

(3) Factors to consider when choosing among the available 12916
programs, services, and benefits; 12917

(4) Opportunities and methods for maximizing independence and 12918
self-reliance, including support services provided by the 12919
individual's family, friends, and community. 12920

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.

~~(G)(1) Unless an exemption specified~~ Except as provided in division (I) of this section ~~is applicable, each of the following shall be provided with a long term care consultation:~~

~~(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;~~

~~(b) An individual who requests a long term care consultation;~~

~~(c) An individual identified by the department or a program administrator as being likely to benefit from a long term care consultation.~~

~~(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility~~ a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.

~~(H)(1) Except as provided in division (H)(2) or (3) of this section, a~~ A long-term care consultation ~~provided pursuant to division (G) of this section shall be provided as follows:~~

~~(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5165.04 of the Revised Code, the consultation shall be completed~~

~~in accordance with within the applicable time frames specified in 12952
that section for providing a level of care determination based on 12953
the assessment. 12954~~

~~(b) In all other cases, the consultation shall be provided 12955
not later than five calendar days after the department or program 12956
administrator receives notice of the reason for which the 12957
consultation is to be provided pursuant to division (G) of this 12958
section. 12959~~

~~(2) An individual or the individual's representative may 12960
request that a long term care consultation be provided on a date 12961
that is later than the date required under division (H)(1)(a) or 12962
(b) of this section. 12963~~

~~(3) If a long term care consultation cannot be completed 12964
within the number of days required by division (H)(1) or (2) of 12965
this section, the department or program administrator may do any 12966
of the following: 12967~~

~~(a) In the case of an individual specified in division (G)(1) 12968
of this section, exempt the individual from the consultation 12969
pursuant to rules that may be adopted under division (L) of this 12970
section; 12971~~

~~(b) In the case of an applicant for admission to a nursing 12972
facility, provide the consultation after the individual is 12973
admitted to the nursing facility; 12974~~

~~(c) In the case of a resident of a nursing facility, provide 12975
the consultation as soon as practicable rules adopted under this 12976
section. 12977~~

(I) An individual is not required to be provided a long-term 12978
care consultation ~~under division (G)(1) of this section~~ if any of 12979
the following ~~apply~~ is the case: 12980

(1) The department or a program administrator has attempted 12981

to provide the consultation, but the individual or the 12982
individual's representative refuses to cooperate; 12983

(2) The individual is to receive care in a nursing facility 12984
under a contract for continuing care, as defined in section 173.13 12985
of the Revised Code; 12986

(3) The individual has a contractual right to admission to a 12987
nursing facility operated as part of a system of continuing care 12988
in conjunction with one or more facilities that provide a less 12989
intensive level of services, including a residential care facility 12990
licensed under Chapter 3721. of the Revised Code, a residential 12991
facility licensed under section 5119.34 of the Revised Code that 12992
provides accommodations, supervision, and personal care services 12993
for three to sixteen unrelated adults, or an independent living 12994
arrangement; 12995

(4) The individual is to receive continual care in a home for 12996
the aged exempt from taxation under section 5701.13 of the Revised 12997
Code; 12998

(5) The individual is seeking admission to a facility that is 12999
not a nursing facility with a provider agreement under section 13000
5165.07, 5165.511, or 5165.512 of the Revised Code; 13001

(6) ~~The individual is Pursuant to rules that may be adopted~~ 13002
~~under this section, the department or a program administrator has~~ 13003
~~exempted the individual from receiving the long-term care~~ 13004
~~consultation requirement by the department or the program~~ 13005
~~administrator pursuant to rules that may be adopted under division~~ 13006
~~(L) of this section.~~ 13007

(J) As part of the long-term care consultation program, the 13008
department or a program administrator ~~shall~~ may assist an 13009
individual or individual's representative in accessing all sources 13010
of care and services that are appropriate for the individual and 13011
for which the individual is eligible, including all available home 13012

and community-based services covered by medicaid components the 13013
department of aging administers. The assistance ~~shall~~ may include 13014
providing for the conduct of assessments or other evaluations and 13015
the development of individualized plans of care or services under 13016
section 173.424 of the Revised Code. 13017

(K) No nursing facility for which an operator has a provider 13018
agreement under section 5165.07, 5165.511, or 5165.512 of the 13019
Revised Code shall admit ~~any individual~~ as a resident any 13020
individual described in division (G) of this section, unless the 13021
nursing facility has received evidence that a long-term care 13022
consultation has been completed for the individual or division (I) 13023
of this section is applicable to the individual. 13024

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the~~ 13025
~~director considers necessary~~ for the implementation and 13026
administration of this section. The rules shall be adopted in 13027
accordance with Chapter 119. of the Revised Code ~~and~~. The rules 13028
may specify any or all of the following: 13029

(1) Procedures for providing long-term care consultations 13030
~~pursuant to this section;~~ 13031

(2) Information to be provided through long-term care 13032
consultations regarding long-term care services that are 13033
available; 13034

(3) Criteria and procedures to be used to identify and 13035
recommend appropriate service options for an individual receiving 13036
a long-term care consultation; 13037

(4) Criteria for exempting individuals from ~~the~~ receiving a 13038
long-term care consultation ~~requirement;~~ 13039

(5) Circumstances under which it may be appropriate to 13040
provide an individual's long-term care consultation after the 13041
individual's admission to a nursing facility rather than before 13042
admission; 13043

- (6) Criteria for identifying ~~nursing facility residents who~~ 13044
~~would benefit from the provision of~~ individuals for whom a 13045
long-term care consultation is appropriate, including nursing 13046
facility residents who would benefit from the consultation; 13047
- (7) A description of the types of information from a nursing 13048
facility that is needed under the long-term care consultation 13049
program to assist a resident with relocation from the facility; 13050
- (8) Standards to prevent conflicts of interest relative to 13051
the referrals made by a person who performs a long-term care 13052
consultation, including standards that prohibit the person from 13053
being employed by a provider of long-term care services; 13054
- (9) Procedures for providing notice and an opportunity for a 13055
hearing under division (N) of this section; 13056
- (10) Time frames for providing or completing a long-term care 13057
consultation; 13058
- (11) Any other standards or procedures the director considers 13059
necessary for the program. 13060
- (M) To assist the department and each program administrator 13061
with identifying individuals ~~who are likely to benefit from~~ for 13062
whom a long-term care consultation is appropriate, the department 13063
and program administrator may ask to be given access to nursing 13064
facility resident assessment data collected through the use of the 13065
resident assessment instrument specified in rules authorized by 13066
section 5165.191 of the Revised Code for purposes of the medicaid 13067
program. Except when prohibited by state or federal law, the 13068
department of health, department of medicaid, or nursing facility 13069
holding the data shall grant access to the data on receipt of the 13070
request from the department of aging or program administrator. 13071
- (N)(1) The director of aging, after providing notice and an 13072
opportunity for a hearing, may fine a nursing facility an amount 13073
determined by rules the director shall adopt in accordance with 13074

Chapter 119. of the Revised Code for any of the following reasons: 13075

(a) The nursing facility ~~admits an individual, without~~ 13076
~~evidence that a long term care consultation has been provided, as~~ 13077
~~required by this section~~ violates division (K) of this section; 13078

(b) The nursing facility denies a person attempting to 13079
provide a long-term care consultation access to the facility or a 13080
resident of the facility; 13081

(c) The nursing facility denies the department of aging or a 13082
program administrator access to the facility or a resident of the 13083
facility, as the department or administrator considers necessary 13084
to administer the program. 13085

(2) In accordance with section 5162.66 of the Revised Code, 13086
all fines collected under division (N)(1) of this section shall be 13087
deposited into the state treasury to the credit of the residents 13088
protection fund. 13089

Sec. 173.424. If, under federal law, an individual's 13090
eligibility for the home and community-based services covered by 13091
medicaid components the department of aging administers is 13092
dependent on the conduct of an assessment or other evaluation of 13093
the individual's needs and capabilities and the development of an 13094
individualized plan of care or services, the department shall 13095
develop and implement all procedures necessary to comply with the 13096
federal law. The procedures ~~shall~~ may include the use of long-term 13097
care consultations. 13098

Sec. 173.48. (A)(1) The department of aging may charge annual 13099
fees to long-term care facilities for the publication of the Ohio 13100
long-term care consumer guide, as well as late penalties if 13101
applicable. The department may contract with any person or 13102
government entity to collect the fees on its behalf. All fees 13103
collected under this section shall be deposited in accordance with 13104

division (B) of this section. 13105

(2) The Except as provided in division (A)(3) of this 13106
section, the annual fees charged under this section shall not 13107
exceed the following amounts: 13108

(a) For each long-term care facility that is a nursing home, 13109
six hundred fifty dollars; 13110

(b) For each long-term care facility that is a residential 13111
care facility: 13112

(i) Until June 30, 2016, three hundred dollars; 13113

(ii) Beginning July 1, 2016, three hundred fifty dollars. 13114

(3) ~~Fees~~ The department, by rule adopted in accordance with 13115
Chapter 119. of the Revised Code, may establish deadlines for the 13116
payment of the annual fees charged under this section. If the 13117
annual fee is not received by the department within ninety days of 13118
any deadline established by the department, the rules may require 13119
a long-term care facility to pay a late penalty equal to and in 13120
addition to the amount of the annual fee charged under this 13121
section. 13122

(4) Unless prohibited by federal law, fees paid by a 13123
long-term care facility that is a nursing facility, including late 13124
penalties, shall be reimbursed through the medicaid program. 13125

(B) There is hereby created in the state treasury the 13126
long-term care consumer guide fund. Money collected from the fees 13127
charged for the publication of the Ohio long-term care consumer 13128
guide under division (A) of this section and any late penalties 13129
shall be credited to the fund. The department shall use money in 13130
the fund for costs associated with publishing the Ohio long-term 13131
care consumer guide, including, but not limited to, costs incurred 13132
in conducting or providing for the conduct of customer 13133
satisfaction surveys. 13134

Sec. 173.51. As used in sections 173.51 to 173.56 of the	13135
Revised Code:	13136
"Area agency on aging" has the same meaning as in section	13137
173.14 of the Revised Code.	13138
"Assisted living program" means the program that consists of	13139
a medicaid-funded component created under section 173.54 of the	13140
Revised Code and a state-funded component created under section	13141
173.543 of the Revised Code and provides assisted living services	13142
to individuals who meet the program's applicable eligibility	13143
requirements.	13144
"Assisted living services" means the following home and	13145
community-based services: personal care, homemaker, chore,	13146
attendant care, companion, medication oversight, and therapeutic	13147
social and recreational programming.	13148
"Assisted living waiver" means the federal medicaid waiver	13149
granted by the United States secretary of health and human	13150
services that authorizes the medicaid-funded component of the	13151
assisted living program.	13152
"Choices program" means the program created under section	13153
173.53 of the Revised Code.	13154
"County or district home" means a county or district home	13155
operated under Chapter 5155. of the Revised Code.	13156
"Long-term care consultation program" means the program the	13157
department of aging is required to develop under section 173.42 of	13158
the Revised Code.	13159
"Long-term care consultation program administrator" or	13160
"administrator" means the department of aging or, if the	13161
department contracts with an area agency on aging or other entity	13162
to administer the long-term care consultation program for a	13163
particular area, that agency or entity.	13164

"Medicaid waiver component" has the same meaning as in 13165
section 5166.01 of the Revised Code. 13166

"Nursing facility" has the same meaning as in section 5165.01 13167
of the Revised Code. 13168

"PASSPORT program" means the preadmission screening system 13169
providing options and resources today program (PASSPORT) that 13170
consists of a medicaid-funded component created under section 13171
173.52 of the Revised Code and a state-funded component created 13172
under section 173.522 of the Revised Code and provides home and 13173
community-based services as an alternative to nursing facility 13174
placement for individuals who are aged and disabled and meet the 13175
program's applicable eligibility requirements. 13176

"PASSPORT waiver" means the federal medicaid waiver granted 13177
by the United States secretary of health and human services that 13178
authorizes the medicaid-funded component of the PASSPORT program. 13179

"Representative" means a person acting on behalf of an 13180
applicant for the medicaid-funded component or state-funded 13181
component of the assisted living program. A representative may be 13182
a family member, attorney, hospital social worker, or any other 13183
person chosen to act on behalf of an applicant. 13184

"Residential care facility" has the same meaning as in 13185
section 3721.01 of the Revised Code. 13186

"Unified long-term services and support medicaid waiver 13187
component" means the medicaid waiver component authorized by 13188
section 5166.14 of the Revised Code. 13189

Sec. 173.55. (A) As used in this section: 13190

(1) "Department of aging-administered medicaid waiver 13191
component" means ~~each~~ both of the following: 13192

(a) The medicaid-funded component of the PASSPORT program; 13193

(b) The choices program;	13194
(e) The medicaid-funded component of the assisted living program.	13195 13196
(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	13197 13198 13199
(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department shall establish a unified waiting list for the components and program. Only individuals eligible for a department of aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component established under section 173.501, 173.521, or 173.542 of the Revised Code may be so enrolled without being placed on the unified waiting list.	13200 13201 13202 13203 13204 13205 13206 13207 13208 13209 13210 13211 13212
Sec. 173.99. (A) A long term care provider, person employed by a long term care provider, other entity, or employee of such other entity that <u>Whoever</u> violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.	13213 13214 13215 13216 13217
(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.	13218 13219 13220
(C) A long term care provider, other entity, or person employed by a long term care provider or other entity that <u>Whoever</u> violates division (E) <u>(G)(1) or (2)</u> of section 173.19 of the	13221 13222 13223

Revised Code by denying a representative of the office of the 13224
state long term care ombudsman program the access required by that 13225
division is subject to a fine not to exceed five hundred dollars 13226
for each violation. 13227

(D) Whoever violates division (C) of section 173.44 of the 13228
Revised Code is subject to a fine of one hundred dollars. 13229

Sec. 183.51. (A) As used in this section and in the 13230
applicable bond proceedings unless otherwise provided: 13231

(1) "Bond proceedings" means the resolutions, orders, 13232
indentures, purchase and sale and trust and other agreements 13233
including any amendments or supplements to them, and credit 13234
enhancement facilities, and amendments and supplements to them, or 13235
any one or more or combination of them, authorizing, awarding, or 13236
providing for the terms and conditions applicable to or providing 13237
for the security or liquidity of, the particular obligations, and 13238
the provisions contained in those obligations. 13239

(2) "Bond service fund" means the bond service fund created 13240
in the bond proceedings for the obligations. 13241

(3) "Capital facilities" means, as applicable, capital 13242
facilities or projects as referred to in section 151.03 or 151.04 13243
of the Revised Code. 13244

(4) "Consent decree" means the consent decree and final 13245
judgment entered November 25, 1998, in the court of common pleas 13246
of Franklin county, Ohio, as the same may be amended or 13247
supplemented from time to time. 13248

(5) "Cost of capital facilities" has the same meaning as in 13249
section 151.01 of the Revised Code, as applicable. 13250

(6) "Credit enhancement facilities," "financing costs," and 13251
"interest" or "interest equivalent" have the same meanings as in 13252
section 133.01 of the Revised Code. 13253

(7) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, "debt service" may include costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source of payment of or limitation on, other debt service.

(8) "Improvement fund" means, as applicable, the school building program assistance fund created in section 3318.25 of the Revised Code and the higher education improvement fund created in section 154.21 of the Revised Code.

(9) "Issuing authority" means the buckeye tobacco settlement financing authority created in section 183.52 of the Revised Code.

(10) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into special funds pursuant to the applicable bond proceedings, and amounts to be used to pay financing costs.

(11) "Obligations" means bonds, notes, or other evidences of obligation of the issuing authority, including any appertaining interest coupons, issued by the issuing authority under this section and Section 2i of Article VIII, Ohio Constitution, for the purpose of providing funds to the state, in exchange for the assignment and sale described in division (B) of this section, for the purpose of paying costs of capital facilities for: (a) housing branches and agencies of state government limited to facilities for a system of common schools throughout the state and (b) state-supported or state-assisted institutions of higher education.

(12) "Pledged receipts" means, as and to the extent provided

for in the applicable bond proceedings:	13285
(a) Pledged tobacco settlement receipts;	13286
(b) Accrued interest received from the sale of obligations;	13287
(c) Income from the investment of the special funds;	13288
(d) Additional or any other specific revenues or receipts	13289
lawfully available to be pledged, and pledged, pursuant to the	13290
bond proceedings, including but not limited to amounts received	13291
under credit enhancement facilities, to the payment of debt	13292
service.	13293
(13) "Pledged tobacco settlement receipts" means all amounts	13294
received by the issuing authority pursuant to division (B) of this	13295
section.	13296
(14) "Principal amount" means the aggregate of the amount as	13297
stated or provided for in the applicable bond proceedings as the	13298
amount on which interest or interest equivalent on particular	13299
obligations is initially calculated. "Principal amount" does not	13300
include any premium paid to the issuing authority by the initial	13301
purchaser of the obligations. "Principal amount" of a capital	13302
appreciation bond, as defined in division (C) of section 3334.01	13303
of the Revised Code, means its original face amount and not its	13304
accreted value, and "principal amount" of a zero coupon bond, as	13305
defined in division (J) of section 3334.01 of the Revised Code,	13306
means the discounted offering price at which the bond is initially	13307
sold to the public, disregarding any purchase price discount to	13308
the original purchaser, if provided in or for pursuant to the bond	13309
proceedings.	13310
(15) "Special funds" or "funds," unless the context indicates	13311
otherwise, means the bond service fund, and any other funds,	13312
including any reserve funds, created under the bond proceedings	13313
and stated to be special funds in those proceedings, including	13314
moneys and investments, and earnings from investments, credited	13315

and to be credited to the particular fund. "Special funds" does 13316
not include any improvement fund or investment earnings on amounts 13317
in any improvement fund, or other funds created by the bond 13318
proceedings that are not stated by those proceedings to be special 13319
funds. 13320

(B) The state may assign and sell to the issuing authority, 13321
and the issuing authority may accept and purchase, all or a 13322
portion of the amounts to be received by the state under the 13323
tobacco master settlement agreement for a purchase price payable 13324
by the issuing authority to the state consisting of the net 13325
proceeds of obligations and any residual interest, if any. Any 13326
such assignment and sale shall be irrevocable in accordance with 13327
its terms during the period any obligations secured by amounts so 13328
assigned and sold are outstanding under the applicable bond 13329
proceedings, and shall constitute a contractual obligation to the 13330
holders or owners of those obligations. Any such assignment and 13331
sale shall also be treated as an absolute transfer and true sale 13332
for all purposes, and not as a pledge or other security interest. 13333
The characterization of any such assignment and sale as a true 13334
sale and absolute transfer shall not be negated or adversely 13335
affected by only a portion of the amounts to be received under the 13336
tobacco master settlement agreement being transferred, the 13337
acquisition or retention by the state of a residual interest, the 13338
participation of any state officer or employee as a member or 13339
officer of, or providing staff support to, the issuing authority, 13340
any responsibility of an officer or employee of the state for 13341
collecting the amounts to be received under the tobacco master 13342
settlement agreement or otherwise enforcing that agreement or 13343
retaining any legal title to or interest in any portion of the 13344
amounts to be received under that agreement for the purpose of 13345
these collection activities, any characterization of the issuing 13346
authority or its obligations for purposes of accounting, taxation, 13347
or securities regulation, or by any other factors whatsoever. A 13348

true sale shall exist under this section regardless of whether the 13349
issuing authority has any recourse against the state or any other 13350
term of the bond proceedings or the treatment or characterization 13351
of the transfer as a financing for any purpose. Upon and following 13352
the assignment and sale, the state shall not have any right, 13353
title, or interest in the portion of the receipts under the 13354
tobacco master settlement agreement so assigned and sold, other 13355
than any residual interest that may be described in the applicable 13356
bond proceedings for those obligations, and that portion, if any, 13357
shall be the property of the issuing authority and not of the 13358
state, and shall be paid directly to the issuing authority, and 13359
shall be owned, received, held, and disbursed by the issuing 13360
authority and not by the state. 13361

The state may covenant, pledge, and agree in the bond 13362
proceedings, with and for the benefit of the issuing authority, 13363
the holders and owners of obligations, and providers of any credit 13364
enhancement facilities, that it shall: (1) maintain statutory 13365
authority for, and cause to be collected and paid directly to the 13366
issuing authority or its assignee, the pledged receipts, (2) 13367
enforce the rights of the issuing authority to receive the 13368
receipts under the tobacco master settlement agreement assigned 13369
and sold to the issuing authority, (3) not materially impair the 13370
rights of the issuing authority to fulfill the terms of its 13371
agreements with the holders or owners of outstanding obligations 13372
under the bond proceedings, (4) not materially impair the rights 13373
and remedies of the holders or owners of outstanding obligations 13374
or materially impair the security for those outstanding 13375
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13376
the tobacco master settlement agreement, and the consent decree to 13377
effectuate the collection of the pledged tobacco settlement 13378
receipts. The bond proceedings may provide or authorize the manner 13379
for determining material impairment of the security for any 13380
outstanding obligations, including by assessing and evaluating the 13381

pledged receipts in the aggregate. 13382

As further provided for in division (H) of this section, the 13383
bond proceedings may also include such other covenants, pledges, 13384
and agreements by the state to protect and safeguard the security 13385
and rights of the holders and owners of the obligations, and of 13386
the providers of any credit enhancement facilities, including, 13387
without limiting the generality of the foregoing, any covenant, 13388
pledge, or agreement customary in transactions involving the 13389
issuance of securities the debt service on which is payable from 13390
or secured by amounts received under the tobacco master settlement 13391
agreement. Notwithstanding any other provision of law, any 13392
covenant, pledge, and agreement of the state, if and when made in 13393
the bond proceedings, shall be controlling and binding upon, and 13394
enforceable against the state in accordance with its terms for so 13395
long as any obligations are outstanding under the applicable bond 13396
proceedings. The bond proceedings may also include limitations on 13397
the remedies available to the issuing authority, the holders and 13398
owners of the obligations, and the providers of any credit 13399
enhancement facilities, including, without limiting the generality 13400
of the foregoing, a provision that those remedies may be limited 13401
to injunctive relief in circumstances where there has been no 13402
prior determination by a court of competent jurisdiction that the 13403
state has not enforced Chapter 1346. of the Revised Code, the 13404
tobacco master settlement agreement, or the consent decree as may 13405
have been covenanted or agreed in the bond proceedings under 13406
division (B)(5) of this section. 13407

Nothing in this section or the bond proceedings shall 13408
preclude or limit, or be construed to preclude or limit, the state 13409
from regulating or authorizing or permitting the regulation of 13410
smoking or from taxing and regulating the sale of cigarettes or 13411
other tobacco products, or from defending or prosecuting cases or 13412
other actions relating to the sale or use of cigarettes or other 13413

tobacco products. Except as otherwise may be agreed in writing by 13414
the attorney general, nothing in this section or the bond 13415
proceedings shall modify or limit, or be construed to modify or 13416
limit, the responsibility, power, judgment, and discretion of the 13417
attorney general to protect and discharge the duties, rights, and 13418
obligations of the state under the tobacco master settlement 13419
agreement, the consent decree, or Chapter 1346. of the Revised 13420
Code. 13421

The governor and the director of budget and management, in 13422
consultation with the attorney general, on behalf of the state, 13423
and any member or officer of the issuing authority as authorized 13424
by that issuing authority, on behalf of the issuing authority, may 13425
take any action and execute any documents, including any purchase 13426
and sale agreements, necessary to effect the assignment and sale 13427
and the acceptance of the assignment and title to the receipts 13428
including, providing irrevocable direction to the escrow agent 13429
acting under the tobacco master settlement agreement to transfer 13430
directly to the issuing authority the amounts to be received under 13431
that agreement that are subject to such assignment and sale. Any 13432
purchase and sale agreement or other bond proceedings may contain 13433
the terms and conditions established by the state and the issuing 13434
authority to carry out and effectuate the purposes of this 13435
section, including, without limitation, covenants binding the 13436
state in favor of the issuing authority and its assignees and the 13437
owners of the obligations. Any such purchase and sale agreement 13438
shall be sufficient to effectuate such purchase and sale without 13439
regard to any other laws governing other property sales or 13440
financial transactions by the state. 13441

Not later than two years following the date on which there 13442
are no longer any obligations outstanding under the bond 13443
proceedings, all assets of the issuing authority shall vest in the 13444
state, the issuing authority shall execute any necessary 13445

assignments or instruments, including any assignment of any right, 13446
title, or ownership to the state for receipt of amounts under the 13447
tobacco master settlement agreement, and the issuing authority 13448
shall be dissolved. 13449

(C) The issuing authority is authorized to issue and to sell 13450
obligations as provided in this section. The aggregate principal 13451
amount of obligations issued under this section shall not exceed 13452
six billion dollars, exclusive of obligations issued under 13453
division (M)(1) of this section to refund, renew, or advance 13454
refund other obligations issued or incurred. At least seventy-five 13455
per cent of the aggregate net proceeds of the obligations issued 13456
under the authority of this section, exclusive of obligations 13457
issued to refund, renew, or advance refund other obligations, 13458
shall be paid to the state for deposit into the school building 13459
program assistance fund created in section 3318.25 of the Revised 13460
Code. 13461

(D) Each issue of obligations shall be authorized by 13462
resolution or order of the issuing authority. The bond proceedings 13463
shall provide for or authorize the manner for determining the 13464
principal amount or maximum principal amount of obligations of an 13465
issue, the principal maturity or maturities, the interest rate or 13466
rates, the date of and the dates of payment of interest on the 13467
obligations, their denominations, and the place or places of 13468
payment of debt service which may be within or outside the state. 13469
Unless otherwise provided by law, the latest principal maturity 13470
may not be later than the earlier of the thirty-first day of 13471
December of the fiftieth calendar year after the year of issuance 13472
of the particular obligations or of the fiftieth calendar year 13473
after the year in which the original obligation to pay was issued 13474
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 13475
the Revised Code apply to the obligations. 13476

The purpose of the obligations may be stated in the bond 13477

proceedings in general terms, such as, as applicable, "paying 13478
costs of capital facilities for a system of common schools" and 13479
"paying costs of facilities for state-supported and state-assisted 13480
institutions of higher education." Unless otherwise provided in 13481
the bond proceedings or in division (C) of this section, the net 13482
proceeds from the issuance of the obligations shall be paid to the 13483
state for deposit into the applicable improvement fund. In 13484
addition to the investments authorized in Chapter 135. of the 13485
Revised Code, the net proceeds held in an improvement fund may be 13486
invested by the treasurer of state in guaranteed investment 13487
contracts with providers rated at the time of any investment in 13488
the three highest rating categories by two nationally recognized 13489
rating agencies, all subject to the terms and conditions set forth 13490
in those agreements or the bond proceedings. Notwithstanding 13491
anything to the contrary in Chapter 3318. of the Revised Code, net 13492
proceeds of obligations deposited into the school building program 13493
assistance fund created in section 3318.25 of the Revised Code may 13494
be used to pay basic project costs under that chapter at the times 13495
determined by the Ohio ~~school~~ facilities construction commission 13496
without regard to whether those expenditures are in proportion to 13497
the state's and the school district's respective shares of that 13498
basic project cost; provided that this shall not result in any 13499
change in the state or school district shares of the basic project 13500
costs as determined under that chapter. As used in the preceding 13501
sentence, "Ohio ~~school~~ facilities construction commission" and 13502
"basic project costs" have the same meanings as in section 3318.01 13503
of the Revised Code. 13504

(E) The issuing authority may, without need for any other 13505
approval, appoint or provide for the appointment of paying agents, 13506
bond registrars, securities depositories, credit enhancement 13507
providers or counterparties, clearing corporations, and transfer 13508
agents, and retain or contract for the services of underwriters, 13509
investment bankers, financial advisers, accounting experts, 13510

marketing, remarketing, indexing, and administrative agents, other 13511
consultants, and independent contractors, including printing 13512
services, as are necessary in the judgment of the issuing 13513
authority to carry out the issuing authority's functions under 13514
this section and section 183.52 of the Revised Code. The attorney 13515
general as counsel to the issuing authority shall represent the 13516
authority in the execution of its powers and duties, and shall 13517
institute and prosecute all actions on its behalf. The issuing 13518
authority, in consultation with the attorney general, shall select 13519
counsel, and the attorney general shall appoint the counsel 13520
selected, for the purposes of carrying out the functions under 13521
this section and related sections of the Revised Code. Financing 13522
costs are payable, as may be provided in the bond proceedings, 13523
from the proceeds of the obligations, from special funds, or from 13524
other moneys available for the purpose, including as to future 13525
financing costs, from the pledged receipts. 13526

(F) The issuing authority may irrevocably pledge and assign 13527
all, or such portion as the issuing authority determines, of the 13528
pledged receipts to the payment of the debt service charges on 13529
obligations issued under this section, and for the establishment 13530
and maintenance of any reserves, as provided in the bond 13531
proceedings, and make other provisions in the bond proceedings 13532
with respect to pledged receipts as authorized by this section, 13533
which provisions are controlling notwithstanding any other 13534
provisions of law pertaining to them. Any and all pledged receipts 13535
received by the issuing authority and required by the bond 13536
proceedings, consistent with this section, to be deposited, 13537
transferred, or credited to the bond service fund, and all other 13538
money transferred or allocated to or received for the purposes of 13539
that fund, shall be deposited and credited to the bond service 13540
fund created in the bond proceedings for the obligations, subject 13541
to any applicable provisions of those bond proceedings, but 13542
without necessity for any act of appropriation. Those pledged 13543

receipts shall immediately be subject to the lien of that pledge 13544
without any physical delivery thereof or further act, and shall 13545
not be subject to other court judgments. The lien of the pledge of 13546
those pledged receipts shall be valid and binding against all 13547
parties having claims of any kind against the issuing authority, 13548
irrespective of whether those parties have notice thereof. The 13549
pledge shall create a perfected security interest for all purposes 13550
of Chapter 1309. of the Revised Code and a perfected lien for 13551
purposes of any other interest, all without the necessity for 13552
separation or delivery of funds or for the filing or recording of 13553
the applicable bond proceedings by which that pledge is created or 13554
any certificate, statement, or other document with respect 13555
thereto. The pledge of the pledged receipts shall be effective and 13556
the money therefrom and thereof may be applied to the purposes for 13557
which pledged. 13558

(G) Obligations may be further secured, as determined by the 13559
issuing authority, by an indenture or a trust agreement between 13560
the issuing authority and a corporate trustee, which may be any 13561
trust company or bank having a place of business within the state. 13562
Any indenture or trust agreement may contain the resolution or 13563
order authorizing the issuance of the obligations, any provisions 13564
that may be contained in any bond proceedings, and other 13565
provisions that are customary or appropriate in an agreement of 13566
that type, including, but not limited to: 13567

(1) Maintenance of each pledge, indenture, trust agreement, 13568
or other instrument comprising part of the bond proceedings until 13569
the issuing authority has fully paid or provided for the payment 13570
of debt service on the obligations secured by it; 13571

(2) In the event of default in any payments required to be 13572
made by the bond proceedings, enforcement of those payments or 13573
agreements by mandamus, the appointment of a receiver, suit in 13574
equity, action at law, or any combination of them; 13575

(3) The rights and remedies of the holders or owners of obligations and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual holders and owners.

(H) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations including, but not limited to, provisions for:

(1) The redemption of obligations prior to maturity at the option of the issuing authority or of the holder or upon the occurrence of certain conditions, and at a particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the issuing authority has fully paid or provided for the payment of the debt service on the

obligations or met other stated conditions; 13607

(6) In the event of default in any payments required to be 13608
made by the bond proceedings, or by any other agreement of the 13609
issuing authority made as part of a contract under which the 13610
obligations were issued or secured, including a credit enhancement 13611
facility, the enforcement of those payments by mandamus, a suit in 13612
equity, an action at law, or any combination of those remedial 13613
actions; 13614

(7) The rights and remedies of the holders or owners of 13615
obligations or of book-entry interests in them, and of third 13616
parties under any credit enhancement facility, and provisions for 13617
protecting and enforcing those rights and remedies, including 13618
limitations on rights of individual holders or owners; 13619

(8) The replacement of mutilated, destroyed, lost, or stolen 13620
obligations; 13621

(9) The funding, refunding, or advance refunding, or other 13622
provision for payment, of obligations that will then no longer be 13623
outstanding for purposes of this section or of the applicable bond 13624
proceedings; 13625

(10) Amendment of the bond proceedings; 13626

(11) Any other or additional agreements with the owners of 13627
obligations, and such other provisions as the issuing authority 13628
determines, including limitations, conditions, or qualifications, 13629
relating to any of the foregoing or the activities of the issuing 13630
authority in connection therewith. 13631

The bond proceedings shall make provision for the payment of 13632
the expenses of the enforcement activity of the attorney general 13633
referred to in division (B) of this section from the amounts from 13634
the tobacco master settlement agreement assigned and sold to the 13635
issuing authority under that division or from the proceeds of 13636
obligations, or a combination thereof, which may include provision 13637

for both annual payments and a special fund providing reserve 13638
amounts for the payment of those expenses. 13639

The issuing authority shall not, and shall covenant in the 13640
bond proceedings that it shall not, be authorized to and shall not 13641
file a voluntary petition under the United States Bankruptcy Code, 13642
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 13643
similar bankruptcy proceeding under state law including, without 13644
limitation, consenting to the appointment of a receiver or trustee 13645
or making a general or specific assignment for the benefit of 13646
creditors, and neither any public officer or any organization, 13647
entity, or other person shall authorize the issuing authority to 13648
be or become a debtor under the United States Bankruptcy Code or 13649
take any of those actions under the United States Bankruptcy Code 13650
or state law. The state hereby covenants, and the issuing 13651
authority shall covenant, with the holders or owners of the 13652
obligations, that the state shall not permit the issuing authority 13653
to file a voluntary petition under the United States Bankruptcy 13654
Code or take any of those actions under the United States 13655
Bankruptcy Code or state law during the period obligations are 13656
outstanding and for any additional period for which the issuing 13657
authority covenants in the bond proceedings, which additional 13658
period may, but need not, be a period of three hundred sixty-seven 13659
days or more. 13660

(I) The obligations requiring execution by or for the issuing 13661
authority shall be signed as provided in the bond proceedings, and 13662
may bear the official seal of the issuing authority or a facsimile 13663
thereof. Any obligation may be signed by the individual who, on 13664
the date of execution, is the authorized signer even though, on 13665
the date of the obligations, that individual is not an authorized 13666
signer. In case the individual whose signature or facsimile 13667
signature appears on any obligation ceases to be an authorized 13668
signer before delivery of the obligation, that signature or 13669

facsimile is nevertheless valid and sufficient for all purposes as 13670
if that individual had remained the authorized signer until 13671
delivery. 13672

(J) Obligations are investment securities under Chapter 1308. 13673
of the Revised Code. Obligations may be issued in bearer or in 13674
registered form, registrable as to principal alone or as to both 13675
principal and interest, or both, or in certificated or 13676
uncertificated form, as the issuing authority determines. 13677
Provision may be made for the exchange, conversion, or transfer of 13678
obligations and for reasonable charges for registration, exchange, 13679
conversion, and transfer. Pending preparation of final 13680
obligations, the issuing authority may provide for the issuance of 13681
interim instruments to be exchanged for the final obligations. 13682

(K) Obligations may be sold at public sale or at private 13683
sale, in such manner, and at such price at, above, or below par, 13684
all as determined by and provided by the issuing authority in the 13685
bond proceedings. 13686

(L) Except to the extent that rights are restricted by the 13687
bond proceedings, any owner of obligations or provider of or 13688
counterparty to a credit enhancement facility may by any suitable 13689
form of legal proceedings protect and enforce any rights relating 13690
to obligations or that facility under the laws of this state or 13691
granted by the bond proceedings. Those rights include the right to 13692
compel the performance of all applicable duties of the issuing 13693
authority and the state. Each duty of the issuing authority and 13694
that issuing authority's officers, staff, and employees, and of 13695
each state entity or agency, or using district or using 13696
institution, and its officers, members, staff, or employees, 13697
undertaken pursuant to the bond proceedings, is hereby established 13698
as a duty of the entity or individual having authority to perform 13699
that duty, specifically enjoined by law and resulting from an 13700
office, trust, or station within the meaning of section 2731.01 of 13701

the Revised Code. The individuals who are from time to time 13702
members of the issuing authority, or their designees acting 13703
pursuant to section 183.52 of the Revised Code, or the issuing 13704
authority's officers, staff, agents, or employees, when acting 13705
within the scope of their employment or agency, shall not be 13706
liable in their personal capacities on any obligations or 13707
otherwise under the bond proceedings, or for otherwise exercising 13708
or carrying out any purposes or powers of the issuing authority. 13709

(M)(1) Subject to any applicable limitations in division (C) 13710
of this section, the issuing authority may also authorize and 13711
provide for the issuance of: 13712

(a) Obligations in the form of bond anticipation notes, and 13713
may authorize and provide for the renewal of those notes from time 13714
to time by the issuance of new notes. The holders of notes or 13715
appertaining interest coupons have the right to have debt service 13716
on those notes paid solely from the moneys and special funds, and 13717
all or any portion of the pledged receipts, that are or may be 13718
pledged to that payment, including the proceeds of bonds or 13719
renewal notes or both, as the issuing authority provides in the 13720
bond proceedings authorizing the notes. Notes may be additionally 13721
secured by covenants of the issuing authority to the effect that 13722
the issuing authority will do all things necessary for the 13723
issuance of bonds or renewal notes in such principal amount and 13724
upon such terms as may be necessary to provide moneys to pay when 13725
due the debt service on the notes, and apply their proceeds to the 13726
extent necessary, to make full and timely payment of debt service 13727
on the notes as provided in the applicable bond proceedings. In 13728
the bond proceedings authorizing the issuance of bond anticipation 13729
notes the issuing authority shall set forth for the bonds 13730
anticipated an estimated schedule of annual principal payments the 13731
latest of which shall be no later than provided in division (D) of 13732
this section. While the notes are outstanding there shall be 13733

deposited, as shall be provided in the bond proceedings for those 13734
notes, from the sources authorized for payment of debt service on 13735
the bonds, amounts sufficient to pay the principal of the bonds 13736
anticipated as set forth in that estimated schedule during the 13737
time the notes are outstanding, which amounts shall be used solely 13738
to pay the principal of those notes or of the bonds anticipated. 13739

(b) Obligations for the refunding, including funding and 13740
retirement, and advance refunding, with or without payment or 13741
redemption prior to maturity, of any obligations previously issued 13742
under this section and any bonds or notes previously issued for 13743
the purpose of paying costs of capital facilities for: (i) 13744
state-supported or state-assisted institutions of higher education 13745
as authorized by sections 151.01 and 151.04 of the Revised Code, 13746
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 13747
and (ii) housing branches and agencies of state government limited 13748
to facilities for a system of common schools throughout the state 13749
as authorized by sections 151.01 and 151.03 of the Revised Code, 13750
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 13751
Refunding obligations may be issued in amounts sufficient to pay 13752
or to provide for repayment of the principal amount, including 13753
principal amounts maturing prior to the redemption of the 13754
remaining prior obligations or bonds or notes, any redemption 13755
premium, and interest accrued or to accrue to the maturity or 13756
redemption date or dates, payable on the prior obligations or 13757
bonds or notes, and related financing costs and any expenses 13758
incurred or to be incurred in connection with that issuance and 13759
refunding. Subject to the applicable bond proceedings, the portion 13760
of the proceeds of the sale of refunding obligations issued under 13761
division (M)(1)(b) of this section to be applied to debt service 13762
on the prior obligations or bonds or notes shall be credited to an 13763
appropriate separate account in the bond service fund and held in 13764
trust for the purpose by the issuing authority or by a corporate 13765
trustee, and may be invested as provided in the bond proceedings. 13766

Obligations authorized under this division shall be considered to 13767
be issued for those purposes for which the prior obligations or 13768
bonds or notes were issued. 13769

(2) The principal amount of refunding, advance refunding, or 13770
renewal obligations issued pursuant to division (M) of this 13771
section shall be in addition to the amount authorized in division 13772
(C) of this section. 13773

(N) Obligations are lawful investments for banks, savings and 13774
loan associations, credit union share guaranty corporations, trust 13775
companies, trustees, fiduciaries, insurance companies, including 13776
domestic for life and domestic not for life, trustees or other 13777
officers having charge of sinking and bond retirement or other 13778
special funds of the state and political subdivisions and taxing 13779
districts of this state, notwithstanding any other provisions of 13780
the Revised Code or rules adopted pursuant to those provisions by 13781
any state agency with respect to investments by them, and are also 13782
acceptable as security for the repayment of the deposit of public 13783
moneys. The exemptions from taxation in Ohio as provided for in 13784
particular sections of the Ohio Constitution and section 5709.76 13785
of the Revised Code apply to the obligations. 13786

(O)(1) Unless otherwise provided or provided for in any 13787
applicable bond proceedings, moneys to the credit of or in a 13788
special fund shall be disbursed on the order of the issuing 13789
authority. No such order is required for the payment, from the 13790
bond service fund or other special fund, when due of debt service 13791
or required payments under credit enhancement facilities. 13792

(2) Payments received by the issuing authority under interest 13793
rate hedges entered into as credit enhancement facilities under 13794
this section shall be deposited as provided in the applicable bond 13795
proceedings. 13796

(P) The obligations shall not be general obligations of the 13797

state and the full faith and credit, revenue, and taxing power of 13798
the state shall not be pledged to the payment of debt service on 13799
them or to any guarantee of the payment of that debt service. The 13800
holders or owners of the obligations shall have no right to have 13801
any moneys obligated or pledged for the payment of debt service 13802
except as provided in this section and in the applicable bond 13803
proceedings. The rights of the holders and owners to payment of 13804
debt service are limited to all or that portion of the pledged 13805
receipts, and those special funds, pledged to the payment of debt 13806
service pursuant to the bond proceedings in accordance with this 13807
section, and each obligation shall bear on its face a statement to 13808
that effect. 13809

(Q) Each bond service fund is a trust fund and is hereby 13810
pledged to the payment of debt service on the applicable 13811
obligations. Payment of that debt service shall be made or 13812
provided for by the issuing authority in accordance with the bond 13813
proceedings without necessity for any act of appropriation. The 13814
bond proceedings may provide for the establishment of separate 13815
accounts in the bond service fund and for the application of those 13816
accounts only to debt service on specific obligations, and for 13817
other accounts in the bond service fund within the general 13818
purposes of that fund. 13819

(R) Subject to the bond proceedings pertaining to any 13820
obligations then outstanding in accordance with their terms, the 13821
issuing authority may in the bond proceedings pledge all, or such 13822
portion as the issuing authority determines, of the moneys in the 13823
bond service fund to the payment of debt service on particular 13824
obligations, and for the establishment and maintenance of any 13825
reserves for payment of particular debt service. 13826

(S)(1) Unless otherwise provided in any applicable bond 13827
proceedings, moneys to the credit of special funds may be invested 13828
by or on behalf of the issuing authority only in one or more of 13829

the following:	13830
(a) Notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations;	13831 13832 13833 13834 13835 13836 13837
(b) Obligations of this state or any political subdivision of this state;	13838 13839
(c) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;	13840 13841 13842 13843
(d) The treasurer of state's pooled investment program under section 135.45 of the Revised Code;	13844 13845
(e) Other investment agreements or repurchase agreements that are consistent with the ratings on the obligations.	13846 13847
(2) The income from investments referred to in division (S)(1) of this section shall be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.	13848 13849 13850 13851 13852
(T) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.	13853 13854 13855 13856
(U) The issuing authority shall make quarterly reports to the general assembly of the amounts in, and activities of, each improvement fund, including amounts and activities on the subfund	13857 13858 13859

level. Each report shall include a detailed description and 13860
analysis of the amount of proceeds remaining in each fund from the 13861
sale of obligations pursuant to this section, and any other 13862
deposits, credits, interest earnings, disbursements, expenses, 13863
transfers, or activities of each fund. 13864

(V) The costs of the annual audit of the authority conducted 13865
pursuant to section 117.112 of the Revised Code are payable, as 13866
may be provided in the bond proceedings, from the proceeds of the 13867
obligations, from special funds, or from other moneys available 13868
for the purpose, including as to future financing costs, from the 13869
pledged receipts. 13870

Sec. 190.01. "The Health Care Compact" is hereby ratified, 13871
enacted into law, and entered into by the state of Ohio as a party 13872
to the compact with any other state that has legally joined in the 13873
compact as follows: 13874

Whereas, the separation of powers, both between the branches 13875
of the Federal government and between Federal and State authority, 13876
is essential to the preservation of individual liberty; 13877

Whereas, the Constitution creates a Federal government of 13878
limited and enumerated powers, and reserves to the States or to 13879
the people those powers not granted to the Federal government; 13880

Whereas, the Federal government has enacted many laws that 13881
have preempted State laws with respect to Health Care, and placed 13882
increasing strain on State budgets, impairing other 13883
responsibilities such as education, infrastructure, and public 13884
safety; 13885

Whereas, the Member States seek to protect individual liberty 13886
and personal control over Health Care decisions, and believe the 13887
best method to achieve these ends is by vesting regulatory 13888
authority over Health Care in the States; 13889

Whereas, by acting in concert, the Member States may express 13890
and inspire confidence in the ability of each Member State to 13891
govern Health Care effectively; and 13892

Whereas, the Member States recognize that consent of Congress 13893
may be more easily secured if the Member States collectively seek 13894
consent through an interstate compact; 13895

NOW THEREFORE, the Member States hereto resolve, and by the 13896
adoption into law under their respective State Constitutions of 13897
this Health Care Compact, agree, as follows: 13898

Sec. 1. Definitions. As used in this Compact, unless the 13899
context clearly indicates otherwise: 13900

"Commission" means the Interstate Advisory Health Care 13901
Commission. 13902

"Effective Date" means the date upon which this Compact shall 13903
become effective for purposes of the operation of State and 13904
Federal law in a Member State, which shall be the later of: 13905

(a) the date upon which this Compact shall be adopted under 13906
the laws of the Member State, and 13907

(b) the date upon which this Compact receives the consent of 13908
Congress pursuant to Article I, Section 10, of the United States 13909
Constitution, after at least two Member States adopt this Compact. 13910

"Health Care" means care, services, supplies, or plans 13911
related to the health of an individual and includes but is not 13912
limited to: 13913

(a) preventive, diagnostic, therapeutic, rehabilitative, 13914
maintenance, or palliative care and counseling, service, 13915
assessment, or procedure with respect to the physical or mental 13916
condition or functional status of an individual or that affects 13917
the structure or function of the body, and 13918

(b) sale or dispensing of a drug, device, equipment, or other 13919

item in accordance with a prescription, and 13920

(c) an individual or group plan that provides, or pays the 13921
cost of, care, services, or supplies related to the health of an 13922
individual, except any care, services, supplies, or plans provided 13923
by the United States Department of Defense and United States 13924
Department of Veteran Affairs, or provided to Native Americans. 13925

"Member State" means a State that is signatory to this 13926
Compact and has adopted it under the laws of that State. 13927

"Member State Base Funding Level" means a number equal to the 13928
total Federal spending on Health Care in the Member State during 13929
Federal fiscal year 2010. On or before the Effective Date, each 13930
Member State shall determine the Member State Base Funding Level 13931
for its State, and that number shall be binding upon that Member 13932
State. The preliminary estimate of Member State Base Funding Level 13933
for the State of Ohio is \$35,043,000,000. 13934

"Member State Current Year Funding Level" means the Member 13935
State Base Funding Level multiplied by the Member State Current 13936
Year Population Adjustment Factor multiplied by the Current Year 13937
Inflation Adjustment Factor. 13938

"Member State Current Year Population Adjustment Factor" 13939
means the average population of the Member State in the current 13940
year less the average population of the Member State in Federal 13941
fiscal year 2010, divided by the average population of the Member 13942
State in Federal fiscal year 2010, plus 1. Average population in a 13943
Member State shall be determined by the United States Census 13944
Bureau. 13945

"Current Year Inflation Adjustment Factor" means the Total 13946
Gross Domestic Product Deflator in the current year divided by the 13947
Total Gross Domestic Product Deflator in Federal fiscal year 2010. 13948
Total Gross Domestic Product Deflator shall be determined by the 13949
Bureau of Economic Analysis of the United States Department of 13950

Commerce. 13951

Sec. 2. Pledge. The Member States shall take joint and 13952
separate action to secure the consent of the United States 13953
Congress to this Compact in order to return the authority to 13954
regulate Health Care to the Member States consistent with the 13955
goals and principles articulated in this Compact. The Member 13956
States shall improve Health Care policy within their respective 13957
jurisdictions and according to the judgment and discretion of each 13958
Member State. 13959

Sec. 3. Legislative Power. The legislatures of the Member 13960
States have the primary responsibility to regulate Health Care in 13961
their respective States. 13962

Sec. 4. State Control. Each Member State, within its State, 13963
may suspend by legislation the operation of all federal laws, 13964
rules, regulations, and orders regarding Health Care that are 13965
inconsistent with the laws and regulations adopted by the Member 13966
State pursuant to this Compact. Federal and State laws, rules, 13967
regulations, and orders regarding Health Care will remain in 13968
effect unless a Member State expressly suspends them pursuant to 13969
its authority under this Compact. For any federal law, rule, 13970
regulation, or order that remains in effect in a Member State 13971
after the Effective Date, that Member State shall be responsible 13972
for the associated funding obligations in its State. 13973

Sec. 5. Funding. 13974

(a) Each Federal fiscal year, each Member State shall have 13975
the right to Federal monies up to an amount equal to its Member 13976
State Current Year Funding Level for that Federal fiscal year, 13977
funded by Congress as mandatory spending and not subject to annual 13978
appropriation, to support the exercise of Member State authority 13979
under this Compact. This funding shall not be conditional on any 13980
action of or regulation, policy, law, or rule being adopted by the 13981

Member State. 13982

(b) By the start of each Federal fiscal year, Congress shall 13983
establish an initial Member State Current Year Funding Level for 13984
each Member State, based upon reasonable estimates. The final 13985
Member State Current Year Funding Level shall be calculated, and 13986
funding shall be reconciled by the United States Congress based 13987
upon information provided by each Member State and audited by the 13988
United States Government Accountability Office. 13989

Sec. 6. Interstate Advisory Health Care Commission. 13990

(a) The Interstate Advisory Health Care Commission is 13991
established. The Commission consists of members appointed by each 13992
Member State through a process to be determined by each Member 13993
State. A Member State may not appoint more than two members to the 13994
Commission and may withdraw membership from the Commission at any 13995
time. Each Commission member is entitled to one vote. The 13996
Commission shall not act unless a majority of the members are 13997
present, and no action shall be binding unless approved by a 13998
majority of the Commission's total membership. 13999

(b) The Commission may elect from among its membership a 14000
Chairperson. The Commission may adopt and publish bylaws and 14001
policies that are not inconsistent with this Compact. The 14002
Commission shall meet at least once a year, and may meet more 14003
frequently. 14004

(c) The Commission may study issues of Health Care regulation 14005
that are of particular concern to the Member States. The 14006
Commission may make non-binding recommendations to the Member 14007
States. The legislatures of the Member States may consider these 14008
recommendations in determining the appropriate Health Care 14009
policies in their respective States. 14010

(d) The Commission shall collect information and data to 14011
assist the Member States in their regulation of Health Care, 14012

including assessing the performance of various State Health Care 14013
programs and compiling information on the prices of Health Care. 14014
The Commission shall make this information and data available to 14015
the legislatures of the Member States. Notwithstanding any other 14016
provision in this Compact, no Member State shall disclose to the 14017
Commission the health information of any individual, nor shall the 14018
Commission disclose the health information of any individual. 14019

(e) The Commission shall be funded by the Member States as 14020
agreed to by the Member States. The Commission shall have the 14021
responsibilities and duties as may be conferred upon it by 14022
subsequent action of the respective legislatures of the Member 14023
States in accordance with the terms of this Compact. 14024

(f) The Commission shall not take any action within a Member 14025
State that contravenes any State law of that Member State. 14026

Sec. 7. Congressional Consent. This Compact shall be 14027
effective on its adoption by at least two Member States and 14028
consent of the United States Congress. This Compact shall be 14029
effective unless the United States Congress, in consenting to this 14030
Compact, alters the fundamental purposes of this Compact, which 14031
are: 14032

(a) To secure the right of the Member States to regulate 14033
Health Care in their respective States pursuant to this Compact 14034
and to suspend the operation of any conflicting federal laws, 14035
rules, regulations, and orders within their States; and 14036

(b) To secure Federal funding for Member States that choose 14037
to invoke their authority under this Compact, as prescribed by 14038
Section 5 above. 14039

Sec. 8. Amendments. The Member States, by unanimous 14040
agreement, may amend this Compact from time to time without the 14041
prior consent or approval of Congress and any amendment shall be 14042
effective unless, within one year, the Congress disapproves that 14043

amendment. Any State may join this Compact after the date on which 14044
Congress consents to the Compact by adoption into law under its 14045
State Constitution. 14046

Sec. 9. Withdrawal; Dissolution. Any Member State may 14047
withdraw from this Compact by adopting a law to that effect, but 14048
no such withdrawal shall take effect until six months after the 14049
Governor of the withdrawing Member State has given notice of the 14050
withdrawal to the other Member States. A withdrawing State shall 14051
be liable for any obligations that it may have incurred prior to 14052
the date on which its withdrawal becomes effective. This Compact 14053
shall be dissolved upon the withdrawal of all but one of the 14054
Member States. 14055

Sec. 190.02. Not later than thirty days after "The Health 14056
Care Compact" entered into under section 190.01 of the Revised 14057
Code is ratified by the United States congress, the governor shall 14058
appoint a member to the interstate advisory health care commission 14059
created under the compact. The governor shall fill a vacancy not 14060
later than thirty days after the vacancy occurs. 14061

Sec. 191.04. (A) In accordance with federal laws governing 14062
the confidentiality of individually identifiable health 14063
information, including the "Health Insurance Portability and 14064
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14065
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14066
by the United States department of health and human services to 14067
implement the act, a state agency may exchange protected health 14068
information with another state agency relating to eligibility for 14069
or enrollment in a health plan or relating to participation in a 14070
government program providing public benefits if the exchange of 14071
information is necessary for either or both of the following: 14072

(1) Operating a health plan; 14073

(2) Coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits.

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state agency also may exchange personally identifiable information with another state agency for purposes related to and in support of a health transformation initiative identified by the executive director of the office of health transformation pursuant to division (C) of section 191.06 of the Revised Code.

(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:

(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013, 2014, or 2015 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.

(2) If the state agency is a state agency other than the department of medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of medicaid when that department, as the state's single state agency to supervise the medicaid program, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally

identifiable information the creation, receipt, maintenance, or 141105
transmittal of which is affected or governed by this section. 141106

(4) If a state agency discovers an unauthorized use or 141107
disclosure of unsecured protected health information or unsecured 141108
individually identifiable health information, the state agency 141109
shall, not later than seventy-two hours after the discovery, do 141110
all of the following: 141111

(a) Identify the individuals who are the subject of the 141112
protected health information or individually identifiable health 141113
information; 141114

(b) Report the discovery and the names of all individuals 141115
identified pursuant to division (C)(4)(a) of this section to all 141116
other state agencies and the executive director of the office of 141117
health transformation or the executive director's designee; 141118

(c) Mitigate, to the extent reasonably possible, any 141119
potential adverse effects of the unauthorized use or disclosure. 141120

(5) A state agency shall make available to the executive 141121
director of the office of health transformation or the executive 141122
director's designee, and to any other state or federal 141123
governmental entity required by law to have access on that 141124
entity's request, all internal practices, records, and 141125
documentation relating to personally identifiable information it 141126
receives, uses, or discloses that is affected or governed by this 141127
section. 141128

(6) On termination or expiration of an operating protocol and 141129
if feasible, a state agency shall return or destroy all personally 141130
identifiable information received directly from or received on 141131
behalf of another state agency. If the personally identifiable 141132
information is not returned or destroyed, the state agency 141133
maintaining the information shall extend the protections set forth 141134
in this section for as long as it is maintained. 141135

(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency.

Sec. 191.06. (A) The provisions of this section shall apply only for fiscal years 2013 through ~~2017~~ 2019.

(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency of health care and health care support systems in this state.

(C) In furtherance of the authority of the executive director of the office of health transformation under division (B) of this section, the executive director or the executive director's designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation.

(D) For each health transformation initiative that is

identified under division (C) of this section, the executive 14167
director or the executive director's designee shall, in 14168
consultation with each participating agency, adopt one or more 14169
operating protocols. Notwithstanding any law enacted by the 14170
general assembly or rule adopted by a state agency, the provisions 14171
in a protocol shall supersede any provisions in an interagency 14172
agreement, including an interagency agreement entered into under 14173
section 5101.10 or 5162.35 of the Revised Code, that differ from 14174
the provisions of the protocol. 14175

(E)(1) An operating protocol adopted under division (D) of 14176
this section shall include both of the following: 14177

(a) All terms necessary to meet the requirements of "other 14178
arrangements" between a covered entity and a business associate 14179
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14180

(b) If known, the date on which the protocol will terminate 14181
or expire. 14182

(2) In addition, a protocol may specify the extent to which 14183
each participating agency is responsible and accountable for 14184
completing the tasks necessary for successful completion of the 14185
initiative, including tasks relating to the following components 14186
of the initiative: 14187

(a) Workflow; 14188

(b) Funding; 14189

(c) Exchange of data or other information that is 14190
confidential pursuant to state or federal law. 14191

(F) An operating protocol adopted under division (D) of this 14192
section shall have the same force and effect as an interagency 14193
agreement or data sharing agreement, and each participating agency 14194
shall comply with it. 14195

Sec. 305.05. The board of county commissioners shall organize 14196

~~on~~ not later than the second Monday of January of each year, by 14197
the election of one of its members as president for a term of one 14198
year. The member so elected shall preside at all regular and 14199
special sessions of the board. If the position of president 14200
becomes vacant during the year, the board shall select one of its 14201
members to preside. 14202

Sec. 307.283. (A) As used in this section: 14203

(1) "Grant revenue" means revenues from a tax imposed under 14204
section 5739.026 or 5741.023 of the Revised Code that are 14205
allocated for the purpose of division (A)(4) of section 5739.026 14206
of the Revised Code. 14207

(2) "Available grant revenue" means the amount certified 14208
under division (B)(2) of this section, less the amount of any 14209
grants previously awarded for the year under division (C) of this 14210
section. 14211

(3) "Grant" means a payment award for the year to a 14212
government agency for a permanent improvement project in the 14213
amount specified by the community improvements board. 14214

(4) "Government agency" means the county, the state, or a 14215
political subdivision, including a school district, any part of 14216
which is located in the county, ~~or the state.~~ 14217

(5) "Debt service charges" means interest, principal, and 14218
premium on grant award bonds. 14219

(6) "Grant award bonds" means bonds or notes issued under 14220
section ~~133.312~~ 307.284 of the Revised Code. 14221

(7) "Year" means a calendar year. 14222

(8) "Permanent improvement project" means any permanent 14223
improvement to be undertaken for which the government agency that 14224
receives a grant is authorized to expend the proceeds of that 14225
grant. ~~Any permanent improvement to be undertaken by the state~~ 14226

~~shall be located in the county.~~ 14227

(9) "School district" means a city, local, or exempted village school district. 14228
14229

(B) Each year the community improvements board shall convene 14230
and determine and certify to the board of county commissioners 14231
each of the following: 14232

(1) The estimated grant revenue to be transferred to the 14233
community improvement fund during the current year. 14234

(2) The total amount of grants that may be awarded during the 14235
current year. Except as provided in division (D) of this section, 14236
the total amount of grants that may be awarded during any year may 14237
not exceed the sum of the unencumbered balance in the community 14238
improvements fund on the first day of the year plus the estimated 14239
grant revenue for the current year, less the debt service charges 14240
certified under division (B)(3) of this section. 14241

(3) With respect to outstanding grant award bonds, the total 14242
debt service charges for the current year and each of the ensuing 14243
nine years. 14244

(C) Upon the making of such certifications, the community 14245
improvements board may award grants for the year for any one or 14246
more permanent improvement projects. For each grant awarded, the 14247
board shall certify to the board of county commissioners the 14248
project for which the grant is awarded, the amount of the grant, 14249
and the government agency to which the grant is to be paid. The 14250
board shall include in the certification, a statement instructing 14251
the board of county commissioners with respect to whether and in 14252
what proportion or amount the grant is to be reduced or whether 14253
the grant is to be paid in full in the event the actual grant 14254
revenues for the current year are less than the estimated grant 14255
revenues for the year. By a unanimous vote the board of county 14256
commissioners may disallow a grant awarded under this division, in 14257

which case it shall certify its determination to the community 14258
improvements board, and the grant shall not be paid in the current 14259
year as otherwise required under division (E) of this section. 14260

Except as otherwise provided in this division, grants awarded 14261
by the community improvements board shall be used only for 14262
permanent improvement projects located within the county. If the 14263
grant revenue is derived from a tax that was levied on the 14264
effective date of the amendment of this section by H.B. 49 of the 14265
132nd general assembly and the government agency to which the 14266
grant is to be paid is a school district, the grant may be used 14267
for permanent improvement projects located anywhere within that 14268
school district even if a portion of the school district is 14269
located outside the county. 14270

Except as provided in division (D) of this section, the board 14271
may not award any grant in any year that exceeds the available 14272
grant revenue. The board may award grants to more than one 14273
government agency for the same project and may award grants for 14274
the same project in more than one year. 14275

(D) The community improvements board may award grants in 14276
excess of the available grant revenue for any one or more 14277
permanent improvement projects, but the sum of the grants awarded 14278
for the year under this division shall not exceed the available 14279
grant revenue, adjusted to reflect the sum of any grants that are 14280
not to be paid, as determined under the certification made under 14281
division (D)(3) of this section, plus the amount by which the 14282
amount certified under division (D)(1) of this section exceeds the 14283
amount certified under division (D)(2) of this section. For each 14284
grant awarded under this division, the board shall certify to the 14285
board of county commissioners the project for which the grant is 14286
awarded, the amount of the grant, and the government agency to 14287
which the grant is to be paid. The board of county commissioners 14288
may disallow a grant awarded under this division, in which case it 14289

shall certify its determination to the community improvements board, and the grant shall not be paid in the current year as otherwise required under division (E) of this section. If the community improvements board elects to award a grant under this division, at the time it makes the certifications required by division (B) of this section it shall make the following additional certifications:

(1) The estimated grant revenue to be transferred to the community improvement fund during each of the nine ensuing years;

(2) The estimated total debt service charges, exclusive of principal, for the current year and each of the nine ensuing years on grant award bonds that would have to be issued during the current year in order to pay a grant awarded under this division;

(3) Which, if any, of the grants awarded under division ~~(B)~~(C) of this section should not be paid if a grant award made under this division is paid.

(E) Except as otherwise provided by divisions (C) and (D) of this section, the board of county commissioners shall pay each government agency from the county's community improvement fund, the amount of its grant award in accordance with the certification of the community improvement board. If the balance in the fund is insufficient to make the payment of any grant in the amount specified in the certification, the board of county commissioners may issue grant award bonds in the amount of such insufficiency and make the balance of the payment from the proceeds of such bonds. The proceeds of a payment received under this division may be expended solely for the permanent improvement project for which the grant was awarded.

(F) If a board of county commissioners disallows a grant under division (C) or (D) of this section, the community improvements board may reconvene for the purpose of awarding

grants under this section. For the purpose of making grant awards 14321
as provided under this division, any grant that the board of 14322
county commissioners disallows shall be considered not to have 14323
been awarded. 14324

(G) Before the community improvements board may approve 14325
funding for a permanent improvement project that has been rejected 14326
by a separate prior vote of the electorate, there must have 14327
occurred a subsequent separate vote of the electorate reversing 14328
the prior result. 14329

Sec. 307.678. (A) As used in this section: 14330

(1) ~~"Stadium" means an open air structure designed and 14331
developed to provide a venue for public entertainment, cultural 14332
activities and recreation, or any combination thereof, including 14333
concerts, athletic and sporting events, and other events and 14334
exhibitions, together with concession, locker room, parking, 14335
restroom, and storage facilities, walkways, and other auxiliary 14336
facilities, whether included within or separate from the 14337
structure, and all real and personal property and interests 14338
therein related to the use of the structure for those purposes.~~ 14339

~~(2)~~ "Bureau" means a nonprofit corporation that is organized 14340
under the laws of this state that is, or has among its functions 14341
acting as, a convention and visitors' bureau, and that currently 14342
receives revenue from existing lodging taxes. 14343

~~(3)~~(2) "Cooperating parties" means the parties to a 14344
cooperative agreement. 14345

~~(4)~~(3) "Cooperative agreement" means an agreement entered 14346
into pursuant to ~~division (B) of~~ or as contemplated by this 14347
section. 14348

(4) "Credit enhancement facilities" has the same meaning as 14349
in section 133.01 of the Revised Code. 14350

(5) ~~"Corporation" means a nonprofit corporation that is organized under the laws of this state and has corporate authority under its organizational instruments to acquire, construct, reconstruct, equip, finance, furnish, otherwise improve, own, lease, or operate a stadium.~~ 14351
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~~(6)~~ "Debt charges" has the same meaning as in section 133.01 of the Revised Code, except that "obligations" shall be substituted for "securities" wherever "securities" appears in that section. 14356
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~~(7)~~(6) "Eligible county" means a county ~~having a population of at least three hundred seventy five thousand, but not more than four hundred thousand, according to the most recent federal decennial census within the boundaries of which any part of a tourism development district is located.~~ 14360
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(7) "Eligible transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code, within the boundaries of which any part of a tourism development district is located. 14365
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(8) "Existing lodging taxes" means taxes levied by a board of county commissioners of an eligible county under division (A) of section 5739.09 of the Revised Code. 14370
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(9) "Financing costs" means all costs, fees, and expenses relating to the authorization, including any required election, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing, of obligations, including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, placement memoranda, and informational statements, travel and transportation, underwriters, 14373
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placement agents, investment bankers, paying agents, registrars, 14382
authenticating agents, remarketing agents, custodians, clearing 14383
agencies, companies, or corporations, securities depositories, 14384
issuers, financial advisory services, certifications, audits, 14385
federal or state regulatory agencies, accounting and computation 14386
services, legal services and obtaining approving legal opinions 14387
and other legal opinions, credit ratings, paying redemption 14388
premiums, and credit enhancement facilities. Financing costs may 14389
be paid from any money available for the purpose, including, 14390
unless otherwise provided in the proceedings, from the proceeds of 14391
the obligations to which they relate and, as to future financing 14392
costs, from the same sources from which debt charges on the 14393
obligations are paid and as though debt charges. 14394

(10) "Host municipal corporation" means a municipal 14395
corporation, ~~having a population of at least seventy thousand but~~ 14396
~~not more than eighty thousand according to the most recent federal~~ 14397
~~decennial census~~, within the boundaries of which ~~a stadium~~ any 14398
part of a tourism development district is located. 14399

(11) "Host school district" means ~~the~~ a school district 14400
within the boundaries of which ~~a stadium~~ any part of a tourism 14401
development district is located. 14402

(12) "Incremental sales tax growth" has the same meaning as 14403
in section 5739.213 of the Revised Code, except that, in the case 14404
of an eligible county, "incremental sales tax growth" shall 14405
include only the amount of taxes levied under sections 5739.021 14406
and 5739.026 of the Revised Code credited to the county's general 14407
fund. 14408

(13) "Issuer" means a port authority, a new community 14409
authority, or any other issuer, as defined in section 133.01 of 14410
the Revised Code, and any corporation. 14411

~~(13)~~(14) "Maintenance and repair costs" means costs and 14412

expenses incurred by a cooperating party from the party's own 14413
revenues for maintaining or repairing a project. 14414

(15) "Net lodging tax proceeds" means the proceeds of an 14415
existing lodging tax that remain after deduction by an eligible 14416
county of the real and actual costs of administering the tax and 14417
any portion of such proceeds required to be returned to a 14418
municipal corporation or township under division (A)(1) of section 14419
5739.09 of the Revised Code. 14420

(16) "Net tourism development district revenues" means the 14421
tourism development district revenues remaining after deduction by 14422
the host municipal corporation of an amount, not to exceed one 14423
percent of any admissions tax revenues, prescribed in any 14424
legislation by which, or agreement pursuant to which, tourism 14425
development district revenues are pledged, or agreed to be pledged 14426
or contributed, by an eligible county, an eligible transit 14427
authority, or a host municipal corporation, or any combination 14428
thereof, in accordance with division (B), (E), (F), or (G) of this 14429
section. 14430

(17) "New community authority" means a new community 14431
authority established under section 349.03 of the Revised Code by 14432
an organizational board of commissioners that is or includes the 14433
board of county commissioners of an eligible county or the 14434
legislative authority of a host municipal corporation. 14435

(18) "Obligations" means obligations ~~that are~~ issued or 14436
incurred by an issuer pursuant to Chapter 133., 349., or 4582. of 14437
the Revised Code, or otherwise, for the purpose of funding or 14438
paying, or reimbursing persons for the funding or payment of, 14439
project costs, and that evidence the issuer's obligation to repay 14440
borrowed money, including interest thereon, or to pay other money 14441
obligations of the issuer at any future time, including, without 14442
limitation, bonds, notes, anticipatory securities as defined in 14443
section 133.01 of the Revised Code, certificates of indebtedness, 14444

commercial paper, or installment sale, lease, lease-purchase, or 14445
similar agreements. "Obligations" does not include credit 14446
enhancement facilities. 14447

~~(14)~~(19) "Person" includes an individual, corporation, 14448
limited liability company, business trust, estate, trust, 14449
partnership, association, eligible county, eligible transit 14450
authority, host municipal corporation, port authority, new 14451
community authority, and any other political subdivision of the 14452
state. 14453

(20) "Port authority" means a port authority created under 14454
Chapter 4582. of the Revised Code. 14455

~~(15)~~(21) "Project" means acquiring, constructing, 14456
reconstructing, rehabilitating, remodeling, renovating, enlarging, 14457
equipping, furnishing, or otherwise improving a ~~stadium~~ tourism 14458
facility or any component or element thereof. 14459

~~(16)~~(22) "Project cost" means the cost of acquiring, 14460
constructing, reconstructing, rehabilitating, remodeling, 14461
renovating, enlarging, equipping, financing, refinancing, 14462
furnishing, or otherwise improving a project, including, without 14463
limitation, financing costs; the cost of architectural, 14464
engineering, and other professional services, designs, plans, 14465
specifications, surveys, and estimates of costs; financing or 14466
refinancing obligations issued by, or reimbursing money advanced 14467
by, any cooperating party or any other person, where the proceeds 14468
of the obligations or money advanced was used to pay any other 14469
cost described in this division; inspections and testing; any 14470
indemnity or surety bond or premium related to insurance 14471
pertaining to development of the project; all related direct and 14472
indirect administrative costs and costs of placing a project in 14473
service; fees and expenses of trustees, escrow agents, 14474
depositories, and paying agents for any obligations; interest on 14475
obligations during the planning, design, and development of a 14476

project and for up to eighteen months thereafter; funding ~~of~~ and 14477
replenishing reserves for the payment of debt charges on any 14478
obligations; ~~and~~ all other expenses necessary or incident to 14479
planning, or determining the feasibility or practicability of, a 14480
project, including, without limitation, advocating the enactment 14481
of legislation to facilitate the development and financing of a 14482
project; and any other costs of a project that are authorized to 14483
be financed by the issuer of obligations at the time the 14484
obligations are issued. 14485

(23) "Taxing authority" means the board of county 14486
commissioners of an eligible county, the legislative authority, as 14487
that term is defined in section 5739.01 of the Revised Code, of an 14488
eligible transit authority, or the legislative authority of a host 14489
municipal corporation. 14490

(24) "Tourism development district" means an area designated 14491
by a host municipal corporation under section 715.014 of the 14492
Revised Code. 14493

(25) "Tourism development district revenues" means money 14494
received or receivable by a host municipal corporation from 14495
incremental sales tax growth pursuant to section 5739.213 of the 14496
Revised Code, from a tax levied by the host municipal corporation 14497
pursuant to division (C) of section 5739.101 of the Revised Code, 14498
from a tax levied by the host municipal corporation pursuant to 14499
section 5739.08 or 5739.09 of the Revised Code on the provision of 14500
lodging by hotels located in the tourism development district, 14501
from a tax levied by the host municipal corporation with respect 14502
to admission to any tourism facility or parking or any other 14503
activity occurring at any location in the tourism development 14504
district, or from any tax levied by an eligible county, eligible 14505
transit authority, or host municipal corporation with respect to 14506
activities occurring, or property located, in the tourism 14507
development district, if and to the extent that revenue from any 14508

such tax is authorized to be used, or is not prohibited by law 14509
from being used, to foster and develop tourism in the tourism 14510
development district and is authorized, contracted, pledged or 14511
assigned by the respective taxing authority to be used to fund or 14512
pay, or to reimburse other persons for funding or payment of, 14513
project costs or maintenance and repair costs. 14514

(26) "Tourism facility" means any permanent improvement, as 14515
defined in section 133.01 of the Revised Code, located in a 14516
tourism development district. 14517

(B) ~~On or before December 31, 2015,~~ the The board of county 14518
commissioners of an eligible county, an eligible transit 14519
authority, a host municipal corporation, the board of education of 14520
a host school district, a port authority, a bureau, a new 14521
community authority, and ~~a corporation~~ any other person, or any 14522
combination thereof, may enter into a cooperative agreement for 14523
any purpose authorized under this section and under which any of 14524
the following apply: 14525

(1) The board of county commissioners of the eligible county 14526
and the bureau agree to make available to a cooperating party or 14527
any other person net lodging tax proceeds ~~of an existing lodging~~ 14528
~~tax~~, not to exceed five hundred thousand dollars each year, to 14529
fund or pay, or to reimburse other persons for funding or payment 14530
of, project costs or debt charges on obligations ~~issued by a~~ 14531
~~cooperating party to fund, finance, or refinance the payment of~~ 14532
~~project costs;.~~ 14533

(2) The board of county commissioners of the eligible county 14534
agrees, for the purpose of funding or paying or supporting, or for 14535
reimbursing other persons for funding or payment of, project 14536
costs, including debt charges on obligations, may do either of the 14537
following: 14538

(a) Make available to a cooperating party or other person an 14539

amount equal to incremental sales tax growth or all or a portion 14540
of the county's tourism development district revenues; 14541

(b) Provide credit enhancement facilities in connection with 14542
the funding or payment of project costs, including debt charges on 14543
obligations, or any portion or combination thereof. 14544

(3) The taxing authority of an eligible transit authority 14545
agrees to make available to a cooperating party or any other 14546
person an amount equal to incremental sales tax growth or all or a 14547
portion of the transit authority's tourism development district 14548
revenues. 14549

(4) The host municipal corporation agrees to make available 14550
credit enhancement facilities or net tourism development district 14551
revenues, or any portion or combination thereof, to fund, pay, or 14552
support, or to reimburse other persons for funding or payment of, 14553
project costs, including debt charges on obligations, or 14554
maintenance and repair costs, or both. Any agreement to use net 14555
tourism development district revenues to pay or reimburse other 14556
persons for payment of maintenance and repair costs shall be 14557
subject to authorization by any cooperating party providing such 14558
funding to the host municipal corporation and to annual 14559
appropriation for such purpose by the legislative authority of the 14560
host municipal corporation and shall be subordinate to any 14561
covenant made to or by an issuer in connection with the issuance 14562
of obligations or credit enhancement facilities to pay project 14563
costs. 14564

(5) The cooperating parties agree, subject to any conditions 14565
or limitations provided in the cooperative agreement, to each any 14566
of the following: 14567

(a) The conveyance, grant, or transfer to a cooperating party 14568
or any other person of ownership of, property interests in, and 14569
rights to use a stadium, either real or personal property to 14570

create a tourism facility or with respect to a tourism facility as 14571
the ~~stadium~~ facility exists at the time of the agreement or as it 14572
may be improved by a project; 14573

(b) The respective responsibilities of each cooperating party 14574
for the management, operation, maintenance, repair, and 14575
replacement of a ~~stadium~~ tourism facility, including any project 14576
undertaken with respect to the ~~stadium~~ facility, which may include 14577
authorization for a cooperating party to contract with any other 14578
person for any such purpose; 14579

(c) The respective responsibilities of each cooperating party 14580
for the development and financing of a project, including, without 14581
limitation, the cooperating party or parties that shall be 14582
responsible for contracting for the development of a project and 14583
administering contracts entered into ~~which~~ by the party or parties 14584
~~enter into~~ for that purpose; 14585

(d) The respective responsibilities of each cooperating party 14586
to provide money, credit enhancement facilities, or both, whether 14587
by issuing obligations or otherwise, for the funding, payment, 14588
financing, or refinancing, or reimbursement to a cooperating party 14589
or other person for the funding, payment, financing, or 14590
refinancing, of project costs; 14591

(e) The respective responsibilities of each cooperating 14592
~~party, or any other person,~~ to provide money, credit enhancement 14593
facilities, or other security for the payment of debt charges on 14594
obligations or to fund or replenish reserves or otherwise provide 14595
for the payment of maintenance and repair costs. 14596

(C) Any conveyance, grant, or transfer of ownership of, 14597
property interests in, or rights to use a ~~stadium, and any~~ 14598
~~contract for the development, management, operation, maintenance,~~ 14599
~~repair, or replacement of a stadium~~ tourism development facility 14600
or project, including any project undertaken with respect to an 14601

existing ~~stadium~~ tourism facility, that is contemplated by a 14602
cooperative agreement may be made or entered into by a cooperating 14603
party, in such manner and upon such terms as the cooperating 14604
parties may agree, ~~without any requirement of bidding and~~ without 14605
regard to ownership of the ~~stadium~~ tourism facility or project, 14606
notwithstanding any other provision of law that may otherwise 14607
apply, including, without limitation, any requirement for notice, 14608
competitive bidding or selection, or the provision of security. A 14609
~~project constitutes a "port authority facility" within the meaning~~ 14610
~~of division (D) of section 4582.01 and division (E) of section~~ 14611
~~4582.21 of the Revised Code and shall be considered a permanent~~ 14612
~~improvement for one purpose under Chapter 133. of the Revised~~ 14613
~~Code.~~ 14614

(D) Regardless of whether a cooperative agreement has been 14615
executed and delivered, the board of county commissioners may 14616
amend any previously adopted resolution providing for the levy of 14617
an existing lodging tax to permit the use of any portion of the 14618
net lodging tax proceeds from such tax as provided in this 14619
section, and a host municipal corporation may amend any previously 14620
passed ordinance providing for the levy of lodging taxes under 14621
section 5739.08 or 5739.09 of the Revised Code to permit the use 14622
of any portion of such lodging taxes as provided in this section. 14623

(E)(1) ~~Notwithstanding any other provision of law, and after~~ 14624
~~deducting the real and actual costs of administering an existing~~ 14625
~~lodging tax and any portion of such tax required to be returned to~~ 14626
~~any municipal corporation or township as provided in division~~ 14627
~~(A)(1) of section 5739.09 of the Revised Code, the:~~ 14628

(a) The board of county commissioners of an eligible county 14629
may provide credit enhancement facilities in connection with any 14630
project, including, without limitation, for the provision of any 14631
infrastructure necessary to support a tourism facility. 14632

(b) The board of county commissioners of an eligible county 14633

~~and a bureau may agree to make available, and a cooperating party 14634
or other person may use, proceeds of an existing lodging tax for 14635
the funding or payment of project costs, including, without 14636
limitation, the payment of debt charges on obligations. Either the 14637
board or the bureau, or both, may pledge proceeds of an existing 14638
lodging tax to the payment of debt charges on obligations. The 14639
total amount of existing lodging tax proceeds made available for 14640
such use or so pledged each year shall not exceed five hundred 14641
thousand dollars. The lien of any such pledge shall be effective 14642
against all persons when it is made, without the requirement for 14643
the filing of any notice, and any proceeds of an existing lodging 14644
tax so pledged and required to be used to pay debt charges on 14645
obligations shall be paid by the county or bureau at the times, in 14646
the amounts, and to such payee, including, without limitation, a 14647
corporate trustee or paying agent, required for such obligations. 14648
The board of county commissioners may amend any previously adopted 14649
resolution providing for the levy of an existing lodging tax to 14650
permit the use of the proceeds of the existing lodging tax as 14651
provided in this division to any person, on such terms and 14652
conditions as the board and the bureau may determine and agree, 14653
net lodging tax proceeds. 14654~~

~~(E)(c) The board of county commissioners of an eligible 14655
county may agree to make available to any person, on such terms 14656
and conditions as the board may determine and agree, incremental 14657
sales tax growth and all or a portion of the county's tourism 14658
development district revenues. 14659~~

~~(2) Any amount made available under division (E)(1)(b) or (c) 14660
of this section shall be used to fund or pay, or to reimburse 14661
other persons for funding or payment of, project costs, including, 14662
without limitation, the payment of debt charges on obligations, 14663
the provision of credit enhancement facilities and the funding, 14664
and funding and replenishing reserves for that purpose or, subject 14665~~

to annual appropriation, to pay, or reimburse other persons for 14666
payment of, repair and maintenance costs. 14667

(3) The board of county commissioners, the bureau, or both, 14668
may pledge net lodging tax proceeds, and the board of county 14669
commissioners may pledge incremental sales tax growth and any 14670
tourism development district revenues, or any part or portion or 14671
combination thereof, to the payment of debt charges on obligations 14672
and the funding, or to fund or replenish reserves for that 14673
purpose; provided that, the total amount of net lodging tax 14674
proceeds made available for such use each year shall not exceed 14675
five hundred thousand dollars. 14676

The lien of any such pledge shall be effective against all 14677
persons when it is made, without the requirement for the filing of 14678
any notice, and any such net lodging tax proceeds, incremental 14679
sales tax growth, and tourism development district revenues, or 14680
any part or portion or combination thereof, so pledged and 14681
required to pay debt charges on obligations, to provide any credit 14682
enhancement facilities or to fund, or to fund or replenish 14683
reserves, or any combination thereof, shall be paid by the county 14684
or bureau at the times, in the amounts, and to such payee, 14685
including, without limitation, a corporate trustee or paying 14686
agent, to which the board of county commissioners and bureau agree 14687
with respect to net lodging tax proceeds and to which the board of 14688
county commissioners agree with respect to incremental sales tax 14689
growth or tourism development district revenues. 14690

(F) Notwithstanding any other provision of law, a host 14691
municipal corporation may agree to make available to any person, 14692
on such terms and conditions to which it may determine and agree, 14693
and any person may use, net tourism development district revenues, 14694
or any part or portion thereof, to fund or pay, or to reimburse 14695
other persons for funding or payment of, project costs, including, 14696
without limitation, the payment of debt charges on obligations and 14697

the funding, and funding and replenishing reserves for that 14698
purpose, or, subject to annual appropriation, to pay, or to 14699
reimburse other persons for payment of maintenance and repair 14700
costs, and the host municipal corporation may pledge net tourism 14701
development district revenues, or any part or portion thereof, to 14702
the payment of debt charges on obligations and to fund and 14703
replenish reserves for that purpose and may provide credit 14704
enhancement facilities. The lien of any such pledge shall be 14705
effective against all persons when it is made, without the 14706
requirement for the filing of any notice, and any net tourism 14707
development district revenues so pledged and required to pay debt 14708
charges on obligations or to fund and replenish reserves shall be 14709
paid by the host municipal corporation at the times, in the 14710
amounts, and to such payee, including, without limitation, a 14711
corporate trustee or paying agent, to which the host municipal 14712
corporation agrees. 14713

(G) Notwithstanding any other provision of law, an eligible 14714
transit authority may agree to make available, on such terms and 14715
conditions to which it may determine and agree, to any person, and 14716
any person may use, incremental sales tax growth and tourism 14717
development district revenues, or any part or portion or 14718
combination thereof, to fund or pay, or to reimburse other persons 14719
for funding or payment of, project costs, including, without 14720
limitation, the payment of debt charges on obligations and the 14721
funding and replenishing of reserves for that purpose, or, subject 14722
to annual appropriation, to pay, or to reimburse any other person 14723
for payment of, maintenance and repair costs, and the eligible 14724
transit authority may pledge incremental sales tax growth and 14725
tourism development district revenues, or any part or portion or 14726
combination thereof, to the payment of debt charges on obligations 14727
and the funding and replenishing of reserves for that purpose. The 14728
lien of any such pledge shall be effective against all persons 14729
when it is made, without the requirement for the filing of any 14730

notice, and any incremental sales tax growth and tourism 14731
development district revenues, or any part or portion or 14732
combination thereof, so pledged and required to pay debt charges 14733
on obligations or to fund and replenish reserves shall be paid by 14734
the eligible transit authority at the times, in the amounts, and 14735
to such payee, including, without limitation, a corporate trustee 14736
or paying agent, to which the eligible transit authority agrees. 14737

(H) Except as provided herein with respect to agreements for 14738
the payment or reimbursement of maintenance and repair costs, if 14739
the term of an agreement made pursuant to division (B), (E), (F), 14740
or (G) of this section extends beyond the end of the fiscal year 14741
of the eligible county, eligible transit authority, or host 14742
municipal corporation in which it is made, the agreement shall be 14743
subject to section 5705.44 of the Revised Code, and subject to the 14744
certification required by that section, the amount due under any 14745
such agreement in each succeeding fiscal year shall be included in 14746
the annual appropriation measure of the eligible county, eligible 14747
transit authority, or host municipal corporation for each such 14748
fiscal year as a fixed charge. The obligation of an eligible 14749
county, eligible transit authority, or host municipal corporation, 14750
and of each official thereof, to include the amount required to be 14751
paid in any such fiscal year in its annual appropriation measure 14752
as a fixed charge and to make such payments from and to the extent 14753
of the amounts so pledged, or agreed to be contributed or pledged, 14754
shall be a duty specially enjoined by law and resulting from an 14755
office, trust, or station under section 2731.01 of the Revised 14756
Code, enforceable by writ of mandamus. 14757

(I)(1) Each tourism facility and project constitutes a "port 14758
authority facility" within the meaning of division (D) of section 14759
4582.01 and division (E) of section 4582.21 of the Revised Code, 14760
and a port authority may issue obligations under Chapter 4582. of 14761
the Revised Code, subject only to the procedures and requirements 14762

applicable to its issuance of revenue bonds as provided in 14763
division (A)(4) of section 4582.06 of the Revised Code or of port 14764
authority revenue bonds as provided in division (A)(8) of section 14765
4582.31 of the Revised Code. For the purpose of issuing any such 14766
obligations, any net lodging tax proceeds, net tourism development 14767
district revenues, amounts provided pursuant to any credit 14768
enhancement facilities, and revenue from any other tax pledged, 14769
assigned, or otherwise obligated to be contributed to the payment 14770
of the obligations shall be treated as revenues of the port 14771
authority for the purposes of division (A)(4) of section 4582.06 14772
of the Revised Code and revenues, as defined in section 4582.21 of 14773
the Revised Code. Any obligations issued under division (I)(1) of 14774
this section shall be considered revenue bonds issued under 14775
division (A)(4) of section 4582.06 of the Revised Code or port 14776
authority revenue bonds issued under division (A)(8) of section 14777
4582.31 and section 4582.48 of the Revised Code for all purposes. 14778
In addition to all other powers available to a port authority 14779
under this section or under Chapter 4582. of the Revised Code with 14780
respect to the issuance of or provision for the security for 14781
payment of debt charges on obligations, and with respect to any 14782
tourism facility or project, the port authority may take any of 14783
the actions contemplated by Chapter 4582. of the Revised Code, 14784
including, without limitation, any actions contemplated by section 14785
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 14786
issued by a port authority pursuant to division (I)(1) of this 14787
section shall be special obligations of the port authority and do 14788
not constitute bonded indebtedness, a general obligation, debt, or 14789
a pledge of the full faith and credit of the state, the port 14790
authority, or any other political subdivision of the state. 14791

(2) Each tourism facility and project constitutes "community 14792
facilities" within the meaning of division (I) of section 349.01 14793
of the Revised Code, and a new community authority may issue 14794
obligations pursuant to Chapter 349. of the Revised Code subject 14795

only to the procedures and requirements applicable to its issuance 14796
of bonds or notes as used in and pursuant to section 349.08 of the 14797
Revised Code. For the purpose of issuing any such obligations, net 14798
lodging tax proceeds, net tourism development district revenues, 14799
and revenue from any other tax pledged, assigned, or otherwise 14800
obligated to be contributed to the payment of the obligations 14801
shall be treated as an income source, as defined in section 349.01 14802
of the Revised Code. Any obligations issued under division (I)(2) 14803
of this section shall be considered bonds issued under section 14804
349.08 of the Revised Code. In addition to all other powers 14805
available to a new community authority under division (I)(2) of 14806
this section or under Chapter 349. of the Revised Code with 14807
respect to the issuance of or provision for the security for 14808
payment of debt charges on obligations, and with respect to any 14809
tourism facility or project, the new community authority may take 14810
any of the actions contemplated by Chapter 349. of the Revised 14811
Code. Obligations issued by a new community authority pursuant to 14812
division (I)(2) of this section shall be special obligations of 14813
the new community authority and do not constitute bonded 14814
indebtedness, a general obligation, debt, or a pledge of the full 14815
faith and credit of the state, the new community authority, or any 14816
other political subdivision of the state. 14817

(J) Each project for which funding or payment of project 14818
costs is provided, in whole or in part, by the issuance of 14819
obligations secured by a pledge of net lodging tax proceeds or net 14820
tourism development district revenues, or both, and any agreement 14821
to provide credit enhancement facilities or to fund or pay, and 14822
the funding or payment of, such project costs and any maintenance 14823
and repair costs of the project from net lodging taxes and net 14824
tourism development district revenues, are hereby determined, 14825
regardless of the ownership, leasing, or use of the project by any 14826
person, to constitute implementing and participating in the 14827
development of sites and facilities within the meaning of Section 14828

2p of Article VIII, Ohio Constitution, including division (D)(3) 14829
of that section, and any such obligations are hereby determined to 14830
be issued, and any such credit enhancement facilities and 14831
agreements to fund or pay, and funding and payment of, project 14832
costs and any maintenance and repair costs of the project, are 14833
determined to be made, under authority of Section 2p of Article 14834
VIII, Ohio Constitution, for and in furtherance of site and 14835
facility development purposes within the meaning of division (E) 14836
of that section, pursuant to provision made by law for the 14837
procedure for incurring and issuing obligations, separately or in 14838
combination with other obligations, and refunding, retiring, and 14839
evidencing obligations, and pursuant to division (F) of Section 2p 14840
of Article VIII, Ohio Constitution, such that provision for the 14841
payment of debt charges on the obligations, credit enhancement 14842
facilities, or both, the purposes and uses to which and the manner 14843
in which the proceeds of those obligations or credit enhancement 14844
facilities or money from other sources are to be or may be 14845
applied, and other implementation of those development purposes as 14846
referred to in this section, including the manner determined by an 14847
issuer to participate for those purposes, are not subject to 14848
Sections 4 and 6 of Article VIII, Ohio Constitution. 14849

No obligations may be issued under this section to fund or 14850
pay maintenance and repair costs. 14851

(K) No obligations may be issued under this section unless 14852
the issuer's fiscal officer determines that the net lodging tax 14853
proceeds, net tourism development district revenues, or both, 14854
pledged, assigned, or otherwise obligated to be contributed to the 14855
payment of debt charges on such obligations and all other 14856
obligations issued, outstanding and payable therefrom, are 14857
expected to be sufficient to pay all debt charges on all such 14858
obligations except to any extent that such debt charges are to be 14859
paid from proceeds of obligations or refunding obligations 14860

deposited or to be deposited into a pledged fund or account, 14861
including any reserve fund or account, or investment earnings 14862
thereon. 14863

(L)(1) A board of county commissioners shall not repeal, 14864
rescind, or reduce the levy of an existing lodging tax or the 14865
source of any other revenue to the extent its proceeds are revenue 14866
from that tax or source is pledged to the payment of debt charges 14867
on obligations, and any such lodging tax or other revenue source 14868
shall not be subject to repeal, rescission, or reduction by 14869
initiative, referendum, or subsequent enactment of legislation by 14870
the general assembly, so long as there remain outstanding any 14871
obligations as to which the payment of debt charges is secured by 14872
a pledge of the existing lodging tax or other revenue source. 14873

~~(F)(2) The legislative authority of a host municipal~~ 14874
corporation shall not repeal, rescind, or reduce the levy of any 14875
tax the proceeds of which constitute tourism development district 14876
revenues if its proceeds are pledged to the payment of debt 14877
charges on obligations, and any such tax shall not be subject to 14878
repeal, rescission, or reduction by initiative, referendum, or 14879
subsequent enactment of legislation by the general assembly, so 14880
long as there remain outstanding any obligations as to which the 14881
payment of debt charges is secured by a pledge of those net 14882
tourism development district revenues. 14883

(3) A transit authority shall not repeal, rescind, or reduce 14884
the levy of any tax the proceeds of which are pledged to the 14885
payment of debt charges on obligations, and any such tax shall not 14886
be subject to repeal, rescission, or reduction by initiative, 14887
referendum, or subsequent enactment of legislation by the general 14888
assembly, so long as there remain outstanding any obligations as 14889
to which the payment of debt charges is secured by the pledge of 14890
such tax proceeds. 14891

(M) A pledge of the proceeds of an existing lodging tax under 14892

~~division (D) of this section shall, assignment, or other agreement~~ 14893
~~to contribute net lodging tax proceeds or other revenues or credit~~ 14894
~~enhancement facilities made by an eligible county under division~~ 14895
~~(B) or (E) of this section; a pledge, assignment, or other~~ 14896
~~agreement to contribute net tourism development district revenues~~ 14897
~~or credit enhancement facilities made by a host municipality under~~ 14898
~~division (B) or (F) of this section; and a pledge, assignment, or~~ 14899
~~other agreement made by an eligible county or eligible transit~~ 14900
~~authority or agreement to contribute revenue from taxes that~~ 14901
~~constitute tourism development district revenues under division~~ 14902
~~(B), (E), or (G) of this section, do not constitute bonded~~ 14903
~~indebtedness of the eligible county, or indebtedness for the~~ 14904
~~purposes of Chapter 133. of the Revised Code, of an eligible~~ 14905
~~county, eligible transit authority, or host municipal corporation.~~ 14906

~~(G)~~(N) The authority provided by this section is supplemental 14907
to, and is not intended to limit in any way, any legal authority 14908
that a cooperating party or any other person may have under any 14909
other provision of law. 14910

Sec. 307.93. (A) The boards of county commissioners of two or 14911
more adjacent counties may contract for the joint establishment of 14912
a multicounty correctional center, and the board of county 14913
commissioners of a county or the boards of two or more counties 14914
may contract with any municipal corporation or municipal 14915
corporations located in that county or those counties for the 14916
joint establishment of a municipal-county or multicounty-municipal 14917
correctional center. The center shall augment county and, where 14918
applicable, municipal jail programs and facilities by providing 14919
custody and rehabilitative programs for those persons under the 14920
charge of the sheriff of any of the contracting counties or of the 14921
officer or officers of the contracting municipal corporation or 14922
municipal corporations having charge of persons incarcerated in 14923
the municipal jail, workhouse, or other correctional facility who, 14924

in the opinion of the sentencing court, need programs of custody 14925
and rehabilitation not available at the county or municipal jail 14926
and by providing custody and rehabilitative programs in accordance 14927
with division (C) of this section, if applicable. The contract may 14928
include, but need not be limited to, provisions regarding the 14929
acquisition, construction, maintenance, repair, termination of 14930
operations, and administration of the center. The acquisition of 14931
the facility, to the extent appropriate, may include the leasing 14932
of the Ohio river valley facility or a specified portion of that 14933
facility pursuant to division (B)(3) of this section. The contract 14934
shall prescribe the manner of funding of, and debt assumption for, 14935
the center and the standards and procedures to be followed in the 14936
operation of the center. Except as provided in division ~~(H)~~(G) of 14937
this section, the contracting counties and municipal corporations 14938
shall form a corrections commission to oversee the administration 14939
of the center. Members of the commission shall consist of the 14940
sheriff of each participating county, a member of the board of 14941
county commissioners of each participating county, the chief of 14942
police of each participating municipal corporation, and the mayor 14943
or city manager of each participating municipal corporation. Any 14944
of the foregoing officers may appoint a designee to serve in the 14945
officer's place on the corrections commission. ~~The~~ 14946

The standards and procedures prescribed under this division 14947
shall be formulated and agreed to by the commission and may be 14948
amended at any time during the life of the contract by agreement 14949
of ~~the parties to the contract upon the advice~~ a majority of the 14950
voting members of the commission or by other means set forth in 14951
the contract between the contracting counties and municipal 14952
corporations. The standards and procedures formulated by the 14953
commission and amendments to them shall include, but need not be 14954
limited to, designation of the person in charge of the center, 14955
designation of a fiscal agent, the categories of employees to be 14956
employed at the center, the appointing authority of the center, 14957

and the standards of treatment and security to be maintained at 14958
the center. The person in charge of, and all persons employed to 14959
work at, the center shall have all the powers of police officers 14960
that are necessary for the proper performance of the duties 14961
relating to their positions at the center. 14962

(B)(1) Upon the establishment of a corrections commission 14963
under division (A) of this section, the judges specified in this 14964
division shall form a judicial advisory board for the purpose of 14965
making recommendations to the corrections commission on issues of 14966
bed allocation, expansion of the center that the corrections 14967
commission oversees, and other issues concerning the 14968
administration of sentences or any other matter determined to be 14969
appropriate by the board. The judges who shall form the judicial 14970
advisory board for a corrections commission are the administrative 14971
judge of the general division of the court of common pleas of each 14972
county participating in the corrections center, the presiding 14973
judge of the municipal court of each municipal corporation 14974
participating in the corrections center, and the presiding judge 14975
of each county court of each county participating in the 14976
corrections center. If the number of the foregoing members of the 14977
board is even, the county auditor or the county auditor of the 14978
most populous county if the board serves more than one county 14979
shall also be a member of the board. Any of the foregoing judges 14980
may appoint a designee to serve in the judge's place on the 14981
judicial advisory board, provided that the designee shall be a 14982
judge of the same court as the judge who makes the appointment. 14983
The judicial advisory board for a corrections commission shall 14984
meet with the corrections commission at least once each year. 14985

(2) Each board of county commissioners that enters a contract 14986
under division (A) of this section may appoint a building 14987
commission pursuant to section 153.21 of the Revised Code. If any 14988
commissions are appointed, they shall function jointly in the 14989

construction of a multicounty or multicounty-municipal 14990
correctional center with all the powers and duties authorized by 14991
law. 14992

(3) Subject to the limitation described in this division, the 14993
boards of county commissioners that contract or have contracted 14994
for the joint establishment of a multicounty correctional center 14995
under division (A) of this section, or the boards of county 14996
commissioners of the counties and legislative authorities of the 14997
municipal corporations that contract or have contracted for the 14998
joint establishment of a municipal-county or multicounty-municipal 14999
correctional center under that division, may enter into an 15000
agreement with the director of administrative services pursuant to 15001
which the contracting counties and municipal corporations shall 15002
use the Ohio river valley facility or a specified portion of that 15003
facility as the multicounty correctional center, municipal-county 15004
correctional center, or multicounty-municipal correctional center 15005
covered by the contract entered into under division (A) of this 15006
section. A contract with the director of administrative services 15007
may be entered into under this division only if one or more of the 15008
contracting counties is adjacent to Scioto county. 15009

The department may enter into an agreement as described in 15010
this division at any time on or after the effective date of this 15011
amendment or, if the department had entered into an agreement with 15012
the board of county commissioners of Lawrence county pursuant to 15013
section 341.121 of the Revised Code for the use by the sheriff of 15014
that county of a specified portion of the facility as a jail for 15015
Lawrence county, at any time on or after the date that control of 15016
the specified portion of the facility reverts to the state under 15017
division (B)(4) or (C) of that section. 15018

(C) Prior to the acceptance for custody and rehabilitation 15019
into a center established under this section of any persons who 15020
are designated by the department of rehabilitation and correction, 15021

who plead guilty to or are convicted of a felony of the fourth or 15022
fifth degree, and who satisfy the other requirements listed in 15023
section 5120.161 of the Revised Code, the corrections commission 15024
of a center established under this section shall enter into an 15025
agreement with the department of rehabilitation and correction 15026
under section 5120.161 of the Revised Code for the custody and 15027
rehabilitation in the center of persons who are designated by the 15028
department, who plead guilty to or are convicted of a felony of 15029
the fourth or fifth degree, and who satisfy the other requirements 15030
listed in that section, in exchange for a per diem fee per person. 15031
Persons incarcerated in the center pursuant to an agreement 15032
entered into under this division shall be subject to supervision 15033
and control in the manner described in section 5120.161 of the 15034
Revised Code. This division does not affect the authority of a 15035
court to directly sentence a person who is convicted of or pleads 15036
guilty to a felony to the center in accordance with section 15037
2929.16 of the Revised Code. 15038

(D) Pursuant to section 2929.37 of the Revised Code, each 15039
board of county commissioners and the legislative authority of 15040
each municipal corporation that enters into a contract under 15041
division (A) of this section may require a person who was 15042
convicted of an offense, who is under the charge of the sheriff of 15043
their county or of the officer or officers of the contracting 15044
municipal corporation or municipal corporations having charge of 15045
persons incarcerated in the municipal jail, workhouse, or other 15046
correctional facility, and who is confined in the multicounty, 15047
municipal-county, or multicounty-municipal correctional center as 15048
provided in that division, to reimburse the applicable county or 15049
municipal corporation for its expenses incurred by reason of the 15050
person's confinement in the center. 15051

(E) Notwithstanding any contrary provision in this section or 15052
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 15053

corrections commission of a center may establish a policy that 15054
complies with section 2929.38 of the Revised Code and that 15055
requires any person who is not indigent and who is confined in the 15056
multicounty, municipal-county, or multicounty-municipal 15057
correctional center to pay a reception fee, a fee for medical 15058
treatment or service requested by and provided to that person, or 15059
the fee for a random drug test assessed under division (E) of 15060
section 341.26 of the Revised Code. 15061

(F)(1) The corrections commission of a center established 15062
under this section may establish a commissary for the center. The 15063
commissary may be established either in-house or by another 15064
arrangement. If a commissary is established, all persons 15065
incarcerated in the center shall receive commissary privileges. A 15066
person's purchases from the commissary shall be deducted from the 15067
person's account record in the center's business office. The 15068
commissary shall provide for the distribution to indigent persons 15069
incarcerated in the center of necessary hygiene articles and 15070
writing materials. 15071

(2) If a commissary is established, the corrections 15072
commission of a center established under this section shall 15073
establish a commissary fund for the center. The management of 15074
funds in the commissary fund shall be strictly controlled in 15075
accordance with procedures adopted by the auditor of state. 15076
Commissary fund revenue over and above operating costs and reserve 15077
shall be considered profits. All profits from the commissary fund 15078
shall be used to purchase supplies and equipment for the benefit 15079
of persons incarcerated in the center and to pay salary and 15080
benefits for employees of the center, or for any other persons, 15081
who work in or are employed for the sole purpose of providing 15082
service to the commissary. The corrections commission shall adopt 15083
rules and regulations for the operation of any commissary fund it 15084
establishes. 15085

(G) In lieu of forming a corrections commission to administer 15086
a multicounty correctional center or a municipal-county or 15087
multicounty-municipal correctional center, the boards of county 15088
commissioners and the legislative authorities of the municipal 15089
corporations contracting to establish the center may also agree to 15090
contract for the private operation and management of the center as 15091
provided in section 9.06 of the Revised Code, but only if the 15092
center houses only misdemeanor inmates. In order to enter into a 15093
contract under section 9.06 of the Revised Code, all the boards 15094
and legislative authorities establishing the center shall approve 15095
and be parties to the contract. 15096

(H) If a person who is convicted of or pleads guilty to an 15097
offense is sentenced to a term in a multicounty correctional 15098
center or a municipal-county or multicounty-municipal correctional 15099
center or is incarcerated in the center in the manner described in 15100
division (C) of this section, or if a person who is arrested for 15101
an offense, and who has been denied bail or has had bail set and 15102
has not been released on bail is confined in a multicounty 15103
correctional center or a municipal-county or multicounty-municipal 15104
correctional center pending trial, at the time of reception and at 15105
other times the officer, officers, or other person in charge of 15106
the operation of the center determines to be appropriate, the 15107
officer, officers, or other person in charge of the operation of 15108
the center may cause the convicted or accused offender to be 15109
examined and tested for tuberculosis, HIV infection, hepatitis, 15110
including but not limited to hepatitis A, B, and C, and other 15111
contagious diseases. The officer, officers, or other person in 15112
charge of the operation of the center may cause a convicted or 15113
accused offender in the center who refuses to be tested or treated 15114
for tuberculosis, HIV infection, hepatitis, including but not 15115
limited to hepatitis A, B, and C, or another contagious disease to 15116
be tested and treated involuntarily. 15117

(I) As used in this section, "multicounty municipal":	15118
(1) <u>"Multicounty-municipal"</u> means more than one county and a	15119
municipal corporation, or more than one municipal corporation and	15120
a county, or more than one municipal corporation and more than one	15121
county.	15122
(2) <u>"Ohio river valley facility" has the same meaning as in</u>	15123
<u>section 341.121 of the Revised Code.</u>	15124
Sec. 307.984. (A) To enhance the administration, delivery,	15125
and effectiveness of family services duties and workforce	15126
development activities, a board of county commissioners may enter	15127
into one or more regional plans of cooperation with the following:	15128
(1) One or more other boards of county commissioners;	15129
(2) The chief elected official <u>or officials</u> of one or more	15130
municipal corporations that are the type of local area <u>areas as</u>	15131
defined in division (A)(1) of section 6301.01 of the Revised Code;	15132
(3) Both boards of county commissioners and such chief	15133
elected officials.	15134
(B) A regional plan of cooperation must specify how the	15135
private and government entities included in the plan will	15136
coordinate and enhance the administration, delivery, and	15137
effectiveness of family services duties and workforce development	15138
activities.	15139
Sec. 313.132. <u>If an autopsy includes a toxicological</u>	15140
<u>analysis, the coroner, deputy coroner, or pathologist shall screen</u>	15141
<u>for the presence of buprenorphine, naltrexone, and methadone.</u>	15142
Sec. 319.11. The county auditor shall, on or before ninety	15143
days after the close of the fiscal year, prepare a financial	15144
report of the county for the preceding fiscal year in such form as	15145

prescribed by the auditor of state and by such date as required 15146
under section 117.38 of the Revised Code. Upon completing the 15147
report, the county auditor shall publish notice that the report 15148
has been completed and is available for public inspection at the 15149
office of the county auditor. The notice shall be published once 15150
in a newspaper of general circulation in the county. If there is 15151
no newspaper of general circulation in the county, then 15152
publication is required in the newspaper of general circulation in 15153
an adjoining county that has the largest circulation in that 15154
adjoining county. The report shall contain at least the 15155
information required by section 117.38 of the Revised Code, and a 15156
copy shall be filed with the auditor of state. 15157

No county auditor shall fail or neglect to prepare the report 15158
or publish notice of completion of the report as required by this 15159
section. 15160

Sec. 319.26. (A)(1) If a county auditor purposely, knowingly, 15161
or recklessly fails to perform a fiscal duty expressly imposed by 15162
law with respect to the fiscal duties of the office of county 15163
auditor or purposely, knowingly, or recklessly commits any act 15164
expressly prohibited by law with respect to the fiscal duties of 15165
the office of county auditor, the county treasurer or a county 15166
commissioner may submit a sworn affidavit alleging the violation, 15167
together with evidence supporting the allegations, to the auditor 15168
of state. The sworn affidavit and evidence shall be submitted in 15169
the format prescribed by rule of the auditor of state under 15170
section 117.45 of the Revised Code. A person who makes a false 15171
statement in a sworn affidavit, for purposes of this section, is 15172
guilty of falsification under section 2921.13 of the Revised Code. 15173

(2) The auditor of state shall review the sworn affidavit and 15174
the evidence. Within ~~ten business~~ thirty calendar days after 15175
receiving the sworn affidavit, unless, for good cause, additional 15176

time is required, the auditor of state shall determine whether 15177
clear and convincing evidence supports the allegations. If the 15178
auditor of state finds that no allegation is supported by clear 15179
and convincing evidence, the auditor of state shall submit those 15180
findings in writing to the county auditor and the person 15181
initiating the sworn affidavit. If the auditor of state finds by 15182
clear and convincing evidence that an allegation is supported by 15183
the evidence, the auditor of state shall submit those findings in 15184
writing to the attorney general, the county auditor, and the 15185
person who initiated the sworn affidavit. The findings shall 15186
include a copy of the sworn affidavit and the evidence submitted 15187
under division (A)(1) of this section. 15188

(3)(a) The attorney general shall review the auditor of 15189
state's findings and the sworn affidavit and evidence. Within ten 15190
business days after receiving the sworn affidavit and evidence, 15191
unless, for good cause, additional time is required, the attorney 15192
general shall determine whether clear and convincing evidence 15193
supports the allegations. If the attorney general finds that no 15194
allegation is supported by clear and convincing evidence, the 15195
attorney general, by certified mail, shall notify the auditor of 15196
state, the county auditor, and the person who initiated the sworn 15197
affidavit, that no complaint for the removal of the county auditor 15198
from public office will be filed. 15199

(b) If the attorney general finds by clear and convincing 15200
evidence that an allegation is supported by the evidence, the 15201
attorney general, by certified mail, shall notify the auditor of 15202
state, the county auditor, and the person who initiated the sworn 15203
affidavit of that fact, and shall commence an action for the 15204
removal of the county auditor from public office under division 15205
(B) of this section. 15206

(c) Nothing in this section is intended to limit the 15207
authority of the attorney general to enter into mediation, 15208

settlement, or resolution of any alleged violation before or 15209
following the commencement of an action under this section. 15210

(B)(1)(a) The attorney general has a cause of action for 15211
removal of a county auditor who purposely, knowingly, or 15212
recklessly fails to perform a fiscal duty expressly imposed by law 15213
with respect to the fiscal duties of the office of county auditor 15214
or purposely, knowingly, or recklessly commits any act expressly 15215
prohibited by law with respect to the fiscal duties of the office 15216
of county auditor. Not later than forty-five days after sending a 15217
notice under division (A)(3)(b) of this section, the attorney 15218
general shall cause an action to be commenced against the county 15219
auditor by filing a complaint for the removal of the county 15220
auditor from public office. If any money is due, the attorney 15221
general shall join the sureties on the county auditor's bond as 15222
parties. The court of common pleas of the county in which the 15223
county auditor holds office has exclusive original jurisdiction of 15224
the action. The action shall proceed de novo as in the trial of a 15225
civil action. The court is not restricted to the evidence that was 15226
presented to the auditor of state and the attorney general before 15227
the action was filed. The action is governed by the Rules of Civil 15228
Procedure. 15229

(b) If the court finds by clear and convincing evidence that 15230
the county auditor purposely, knowingly, or recklessly failed to 15231
perform a fiscal duty expressly imposed by law with respect to the 15232
fiscal duties of the office of county auditor or purposely, 15233
knowingly, or recklessly committed any act expressly prohibited by 15234
law with respect to the fiscal duties of that office, the court 15235
shall issue an order removing the county auditor from office and 15236
any order necessary for the preservation or restitution of public 15237
funds. 15238

(2) Except as otherwise provided in this division, an action 15239
for removal from office under this section is stayed during the 15240

pendency of any criminal action concerning a violation of an 15241
existing or former municipal ordinance or law of this or any other 15242
state or the United States that is substantially equivalent to any 15243
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 15244
conduct in office, if the person charged in the criminal action 15245
committed the violation while serving as a county auditor and the 15246
conduct constituting the violation was related to the duties of 15247
the office of county auditor or to the person's actions as the 15248
county auditor. The stay may be lifted upon motion of the 15249
prosecuting attorney in the related criminal action. 15250

(3) Prior to or at the hearing, upon a showing of good cause, 15251
the court may issue an order restraining the county auditor from 15252
entering the county auditor's office and from conducting the 15253
affairs of the office pending the hearing on the complaint. If 15254
such an order is issued, the court may continue the order until 15255
the conclusion of the hearing and any appeals under this section. 15256

(4) The board of county commissioners shall be responsible 15257
for the payment of reasonable attorney's fees for counsel for the 15258
county auditor. If judgment is entered against the county auditor, 15259
the court shall order the county auditor to reimburse the board 15260
for attorney's fees and costs up to a reasonable amount, as 15261
determined by the court. Expenses incurred by the board in a 15262
removal action shall be paid out of the county general fund. 15263

(C) The judgment of the court is final and conclusive unless 15264
reversed, vacated, or modified on appeal. An appeal may be taken 15265
by any party, and shall proceed as in the case of appeals in civil 15266
actions and in accordance with the Rules of Appellate Procedure. 15267
Upon the filing of a notice of appeal by any party to the 15268
proceedings, the court of appeals shall hear the case as an 15269
expedited appeal under Rule 11.2 of the Rules of Appellate 15270
Procedure. The county auditor has the right of review or appeal to 15271
the supreme court. 15272

(D) If a final judgment for removal from public office is 15273
entered against the county auditor, the office shall be deemed 15274
vacated, and the vacancy shall be filled as provided in section 15275
305.02 of the Revised Code. Except as otherwise provided by law, 15276
an individual removed from public office under this section is not 15277
entitled to hold any public office for four years following the 15278
date of the final judgment, and is not entitled to hold any public 15279
office until any repayment or restitution required by the court is 15280
satisfied. 15281

(E) For the purposes of this section: 15282

(1) A person acts purposely when it is the person's specific 15283
intention to cause a certain result, or, when the gist of the 15284
offense is a prohibition against conduct of a certain nature, 15285
regardless of what the person intends to accomplish thereby, it is 15286
the person's specific intention to engage in conduct of that 15287
nature. 15288

(2) A person acts knowingly, regardless of the person's 15289
purpose, when the person is aware that the person's conduct will 15290
probably cause a certain result or will probably be of a certain 15291
nature. A person has knowledge of circumstances when the person is 15292
aware that such circumstances probably exist. 15293

(3) A person acts recklessly when, with heedless indifference 15294
to the consequences, the person perversely disregards a known risk 15295
that the person's conduct is likely to cause a certain result or 15296
is likely to be of a certain nature. A person is reckless with 15297
respect to circumstances when, with heedless indifference to the 15298
consequences, the person perversely disregards a known risk that 15299
such circumstances are likely to exist. 15300

(F) The proceedings provided for in this section may be used 15301
as an alternative to the removal proceedings prescribed under 15302
sections 3.07 to 3.10 of the Revised Code or other methods of 15303

removal authorized by law. 15304

Sec. 319.54. (A) On all moneys collected by the county 15305
treasurer on any tax duplicate of the county, other than estate 15306
tax duplicates, and on all moneys received as advance payments of 15307
personal property and classified property taxes, the county 15308
auditor, on settlement with the treasurer and tax commissioner, on 15309
or before the date prescribed by law for such settlement or any 15310
lawful extension of such date, shall be allowed as compensation 15311
for the county auditor's services the following percentages: 15312

(1) On the first one hundred thousand dollars, two and 15313
one-half per cent; 15314

(2) On the next two million dollars, eight thousand three 15315
hundred eighteen ten-thousandths of one per cent; 15316

(3) On the next two million dollars, six thousand six hundred 15317
fifty-five ten-thousandths of one per cent; 15318

(4) On all further sums, one thousand six hundred sixty-three 15319
ten-thousandths of one per cent. 15320

If any settlement is not made on or before the date 15321
prescribed by law for such settlement or any lawful extension of 15322
such date, the aggregate compensation allowed to the auditor shall 15323
be reduced one per cent for each day such settlement is delayed 15324
after the prescribed date. No penalty shall apply if the auditor 15325
and treasurer grant all requests for advances up to ninety per 15326
cent of the settlement pursuant to section 321.34 of the Revised 15327
Code. The compensation allowed in accordance with this section on 15328
settlements made before the dates prescribed by law, or the 15329
reduced compensation allowed in accordance with this section on 15330
settlements made after the date prescribed by law or any lawful 15331
extension of such date, shall be apportioned ratably by the 15332
auditor and deducted from the shares or portions of the revenue 15333

payable to the state as well as to the county, townships, 15334
municipal corporations, and school districts. 15335

(B) For the purpose of reimbursing county auditors for the 15336
expenses associated with the increased number of applications for 15337
reductions in real property taxes under sections 323.152 and 15338
4503.065 of the Revised Code that result from the amendment of 15339
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 15340
there shall be paid from the state's general revenue fund to the 15341
county treasury, to the credit of the real estate assessment fund 15342
created by section 325.31 of the Revised Code, an amount equal to 15343
one per cent of the total annual amount of property tax relief 15344
reimbursement paid to that county under sections 323.156 and 15345
4503.068 of the Revised Code for the preceding tax year. Payments 15346
made under this division shall be made at the same times and in 15347
the same manner as payments made under section 323.156 of the 15348
Revised Code. 15349

(C) From all moneys collected by the county treasurer on any 15350
tax duplicate of the county, other than estate tax duplicates, and 15351
on all moneys received as advance payments of personal property 15352
and classified property taxes, there shall be paid into the county 15353
treasury to the credit of the real estate assessment fund created 15354
by section 325.31 of the Revised Code, an amount to be determined 15355
by the county auditor, which shall not exceed the percentages 15356
prescribed in divisions (C)(1) and (2) of this section. 15357

(1) For payments made after June 30, 2007, and before 2011, 15358
the following percentages: 15359

(a) On the first five hundred thousand dollars, four per 15360
cent; 15361

(b) On the next five million dollars, two per cent; 15362

(c) On the next five million dollars, one per cent; 15363

(d) On all further sums not exceeding one hundred fifty 15364

million dollars, three-quarters of one per cent;	15365
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	15366 15367
(2) For payments made in or after 2011, the following percentages:	15368 15369
(a) On the first five hundred thousand dollars, four per cent;	15370 15371
(b) On the next ten million dollars, two per cent;	15372
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	15373 15374
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	15375 15376 15377 15378
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	15379 15380 15381 15382
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually <u>annually</u> with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	15383 15384 15385 15386 15387
(1) Four per cent on the first one hundred thousand dollars;	15388
(2) One-half of one per cent on all additional sums.	15389
Such percentages shall be computed upon the amount collected and reported at each semiannual <u>annual</u> settlement, and shall be for the use of the general fund of the county.	15390 15391 15392
(F) On all cigarette license moneys collected by the county	15393

treasurer, the county auditor, on settlement semiannually with the 15394
treasurer, shall be allowed as compensation for the auditor's 15395
services in the issuing of such licenses one-half of one per cent 15396
of such moneys, to be apportioned ratably and deducted from the 15397
shares of the revenue payable to the county and subdivisions, for 15398
the use of the general fund of the county. 15399

(G) The county auditor shall charge and receive fees as 15400
follows: 15401

(1) For deeds of land sold for taxes to be paid by the 15402
purchaser, five dollars; 15403

(2) For the transfer or entry of land, lot, or part of lot, 15404
or the transfer or entry on or after January 1, 2000, of a used 15405
manufactured home or mobile home as defined in section 5739.0210 15406
of the Revised Code, fifty cents for each transfer or entry, to be 15407
paid by the person requiring it; 15408

(3) For receiving statements of value and administering 15409
section 319.202 of the Revised Code, one dollar, or ten cents for 15410
each one hundred dollars or fraction of one hundred dollars, 15411
whichever is greater, of the value of the real property 15412
transferred or, for sales occurring on or after January 1, 2000, 15413
the value of the used manufactured home or used mobile home, as 15414
defined in section 5739.0210 of the Revised Code, transferred, 15415
except no fee shall be charged when the transfer is made: 15416

(a) To or from the United States, this state, or any 15417
instrumentality, agency, or political subdivision of the United 15418
States or this state; 15419

(b) Solely in order to provide or release security for a debt 15420
or obligation; 15421

(c) To confirm or correct a deed previously executed and 15422
recorded or when a current owner on any record made available to 15423
the general public on the internet or a publicly accessible 15424

database and the general tax list of real and public utility	15425
property and the general duplicate of real and public utility	15426
property is a peace officer, parole officer, prosecuting attorney,	15427
assistant prosecuting attorney, correctional employee, youth	15428
services employee, firefighter, EMT, or investigator of the bureau	15429
of criminal identification and investigation and is changing the	15430
current owner name listed on any record made available to the	15431
general public on the internet or a publicly accessible database	15432
and the general tax list of real and public utility property and	15433
the general duplicate of real and public utility property to the	15434
initials of the current owner as prescribed in division (B)(1) of	15435
section 319.28 of the Revised Code;	15436
(d) To evidence a gift, in trust or otherwise and whether	15437
revocable or irrevocable, between husband and wife, or parent and	15438
child or the spouse of either;	15439
(e) On sale for delinquent taxes or assessments;	15440
(f) Pursuant to court order, to the extent that such transfer	15441
is not the result of a sale effected or completed pursuant to such	15442
order;	15443
(g) Pursuant to a reorganization of corporations or	15444
unincorporated associations or pursuant to the dissolution of a	15445
corporation, to the extent that the corporation conveys the	15446
property to a stockholder as a distribution in kind of the	15447
corporation's assets in exchange for the stockholder's shares in	15448
the dissolved corporation;	15449
(h) By a subsidiary corporation to its parent corporation for	15450
no consideration, nominal consideration, or in sole consideration	15451
of the cancellation or surrender of the subsidiary's stock;	15452
(i) By lease, whether or not it extends to mineral or mineral	15453
rights, unless the lease is for a term of years renewable forever;	15454
(j) When the value of the real property or the manufactured	15455

or mobile home or the value of the interest that is conveyed does 15456
not exceed one hundred dollars; 15457

(k) Of an occupied residential property, including a 15458
manufactured or mobile home, being transferred to the builder of a 15459
new residence or to the dealer of a new manufactured or mobile 15460
home when the former residence is traded as part of the 15461
consideration for the new residence or new manufactured or mobile 15462
home; 15463

(l) To a grantee other than a dealer in real property or in 15464
manufactured or mobile homes, solely for the purpose of, and as a 15465
step in, the prompt sale of the real property or manufactured or 15466
mobile home to others; 15467

(m) To or from a person when no money or other valuable and 15468
tangible consideration readily convertible into money is paid or 15469
to be paid for the real estate or manufactured or mobile home and 15470
the transaction is not a gift; 15471

(n) Pursuant to division (B) of section 317.22 of the Revised 15472
Code, or section 2113.61 of the Revised Code, between spouses or 15473
to a surviving spouse pursuant to section 5302.17 of the Revised 15474
Code as it existed prior to April 4, 1985, between persons 15475
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 15476
after April 4, 1985, to a person who is a surviving, survivorship 15477
tenant pursuant to section 5302.17 of the Revised Code on or after 15478
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15479

(o) To a trustee acting on behalf of minor children of the 15480
deceased; 15481

(p) Of an easement or right-of-way when the value of the 15482
interest conveyed does not exceed one thousand dollars; 15483

(q) Of property sold to a surviving spouse pursuant to 15484
section 2106.16 of the Revised Code; 15485

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	15486 15487 15488 15489 15490
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	15491 15492 15493 15494
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	15495 15496
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	15497 15498 15499 15500
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	15501 15502 15503 15504
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	15505 15506
(x) Between persons pursuant to section 5302.18 of the Revised Code;	15507 15508
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	15509 15510 15511
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured	15512 15513 15514 15515

home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list. 15516
15517

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code. 15518
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The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery. 15528
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The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer. 15532
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15535

Sec. 321.26. (A) The county treasurer, on settlement with the county auditor, on or before the date prescribed for such settlement or any lawful extension of such date, shall be allowed as fees on all ~~moneys collected by him on any tax duplicates other than the inheritance duplicate and on all moneys received by him as advance payments of personal and classified property taxes,~~ qualifying collections the following percentages: 15536
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(1) For settlement dates or any lawful extension of such dates occurring before January 1, 2018: 15543
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(a) On the first one hundred thousand dollars, two and nine 15545

thousand nine hundred forty-seven ten-thousandths of one per cent; 15546

~~(2)(b)~~ On the next two million dollars, nine thousand nine 15547
hundred eighty-two ten-thousandths of one per cent; 15548

~~(3)(c)~~ On the next two million dollars, seven thousand nine 15549
hundred eighty-six ten-thousandths of one per cent; 15550

~~(4)(d)~~ On all further sums, one thousand nine hundred 15551
ninety-six ten-thousandths of one per cent. 15552

(2) For settlement dates or any lawful extension of such 15553
dates occurring on or after January 1, 2018: 15554

(a) On the first five million dollars or an amount as 15555
adjusted pursuant to division (B) of this section, nine thousand 15556
four hundred ninety-five ten-thousandths of one per cent; 15557

(b) On all further sums, one thousand nine hundred ninety-six 15558
ten-thousandths of one per cent. 15559

If qualifying collections for a year are less than five 15560
million dollars or the amount as adjusted under division (B) of 15561
this section, the fee shall equal the product of five million 15562
dollars or that adjusted amount, as applicable, multiplied by nine 15563
thousand four hundred ninety-five ten-thousandths of one per cent. 15564

(B) In January of each year, beginning in 2019, if the sum of 15565
qualifying charges for all counties in the preceding year exceeded 15566
the sum of qualifying charges for all counties in the second 15567
preceding year, the tax commissioner shall multiply the percentage 15568
by which that sum increased, rounded to the nearest one-tenth of 15569
one per cent, by the dollar amount described in division (A)(2)(a) 15570
of this section that is applicable to the preceding year. 15571
15572

For settlement dates or any lawful extension of such dates 15573
occurring in 2019 or any year thereafter, the tax commissioner 15574
shall adjust the dollar amount described in division (A)(2)(a) of 15575

this section applicable to the preceding year by adding the 15576
resulting product to that dollar amount and rounding the resulting 15577
sum to the nearest ten thousand dollars. That adjusted amount 15578
shall apply to each year beginning in the calendar year in which 15579
the commissioner makes such an adjustment and to each ensuing 15580
calendar year until a calendar year in which the commissioner 15581
makes a new adjustment under this division. 15582

The tax commissioner shall not make an adjustment under this 15583
division for a year in which the qualifying charges in the 15584
preceding year did not exceed the qualifying charges in the second 15585
preceding year, the rounded percentage calculated under this 15586
division does not exceed zero per cent, or the rounded resulting 15587
sum equals zero. 15588

On or before the first day of February of each year, the tax 15589
commissioner shall certify to each county auditor and county 15590
treasurer the dollar amount under division (A)(2)(a) of this 15591
section applicable to settlement dates or any lawful extension of 15592
such dates occurring in that year. 15593

(C) In the event any settlement prescribed by law is not made 15594
on or before the date prescribed by law for such settlement, on or 15595
before the dates prescribed by any lawful extension thereof, the 15596
aggregate compensation allowed to the county treasurer shall be 15597
reduced one per cent for each day such settlement is delayed after 15598
the prescribed date. No penalty shall apply in the event the 15599
auditor and treasurer grant all requests for advances up to ninety 15600
per cent of the settlement pursuant to section 321.34 of the 15601
Revised Code. The compensation allowed in accordance with this 15602
section on settlements made on or before the dates prescribed by 15603
law, or the reduced compensation allowed in accordance with this 15604
section on settlements made after the date prescribed by law or 15605
any lawful extension of such date, shall be apportioned ratably by 15606
the auditor and deducted from the shares or portion of the revenue 15607

payable to the state as well as to the county, township, 15608
corporations, and school districts. On all other moneys collected 15609
by the treasurer as fees or as advance payments, except moneys 15610
received from the treasurer of state, ~~his~~ the treasurer's 15611
predecessors in office, ~~his~~ the treasurer's legal representatives, 15612
or the sureties of such predecessors, and except moneys received 15613
from the proceeds of the bonds of the county or of any municipal 15614
corporation, five-tenths per cent, to be paid upon the warrant of 15615
the auditor out of the general fund of the county. 15616

(D) As used in this section: 15617

(1) "Qualifying collections" means moneys collected by a 15618
county treasurer on any tax duplicates other than the inheritance 15619
tax duplicate. 15620

(2) "Qualifying charges" means taxes charged and payable 15621
against real and public utility property for the current tax year 15622
after making the reduction required by section 319.301 of the 15623
Revised Code. 15624

Sec. 321.27. (A) On settlement ~~semiannually~~ annually with the 15625
county auditor, the county treasurer shall be allowed as fees on 15626
all moneys collected by ~~him~~ the treasurer on ~~inheritance estate~~ 15627
tax duplicates, the following percentages: three per cent on the 15628
first one hundred thousand dollars; two per cent on the next one 15629
hundred thousand dollars; five tenths per cent on all additional 15630
sums. Such percentages shall be computed upon the amount collected 15631
and reported at each ~~semiannual~~ annual settlement, and shall be 15632
for the use of the general fund of the county. 15633

(B) On ~~such~~ settlement semiannually with the county auditor, 15634
the county treasurer shall ~~also~~ be allowed as fees on all 15635
cigarette license moneys collected by ~~him~~, the treasurer one-half 15636
per cent on the amount received, to be paid upon the warrant of 15637
the auditor and ~~by him~~ apportioned ratably and deducted from the 15638

shares of revenue payable to the county and subdivisions of the 15639
county under section 5743.15 of the Revised Code, for the use of 15640
the general fund of the county. 15641

Sec. 321.37. (A)(1) If a county treasurer purposely, 15642
knowingly, or recklessly fails to perform a fiscal duty expressly 15643
imposed by law with respect to the fiscal duties of the office of 15644
county treasurer or purposely, knowingly, or recklessly commits 15645
any act expressly prohibited by law with respect to the fiscal 15646
duties of the office of county treasurer, the county auditor or a 15647
county commissioner may submit a sworn affidavit alleging the 15648
violation, together with evidence supporting the allegations, to 15649
the auditor of state. The sworn affidavit and evidence shall be 15650
submitted in the format prescribed by rule of the auditor of state 15651
under section 117.45 of the Revised Code. A person who makes a 15652
false statement in a sworn affidavit, for purposes of this 15653
section, is guilty of falsification under section 2921.13 of the 15654
Revised Code. 15655

(2) The auditor of state shall review the sworn affidavit and 15656
the evidence. Within ~~ten business~~ thirty calendar days after 15657
receiving the sworn affidavit and evidence, unless, for good 15658
cause, additional time is required, the auditor of state shall 15659
determine whether clear and convincing evidence supports the 15660
allegations. If the auditor of state finds that no allegation is 15661
supported by clear and convincing evidence, the auditor of state 15662
shall submit those findings in writing to the county treasurer and 15663
the person who initiated the sworn affidavit. If the auditor of 15664
state finds by clear and convincing evidence that an allegation is 15665
supported by the evidence, the auditor of state shall submit those 15666
findings in writing to the attorney general, the county treasurer, 15667
and the person who initiated the sworn affidavit. The findings 15668
shall include a copy of the sworn affidavit and the evidence 15669
submitted under division (A)(1) of this section. 15670

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavit and evidence. Within ten business days after receiving them, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the county treasurer, and the person who initiated the sworn affidavit, that no complaint for the removal of the county treasurer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the county treasurer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county treasurer from public office under division (B) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(B)(1)(a) The attorney general has a cause of action for removal of a county treasurer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county treasurer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county treasurer. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the county treasurer by filing a complaint for the removal of the

county treasurer from public office. If any money is due, the attorney general shall join the sureties on the county treasurer's bond as parties. The court of common pleas of the county in which the county treasurer holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the county treasurer purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county treasurer or purposely, knowingly, or recklessly committed any act expressly prohibited by law with respect to the fiscal duties of that office, the court shall issue an order removing the county treasurer from office and any order necessary for the preservation or restitution of public funds.

(2) Except as otherwise provided in this division, an action for removal from office under this section is stayed during the pendency of any criminal action concerning a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any criminal violation in Title ~~29~~ XXIX of the Revised Code related to conduct in office, if the person charged in the criminal action committed the violation while serving as a county treasurer and the conduct constituting the violation was related to the duties of the office of county treasurer or to the person's actions as the county treasurer. The stay may be lifted upon motion of the prosecuting attorney in the related criminal action.

(3) Prior to or at the hearing, upon a showing of good cause, the court may issue an order restraining the county treasurer from

entering the county treasurer's office and from conducting the 15735
affairs of the office pending the hearing on the complaint. If 15736
such an order is issued, the court may continue the order until 15737
the conclusion of the hearing and any appeals under this section. 15738

(4) The board of county commissioners shall be responsible 15739
for the payment of reasonable attorney's fees for counsel for the 15740
county treasurer. If judgment is entered against the county 15741
treasurer, the court shall order the county treasurer to reimburse 15742
the board for attorney's fees and costs up to a reasonable amount, 15743
as determined by the court. Expenses incurred by the board in a 15744
removal action shall be paid out of the county general fund. 15745

(C) The judgment of the court is final and conclusive unless 15746
reversed, vacated, or modified on appeal. An appeal may be taken 15747
by any party, and shall proceed as in the case of appeals in civil 15748
actions and in accordance with the Rules of Appellate Procedure. 15749
Upon the filing of a notice of appeal by any party to the 15750
proceedings, the court of appeals shall hear the case as an 15751
expedited appeal under Rule 11.2 of the Rules of Appellate 15752
Procedure. The county treasurer has the right of review or appeal 15753
to the supreme court. 15754

(D) If a final judgment for removal from public office is 15755
entered against the county treasurer, the office shall be deemed 15756
vacated, and the vacancy shall be filled as provided in section 15757
305.02 of the Revised Code. Except as otherwise provided by law, 15758
an individual removed from public office under this section is not 15759
entitled to hold any public office for four years following the 15760
date of the final judgment, and is not entitled to hold any public 15761
office until any repayment or restitution required by the court is 15762
satisfied. 15763

(E) For the purposes of this section: 15764

(1) A person acts purposely when it is the person's specific 15765

intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the person intends to accomplish thereby, it is the person's specific intention to engage in conduct of that nature.

(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist.

(F) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law.

Sec. 321.46. (A) To enhance the background and working knowledge of county treasurers in governmental accounting, portfolio reporting and compliance, investments, cybersecurity, and cash management, the auditor of state and the treasurer of state shall conduct education programs for persons elected for the first time to the office of county treasurer and shall hold biennial continuing education courses for persons who continue to hold the office of county treasurer.

Initial education programs for newly elected county treasurers shall be held between the first day of December and the

first Monday of September next following that person's election to 15797
the office of county treasurer. Similar initial education programs 15798
may also be provided to any county treasurer who is appointed to 15799
fill a vacancy or who is elected at a special election. 15800

(B)(1) The auditor of state shall determine the manner and 15801
content of the initial education programs in the subject areas of 15802
governmental accounting and portfolio reporting and compliance. In 15803
those areas, newly elected county treasurers shall take at least 15804
thirteen hours of education before taking office. 15805

(2) The treasurer of state shall determine the manner and 15806
content of the initial education programs in the subject areas of 15807
investments and cash management. In those areas, newly elected 15808
county treasurers shall take at least thirteen hours of education 15809
before taking office. 15810

(3)(a) After completing one year in office, a county 15811
treasurer shall take not less than twenty-four hours of continuing 15812
education during each biennial cycle. For purposes of division 15813
(B)(3)(a) of this section, a biennial cycle for continuing 15814
education shall be every two calendar years after the treasurer's 15815
first year in office. The treasurer of state shall determine the 15816
manner and content of the continuing education courses in the 15817
subject areas of investments, cash management, the collection of 15818
taxes, ethics, and any other subject area that the treasurer of 15819
state determines is reasonably related to the duties of the office 15820
of the county treasurer. The auditor of state shall determine the 15821
manner and content of the continuing education courses in the 15822
subject areas of governmental accounting, portfolio reporting and 15823
compliance, office management, cybersecurity, and any other 15824
subject area that the auditor of state determines is reasonably 15825
related to the duties of the office of the county treasurer. 15826

(b) A county treasurer who accumulates more than twenty-four 15827
hours of continuing education in a biennial cycle described in 15828

division (B)(3)(a) of this section may credit the hours in excess 15829
of twenty-four hours to the next biennial cycle. However, 15830
regardless of the total number of hours earned, no more than six 15831
hours in continuing education determined by the treasurer of state 15832
pursuant to division (B)(3)(a) of this section and six hours in 15833
continuing education determined by the auditor of state pursuant 15834
to that division shall be carried over to the next biennial cycle. 15835

(c) A county treasurer who participates in a training program 15836
or seminar established under section 109.43 of the Revised Code 15837
may apply the three hours of training to the twenty-four hours of 15838
continuing education required in a biennial cycle under division 15839
(B)(3)(a) of this section. 15840

(C) The auditor of state and the treasurer of state may each 15841
charge counties a registration fee that will meet actual and 15842
necessary expenses of the training of county treasurers, including 15843
instructor fees, site acquisition costs, and the cost of course 15844
materials. The necessary personal expenses of county treasurers as 15845
a result of attending the initial education programs and 15846
continuing education courses shall be borne by the counties the 15847
treasurers represent. 15848

(D) The auditor of state and the treasurer of state may allow 15849
any other interested person to attend any of the initial education 15850
programs or continuing education courses held pursuant to this 15851
section, provided that before attending any such program or 15852
course, the interested person shall pay to either the auditor of 15853
state or the treasurer of state, as appropriate, the full 15854
registration fee set for the program or course. 15855

(E)(1) If a county treasurer fails to complete the initial 15856
education programs required by this section before taking office, 15857
the treasurer's authority to invest county funds and to manage the 15858
county portfolio immediately is suspended, and this authority is 15859
transferred to the county's investment advisory committee until 15860

full compliance with the initial education programs is determined 15861
by the treasurer of state. 15862

(2) If a county treasurer fails to complete continuing 15863
education as required by this section, the county treasurer is 15864
subject to divisions (B) to (E) of section 321.47 of the Revised 15865
Code, including possible suspension of the treasurer's authority 15866
to invest county funds and to manage the county portfolio and 15867
transfer of this authority to the county's investment advisory 15868
committee. 15869

(F)(1) Notwithstanding divisions (B) and (E) of this section, 15870
a county treasurer who fails to complete the initial education 15871
programs or continuing education required by this section shall 15872
invest only in the Ohio subdivisions fund pursuant to division 15873
(A)(6) of section 135.35 of the Revised Code, in no load money 15874
market mutual funds pursuant to division (A)(5) of section 135.35 15875
of the Revised Code, or in time certificates of deposit or savings 15876
or deposit accounts pursuant to division (A)(3) of section 135.35 15877
of the Revised Code. 15878

(2) A county treasurer who has failed to complete the initial 15879
education programs required by this section and invests in other 15880
than the investments permitted by division (F)(1) of this section 15881
immediately shall have the county treasurer's authority to invest 15882
county funds and to manage the county portfolio suspended, and 15883
this authority shall be transferred to the county's investment 15884
advisory committee until full compliance with the initial 15885
education programs is determined by the treasurer of state. 15886

(3) If a county treasurer fails to complete continuing 15887
education required by this section and invests in other than the 15888
investments permitted by division (F)(1) of this section, the 15889
county treasurer is subject to divisions (B) to (E) of section 15890
321.47 of the Revised Code, including possible suspension of the 15891
treasurer's authority to invest county funds and to manage the 15892

county portfolio and transfer of this authority to the county's investment advisory committee. 15893
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(G)(1) There is hereby created in the state treasury the county treasurer education fund, to be used by the treasurer of state for actual and necessary expenses of initial education programs and continuing education held pursuant to this section and section 135.22 of the Revised Code. All registration fees collected by the treasurer of state under this section and section 135.22 of the Revised Code shall be paid into that fund. 15895
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(2) All registration fees collected by the auditor of state under this section shall be paid into the auditor of state training program fund established under section 117.44 of the Revised Code. 15902
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(H) The treasurer of state, with the advice and consent of the auditor of state, may adopt reasonable rules not inconsistent with this section for the implementation of this section. 15906
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Sec. 323.01. Except as otherwise provided, as used in Chapter 323. of the Revised Code: 15909
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(A) "Subdivision" means any county, township, school district, or municipal corporation. 15911
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(B) "Municipal corporation" includes charter municipalities. 15913

(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and 15914
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all of such charges which remain unpaid from any previous tax 15923
year. 15924

(D) "Current taxes" means all taxes charged against an entry 15925
on the general tax list and duplicate of real and public utility 15926
property that have not appeared on such list and duplicate for any 15927
prior tax year and any penalty thereon charged by division (A) of 15928
section 323.121 of the Revised Code. Current taxes, whether or not 15929
they have been certified delinquent, become delinquent taxes if 15930
they remain unpaid after the last day prescribed for payment of 15931
the second installment of current taxes without penalty. 15932

(E) "Delinquent taxes" means: 15933

(1) Any taxes charged against an entry on the general tax 15934
list and duplicate of real and public utility property that were 15935
charged against an entry on such list and duplicate for a prior 15936
tax year and any penalties and interest charged against such 15937
taxes. 15938

(2) Any current taxes charged on the general tax list and 15939
duplicate of real and public utility property that remain unpaid 15940
after the last day prescribed for payment of the second 15941
installment of such taxes without penalty, whether or not they 15942
have been certified delinquent, and any penalties and interest 15943
charged against such taxes. 15944

(F) "Current tax year" means, with respect to particular 15945
taxes, the calendar year in which the first installment of taxes 15946
is due prior to any extension granted under section 323.17 of the 15947
Revised Code. 15948

(G) "Liquidated claim" means: 15949

(1) Any sum of money due and payable, upon a written 15950
contractual obligation executed between the subdivision and the 15951
taxpayer, but excluding any amount due on general and special 15952
assessment bonds and notes; 15953

(2) ~~Any sum of money due and payable, for disability
financial assistance provided under Chapter 5115. of the Revised
Code that is furnished to or in behalf of a subdivision, provided
that such claim is recognized by a resolution or ordinance of the
legislative body of such subdivision;~~ 15954
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~~(3) Any sum of money advanced and paid to or received and
used by a subdivision, pursuant to a resolution or ordinance of
such subdivision or its predecessor in interest, and the moral
obligation to repay which sum, when in funds, shall be recognized
by resolution or ordinance by the subdivision.~~ 15959
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Sec. 323.32. As used in this section, "railroad note" means a 15964
note issued pursuant to a court order in the reorganization of a 15965
railroad company under section 77 of the Bankruptcy Act. 15966

Notwithstanding any other provision of law to the contrary, 15967
with respect to all payments received in settlement of claims 15968
arising from delinquent property tax charges and ordered to be 15969
paid by a railroad company under a plan of reorganization as 15970
ordered by a federal district court in accordance with provisions 15971
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 15972
201-208, the following provisions shall apply: 15973

(A) Except as provided in division (H) of this section, all 15974
of such payments shall be made payable, and delivered, to the 15975
county in which the taxing district sharing in a claim for 15976
delinquent taxes is located. Any notes included in such payment 15977
shall be issued to such county treasurer, who shall be the 15978
custodian of all of said notes, and who shall be liable therefor 15979
upon ~~his~~ the treasurer's bond until such time as said notes 15980
mature, are sold, or otherwise lawfully pass from ~~his~~ the 15981
treasurer's custody. 15982

(B) Upon receipt of a payment by cash or check, the county 15983
treasurer shall immediately cause such funds to be paid into the 15984

county treasury and credited to a special fund established for 15985
this purpose, which shall be known as the "undivided bankruptcy 15986
claims fund." All of such moneys so received, including any earned 15987
interest, shall be credited to said fund. 15988

(C) When the total claim for each county has been satisfied 15989
by the receipt of cash or notes, or both, the county auditor shall 15990
remit from the tax list and duplicate of real and public utility 15991
property in each county, all charges appearing thereon in the name 15992
of the railroad company for which such payment has been made, 15993
which are delinquent and unpaid from any year previous to the tax 15994
year 1977. 15995

(D) At any time that funds are present in the undivided 15996
bankruptcy claims fund, either upon initial settlement or at any 15997
later time, the county auditor shall, forthwith, distribute by 15998
auditors' warrant, such funds to the various taxing districts of 15999
the county, in which the property taxes, from which the claim in 16000
bankruptcy has derived, were originally charged. The funds so 16001
distributed shall be apportioned among the various taxing 16002
authorities within each taxing district in the same proportions as 16003
the said taxes were originally levied, taking into account the 16004
various rates of taxation levied for different purposes for each 16005
year in which such taxes were charged and remained unpaid, and any 16006
unpaid special assessments, including compound interest thereon at 16007
the rate of six per cent per annum to January 1, 1978. 16008

In making such distribution, the auditor shall, first, deduct 16009
an amount equal to one per cent of the total amount to be 16010
distributed, as fees for services of the county auditor and 16011
treasurer in making collection and distribution of the claim in 16012
bankruptcy. Such deduction shall be in lieu of all fees provided 16013
for in sections 319.54 and 321.26 of the Revised Code. The amount 16014
so deducted shall be credited to the general fund of the county. 16015

If any funds received pursuant to this section represent 16016

taxes which, if collected, would have resulted from any general or 16017
emergency levy which has since expired, such funds may be credited 16018
to the general operating fund and expended as though they are 16019
proceeds from a current levy, and if any of such funds represent 16020
taxes from any current general bond retirement levy or one which 16021
has since expired, said funds may be credited to the current bond 16022
retirement fund and used to service any current bond indebtedness, 16023
or may be credited to the general operating fund of the district, 16024
if so designated by a majority of the members of the taxing 16025
authority of the taxing district. 16026

(E) Except as provided in division (H) of this section, when, 16027
as a part of the settlement of a claim in bankruptcy of a 16028
reorganized railroad company a county receives notes on behalf of 16029
a taxing authority in partial payment of said claim, the county 16030
treasurer shall, within a reasonable length of time, notify the 16031
taxing authority of each taxing district sharing in the claim that 16032
such notes are in ~~his~~ the treasurer's custody. Within sixty days 16033
of receipt of such notice, each taxing authority shall decide by a 16034
resolution approved by a majority of its members whether: 16035

(1) The notes shall remain in custody of the county 16036
treasurer, as issued, and allowed to mature according to the terms 16037
presented on their face with the proceeds to be distributed upon 16038
maturity pursuant to division (D) of this section; or 16039

(2) The railroad notes shall be exchanged for several new 16040
notes in denominations equal to the proportionate share, or 16041
portion thereof, of the taxing district having a share in the 16042
claim in bankruptcy as determined in division (D) of this section. 16043
The new notes shall be distributed, upon receipt, to each taxing 16044
authority in full satisfaction of its claim or in full 16045
satisfaction of the portion of its claim represented by the notes 16046
so received. If notes cannot be issued in denominations equal to 16047
the taxing district's proportionate share, the treasurer shall 16048

certify to the taxing authority of the district the amount of 16049
notes held by the treasurer on behalf of the district and for 16050
which notes cannot be issued pursuant to the taxing authority's 16051
decision under this subdivision. Upon receipt of such 16052
certification, the taxing authority may borrow money and issue 16053
notes against such certification in the same manner as is provided 16054
by division (F) of this section. 16055

If a taxing authority elects the option provided under 16056
division (E)(1) of this section, it may at any subsequent time 16057
elect instead the option provided under division (E)(2) of this 16058
section by resolution approved by a majority of its members. The 16059
election of the option provided under division (E)(2) of this 16060
section becomes final upon receipt by the taxing authority of the 16061
new notes or certification distributed by the county treasurer 16062
under such division. 16063

Each taxing authority shall certify a copy of any resolution 16064
adopted under this division to the county treasurer who shall take 16065
appropriate action as directed by each taxing authority. 16066

(F) A taxing authority having possession of any railroad note 16067
or a treasurer's certification issued under division (E)(2) of 16068
this section may, by approval of a majority of its members, borrow 16069
money and issue its note in anticipation of the revenue payable on 16070
maturity of the railroad note and pledge the railroad note or the 16071
proceeds thereof. Such anticipation note shall mature no later 16072
than the railroad note and shall be in an amount no greater than 16073
seventy per cent of the face amount of said railroad note. By like 16074
action a taxing authority may sell any railroad note in its 16075
possession at public or private offering for not less than the 16076
prevailing market price. Such a sale or borrowing shall be exempt 16077
from all other requirements and limitations of the Revised Code, 16078
including the requirements of the Uniform Bond Law. 16079

(1) If a taxing authority desires to issue delinquent tax 16080

bonds pursuant to section 131.23 of the Revised Code prior to 16081
either receipt of any payment from a railroad in bankruptcy or 16082
utilization of the authority granted in this section, the taxing 16083
authority may determine whether or not the net amount of 16084
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 16085
section 131.23 of the Revised Code shall include all or part of 16086
the delinquent taxes owed by a railroad, or, if notes have been 16087
received pursuant to this section, the unpaid principal amount of 16088
such notes. If the taxing authority determines that any such 16089
railroad delinquencies or note amount shall be included under 16090
section 131.23 of the Revised Code, the amount which may be 16091
borrowed pursuant to this section may not exceed seventy per cent 16092
of the total face amount of railroad notes remaining after 16093
deducting the amount so included. 16094

(2) If a taxing authority desires to issue delinquent tax 16095
bonds pursuant to section 131.23 of the Revised Code after 16096
utilization of the authority granted in this section, the net 16097
amount of delinquent taxes unpledged for purposes of division 16098
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 16099
the principal amount of railroad notes which have been borrowed 16100
against or sold pursuant to this section. 16101

(G) When a taxing authority receives a railroad note, the 16102
face amount of such note shall not be considered as revenue for 16103
any purpose in the year in which the note is received. Upon sale 16104
or maturity of the note, any proceeds not pledged pursuant to 16105
division (F) of this section shall be considered as unanticipated 16106
revenue from a new source and all of the provisions of law 16107
pertaining to such revenue, including section 5705.36 of the 16108
Revised Code, shall apply. 16109

(H) When there are present in a county nonrepresented taxing 16110
districts as provided in amended substitute house bill 336~~7~~, of the 16111
112th general assembly, all of the provisions of this section 16112

shall apply to such districts, except as follows: 16113

(1) Payments by cash or check may be made payable, and 16114
delivered, directly to the treasurer of the taxing district. Any 16115
notes included in the settlement of the district's claim may be 16116
issued, and delivered, directly to said treasurer. 16117

Upon receipt of any of such payments, the treasurer of the 16118
taxing district shall certify, to the county treasurer of the 16119
county in which the district is located, the fact of such receipt 16120
and the amounts so received. 16121

(2) If the claim of a nonrepresented taxing district is not 16122
paid directly to the treasurer of the district but is included 16123
with payments for the remainder of the county, cash payments 16124
included in the initial settlement shall be distributed as 16125
provided in divisions (B) and (D) of this section. Any notes 16126
received as payment shall be exchanged and distributed to 16127
nonrepresented taxing districts upon receipt. 16128

Sec. 329.03. (A) As used in this section, "applicant" or 16129
"recipient" means ~~any~~ either of the following: 16130

(1) An applicant for or participant in the Ohio works first 16131
program established under Chapter 5107. of the Revised Code; 16132

~~(2) An applicant for or recipient of disability financial 16133
assistance under Chapter 5115. of the Revised Code;~~ 16134

~~(3) An applicant for or recipient of cash assistance provided 16135
under the refugee assistance program established under section 16136
5101.49 of the Revised Code. 16137~~

(B) Each county department of job and family services shall 16138
establish a direct deposit system under which cash assistance 16139
payments to recipients who agree to direct deposit are made by 16140
electronic transfer to an account in a financial institution 16141
designated under this section. No financial institution shall 16142

impose any charge for such an account that the institution does 16143
not impose on its other customers for the same type of account. 16144
Direct deposit does not affect the exemption of Ohio works first 16145
~~and disability financial assistance~~ from attachment, garnishment, 16146
or other like process afforded by ~~sections~~ section 5107.75 and 16147
~~5115.06~~ of the Revised Code. 16148

(C) Each county department of job and family services shall 16149
do all of the following: 16150

(1) Inform each applicant or recipient that the applicant or 16151
recipient must choose whether to receive cash assistance payments 16152
under the direct deposit system established under this section or 16153
under the electronic benefit transfer system established under 16154
section 5101.33 of the Revised Code; 16155

(2) Inform each applicant and recipient of the conditions 16156
under which the applicant or recipient may change the system used 16157
to receive the cash assistance payments; 16158

(3) Inform each applicant or recipient of the procedures 16159
governing the direct deposit system; 16160

(4) If an applicant or recipient chooses to receive cash 16161
assistance payments under the direct deposit system, obtain from 16162
the applicant or recipient an authorization form to designate a 16163
financial institution equipped for and authorized by law to accept 16164
direct deposits by electronic transfer and the account into which 16165
the applicant or recipient wishes the payments to be made; 16166

(5) If an applicant or recipient chooses to receive cash 16167
assistance payments under the electronic benefit transfer system 16168
established under section 5101.33 of the Revised Code, obtain from 16169
the applicant or recipient a signed form to that effect. 16170

The department may require a recipient to complete a new 16171
authorization form whenever the department considers it necessary. 16172

A recipient's designation of a financial institution and 16173
account shall remain in effect until withdrawn in writing or 16174
dishonored by the financial institution, except that no change may 16175
be made in the authorization form until the next eligibility 16176
redetermination of the recipient unless the county department 16177
determines that good cause exists for an earlier change or the 16178
financial institution dishonors the recipient's account. 16179

(D) An applicant or recipient without an account who 16180
completes an authorization form to receive cash assistance 16181
payments by direct deposit shall have ten days after receiving the 16182
authorization form to designate an account suitable for direct 16183
deposit. If within the required time the applicant or recipient 16184
does not make the designation, the recipient shall receive cash 16185
assistance payments under the electronic benefit transfer system 16186
established under section 5101.33 of the Revised Code. 16187

(E) The director of job and family services may adopt rules 16188
governing direct deposit systems established under this section. 16189

Sec. 329.04. (A) The county department of job and family 16190
services shall have, exercise, and perform the following powers 16191
and duties: 16192

(1) Perform any duties assigned by the state department of 16193
job and family services or department of medicaid regarding the 16194
provision of public family services, including the provision of 16195
the following services to prevent or reduce economic or personal 16196
dependency and to strengthen family life: 16197

(a) Services authorized by a Title IV-A program, as defined 16198
in section 5101.80 of the Revised Code; 16199

(b) Social services authorized by Title XX of the "Social 16200
Security Act" and provided for by section 5101.46 or 5101.461 of 16201
the Revised Code; 16202

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;

(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(7) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the

development of the transportation work plan developed under 16234
section 307.985, establish with the board procedures under section 16235
307.986 for providing services to children whose families relocate 16236
frequently, and comply with the contracts the board enters into 16237
under sections 307.981 and 307.982 of the Revised Code that affect 16238
the county department; 16239

(8) For the purpose of complying with a grant agreement the 16240
board of county commissioners enters into under sections 307.98 16241
and 5101.21 of the Revised Code, exercise the powers and perform 16242
the duties the grant agreement assigns to the county department; 16243

~~(9) If the county department is designated as the workforce 16244
development agency, provide the workforce development activities 16245
specified in the contract required by section 330.05 of the 16246
Revised Code. 16247~~

(B) The powers and duties of a county department of job and 16248
family services are, and shall be exercised and performed, under 16249
the control and direction of the board of county commissioners. 16250
The board may assign to the county department any power or duty of 16251
the board regarding family services duties and workforce 16252
development activities. If the new power or duty necessitates the 16253
state department of job and family services or department of 16254
medicaid changing its federal cost allocation plan, the county 16255
department may not implement the power or duty unless the United 16256
States department of health and human services approves the 16257
changes. 16258

Sec. 329.051. The county department of job and family 16259
services shall make voter registration applications as prescribed 16260
by the secretary of state under section 3503.10 of the Revised 16261
Code available to persons who are applying for, receiving 16262
assistance from, or participating in any of the following: 16263

~~(A) The disability financial assistance program established 16264~~

under Chapter 5115. of the Revised Code;	16265
(B) The medicaid program;	16266
(C) <u>(B)</u> The Ohio works first program established under Chapter 5107. of the Revised Code;	16267 16268
(D) <u>(C)</u> The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.	16269 16270
Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code , the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:	16271 16272 16273 16274 16275 16276 16277 16278 16279 16280 16281 16282 16283 16284 16285
(1) Consumers of family services;	16286
(2) The public children services agency;	16287
(3) The child support enforcement agency;	16288
(4) The county family and children first council;	16289
(5) Public and private colleges and universities;	16290
(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug	16291 16292 16293

addiction, and mental health services that serves the county;	16294
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	16295 16296 16297 16298
(8) Labor organizations;	16299
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	16300 16301 16302 16303
(B) The county family services planning committee shall do all of the following:	16304 16305
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	16306 16307 16308 16309 16310 16311
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	16312 16313 16314 16315 16316
(a) Return of assistance groups to participation in either program after ceasing to participate;	16317 16318
(b) Teen pregnancy rates among the programs' participants;	16319
(c) The other types of assistance the programs' participants receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised	16320 16321 16322 16323

Code, and energy assistance under Chapter 5117. of the Revised Code; 16324
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(d) Other issues the committee considers appropriate. 16326

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings. 16327
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(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code; 16330
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(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county; 16333
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(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following: 16336
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(a) Implementation and administration of family service programs; 16340
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(b) Use of federal, state, and local funds available for family service programs; 16342
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(c) Establishment of goals to be achieved by family service programs; 16344
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(d) Evaluation of the outcomes of family service programs; 16346

(e) Any other matter the board considers relevant to the provision of family services. 16347
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(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the 16349
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committee shall serve in that capacity. 16354

Sec. 340.03. (A) Subject to rules issued by the director of 16355
mental health and addiction services after consultation with 16356
relevant constituencies as required by division (A)(10) of section 16357
5119.21 of the Revised Code, each board of alcohol, drug 16358
addiction, and mental health services shall: 16359

(1) Serve as the community addiction and mental health 16360
planning agency for the county or counties under its jurisdiction, 16361
and in so doing it shall: 16362

(a) Evaluate the need for facility services, addiction 16363
services, mental health services, and recovery supports; 16364

(b) In cooperation with other local and regional planning and 16365
funding bodies and with relevant ethnic organizations, evaluate 16366
strengths and challenges and set priorities for addiction 16367
services, mental health services, and recovery supports. A board 16368
shall include treatment and prevention services when setting 16369
priorities for addiction services and mental health services. When 16370
a board sets priorities for addiction services, the board shall 16371
consult with the county commissioners of the counties in the 16372
board's service district regarding the services described in 16373
section 340.15 of the Revised Code and shall give priority to 16374
those services, except that those services shall not have a 16375
priority over services provided to pregnant women under programs 16376
developed in relation to the mandate established in section 16377
5119.17 of the Revised Code. 16378

(c) In accordance with guidelines issued by the director of 16379
mental health and addiction services under division (F) of section 16380
5119.22 of the Revised Code, annually develop and submit to the 16381
department of mental health and addiction services a community 16382
addiction and mental health plan that addresses both of the 16383
following: 16384

(i) The needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code;

(ii) The department's priorities for facility services, addiction services, mental health services, and recovery supports during the period for which the plan will be in effect. The department shall inform all of the boards of the department's priorities in a timely manner that enables the boards to know the department's priorities before the boards develop and submit the plans.

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction plan and the community mental health board shall submit a community mental health plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction and mental health systems and populations with regard to needs and priorities in developing its plan.

The department shall approve or disapprove the plan, in whole or in part, in accordance with division (G) of section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend an approved plan, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

The board shall operate in accordance with the plan approved

by the department. 16416

(d) Promote, arrange, and implement working agreements with 16417
social agencies, both public and private, and with judicial 16418
agencies. 16419

(2) Investigate, or request another agency to investigate, 16420
any complaint alleging abuse or neglect of any person receiving 16421
addiction services, mental health services, or recovery supports 16422
from a community addiction services provider or community mental 16423
health services provider or alleging abuse or neglect of a 16424
resident receiving addiction services or with mental illness or 16425
severe mental disability residing in a residential facility 16426
licensed under section 5119.34 of the Revised Code. If the 16427
investigation substantiates the charge of abuse or neglect, the 16428
board shall take whatever action it determines is necessary to 16429
correct the situation, including notification of the appropriate 16430
authorities. Upon request, the board shall provide information 16431
about such investigations to the department. 16432

(3) For the purpose of section 5119.36 of the Revised Code, 16433
cooperate with the director of mental health and addiction 16434
services in visiting and evaluating whether the certifiable 16435
services and supports of a community addiction services provider 16436
or community mental health services provider satisfy the 16437
certification standards established by rules adopted under that 16438
section; 16439

(4) In accordance with criteria established under division 16440
(D) of section 5119.22 of the Revised Code, conduct program audits 16441
that review and evaluate the quality, effectiveness, and 16442
efficiency of addiction services, mental health services, and 16443
recovery supports provided by community addiction services 16444
providers and community mental health services providers under 16445
contract with the board and submit the board's findings and 16446
recommendations to the department of mental health and addiction 16447

services; 16448

(5) In accordance with section 5119.34 of the Revised Code, 16449
review an application for a residential facility license and 16450
provide to the department of mental health and addiction services 16451
any information about the applicant or facility that the board 16452
would like the department to consider in reviewing the 16453
application; 16454

(6) Audit, in accordance with rules adopted by the auditor of 16455
state pursuant to section 117.20 of the Revised Code, at least 16456
annually all programs, addiction services, mental health services, 16457
and recovery supports provided under contract with the board. In 16458
so doing, the board may contract for or employ the services of 16459
private auditors. A copy of the fiscal audit report shall be 16460
provided to the director of mental health and addiction services, 16461
~~the auditor of state,~~ and the county auditor of each county in the 16462
board's district. 16463

(7) Recruit and promote local financial support for addiction 16464
services, mental health services, and recovery supports from 16465
private and public sources; 16466

(8) In accordance with guidelines issued by the department as 16467
necessary to comply with state and federal laws pertaining to 16468
financial assistance, approve fee schedules and related charges or 16469
adopt a unit cost schedule or other methods of payment for 16470
addiction services, mental health services, and recovery supports 16471
provided by community addiction services providers and community 16472
mental health services providers that have contracted with the 16473
board under section 340.036 of the Revised Code; 16474

(9) Submit to the director and the county commissioners of 16475
the county or counties served by the board, and make available to 16476
the public, an annual report of the addiction services, mental 16477
health services, and recovery supports under the jurisdiction of 16478

the board, including a fiscal accounting; 16479

(10) Establish a method for evaluating referrals for 16480
court-ordered treatment and affidavits filed pursuant to section 16481
5122.11 of the Revised Code in order to assist the probate 16482
division of the court of common pleas in determining whether there 16483
is probable cause that a respondent is subject to court-ordered 16484
treatment and whether alternatives to hospitalization are 16485
available and appropriate; 16486

(11) Designate the treatment services, provider, facility, or 16487
other placement for each person involuntarily committed to the 16488
board pursuant to Chapter 5122. of the Revised Code. The board 16489
shall provide the least restrictive and most appropriate 16490
alternative that is available for any person involuntarily 16491
committed to it and shall assure that the list of addiction 16492
services, mental health services, and recovery supports submitted 16493
and approved in accordance with division (B) of section 340.08 of 16494
the Revised Code are available to severely mentally disabled 16495
persons residing within its service district. The board shall 16496
establish the procedure for authorizing payment for the services 16497
and supports, which may include prior authorization in appropriate 16498
circumstances. In accordance with section 340.037 of the Revised 16499
Code, the board may provide addiction services and mental health 16500
services directly to a severely mentally disabled person when life 16501
or safety is endangered and when no community addiction services 16502
provider or community mental health services provider is available 16503
to provide the service. 16504

(12) Ensure that housing built, subsidized, renovated, 16505
rented, owned, or leased by the board or a community addiction 16506
services provider or community mental health services provider has 16507
been approved as meeting minimum fire safety standards and that 16508
persons residing in the housing have access to appropriate and 16509
necessary services, including culturally relevant services, from a 16510

community addiction services provider or community mental health 16511
services provider. This division does not apply to residential 16512
facilities licensed pursuant to section 5119.34 of the Revised 16513
Code. 16514

(13) Establish a mechanism for obtaining advice and 16515
involvement of persons receiving addiction services, mental health 16516
services, or recovery supports on matters pertaining to services 16517
and supports in the alcohol, drug addiction, and mental health 16518
service district; 16519

(14) Perform the duties required by rules adopted under 16520
section 5119.22 of the Revised Code regarding referrals by the 16521
board or community mental health services providers under contract 16522
with the board of individuals with mental illness or severe mental 16523
disability to class two residential facilities licensed under 16524
section 5119.34 of the Revised Code and effective arrangements for 16525
ongoing mental health services for the individuals. The board is 16526
accountable in the manner specified in the rules for ensuring that 16527
the ongoing mental health services are effectively arranged for 16528
the individuals. 16529

(B) Each board of alcohol, drug addiction, and mental health 16530
services shall establish such rules, operating procedures, 16531
standards, and bylaws, and perform such other duties as may be 16532
necessary or proper to carry out the purposes of this chapter. 16533

(C) A board of alcohol, drug addiction, and mental health 16534
services may receive by gift, grant, devise, or bequest any 16535
moneys, lands, or property for the benefit of the purposes for 16536
which the board is established, and may hold and apply it 16537
according to the terms of the gift, grant, or bequest. All money 16538
received, including accrued interest, by gift, grant, or bequest 16539
shall be deposited in the treasury of the county, the treasurer of 16540
which is custodian of the alcohol, drug addiction, and mental 16541
health services funds to the credit of the board and shall be 16542

available for use by the board for purposes stated by the donor or grantor. 16543
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(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful. 16545
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(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code. 16562
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Sec. 340.032. Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following: 16566
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(A) Establish, to the extent resources are available, a community-based continuum of care that includes, ~~except as~~ 16572
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otherwise authorized by a time limited waiver issued under	16574
division (A)(1) of section 5119.221 of the Revised Code, all of	16575
the following as essential elements:	16576
(1) Prevention and wellness management services;	16577
(2) At least both of the following outreach and engagement	16578
activities:	16579
(a) Locating persons in need of addiction services and	16580
persons in need of mental health services to inform them of	16581
available addiction services, mental health services, and recovery	16582
supports;	16583
(b) Helping persons who receive addiction services and	16584
persons who receive mental health services obtain services	16585
necessary to meet basic human needs for food, clothing, shelter,	16586
medical care, personal safety, and income.	16587
(3) Assessment services;	16588
(4) Care coordination;	16589
(5) Residential services;	16590
(6) At least the following outpatient services:	16591
(a) Nonintensive;	16592
(b) Intensive, such as partial hospitalization and assertive	16593
community treatment;	16594
(c) Withdrawal management;	16595
(d) Emergency and crisis.	16596
(7) Where appropriate, at least the following inpatient	16597
services:	16598
(a) Psychiatric care;	16599
(b) Medically managed alcohol or drug treatment.	16600
(8) At least all of the following recovery supports:	16601

(a) Peer support;	16602
(b) A wide range of housing and support services, including recovery housing;	16603 16604
(c) Employment, vocational, and educational opportunities;	16605
(d) Assistance with social, personal, and living skills;	16606
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	16607 16608
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	16609 16610 16611
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	16612 16613 16614
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	16615 16616 16617 16618
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	16619 16620
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	16621 16622 16623
Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include, except as otherwise authorized by a waiver issued under division (A)(2) of section 5119.221 of the Revised Code, at least ambulatory and sub-acute detoxification, non-intensive and	16624 16625 16626 16627 16628 16629 16630

intensive outpatient services, medication-assisted treatment, peer 16631
support, residential services, recovery housing pursuant to 16632
section 340.034 of the Revised Code, and multiple paths to 16633
recovery such as twelve-step approaches. The services and supports 16634
shall be made available in the service district of each board of 16635
alcohol, drug addiction, and mental health services, except ~~that~~ 16636
sub-acute as provided by either of the following: 16637

(A) Sub-acute detoxification and residential services may be 16638
made available through a contract with one or more providers of 16639
sub-acute detoxification or residential services located in other 16640
service districts. ~~The~~ 16641

(B) To the extent authorized by a time-limited waiver issued 16642
under section 5119.221 of the Revised Code, ambulatory 16643
detoxification and medication-assisted treatment may be made 16644
available through a contract with one or more community addiction 16645
services providers located not more than thirty miles beyond the 16646
borders of the board's service district. 16647

The services and supports shall be made available in a manner 16648
that ensures that recipients are able to access the services and 16649
supports they need for opioid and co-occurring drug addiction in 16650
an integrated manner and in accordance with their assessed needs 16651
when changing or obtaining additional addiction services or 16652
recovery supports for such addiction. An individual seeking a 16653
service or support for opioid and co-occurring drug addiction 16654
included in a community-based continuum of care shall not be 16655
denied the service or support on the basis of the individual's 16656
prior experience with the service or support. 16657

Sec. 340.08. In accordance with rules or guidelines issued by 16658
the director of mental health and addiction services, each board 16659
of alcohol, drug addiction, and mental health services shall do 16660

all of the following: 16661

(A) Submit to the department of mental health and addiction 16662
services a proposed budget of receipts and expenditures for all 16663
federal, state, and local moneys the board expects to receive. 16664

(1) The proposed budget shall identify funds the board has 16665
available for included opioid and co-occurring drug addiction 16666
services and recovery supports. 16667

(2) The proposed budget shall identify funds the board and 16668
public children services agencies in the board's service district 16669
have available to fund jointly the services described in section 16670
340.15 of the Revised Code. 16671

(3) The board's proposed budget for expenditures of state and 16672
federal funds distributed to the board by the department shall be 16673
deemed an application for funds, and the department shall approve 16674
or disapprove the budget for these expenditures in whole or in 16675
part in accordance with division (G) of section 5119.22 of the 16676
Revised Code. 16677

If a board determines that it is necessary to amend an 16678
approved budget, the board shall submit a proposed amendment to 16679
the director. The director shall approve or disapprove all or part 16680
of the amendment in accordance with division (H) of section 16681
5119.22 of the Revised Code. 16682

(B) Submit to the department a proposed list of addiction 16683
services, mental health services, and recovery supports the board 16684
intends to make available. ~~Except as otherwise authorized by a~~ 16685
~~time limited waiver issued under division (A)(1) of section~~ 16686
~~5119.221 of the Revised Code, the~~ The board shall include the 16687
services and supports required by section 340.032 of the Revised 16688
Code to be included in the community-based continuum of care and 16689
the services required by section 340.15 of the Revised Code. The 16690

board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the department in accordance with division (G) of section 5119.22 of the Revised Code.

(D) In conjunction with the department, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a

staff, subject to division (B) of this section, the sheriff shall 16752
convey any person charged with the commission of an offense, 16753
sentenced to imprisonment in the county jail, or in custody upon 16754
civil process to a jail in any county the sheriff considers most 16755
convenient and secure. As used in this paragraph, any county 16756
includes a contiguous county in an adjoining state. 16757

The sheriff may call such aid as is necessary in guarding, 16758
transporting, or returning such person. Whoever neglects or 16759
refuses to render such aid, when so called upon, shall forfeit and 16760
pay the sum of ten dollars, to be recovered by an action in the 16761
name and for the use of the county. 16762

Such sheriff and the sheriff's assistants shall receive such 16763
compensation for their services as the county auditor of the 16764
county from which such person was removed considers reasonable. 16765
The compensation shall be paid from the county treasury on the 16766
warrant of the auditor. 16767

The receiving sheriff shall not, pursuant to this section, 16768
convey the person received to any county other than the one from 16769
which the person was removed. 16770

(B)(1) If Lawrence county does not have sufficient jail space 16771
in the county or staff based upon the minimum standards for jails 16772
in Ohio promulgated pursuant to section 5120.10 of the Revised 16773
Code, instead of conveying a person in a category described in 16774
division (A) of this section to a jail in any county pursuant to 16775
that division, the Lawrence county sheriff may convey the person 16776
to the Ohio river valley facility in accordance with section 16777
341.121 of the Revised Code if an agreement for the Lawrence 16778
county sheriff's use of a portion of that facility entered into 16779
under that section then is in effect. 16780

(2) If a county other than Lawrence county does not have 16781
sufficient jail space or staff based upon the minimum standards 16782

for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code and has entered into an agreement to jail persons with the Lawrence county sheriff, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the sheriff of the other county may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.

(3) As used in divisions (B)(1) and (2) of this section, "Ohio river valley facility" has the same meaning as in section 341.121 of the Revised Code.

Sec. 341.121. (A) As used in this section, "Ohio river valley facility" means the former Ohio river valley juvenile correctional facility in Franklin Furnace, Scioto county, that formerly was operated by the department of youth services.

(B) The board of county commissioners of Lawrence county and the director of administrative services may enter into an agreement pursuant to which the sheriff of Lawrence county may use a specified portion of the Ohio river valley facility as a jail for Lawrence county. The agreement shall not provide for transfer of ownership of any portion of the Ohio river valley facility to Lawrence county. If the board and the department enter into an agreement of this nature, on and after the effective date of the agreement, all of the following apply:

(1) The sheriff of Lawrence county may use the specified portion of the Ohio river valley facility for the confinement of persons charged with a violation of a law or municipal ordinance, sentenced or ordered to confinement for such a violation in a jail, or in custody upon civil process, if the violation occurred or the person was taken into custody under the civil process

within Lawrence county or within another county that has entered 16814
into an agreement with the sheriff pursuant to division (B)(2) of 16815
section 341.12 of the Revised Code for the confinement of such 16816
persons; 16817

(2) Any use of the specified portion of the Ohio river valley 16818
facility for the confinement of a juvenile who is alleged to be or 16819
is adjudicated a delinquent child or juvenile traffic offender 16820
shall be in accordance with Chapter 2152. of the Revised Code; 16821

(3) If the sheriff of Lawrence county uses the specified 16822
portion of the Ohio river valley facility for one or more of the 16823
purposes listed in division (B)(1) of this section and division 16824
(B)(2) of section 341.12 of the Revised Code, all of the following 16825
apply during that use of that portion of the facility and during 16826
the period covered by the agreement entered into pursuant to 16827
division (B) of this section: 16828

(a) The sheriff has charge of the specified portion of the 16829
facility pursuant to that agreement and all persons confined in 16830
it, and shall keep those persons safely, attend to that portion of 16831
the facility, and regulate that portion of the facility according 16832
to the minimum standards for jails in Ohio promulgated pursuant to 16833
section 5120.10 of the Revised Code; 16834

(b) The sheriff has all responsibilities and duties regarding 16835
the operation and management of the specified portion of the 16836
facility, including, but not limited to, safe and secure operation 16837
of and staffing for the jail facility, food services, medical 16838
services, and other programs, services, and treatment of persons 16839
confined in it, and conveyance to and from that portion of the 16840
facility of persons who are to be or who have been confined in it, 16841
in the same manner as if that facility was a Lawrence county jail; 16842

(c) The sheriff may enter into one or more shared service 16843
agreements with any other entity leasing buildings at the Ohio 16844

river valley facility regarding any of the responsibilities and 16845
duties described in division (B)(3)(b) of this section or 16846
regarding any other service related to the operation of the 16847
facility; 16848

(d) All provisions of Chapter 341. of the Revised Code, 16849
except for sections 341.13 to 341.18 of the Revised Code, apply 16850
with respect to the specified portion of the Ohio river valley 16851
facility and to the sheriff in the same manner as if that portion 16852
of the facility was a Lawrence county jail, and sections 341.13 to 16853
341.18 of the Revised Code apply with respect to that portion of 16854
the facility and the sheriff if that portion of the facility is 16855
used for confinement of persons from a county other than Lawrence 16856
county pursuant to an agreement as described in division (B)(2) of 16857
section 341.12 of the Revised Code; 16858

(e) Lawrence county has all responsibility for the costs of 16859
operation of the specified portion of the facility, and for all 16860
potential liability related to the use or operation of that 16861
portion of the facility and damages to it, in the same manner as 16862
if that facility was a Lawrence county jail; 16863

(f) The sheriff has all responsibility for investigating 16864
crimes and quelling disturbances that occur in the specified 16865
portion of the facility, and for assisting in the prosecution of 16866
such crimes, and the prosecuting attorney of Lawrence county and 16867
prosecutors of municipal corporations located in Lawrence county 16868
have responsibility for prosecution of such crimes, in the same 16869
manner as if that facility was a Lawrence county jail; 16870

(g) The sheriff's use of the specified portion of the 16871
facility shall be in accordance with the terms of the agreement, 16872
to the extent that the terms are not in conflict with divisions 16873
(B)(1), (2), and (3) of this section. 16874

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 16875

portion of the Ohio river valley facility for one or more of the 16876
purposes listed in division (B)(1) of this section and division 16877
(B)(2) of section 341.12 of the Revised Code and subsequently 16878
ceases to use the specified portion of the facility for those 16879
purposes, the sheriff shall vacate the facility and control of the 16880
specified portion of the facility immediately shall revert to the 16881
state. 16882

(C) If, prior to the effective date of this amendment, the 16883
board of county commissioners of Lawrence county and the director 16884
of administrative services entered into an agreement under 16885
division (B) of this section for the use by the sheriff of 16886
Lawrence county of a specified portion of the Ohio river valley 16887
facility as a jail for the county and if, as of that effective 16888
date, either party has failed to comply with the terms of the 16889
agreement, both of the following apply: 16890

(1) On the effective date of this amendment, control of the 16891
specified portion of the facility immediately shall revert to the 16892
state. 16893

(2) On and after the effective date of this amendment, the 16894
sheriff has no authority to use the specified portion of the 16895
facility as a jail for Lawrence county. 16896

Sec. 341.25. (A) The sheriff may establish a commissary for 16897
the jail. The commissary may be established either in-house or by 16898
another arrangement. If a commissary is established, all persons 16899
incarcerated in the jail shall receive commissary privileges. A 16900
person's purchases from the commissary shall be deducted from the 16901
person's account record in the jail's business office. The 16902
commissary shall provide for the distribution to indigent persons 16903
incarcerated in the jail necessary hygiene articles and writing 16904
materials. 16905

(B)(1) If a commissary is established, the sheriff shall 16906

establish a commissary fund for the jail. The management of funds 16907
in the commissary fund shall be strictly controlled in accordance 16908
with procedures adopted by the auditor of state. ~~Commissary~~ 16909

(2) Commissary fund revenue over and above operating costs 16910
and reserve shall be considered profits. ~~All~~ 16911

(3) All profits from the commissary fund shall be used ~~to~~ for 16912
the following: 16913

(a) To purchase supplies and equipment, and to provide life 16914
skills training and education or treatment services, or both, for 16915
the benefit of persons incarcerated in the jail, ~~and to;~~ 16916

(b) To pay salary and benefits for employees of the sheriff 16917
who work in or are employed for the purpose of providing service 16918
to the commissary; 16919

(c) To purchase technology designed to prevent contraband 16920
from entering the jail. The 16921

(4) The sheriff shall adopt rules for the operation of any 16922
commissary fund the sheriff establishes. 16923

Sec. 503.56. (A) As used in this section: 16924

(1) "Tourism development district" means a district 16925
designated by a township under this section. 16926

(2) "Territory of a tourism development district" means all 16927
of the area included within the territorial boundaries of a 16928
tourism development district. 16929

(3) "Business" means a sole proprietorship, a corporation for 16930
profit, a pass-through entity as defined in section 5733.04 of the 16931
Revised Code, the federal government, the state, the state's 16932
political subdivisions, a nonprofit organization, or a school 16933
district. A business "operates within the proposed district" if 16934
the business would be subject to a tax levied in the proposed 16935

tourism development district pursuant to division ~~(A)(2)(C)~~ of 16936
section 5739.101 of the Revised Code. 16937

(4) "Owner" means a partner of a partnership, a member of a 16938
limited liability company, a majority shareholder of an S 16939
corporation, a person with a majority ownership interest in a 16940
pass-through entity, or any officer, employee, or agent with the 16941
authority to make decisions legally binding upon a business. The 16942
signature of any owner of a business operates as the signature of 16943
the business. 16944

(5) "Eligible township" means a township wholly or partly 16945
located in a county having a population greater than three hundred 16946
seventy-five thousand but less than four hundred thousand that 16947
levies taxes under section 5739.021 or 5739.026 of the Revised 16948
Code, the aggregate rate of which does not exceed one-half of one 16949
per cent on ~~the effective date of the enactment of this section~~ 16950
September 29, 2015. 16951

(B)(1) The board of trustees of an eligible township, by 16952
resolution, may declare an unincorporated area of the township to 16953
be a tourism development district for the purpose of fostering and 16954
developing tourism in the district if all of the following 16955
criteria are met: 16956

(a) The district's area does not exceed ~~two~~ six hundred 16957
acres. 16958

(b) All territory in the district is contiguous. 16959

(c) Before adopting that resolution or ordinance, the board 16960
holds at least two public hearings concerning the creation of the 16961
tourism development district. 16962

(d) Before adopting the resolution or ordinance, the board 16963
receives a petition signed by every record owner of a parcel of 16964
real property located in the proposed district and the owner of 16965
every business that operates in the proposed district. 16966

(e) The board adopts the resolution on or before December 31, 16967
~~2018~~ 2020. 16968

(2) The petition described in division (B)(1)(d) of this 16969
section shall include an explanation of the taxes and charges that 16970
may be levied or imposed in the proposed district. 16971

(3) The board shall certify the resolution to the tax 16972
commissioner within five days after its adoption, along with a 16973
description of the boundaries of the district authorized in the 16974
resolution. That description shall include sufficient information 16975
for the commissioner to determine if the address of a vendor is 16976
within the boundaries of the district. 16977

(4) Subject to the limitations of division (B)(1)(a) and (b) 16978
of this section, the board of trustees of an eligible township may 16979
enlarge the territory of an existing tourism development district 16980
in the manner prescribed for the creation of a district under 16981
divisions (B)(1) to (3) of this section, except that the petition 16982
described in division (B)(1)(d) of this section must be signed by 16983
every record owner of a parcel of real property located in the 16984
area proposed to be added to the district and the owner of every 16985
business that operates in the area proposed to be added to the 16986
district. 16987

(C) For the purpose of fostering and developing tourism in a 16988
tourism development district, a lessor leasing real property in a 16989
tourism development district may impose and collect a uniform fee 16990
on each parcel of real property leased by the lessor, to be paid 16991
by each of the person's lessees. A lessee is subject to such a fee 16992
only if the lease separately states the amount of the fee. Before 16993
a lessor may impose and collect such a fee, the lessor shall file 16994
a copy of such lease with the fiscal officer of the township that 16995
designated the tourism development district. A lessor that imposes 16996
such a fee shall remit all collections of the fee to the fiscal 16997
officer of the township in which the real property is located. 16998

The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The board of trustees of an eligible township that has designated a tourism development district under this section may levy one or both of the taxes authorized under section 503.57 or 5739.101 of the Revised Code.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer of the township shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 503.70. (A) As used in this section, "advertising" means internet banners and icons that may contain links to commercial internet web sites. Advertising does not include spyware, malware, or any viruses or programs considered to be malicious.

(B) A board of township trustees may, by resolution, authorize the use of commercial advertising on the township's web site. The use of commercial advertising must comply with state and federal law, including section 9.03 of the Revised Code, and any federal regulations or guidelines on the use of commercial

advertising on the .gov internet domain or other federally 17030
controlled public domains. 17031

(C) The resolution shall specify the manner of making 17032
requests for proposals that identify advertisers whose 17033
advertisements will meet the criteria specified in the request for 17034
proposals and any requirements and limitations specified in the 17035
resolution. 17036

(D) The board of township trustees may enter into a contract 17037
with a qualified advertiser for the placement of commercial 17038
advertising on the township's web site in exchange for a fee paid 17039
by the advertiser to the township general fund. 17040

Sec. 505.94. (A) A board of township trustees may, by 17041
resolution, require the registration of all transient vendors 17042
within the unincorporated territory of the township and may 17043
regulate the time, place, and manner in which these vendors may 17044
sell, offer for sale, or solicit orders for future delivery of 17045
goods, ~~or the board may, by resolution, prohibit these activities~~ 17046
~~within that territory.~~ A board of township trustees also may, by 17047
resolution, prohibit solicitation at any residence at which the 17048
owner or tenant has posted a sign on the property prohibiting 17049
solicitation or for which the owner or tenant has filed a no 17050
solicitation registration form with the township, on a form 17051
prescribed by the board. If the board requires the registration of 17052
all transient vendors, it may establish a reasonable registration 17053
fee, not to exceed one hundred fifty dollars for a registration 17054
period, and this registration shall be valid for a period of at 17055
least ninety days after the date of registration. ~~Any~~ 17056

Any board of township trustees that provides for the 17057
registration and regulation, ~~or prohibition,~~ of transient vendors 17058
under this section shall notify the prosecuting attorney of the 17059
county in which the township is located of its registration and 17060

regulatory requirements ~~or prohibition~~. No transient vendor shall 17061
fail to register or to comply with regulations ~~or prohibitions~~ 17062
established by a board of township trustees under this division. 17063

This division does not authorize a board of township trustees 17064
to apply a resolution it adopts under this division to any person 17065
invited by an owner or tenant to visit the owner's or tenant's 17066
premises to sell, offer for sale, or solicit orders for future 17067
delivery of goods. 17068

(B) As used in this section: 17069

(1) "Goods" means goods, wares, services, merchandise, 17070
periodicals, and other articles or publications. 17071

(2) "Transient vendor" means any person who opens a temporary 17072
place of business for the sale of goods or who, on the streets or 17073
while traveling about the township, sells or offers for sale 17074
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 17075
~~payment is required prior to the delivery of the goods, or~~ 17076
attempts to arrange an appointment for a future estimate or sales 17077
call. "Transient vendor" does not include any person who 17078
represents any entity exempted from taxation under section 5709.04 17079
of the Revised Code, ~~that notifies the board of township trustees~~ 17080
~~that its representatives are present in the township for the~~ 17081
~~purpose of selling or offering for sale goods, or soliciting~~ 17082
~~orders for future delivery of goods, or attempting to arrange an~~ 17083
~~appointment for a future estimate or sales call, and does not~~ 17084
~~include a or any person licensed under Chapter 4707. of the~~ 17085
Revised Code. 17086

Sec. 507.12. (A) To enhance the background and working 17087
knowledge of township fiscal officers in government accounting, 17088
budgeting and financing, financial report preparation, 17089
cybersecurity, and the rules adopted by the auditor of state, the 17090
auditor of state shall conduct education programs and continuing 17091

education courses for individuals elected or appointed for the 17092
first time to the office of township fiscal officer, and shall 17093
conduct continuing education courses for individuals who continue 17094
to hold the office in a subsequent term. The Ohio township 17095
association also may conduct such initial education programs and 17096
continuing education courses if approved by the auditor of state. 17097
The auditor of state, in conjunction with the Ohio township 17098
association, shall determine the manner and content of the initial 17099
education programs and continuing education courses. 17100

(B) A newly elected or appointed township fiscal officer 17101
shall complete at least six hours of initial education programs 17102
before commencing, or during the first year of, office. A township 17103
fiscal officer who participates in a training program held under 17104
section 117.44 of the Revised Code may apply those hours taken 17105
before commencing office to the six hours of initial education 17106
programs required under this division. 17107

(C)(1) In addition to the six hours of initial education 17108
required under division (B) of this section, a newly elected 17109
township fiscal officer shall complete at least a total of 17110
eighteen continuing education hours during the township fiscal 17111
officer's first term of office. 17112

(2) A township fiscal officer who is elected to a subsequent 17113
term of office shall complete twelve hours of continuing education 17114
courses in each subsequent term of office. 17115

(3) The auditor of state shall adopt rules specifying the 17116
initial education programs and continuing education courses that 17117
are required for a township fiscal officer who has been appointed 17118
to fill a vacancy. The requirements shall be proportionally 17119
equivalent, based on the time remaining in the vacated office, to 17120
the requirements for a newly elected township fiscal officer. 17121

(4) At least two hours of ethics instruction shall be 17122

included in the continuing education hours required by divisions 17123
(C)(1) and (2) of this section. 17124

(5) A township fiscal officer who participates in a training 17125
program or seminar established under section 109.43 of the Revised 17126
Code may apply the three hours of training to the continuing 17127
education hours required by divisions (C)(1) and (2) of this 17128
section. 17129

(D)(1) A certified public accountant who serves as a township 17130
fiscal officer may apply to the continuing education hours 17131
required by division (C) of this section any hours of continuing 17132
education completed under section 4701.11 of the Revised Code 17133
after being elected or appointed as a township fiscal officer. 17134

(2) A township fiscal officer may apply to the continuing 17135
education hours required by division (C) of this section any hours 17136
of continuing education completed under section 135.22 of the 17137
Revised Code after being elected or appointed as a township fiscal 17138
officer. 17139

(3) A township fiscal officer who teaches an approved 17140
continuing education course under division (C) of this section is 17141
entitled to credit for the course in the same manner as if the 17142
township fiscal officer had attended the course. 17143

(E) The auditor of state shall adopt rules for verifying the 17144
completion of initial education programs and continuing education 17145
courses required under this section. The auditor of state shall 17146
issue a certificate of completion to each township fiscal officer 17147
who completes the initial education programs and continuing 17148
education courses. The auditor of state shall issue a "failure to 17149
complete" notice to any township fiscal officer who is required to 17150
complete initial education programs and continuing education 17151
courses under this section, but who fails to do so. The notice is 17152
for informational purposes only and does not affect any 17153

individual's ability to hold the office of township fiscal officer. 17154
17155

(F) Each board of township trustees shall approve a 17156
reasonable amount requested by the township fiscal officer to 17157
cover the costs the township fiscal officer is required to incur 17158
to meet the requirements of this section, including registration 17159
fees, lodging and meal expenses, and travel expenses. 17160

Sec. 507.13. (A)(1) If a township fiscal officer purposely, 17161
knowingly, or recklessly fails to perform a fiscal duty expressly 17162
imposed by law with respect to the fiscal duties of the office of 17163
township fiscal officer or purposely, knowingly, or recklessly 17164
commits any act expressly prohibited by law with respect to the 17165
fiscal duties of that office, four residents of the township may 17166
submit sworn affidavits alleging the violation, together with 17167
evidence supporting the allegations, to the auditor of state. The 17168
sworn affidavits and evidence shall be submitted in the format 17169
prescribed by rule of the auditor of state under section 117.45 of 17170
the Revised Code. A person who makes a false statement in a sworn 17171
affidavit, for purposes of this section, is guilty of 17172
falsification under section 2921.13 of the Revised Code. 17173

(2) The auditor of state shall review the sworn affidavits 17174
and the evidence. Within ~~ten business~~ thirty calendar days after 17175
receiving the sworn affidavits, unless, for good cause, additional 17176
time is required, the auditor of state shall determine whether 17177
clear and convincing evidence supports the allegations. If the 17178
auditor of state finds that no allegation is supported by clear 17179
and convincing evidence, the auditor of state shall submit those 17180
findings in writing to the township fiscal officer and the persons 17181
who initiated the sworn affidavits. If the auditor of state finds 17182
by clear and convincing evidence that an allegation is supported 17183
by the evidence, the auditor of state shall submit those findings 17184

in writing to the attorney general, the township fiscal officer, 17185
and the persons who initiated the sworn affidavits. The findings 17186
shall include a copy of the sworn affidavits and the evidence 17187
submitted under division (A)(1) of this section. 17188

(3)(a) The attorney general shall review the auditor of 17189
state's findings and the sworn affidavits and evidence. Within ten 17190
business days after receiving the sworn affidavits and evidence, 17191
unless, for good cause, additional time is required, the attorney 17192
general shall determine whether clear and convincing evidence 17193
supports the allegations. If the attorney general finds that no 17194
allegation is supported by clear and convincing evidence, the 17195
attorney general, by certified mail, shall notify the auditor of 17196
state, the township fiscal officer, and the persons who initiated 17197
the sworn affidavits, that no complaint for the removal of the 17198
township fiscal officer from public office will be filed. 17199

(b) If the attorney general finds by clear and convincing 17200
evidence that an allegation is supported by the evidence, the 17201
attorney general, by certified mail, shall notify the auditor of 17202
state, the township fiscal officer, and the persons who initiated 17203
the sworn affidavits of that fact, and shall commence an action 17204
for the removal of the township fiscal officer from public office 17205
under division (B) of this section. 17206

(c) Nothing in this section is intended to limit the 17207
authority of the attorney general to enter into mediation, 17208
settlement, or resolution of any alleged violation before or 17209
following the commencement of an action under this section. 17210

(B)(1)(a) The attorney general has a cause of action for 17211
removal of a township fiscal officer who purposely, knowingly, or 17212
recklessly fails to perform a fiscal duty expressly imposed by law 17213
with respect to the office of township fiscal officer or 17214
purposely, knowingly, or recklessly commits any act expressly 17215
prohibited by law with respect to the fiscal duties of the office 17216

of township fiscal officer. Not later than forty-five days after 17217
sending a notice under division (A)(3)(b) of this section, the 17218
attorney general shall cause an action to be commenced against the 17219
township fiscal officer by filing a complaint for the removal of 17220
the township fiscal officer from public office. If any money is 17221
due, the attorney general shall join the sureties on the township 17222
fiscal officer's bond as parties. The court of common pleas of the 17223
county in which the township fiscal officer holds office has 17224
exclusive original jurisdiction of the action. The action shall 17225
proceed de novo as in the trial of a civil action. The court is 17226
not restricted to the evidence that was presented to the auditor 17227
of state and the attorney general before the action was filed. The 17228
action is governed by the Rules of Civil Procedure. 17229

(b) If the court finds by clear and convincing evidence that 17230
the township fiscal officer purposely, knowingly, or recklessly 17231
failed to perform a fiscal duty expressly imposed by law with 17232
respect to the fiscal duties of the office of township fiscal 17233
officer or purposely, knowingly, or recklessly committed any act 17234
expressly prohibited by law with respect to the fiscal duties of 17235
that office, the court shall issue an order removing the township 17236
fiscal officer from office and any order necessary for the 17237
preservation or restitution of public funds. 17238

(2) Except as otherwise provided in this division, an action 17239
for removal from office under this section is stayed during the 17240
pendency of any criminal action concerning a violation of an 17241
existing or former municipal ordinance or law of this or any other 17242
state or the United States that is substantially equivalent to any 17243
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 17244
conduct in office, if the person charged in the criminal action 17245
committed the violation while serving as a township fiscal officer 17246
and the conduct constituting the violation was related to the 17247
duties of the office of fiscal officer or to the person's actions 17248

as the township fiscal officer. The stay may be lifted upon motion 17249
of the prosecuting attorney in the related criminal action. 17250

(3) Prior to or at the hearing, upon a showing of good cause, 17251
the court may issue an order restraining the township fiscal 17252
officer from entering the township fiscal officer's office and 17253
from conducting the affairs of the office pending the hearing on 17254
the complaint. If such an order is issued, the court may continue 17255
the order until the conclusion of the hearing and any appeals 17256
under this section. 17257

(4) The board of township trustees shall be responsible for 17258
the payment of reasonable attorney's fees for counsel for the 17259
township fiscal officer. If judgment is entered against the 17260
township fiscal officer, the court shall order the township fiscal 17261
officer to reimburse the board for attorney's fees and costs up to 17262
a reasonable amount, as determined by the court. Expenses incurred 17263
by the board in a removal action shall be paid out of the township 17264
general fund. 17265

(C) The judgment of the court is final and conclusive unless 17266
reversed, vacated, or modified on appeal. An appeal may be taken 17267
by any party, and shall proceed as in the case of appeals in civil 17268
actions and in accordance with the Rules of Appellate Procedure. 17269
Upon the filing of a notice of appeal by any party to the 17270
proceedings, the court of appeals shall hear the case as an 17271
expedited appeal under Rule 11.2 of the Rules of Appellate 17272
Procedure. The township fiscal officer has the right of review or 17273
appeal to the supreme court. 17274

(D) If a final judgment for removal from public office is 17275
entered against the township fiscal officer, the office shall be 17276
deemed vacated, and the vacancy shall be filled as provided in 17277
section 503.24 of the Revised Code. Except as otherwise provided 17278
by law, an individual removed from public office under this 17279
section is not entitled to hold any public office for four years 17280

following the date of the final judgment, and is not entitled to 17281
hold any public office until any repayment or restitution required 17282
by the court is satisfied. 17283

(E) For the purposes of this section: 17284

(1) A person acts purposely when it is the person's specific 17285
intention to cause a certain result, or, when the gist of the 17286
offense is a prohibition against conduct of a certain nature, 17287
regardless of what the person intends to accomplish thereby, it is 17288
the person's specific intention to engage in conduct of that 17289
nature. 17290

(2) A person acts knowingly, regardless of the person's 17291
purpose, when the person is aware that the person's conduct will 17292
probably cause a certain result or will probably be of a certain 17293
nature. A person has knowledge of circumstances when the person is 17294
aware that such circumstances probably exist. 17295

(3) A person acts recklessly when, with heedless indifference 17296
to the consequences, the person perversely disregards a known risk 17297
that the person's conduct is likely to cause a certain result or 17298
is likely to be of a certain nature. A person is reckless with 17299
respect to circumstances when, with heedless indifference to the 17300
consequences, the person perversely disregards a known risk that 17301
such circumstances are likely to exist. 17302

(F) The proceedings provided for in this section may be used 17303
as an alternative to the removal proceedings prescribed under 17304
sections 3.07 to 3.10 of the Revised Code or other methods of 17305
removal authorized by law. 17306

Sec. 703.20. (A) Villages may surrender their corporate 17307
powers upon the petition to the legislative authority of the 17308
village, or, in the alternative, to the board of elections of the 17309
county in which the largest portion of the population of the 17310

village resides as provided in division (B)(1) of this section, of 17311
at least ~~forty~~ thirty per cent of the electors thereof, to be 17312
determined by the number voting at the last regular municipal 17313
~~election~~ election and by an affirmative vote of a majority of ~~such~~ 17314
~~the~~ electors at a special election, which shall be provided for by 17315
the legislative authority, ~~and~~ or, in the alternative, at a 17316
~~general or special election as provided for by the board of~~ 17317
~~elections under division (B)(1) of this section. The election~~ 17318
~~shall be~~ conducted, canvassed, and the result certified and made 17319
known as at regular municipal elections. If the result of the 17320
election is in favor of ~~such~~ the surrender, the village clerk or, 17321
~~in the alternative, the board of elections~~ shall certify the 17322
result to the secretary of state, ~~the auditor of state,~~ and the 17323
county recorder, who shall record it in their respective offices, 17324
~~and thereupon the. The~~ corporate powers of ~~such~~ the village shall 17325
cease upon the recording of the certified election results in the 17326
county recorder's office. 17327

(B)(1) If the legislative authority of a village fails to act 17328
upon the petition within thirty days after receipt of the 17329
petition, the electors may present the petition to the board of 17330
elections to determine the validity and sufficiency of the 17331
signatures. The petition shall be governed by the rules of section 17332
3501.38 of the Revised Code. The petition shall be filed with the 17333
board of elections of the county in which the largest portion of 17334
the population of the village resides. If the petition is 17335
sufficient, the board of elections shall submit the question 17336
"Shall the village of surrender its corporate powers?" 17337
for the approval or rejection of the electors of the village at 17338
the next general or special election, in any year, occurring after 17339
the period ending ninety days after the filing of the petition 17340
with the board. If the result of the election is in favor of the 17341
surrender, the board of elections shall certify the results to the 17342
secretary of state, the auditor of state, and the county recorder, 17343

who shall record it in their respective offices. The corporate 17344
powers of the village shall cease upon the recording of the 17345
certified election results in the county recorder's office. 17346

(2) In addition to filing the petition with the board of 17347
elections as provided in division (B)(1) of this section, a copy 17348
of the petition shall be filed with the board of township trustees 17349
of each township affected by the surrender. 17350

(C) The auditor of state shall assist in facilitating a 17351
timely and systematic manner for complying with the requirements 17352
of section 703.21 of the Revised Code. 17353

Sec. 703.21. (A) The surrender of corporate powers by a 17354
village under section 703.20 or 703.201 of the Revised Code does 17355
not affect vested rights or accrued liabilities of the village, or 17356
the power to settle claims, dispose of property, or levy and 17357
collect taxes to pay existing obligations, or to operate its 17358
utilities, including collection of existing rates and charges for 17359
services rendered, until the ownership and operation of each 17360
utility is transferred to another entity. But, after the 17361
presentation of the petition mentioned in section 703.20 of the 17362
Revised Code or receipt of the audit report and notice mentioned 17363
in section 703.201 of the Revised Code, the legislative authority 17364
of the village shall not create any new liability until the result 17365
of the election under section 703.20 of the Revised Code is 17366
declared or the decision of the court of common pleas under 17367
division (C) of section 703.201 of the Revised Code is declared, 17368
or thereafter, if the result, in either case, is for the surrender 17369
of the village's corporate powers, except to the extent such 17370
liability is necessary in connection with the operations of the 17371
village's utilities consistent with prudent utility practice. If 17372
the auditor of state notifies the village that the attorney 17373
general may file a legal action under section 703.201 of the 17374

Revised Code, but the attorney general does not file such an 17375
action, the village shall not create any new liability for thirty 17376
days after receipt of the auditor of state's notice, except to the 17377
extent such liability is necessary in connection with the 17378
operations of the village's utilities consistent with prudent 17379
utility practice. 17380

(B) Due and unpaid taxes may be collected after the surrender 17381
of corporate powers, and all moneys or property remaining after 17382
the surrender belongs to the township or townships located wholly 17383
or partly within the village, subject to the agreements entered 17384
into as provided for in this section for the timely transfer of 17385
real and personal property and subject to the report of an audit 17386
or, at the discretion of the auditor of state, an agreed-upon 17387
procedure audit performed by the auditor of state under section 17388
117.11 or 117.114 of the Revised Code. The auditor of state shall 17389
commence the audit or agreed-upon procedure audit within thirty 17390
days after receipt of the notice of dissolution as provided in 17391
division (E) of section 117.10 of the Revised Code. Cash balances 17392
shall be transferred at the completion of the audit or agreed-upon 17393
procedure audit performed by the auditor of state. ¶ Except as 17394
otherwise provided by agreement of the affected village and 17395
townships, if more than one township is to receive the remaining 17396
money or property, the money and property shall be divided among 17397
the townships in proportion to the amount of territory that each 17398
township has within the village boundaries as compared to the 17399
total territory within the village. 17400

(C)(1) Village real and personal property, other than 17401
electric, water, and sewer utility property, shall be transferred 17402
in a timely manner in accordance with agreements between or among 17403
the affected village and township or townships. If no such 17404
agreements have been reached within sixty days after the 17405
certificate of dissolution is filed with the county recorder, 17406

title to real and personal property other than any electric, water, and sewer utility property vests by operation of law in the affected township or townships. If more than one township is affected, and agreements have not been reached within sixty days after the certificate of dissolution is filed, title vests by operation of law in proportion to the amount of territory that each township has within the village boundaries as compared to the total territory within the village.

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(2) Any agreements entered into under this section regarding the transfer of real property shall be recorded with the county recorder of the county in which the affected real property is situated, along with affidavits stating facts relating to title as provided for in section 5301.252 of the Revised Code. The county recorder shall make appropriate notations in the county records to reflect the conveyance of the village's interest in real property in accordance with the recorded agreements resulting from the surrender of corporate powers. The notations shall include a reference to the county's recorded certificate of dissolution.

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In the absence of any agreements and upon the recording of affidavits relating to title, the county recorder shall make appropriate notations in the county records to reflect the conveyance of the village's interest in real property and to evidence that title vested by operation of law in the township or townships as otherwise provided for in this section and as a result of the surrender of corporate powers. The recording of a certificate of dissolution or a certified copy of it, any agreements regarding the transfer of real property, and supporting affidavits serve as sufficient evidence of a transfer of title from the former village to a township or townships. These documents shall be recorded in the same manner as a deed of conveyance, except that the affected township or townships are exempt from any fees specified under section 317.32 of the Revised

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Code. 17439

(3) Cash balances shall be transferred at the completion of 17440
the audit, or, at the discretion of the auditor of state, the 17441
agreed-upon procedure audit performed by the auditor of state. 17442

(D)(1) Electric and water and sewer utility property shall be 17443
transferred by agreement entered into by the village and the 17444
entity that will be taking over the electric and water and sewer 17445
utility property and assets. Cash balances shall be transferred at 17446
the completion of the audit, or, at the discretion of the auditor 17447
of state, the agreed-upon procedure audit performed by the auditor 17448
of state. The provision of utility and other services shall be 17449
uninterrupted during the transition period following the surrender 17450
of corporate powers. 17451

(a) Following the filing of the certificate of dissolution, 17452
if it is determined that a county, or a regional water and sewer 17453
district organized under Chapter 6119. of the Revised Code, is 17454
obligated to assume water and sewer utility property and assets by 17455
default, the board of county commissioners or board of trustees of 17456
the district, as appropriate, may petition the court of common 17457
pleas of the county in which the village was located, for an order 17458
to revise the current user fees, rates, and charges charged, or 17459
assessments levied, by the utility. The board of county 17460
commissioners or board of trustees of the district shall file with 17461
the petition a systems audit of the utility. The systems audit 17462
shall address the financial solvency of the utility; the utility's 17463
debt service obligations and operating revenue stream, including 17464
user fees, rates, charges, and assessments; the utility's 17465
compliance with operating permit requirements; the necessary 17466
system maintenance, upgrades, and operational modifications and 17467
their associated costs for the utility; outstanding, pending, or 17468
potential enforcement actions against the utility; and any other 17469
relevant matters impacting the operational viability and financial 17470

solvency of the utility. 17471

When considering whether to grant the order, the court shall 17472
review the systems audit and any other relevant evidence. The 17473
order of the court shall assure that the operational viability and 17474
financial solvency of the utility is maintained, and that an 17475
unreasonable financial burden is not placed upon the county or 17476
district due to the acquisition of the utility property and 17477
assets. 17478

(b) In the case of a village electric utility, the village 17479
shall be required to take all necessary steps to transfer its 17480
ownership and operation, including continuing with normal 17481
operations and activities, fulfilling its contractual and other 17482
obligations, and transferring its contractual and other 17483
obligations to a successor entity in a timely manner following the 17484
filing of the certificate of dissolution. Such steps shall include 17485
hiring a third-party engineer knowledgeable about the operation of 17486
municipal electric systems to conduct a systems audit of the 17487
electric utility, addressing such items as set forth in division 17488
(D)(2) of this section. The systems audit shall commence not later 17489
than sixty days after the filing of the certificate of 17490
dissolution. Such systems audit is a proper expense of the 17491
village's electric utility fund. If the village's electric utility 17492
fund has a balance of zero or a negative fund balance, the 17493
absorbing entity shall pay for the systems audit. During this 17494
period, the village's electric utility shall continue with all 17495
normal operations and activities, shall continue fulfilling its 17496
contractual and other obligations, including with its customers 17497
and users and licensees of its poles, conduits, and rights-of-way, 17498
and shall collect charges for service at the rates in effect on 17499
the date the certificate of dissolution is filed. 17500

(2) The systems audit required under division (D)(1)(a) or 17501
(b) of this section shall not prevent the auditor of state from 17502

conducting the audit, or, at the discretion of the auditor of 17503
state, the agreed-upon procedure audit, required by this section. 17504

(E) As used in divisions (C) and (D) of this section, 17505
"certificate of dissolution" means the certified election results 17506
approving the surrender of corporate powers as recorded by the 17507
county recorder under section 703.20 of the Revised Code. 17508

After the surrender of corporate powers, all resolutions of 17509
the township or townships into which the village's territory was 17510
dissolved shall apply throughout the township's newly included 17511
territory. 17512

Sec. 705.22. At the end of each year the legislative 17513
authority of a municipal corporation shall have an annual report 17514
printed, in pamphlet form, giving: 17515

(A) The classified statement of all receipts, expenditures, 17516
assets, and liabilities of the municipal corporation; 17517

(B) A detailed comparison of such receipts and expenditures 17518
with those of the preceding year; 17519

(C) A summary of the proceedings of the legislative authority 17520
and a summary of the operations of the administrative departments 17521
for the previous twelve months. 17522

A copy of this report shall be furnished to ~~the auditor of~~ 17523
~~state,~~ the municipal library, and any citizen of the municipal 17524
corporation who applies ~~therefor~~ for the report at the office of 17525
the clerk. Similar reports may be printed quarterly. All meetings 17526
of the legislative authority or committees thereof shall be 17527
public, and any citizen of the municipal corporation shall have 17528
access to the minutes and records thereof at all reasonable times. 17529

Sec. 713.01. The legislative authority of each city having a 17530
board of park commissioners may establish a city planning 17531

commission of seven members, consisting of the mayor, the director 17532
of public service, the president of the board of park 17533
commissioners, ~~and four~~ two citizens of the municipal corporation, 17534
and two public members who shall serve without compensation and 17535
shall be appointed by the mayor for terms of six years each, 17536
except that the term of two of the members of the first commission 17537
shall be for three years. The legislative authority may, by 17538
resolution, change the number of citizen members to an even number 17539
of members, not less than four nor more than twelve. Whenever the 17540
size of a commission is expanded, the initial appointees to new 17541
positions shall be appointed to terms which permit half the 17542
citizen members to be reappointed each third year. No reduction in 17543
the size of a commission shall affect the term of any incumbent, 17544
and at least two citizen members shall be appointed every third 17545
year. 17546

The legislative authority of each city without a board of 17547
park commissioners may establish a commission of five members, 17548
consisting of the mayor, the director of public service, ~~and three~~ 17549
two citizens of the municipal corporation, and one public member 17550
who shall serve without compensation and shall be appointed by the 17551
mayor for a term of six years, except that the term of one of the 17552
members of the first commission shall be for four years and one 17553
for two years. 17554

The legislative authority of each city with a commission plan 17555
of government, adopted as provided in sections 705.01 to 705.06, 17556
~~inclusive,~~ 705.31, 705.32, and 705.41 to 705.48, ~~inclusive,~~ of the 17557
Revised Code, may establish a city planning commission of five 17558
members, consisting of the ~~chairman~~ chairperson of the legislative 17559
authority ~~and four,~~ three citizens of the city, and one public 17560
member to be appointed by the legislative authority for terms of 17561
six years each, except that the term of two of the members of the 17562
first planning commission shall be for four years and two for two 17563

years. All members of the planning commission shall serve without 17564
compensation. 17565

The legislative authority of each city with a city manager 17566
plan of government, adopted as provided in sections 705.01 to 17567
705.06, ~~inclusive~~, and 705.51 to 705.60, ~~inclusive~~, of the Revised 17568
Code, may establish a commission of five members, consisting of 17569
the ~~chairman~~ chairperson of the legislative authority, the city 17570
manager, ~~and three~~ two citizens of the city, and one public member 17571
who shall serve without compensation and shall be appointed by the 17572
city manager for terms of six years each, except that the term of 17573
one of the members of the first commission shall be for four years 17574
and one for two years. 17575

The legislative authority of each village may establish a 17576
commission of five members, consisting of the mayor, one member of 17577
the legislative authority to be elected thereby for the remainder 17578
of ~~his~~ the individual's term as such member of the legislative 17579
authority, ~~and three~~ two citizens of the village, and one public 17580
member to be appointed by the mayor for terms of six years each, 17581
except that the term of one of the members of the first commission 17582
shall be for four years and one for two years. All ~~such~~ members 17583
shall serve without compensation. 17584

The public members appointed under this section need not be 17585
residents of the municipal corporation but shall be residents of 17586
the county in which the municipal corporation is located or a 17587
township that is adjacent to the county. For purposes of this 17588
section, all members of a planning commission are subject to 17589
section 2921.42 of the Revised Code. 17590

Whenever ~~such~~ a planning commission is appointed under this 17591
section, it shall have all the powers conferred in section 735.15 17592
of the Revised Code. 17593

Except as otherwise provided in its charter, the commission 17594

of a charter municipal corporation created in the manner and by 17595
virtue of authority granted by its charter, shall have the powers 17596
of and the plans made by it shall have the effect of a planning 17597
commission or city plan created under sections 713.01 to 713.15, 17598
~~inclusive~~, of the Revised Code. 17599

Any member of a city or village planning commission 17600
established under this section or by charter, except as otherwise 17601
provided in its charter, may hold any other public office and may 17602
serve as a member of a county, and a regional planning commission. 17603

Sec. 715.014. (A) As used in this section: 17604

(1) "Tourism development district" means a district 17605
designated by a municipal corporation under this section. 17606

(2) "Territory of a tourism development district" means all 17607
of the area included within the territorial boundaries of a 17608
tourism development district. 17609

(3) "Business" and "owner" have the same meanings as in 17610
section 503.56 of the Revised Code. 17611

(4) "Eligible municipal corporation" means a municipal 17612
corporation wholly or partly located in a county having a 17613
population greater than three hundred seventy-five thousand but 17614
less than four hundred thousand that levies taxes under section 17615
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 17616
which does not exceed one-half of one per cent on ~~the effective~~ 17617
~~date of the enactment of this section~~ September 29, 2015. 17618

(5) "Fiscal officer" means the city auditor, village clerk, 17619
or other municipal officer having the duties and functions of a 17620
city auditor or village clerk. 17621

(B)(1) The legislative authority of an eligible municipal 17622
corporation, by resolution or ordinance, may declare an area of 17623
the municipal corporation to be a tourism development district for 17624

the purpose of fostering and developing tourism in the district if 17625
all of the following criteria are met: 17626

(a) The district's area does not exceed ~~two~~ six hundred 17627
acres. 17628

(b) All territory in the district is contiguous. 17629

(c) Before adopting the resolution or ordinance, the 17630
legislative authority holds at least two public hearings 17631
concerning the creation of the tourism development district. 17632

(d) Before adopting the resolution or ordinance, the 17633
legislative authority receives a petition signed by every record 17634
owner of a parcel of real property located in the proposed 17635
district and the owner of every business that operates in the 17636
proposed district. 17637

(e) The legislative authority adopts the resolution or 17638
ordinance on or before December 31, ~~2018~~ 2020. 17639

(2) The petition described in division (B)(1)(d) of this 17640
section shall include an explanation of the taxes and charges that 17641
may be levied or imposed in the proposed district. 17642

(3) The legislative authority shall certify the resolution or 17643
ordinance to the tax commissioner within five days after its 17644
adoption, along with a description of the boundaries of the 17645
district authorized in the resolution. That description shall 17646
include sufficient information for the commissioner to determine 17647
if the address of a vendor is within the boundaries of the 17648
district. 17649

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 17650
of this section, the legislative authority of an eligible 17651
municipal corporation may enlarge the territory of an existing 17652
tourism development district in the manner prescribed for the 17653
creation of a district under divisions (B)(1) to (3) of this 17654

section, except that the petition described in division (B)(1)(d) 17655
of this section must be signed by every record owner of a parcel 17656
of real property located in the area proposed to be added to the 17657
district and the owner of every business that operates in the area 17658
proposed to be added to the district. 17659

(C) For the purpose of fostering and developing tourism in a 17660
tourism development district, a lessor leasing real property in a 17661
tourism development district may impose and collect a uniform fee 17662
on each parcel of real property leased by the lessor, to be paid 17663
by each of the person's lessees. A lessee is subject to such a fee 17664
only if the lease separately states the amount of the fee. Before 17665
a lessor may impose and collect such a fee, the lessor shall file 17666
a copy of such lease with the fiscal officer. A lessor that 17667
imposes such a fee shall remit all collections of the fee to the 17668
municipal corporation in which the real property is located. 17669

The legislative authority of that municipal corporation shall 17670
establish all regulations necessary to provide for the 17671
administration and remittance of such fees. The regulations may 17672
prescribe the time for payment of the fee, and may provide for the 17673
imposition of a penalty or interest, or both, for late 17674
remittances, provided that the penalty does not exceed ten per 17675
cent of the amount of fee due, and the rate at which interest 17676
accrues does not exceed the rate per annum prescribed pursuant to 17677
section 5703.47 of the Revised Code. The regulations shall 17678
provide, after deducting the real and actual costs of 17679
administering the fee, that the revenue be used exclusively for 17680
fostering and developing tourism within the tourism development 17681
district. 17682

(D) The legislative authority of an eligible municipal 17683
corporation that has designated a tourism development district may 17684
levy the tax authorized under section 5739.101 of the Revised 17685
Code. Nothing in this section limits the power of the legislative 17686

authority of a municipal corporation to levy a tax on the basis of 17687
admissions in a tourism development district pursuant to its 17688
powers of local self-government conferred by Section 3 of Article 17689
XVIII, Ohio Constitution. 17690

(E) On or before the first day of each January and ~~June~~ July, 17691
beginning after the designation of the tourism development 17692
district, the fiscal officer shall certify a list of vendors 17693
located within the tourism development district to the tax 17694
commissioner, which shall include the name, address, and vendor's 17695
license number for each vendor. 17696

Sec. 718.01. Any term used in this chapter that is not 17697
otherwise defined in this chapter has the same meaning as when 17698
used in a comparable context in laws of the United States relating 17699
to federal income taxation or in Title LVII of the Revised Code, 17700
unless a different meaning is clearly required. ~~If~~ Except as 17701
provided in section 718.81 of the Revised Code, if a term used in 17702
this chapter that is not otherwise defined in this chapter is used 17703
in a comparable context in both the laws of the United States 17704
relating to federal income tax and in Title LVII of the Revised 17705
Code and the use is not consistent, then the use of the term in 17706
the laws of the United States relating to federal income tax shall 17707
control over the use of the term in Title LVII of the Revised 17708
Code. 17709

~~As~~ Except as otherwise provided in section 718.81 of the 17710
Revised Code, as used in this chapter: 17711

(A)(1) "Municipal taxable income" means the following: 17712

(a) For a person other than an individual, income ~~reduced by~~ 17713
~~exempt income to the extent otherwise included in income and then,~~ 17714
~~as applicable,~~ apportioned or sitused to the municipal corporation 17715
under section 718.02 of the Revised Code, ~~and further~~ as 17716
applicable, reduced by any pre-2017 net operating loss 17717

carryforward available to the person for the municipal 17718
corporation. 17719

(b)(i) For an individual who is a resident of a municipal 17720
corporation other than a qualified municipal corporation, income 17721
reduced by exempt income to the extent otherwise included in 17722
income, then reduced as provided in division (A)(2) of this 17723
section, and further reduced by any pre-2017 net operating loss 17724
carryforward available to the individual for the municipal 17725
corporation. 17726

(ii) For an individual who is a resident of a qualified 17727
municipal corporation, Ohio adjusted gross income reduced by 17728
income exempted, and increased by deductions excluded, by the 17729
qualified municipal corporation from the qualified municipal 17730
corporation's tax. If a qualified municipal corporation, on or 17731
before December 31, 2013, exempts income earned by individuals who 17732
are not residents of the qualified municipal corporation and net 17733
profit of persons that are not wholly located within the qualified 17734
municipal corporation, such individual or person shall have no 17735
municipal taxable income for the purposes of the tax levied by the 17736
qualified municipal corporation and may be exempted by the 17737
qualified municipal corporation from the requirements of section 17738
718.03 of the Revised Code. 17739

(c) For an individual who is a nonresident of a municipal 17740
corporation, income reduced by exempt income to the extent 17741
otherwise included in income and then, as applicable, apportioned 17742
or situated to the municipal corporation under section 718.02 of 17743
the Revised Code, then reduced as provided in division (A)(2) of 17744
this section, and further reduced by any pre-2017 net operating 17745
loss carryforward available to the individual for the municipal 17746
corporation. 17747

(2) In computing the municipal taxable income of a taxpayer 17748
who is an individual, the taxpayer may subtract, as provided in 17749

division (A)(1)(b)(i) or (c) of this section, the amount of the 17750
individual's employee business expenses reported on the 17751
individual's form 2106 that the individual deducted for federal 17752
income tax purposes for the taxable year, subject to the 17753
limitation imposed by section 67 of the Internal Revenue Code. For 17754
the municipal corporation in which the taxpayer is a resident, the 17755
taxpayer may deduct all such expenses allowed for federal income 17756
tax purposes. For a municipal corporation in which the taxpayer is 17757
not a resident, the taxpayer may deduct such expenses only to the 17758
extent the expenses are related to the taxpayer's performance of 17759
personal services in that nonresident municipal corporation. 17760

(B) "Income" means the following: 17761

(1)(a) For residents, all income, salaries, qualifying wages, 17762
commissions, and other compensation from whatever source earned or 17763
received by the resident, including the resident's distributive 17764
share of the net profit of pass-through entities owned directly or 17765
indirectly by the resident and any net profit of the resident, 17766
except as provided in division (D)~~(4)~~(5) of this section. 17767

(b) For the purposes of division (B)(1)(a) of this section: 17768

(i) Any net operating loss of the resident incurred in the 17769
taxable year and the resident's distributive share of any net 17770
operating loss generated in the same taxable year and attributable 17771
to the resident's ownership interest in a pass-through entity 17772
shall be allowed as a deduction, for that taxable year and the 17773
following five taxable years, against any other net profit of the 17774
resident or the resident's distributive share of any net profit 17775
attributable to the resident's ownership interest in a 17776
pass-through entity until fully utilized, subject to division 17777
(B)(1)(d) of this section; 17778

(ii) The resident's distributive share of the net profit of 17779
each pass-through entity owned directly or indirectly by the 17780

resident shall be calculated without regard to any net operating 17781
loss that is carried forward by that entity from a prior taxable 17782
year and applied to reduce the entity's net profit for the current 17783
taxable year. 17784

(c) Division (B)(1)(b) of this section does not apply with 17785
respect to any net profit or net operating loss attributable to an 17786
ownership interest in an S corporation unless shareholders' 17787
distributive shares of net profits from S corporations are subject 17788
to tax in the municipal corporation as provided in division 17789
(C)(14)(b) or (c) of this section. 17790

(d) Any amount of a net operating loss used to reduce a 17791
taxpayer's net profit for a taxable year shall reduce the amount 17792
of net operating loss that may be carried forward to any 17793
subsequent year for use by that taxpayer. In no event shall the 17794
cumulative deductions for all taxable years with respect to a 17795
taxpayer's net operating loss exceed the original amount of that 17796
net operating loss available to that taxpayer. 17797

(2) In the case of nonresidents, all income, salaries, 17798
qualifying wages, commissions, and other compensation from 17799
whatever source earned or received by the nonresident for work 17800
done, services performed or rendered, or activities conducted in 17801
the municipal corporation, including any net profit of the 17802
nonresident, but excluding the nonresident's distributive share of 17803
the net profit or loss of only pass-through entities owned 17804
directly or indirectly by the nonresident. 17805

(3) For taxpayers that are not individuals, net profit of the 17806
taxpayer; 17807

(4) Lottery, sweepstakes, gambling and sports winnings, 17808
winnings from games of chance, and prizes and awards. If the 17809
taxpayer is a professional gambler for federal income tax 17810
purposes, the taxpayer may deduct related wagering losses and 17811

expenses to the extent authorized under the Internal Revenue Code 17812
and claimed against such winnings. 17813

(C) "Exempt income" means all of the following: 17814

(1) The military pay or allowances of members of the armed 17815
forces of the United States or members of their reserve 17816
components, including the national guard of any state; 17817

(2)(a) Except as provided in division (C)(2)(b) of this 17818
section, intangible income; 17819

(b) A municipal corporation that taxed any type of intangible 17820
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 17821
116th general assembly, may continue to tax that type of income if 17822
a majority of the electors of the municipal corporation voting on 17823
the question of whether to permit the taxation of that type of 17824
intangible income after 1988 voted in favor thereof at an election 17825
held on November 8, 1988. 17826

(3) Social security benefits, railroad retirement benefits, 17827
unemployment compensation, pensions, retirement benefit payments, 17828
payments from annuities, and similar payments made to an employee 17829
or to the beneficiary of an employee under a retirement program or 17830
plan, disability payments received from private industry or local, 17831
state, or federal governments or from charitable, religious or 17832
educational organizations, and the proceeds of sickness, accident, 17833
or liability insurance policies. As used in division (C)(3) of 17834
this section, "unemployment compensation" does not include 17835
supplemental unemployment compensation described in section 17836
3402(o)(2) of the Internal Revenue Code. 17837

(4) The income of religious, fraternal, charitable, 17838
scientific, literary, or educational institutions to the extent 17839
such income is derived from tax-exempt real estate, tax-exempt 17840
tangible or intangible property, or tax-exempt activities. 17841

(5) Compensation paid under section 3501.28 or 3501.36 of the 17842

Revised Code to a person serving as a precinct election official 17843
to the extent that such compensation does not exceed one thousand 17844
dollars for the taxable year. Such compensation in excess of one 17845
thousand dollars for the taxable year may be subject to taxation 17846
by a municipal corporation. A municipal corporation shall not 17847
require the payer of such compensation to withhold any tax from 17848
that compensation. 17849

(6) Dues, contributions, and similar payments received by 17850
charitable, religious, educational, or literary organizations or 17851
labor unions, lodges, and similar organizations; 17852

(7) Alimony and child support received; 17853

(8) Compensation for personal injuries or for damages to 17854
property from insurance proceeds or otherwise, excluding 17855
compensation paid for lost salaries or wages or compensation from 17856
punitive damages; 17857

(9) Income of a public utility when that public utility is 17858
subject to the tax levied under section 5727.24 or 5727.30 of the 17859
Revised Code. Division (C)(9) of this section does not apply for 17860
purposes of Chapter 5745. of the Revised Code. 17861

(10) Gains from involuntary conversions, interest on federal 17862
obligations, items of income subject to a tax levied by the state 17863
and that a municipal corporation is specifically prohibited by law 17864
from taxing, and income of a decedent's estate during the period 17865
of administration except such income from the operation of a trade 17866
or business; 17867

(11) Compensation or allowances excluded from federal gross 17868
income under section 107 of the Internal Revenue Code; 17869

(12) Employee compensation that is not qualifying wages as 17870
defined in division (R) of this section; 17871

(13) Compensation paid to a person employed within the 17872

boundaries of a United States air force base under the 17873
jurisdiction of the United States air force that is used for the 17874
housing of members of the United States air force and is a center 17875
for air force operations, unless the person is subject to taxation 17876
because of residence or domicile. If the compensation is subject 17877
to taxation because of residence or domicile, tax on such income 17878
shall be payable only to the municipal corporation of residence or 17879
domicile. 17880

(14)(a) Except as provided in division (C)(14)(b) or (c) of 17881
this section, an S corporation shareholder's distributive share of 17882
net profits of the S corporation, other than any part of the 17883
distributive share of net profits that represents wages as defined 17884
in section 3121(a) of the Internal Revenue Code or net earnings 17885
from self-employment as defined in section 1402(a) of the Internal 17886
Revenue Code. 17887

(b) If, pursuant to division (H) of former section 718.01 of 17888
the Revised Code as it existed before March 11, 2004, a majority 17889
of the electors of a municipal corporation voted in favor of the 17890
question at an election held on November 4, 2003, the municipal 17891
corporation may continue after 2002 to tax an S corporation 17892
shareholder's distributive share of net profits of an S 17893
corporation. 17894

(c) If, on December 6, 2002, a municipal corporation was 17895
imposing, assessing, and collecting a tax on an S corporation 17896
shareholder's distributive share of net profits of the S 17897
corporation to the extent the distributive share would be 17898
allocated or apportioned to this state under divisions (B)(1) and 17899
(2) of section 5733.05 of the Revised Code if the S corporation 17900
were a corporation subject to taxes imposed under Chapter 5733. of 17901
the Revised Code, the municipal corporation may continue to impose 17902
the tax on such distributive shares to the extent such shares 17903
would be so allocated or apportioned to this state only until 17904

December 31, 2004, unless a majority of the electors of the 17905
municipal corporation voting on the question of continuing to tax 17906
such shares after that date voted in favor of that question at an 17907
election held November 2, 2004. If a majority of those electors 17908
voted in favor of the question, the municipal corporation may 17909
continue after December 31, 2004, to impose the tax on such 17910
distributive shares only to the extent such shares would be so 17911
allocated or apportioned to this state. 17912

(d) A municipal corporation shall be deemed to have elected 17913
to tax S corporation shareholders' distributive shares of net 17914
profits of the S corporation in the hands of the shareholders if a 17915
majority of the electors of a municipal corporation voted in favor 17916
of a question at an election held under division (C)(14)(b) or (c) 17917
of this section. The municipal corporation shall specify by 17918
resolution or ordinance that the tax applies to the distributive 17919
share of a shareholder of an S corporation in the hands of the 17920
shareholder of the S corporation. 17921

(15) To the extent authorized under a resolution or ordinance 17922
adopted by a municipal corporation before January 1, 2016, all or 17923
a portion of the income of individuals or a class of individuals 17924
under eighteen years of age. 17925

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 17926
(d) of this section, qualifying wages described in division (B)(1) 17927
or (E) of section 718.011 of the Revised Code to the extent the 17928
qualifying wages are not subject to withholding for the municipal 17929
corporation under either of those divisions. 17930

(b) The exemption provided in division (C)(16)(a) of this 17931
section does not apply with respect to the municipal corporation 17932
in which the employee resided at the time the employee earned the 17933
qualifying wages. 17934

(c) The exemption provided in division (C)(16)(a) of this 17935

section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure.

For purposes of division (C)(17)(b)(ii) of this section, 17967
"professional athlete," "professional entertainer," and "public 17968
figure" have the same meanings as in section 718.011 of the 17969
Revised Code. 17970

(c) Compensation to which division (C)(17) of this section 17971
applies shall be treated as earned or received at the individual's 17972
base of operation. If the individual does not have a base of 17973
operation, the compensation shall be treated as earned or received 17974
where the individual is domiciled. 17975

(d) For purposes of division (C)(17) of this section, "base 17976
of operation" means the location where an individual owns or rents 17977
an office, storefront, or similar facility to which the individual 17978
regularly reports and at which the individual regularly performs 17979
personal services for compensation. 17980

(18) Compensation paid to a person for personal services 17981
performed for a political subdivision on property owned by the 17982
political subdivision, regardless of whether the compensation is 17983
received by an employee of the subdivision or another person 17984
performing services for the subdivision under a contract with the 17985
subdivision, if the property on which services are performed is 17986
annexed to a municipal corporation pursuant to section 709.023 of 17987
the Revised Code on or after March 27, 2013, unless the person is 17988
subject to such taxation because of residence. If the compensation 17989
is subject to taxation because of residence, municipal income tax 17990
shall be payable only to the municipal corporation of residence. 17991

(19) In the case of a tax administered, collected, and 17992
enforced by a municipal corporation pursuant to an agreement with 17993
the board of directors of a joint economic development district 17994
under section 715.72 of the Revised Code, the net profits of a 17995
business, and the income of the employees of that business, 17996
exempted from the tax under division (Q) of that section. 17997

(20) Income the taxation of which is prohibited by the constitution or laws of the United States. 17998
17999

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income. 18000
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~~(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.~~ 18005
18006

~~(2)~~ "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division ~~(D)(2)(1)~~ of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division ~~(E)(8)(D)(3)~~ of this section. 18007
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~~(3)(2)~~ "Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division ~~(D)(3)~~ of this section. 18014
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(3)(a) The amount of such net operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized. 18019
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(b) No person shall use the deduction allowed by division (D)(3) of this section to offset qualifying wages. 18026
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(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 18028

or 2022, a person may not deduct, for purposes of an income tax 18029
levied by a municipal corporation that levies an income tax before 18030
January 1, 2016, more than fifty per cent of the amount of the 18031
deduction otherwise allowed by division (D)(3) of this section. 18032

(ii) For taxable years beginning in 2023 or thereafter, a 18033
person may deduct, for purposes of an income tax levied by a 18034
municipal corporation that levies an income tax before January 1, 18035
2016, the full amount allowed by division (D)(3) of this section 18036
without regard to the limitation of division (D)(3)(b)(i) of this 18037
section. 18038

(d) Any pre-2017 net operating loss carryforward deduction 18039
that is available may be utilized before a taxpayer may deduct any 18040
amount pursuant to division (D)(3) of this section. 18041

(e) Nothing in division (D)(3)(c)(i) of this section 18042
precludes a person from carrying forward, for use with respect to 18043
any return filed for a taxable year beginning after 2018, any 18044
amount of net operating loss that was not fully utilized by 18045
operation of division (D)(3)(c)(i) of this section. To the extent 18046
that an amount of net operating loss that was not fully utilized 18047
in one or more taxable years by operation of division (D)(3)(c)(i) 18048
of this section is carried forward for use with respect to a 18049
return filed for a taxable year beginning in 2019, 2020, 2021, or 18050
2022, the limitation described in division (D)(3)(c)(i) of this 18051
section shall apply to the amount carried forward. 18052

(4) For the purposes of this chapter, and notwithstanding 18053
division (D)~~(1)~~(2) of this section, net profit of a disregarded 18054
entity shall not be taxable as against that disregarded entity, 18055
but shall instead be included in the net profit of the owner of 18056
the disregarded entity. 18057

~~(4)~~(5) For the purposes of this chapter, and notwithstanding 18058
any other provision of this chapter, the net profit of a publicly 18059

traded partnership that makes the election described in division 18060
(D)~~(4)~~(5) of this section shall be taxed as if the partnership 18061
were a C corporation, and shall not be treated as the net profit 18062
or income of any owner of the partnership. 18063

A publicly traded partnership that is treated as a 18064
partnership for federal income tax purposes and that is subject to 18065
tax on its net profits in one or more municipal corporations in 18066
this state may elect to be treated as a C corporation for 18067
municipal income tax purposes. The publicly traded partnership 18068
shall make the election in every municipal corporation in which 18069
the partnership is subject to taxation on its net profits. The 18070
election shall be made on the annual tax return filed in each such 18071
municipal corporation. The publicly traded partnership shall not 18072
be required to file the election with any municipal corporation in 18073
which the partnership is not subject to taxation on its net 18074
profits, but division (D)~~(4)~~(5) of this section applies to all 18075
municipal corporations in which an individual owner of the 18076
partnership resides. 18077

(E) "Adjusted federal taxable income," for a person required 18078
to file as a C corporation, or for a person that has elected to be 18079
taxed as a C corporation under division (D)~~(4)~~(5) of this section, 18080
means a C corporation's federal taxable income before net 18081
operating losses and special deductions as determined under the 18082
Internal Revenue Code, adjusted as follows: 18083

(1) Deduct intangible income to the extent included in 18084
federal taxable income. The deduction shall be allowed regardless 18085
of whether the intangible income relates to assets used in a trade 18086
or business or assets held for the production of income. 18087

(2) Add an amount equal to five per cent of intangible income 18088
deducted under division (E)(1) of this section, but excluding that 18089
portion of intangible income directly related to the sale, 18090
exchange, or other disposition of property described in section 18091

1221 of the Internal Revenue Code;	18092
(3) Add any losses allowed as a deduction in the computation	18093
of federal taxable income if the losses directly relate to the	18094
sale, exchange, or other disposition of an asset described in	18095
section 1221 or 1231 of the Internal Revenue Code;	18096
(4)(a) Except as provided in division (E)(4)(b) of this	18097
section, deduct income and gain included in federal taxable income	18098
to the extent the income and gain directly relate to the sale,	18099
exchange, or other disposition of an asset described in section	18100
1221 or 1231 of the Internal Revenue Code;	18101
(b) Division (E)(4)(a) of this section does not apply to the	18102
extent the income or gain is income or gain described in section	18103
1245 or 1250 of the Internal Revenue Code.	18104
(5) Add taxes on or measured by net income allowed as a	18105
deduction in the computation of federal taxable income;	18106
(6) In the case of a real estate investment trust or	18107
regulated investment company, add all amounts with respect to	18108
dividends to, distributions to, or amounts set aside for or	18109
credited to the benefit of investors and allowed as a deduction in	18110
the computation of federal taxable income;	18111
(7) Deduct, to the extent not otherwise deducted or excluded	18112
in computing federal taxable income, any income derived from a	18113
transfer agreement or from the enterprise transferred under that	18114
agreement under section 4313.02 of the Revised Code;	18115
(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d)	18116
of this section, deduct any net operating loss incurred by the	18117
person in a taxable year beginning on or after January 1, 2017.	18118
The amount of such net operating loss shall be deducted from	18119
net profit that is reduced by exempt income to the extent	18120
necessary to reduce municipal taxable income to zero, with any	18121

~~remaining unused portion of the net operating loss carried forward 18122
to not more than five consecutive taxable years following the 18123
taxable year in which the loss was incurred, but in no case for 18124
more years than necessary for the deduction to be fully utilized. 18125~~

~~(b) No person shall use the deduction allowed by division 18126
(E)(8) of this section to offset qualifying wages. 18127~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 18128
or 2022, a person may not deduct, for purposes of an income tax 18129
levied by a municipal corporation that levies an income tax before 18130
January 1, 2016, more than fifty per cent of the amount of the 18131
deduction otherwise allowed by division (E)(8)(a) of this section. 18132~~

~~(ii) For taxable years beginning in 2023 or thereafter, a 18133
person may deduct, for purposes of an income tax levied by a 18134
municipal corporation that levies an income tax before January 1, 18135
2016, the full amount allowed by division (E)(8)(a) of this 18136
section. 18137~~

~~(d) Any pre 2017 net operating loss carryforward deduction 18138
that is available must be utilized before a taxpayer may deduct 18139
any amount pursuant to division (E)(8) of this section. 18140~~

~~(e) Nothing in division (E)(8)(c)(i) of this section 18141
precludes a person from carrying forward, for use with respect to 18142
any return filed for a taxable year beginning after 2018, any 18143
amount of net operating loss that was not fully utilized by 18144
operation of division (E)(8)(c)(i) of this section. To the extent 18145
that an amount of net operating loss that was not fully utilized 18146
in one or more taxable years by operation of division (E)(8)(c)(i) 18147
of this section is carried forward for use with respect to a 18148
return filed for a taxable year beginning in 2019, 2020, 2021, or 18149
2022, the limitation described in division (E)(8)(c)(i) of this 18150
section shall apply to the amount carried forward Deduct exempt 18151
income to the extent not otherwise deducted or excluded in 18152~~

computing adjusted federal taxable income. 18153

(9) Deduct any net profit of a pass-through entity owned 18154
directly or indirectly by the taxpayer and included in the 18155
taxpayer's federal taxable income unless an affiliated group of 18156
corporations includes that net profit in the group's federal 18157
taxable income in accordance with division (E)(3)(b) of section 18158
718.06 of the Revised Code. 18159

(10) Add any loss incurred by a pass-through entity owned 18160
directly or indirectly by the taxpayer and included in the 18161
taxpayer's federal taxable income unless an affiliated group of 18162
corporations includes that loss in the group's federal taxable 18163
income in accordance with division (E)(3)(b) of section 718.06 of 18164
the Revised Code. 18165

If the taxpayer is not a C corporation, is not a disregarded 18166
entity that has made the election described in division (L)(2) of 18167
this section, is not a publicly traded partnership that has made 18168
the election described in division (D)~~(4)~~(5) of this section, and 18169
is not an individual, the taxpayer shall compute adjusted federal 18170
taxable income under this section as if the taxpayer were a C 18171
corporation, except guaranteed payments and other similar amounts 18172
paid or accrued to a partner, former partner, shareholder, former 18173
shareholder, member, or former member shall not be allowed as a 18174
deductible expense unless such payments are in consideration for 18175
the use of capital and treated as payment of interest under 18176
section 469 of the Internal Revenue Code or United States treasury 18177
regulations. Amounts paid or accrued to a qualified self-employed 18178
retirement plan with respect to a partner, former partner, 18179
shareholder, former shareholder, member, or former member of the 18180
taxpayer, amounts paid or accrued to or for health insurance for a 18181
partner, former partner, shareholder, former shareholder, member, 18182
or former member, and amounts paid or accrued to or for life 18183
insurance for a partner, former partner, shareholder, former 18184

shareholder, member, or former member shall not be allowed as a 18185
deduction. 18186

Nothing in division (E) of this section shall be construed as 18187
allowing the taxpayer to add or deduct any amount more than once 18188
or shall be construed as allowing any taxpayer to deduct any 18189
amount paid to or accrued for purposes of federal self-employment 18190
tax. 18191

(F) "Schedule C" means internal revenue service schedule C 18192
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18193
Code. 18194

(G) "Schedule E" means internal revenue service schedule E 18195
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18196
Code. 18197

(H) "Schedule F" means internal revenue service schedule F 18198
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18199
Code. 18200

(I) "Internal Revenue Code" has the same meaning as in 18201
section 5747.01 of the Revised Code. 18202

(J) "Resident" means an individual who is domiciled in the 18203
municipal corporation as determined under section 718.012 of the 18204
Revised Code. 18205

(K) "Nonresident" means an individual that is not a resident. 18206

(L)(1) "Taxpayer" means a person subject to a tax levied on 18207
income by a municipal corporation in accordance with this chapter. 18208
"Taxpayer" does not include a grantor trust or, except as provided 18209
in division (L)(2)(a) of this section, a disregarded entity. 18210

(2)(a) A single member limited liability company that is a 18211
disregarded entity for federal tax purposes may be a separate 18212
taxpayer from its single member in all Ohio municipal corporations 18213
in which it either filed as a separate taxpayer or did not file 18214

for its taxable year ending in 2003, if all of the following 18215
conditions are met: 18216

(i) The limited liability company's single member is also a 18217
limited liability company. 18218

(ii) The limited liability company and its single member were 18219
formed and doing business in one or more Ohio municipal 18220
corporations for at least five years before January 1, 2004. 18221

(iii) Not later than December 31, 2004, the limited liability 18222
company and its single member each made an election to be treated 18223
as a separate taxpayer under division (L) of this section as this 18224
section existed on December 31, 2004. 18225

(iv) The limited liability company was not formed for the 18226
purpose of evading or reducing Ohio municipal corporation income 18227
tax liability of the limited liability company or its single 18228
member. 18229

(v) The Ohio municipal corporation that was the primary place 18230
of business of the sole member of the limited liability company 18231
consented to the election. 18232

(b) For purposes of division (L)(2)(a)(v) of this section, a 18233
municipal corporation was the primary place of business of a 18234
limited liability company if, for the limited liability company's 18235
taxable year ending in 2003, its income tax liability was greater 18236
in that municipal corporation than in any other municipal 18237
corporation in Ohio, and that tax liability to that municipal 18238
corporation for its taxable year ending in 2003 was at least four 18239
hundred thousand dollars. 18240

(M) "Person" includes individuals, firms, companies, joint 18241
stock companies, business trusts, estates, trusts, partnerships, 18242
limited liability partnerships, limited liability companies, 18243
associations, C corporations, S corporations, governmental 18244
entities, and any other entity. 18245

(N) "Pass-through entity" means a partnership not treated as 18246
an association taxable as a C corporation for federal income tax 18247
purposes, a limited liability company not treated as an 18248
association taxable as a C corporation for federal income tax 18249
purposes, an S corporation, or any other class of entity from 18250
which the income or profits of the entity are given pass-through 18251
treatment for federal income tax purposes. "Pass-through entity" 18252
does not include a trust, estate, grantor of a grantor trust, or 18253
disregarded entity. 18254

(O) "S corporation" means a person that has made an election 18255
under subchapter S of Chapter 1 of Subtitle A of the Internal 18256
Revenue Code for its taxable year. 18257

(P) "Single member limited liability company" means a limited 18258
liability company that has one direct member. 18259

(Q) "Limited liability company" means a limited liability 18260
company formed under Chapter 1705. of the Revised Code or under 18261
the laws of another state. 18262

(R) "Qualifying wages" means wages, as defined in section 18263
3121(a) of the Internal Revenue Code, without regard to any wage 18264
limitations, adjusted as follows: 18265

(1) Deduct the following amounts: 18266

(a) Any amount included in wages if the amount constitutes 18267
compensation attributable to a plan or program described in 18268
section 125 of the Internal Revenue Code. 18269

(b) Any amount included in wages if the amount constitutes 18270
payment on account of a disability related to sickness or an 18271
accident paid by a party unrelated to the employer, agent of an 18272
employer, or other payer. 18273

(c) Any amount attributable to a nonqualified deferred 18274
compensation plan or program described in section 3121(v)(2)(C) of 18275

the Internal Revenue Code if the compensation is included in wages 18276
and the municipal corporation has, by resolution or ordinance 18277
adopted before January 1, 2016, exempted the amount from 18278
withholding and tax. 18279

(d) Any amount included in wages if the amount arises from 18280
the sale, exchange, or other disposition of a stock option, the 18281
exercise of a stock option, or the sale, exchange, or other 18282
disposition of stock purchased under a stock option and the 18283
municipal corporation has, by resolution or ordinance adopted 18284
before January 1, 2016, exempted the amount from withholding and 18285
tax. 18286

(e) Any amount included in wages that is exempt income. 18287

(2) Add the following amounts: 18288

(a) Any amount not included in wages solely because the 18289
employee was employed by the employer before April 1, 1986. 18290

(b) Any amount not included in wages because the amount 18291
arises from the sale, exchange, or other disposition of a stock 18292
option, the exercise of a stock option, or the sale, exchange, or 18293
other disposition of stock purchased under a stock option and the 18294
municipal corporation has not, by resolution or ordinance, 18295
exempted the amount from withholding and tax adopted before 18296
January 1, 2016. Division (R)(2)(b) of this section applies only 18297
to those amounts constituting ordinary income. 18298

(c) Any amount not included in wages if the amount is an 18299
amount described in section 401(k), 403(b), or 457 of the Internal 18300
Revenue Code. Division (R)(2)(c) of this section applies only to 18301
employee contributions and employee deferrals. 18302

(d) Any amount that is supplemental unemployment compensation 18303
benefits described in section 3402(o)(2) of the Internal Revenue 18304
Code and not included in wages. 18305

(e) Any amount received that is treated as self-employment	18306
income for federal tax purposes in accordance with section	18307
1402(a)(8) of the Internal Revenue Code.	18308
(f) Any amount not included in wages if all of the following	18309
apply:	18310
(i) For the taxable year the amount is employee compensation	18311
that is earned outside of the United States and that either is	18312
included in the taxpayer's gross income for federal income tax	18313
purposes or would have been included in the taxpayer's gross	18314
income for such purposes if the taxpayer did not elect to exclude	18315
the income under section 911 of the Internal Revenue Code;	18316
(ii) For no preceding taxable year did the amount constitute	18317
wages as defined in section 3121(a) of the Internal Revenue Code;	18318
(iii) For no succeeding taxable year will the amount	18319
constitute wages; and	18320
(iv) For any taxable year the amount has not otherwise been	18321
added to wages pursuant to either division (R)(2) of this section	18322
or section 718.03 of the Revised Code, as that section existed	18323
before the effective date of H.B. 5 of the 130th general assembly,	18324
March 23, 2015.	18325
(S) "Intangible income" means income of any of the following	18326
types: income yield, interest, capital gains, dividends, or other	18327
income arising from the ownership, sale, exchange, or other	18328
disposition of intangible property including, but not limited to,	18329
investments, deposits, money, or credits as those terms are	18330
defined in Chapter 5701. of the Revised Code, and patents,	18331
copyrights, trademarks, tradenames, investments in real estate	18332
investment trusts, investments in regulated investment companies,	18333
and appreciation on deferred compensation. "Intangible income"	18334
does not include prizes, awards, or other income associated with	18335
any lottery winnings, gambling winnings, or other similar games of	18336

chance.	18337
(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	18338 18339 18340
(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:	18341 18342 18343 18344
(1) A municipal corporation acting as the agent of another municipal corporation;	18345 18346
(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;	18347 18348 18349 18350
(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	18351 18352 18353 18354
<u>"Tax administrator" does not include the tax commissioner.</u>	18355
(V) "Employer" means a person that is an employer for federal income tax purposes.	18356 18357
(W) "Employee" means an individual who is an employee for federal income tax purposes.	18358 18359
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	18360 18361 18362 18363 18364
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	18365 18366

(Z) "Form 2106" means internal revenue service form 2106	18367
filed by a taxpayer pursuant to the Internal Revenue Code.	18368
(AA) "Municipal corporation" includes a joint economic	18369
development district or joint economic development zone that	18370
levies an income tax under section 715.691, 715.70, 715.71, or	18371
715.72 of the Revised Code.	18372
(BB) "Disregarded entity" means a single member limited	18373
liability company, a qualifying subchapter S subsidiary, or	18374
another entity if the company, subsidiary, or entity is a	18375
disregarded entity for federal income tax purposes.	18376
(CC) "Generic form" means an electronic or paper form that is	18377
not prescribed by a particular municipal corporation and that is	18378
designed for reporting taxes withheld by an employer, agent of an	18379
employer, or other payer, estimated municipal income taxes, or	18380
annual municipal income tax liability or for filing a refund	18381
claim.	18382
(DD) "Tax return preparer" means any individual described in	18383
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R.	18384
301.7701-15.	18385
(EE) "Ohio business gateway" means the online computer	18386
network system, created under section 125.30 of the Revised Code,	18387
that allows persons to electronically file business reply forms	18388
with state agencies and includes any successor electronic filing	18389
and payment system.	18390
(FF) "Local board of tax review" and "board of tax review"	18391
mean the entity created under section 718.11 of the Revised Code.	18392
(GG) "Net operating loss" means a loss incurred by a person	18393
in the operation of a trade or business. "Net operating loss" does	18394
not include unutilized losses resulting from basis limitations,	18395
at-risk limitations, or passive activity loss limitations.	18396

(HH) "Casino operator" and "casino facility" have the same meanings as in section 3772.01 of the Revised Code.	18397 18398
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	18399 18400
(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.	18401 18402 18403 18404
(KK) "Postal service" means the United States postal service.	18405
(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.	18406 18407 18408
(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.	18409 18410 18411
(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.	18412 18413 18414 18415 18416 18417 18418 18419 18420 18421
(OO) "Related entity" means any of the following:	18422
(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or	18423 18424 18425 18426

constructively, in the aggregate, at least fifty per cent of the 18427
value of the taxpayer's outstanding stock; 18428

(2) A stockholder, or a stockholder's partnership, estate, 18429
trust, or corporation, if the stockholder and the stockholder's 18430
partnerships, estates, trusts, or corporations own directly, 18431
indirectly, beneficially, or constructively, in the aggregate, at 18432
least fifty per cent of the value of the taxpayer's outstanding 18433
stock; 18434

(3) A corporation, or a party related to the corporation in a 18435
manner that would require an attribution of stock from the 18436
corporation to the party or from the party to the corporation 18437
under division (00)(4) of this section, provided the taxpayer owns 18438
directly, indirectly, beneficially, or constructively, at least 18439
fifty per cent of the value of the corporation's outstanding 18440
stock; 18441

(4) The attribution rules described in section 318 of the 18442
Internal Revenue Code apply for the purpose of determining whether 18443
the ownership requirements in divisions (00)(1) to (3) of this 18444
section have been met. 18445

(PP)(1) "Assessment" means a written finding by the tax 18446
administrator that a person has underpaid municipal income tax, or 18447
owes penalty and interest, or any combination of tax, penalty, or 18448
interest, to the municipal corporation that commences the person's 18449
time limitation for making an appeal to the local board of tax 18450
review pursuant to section 718.11 of the Revised Code, and has 18451
"ASSESSMENT" written in all capital letters at the top of such 18452
finding. 18453

(2) "Assessment" does not include an informal notice denying 18454
a request for refund issued under division (B)(3) of section 18455
718.19 of the Revised Code, a billing statement notifying a 18456
taxpayer of current or past-due balances owed to the municipal 18457

corporation, a tax administrator's request for additional 18458
information, a notification to the taxpayer of mathematical 18459
errors, or a tax administrator's other written correspondence to a 18460
person or taxpayer that does meet the criteria prescribed by 18461
division (PP)(1) of this section. 18462

(QQ) "Taxpayers' rights and responsibilities" means the 18463
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 18464
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 18465
Revised Code and the responsibilities of taxpayers to file, 18466
report, withhold, remit, and pay municipal income tax and 18467
otherwise comply with Chapter 718. of the Revised Code and 18468
resolutions, ordinances, and rules adopted by a municipal 18469
corporation for the imposition and administration of a municipal 18470
income tax. 18471

(RR) "Qualified municipal corporation" means a municipal 18472
corporation that, by resolution or ordinance adopted on or before 18473
December 31, 2011, adopted Ohio adjusted gross income, as defined 18474
by section 5747.01 of the Revised Code, as the income subject to 18475
tax for the purposes of imposing a municipal income tax. 18476

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18477
net operating loss incurred in a taxable year beginning before 18478
January 1, 2017, to the extent such loss was permitted, by a 18479
resolution or ordinance of the municipal corporation that was 18480
adopted by the municipal corporation before January 1, 2016, to be 18481
carried forward and utilized to offset income or net profit 18482
generated in such municipal corporation in future taxable years. 18483

(2) For the purpose of calculating municipal taxable income, 18484
any pre-2017 net operating loss carryforward may be carried 18485
forward to any taxable year, including taxable years beginning in 18486
2017 or thereafter, for the number of taxable years provided in 18487
the resolution or ordinance or until fully utilized, whichever is 18488
earlier. 18489

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(WW) "Tax commissioner" means the tax commissioner appointed under section 121.03 of the Revised Code.

Sec. 718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the

taxpayer is an electric company, combined company, or telephone 18521
company that is subject to and required to file reports under 18522
Chapter 5745. of the Revised Code. 18523

(A) Except as otherwise provided in division (B) of this 18524
section, net profit from a business or profession conducted both 18525
within and without the boundaries of a municipal corporation shall 18526
be considered as having a taxable situs in the municipal 18527
corporation for purposes of municipal income taxation in the same 18528
proportion as the average ratio of the following: 18529

(1) The average original cost of the real property and 18530
tangible personal property owned or used by the taxpayer in the 18531
business or profession in the municipal corporation during the 18532
taxable period to the average original cost of all of the real and 18533
tangible personal property owned or used by the taxpayer in the 18534
business or profession during the same period, wherever situated. 18535

As used in the preceding paragraph, tangible personal or real 18536
property shall include property rented or leased by the taxpayer 18537
and the value of such property shall be determined by multiplying 18538
the annual rental thereon by eight; 18539

(2) Wages, salaries, and other compensation paid during the 18540
taxable period to individuals employed in the business or 18541
profession for services performed in the municipal corporation to 18542
wages, salaries, and other compensation paid during the same 18543
period to individuals employed in the business or profession, 18544
wherever the individual's services are performed, excluding 18545
compensation from which taxes are not required to be withheld 18546
under section 718.011 of the Revised Code; 18547

(3) Total gross receipts of the business or profession from 18548
sales and rentals made and services performed during the taxable 18549
period in the municipal corporation to total gross receipts of the 18550
business or profession during the same period from sales, rentals, 18551

and services, wherever made or performed. 18552

(B)(1) If the apportionment factors described in division (A) 18553
of this section do not fairly represent the extent of a taxpayer's 18554
business activity in a municipal corporation, the taxpayer may 18555
request, or the tax administrator of the municipal corporation may 18556
require, that the taxpayer use, with respect to all or any portion 18557
of the income of the taxpayer, an alternative apportionment method 18558
involving one or more of the following: 18559

(a) Separate accounting; 18560

(b) The exclusion of one or more of the factors; 18561

(c) The inclusion of one or more additional factors that 18562
would provide for a more fair apportionment of the income of the 18563
taxpayer to the municipal corporation; 18564

(d) A modification of one or more of the factors. 18565

(2) A taxpayer request to use an alternative apportionment 18566
method shall be in writing and shall accompany a tax return, 18567
timely filed appeal of an assessment, or timely filed amended tax 18568
return. The taxpayer may use the requested alternative method 18569
unless the tax administrator denies the request in an assessment 18570
issued within the period prescribed by division (A) of section 18571
718.12 of the Revised Code. 18572

(3) A tax administrator may require a taxpayer to use an 18573
alternative apportionment method as described in division (B)(1) 18574
of this section only by issuing an assessment to the taxpayer 18575
within the period prescribed by division (A) of section 718.12 of 18576
the Revised Code. 18577

(4) Nothing in division (B) of this section nullifies or 18578
otherwise affects any alternative apportionment arrangement 18579
approved by a tax administrator or otherwise agreed upon by both 18580
the tax administrator and taxpayer before January 1, 2016. 18581

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If a tax administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax administrator's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall

be sitused to a municipal corporation as follows: 18613

(1) Gross receipts from the sale of tangible personal 18614
property shall be sitused to the municipal corporation ~~in which~~ 18615
~~the sale originated. For the purposes of this division, a sale of~~ 18616
~~property originates in a municipal corporation~~ only if, regardless 18617
of where title passes, the property meets ~~any~~ either of the 18618
following criteria: 18619

(a) The property is shipped to or delivered within the 18620
municipal corporation from a stock of goods located within the 18621
municipal corporation. 18622

(b) The property is delivered within the municipal 18623
corporation from a location outside the municipal corporation, 18624
provided the taxpayer is regularly engaged through its own 18625
employees in the solicitation or promotion of sales within such 18626
municipal corporation and the sales result from such solicitation 18627
or promotion. 18628

~~(c) The property is shipped from a place within the municipal 18629
corporation to purchasers outside the municipal corporation,~~ 18630
~~provided that the taxpayer is not, through its own employees,~~ 18631
~~regularly engaged in the solicitation or promotion of sales at the~~ 18632
~~place where delivery is made.~~ 18633

(2) Gross receipts from the sale of services shall be sitused 18634
to the municipal corporation to the extent that such services are 18635
performed in the municipal corporation. 18636

(3) To the extent included in income, gross receipts from the 18637
sale of real property located in the municipal corporation shall 18638
be sitused to the municipal corporation. 18639

(4) To the extent included in income, gross receipts from 18640
rents and royalties from real property located in the municipal 18641
corporation shall be sitused to the municipal corporation. 18642

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(F)(1) Except as provided in division (F)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the municipal income tax ordinance, or rules of the municipal corporation of residence.

(G) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

Sec. 718.06. (A) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a

consolidated return filed for federal income tax purposes pursuant 18706
to section 1501 of the Internal Revenue Code. 18707

(3) "Consolidated federal taxable income" means the 18708
consolidated taxable income of an affiliated group of 18709
corporations, as computed for the purposes of filing a 18710
consolidated federal income tax return, before consideration of 18711
net operating losses or special deductions. "Consolidated federal 18712
taxable income" does not include income or loss of an incumbent 18713
local exchange carrier that is excluded from the affiliated group 18714
under division (A)(1) of this section. 18715

(4) "Incumbent local exchange carrier" has the same meaning 18716
as in section 4927.01 of the Revised Code. 18717

(5) "Local exchange telephone service" has the same meaning 18718
as in section 5727.01 of the Revised Code. 18719

(B)(1) For taxable years beginning on or after January 1, 18720
2016, a taxpayer that is a member of an affiliated group of 18721
corporations may elect to file a consolidated municipal income tax 18722
return for a taxable year if at least one member of the affiliated 18723
group of corporations is subject to the municipal income tax in 18724
that taxable year and if the affiliated group of corporations 18725
filed a consolidated federal income tax return with respect to 18726
that taxable year. The election is binding for a five-year period 18727
beginning with the first taxable year of the initial election 18728
unless a change in the reporting method is required under federal 18729
law. The election continues to be binding for each subsequent 18730
five-year period unless the taxpayer elects to discontinue filing 18731
consolidated municipal income tax returns under division (B)(2) of 18732
this section or a taxpayer receives permission from the tax 18733
administrator. The tax administrator shall approve such a request 18734
for good cause shown. 18735

(2) An election to discontinue filing consolidated municipal 18736

income tax returns under this section must be made in the first 18737
year following the last year of a five-year consolidated municipal 18738
income tax return election period in effect under division (B)(1) 18739
of this section. The election to discontinue filing a consolidated 18740
municipal income tax return is binding for a five-year period 18741
beginning with the first taxable year of the election. 18742

(3) An election made under division (B)(1) or (2) of this 18743
section is binding on all members of the affiliated group of 18744
corporations subject to a municipal income tax. 18745

(4) When a taxpayer makes the election allowed under section 18746
718.80 of the Revised Code, a valid election made by the taxpayer 18747
under division (B)(1) or (2) of this section is binding upon the 18748
tax commissioner for the remainder of the five-year period. 18749

(5) When an election made under section 718.80 of the Revised 18750
Code is terminated, a valid election made under section 718.86 of 18751
the Revised Code is binding upon the tax administrator for the 18752
remainder of the five-year period. 18753

(C) A taxpayer that is a member of an affiliated group of 18754
corporations that filed a consolidated federal income tax return 18755
for a taxable year shall file a consolidated municipal income tax 18756
return for that taxable year if the tax administrator determines, 18757
by a preponderance of the evidence, that intercompany transactions 18758
have not been conducted at arm's length and that there has been a 18759
distortive shifting of income or expenses with regard to 18760
allocation of net profits to the municipal corporation. A taxpayer 18761
that is required to file a consolidated municipal income tax 18762
return for a taxable year shall file a consolidated municipal 18763
income tax return for all subsequent taxable years unless the 18764
taxpayer requests and receives written permission from the tax 18765
administrator to file a separate return or a taxpayer has 18766
experienced a change in circumstances. 18767

(D) A taxpayer shall prepare a consolidated municipal income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in section 718.01 of the Revised Code, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated municipal income tax return shall make any adjustment otherwise required under division (E) of section 718.01 of the Revised Code to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated municipal income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in

section 718.02 of the Revised Code, exclude the property, payroll, 18800
and gross receipts of the pass-through entity in the computation 18801
of the affiliated group's net profit sitused to a municipal 18802
corporation. If the entity's net profit or loss is so excluded, 18803
the entity shall be subject to taxation as a separate taxpayer on 18804
the basis of the entity's net profits that would otherwise be 18805
included in the consolidated federal taxable income of the 18806
affiliated group. 18807

(b) Include the pass-through entity's net profit or loss in 18808
the consolidated federal taxable income of the affiliated group 18809
and, for the purpose of making the computations required in 18810
section 718.02 of the Revised Code, include the property, payroll, 18811
and gross receipts of the pass-through entity in the computation 18812
of the affiliated group's net profit sitused to a municipal 18813
corporation. If the entity's net profit or loss is so included, 18814
the entity shall not be subject to taxation as a separate taxpayer 18815
on the basis of the entity's net profits that are included in the 18816
consolidated federal taxable income of the affiliated group. 18817

(4) If the net profit or loss of a pass-through entity having 18818
less than eighty per cent of the value of its ownership interest 18819
owned or controlled, directly or indirectly, by an affiliated 18820
group of corporations is included in that affiliated group's 18821
consolidated federal taxable income for a taxable year, all of the 18822
following shall apply: 18823

(a) The corporation filing the consolidated municipal income 18824
tax return shall exclude the pass-through entity's net profit or 18825
loss from the consolidated federal taxable income of the 18826
affiliated group and, for the purposes of making the computations 18827
required in section 718.02 of the Revised Code, exclude the 18828
property, payroll, and gross receipts of the pass-through entity 18829
in the computation of the affiliated group's net profit sitused to 18830
a municipal corporation; 18831

(b) The pass-through entity shall be subject to municipal 18832
income taxation as a separate taxpayer in accordance with this 18833
chapter on the basis of the entity's net profits that would 18834
otherwise be included in the consolidated federal taxable income 18835
of the affiliated group. 18836

(F) Corporations filing a consolidated municipal income tax 18837
return shall make the computations required under section 718.02 18838
of the Revised Code by substituting "consolidated federal taxable 18839
income attributable to" for "net profit from" wherever "net profit 18840
from" appears in that section and by substituting "affiliated 18841
group of corporations" for "taxpayer" wherever "taxpayer" appears 18842
in that section. 18843

(G) Each corporation filing a consolidated municipal income 18844
tax return is jointly and severally liable for any tax, interest, 18845
penalties, fines, charges, or other amounts imposed by a municipal 18846
corporation in accordance with this chapter on the corporation, an 18847
affiliated group of which the corporation is a member for any 18848
portion of the taxable year, or any one or more members of such an 18849
affiliated group. 18850

(H) Corporations and their affiliates that made an election 18851
or entered into an agreement with a municipal corporation before 18852
January 1, 2016, to file a consolidated or combined tax return 18853
with such municipal corporation may continue to file consolidated 18854
or combined tax returns in accordance with such election or 18855
agreement for taxable years beginning on and after January 1, 18856
2016. 18857

Sec. 718.08. (A) As used in this section: 18858

(1) "Estimated taxes" means the amount that the taxpayer 18859
reasonably estimates to be the taxpayer's tax liability for a 18860
municipal corporation's income tax for the current taxable year. 18861

(2) "Tax liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Except as provided in division (F) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:

(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(2) Except as provided in division (F) of this section, taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules

prescribed by the tax administrator. Except as provided in 18893
division (F) of this section, a taxpayer having a taxable year of 18894
less than twelve months shall make a declaration under rules 18895
prescribed by the tax administrator. 18896

(3) The declaration of estimated taxes shall be filed on or 18897
before the date prescribed for the filing of municipal income tax 18898
returns under division (G) of section 718.05 of the Revised Code 18899
or on or before the fifteenth day of the fourth month after the 18900
taxpayer becomes subject to tax for the first time. 18901

(4) Taxpayers reporting on a fiscal year basis shall file a 18902
declaration on or before the fifteenth day of the fourth month 18903
after the beginning of each fiscal year or period. 18904

(5) The original declaration or any subsequent amendment may 18905
be increased or decreased on or before any subsequent quarterly 18906
payment day as provided in this section. 18907

(C)(1) The required portion of the tax liability for the 18908
taxable year that shall be paid through estimated taxes made 18909
payable to the municipal corporation or tax administrator, 18910
including the application of tax refunds to estimated taxes and 18911
withholding on or before the applicable payment date, shall be as 18912
follows: 18913

(a) On or before the fifteenth day of the fourth month after 18914
the beginning of the taxable year, twenty-two and one-half per 18915
cent of the tax liability for the taxable year; 18916

(b) On or before the fifteenth day of the sixth month after 18917
the beginning of the taxable year, forty-five per cent of the tax 18918
liability for the taxable year; 18919

(c) On or before the fifteenth day of the ninth month after 18920
the beginning of the taxable year, sixty-seven and one-half per 18921
cent of the tax liability for the taxable year; 18922

(d) ~~On~~ For an individual, on or before the fifteenth day of 18923
the first month of the following taxable year, ninety per cent of 18924
the tax liability for the taxable year. For a person other than an 18925
individual, on or before the fifteenth day of the twelfth month of 18926
the taxable year, ninety per cent of the tax liability for the 18927
taxable year. 18928

(2) When an amended declaration has been filed, the unpaid 18929
balance shown due on the amended declaration shall be paid in 18930
equal installments on or before the remaining payment dates. 18931

(3) On or before the fifteenth day of the fourth month of the 18932
year following that for which the declaration or amended 18933
declaration was filed, an annual return shall be filed and any 18934
balance which may be due shall be paid with the return in 18935
accordance with section 718.05 of the Revised Code. 18936

(D)(1) In the case of any underpayment of any portion of a 18937
tax liability, penalty and interest may be imposed pursuant to 18938
section 718.27 of the Revised Code upon the amount of underpayment 18939
for the period of underpayment, unless the underpayment is due to 18940
reasonable cause as described in division (E) of this section. The 18941
amount of the underpayment shall be determined as follows: 18942

(a) For the first payment of estimated taxes each year, 18943
twenty-two and one-half per cent of the tax liability, less the 18944
amount of taxes paid by the date prescribed for that payment; 18945

(b) For the second payment of estimated taxes each year, 18946
forty-five per cent of the tax liability, less the amount of taxes 18947
paid by the date prescribed for that payment; 18948

(c) For the third payment of estimated taxes each year, 18949
sixty-seven and one-half per cent of the tax liability, less the 18950
amount of taxes paid by the date prescribed for that payment; 18951

(d) For the fourth payment of estimated taxes each year, 18952
ninety per cent of the tax liability, less the amount of taxes 18953

paid by the date prescribed for that payment. 18954

(2) The period of the underpayment shall run from the day the 18955
estimated payment was required to be made to the date on which the 18956
payment is made. For purposes of this section, a payment of 18957
estimated taxes on or before any payment date shall be considered 18958
a payment of any previous underpayment only to the extent the 18959
payment of estimated taxes exceeds the amount of the payment 18960
presently required to be paid to avoid any penalty. 18961

(E) An underpayment of any portion of tax liability 18962
determined under division (D) of this section shall be due to 18963
reasonable cause and the penalty imposed by this section shall not 18964
be added to the taxes for the taxable year if any of the following 18965
apply: 18966

(1) The amount of estimated taxes that were paid equals at 18967
least ninety per cent of the tax liability for the current taxable 18968
year, determined by annualizing the income received during the 18969
year up to the end of the month immediately preceding the month in 18970
which the payment is due. 18971

(2) The amount of estimated taxes that were paid equals at 18972
least one hundred per cent of the tax liability shown on the 18973
return of the taxpayer for the preceding taxable year, provided 18974
that the immediately preceding taxable year reflected a period of 18975
twelve months and the taxpayer filed a return with the municipal 18976
corporation under section 718.05 of the Revised Code for that 18977
year. 18978

(3) The taxpayer is an individual who resides in the 18979
municipal corporation but was not domiciled there on the first day 18980
of January of the calendar year that includes the first day of the 18981
taxable year. 18982

(F)(1) A tax administrator may waive the requirement for 18983
filing a declaration of estimated taxes for any class of taxpayers 18984

after finding that the waiver is reasonable and proper in view of 18985
administrative costs and other factors. 18986

(2) A municipal corporation may, by ordinance or rule, waive 18987
the requirement for filing a declaration of estimated taxes for 18988
all taxpayers. 18989

Sec. 718.27. (A) As used in this section: 18990

(1) "Applicable law" means this chapter, the resolutions, 18991
ordinances, codes, directives, instructions, and rules adopted by 18992
a municipal corporation provided such resolutions, ordinances, 18993
codes, directives, instructions, and rules impose or directly or 18994
indirectly address the levy, payment, remittance, or filing 18995
requirements of a municipal income tax. 18996

(2) "Income tax," "estimated income tax," and "withholding 18997
tax" means any income tax, estimated income tax, and withholding 18998
tax imposed by a municipal corporation pursuant to applicable law, 18999
including at any time before January 1, 2016. 19000

(3) A "return" includes any tax return, report, 19001
reconciliation, schedule, and other document required to be filed 19002
with a tax administrator or municipal corporation by a taxpayer, 19003
employer, any agent of the employer, or any other payer pursuant 19004
to applicable law, including at any time before January 1, 2016. 19005

(4) "Federal short-term rate" means the rate of the average 19006
market yield on outstanding marketable obligations of the United 19007
States with remaining periods to maturity of three years or less, 19008
as determined under section 1274 of the Internal Revenue Code, for 19009
July of the current year. 19010

(5) "Interest rate as described in division (A) of this 19011
section" means the federal short-term rate, rounded to the nearest 19012
whole number per cent, plus five per cent. The rate shall apply 19013
for the calendar year next following the July of the year in which 19014

the federal short-term rate is determined in accordance with 19015
division (A)(4) of this section. 19016

(6) "Unpaid estimated income tax" means estimated income tax 19017
due but not paid by the date the tax is required to be paid under 19018
applicable law. 19019

(7) "Unpaid income tax" means income tax due but not paid by 19020
the date the income tax is required to be paid under applicable 19021
law. 19022

(8) "Unpaid withholding tax" means withholding tax due but 19023
not paid by the date the withholding tax is required to be paid 19024
under applicable law. 19025

(9) "Withholding tax" includes amounts an employer, any agent 19026
of an employer, or any other payer did not withhold in whole or in 19027
part from an employee's qualifying wages, but that, under 19028
applicable law, the employer, agent, or other payer is required to 19029
withhold from an employee's qualifying wages. 19030

(B)(1) This section applies to the following: 19031

(a) Any return required to be filed under applicable law for 19032
taxable years beginning on or after January 1, 2016; 19033

(b) Income tax, estimated income tax, and withholding tax 19034
required to be paid or remitted to the municipal corporation on or 19035
after January 1, 2016. 19036

(2) This section does not apply to returns required to be 19037
filed or payments required to be made before January 1, 2016, 19038
regardless of the filing or payment date. Returns required to be 19039
filed or payments required to be made before January 1, 2016, but 19040
filed or paid after that date shall be subject to the ordinances 19041
or rules, as adopted before January 1, 2016, of the municipal 19042
corporation to which the return is to be filed or the payment is 19043
to be made. 19044

(C) Each municipal corporation levying a tax on income may
impose on a taxpayer, employer, any agent of the employer, and any
other payer, and must attempt to collect, the interest amounts and
penalties prescribed under division (C) of this section when the
taxpayer, employer, any agent of the employer, or any other payer
for any reason fails, in whole or in part, to make to the
municipal corporation timely and full payment or remittance of
income tax, estimated income tax, or withholding tax or to file
timely with the municipal corporation any return required to be
filed.

(1) Interest shall be imposed at the rate described in
division (A) of this section, per annum, on all unpaid income tax,
unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated
income tax, a municipal corporation may impose a penalty equal to
fifteen per cent of the amount not timely paid.

(b) With respect to any unpaid withholding tax, a municipal
corporation may impose a penalty ~~equal to~~ not exceeding fifty per
cent of the amount not timely paid.

(3) With respect to returns other than estimated income tax
returns, a municipal corporation may impose a penalty of
twenty-five dollars for each failure to timely file each return,
regardless of the liability shown thereon for each month, or any
fraction thereof, during which the return remains unfiled
regardless of the liability shown thereon. The penalty shall not
exceed one hundred fifty dollars for each failure.

(D)(1) With respect to the income taxes, estimated income
taxes, withholding taxes, and returns, no municipal corporation
shall impose, seek to collect, or collect any penalty, amount of
interest, charges, or additional fees not described in this
section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the municipal corporation shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer, employer, any agent of the employer, or any other payer the municipal corporation's post-judgment collection costs and fees, including attorney's fees.

Sec. 718.60. (A) There is hereby created the municipal income tax net operating loss review committee for the purpose of evaluating and quantifying the potential fiscal impact to municipal corporations levying an income tax of requiring such municipal corporations to allow taxpayers to carry forward net operating losses for five years. The committee is a public body for the purposes of section 121.22 of the Revised Code.

(B) The committee shall be composed of the following members:

(1) Two members of the house of representatives who are not of the same political party, appointed by the speaker of the house of representatives;

(2) Two members of the senate who are not of the same political party, appointed by the president of the senate;

(3) Three members representing municipal income taxpayers, appointed by the speaker of the house of representatives;

(4) Three members representing municipal corporations that levy an income tax in calendar year 2016, appointed by the president of the senate. At least two of the members appointed under division (B)(4) of this section shall represent municipal corporations that do not allow taxpayers to carry forward net operating losses to future taxable years.

(5) One member appointed by the governor, who shall serve as the chairperson of the committee.

An appointed member shall serve until the member resigns or is removed by the member's appointing authority. Vacancies shall be filled in the same manner as original appointments. A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee.

The committee shall meet at the call of the chairperson. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary to approve the report issued by the committee under division (D) of this section. Members of the committee shall not be compensated or reimbursed for members' expenses.

(C)(1) As used in this section, "reporting municipal corporation" means any municipal corporation that does not allow net operating losses incurred before January 1, 2017, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) On or before August 31, 2021, each reporting municipal corporation shall report to the municipal income tax net operating

loss review committee the difference between (a) the municipal 19137
corporation's actual municipal income tax revenue received for 19138
taxable years ending in 2018 and 2019 and (b) the projected amount 19139
of municipal income tax revenue that the municipal corporation 19140
would have received for taxable years ending in 2018 and 2019 if 19141
the municipal corporation were not required to allow net operating 19142
losses incurred in prior taxable years to be carried forward to 19143
taxable years ending in 2018 or 2019. Each municipal corporation's 19144
calculations shall be made using the microsimulation model adopted 19145
by the committee at its meeting on May 5, 2016, but applied to 19146
taxable years ending in 2018 and 2019. 19147

(D) The municipal income tax net operating loss review 19148
committee shall review the information reported by municipal 19149
corporations under division (C) of this section and calculate the 19150
total of the revenue effects reported by such municipal 19151
corporations. On or before May 1, 2022, the committee shall issue 19152
a written report to the speaker and minority leader of the house 19153
of representatives and the president and minority leader of the 19154
senate reporting the committee's findings and the estimated 19155
revenue impact of requiring municipal corporations levying an 19156
income tax to allow net operating loss to be carried forward for 19157
five years. The report shall contain recommendations to address 19158
revenue shortfalls, which may include, but which shall not be 19159
limited to, the use of supplemental funds from the local 19160
government fund to mitigate those shortfalls. 19161

(E) Nothing in this section delays or otherwise affects the 19162
taxable years to which division ~~(E)(8)~~(D)(3) of section 718.01 of 19163
the Revised Code applies as prescribed in that division. 19164

(F) The municipal income tax net operating loss review 19165
committee shall cease to exist on May 1, 2022. 19166

Sec. 718.80. (A) A taxpayer may elect to be subject to 19167

sections 718.80 to 718.95 of the Revised Code in lieu of the 19168
provisions set forth in the remainder of this chapter. 19169

Notwithstanding any other provision of this chapter, upon the 19170
taxpayer's election, both of the following shall apply: 19171

(1) The tax commissioner shall serve as the sole 19172
administrator of each municipal income tax for which the taxpayer 19173
is liable for the term of the election; 19174

(2) The commissioner shall administer the tax pursuant to 19175
sections 718.80 to 718.95 of the Revised Code and any applicable 19176
provision of Chapter 5703. of the Revised Code. 19177

(B)(1) A taxpayer shall make the initial election on or 19178
before the first day of the third month after the beginning of the 19179
taxpayer's taxable year by notifying the tax commissioner and each 19180
municipal corporation in which the taxpayer conducted business 19181
during the previous taxable year, on a form prescribed by the tax 19182
commissioner. 19183

(2)(a) The election, once made by the taxpayer, applies to 19184
the taxable year in which the election is made and to each 19185
subsequent taxable year until the taxpayer notifies the tax 19186
commissioner and each municipal corporation in which the taxpayer 19187
conducted business during the previous taxable year of its 19188
termination of the election. 19189

(b) A notification of termination shall be made, on a form 19190
prescribed by the tax commissioner, on or before the first day of 19191
the third month of any taxable year. 19192

(c) Upon a timely and valid termination of the election, the 19193
taxpayer is no longer subject to sections 718.80 to 718.95 of the 19194
Revised Code, and is instead subject to the provisions set forth 19195
in the remainder of this chapter. 19196

(C)(1)(a) On or before the thirty-first day of January each 19197

year, each municipal corporation imposing a tax on income shall 19198
certify to the tax commissioner the rate of the tax in effect on 19199
the first day of January of that year. 19200

(b) If, after the thirty-first day of January of any year, 19201
the electors of a municipal corporation approve an increase in the 19202
rate of the municipal corporation's tax on income that takes 19203
effect within that year, the municipal corporation shall certify 19204
to the tax commissioner the new rate of tax not less than sixty 19205
days before the effective date of the increase, after which 19206
effective date the commissioner shall apply the increased rate. 19207

(2) A municipal corporation, within ninety days of receiving 19208
a taxpayer's notification of election under division (B) of this 19209
section, shall submit to the tax commissioner, on a form 19210
prescribed by the tax commissioner, the following information 19211
regarding the taxpayer: 19212

(a) The amount of any net operating loss that the taxpayer is 19213
entitled to carry forward to a future tax year; 19214

(b) The amount of any net operating loss carryforward 19215
utilized by the taxpayer in prior years; 19216

(c) Any credits granted by the municipal corporation to which 19217
the taxpayer is entitled, the amount of such credits, whether the 19218
credits may be carried forward to future tax years, and, if the 19219
credits may be carried forward, the duration of any such 19220
carryforward; 19221

(d) Any overpayments of tax that the taxpayer has elected to 19222
carry forward to a subsequent tax year; 19223

(e) Any other information the municipal corporation deems 19224
relevant in order to effectuate the tax commissioner's efficient 19225
administration of the tax on the municipal corporation's behalf. 19226

(3) If any municipal corporation fails to timely comply with 19227

divisions (C)(1) and (2) of this section, the tax commissioner 19228
shall notify the director of budget and management, who, upon 19229
receiving such notification, shall withhold from each payment made 19230
to the municipal corporation under section 718.83 of the Revised 19231
Code fifty per cent of the amount of the payment otherwise due to 19232
the municipal corporation under that section. The director shall 19233
compute the withholding on the basis of the tax rate most recently 19234
certified to the tax commissioner until the municipal corporation 19235
complies with divisions (C)(1) and (2) of this section. 19236

(D) The tax commissioner shall enforce and administer 19237
sections 718.80 to 718.95 of the Revised Code. In addition to any 19238
other powers conferred upon the tax commissioner by law, the tax 19239
commissioner may: 19240

(1) Prescribe all forms necessary to administer those 19241
sections; 19242

(2) Adopt such rules as the tax commissioner finds necessary 19243
to carry out those sections; 19244

(3) Appoint and employ such personnel as are necessary to 19245
carry out the duties imposed upon the tax commissioner by those 19246
sections. 19247

(E) No tax administrator shall utilize sections 718.81 to 19248
718.95 of the Revised Code in the administrator's administration 19249
of a municipal income tax, and those sections shall not be applied 19250
to any taxpayer that has not made the election under this section. 19251

(F) Nothing in this chapter shall be construed to make any 19252
section of this chapter, other than sections 718.01 and 718.80 to 19253
718.95 of the Revised Code, applicable to the tax commissioner's 19254
administration of a municipal income tax or to any taxpayer that 19255
has made the election under this section. 19256

(G) The tax commissioner shall not be considered a tax 19257
administrator, as that term is defined in section 718.01 of the 19258

Revised Code. 19259

Sec. 718.81. If a term used in sections 718.80 to 718.95 of 19260
the Revised Code that is not otherwise defined in this chapter is 19261
used in a comparable context in both the laws of the United States 19262
relating to federal income tax and in Title LVII of the Revised 19263
Code and the use is not consistent, then the use of the term in 19264
the laws of the United States relating to federal income tax shall 19265
have control over the use of the term in Title LVII of the Revised 19266
Code, unless the term is defined in Chapter 5703. of the Revised 19267
Code, in which case the definition in that chapter shall control. 19268
Any reference in this chapter to the Internal Revenue Code 19269
includes other laws of the United States related to federal income 19270
taxes. If a term is defined in both this section and section 19271
718.01 of the Revised Code, the definition in this section shall 19272
control for all uses of that term in sections 718.80 through 19273
718.95 of the Revised Code. 19274

As used in sections 718.80 to 718.95 of the Revised Code 19275
only: 19276

(A) "Municipal taxable income" means income apportioned or 19277
sitused to the municipal corporation under section 718.82 of the 19278
Revised Code, as applicable, reduced by any pre-2017 net operating 19279
loss carryforward available to the person for the municipal 19280
corporation. 19281

(B) "Adjusted federal taxable income," for a person required 19282
to file as a C corporation, or for a person that has elected to be 19283
taxed as a C corporation as described in division (D)(5) of 19284
section 718.01 of the Revised Code, means a C corporation's 19285
federal taxable income before net operating losses and special 19286
deductions as determined under the Internal Revenue Code, adjusted 19287
as follows: 19288

(1) Deduct intangible income to the extent included in 19289

federal taxable income. The deduction shall be allowed regardless 19290
of whether the intangible income relates to assets used in a trade 19291
or business or assets held for the production of income. 19292

(2) Add an amount equal to five per cent of intangible income 19293
deducted under division (B)(1) of this section, but excluding that 19294
portion of intangible income directly related to the sale, 19295
exchange, or other disposition of property described in section 19296
1221 of the Internal Revenue Code. 19297

(3) Add any losses allowed as a deduction in the computation 19298
of federal taxable income if the losses directly relate to the 19299
sale, exchange, or other disposition of an asset described in 19300
section 1221 or 1231 of the Internal Revenue Code. 19301

(4)(a) Except as provided in division (B)(4)(b) of this 19302
section, deduct income and gain included in federal taxable income 19303
to the extent the income and gain directly relate to the sale, 19304
exchange, or other disposition of an asset described in section 19305
1221 or 1231 of the Internal Revenue Code. 19306

(b) Division (B)(4)(a) of this section does not apply to the 19307
extent the income or gain is income or gain described in section 19308
1245 or 1250 of the Internal Revenue Code. 19309

(5) Add taxes on or measured by net income allowed as a 19310
deduction in the computation of federal taxable income. 19311

(6) In the case of a real estate investment trust or 19312
regulated investment company, add all amounts with respect to 19313
dividends to, distributions to, or amounts set aside for or 19314
credited to the benefit of investors and allowed as a deduction in 19315
the computation of federal taxable income. 19316

(7) Deduct, to the extent not otherwise deducted or excluded 19317
in computing federal taxable income, any income derived from a 19318
transfer agreement or from the enterprise transferred under that 19319
agreement under section 4313.02 of the Revised Code. 19320

(8) Deduct exempt income to the extent not otherwise deducted 19321
or excluded in computing adjusted federal taxable income. 19322

(9) Deduct any net profit of a pass-through entity owned 19323
directly or indirectly by the taxpayer and included in the 19324
taxpayer's federal taxable income unless an affiliated group of 19325
corporations includes that net profit in the group's federal 19326
taxable income in accordance with division (E)(3)(b) of section 19327
718.86 of the Revised Code. 19328

(10) Add any loss incurred by a pass-through entity owned 19329
directly or indirectly by the taxpayer and included in the 19330
taxpayer's federal taxable income unless an affiliated group of 19331
corporations includes that loss in the group's federal taxable 19332
income in accordance with division (E)(3)(b) of section 718.86 of 19333
the Revised Code. 19334

If the taxpayer is not a C corporation, is not a disregarded 19335
entity that has made the election described in division (L)(2) of 19336
section 718.01 of the Revised Code, and is not a publicly traded 19337
partnership that has made the election described in division 19338
(D)(5) of section 718.01 of the Revised Code, the taxpayer shall 19339
compute adjusted federal taxable income under this section as if 19340
the taxpayer were a C corporation, except guaranteed payments and 19341
other similar amounts paid or accrued to a partner, former 19342
partner, shareholder, former shareholder, member, or former member 19343
shall not be allowed as a deductible expense unless such payments 19344
are in consideration for the use of capital and treated as payment 19345
of interest under section 469 of the Internal Revenue Code or 19346
United States treasury regulations. Amounts paid or accrued to a 19347
qualified self-employed retirement plan with respect to a partner, 19348
former partner, shareholder, former shareholder, member, or former 19349
member of the taxpayer, amounts paid or accrued to or for health 19350
insurance for a partner, former partner, shareholder, former 19351
shareholder, member, or former member, and amounts paid or accrued 19352

to or for life insurance for a partner, former partner, 19353
shareholder, former shareholder, member, or former member shall 19354
not be allowed as a deduction. 19355

Nothing in division (B) of this section shall be construed as 19356
allowing the taxpayer to add or deduct any amount more than once 19357
or shall be construed as allowing any taxpayer to deduct any 19358
amount paid to or accrued for purposes of federal self-employment 19359
tax. 19360

(C) "Taxpayer" has the same meaning as in section 718.01 of 19361
the Revised Code, except that "taxpayer" does not include natural 19362
persons or entities subject to the tax imposed under Chapter 5745. 19363
of the Revised Code. "Taxpayer" may include receivers, assignees, 19364
or trustees in bankruptcy when such persons are required to assume 19365
the role of a taxpayer. 19366

(D) "Tax return" or "return" means the notifications and 19367
reports required to be filed pursuant to sections 718.80 to 718.95 19368
of the Revised Code for the purpose of reporting municipal income 19369
taxes, and includes declarations of estimated tax. 19370

(E) "Taxable year" means the calendar year or the taxpayer's 19371
fiscal year ending during the calendar year, or fractional part 19372
thereof, upon which the calculation of the taxpayer's adjusted 19373
federal taxable income is based pursuant to this chapter. If a 19374
taxpayer's taxable year is changed for federal income tax 19375
purposes, the taxable year for purposes of sections 718.80 to 19376
718.95 of the Revised Code is changed accordingly but may consist 19377
of an aggregation of more than one taxable year for federal income 19378
tax purposes. The tax commissioner may prescribe by rule an 19379
appropriate period as the taxable year for a taxpayer that has had 19380
a change of its taxable year for federal income tax purposes, for 19381
a taxpayer that has two or more short taxable years for federal 19382
income tax purposes as the result of a change of ownership, or for 19383
a new taxpayer that would otherwise have no taxable year. 19384

(F) "Assessment" means a notice of underpayment or nonpayment 19385
of a tax issued pursuant to section 718.90 of the Revised Code. 19386

Sec. 718.82. This section applies to any taxpayer that is 19387
engaged in a business or profession in a municipal corporation and 19388
that has made the election under section 718.80 of the Revised 19389
Code. 19390

(A) Except as otherwise provided in division (B) of this 19391
section, net profit from a business or profession conducted both 19392
within and without the boundaries of a municipal corporation shall 19393
be considered as having a taxable situs in the municipal 19394
corporation for purposes of municipal income taxation in the same 19395
proportion as the average ratio of the following: 19396

(1) The average original cost of the real property and 19397
tangible personal property owned or used by the taxpayer in the 19398
business or profession in the municipal corporation during the 19399
taxable period to the average original cost of all of the real and 19400
tangible personal property owned or used by the taxpayer in the 19401
business or profession during the same period, wherever situated. 19402

As used in the preceding paragraph, tangible personal or real 19403
property shall include property rented or leased by the taxpayer 19404
and the value of such property shall be determined by multiplying 19405
the annual rental thereon by eight; 19406

(2) Wages, salaries, and other compensation paid during the 19407
taxable period to individuals employed in the business or 19408
profession for services performed in the municipal corporation to 19409
wages, salaries, and other compensation paid during the same 19410
period to individuals employed in the business or profession, 19411
wherever the individual's services are performed, excluding 19412
compensation from which taxes are not required to be withheld 19413
under section 718.011 of the Revised Code; 19414

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed. 19415
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(B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in a municipal corporation, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following: 19420
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(a) Separate accounting; 19427

(b) The exclusion of one or more of the factors; 19428

(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation; 19429
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(d) A modification of one or more of the factors. 19432

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 718.90 of the Revised Code. 19433
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(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.90 of the Revised Code. 19440
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(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations: 19445
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(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following: 19449
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(a) The employer; 19451

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient; 19452
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(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient. 19455
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(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer; 19458
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(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax commissioner's determination was unreasonable. 19465
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(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall 19474
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be sitused to a municipal corporation as follows: 19476

(1) Gross receipts from the sale of tangible personal 19477
property shall be sitused to the municipal corporation only if, 19478
regardless of where title passes, the property meets either of the 19479
following criteria: 19480

(a) The property is shipped to or delivered within the 19481
municipal corporation from a stock of goods located within the 19482
municipal corporation. 19483

(b) The property is delivered within the municipal 19484
corporation from a location outside the municipal corporation, 19485
provided the taxpayer is regularly engaged through its own 19486
employees in the solicitation or promotion of sales within such 19487
municipal corporation and the sales result from such solicitation 19488
or promotion. 19489

(2) Gross receipts from the sale of services shall be sitused 19490
to the municipal corporation to the extent that such services are 19491
performed in the municipal corporation. 19492

(3) To the extent included in income, gross receipts from the 19493
sale of real property located in the municipal corporation shall 19494
be sitused to the municipal corporation. 19495

(4) To the extent included in income, gross receipts from 19496
rents and royalties from real property located in the municipal 19497
corporation shall be sitused to the municipal corporation. 19498

(5) Gross receipts from rents and royalties from tangible 19499
personal property shall be sitused to the municipal corporation 19500
based upon the extent to which the tangible personal property is 19501
used in the municipal corporation. 19502

(E) Commissions received by a real estate agent or broker 19503
relating to the sale, purchase, or lease of real estate shall be 19504
sitused to the municipal corporation in which the real estate is 19505

located. Net profit reported by the real estate agent or broker 19506
shall be allocated to a municipal corporation based upon the ratio 19507
of the commissions the agent or broker received from the sale, 19508
purchase, or lease of real estate located in the municipal 19509
corporation to the commissions received from the sale, purchase, 19510
or lease of real estate everywhere in the taxable year. 19511

(F) If, in computing a taxpayer's adjusted federal taxable 19512
income, the taxpayer deducted any amount with respect to a stock 19513
option granted to an employee, and if the employee is not required 19514
to include in the employee's income any such amount or a portion 19515
thereof because it is exempted from taxation under divisions 19516
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 19517
municipal corporation to which the taxpayer has apportioned a 19518
portion of its net profit, the taxpayer shall add the amount that 19519
is exempt from taxation to the taxpayer's net profit that was 19520
apportioned to that municipal corporation. In no case shall a 19521
taxpayer be required to add to its net profit that was apportioned 19522
to that municipal corporation any amount other than the amount 19523
upon which the employee would be required to pay tax were the 19524
amount related to the stock option not exempted from taxation. 19525

This division applies solely for the purpose of making an 19526
adjustment to the amount of a taxpayer's net profit that was 19527
apportioned to a municipal corporation under this section. 19528

(G) When calculating the ratios described in division (A) of 19529
this section for the purposes of that division or division (B) of 19530
this section, the owner of a disregarded entity shall include in 19531
the owner's ratios the property, payroll, and gross receipts of 19532
such disregarded entity. 19533

Sec. 718.83. (A) On or before the last day of each month, the 19534
tax commissioner shall certify to the director of budget and 19535
management the amount to be paid to each municipal corporation, 19536

based on amounts reported on annual returns and declarations of 19537
estimated tax under sections 718.85 and 718.88 of the Revised 19538
Code, less any amounts previously distributed and net of any audit 19539
adjustments made or refunds granted by the commissioner, for the 19540
calender month preceding the month in which the certification is 19541
made. Not later than the fifth day of each month, the director 19542
shall provide for payment of the amount certified to each 19543
municipal corporation from the municipal income tax fund, plus a 19544
pro rata share of any investment earnings accruing to the fund 19545
since the previous payment under this section. Each municipal 19546
corporation's share of such earnings shall equal the proportion 19547
that the municipal corporation's certified tax payment is of the 19548
total taxes certified to all municipal corporations in that 19549
quarter. All investment earnings on money in the municipal income 19550
tax fund shall be credited to that fund. 19551

(B) If the tax commissioner determines that the amount of tax 19552
paid by a taxpayer and distributed to a municipal corporation 19553
under this section for a taxable year exceeds the amount payable 19554
to that municipal corporation under sections 718.80 to 718.95 of 19555
the Revised Code after accounting for amounts remitted with the 19556
annual return and as estimated taxes, the commissioner shall 19557
proceed according to divisions (A) and (B) of section 5703.77 of 19558
the Revised Code. 19559

Sec. 718.84. (A) Any information gained as a result of 19560
returns, investigations, hearings, or verifications required or 19561
authorized by sections 718.80 to 718.95 of the Revised Code is 19562
confidential, and no person shall disclose such information, 19563
except for official purposes, in accordance with a proper judicial 19564
order, or as provided in section 4123.271 or 5703.21 of the 19565
Revised Code. The tax commissioner may furnish the internal 19566
revenue service with copies of returns filed. This section does 19567

not prohibit the publication of statistics in a form which does 19568
not disclose information with respect to particular taxpayers. 19569

(B) In May and November of each year, the tax commissioner 19570
shall provide each tax administrator with the following 19571
information for every taxpayer that filed tax returns with the 19572
commissioner under sections 718.80 to 718.95 of the Revised Code 19573
and that had municipal taxable income apportionable to the 19574
municipal corporation under this chapter for any prior year: 19575

(1) The taxpayer's name, address, and federal employer 19576
identification number; 19577

(2) The taxpayer's apportionment ratio for, and amount of 19578
municipal taxable income apportionable to, the municipal 19579
corporation pursuant to section 718.82 of the Revised Code; 19580

(3) The amount of any pre-2017 net operating loss 19581
carryforward utilized by the taxpayer; 19582

(4) Whether the taxpayer requested that any overpayment be 19583
carried forward to a future taxable year; 19584

(5) The amount of any credit claimed under section 718.94 of 19585
the Revised Code. 19586

(C) Not later than thirty days after each distribution made 19587
to municipal corporations under section 718.83 of the Revised 19588
Code, the tax commissioner shall provide to each municipal 19589
corporation a report stating the name and federal identification 19590
number of every taxpayer that made estimated payments that are 19591
attributable to the municipal corporation and the amount of each 19592
such taxpayer's estimated payment. 19593

(D) Not later than the thirty-first day of January of each 19594
year, every municipal corporation having taxpayers that have made 19595
the election allowed under section 718.80 of the Revised Code 19596
shall provide to the tax commissioner, in a format prescribed by 19597

the commissioner, the name and mailing address of up to two 19598
persons to whom the municipal corporation requests that the 19599
commissioner send the information described in divisions (B) and 19600
(C) of this section. The commissioner shall not provide such 19601
information to any person other than a person who is designated to 19602
receive the information under this section and who is employed by 19603
the municipal corporation or by a tax administrator, as defined in 19604
section 718.01 of the Revised Code, that administers the municipal 19605
corporation's income tax, except as may otherwise be provided by 19606
law. 19607

(E)(1) The tax commissioner may adopt rules that further 19608
govern the terms and conditions under which tax returns filed with 19609
the commissioner under this chapter, and any other information 19610
gained in the performance of the commissioner's duties prescribed 19611
by this chapter, shall be available for inspection by properly 19612
authorized officers, employees, or agents of the municipal 19613
corporations to which the taxpayer's net profit is apportioned 19614
under section 718.82 of the Revised Code. 19615

(2) As used in this division, "properly authorized officer, 19616
employee, or agent" means an officer, employee, or agent of a 19617
municipal corporation who is authorized by charter or ordinance of 19618
the municipal corporation to view or possess information referred 19619
to in section 718.13 of the Revised Code. 19620

(F)(1) If, upon receiving the information described in 19621
division (B) of section 718.91 of the Revised Code or division (B) 19622
or (C) of this section, a municipal corporation discovers that it 19623
has additional information in its possession that could result in 19624
a change to a taxpayer's tax liability, the municipal corporation 19625
may refer the taxpayer to the tax commissioner for an audit. Such 19626
referral shall be made on a form prescribed by the commissioner 19627
and shall include any information that forms the basis for the 19628
referral. 19629

(2) Upon receipt of a referral under division (F)(1) of this section, the commissioner shall review the referral and may conduct an audit of the taxpayer that is the subject of the referral based on the information in the referral and any other relevant information available to the commissioner. 19630
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(3) Nothing in division (F) of this section shall be construed as forming the sole basis upon which the commissioner may conduct an audit of a taxpayer. 19635
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(4) Nothing in this chapter shall prohibit a municipal corporation from filing a writ of mandamus if the municipal corporation believes that the commissioner has violated the commissioner's fiduciary duty as the administrator of the tax levied by the municipal corporation. 19638
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Sec. 718.85. (A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. 19643
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(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 718.81, 718.82, and, if applicable, 718.86 of the Revised Code onto its annual return. 19650
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(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required. 19655
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(B) The tax commissioner shall immediately forward to the 19659

treasurer of state all amounts the commissioner receives pursuant 19660
to sections 718.80 to 718.95 of the Revised Code. The treasurer 19661
shall credit ninety-nine per cent of such amounts to the municipal 19662
income tax fund and the remainder to the municipal income tax 19663
administrative fund established under section 5745.03 of the 19664
Revised Code. 19665

(C)(1) Each return required to be filed under this section 19666
shall contain the signature of the taxpayer or the taxpayer's duly 19667
authorized agent and of the person who prepared the return for the 19668
taxpayer, and shall include the taxpayer's identification number. 19669
Each return shall be verified by a declaration under penalty of 19670
perjury. 19671

(2)(a) The tax commissioner may require a taxpayer to 19672
include, with each annual tax return, amended return, or request 19673
for refund filed with the commissioner under sections 718.80 to 19674
718.95 of the Revised Code, copies of any relevant documents or 19675
other information. 19676

(b) A taxpayer that files an annual tax return electronically 19677
through the Ohio business gateway or in another manner as 19678
prescribed by the tax commissioner shall either submit the 19679
documents required under this division electronically as 19680
prescribed at the time of filing or, if electronic submission is 19681
not available, mail the documents to the tax commissioner. The 19682
department of taxation shall publish a method of electronically 19683
submitting the documents required under this division on or before 19684
January 1, 2019. 19685

(3) After a taxpayer files a tax return, the tax commissioner 19686
may request, and the taxpayer shall provide, any information, 19687
statements, or documents required to determine and verify the 19688
taxpayer's municipal income tax. 19689

(D)(1)(a) Any taxpayer that has duly requested an automatic 19690

extension for filing the taxpayer's federal income tax return 19691
shall automatically receive an extension for the filing of a tax 19692
return with the commissioner under this section. The extended due 19693
date of the return shall be the fifteenth day of the tenth month 19694
after the last day of the taxable year to which the return 19695
relates. 19696

(b) A taxpayer that has not requested or received a six-month 19697
extension for filing the taxpayer's federal income tax return may 19698
request that the commissioner grant the taxpayer a six-month 19699
extension of the date for filing the taxpayer's municipal income 19700
tax return. If the commissioner receives the request on or before 19701
the date the municipal income tax return is due, the commissioner 19702
shall grant the taxpayer's extension request. 19703

(c) An extension of time to file under division (D)(1) of 19704
this section is not an extension of the time to pay any tax due 19705
unless the tax commissioner grants an extension of that date. 19706

(2) If the commissioner considers it necessary in order to 19707
ensure payment of a tax imposed in accordance with section 718.04 19708
of the Revised Code, the commissioner may require taxpayers to 19709
file returns and make payments otherwise than as provided in this 19710
section, including taxpayers not otherwise required to file annual 19711
returns. 19712

(E) Each return required to be filed in accordance with this 19713
section shall include a box that the taxpayer may check to 19714
authorize another person, including a tax return preparer who 19715
prepared the return, to communicate with the tax commissioner 19716
about matters pertaining to the return. The return or instructions 19717
accompanying the return shall indicate that by checking the box 19718
the taxpayer authorizes the commissioner to contact the preparer 19719
or other person concerning questions that arise during the 19720
examination or other review of the return and authorizes the 19721
preparer or other person only to provide the commissioner with 19722

information that is missing from the return, to contact the 19723
commissioner for information about the examination or other review 19724
of the return or the status of the taxpayer's refund or payments, 19725
and to respond to notices about mathematical errors, offsets, or 19726
return preparation that the taxpayer has received from the 19727
commissioner and has shown to the preparer or other person. 19728

(F) When income tax returns or other documents require the 19729
signature of a tax return preparer, the tax commissioner shall 19730
accept a facsimile or electronic version of such a signature in 19731
lieu of a manual signature. 19732

Sec. 718.851. (A) All taxpayers that have made the election 19733
allowed under section 718.80 of the Revised Code shall file any 19734
tax return or extension for filing a tax return, and shall make 19735
payment of amounts shown to be due on such returns, 19736
electronically, either through the Ohio business gateway or in 19737
another manner as prescribed by the tax commissioner. 19738

(B) A taxpayer may apply to the commissioner, on a form 19739
prescribed by the commissioner, to be excused from the requirement 19740
to file returns and make payments electronically. For good cause 19741
shown, the commissioner may excuse the applicant from the 19742
requirement and permit the applicant to file the returns or make 19743
the payments by nonelectronic means. 19744

(C) The tax commissioner may adopt rules establishing the 19745
following: 19746

(1) The format of documents to be used by taxpayers to file 19747
returns and make payments by electronic means; 19748

(2) The information taxpayers must submit when filing tax 19749
returns by electronic means. 19750

Sec. 718.86. (A) As used in this section: 19751

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group. 19752
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(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code. 19759
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(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section. 19762
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(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code. 19770
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(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code. 19772
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(B)(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to a tax imposed in accordance with section 718.04 of the Revised Code in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting 19774
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method is required under federal law. The election continues to be 19783
binding for each subsequent five-year period unless the taxpayer 19784
elects to discontinue filing consolidated tax returns under 19785
division (B)(2) of this section or a taxpayer receives permission 19786
from the tax commissioner. The tax commissioner shall approve such 19787
a request for good cause shown. 19788

(2) An election to discontinue filing consolidated tax 19789
returns under this section must be made on or before the fifteenth 19790
day of the fourth month of the year following the last year of a 19791
five-year consolidated tax return election period in effect under 19792
division (B)(1) of this section. The election to discontinue 19793
filing a consolidated tax return is binding for a five-year period 19794
beginning with the first taxable year of the election. 19795

(3) An election made under division (B)(1) or (2) of this 19796
section is binding on all members of the affiliated group of 19797
corporations subject to a municipal income tax. 19798

(4) When a taxpayer makes the election allowed under section 19799
718.80 of the Revised Code, a valid election made by the taxpayer 19800
under division (B)(1) or (2) of section 718.06 of the Revised Code 19801
is binding upon the tax commissioner for the remainder of the 19802
five-year period. 19803

(5) When an election made under section 718.80 of the Revised 19804
Code is terminated, a valid election made under this section is 19805
binding upon the tax administrator for the remainder of the 19806
five-year period. 19807

(C) A taxpayer that is a member of an affiliated group of 19808
corporations that filed a consolidated federal income tax return 19809
for a taxable year shall file a consolidated tax return for that 19810
taxable year if the tax commissioner determines, by a 19811
preponderance of the evidence, that intercompany transactions have 19812
not been conducted at arm's length and that there has been a 19813

distortive shifting of income or expenses with regard to 19814
allocation of net profits to a municipal corporation. A taxpayer 19815
that is required to file a consolidated tax return for a taxable 19816
year shall file a consolidated tax return for all subsequent 19817
taxable years unless the taxpayer requests and receives written 19818
permission from the commissioner to file a separate return or a 19819
taxpayer has experienced a change in circumstances. 19820

(D) A taxpayer shall prepare a consolidated tax return in the 19821
same manner as is required under the United States department of 19822
treasury regulations that prescribe procedures for the preparation 19823
of the consolidated federal income tax return required to be filed 19824
by the common parent of the affiliated group of which the taxpayer 19825
is a member. 19826

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 19827
and (4) of this section, corporations that file a consolidated tax 19828
return shall compute adjusted federal taxable income, as defined 19829
in section 718.81 of the Revised Code, by substituting 19830
"consolidated federal taxable income" for "federal taxable income" 19831
wherever "federal taxable income" appears in that division and by 19832
substituting "an affiliated group of corporation's" for "a C 19833
corporation's" wherever "a C corporation's" appears in that 19834
division. 19835

(2) No corporation filing a consolidated tax return shall 19836
make any adjustment otherwise required under division (B) of 19837
section 718.81 of the Revised Code to the extent that the item of 19838
income or deduction otherwise subject to the adjustment has been 19839
eliminated or consolidated in the computation of consolidated 19840
federal taxable income. 19841

(3) If the net profit or loss of a pass-through entity having 19842
at least eighty per cent of the value of its ownership interest 19843
owned or controlled, directly or indirectly, by an affiliated 19844
group of corporations is included in that affiliated group's 19845

consolidated federal taxable income for a taxable year, the 19846
corporation filing a consolidated tax return shall do one of the 19847
following with respect to that pass-through entity's net profit or 19848
loss for that taxable year: 19849

(a) Exclude the pass-through entity's net profit or loss from 19850
the consolidated federal taxable income of the affiliated group 19851
and, for the purpose of making the computations required in 19852
section 718.82 of the Revised Code, exclude the property, payroll, 19853
and gross receipts of the pass-through entity in the computation 19854
of the affiliated group's net profit sitused to a municipal 19855
corporation. If the entity's net profit or loss is so excluded, 19856
the entity shall be subject to taxation as a separate taxpayer on 19857
the basis of the entity's net profits that would otherwise be 19858
included in the consolidated federal taxable income of the 19859
affiliated group. 19860

(b) Include the pass-through entity's net profit or loss in 19861
the consolidated federal taxable income of the affiliated group 19862
and, for the purpose of making the computations required in 19863
section 718.82 of the Revised Code, include the property, payroll, 19864
and gross receipts of the pass-through entity in the computation 19865
of the affiliated group's net profit sitused to a municipal 19866
corporation. If the entity's net profit or loss is so included, 19867
the entity shall not be subject to taxation as a separate taxpayer 19868
on the basis of the entity's net profits that are included in the 19869
consolidated federal taxable income of the affiliated group. 19870

(4) If the net profit or loss of a pass-through entity having 19871
less than eighty per cent of the value of its ownership interest 19872
owned or controlled, directly or indirectly, by an affiliated 19873
group of corporations is included in that affiliated group's 19874
consolidated federal taxable income for a taxable year, all of the 19875
following shall apply: 19876

(a) The corporation filing the consolidated tax return shall 19877

exclude the pass-through entity's net profit or loss from the 19878
consolidated federal taxable income of the affiliated group and, 19879
for the purposes of making the computations required in section 19880
718.82 of the Revised Code, exclude the property, payroll, and 19881
gross receipts of the pass-through entity in the computation of 19882
the affiliated group's net profit situated to a municipal 19883
corporation; 19884

(b) The pass-through entity shall be subject to municipal 19885
income taxation as a separate taxpayer in accordance with sections 19886
718.80 to 718.95 of the Revised Code on the basis of the entity's 19887
net profits that would otherwise be included in the consolidated 19888
federal taxable income of the affiliated group. 19889

(F) Corporations filing a consolidated tax return shall make 19890
the computations required under section 718.82 of the Revised Code 19891
by substituting "consolidated federal taxable income attributable 19892
to" for "net profit from" wherever "net profit from" appears in 19893
that section and by substituting "affiliated group of 19894
corporations" for "taxpayer" wherever "taxpayer" appears in that 19895
section. 19896

(G) Each corporation filing a consolidated tax return is 19897
jointly and severally liable for any tax, interest, penalties, 19898
finances, charges, or other amounts applicable under section 718.80 19899
to 718.95 or Chapter 5703. of the Revised Code to the corporation, 19900
an affiliated group of which the corporation is a member for any 19901
portion of the taxable year, or any one or more members of such an 19902
affiliated group. 19903

Sec. 718.87. If a taxpayer that has made the election allowed 19904
under section 718.80 of the Revised Code fails to pay any tax as 19905
required under sections 718.80 to 718.95 of the Revised Code, or 19906
any portion of that tax, on or before the date prescribed for its 19907
payment, interest shall be assessed, collected, and paid, in the 19908

same manner as the tax, upon such unpaid amount at the rate per 19909
annum prescribed by section 5703.47 of the Revised Code from the 19910
date prescribed for its payment until it is paid or until the date 19911
an assessment is issued under section 718.90 of the Revised Code, 19912
whichever occurs first. 19913

Sec. 718.88. (A) As used in this section: 19914

(1) "Combined tax liability" means the total amount of a 19915
taxpayer's income tax liabilities to all municipal corporations in 19916
this state for a taxable year. 19917

(2) "Estimated taxes" means the amount that the taxpayer 19918
reasonably estimates to be the taxpayer's combined tax liability 19919
for the current taxable year. 19920

(B)(1) Except as provided in division (B)(4) of this section, 19921
every taxpayer shall make a declaration of estimated taxes for the 19922
current taxable year, on the form prescribed by the tax 19923
commissioner, if the amount payable as estimated taxes is at least 19924
two hundred dollars. 19925

(2) Except as provided in division (B)(4) of this section, a 19926
taxpayer having a taxable year of less than twelve months shall 19927
make a declaration under rules prescribed by the commissioner. 19928

(3) The declaration of estimated taxes shall be filed on or 19929
before the fifteenth day of the fourth month after the beginning 19930
of the taxable year or on or before the fifteenth day of the 19931
fourth month after the taxpayer becomes subject to tax for the 19932
first time. 19933

(4) The tax commissioner may waive the requirement for filing 19934
a declaration of estimated taxes for any class of taxpayers after 19935
finding that the waiver is reasonable and proper in view of 19936
administrative costs and other factors. 19937

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state. 19938
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(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows: 19943
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(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year; 19946
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(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year; 19949
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(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year; 19952
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(d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year. 19955
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(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes. 19958
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(3)(a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year. 19964
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(b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of section 718.85 of the Revised Code. 19968
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(D)(1) In the case of any underpayment of estimated taxes, there shall be added to the taxes an amount determined at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows: 19973
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(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment; 19980
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(b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment; 19984
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(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment; 19987
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(d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment. 19991
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(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the 19994
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payment of estimated taxes exceeds the amount of the payment 19999
presently due. 20000

(3) All amounts collected under this section shall be 20001
considered as taxes collected under sections 718.80 to 718.95 of 20002
the Revised Code and shall be credited and distributed to 20003
municipal corporations in accordance with section 718.83 of the 20004
Revised Code. 20005

(E) An underpayment of any portion of a combined tax 20006
liability shall be due to reasonable cause and the penalty imposed 20007
by this section shall not be added to the taxes for the taxable 20008
year if any of the following apply: 20009

(1) The amount of estimated taxes that were paid equals at 20010
least ninety per cent of the combined tax liability for the 20011
current taxable year, determined by annualizing the income 20012
received during the year up to the end of the month immediately 20013
preceding the month in which the payment is due. 20014

(2) The amount of estimated taxes that were paid equals at 20015
least one hundred per cent of the tax liability shown on the 20016
return of the taxpayer for the preceding taxable year, provided 20017
that the immediately preceding taxable year reflected a period of 20018
twelve months and the taxpayer filed a municipal income tax return 20019
for that year. 20020

Sec. 718.89. (A) In addition to any other penalty imposed by 20021
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 20022
the following penalties shall apply: 20023

(1) If a taxpayer required to file a tax return under 20024
sections 718.80 to 718.95 of the Revised Code fails to make and 20025
file the return within the time prescribed, including any 20026
extensions of time granted by the tax commissioner, the 20027
commissioner may impose a penalty not exceeding twenty-five 20028

dollars per month or fraction of a month, for each month or 20029
fraction of a month elapsing between the due date, including 20030
extensions of the due date, and the date on which the return is 20031
filed. The aggregate penalty, per instance, under this division 20032
shall not exceed one hundred fifty dollars. 20033

(2) If a person required to file a tax return electronically 20034
under sections 718.80 to 718.95 of the Revised Code fails to do 20035
so, the commissioner may impose a penalty not to exceed the 20036
following: 20037

(a) For each of the first two failures, five per cent of the 20038
amount required to be reported on the return; 20039

(b) For the third and any subsequent failure, ten per cent of 20040
the amount required to be reported on the return. 20041

(3) If a taxpayer that has made the election allowed under 20042
section 718.80 of the Revised Code fails to timely pay an amount 20043
of tax required to be paid under this chapter, the commissioner 20044
may impose a penalty equal to fifteen per cent of the amount not 20045
timely paid. 20046

(4) If a taxpayer files what purports to be a tax return 20047
required by sections 718.80 to 718.95 of the Revised Code that 20048
does not contain information upon which the substantial 20049
correctness of the return may be judged or contains information 20050
that on its face indicates that the return is substantially 20051
incorrect, and the filing of the return in that manner is due to a 20052
position that is frivolous or a desire that is apparent from the 20053
return to delay or impede the administration of sections 718.80 to 20054
718.95 of the Revised Code, a penalty of up to five hundred 20055
dollars may be imposed. 20056

(5) If a taxpayer makes a fraudulent attempt to evade the 20057
reporting or payment of the tax required to be shown on any return 20058
required under sections 718.80 to 718.95 of the Revised Code, a 20059

penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return. 20060
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(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section. 20063
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(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return. 20071
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(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties. 20075
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(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code. 20080
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Sec. 718.90. (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment 20086
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against the taxpayer for any deficiency for the period for which 20091
the return or tax is due, based upon any information in the 20092
commissioner's possession. 20093

The tax commissioner shall not make or issue an assessment 20094
against a taxpayer more than three years after the later of the 20095
date the return subject to assessment was required to be filed or 20096
the date the return was filed. Such time limit may be extended if 20097
both the taxpayer and the commissioner consent in writing to the 20098
extension. Any such extension shall extend the three-year time 20099
limit in section 718.91 of the Revised Code for the same period of 20100
time. There shall be no bar or limit to an assessment against a 20101
taxpayer that fails to file a return subject to assessment as 20102
required by sections 718.80 to 718.95 of the Revised Code, or that 20103
files a fraudulent return. The commissioner shall give the 20104
taxpayer assessed written notice of the assessment as provided in 20105
section 5703.37 of the Revised Code. With the notice, the 20106
commissioner shall provide instructions on how to petition for 20107
reassessment and request a hearing on the petition. 20108

(B) Unless the taxpayer assessed files with the tax 20109
commissioner within sixty days after service of the notice of 20110
assessment, either personally or by certified mail, a written 20111
petition for reassessment signed by the authorized agent of the 20112
taxpayer assessed having knowledge of the facts, the assessment 20113
becomes final, and the amount of the assessment is due and payable 20114
from the taxpayer to the treasurer of state. The petition shall 20115
indicate the taxpayer's objections, but additional objections may 20116
be raised in writing if received by the commissioner prior to the 20117
date shown on the final determination. If the petition has been 20118
properly filed, the commissioner shall proceed under section 20119
5703.60 of the Revised Code. 20120

(C) After an assessment becomes final, if any portion of the 20121

assessment remains unpaid, including accrued interest, a certified 20122
copy of the tax commissioner's entry making the assessment final 20123
may be filed in the office of the clerk of the court of common 20124
pleas in the county in which the taxpayer has an office or place 20125
of business in this state, the county in which the taxpayer's 20126
statutory agent is located, or Franklin county. 20127

Immediately upon the filing of the entry, the clerk shall 20128
enter a judgment against the taxpayer assessed in the amount shown 20129
on the entry. The judgment may be filed by the clerk in a 20130
loose-leaf book entitled "special judgments for municipal income 20131
taxes," and shall have the same effect as other judgments. 20132
Execution shall issue upon the judgment upon the request of the 20133
tax commissioner, and all laws applicable to sales on execution 20134
shall apply to sales made under the judgment. 20135

If the assessment is not paid in its entirety within sixty 20136
days after the day the assessment was issued, the portion of the 20137
assessment consisting of tax due shall bear interest at the rate 20138
per annum prescribed by section 5703.47 of the Revised Code from 20139
the day the commissioner issues the assessment until the 20140
assessment is paid or until it is certified to the attorney 20141
general for collection under section 131.02 of the Revised Code, 20142
whichever comes first. If the unpaid portion of the assessment is 20143
certified to the attorney general for collection, the entire 20144
unpaid portion of the assessment shall bear interest at the rate 20145
per annum prescribed by section 5703.47 of the Revised Code from 20146
the date of certification until the date it is paid in its 20147
entirety. Interest shall be paid in the same manner as the tax and 20148
may be collected by issuing an assessment under this section. 20149

(D) All money collected under this section shall be credited 20150
to the municipal income tax fund and distributed to the municipal 20151
corporation to which the money is owed based on the assessment 20152
issued under this section. 20153

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 718.91 of the Revised Code, with interest on that amount as provided by that

section. 20186

Sec. 718.91. (A) An application to refund to a taxpayer the 20187
amount of taxes paid on any illegal, erroneous, or excessive 20188
payment of tax under sections 718.80 to 718.95 of the Revised 20189
Code, including assessments, shall be filed with the tax 20190
commissioner within three years after the date of the illegal, 20191
erroneous, or excessive payment of the tax, or within any 20192
additional period allowed by division (A) of section 718.90 of the 20193
Revised Code. The application shall be filed in the form 20194
prescribed by the tax commissioner. 20195

(B)(1) On the filing of a refund application, the tax 20196
commissioner shall determine the amount of refund to which the 20197
applicant is entitled. The amount determined shall be based on the 20198
amount overpaid per return or assessment. If the amount is greater 20199
than ten dollars and not less than that claimed, the commissioner 20200
shall certify that amount to the director of budget and management 20201
and the treasurer of state for payment from the tax refund fund 20202
created in section 5703.052 of the Revised Code. If the amount is 20203
greater than ten dollars but less than that claimed, the 20204
commissioner shall proceed in accordance with section 5703.70 of 20205
the Revised Code. 20206

(2) Upon issuance of a refund under this section, the 20207
commissioner shall notify each municipal corporation of the amount 20208
refunded to the taxpayer attributable to that municipal 20209
corporation, which shall be deducted from the municipal 20210
corporation's next distribution under section 718.83 of the 20211
Revised Code. 20212

(C) Any portion of a refund determined under division (B) of 20213
this section that is not issued within ninety days after such 20214
determination shall bear interest at the rate per annum prescribed 20215
by section 5703.47 of the Revised Code from the ninety-first day 20216

after such determination until the day the refund is paid or 20217
credited. On an illegal or erroneous assessment, interest shall be 20218
paid at that rate from the date of payment on the illegal or 20219
erroneous assessment until the day the refund is paid or credited. 20220

Sec. 718.92. (A) If any of the facts, figures, computations, 20221
or attachments required in an annual return filed by a taxpayer 20222
that has made the election allowed under section 718.80 of the 20223
Revised Code and used to determine the tax due under sections 20224
718.80 to 718.95 of the Revised Code must be altered as the result 20225
of an adjustment to the taxpayer's federal income tax return, 20226
whether initiated by the taxpayer or the internal revenue service, 20227
and such alteration affects the taxpayer's tax liability under 20228
those sections, the taxpayer shall file an amended return with the 20229
tax commissioner in such form as the commissioner requires. The 20230
amended return shall be filed not later than sixty days after the 20231
adjustment is agreed upon or finally determined for federal income 20232
tax purposes or after any federal income tax deficiency or refund, 20233
or the abatement or credit resulting therefrom, has been assessed 20234
or paid, whichever occurs first. If a taxpayer intends to file an 20235
amended consolidated municipal income tax return, or to amend its 20236
type of return from a separate return to a consolidated return, 20237
based on the taxpayer's consolidated federal income tax return, 20238
the taxpayer shall notify the commissioner before filing the 20239
amended return. 20240

(B) In the case of an underpayment, the amended return shall 20241
be accompanied by payment of any combined additional tax due 20242
together with any penalty and interest thereon. An amended return 20243
required by this section is a return subject to assessment under 20244
section 718.90 of the Revised Code for the purpose of assessing 20245
any additional tax due under this section, together with any 20246
applicable penalty and interest. The amended return shall not 20247
reopen those facts, figures, computations, or attachments from a 20248

previously filed return no longer subject to assessment that are 20249
not affected, either directly or indirectly, by the adjustment to 20250
the taxpayer's federal tax return. 20251

(C) In the case of an overpayment, an application for refund 20252
may be filed under this division within the sixty-day period 20253
prescribed for filing the amended return, even if that period 20254
extends beyond the period prescribed in section 718.91 of the 20255
Revised Code, if the application otherwise conforms to the 20256
requirements of that section. An application filed under this 20257
division shall claim refund of overpayments resulting from 20258
alterations to only those facts, figures, computations, or 20259
attachments required in the taxpayer's annual return that are 20260
affected, either directly or indirectly, by the adjustment to the 20261
taxpayer's federal income tax return unless it is also filed 20262
within the time prescribed in section 718.91 of the Revised Code. 20263
The application shall not reopen those facts, figures, 20264
computations, or attachments that are not affected, either 20265
directly or indirectly, by the adjustment to the taxpayer's 20266
federal income tax return. 20267

Sec. 718.93. (A) The tax commissioner, or any authorized 20268
agent or employee thereof, may examine the books, papers, records, 20269
and federal and state income tax returns of any taxpayer or other 20270
person that is subject to sections 718.80 to 718.95 of the Revised 20271
Code for the purpose of verifying the accuracy of any return made 20272
or, if no return was filed, to ascertain the tax due as required 20273
under those sections. Upon written request by the commissioner or 20274
a duly authorized agent or employee thereof, every taxpayer or 20275
other person subject to this section is required to furnish the 20276
opportunity for the commissioner, authorized agent, or employee to 20277
investigate and examine such books, papers, records, and federal 20278
and state income tax returns at a reasonable time and place 20279
designated in the request. 20280

(B) The records and other documents of any taxpayer or other person that is subject to sections 718.80 to 718.95 of the Revised Code shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply.

Sec. 718.94. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 of the Revised Code, shall be available to a taxpayer that has made the election allowed under section 718.80 of the Revised

Code, against the municipal corporation's tax on income. A 20312
municipal corporation shall submit the following information to 20313
the tax commissioner on or before the later of January 31, 2018, 20314
or the thirty-first day of January of the first year in which the 20315
taxpayer is eligible to receive the credit: 20316

(1) A copy of the agreement entered into by the municipal 20317
corporation and taxpayer under section 718.15 or 718.151 of the 20318
Revised Code; 20319

(2) A copy of the municipal ordinance or resolution 20320
authorizing the agreement entered into between the municipal 20321
corporation and the taxpayer. 20322

(B)(1) Each taxpayer that claims a credit shall submit, with 20323
the taxpayer's tax return, documentation issued by the municipal 20324
corporation granting the credit that confirms the eligibility of 20325
the taxpayer for the credit, the amount of the credit for which 20326
the taxpayer is eligible, and the tax year to which the credit is 20327
to be applied. 20328

(2) Such documentation shall be provided in the form 20329
prescribed by the tax commissioner. 20330

(3) Nothing in this section shall be construed to authorize 20331
the tax commissioner to enter into an agreement with a taxpayer to 20332
grant a credit, to determine if a taxpayer meets the conditions of 20333
a tax credit agreement entered into by a municipal corporation and 20334
taxpayer under section 718.15 or 718.151 of the Revised Code, or 20335
to modify the terms or conditions of any such existing agreement. 20336

Sec. 718.95. (A) Except as provided in division (B) of this 20337
section, whoever recklessly violates division (A) of section 20338
718.84 of the Revised Code shall be guilty of a misdemeanor of the 20339
first degree and shall be subject to a fine of not more than one 20340
thousand dollars or imprisonment for a term of up to six months, 20341

or both. 20342

(B) Any person who recklessly discloses information received 20343
from the internal revenue service in violation of division (A) of 20344
section 718.84 of the Revised Code shall be guilty of a felony of 20345
the fifth degree and shall be subject to a fine of not more than 20346
five thousand dollars plus the costs of prosecution, or 20347
imprisonment for a term not exceeding five years, or both. 20348

(C) Each instance of access or disclosure in violation of 20349
division (A) of section 718.84 of the Revised Code constitutes a 20350
separate offense. 20351

Sec. 725.01. As used in sections 725.01 to 725.11 of the 20352
Revised Code: 20353

(A) "Slum area" means an area within a municipal corporation, 20354
in which area there is a predominance of buildings or 20355
improvements, whether residential or nonresidential, which by 20356
reason of dilapidation, deterioration, age or obsolescence, 20357
inadequate provision for ventilation, light, air, sanitation, or 20358
open spaces, high density of population and overcrowding, or the 20359
existence of conditions which endanger life or property, by fire 20360
and other causes, or any combination of such factors, is conducive 20361
to ill health, transmission of disease, infant mortality, juvenile 20362
delinquency, or crime, and is detrimental to public health, 20363
safety, morals, or welfare. 20364

(B) "Blighted area" means an area within a municipal 20365
corporation, ~~which area~~ that substantially impairs or arrests the 20366
sound growth of a municipal corporation, retards the provision of 20367
housing accommodations, or constitutes an economic or social 20368
liability and is a menace to the public health, safety, morals, or 20369
welfare in its present condition and use by reason of the presence 20370
of a substantial number of slums, deteriorated or deteriorating 20371

structures, predominance of defective or inadequate street layout, 20372
faulty lot layout in relation to size, adequacy, accessibility, or 20373
usefulness, unsanitary or unsafe conditions, contamination by 20374
hazardous substances or petroleum, deterioration of site or other 20375
improvements, diversity of ownership, tax or special assessment 20376
delinquency exceeding the fair value of the land, defective or 20377
unusual conditions to title, or the existence of conditions which 20378
endanger life or property by fire and other causes, or any 20379
combination of such factors, ~~substantially impairs or arrests the~~ 20380
~~sound growth of a municipal corporation, retards the provision of~~ 20381
~~housing accommodations, or constitutes an economic or social~~ 20382
~~liability and is a menace to the public health, safety, morals, or~~ 20383
~~welfare in its present condition and use.~~ 20384

(C)(1) "Development agreement" means an agreement that 20385
includes as a minimum all of the following agreements between a 20386
municipal corporation as obligee and the following parties as 20387
obligors: 20388

(a) An agreement to construct or rehabilitate the structures 20389
and facilities described in the development agreement on real 20390
property described in the agreement situated in an urban renewal 20391
area, the obligor of such agreement to be a party determined by 20392
the legislative authority of the municipal corporation to have the 20393
ability to perform or cause the performance of the agreement; 20394

(b) The agreement required by section 725.04 of the Revised 20395
Code, the obligor of the agreement to be the owner or owners of 20396
the improvements to be constructed or rehabilitated; 20397

(c) An agreement of the owner or owners of the fee simple of 20398
the real property to which the development agreement pertains, as 20399
obligor, that the owner or owners and their successors and assigns 20400
shall use, develop, and redevelop the real property in accordance 20401
with, and for the period of, the urban renewal plan and shall so 20402
bind their successors and assigns by appropriate agreements and 20403

covenants running with the land enforceable by the municipal corporation. 20404
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(2) A municipal corporation on behalf of the holders of urban renewal bonds may be the obligor of any of the agreements described in division (C)(1) of this section. 20406
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(D) "Revenues" means all rentals received under leases made by the municipal corporation in any part or all of one or more urban renewal areas; all proceeds of the sale or other disposition of property of the municipal corporation in any part or all of one or more urban renewal areas; all revenue available to the municipal corporation pursuant to a development agreement described in division (C)(1) of this section; and all urban renewal service payments collected from any part or all of one or more urban renewal areas. 20409
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(E) "Urban renewal area" means a slum area or a blighted area or a combination thereof which the legislative authority of the municipal corporation designates as appropriate for an urban renewal project. 20418
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(F) "Urban renewal bonds" means, unless the context indicates a different meaning, definitive bonds, interim receipts, temporary bonds, and urban renewal refunding bonds issued pursuant to sections 725.01 to 725.11 of the Revised Code, and bonds issued pursuant to Article XVIII, Section 3, Ohio Constitution, for the uses specified in section 725.07 of the Revised Code. 20422
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20424
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(G) "Urban renewal refunding bonds" means the refunding bonds authorized by section 725.07 of the Revised Code. 20428
20429

(H) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan shall ~~conform to~~ do both of the following: 20430
20431
20432

(1) Conform to the general plan for the municipal corporation, if any, ~~and shall be;~~ 20433
20434

(2) Be sufficiently complete to indicate such land 20435
acquisition, demolition, and removal of structures, redevelopment, 20436
improvements, cleanup or remediation of hazardous substances or 20437
petroleum, and rehabilitation as may be proposed to be carried out 20438
in the urban renewal area, zoning, and planning changes, if any, 20439
land uses, maximum densities, and building requirements. 20440

(I) "Urban renewal project" may include undertakings and 20441
activities of a municipal corporation in an urban renewal area for 20442
the elimination and for the prevention of the development or 20443
spread of slums and blight, ~~and~~. "Urban renewal project" may 20444
involve slum clearance and redevelopment in an urban renewal area, 20445
or rehabilitation or conservation in an urban renewal area, or any 20446
combination or part thereof, in accordance with an urban renewal 20447
plan, and such aforesaid undertakings and activities may include 20448
~~acquisition~~ any of the following: 20449

(1) Acquisition of a slum area or a blighted area, or portion 20450
thereof, demolition and removal of buildings and improvements; 20451
~~installation~~ 20452

(2) Installation, construction, or reconstruction of streets, 20453
utilities, parks, playgrounds, public buildings and facilities, 20454
and other improvements necessary for carrying out in the urban 20455
renewal area the urban renewal objectives in accordance with the 20456
urban renewal plan, disposition of any property acquired in the 20457
urban renewal area, including sale, leasing, or retention by the 20458
municipal corporation itself, at its fair value for uses in 20459
accordance with the urban renewal plan; ~~carrying~~ 20460

(3) Carrying out plans for a program of voluntary or 20461
compulsory repair and rehabilitation of buildings or other 20462
improvements in accordance with the urban renewal plan; ~~the~~ 20463

(4) The cleanup or remediation of hazardous substances or 20464
petroleum in fulfillment of revitalization purposes provided for 20465

in Article VIII, section 2q, Ohio Constitution; 20466

(5) The acquisition, construction, enlargement, improvement, 20467
or equipment of property, structures, equipment, or facilities for 20468
industry, commerce, distribution, or research from the proceeds of 20469
urban renewal bonds issued pursuant to division (C) of section 20470
725.05 of the Revised Code; and ~~acquisition~~ 20471

(6) Acquisition of any other real property in the urban 20472
renewal area where necessary to eliminate unhealthful, unsanitary, 20473
or unsafe conditions, lessen density, eliminate obsolete, or other 20474
uses detrimental to the public welfare, or otherwise to remove or 20475
prevent the spread of blight or deterioration, or to provide land 20476
for needed public facilities. 20477

(J) "Urban renewal debt retirement fund" means a fund, 20478
created pursuant to section 725.03 of the Revised Code by the 20479
legislative authority of a municipal corporation when authorizing 20480
a single issue or a series of urban renewal bonds, to be used for 20481
payment of the principal of and interest and redemption premium on 20482
such urban renewal bonds, trustee's fees, and costs and expenses 20483
of providing credit facilities, put arrangements, and interest 20484
rate hedges, and for fees and expenses of agents, and other fees, 20485
costs, and expenses, in connection with arrangements under 20486
sections 9.98 to 9.983 of the Revised Code; or when authorizing 20487
the repayment of loans from the state issued pursuant to Chapter 20488
164. of the Revised Code and used for urban renewal projects, to 20489
be used to repay the principal and interest on such loans. When so 20490
authorized by the legislative authority of a municipal 20491
corporation, such a fund may be used for both purposes permitted 20492
under this division. 20493

(K) "Urban renewal service payments" means the urban renewal 20494
service payments, in lieu of taxes, provided for in section 725.04 20495
of the Revised Code. 20496

(L) "Improvements" means the structures and facilities
constructed or rehabilitated pursuant to a development agreement.

(M) "Exemption period" means that period during which all or
a portion of the assessed valuation of the improvements has been
exempted from real property taxation pursuant to section 725.02 of
the Revised Code.

(N) "Cleanup or remediation" has the same meaning as in
section 122.65 of the Revised Code.

(O) "Hazardous substances" and "petroleum" have the same
meanings as in section 3746.01 of the Revised Code.

Sec. 725.04. A development agreement shall contain an
agreement binding on the owner or owners of the improvements, and
all subsequent owners of the improvements, to make semiannual
urban renewal service payments, in lieu of taxes upon the
improvements during the exemption period, equal annually in the
aggregate to the amount of real property taxes that would have
been paid on the portion of the assessed valuation of the
improvements declared to be a public purpose had an exemption
period not been specified by the municipal corporation. A
development agreement may contain an obligation binding on the
owner or owners of the improvements, and all subsequent owners of
the improvements, to make a semiannual urban renewal service
payment in an amount that is higher than the amount of real
property taxes that would have been paid on the assessed valuation
of the improvements had an exemption period not been specified by
the municipal corporation. All semiannual urban renewal service
payments shall be collected at the same time that real property
taxes are collected. The entire amount of these urban renewal
service payments, when collected, shall be deposited in an urban
renewal debt retirement fund established pursuant to section
725.03 of the Revised Code.

If the municipal corporation owns the improvements, it may 20528
require the lessee of the improvements to make the semiannual 20529
urban renewal service payments required under this section. 20530

The legislative authority of the municipal corporation may 20531
secure the urban renewal service payments by a lien on the 20532
improvements. Such a lien shall attach, and may be perfected, 20533
collected, and enforced, in the same manner as a mortgage lien on 20534
real property, and shall otherwise have the same force and effect 20535
as a mortgage lien on real property. 20536

Sec. 733.44. (A) The treasurer of a municipal corporation 20537
shall demand and receive, from the county treasurer, taxes levied 20538
and assessments made and certified to the county auditor by the 20539
legislative authority of such municipal corporation and placed on 20540
the tax list by such auditor for collection, moneys, from persons 20541
authorized to collect or required to pay them, accruing to the 20542
municipal corporation from any judgments, fines, penalties, 20543
forfeitures, licenses, costs taxed in mayor's court, and debts due 20544
the municipal corporation. Such funds shall be disbursed by the 20545
treasurer and county auditor on the order of any person authorized 20546
by law or ordinance to issue orders therefor. 20547

(B) The treasurer of a village that does not have a charter 20548
form of government shall not disburse any funds except upon an 20549
order signed by at least one member of the village's legislative 20550
authority or the village clerk and countersigned by the treasurer. 20551
The clerk-treasurer or fiscal officer of a village that does not 20552
have a charter form of government shall not disburse any funds 20553
except upon an order signed by at least one member of the 20554
village's legislative authority and countersigned by the 20555
clerk-treasurer or village fiscal officer. 20556

Sec. 733.46. (A) The treasurer of a municipal corporation 20557

shall receive and disburse all funds of the municipal corporation 20558
and such other funds as arise in or belong to any department or 20559
part of the municipal corporation, except as provided in division 20560
(B) of this section. 20561

(B) The treasurer of a village that does not have a charter 20562
form of government shall not disburse any funds except upon an 20563
order signed by at least one member of the village's legislative 20564
authority or the village clerk and countersigned by the treasurer. 20565
The clerk-treasurer or fiscal officer of a village that does not 20566
have a charter form of government shall not disburse any funds 20567
except upon an order signed by at least one member of the 20568
village's legislative authority and countersigned by the 20569
clerk-treasurer or village fiscal officer. 20570

Sec. 733.78. (A) As used in this section, "fiscal officer" 20571
means a village fiscal officer, a village clerk-treasurer, a 20572
village clerk, a city auditor, a city treasurer or, in the case of 20573
a municipal corporation having a charter that designates an 20574
officer who, by virtue of the charter, has duties and functions 20575
similar to those of the city or village officers referred to in 20576
this section, the officer so designated by the charter. 20577

(B)(1) If a fiscal officer purposely, knowingly, or 20578
recklessly fails to perform a fiscal duty expressly imposed by law 20579
with respect to the fiscal duties of the office of fiscal officer 20580
or purposely, knowingly, or recklessly commits any act expressly 20581
prohibited by law with respect to the fiscal duties of the office 20582
of fiscal officer, a member of the legislative authority of the 20583
municipal corporation may submit a sworn affidavit alleging the 20584
violation, together with evidence supporting the allegations, to 20585
the auditor of state. The sworn affidavit and evidence shall be 20586
submitted in the format prescribed by rule of the auditor of state 20587
under section 117.45 of the Revised Code. A person who makes a 20588

false statement in a sworn affidavit, for purposes of this 20589
section, is guilty of falsification under section 2921.13 of the 20590
Revised Code. 20591

(2) The auditor of state shall review the sworn affidavit and 20592
the evidence. Within ~~ten business~~ thirty calendar days after 20593
receiving the sworn affidavit and evidence, unless, for good 20594
cause, additional time is required, the auditor of state shall 20595
determine whether clear and convincing evidence supports the 20596
allegations. If the auditor of state finds that no allegation is 20597
supported by clear and convincing evidence, the auditor of state 20598
shall submit those findings in writing to the fiscal officer and 20599
the person who initiated the sworn affidavit. If the auditor of 20600
state finds by clear and convincing evidence that an allegation is 20601
supported by the evidence, the auditor of state shall submit those 20602
findings in writing to the attorney general, the fiscal officer, 20603
and the person who initiated the sworn affidavit. The findings 20604
shall include a copy of the sworn affidavit and the evidence 20605
submitted under division (B)(1) of this section. 20606

(3)(a) The attorney general shall review the auditor of 20607
state's findings and the sworn affidavit and evidence. Within ten 20608
business days after receiving them, unless, for good cause, 20609
additional time is required, the attorney general shall determine 20610
whether clear and convincing evidence supports the allegations. If 20611
the attorney general finds that no allegation is supported by 20612
clear and convincing evidence, the attorney general, by certified 20613
mail, shall notify the auditor of state, the fiscal officer, and 20614
the person who initiated the sworn affidavit that no complaint for 20615
the removal of the fiscal officer from public office will be 20616
filed. 20617

(b) If the attorney general finds by clear and convincing 20618
evidence that an allegation is supported by the evidence, the 20619
attorney general, by certified mail, shall notify the auditor of 20620

state, the fiscal officer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the fiscal officer from public office under division (C) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(C)(1)(a) The attorney general has a cause of action for removal of a fiscal officer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of fiscal officer. Not later than forty-five days after sending a notice under division (B)(3)(b) of this section, the attorney general shall cause an action to be commenced against the fiscal officer by filing a complaint for the removal of the fiscal officer from public office. If any money is due, the attorney general shall join the sureties on the fiscal officer's bond as parties. The court of common pleas of the county in which the fiscal officer holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the fiscal officer purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly committed any act expressly prohibited by

law with respect to the fiscal duties of that office, the court 20653
shall issue an order removing the fiscal officer from office and 20654
any order necessary for the preservation or restitution of public 20655
funds. 20656

(2) Except as otherwise provided in this division, an action 20657
for removal from office under this section is stayed during the 20658
pendency of any criminal action concerning a violation of an 20659
existing or former municipal ordinance or law of this or any other 20660
state or the United States that is substantially equivalent to any 20661
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 20662
conduct in office, if the person charged in the criminal action 20663
committed the violation while serving as a fiscal officer and the 20664
conduct constituting the violation was related to the duties of 20665
the office of fiscal officer or to the person's actions as the 20666
fiscal officer. The stay may be lifted upon motion of the 20667
prosecuting attorney in the related criminal action. 20668

(3) Prior to or at the hearing, upon a showing of good cause, 20669
the court may issue an order restraining the fiscal officer from 20670
entering the fiscal officer's office and from conducting the 20671
affairs of the office pending the hearing on the complaint. If 20672
such an order is issued, the court may continue the order until 20673
the conclusion of the hearing and any appeals under this section. 20674

(4) The legislative authority of the municipal corporation 20675
shall be responsible for the payment of reasonable attorney's fees 20676
for counsel for the fiscal officer. If judgment is entered against 20677
the fiscal officer, the court shall order the fiscal officer to 20678
reimburse the legislative authority for attorney's fees and costs 20679
up to a reasonable amount, as determined by the court. 20680

(D) The judgment of the court is final and conclusive unless 20681
reversed, vacated, or modified on appeal. An appeal may be taken 20682
by any party, and shall proceed as in the case of appeals in civil 20683
actions and in accordance with the Rules of Appellate Procedure. 20684

Upon the filing of a notice of appeal by any party to the 20685
proceedings, the court of appeals shall hear the case as an 20686
expedited appeal under Rule 11.2 of the Rules of Appellate 20687
Procedure. The fiscal officer has the right of review or appeal to 20688
the supreme court. 20689

(E) If a final judgment for removal from public office is 20690
entered against the fiscal officer, the office shall be deemed 20691
vacated, and the vacancy shall be filled as provided in section 20692
733.31 of the Revised Code. Except as otherwise provided by law, 20693
an individual removed from public office under this section is not 20694
entitled to hold any public office for four years following the 20695
date of the final judgment, and is not entitled to hold any public 20696
office until any repayment or restitution required by the court is 20697
satisfied. 20698

(F) If a municipal corporation's charter establishes a 20699
procedure for the removal of officers from office that conflicts 20700
with the removal procedure established by this section, the 20701
procedure for the removal of officers in the charter prevails. 20702

(G) For the purposes of this section: 20703

(1) A person acts purposely when it is the person's specific 20704
intention to cause a certain result, or, when the gist of the 20705
offense is a prohibition against conduct of a certain nature, 20706
regardless of what the person intends to accomplish thereby, it is 20707
the person's specific intention to engage in conduct of that 20708
nature. 20709

(2) A person acts knowingly, regardless of the person's 20710
purpose, when the person is aware that the person's conduct will 20711
probably cause a certain result or will probably be of a certain 20712
nature. A person has knowledge of circumstances when the person is 20713
aware that such circumstances probably exist. 20714

(3) A person acts recklessly when, with heedless indifference 20715

to the consequences, the person perversely disregards a known risk 20716
that the person's conduct is likely to cause a certain result or 20717
is likely to be of a certain nature. A person is reckless with 20718
respect to circumstances when, with heedless indifference to the 20719
consequences, the person perversely disregards a known risk that 20720
such circumstances are likely to exist. 20721

(H) The proceedings provided for in this section may be used 20722
as an alternative to the removal proceedings prescribed under 20723
sections 3.07 to 3.10 of the Revised Code or other methods of 20724
removal authorized by law. 20725

Sec. 733.81. (A) As used in this section, "fiscal officer" 20726
means the city auditor, city treasurer, village fiscal officer, 20727
village clerk-treasurer, village clerk, and, in the case of a 20728
municipal corporation having a charter that designates an officer 20729
who, by virtue of the charter, has duties and functions similar to 20730
those of the city or village officers referred to in this section, 20731
the officer so designated by the charter. 20732

(B) To enhance the background and working knowledge of fiscal 20733
officers in government accounting, budgeting and financing, 20734
financial report preparation, cybersecurity, and the rules adopted 20735
by the auditor of state, the auditor of state shall conduct 20736
education programs and continuing education courses for 20737
individuals elected or appointed for the first time to the office 20738
of fiscal officer, and shall conduct continuing education courses 20739
for individuals who continue to hold the office in a subsequent 20740
term. The Ohio municipal league also may conduct such initial 20741
education programs and continuing education courses if approved by 20742
the auditor of state. The auditor of state, in conjunction with 20743
the Ohio municipal league, shall determine the manner and content 20744
of the initial education programs and continuing education 20745
courses. 20746

(C) A newly elected or appointed fiscal officer shall 20747
complete at least six hours of initial education programs before 20748
commencing, or during the first year of, office. A fiscal officer 20749
who participates in a training program held under section 117.44 20750
of the Revised Code may apply those hours taken before commencing 20751
office to the six hours of initial education programs required 20752
under this division. 20753

(D)(1) In addition to the six hours of initial education 20754
required under division (B) of this section, a newly elected 20755
fiscal officer shall complete at least a total of eighteen 20756
continuing education hours during the fiscal officer's first term 20757
of office. 20758

(2) A fiscal officer who is elected to a subsequent term of 20759
office shall complete twelve hours of continuing education courses 20760
in each subsequent term of office. 20761

(3) The auditor of state shall adopt rules specifying the 20762
initial education programs and continuing education courses that 20763
are required for a fiscal officer who has been appointed to fill a 20764
vacancy. The requirements shall be proportionally equivalent, 20765
based on the time remaining in the vacated office, to the 20766
requirements for a newly elected fiscal officer. 20767

(4) At least two hours of ethics instruction shall be 20768
included in the continuing education hours required by divisions 20769
(D)(1) and (2) of this section. 20770

(5) A fiscal officer who participates in a training program 20771
or seminar established under section 109.43 of the Revised Code 20772
may apply the three hours of training to the continuing education 20773
hours required by divisions (D)(1) and (2) of this section. 20774

(E)(1) A certified public accountant who serves as a fiscal 20775
officer may apply to the continuing education hours required by 20776
division (D) of this section any hours of continuing education 20777

completed under section 4701.11 of the Revised Code after being 20778
elected or appointed as a fiscal officer. 20779

(2) A fiscal officer may apply to the continuing education 20780
hours required by division (D) of this section any hours of 20781
continuing education completed under section 135.22 of the Revised 20782
Code after being elected or appointed as a fiscal officer. 20783

(3) A fiscal officer who teaches an approved continuing 20784
education course under division (D) of this section is entitled to 20785
credit for the course in the same manner as if the fiscal officer 20786
had attended the course. 20787

(F) The auditor of state shall adopt rules for verifying the 20788
completion of initial education programs and continuing education 20789
courses required under this section for each category of fiscal 20790
officer. The auditor of state shall issue a certificate of 20791
completion to each fiscal officer who completes the initial 20792
education programs and continuing education courses. The auditor 20793
of state shall issue a "failure to complete" notice to any fiscal 20794
officer who is required to complete initial education programs and 20795
continuing education courses under this section, but who fails to 20796
do so. The notice is for informational purposes only and does not 20797
affect any individual's ability to hold the office to which the 20798
individual was elected or appointed. 20799

(G) The legislative authority of a municipal corporation 20800
shall approve a reasonable amount requested by the fiscal officer 20801
to cover the costs the fiscal officer is required to incur to meet 20802
the requirements of this section, including registration fees, 20803
lodging and meal expenses, and travel expenses. 20804

Sec. 763.01. As used in this chapter: 20805

(A) "Private entity" means an entity other than a government 20806
entity. 20807

(B) "Workforce development activity" has the same meaning as 20808
in section 6301.01 of the Revised Code. 20809

~~(C) "Workforce Investment Act" means the "Workforce 20810
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 20811
amended. 20812~~

Sec. 763.07. To enhance the administration, delivery, and 20813
effectiveness of family services duties and workforce development 20814
activities, the chief elected official of a municipal corporation 20815
that ~~is a local area~~ for the purpose of Chapter 6301. of the 20816
Revised Code, ~~is the type of local area defined in division (A)(1)~~ 20817
~~of section 6301.01 of the Revised Code~~ may enter into a regional 20818
plan of cooperation with one or more boards of county 20819
commissioners pursuant to section 307.984 of the Revised Code. A 20820
regional plan of cooperation must specify how the private and 20821
government entities subject to the plan will coordinate and 20822
enhance the administration, delivery, and effectiveness of family 20823
services duties and workforce development activities. 20824

Sec. 901.04. (A) The department of agriculture may solicit or 20825
accept from any public or private source and shall deposit in the 20826
state treasury to the credit of the agro Ohio fund any grant, 20827
gift, devise, or bequest of money made to or for the use of the 20828
department in fulfilling its statutory duties or for promoting any 20829
part of the public welfare that is under the supervision and 20830
control of the department. The department may also accept and hold 20831
on behalf of this state any grant, gift, devise, or bequest of 20832
other property made to or for the use of the department or for 20833
promoting any part of the public welfare that is under the 20834
supervision and control of the department. The department may 20835
contract for and carry out the terms and conditions of any devise, 20836
grant, gift, or donation that may be so made. 20837

(B) There is hereby created in the state treasury the agro Ohio fund, to which shall be credited all sums received under division (A) of this section, divisions (A)(2) and (C) of section 2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 4503.504 of the Revised Code. ~~All money received under divisions (A)(2) and (C) of section 2105.09 of the Revised Code shall be used for the benefit of agriculture. All~~

(C) All money received under section 4503.504 of the Revised Code shall be used for the benefit of sustainable agriculture markets in the state as determined by the director of agriculture.

~~(C) The director may use all or any portion of the moneys in the agro Ohio fund to award grants for the purpose of promoting agriculture in this state. With respect to such grants that consist of moneys other than federal moneys, the director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:~~

~~(1) Specific purposes for which grants may be awarded;~~

~~(2) Procedures for soliciting grant applications, applying for grants, awarding grants, and otherwise administering grants;~~

~~(3) Eligibility criteria for receiving grants that must be satisfied by applicants for the grants;~~

~~(4) Any other procedures and requirements that are necessary to administer a grant program.~~

~~(D) Federal moneys deposited into~~ Federal money credited to the agro Ohio fund shall be used in accordance with any terms that federal law prescribes for their use. All other money credited to the fund shall be used for the purpose of promoting agriculture in the state as determined by the director.

Sec. 901.43. (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory

service for any person, organization, political subdivision, state 20868
agency, federal agency, or other entity, whether public or 20869
private. The director shall adopt and enforce rules to provide for 20870
the rendering of a laboratory service. 20871

(B) The director may charge a reasonable fee for the 20872
performance of a laboratory service, except when the service is 20873
performed on an official sample taken by the director acting 20874
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 20875
Revised Code; by a board of health acting as the licensor of 20876
retail food establishments or food service operations under 20877
Chapter 3717. of the Revised Code; or by the director of health 20878
acting as the licensor of food service operations under Chapter 20879
3717. of the Revised Code. The director of agriculture shall adopt 20880
rules specifying what constitutes an official sample. 20881

The director shall publish a list of laboratory services 20882
offered, together with the fee for each service. 20883

(C) The director may enter into a contract with any person, 20884
organization, political subdivision, state agency, federal agency, 20885
or other entity for the provision of a laboratory service. 20886

(D)(1) The director may adopt rules establishing standards 20887
for accreditation of laboratories and laboratory services and in 20888
doing so may adopt by reference existing or recognized standards 20889
or practices. 20890

(2) The director may inspect and accredit laboratories and 20891
laboratory services, and may charge a reasonable fee for the 20892
inspections and accreditation. 20893

(E)(1) There is hereby created in the state treasury the 20894
animal and consumer protection laboratory fund. Moneys from the 20895
following sources shall be deposited into the state treasury to 20896
the credit of the fund: all moneys collected by the director under 20897
this section that are from fees generated by a laboratory service 20898

performed by the department and related to the diseases of 20899
animals, all moneys so collected that are from fees generated for 20900
the inspection and accreditation of laboratories and laboratory 20901
services related to the diseases of animals, all moneys collected 20902
by the director under this section that are from fees generated by 20903
a laboratory service performed by the consumer protection 20904
laboratory, all moneys so collected that are from fees generated 20905
for the inspection and accreditation of laboratories and 20906
laboratory services not related to weights and measures, money 20907
received by the director under sections 947.01 to 947.06 of the 20908
Revised Code, and all moneys collected under Chapters 942., 943., 20909
and 953. of the Revised Code. The director may use the moneys held 20910
in the fund to pay the expenses necessary to operate the animal 20911
industry laboratory and the consumer protection laboratory, 20912
including the purchase of supplies and equipment. 20913

(2) All moneys collected by the director under this section 20914
that are from fees generated by a laboratory service performed by 20915
the weights and measures laboratory, and all moneys so collected 20916
that are from fees generated for the inspection and accreditation 20917
of laboratories and laboratory services related to weights and 20918
measures, shall be deposited in the state treasury to the credit 20919
of the weights and measures laboratory fund, which is hereby 20920
created in the state treasury. The moneys held in the fund may be 20921
used to pay the expenses necessary to operate the division of 20922
weights and measures, including the purchase of supplies and 20923
equipment. 20924

Sec. 909.10. (A) No person shall ship or move bee colonies or 20925
any used beekeeping equipment into this state from any other state 20926
or country without an inspection certificate issued by an 20927
authorized inspector from the state or country wherein shipment or 20928
movement originated. The certificate shall identify all pathogens 20929
and parasites diagnosed and any controls that were implemented. 20930

In the absence of inspection facilities in another state or 20931
country, the director of agriculture may issue a permit 20932
authorizing the shipment or movement of the bee colonies or used 20933
beekeeping equipment into this state, provided that upon entry the 20934
bees or equipment is inspected by the department of agriculture. 20935
The cost of the inspection shall be paid upon completion in an 20936
amount determined by rule of the director. The inspection fees 20937
shall be paid to the director and deposited by ~~him~~ the director 20938
with the treasurer of state to the credit of the ~~general revenue~~ 20939
plant pest program fund created in section 927.54 of the Revised 20940
Code. 20941

If any serious bee diseases are diagnosed, appropriate 20942
controls and eradication measures immediately shall be implemented 20943
by the person shipping or owning the bee colonies or used 20944
beekeeping equipment. If the person shipping or owning the bee 20945
colonies or equipment does not implement any controls or 20946
eradication measures within forty-eight hours from the inspection, 20947
the bee colonies or equipment shall be removed from this state at 20948
the cost of the person shipping or owning them. 20949

(B) Any person selling, shipping, or moving into this state 20950
any queen bees or packaged bees shall submit to the director an 20951
inspection report issued by an authorized inspector from the state 20952
or country wherein shipment or movement originated. One such 20953
report shall be submitted annually thirty days prior to the 20954
initial sale, shipment, or movement of queen bees or packaged bees 20955
of that year. The report shall identify any pathogens and 20956
parasites diagnosed and any controls that were implemented. If any 20957
serious bee diseases have not been controlled or if inspection 20958
reports are not provided as required under this section, such 20959
shipments shall be prohibited from entering this state. 20960

(C) The director may deny entry of the bee colonies or used 20961
equipment if ~~he~~ the director determines they are a threat to the 20962

bee population of this state. 20963

(D) No person shall ship or move into this state any 20964
Africanized honey bees. 20965

Sec. 911.11. The director of agriculture may require any 20966
person intending to work or working in a bakery to submit to a 20967
thorough examination for the purpose of ascertaining whether the 20968
person is afflicted with any contagious, infectious, or other 20969
disease or physical ailment, which may render employment 20970
detrimental to the public health. All such examinations shall be 20971
made by a qualified physician ~~certified~~ licensed under section 20972
4731.14 of the Revised Code, by a physician assistant, by a 20973
clinical nurse specialist, by a certified nurse practitioner, or 20974
by a certified nurse-midwife. Any written documentation of the 20975
examination shall be completed by the individual who did the 20976
examination. 20977

Sec. 924.01. As used in sections 924.01 to 924.16 and 924.40 20978
to 924.55 of the Revised Code: 20979

(A) "Agricultural commodity" means any food, fiber, feed, 20980
animal, or plant, or group of foods, fibers, feeds, animals, or 20981
plants that the director of agriculture determines to be of the 20982
same nature, in either a natural or a processed state. 20983
"Agricultural commodity" does not include grain as defined in 20984
section 924.20 of the Revised Code or soybeans. 20985

(B) "Distributor" means any person who sells, offers for 20986
sale, markets, or distributes an agricultural commodity that the 20987
person has purchased or acquired directly from a producer, or that 20988
the person markets on behalf of a producer. 20989

(C) "Handler" means any person who is in the business of 20990
packing, grading, selling, offering for sale, or marketing any 20991
agricultural commodity in commercial quantities as defined in a 20992

marketing program. 20993

(D) "Marketing program" means a program that is established 20994
by order of the director pursuant to this chapter, to improve or 20995
expand the market for an agricultural commodity. 20996

(E) "Operating committee" means a committee established to 20997
administer a marketing program for an agricultural commodity. 20998

(F) "Person" means any natural person, partnership, sole 20999
proprietorship, limited liability company, corporation, society, 21000
agricultural cooperative as defined in section 1729.01 of the 21001
Revised Code, association, or fiduciary. 21002

(G) "Processor" means any person who is in the business of 21003
grading, packaging, packing, canning, freezing, dehydrating, 21004
fermenting, distilling, extracting, preserving, grinding, 21005
crushing, juicing, or in any other way preserving or changing the 21006
form of any agricultural commodity. 21007

(H) "Producer" means any person who is in the business of 21008
producing, or causing to be produced, any agricultural commodity 21009
for commercial sale, except that when used in reference to nursery 21010
stock, "producer" also means a distributor, processor, handler, or 21011
retailer of nursery stock. 21012

Sec. 924.09. (A) Each operating committee may make 21013
assessments upon the marketable agricultural commodity for which 21014
the marketing program was established. 21015

(B) No operating committee shall levy any assessment: 21016

(1) That was not approved by the producers affected by the 21017
program; 21018

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or 21019
two per cent of the average market price of any other agricultural 21020
commodity during the preceding marketing year as defined for the 21021
commodity by the United States department of agriculture or, if 21022

there is no such definition, by the director of agriculture; 21023

(3) Against any producer who is not eligible to vote in a 21024
referendum for the marketing program that the operating committee 21025
administers. 21026

(C) The director may require a producer, processor, 21027
distributor, or handler of an agricultural commodity for which a 21028
marketing program has been established under sections 924.01 to 21029
924.16 of the Revised Code to withhold assessments from any 21030
amounts that the producer, processor, distributor, or handler owes 21031
to producers of the commodity and, notwithstanding division (B)(3) 21032
of this section, to remit them to the operating committee. Any 21033
processor, distributor, or handler who pays for any producer any 21034
assessment that is levied under authority of this section may 21035
deduct the amount of the assessment from any moneys that the 21036
processor, distributor, or handler owes to the producer. 21037

(D) No operating committee shall use any assessments that it 21038
levies for any political or legislative purpose, or for 21039
preferential treatment of one person to the detriment of any other 21040
person affected by the marketing program. 21041

(E) The operating committee of each marketing program shall 21042
refund to a producer the assessments that it collects from the 21043
producer not later than sixty days after receipt of a valid 21044
application by the producer for a refund, provided that the 21045
producer complies with the procedures for a refund that were 21046
included in the program under division (B)(3) of section 924.04 of 21047
the Revised Code. 21048

(F) Each application for a refund of assessments levied for a 21049
program established after April 10, 1985 shall be made on a form 21050
provided by the director of agriculture. Each operating committee 21051
for such a program shall ensure that refund forms are available 21052
where assessments for its program are withheld. 21053

A producer, processor, distributor, or handler marketing cattle subject to the "Beef Promotion and Research Act," as amended, shall remit the assessment for the national cattlemen's beef promotion and research board, as specified in the "Beef Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 2904(8), to the state beef marketing program if the state beef marketing program is a qualified state beef council as defined by that act. Division (E) of this section does not apply to such assessments collected by the state beef marketing program on behalf of the national cattlemen's beef promotion and research board pursuant to the "Beef Promotion and Research Act," as amended, for which the producers that pay the assessments receive credits from the board.

Sec. 924.211. (A) There is hereby established the soybean marketing program. Except as provided under divisions (B) and (C) of this section, the procedures, requirements, and other provisions that are established under sections 924.20 to 924.30 of the Revised Code and rules that apply to the grain marketing program shall apply to the soybean marketing program. For purposes of that application, references in those sections to "grain" are deemed to be replaced with references to "soybeans."

(B) The soybean marketing program operating committee shall consist of eighteen members. Fourteen of those members shall be elected in accordance with section 924.22 of the Revised Code. The director of agriculture shall appoint the remaining four members, who shall be from the united soybean board from this state. The appointed members of the board shall be voting members of the committee.

(C) With regard to the levying of assessments under section 924.26 of the Revised Code, the assessment on soybeans shall be one-half of one per cent of the per-bushel price of soybeans at

the first point of sale. However, if assessments are levied under 21085
the national soybean checkoff program created by the "Soybean 21086
Promotion, Research, and Consumer Information Act," 104 Stat. 3881 21087
(1990), 7 U.S.C. 6301 et seq., no assessments shall be levied for 21088
purposes of the soybean marketing program established under this 21089
section. 21090

Sec. 927.55. The fees required by section 927.53 of the 21091
Revised Code do not apply to: 21092

(A) A person who produces for sale either within this state 21093
or within any state in which such plants and parts do not require 21094
a certificate of inspection as a condition of entry, only nonhardy 21095
plants and plant parts, vegetable plants, herbs, or forced floral 21096
plants, of whatever nature, while in bloom; 21097

(B) A person who conducts the sale of nursery stock as a fund 21098
raiser for a nonprofit organization or nonprofit purpose for no 21099
more than two days per year, who is not a nurseryman, dealer, or 21100
collector, and who makes no more than two ~~hundred~~ thousand dollars 21101
in ~~sales~~ revenue from the sale of nursery stock during a calendar 21102
year; 21103

(C) Any public or private arboretum operated not for profit, 21104
which exchanges inspected nursery stock in limited quantities for 21105
experimental or permanent arboretum plantings. 21106

Sec. 939.02. The director of agriculture shall do all of the 21107
following: 21108

(A) Provide administrative leadership to soil and water 21109
conservation districts in planning, budgeting, staffing, and 21110
administering district programs and the training of district 21111
supervisors and personnel in their duties, responsibilities, and 21112
authorities as prescribed in this chapter and Chapter 940. of the 21113
Revised Code; 21114

(B) Administer this chapter and Chapter 940. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;	21115 21116 21117 21118
(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;	21119 21120 21121
(D) Coordinate the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture or other agencies of local, state, and federal government;	21122 21123 21124 21125
(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following:	21126 21127 21128 21129
(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria for determination of the acceptability of such management and conservation practices;	21130 21131 21132 21133 21134 21135 21136 21137
(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules;	21138 21139 21140
(3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for those practices. Eligible practices shall be limited to practices	21141 21142 21143 21144 21145

that address agricultural operations and that require expenditures 21146
that are likely to exceed the economic returns to the owner or 21147
operator and that abate soil erosion or degradation of the waters 21148
of the state by residual farm products, manure, or soil sediment, 21149
including attached pollutants. 21150

(4) Establish procedures for administering grants to owners 21151
or operators of agricultural land or animal feeding operations for 21152
the implementation of operation and management plans; 21153

(5) Do both of the following with regard to composting 21154
conducted in conjunction with agricultural operations: 21155

(a) Establish methods, techniques, or practices for 21156
composting dead animals, or particular types of dead animals, that 21157
are to be used at such operations, as the director considers to be 21158
necessary or appropriate; 21159

(b) Establish requirements and procedures governing the 21160
review and approval or disapproval of composting plans by the 21161
supervisors of soil and water conservation districts under 21162
division (R) of section 940.06 of the Revised Code. 21163

(6) Establish best management practices for inclusion in 21164
operation and management plans; 21165

(7) Establish the amount of civil penalties assessed by the 21166
director under division ~~(B)~~(A) of section 939.07 of the Revised 21167
Code for violation of rules adopted under division (E) of this 21168
section; 21169

(8) Not conflict with air or water quality standards adopted 21170
pursuant to section 3704.03 or 6111.041 of the Revised Code. 21171
Compliance with rules adopted under this section does not affect 21172
liability for noncompliance with air or water quality standards 21173
adopted pursuant to section 3704.03 or 6111.041 of the Revised 21174
Code. The application of a level of management and conservation 21175
practices recommended under this section to control windblown soil 21176

from farming operations creates a presumption of compliance with 21177
section 3704.03 of the Revised Code as that section applies to 21178
windblown soil. 21179

(F) Cost share with landowners on practices established 21180
pursuant to division (E)(3) of this section as moneys are 21181
appropriated and available for that purpose. Any practice for 21182
which cost share is provided shall be maintained for its useful 21183
life. Failure to maintain a cost share practice for its useful 21184
life shall subject the landowner to full repayment to the 21185
department. 21186

(G) Employ field assistants and other employees that are 21187
necessary for the performance of the work prescribed by Chapter 21188
940. of the Revised Code, for performance of work of the 21189
department under this chapter, and as agreed to under working 21190
agreements or contractual arrangements with soil and water 21191
conservation districts, prescribe their duties, and fix their 21192
compensation in accordance with schedules that are provided by law 21193
for the compensation of state employees. All such employees of the 21194
department, unless specifically exempted by law, shall be employed 21195
subject to the classified civil service laws in force at the time 21196
of employment. 21197

(H) In connection with new or relocated projects involving 21198
highways, underground cables, pipelines, railroads, and other 21199
improvements affecting soil and water resources, including surface 21200
and subsurface drainage: 21201

(1) Provide engineering service that is mutually agreeable to 21202
the Ohio soil and water conservation commission and the director 21203
to aid in the design and installation of soil and water 21204
conservation practices as a necessary component of such projects; 21205

(2) Maintain close liaison between the owners of lands on 21206
which the projects are executed, soil and water conservation 21207

districts, and authorities responsible for such projects;	21208
(3) Review plans for such projects to ensure their compliance with standards developed under division (E) of this section in cooperation with the department of transportation or with any other interested agency that is engaged in soil or water conservation projects in the state in order to minimize adverse impacts on soil and water resources adjacent to or otherwise affected by these projects;	21209 21210 21211 21212 21213 21214 21215
(4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices;	21216 21217 21218
(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.	21219 21220 21221 21222
(I) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	21223 21224 21225
(J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	21226 21227 21228 21229
(K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture.	21230 21231 21232 21233 21234 21235
(L) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	21236 21237 21238

(M) When necessary for the purposes of this chapter or 21239
Chapter 940. of the Revised Code, develop or approve operation and 21240
management plans. The director may designate an employee of the 21241
department to develop or approve operation and management plans in 21242
lieu of the director. 21243

This section does not restrict the manure of domestic or farm 21244
animals defecated on land outside an animal feeding operation or 21245
runoff from that land into the waters of the state. 21246

Sec. 940.15. (A) ~~Except as provided in division (B) of this~~ 21247
~~section, within~~ Within the limits of funds appropriated to the 21248
department of agriculture and the soil and water conservation 21249
district assistance fund created in this section, there shall be 21250
paid in each calendar year to each soil and water conservation 21251
district ~~an~~ a matching amount not to exceed one dollar for each 21252
one dollar received ~~in~~ by a district as follows: 21253

(1) In accordance with section 940.12 of the Revised Code, ~~7~~ 21254
~~received from;~~ 21255

(2) From tax levies in excess of the ten-mill levy limitation 21256
approved for the benefit of soil and water conservation districts, ~~7~~ 21257
~~received pursuant to a contract entered into under section~~ 21258
~~6117.021 of the Revised Code, or received from; or~~ 21259

(3) From an appropriation by a municipal corporation or a 21260
township to a maximum of eight thousand dollars, provided that the 21261
Ohio soil and water conservation commission may approve payment to 21262
a district in an amount in excess of eight thousand dollars in any 21263
calendar year upon receipt of a request and justification from the 21264
district. ~~The~~ 21265

The county auditor shall credit such payments to the special 21266
fund established pursuant to section 940.12 of the Revised Code 21267
for the soil and water conservation district. The department may 21268

make advances at least quarterly to each district on the basis of 21269
the estimated contribution of the state to each district. Moneys 21270
received by each district shall be expended for the purposes of 21271
the district. 21272

~~(B) Money paid to a soil and water conservation district 21273
under division (A) of this section that results from a board of 21274
county commissioners' compensation to the district pursuant to a 21275
contract entered into under section 6117.021 of the Revised Code 21276
in calendar years 2015, 2016, and 2017 shall not exceed the amount 21277
of money paid to the district under that division during calendar 21278
year 2013 that resulted from the board of county commissioners' 21279
having used the proceeds of a contract entered into between the 21280
board of county commissioners and a district of a type similar to 21281
that which is authorized by section 6117.021 of the Revised Code, 21282
directly or indirectly, for matching funds in calendar year 2013, 21283
but may exceed that amount to the extent that other sources of 21284
local matching funds specified by division (A) of this section are 21285
used by the district for local matching funds in state fiscal 21286
years 2015, 2016, and 2017. 21287~~

~~(C) For the purpose of providing money to soil and water 21288
conservation districts under this section, there is hereby created 21289
in the state treasury the soil and water conservation district 21290
assistance fund consisting of money credited to it under sections 21291
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 21292
the Revised Code. 21293~~

Sec. 941.12. ~~(A) Except as provided in rules adopted under 21294
section 941.41 of the Revised Code, no animal shall be ordered 21295
destroyed by the director of agriculture, in accordance with this 21296
chapter, until that animal has been appraised in accordance with 21297
divisions (B) and (C) of this section. This section does not apply 21298
to any animal that is adulterated with residues and ordered 21299~~

~~destroyed by the director.~~ 21300

~~(B) The director of agriculture shall appraise, based on~~ 21301
~~current market value, any animal destroyed by his order under this~~ 21302
~~chapter, and If an animal is ordered destroyed by the director of~~ 21303
~~agriculture under this chapter, the director shall take an~~ 21304
~~inventory of each animal that is destroyed and record sufficient~~ 21305
~~information in order for an appraisal to be conducted, if~~ 21306
~~necessary.~~ 21307

(B)(1) Within thirty days after receiving a destruction order 21308
issued under this chapter, the owner of the animal subject to the 21309
order that seeks indemnification for the animal shall do both of 21310
the following: 21311

(a) Request the information recorded under division (A) of 21312
this section and have an appraisal of the animal conducted at the 21313
owner's expense; 21314

(b) Request that the department of agriculture conduct an 21315
appraisal of the animal. If an appraisal is requested, the 21316
director shall order the appraisal to be conducted. 21317

(2) If the owner and the department do not agree on the value 21318
of the animal ordered destroyed, the two shall select a third 21319
disinterested person, at the owner's expense, to appraise the 21320
animal. The appraisal conducted by that person is the value of the 21321
animal for purposes of indemnification. 21322

(3) If an appraisal is not conducted under division (B)(1)(a) 21323
of this section or requested under division (B)(1)(b) of this 21324
section within thirty days of receiving the destruction order 21325
issued under this chapter, the owner waives the right to 21326
indemnification of the animal. 21327

(C) Once the value of the animal ordered destroyed is 21328
determined, the director may indemnify the owner of the animal if, 21329
upon the request of the director, the director of budget and 21330

management provides written notification to the director of 21331
agriculture that there is an unencumbered balance in the 21332
appropriation for the current biennium sufficient to pay the 21333
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 21334
of the animal, less any salvage value and indemnity received from 21335
another agency. In no case shall the state indemnity payment 21336
exceed fifty dollars per head for a grade animal or one hundred 21337
dollars per head for a registered purebred animal. 21338

~~(C) For the purpose of indemnification, the value of any 21339
animal ordered destroyed shall be determined by an appraisal made 21340
by a representative chosen by the owner and a representative 21341
chosen by the department of agriculture. In the event of a 21342
disagreement as to the amount of the appraisal, a third 21343
disinterested person shall be selected, at the owner's expense, by 21344
the two, to act with them in the appraisal of the animal. 21345~~

(D) The director of agriculture may refuse to pay an 21346
indemnity for any animal ordered destroyed if the owner has been 21347
convicted of or pleads guilty to a violation of any of the 21348
provisions of this chapter or the rules promulgated thereunder. 21349

Sec. 941.55. (A) Notwithstanding ~~sections~~ section 941.11 ~~and~~ 21350
~~941.12~~ of the Revised Code, every bovine animal that is ordered 21351
destroyed because of tuberculosis following a tuberculosis test 21352
made in accordance with section 941.54 of the Revised Code shall 21353
be slaughtered in an establishment approved by the department of 21354
agriculture no later than fifteen days after it is ordered 21355
destroyed, unless an extension of time is granted by the 21356
department. 21357

(B) A post mortem examination shall be made by a veterinarian 21358
authorized by the department, and a report of the examination 21359
shall be filed within five days after the examination on forms 21360
provided by the department. 21361

Sec. 943.23. (A) A captive whitetail deer licensee shall 21362
comply with the requirements established in sections 943.20 to 21363
943.26 of the Revised Code and in rules. The director of 21364
agriculture may suspend or revoke a license issued under section 21365
943.03 or 943.031 of the Revised Code regarding monitored captive 21366
deer, captive deer with status, or captive deer with certified 21367
chronic wasting disease status if the licensee fails to comply 21368
with those requirements. 21369

(B)(1) The director, after providing an opportunity for an 21370
adjudication hearing under Chapter 119. of the Revised Code, may 21371
assess a civil penalty against a person who has violated or is in 21372
violation of section 943.20 of the Revised Code. If the director 21373
assesses a civil penalty, the director shall do so as follows: 21374

(a) If, within five years of the violation, the director has 21375
not previously assessed a civil penalty against the person under 21376
this section, in an amount not exceeding five hundred dollars; 21377

(b) If, within five years of the violation, the director has 21378
previously assessed one civil penalty against the person under 21379
this section, in an amount not exceeding two thousand five hundred 21380
dollars; 21381

(c) If, within five years of the violation, the director has 21382
previously assessed two or more civil penalties against the person 21383
under this section, in an amount not exceeding ten thousand 21384
dollars. 21385

(2) Money collected under division (B)(1) of this section 21386
shall be deposited in the state treasury to the credit of the 21387
captive deer fund created in section 943.26 of the Revised Code. 21388

Sec. 947.06. (A) The director of agriculture shall adopt 21389
rules, subject to Chapter 119. of the Revised Code, to implement, 21390
administer, and enforce this chapter. No person shall violate such 21391

a rule of the director. 21392

(B) In cooperation with law enforcement officers in this and 21393
other states, the director shall develop a uniform procedure for 21394
notifying livestock marketing and slaughtering establishments of 21395
reported livestock thefts and of any brands or other identifying 21396
marks on such livestock. 21397

(C) Moneys received by the director under sections 947.01 to 21398
947.06 of the Revised Code shall be deposited in the ~~brand~~ 21399
~~registration state treasury to the credit of the animal and~~ 21400
~~consumer protection laboratory fund, which is hereby~~ created in 21401
~~the state treasury. The director shall spend moneys from the fund~~ 21402
~~to pay the costs and expenses of administering sections 947.01 to~~ 21403
~~947.06~~ section 901.43 of the Revised Code. 21404

Sec. 1121.10. (A) As often as the superintendent of financial 21405
institutions considers necessary, but at least once each 21406
twenty-four-month cycle, the superintendent, or any deputy or 21407
examiner appointed by the superintendent for that purpose, shall 21408
thoroughly examine the records and affairs of each bank. The 21409
examination shall include a review of both of the following: 21410

(1) Compliance with law; 21411

(2) Other matters the superintendent determines. 21412

(B) The superintendent may examine the records and affairs of 21413
any of the following as the superintendent considers necessary: 21414

(1) Any party to a proposed reorganization for which the 21415
superintendent's approval is required by section 1115.11 or 21416
1115.14 of the Revised Code; 21417

(2) Any bank, savings and loan association, or savings bank 21418
proposing to convert to a bank doing business under authority 21419
granted by the superintendent for which the superintendent's 21420
approval is required by section 1115.01 of the Revised Code; 21421

(3) Any person proposing to acquire control of a bank for 21422
which the superintendent's approval is required by section 1115.06 21423
of the Revised Code, or who acquired control of a bank without the 21424
approval of the superintendent when that approval was required by 21425
section 1115.06 of the Revised Code, was the bank of which control 21426
is to be, or was, acquired; 21427

(4) Any bank proposing to establish or acquire a branch for 21428
which the superintendent's approval is required by section 1117.02 21429
of the Revised Code; 21430

(5) Any foreign bank that maintains, or proposes to 21431
establish, one or more offices in this state; 21432

(6) Any trust company. 21433

(C) The board of directors or holders of a majority of the 21434
shares of a bank or trust company may request the superintendent 21435
conduct a special examination of the records and affairs of the 21436
bank or trust company. The superintendent has sole discretion over 21437
the scope and timing of a special examination, and may impose 21438
restrictions and limitations on the use of the results of a 21439
special examination in addition to the restrictions and 21440
limitations otherwise imposed by law. The fee for a special 21441
examination shall be paid by the bank or trust company examined in 21442
accordance with section 1121.29 of the Revised Code. 21443

(D) The superintendent may conduct all aspects of an 21444
examination concurrently or may divide the examination into 21445
constituent parts and conduct them at various times. 21446

(E) The superintendent shall preserve the report of each 21447
examination, including related correspondence received and copies 21448
of related correspondence sent, for ~~twenty~~ ten years after the 21449
examination date. 21450

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 21451

Revised Code, a proposed action or transaction is subject to the 21452
approval of the superintendent of financial institutions or an 21453
opportunity for the superintendent to disapprove, and if the 21454
person proposing the action or transaction is required to submit 21455
an application or notice to the superintendent, then the 21456
application or notice is not complete and the superintendent shall 21457
not accept it for processing until the person pays the fee 21458
established pursuant to division (C) of section 1121.29 of the 21459
Revised Code. 21460

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 21461
a proposed action or transaction is subject to the approval of the 21462
superintendent or an opportunity for the superintendent to 21463
disapprove and the superintendent must make that determination 21464
within a certain time, and if the person proposing the action or 21465
transaction is required to submit an application or notice to the 21466
superintendent, then the time in which the superintendent must 21467
make the determination does not begin to run until the 21468
superintendent has determined the application or notice is 21469
complete and has accepted it for processing. 21470

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 21471
either of the following: 21472

(a) The superintendent from denying, or issuing a disapproval 21473
of, an application or notice, prior to the superintendent's 21474
acceptance of the application or notice for processing, on the 21475
basis that the person who submitted the application or notice 21476
failed to include all of the items and address all of the issues 21477
required for the application or notice, if both of the following 21478
apply: 21479

(i) The superintendent advised the person that the 21480
application or notice was incomplete. 21481

(ii) After being advised by the superintendent that the 21482

application or notice was incomplete, the person did not, within a 21483
reasonable period of time, complete the application or notice. 21484

(b) The superintendent from denying, or issuing a disapproval 21485
of, an application or notice on the basis that the person who 21486
submitted the application or notice failed to provide the 21487
information necessary for the superintendent to adequately 21488
consider the application or notice after the superintendent's 21489
acceptance of the application or notice for processing, if both of 21490
the following apply: 21491

(i) After having begun processing the application or notice, 21492
the superintendent determined and advised the person that 21493
additional information was necessary to adequately consider the 21494
application or notice. 21495

(ii) After being advised by the superintendent that 21496
additional information was necessary to adequately consider the 21497
application or notice, the person did not, within a reasonable 21498
period of time, provide that information. 21499

~~(B)~~(C) A determination by the superintendent that an 21500
application or notice is complete and is accepted for processing 21501
means only that the application or notice, on its face, appears to 21502
include all of the items and to address all of the matters that 21503
are required. A determination by the superintendent that an 21504
application or notice is complete and is accepted for processing 21505
is not an assessment of the substance of the application or 21506
notice, or of the sufficiency of the information provided. 21507

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 21508
and savings bank subject to inspection and examination by the 21509
superintendent of financial institutions and transacting business 21510
on the thirty-first day of December, or their successors in 21511
interest, shall pay to the treasurer of state assessments as 21512
provided in this section. The superintendent shall make each 21513

assessment based on the total assets as shown on the books of the 21514
bank, savings and loan association, or savings bank as of the 21515
thirty-first day of December of the previous year. The 21516
superintendent shall collect the assessment on an annual or 21517
periodic basis, as provided by the superintendent. All assessments 21518
shall be paid within fourteen days after receiving an invoice for 21519
payment of the assessment. 21520

(2) After determining the budget of the division of financial 21521
institutions for examination and regulation of banks, savings and 21522
loan associations, and savings banks, but prior to establishing 21523
the schedule of assessments under this division necessary to fund 21524
that budget, the superintendent shall consider any necessary cash 21525
reserves and any amounts collected but not yet expended or 21526
encumbered by the superintendent in the previous fiscal year's 21527
budget and remaining in the banks fund pursuant to division (C) of 21528
section 1121.30 of the Revised Code. 21529

(3) The superintendent shall establish the actual schedule of 21530
assessments on an annual basis, present the schedule to the 21531
banking commission for confirmation, and forward copies of the 21532
current year's schedule to banks, savings and loan associations, 21533
and savings banks doing business under authority granted by the 21534
superintendent, or their successors in interest. 21535

If during the period between the banking commission's 21536
confirmation of the schedule of assessments and the completion of 21537
the fiscal year in which those assessments will be collected, the 21538
banking commission determines additional money is required to 21539
adequately fund the operations of the division of financial 21540
institutions for that fiscal year, the banking commission may, by 21541
the affirmative vote of two-thirds of its members, increase the 21542
schedule of assessments for that fiscal year. The superintendent 21543
shall promptly notify each bank, savings and loan association, and 21544

savings bank of the increased assessment, and each bank, savings 21545
and loan association, and savings bank shall pay the increased 21546
assessment as made and invoiced by the superintendent. 21547

(4) A bank, savings and loan association, or savings bank 21548
authorized by the superintendent to commence business in the 21549
period between assessments shall pay the actual reasonable costs 21550
of the division's examinations and visitations. The bank, savings 21551
and loan association, or savings bank shall pay the costs within 21552
fourteen days after receiving an invoice for payment. 21553

(B)(1) Whenever in the judgment of the superintendent the 21554
condition or conduct of a bank renders it necessary to make 21555
additional examinations and follow-up visitations within the 21556
examination cycle beyond the minimum required by division (A) of 21557
section 1121.10 of the Revised Code, the superintendent shall 21558
charge the bank for the additional examinations and follow-up 21559
visitations as provided in division (C) of this section. The bank 21560
shall pay the fee charged within fourteen days after receiving an 21561
invoice for payment. 21562

(2) The superintendent shall charge a bank for any 21563
examination of the bank's operations as a trust company and data 21564
processing facility in accordance with division (C) of this 21565
section whether that examination is the only examination of the 21566
bank in the examination cycle or in addition to other examinations 21567
of the bank's operations. 21568

(C) The superintendent shall periodically establish a 21569
schedule of fees to be paid for examinations, applications, 21570
certifications, and notices considered necessary by the 21571
superintendent. 21572

(D)(1) The superintendent may waive any fees provided for in 21573
division (C) of this section to protect the interests of 21574
depositors and for other fair and reasonable purposes as 21575

determined by the superintendent. 21576

(2) The fees established by the superintendent pursuant to 21577
division (C) of this section for processing applications and 21578
notices and conducting and processing examinations shall be 21579
reasonable considering the direct and indirect costs to the 21580
division, as determined by the superintendent, of processing the 21581
applications and for conducting and processing the examinations. 21582

(E) The superintendent may determine and charge reasonable 21583
fees for furnishing and certifying copies of documents filed with 21584
the division and for any expenses incurred by the division in the 21585
publication or serving of required notices. 21586

(F) Assessments and examination and application fees charged 21587
and collected pursuant to this section are not refundable. Any fee 21588
charged pursuant to this section shall be paid within fourteen 21589
days after receiving an invoice for payment of the fee. 21590

(G) The superintendent shall pay all assessments and fees 21591
charged pursuant to this section and all forfeitures required to 21592
be paid to the superintendent into the state treasury to the 21593
credit of the banks fund. 21594

Sec. 1121.30. (A) All assessments, fees, charges, and 21595
forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and 21596
sections 1315.01 to 1315.18 of the Revised Code, except civil 21597
penalties assessed pursuant to section 1121.35 or 1315.152 of the 21598
Revised Code, shall be paid to the superintendent of financial 21599
institutions, and the superintendent shall deposit them into the 21600
state treasury to the credit of the banks fund, which is hereby 21601
created. 21602

(B) The superintendent may expend or obligate the banks fund 21603
to defray the costs of the division of financial institutions in 21604
administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 21605

to 1315.18 of the Revised Code. The superintendent shall pay from 21606
the fund all actual and necessary expenses incurred by the 21607
superintendent, including for any services rendered by the 21608
department of commerce for the division's administration of 21609
Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of 21610
the Revised Code. The fund shall be assessed a proportionate share 21611
of the administrative costs of the department and the division of 21612
financial institutions. The proportionate share of the 21613
administration costs of the division of financial institutions 21614
shall be determined in accordance with procedures prescribed by 21615
the superintendent and approved by the director of budget and 21616
management. The amount assessed for the fund's proportional share 21617
of the department's administrative costs and the division's 21618
administrative costs shall be paid from the banks fund to the 21619
division of administration fund and the division of financial 21620
institutions fund respectively. 21621

(C) Any money deposited into the state treasury to the credit 21622
of the banks fund, but not expended or encumbered by the 21623
superintendent to defray the costs of administering Chapters 1101. 21624
to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised 21625
Code, shall remain in the banks fund for expenditures by the 21626
superintendent in subsequent years. 21627

Sec. 1123.01. (A) There is hereby created in the division of 21628
financial institutions a banking commission which shall consist of 21629
~~seven~~ nine members. The deputy superintendent for banks shall be a 21630
member of the commission and its chairperson. The governor, with 21631
the advice and consent of the senate, shall appoint the remaining 21632
~~six~~ eight members. 21633

(B) After the second Monday in January of each year, the 21634
governor shall appoint two members. Terms of office shall be for 21635
~~three~~ four years commencing on the first day of February and 21636

ending on the thirty-first day of January. Each member shall hold 21637
office from the date appointed until the end of the term for which 21638
appointed. In the case of a vacancy in the office of any member, 21639
the governor shall appoint a successor who shall hold office for 21640
the remainder of the term for which the successor's predecessor 21641
was appointed. Any member shall continue in office subsequent to 21642
the expiration date of the member's term until the member's 21643
successor is appointed, or until sixty days have elapsed, 21644
whichever occurs first. 21645

(C) No person appointed as a member of the commission may 21646
serve more than two consecutive full terms. However, a member may 21647
serve two consecutive full terms following the remainder of a term 21648
for which the member was appointed to fill a vacancy. 21649

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 21650
to the commission shall be, at the time of appointment, executive 21651
officers of banks, savings and loan associations, or savings banks 21652
transacting business under authority granted by the superintendent 21653
of financial institutions, and ~~four~~ all of the ~~six~~ members 21654
appointed to the commission shall have banking experience as a 21655
director or officer of a bank, savings bank, or savings 21656
association insured by the federal deposit insurance corporation, 21657
a bank holding company, or a savings and loan holding company. The 21658
membership of the commission shall be representative of the 21659
banking industry as a whole, including representatives of banks of 21660
various asset sizes and ownership structures, as determined by the 21661
governor after consultation with the superintendent of financial 21662
institutions ~~from time to time.~~ 21663

(2) No person who has been convicted of, or has pleaded 21664
guilty to, a felony involving an act of fraud, dishonesty or, 21665
breach of trust, theft, or money laundering shall take or hold 21666
office as a member of the banking commission. 21667

(E) The members of the commission shall receive no salary, 21668

but their expenses incurred in the performance of their duties 21669
shall be paid from funds appropriated for that purpose. 21670

(F) The governor may remove any of the ~~six~~ eight members 21671
appointed to the commission whenever in the governor's judgment 21672
the public interest requires removal. Upon removing a member of 21673
the commission, the governor shall file with the superintendent a 21674
statement of the cause for the removal. 21675

Sec. 1123.02. (A) The banking commission shall hold regular 21676
meetings at the times and places it fixes, and shall meet at any 21677
time on call of the deputy superintendent for banks upon two days' 21678
notice unless the commission by resolution provides for a shorter 21679
notice. 21680

(B) A majority of the full commission constitutes a quorum, 21681
and action taken by a majority of those present at a meeting at 21682
which there is a quorum constitutes the action of the commission. 21683

(C) No member shall participate before the commission in a 21684
proceeding involving any bank, savings and loan association, or 21685
savings bank of which the member is, or was at any time in the 21686
preceding twelve months, a member of the board of directors, an 21687
officer, an employee, or a shareholder. A member may refrain from 21688
participating in a proceeding before the commission for any other 21689
cause the member considers sufficient. 21690

(D) The commission may, by a majority vote of those present 21691
at a meeting at which there is a quorum, adopt and amend bylaws 21692
and rules the commission, in its judgment, considers necessary and 21693
proper. The commission shall select one of its members as 21694
secretary, who shall keep a record of all its proceedings. 21695

Sec. 1123.03. The banking commission shall do all of the 21696
following: 21697

(A) Make recommendations to the deputy superintendent for 21698

banks and the superintendent of financial institutions on the 21699
business of banking; 21700

(B) Consider and make recommendations on any matter the 21701
superintendent or deputy superintendent submits to the commission 21702
for that purpose; 21703

(C) Pass upon and determine any matter the superintendent or 21704
deputy superintendent submits to the commission for determination; 21705

(D) Consider and determine whether to confirm the annual 21706
schedule of assessments proposed by the superintendent in 21707
accordance with section 1121.29 of the Revised Code; 21708

(E) Determine whether to increase the schedule of assessments 21709
as provided in division (A)(3) of section 1121.29 of the Revised 21710
Code; 21711

(F) Determine, as provided in division (D) of section 1121.12 21712
of the Revised Code, both of the following: 21713

(1) Whether there is reasonable cause to believe that there 21714
is a significant risk of imminent material harm to the bank; 21715

(2) Whether the examination of the bank holding company is 21716
necessary to fully determine the risk to the bank, or to determine 21717
how best to address the risk to the bank. 21718

Sec. 1155.07. Every savings and loan association organized 21719
under the laws of this state shall make, as of the thirty-first 21720
day of December and the thirtieth day of June of each year, a 21721
report of the affairs and business of the association for the 21722
preceding half year, showing its financial condition at the end 21723
thereof. The statement as of the thirty-first day of December 21724
shall be the annual statement of the association. The 21725
superintendent of financial institutions may also require monthly 21726
reports. 21727

The superintendent may, by written order mailed to the 21728

managing officer of such an association, require any association 21729
to submit to the superintendent within a reasonable time specified 21730
in the written order a report concerning its real estate and other 21731
assets, other than the appraisals required by section 1151.54 of 21732
the Revised Code. 21733

Any such association refusing or neglecting to file any 21734
report required by this section within the time specified shall 21735
forfeit one hundred dollars for every day that such default 21736
continues unless such penalty, in whole or in part, is waived by 21737
the superintendent. The superintendent may maintain an action in 21738
the name of the state to recover such forfeiture which, upon its 21739
collection, shall be paid into the state treasury to the credit of 21740
the ~~savings institutions~~ banks fund established under section 21741
~~1181.18~~ 1121.30 of the Revised Code. 21742

Every such association shall maintain adequate, complete, and 21743
correct accounts and shall observe such generally accepted 21744
accounting principles and practices or generally accepted auditing 21745
standards, as the superintendent prescribes. The superintendent 21746
shall demand once a year, and at the expense of the association, 21747
that its accounts be audited by an independent auditor. A copy of 21748
the audit report shall be submitted to the board of directors of 21749
the association and filed, together with management's ~~reponse~~ 21750
response, with the superintendent within thirty days after 21751
presentation of the completed report to the board or not later 21752
than the thirty-first day of March of the year next succeeding the 21753
year for which the audit was conducted, whichever occurs first, 21754
unless the time is extended by the superintendent. 21755

At the conclusion of the audit of an association, an 21756
independent auditor shall attend a meeting at which there are 21757
present only the outside directors of the association or a 21758
committee comprised of and appointed by such outside directors and 21759
fully disclose at that time to those directors all audit 21760

exceptions that developed during the audit and all relevant data 21761
and information concerning the financial condition, investment 21762
practices, and other financial policies and procedures of the 21763
association. The meeting shall be held at a time and place that is 21764
agreed upon by the independent auditor and the outside directors 21765
or their committee. A complete record of the proceedings of the 21766
meeting shall be kept in a minute book that is maintained solely 21767
for the purpose of keeping such records. Nothing in this paragraph 21768
shall be construed to prevent the independent auditor from meeting 21769
at other times with inside directors, officers, or employees of 21770
the association. 21771

The superintendent may prescribe a schedule for the 21772
preservation and destruction of books, records, certificates, 21773
documents, reports, correspondence, and other instruments, papers, 21774
and writings of such an association, even if such association has 21775
been liquidated pursuant to law. An association may dispose of any 21776
books, records, certificates, documents, reports, correspondence, 21777
and other instruments, papers, and writings which have been 21778
retained or preserved for the period prescribed by the 21779
superintendent pursuant to this paragraph. The requirements of 21780
this paragraph may be complied with by the preservation of records 21781
in the manner prescribed in section 2317.41 of the Revised Code. 21782

Sec. 1155.10. Whenever the superintendent of financial 21783
institutions considers it necessary, the superintendent may make a 21784
special examination of any savings and loan association, and the 21785
expense of the examination shall be paid by the association. Such 21786
expenses shall be collected by the superintendent and paid into 21787
the state treasury to the credit of the ~~savings institutions~~ banks 21788
fund established under section ~~1181.18~~ 1121.30 of the Revised 21789
Code. Any examination made by the superintendent otherwise than in 21790
the ordinary routine of the superintendent's duties and because, 21791
in the superintendent's opinion, the condition of the association 21792

requires such examination, is a special examination within the 21793
meaning of this section. 21794

Sec. 1163.09. (A) Every savings bank organized under the laws 21795
of this state, as of the thirty-first day of December and the 21796
thirtieth day of June of each year, shall make a report of the 21797
affairs and business of the savings bank for the preceding half 21798
year, showing its financial condition at the end thereof. The 21799
statement as of the thirty-first day of December shall be the 21800
annual statement of the savings bank. The superintendent of 21801
financial institutions may also require monthly reports. 21802

(B) The superintendent, by written order mailed to the 21803
managing officer of a savings bank, may require any savings bank 21804
to submit to the superintendent within a reasonable time specified 21805
in the written order a report concerning its real estate and other 21806
assets, other than the appraisals required by section 1161.81 of 21807
the Revised Code. 21808

(C) Any savings bank refusing or neglecting to file any 21809
report required by this section within the time specified shall 21810
forfeit one hundred dollars for every day that the default 21811
continues unless the penalty, in whole or in part, is waived by 21812
the superintendent. The superintendent may maintain an action in 21813
the name of the state to recover the forfeiture which, upon its 21814
collection, shall be paid into the state treasury to the credit of 21815
the ~~savings institutions~~ banks fund established under section 21816
~~1181.18~~ 1121.30 of the Revised Code. 21817

(D) Every savings bank shall maintain adequate, complete, and 21818
correct accounts and shall observe such generally accepted 21819
accounting principles and practices or generally accepted auditing 21820
standards, as the superintendent prescribes. The superintendent 21821
shall demand once a year, and at the expense of the savings bank, 21822
that its accounts be audited by an independent auditor. A copy of 21823

the audit report shall be submitted to the board of directors of 21824
the savings bank and filed, together with management's ~~reponse~~ 21825
response, with the superintendent within thirty days after 21826
presentation of the completed report to the board or not later 21827
than the thirty-first day of March of the year next succeeding the 21828
year for which the audit was conducted, whichever occurs first, 21829
unless the time is extended by the superintendent. 21830

(E) At the conclusion of the audit of a savings bank, an 21831
independent auditor shall attend a meeting at which there are 21832
present only the outside directors of the savings bank or a 21833
committee composed of and appointed by the outside directors and 21834
fully disclose at that time to those directors all audit 21835
exceptions that developed during the audit and all relevant data 21836
and information concerning the financial condition, investment 21837
practices, and other financial policies and procedures of the 21838
savings bank. The meeting shall be held at a time and place that 21839
is agreed upon by the independent auditor and the outside 21840
directors or their committee. A complete record of the proceedings 21841
of the meeting shall be kept in a minute book that is maintained 21842
solely for the purpose of keeping these records. Nothing in this 21843
division shall be construed to prevent the independent auditor 21844
from meeting at other times with inside directors, officers, or 21845
employees of the savings bank. 21846

(F) The superintendent may prescribe a schedule for the 21847
preservation and destruction of books, records, certificates, 21848
documents, reports, correspondence, and other instruments, papers, 21849
and writings of a savings bank, even if the savings bank has been 21850
liquidated pursuant to law. A savings bank may dispose of any 21851
books, records, certificates, documents, reports, correspondence, 21852
and other instruments, papers, and writings that have been 21853
retained or preserved for the period prescribed by the 21854
superintendent pursuant to this division. The requirements of this 21855

division may be complied with by the preservation of records in 21856
the manner prescribed in section 2317.41 of the Revised Code. 21857

Sec. 1163.13. Whenever the superintendent of financial 21858
institutions considers it necessary, the superintendent may make a 21859
special examination of any savings bank, and the expense of the 21860
examination shall be paid by the savings bank. These moneys shall 21861
be collected by the superintendent and paid into the state 21862
treasury to the credit of the ~~savings institutions~~ banks fund 21863
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 21864
examination made by the superintendent otherwise than in the 21865
ordinary routine of the superintendent's duties and because, in 21866
the superintendent's opinion, the condition of the savings bank 21867
requires the examination, is a special examination within the 21868
meaning of this section. 21869

Sec. 1181.06. There is hereby created in the state treasury 21870
the financial institutions fund. The fund shall receive 21871
assessments on the banks fund established under section 1121.30 of 21872
the Revised Code, ~~the savings institutions fund established under~~ 21873
~~section 1181.18 of the Revised Code,~~ the credit unions fund 21874
established under section 1733.321 of the Revised Code, and the 21875
consumer finance fund established under section 1321.21 of the 21876
Revised Code in accordance with procedures prescribed by the 21877
superintendent of financial institutions and approved by the 21878
director of budget and management. Such assessments shall be in 21879
addition to any assessments on these funds required under division 21880
(G) of section 121.08 of the Revised Code. All operating expenses 21881
of the division of financial institutions shall be paid from the 21882
financial institutions fund. 21883

Sec. 1349.21. No escrow or closing agent knowingly shall 21884
make, in an escrow transaction, a disbursement from an escrow 21885

account on behalf of another person, unless the following	21886
conditions are met:	21887
(A) The funds necessary for the disbursement:	21888
(1) Have been transferred electronically to or deposited into	21889
the escrow account of the escrow or closing agent and are	21890
immediately available for withdrawal and disbursement;	21891
(2) Are in an aggregate amount not exceeding one <u>ten</u> thousand	21892
dollars, have been physically received by the agent prior to	21893
disbursement and are intended for deposit no later than the next	21894
banking day after the date of disbursement; or	21895
(3) Are funds drawn on a special or trust bank account as	21896
described in division (A)(26) of section 4735.18 of the Revised	21897
Code.	21898
(B) The transfers or deposits described in division (A) of	21899
this section consist of any of the following:	21900
(1) Business checks drawn on special or trust bank accounts	21901
described in division (A)(26) of section 4735.18 of the Revised	21902
Code;	21903
(2) Cash, personal checks, business checks other than those	21904
described in division (B)(1) of this section, certified checks,	21905
cashier's checks, official checks, or money orders that are in an	21906
aggregate amount not exceeding one <u>ten</u> thousand dollars and are	21907
drawn on an existing account at a federally insured bank, savings	21908
and loan association, credit union, or savings bank;	21909
(3) Electronically transferred funds via the automated	21910
clearing house system initiated by, or a check issued by, the	21911
United States or this state, or by an agency, instrumentality, or	21912
political subdivision of the United States or this state; or	21913
(4) Electronically <u>Any other electronically</u> transferred funds	21914
via the real-time gross settlement system provided by the federal	21915

~~reserve banks.~~ 21916

Sec. 1501.08. (A) There is hereby created in the state 21917
treasury the state park maintenance fund. 21918

(1) Notwithstanding section 1546.21 of the Revised Code, on 21919
or after the first day of July of each fiscal year, the director 21920
of natural resources may request the director of budget and 21921
management to transfer money from the state park fund to the state 21922
park maintenance fund in an amount not exceeding five per cent of 21923
the annual average revenue deposited in the state park fund. 21924

(2) The department of natural resources shall use money in 21925
the state park maintenance fund only for maintenance, repair, and 21926
renovation projects at state parks that are approved by the 21927
director. The department shall not use money in the fund to 21928
construct new facilities. 21929

(B) The chief of the division of parks and watercraft shall 21930
submit to the director a list of projects in order to request 21931
disbursements from the state park maintenance fund. The chief 21932
shall include with each list a description of necessary 21933
maintenance, repair, and renovation at state park facilities. The 21934
director shall determine which projects are eligible for 21935
disbursement from the fund. The chief shall not begin any project 21936
for which disbursement is requested before obtaining the 21937
director's approval as required by this section. 21938

Sec. 1503.05. (A) The chief of the division of forestry may 21939
sell timber and other forest products from the state forest and 21940
state forest nurseries whenever the chief considers such a sale 21941
desirable and, with the approval of the attorney general and the 21942
director of natural resources, may sell portions of the state 21943
forest lands when such a sale is advantageous to the state. 21944

(B) Except as otherwise provided in this section, a timber 21945

sale agreement shall not be executed unless the person or 21946
governmental entity bidding on the sale executes and files a 21947
surety bond conditioned on completion of the timber sale in 21948
accordance with the terms of the agreement in an amount determined 21949
by the chief. All bonds shall be given in a form prescribed by the 21950
chief and shall run to the state as obligee. 21951

The chief shall not approve any bond until it is personally 21952
signed and acknowledged by both principal and surety, or as to 21953
either by the attorney in fact thereof, with a certified copy of 21954
the power of attorney attached. The chief shall not approve the 21955
bond unless there is attached a certificate of the superintendent 21956
of insurance that the company is authorized to transact a fidelity 21957
and surety business in this state. 21958

In lieu of a bond, the bidder may deposit any of the 21959
following: 21960

(1) Cash in an amount equal to the amount of the bond; 21961

(2) United States government securities having a par value 21962
equal to or greater than the amount of the bond; 21963

(3) Negotiable certificates of deposit or irrevocable letters 21964
of credit issued by any bank organized or transacting business in 21965
this state having a par value equal to or greater than the amount 21966
of the bond. 21967

The cash or securities shall be deposited on the same terms 21968
as bonds. If one or more certificates of deposit are deposited in 21969
lieu of a bond, the chief shall require the bank that issued any 21970
of the certificates to pledge securities of the aggregate market 21971
value equal to the amount of the certificate or certificates that 21972
is in excess of the amount insured by the federal deposit 21973
insurance corporation. The securities to be pledged shall be those 21974
designated as eligible under section 135.18 of the Revised Code. 21975
The securities shall be security for the repayment of the 21976

certificate or certificates of deposit. 21977

Immediately upon a deposit of cash, securities, certificates 21978
of deposit, or letters of credit, the chief shall deliver them to 21979
the treasurer of state, who shall hold them in trust for the 21980
purposes for which they have been deposited. The treasurer of 21981
state is responsible for the safekeeping of the deposits. A bidder 21982
making a deposit of cash, securities, certificates of deposit, or 21983
letters of credit may withdraw and receive from the treasurer of 21984
state, on the written order of the chief, all or any portion of 21985
the cash, securities, certificates of deposit, or letters of 21986
credit upon depositing with the treasurer of state cash, other 21987
United States government securities, or other negotiable 21988
certificates of deposit or irrevocable letters of credit issued by 21989
any bank organized or transacting business in this state, equal in 21990
par value to the par value of the cash, securities, certificates 21991
of deposit, or letters of credit withdrawn. 21992

A bidder may demand and receive from the treasurer of state 21993
all interest or other income from any such securities or 21994
certificates as it becomes due. If securities so deposited with 21995
and in the possession of the treasurer of state mature or are 21996
called for payment by their issuer, the treasurer of state, at the 21997
request of the bidder who deposited them, shall convert the 21998
proceeds of the redemption or payment of the securities into other 21999
United States government securities, negotiable certificates of 22000
deposit, or cash as the bidder designates. 22001

When the chief finds that a person or governmental agency has 22002
failed to comply with the conditions of the person's or 22003
governmental agency's bond, the chief shall make a finding of that 22004
fact and declare the bond, cash, securities, certificates, or 22005
letters of credit forfeited. The chief thereupon shall certify the 22006
total forfeiture to the attorney general, who shall proceed to 22007
collect the amount of the bond, cash, securities, certificates, or 22008

letters of credit. 22009

In lieu of total forfeiture, the surety, at its option, may 22010
cause the timber sale to be completed or pay to the treasurer of 22011
state the cost thereof. 22012

All moneys collected as a result of forfeitures of bonds, 22013
cash, securities, certificates, and letters of credit under this 22014
section shall be credited to the state forest fund created in this 22015
section. 22016

(C) The chief may grant easements and leases on portions of 22017
the state forest lands and state forest nurseries under terms that 22018
are advantageous to the state, and the chief may grant mineral 22019
rights on a royalty basis on those lands and nurseries, with the 22020
approval of the attorney general and the director. 22021

(D) All moneys received from the sale of state forest lands, 22022
or in payment for easements or leases on or as rents from those 22023
lands or from state forest nurseries, shall be paid into the state 22024
treasury to the credit of the state forest fund, which is hereby 22025
created. In addition, all moneys received from federal grants, 22026
payments, and reimbursements, from the sale of reforestation tree 22027
stock, from the sale of forest products, other than standing 22028
timber, and from the sale of minerals taken from the state forest 22029
lands and state forest nurseries, together with royalties from 22030
mineral rights, shall be paid into the state treasury to the 22031
credit of the state forest fund. Any other revenues derived from 22032
the operation of the state forests and related facilities or 22033
equipment also shall be paid into the state treasury to the credit 22034
of the state forest fund, as shall contributions received for the 22035
issuance of Smokey Bear license plates under section 4503.574 of 22036
the Revised Code and any other moneys required by law to be 22037
deposited in the fund. 22038

The state forest fund shall not be expended for any purpose 22039

other than the administration, operation, maintenance, 22040
development, or utilization of the state forests, forest 22041
nurseries, and forest programs, for facilities or equipment 22042
incident to them, ~~or~~ for the further purchase of lands for state 22043
forest or forest nursery purposes, or for wildfire suppression 22044
payments and, in the case of contributions received pursuant to 22045
section 4503.574 of the Revised Code, for fire prevention 22046
purposes. 22047

All moneys received from the sale of standing timber taken 22048
from state forest lands and state forest nurseries shall be 22049
deposited into the state treasury to the credit of the forestry 22050
holding account redistribution fund, which is hereby created. The 22051
moneys shall remain in the fund until they are redistributed in 22052
accordance with this division. 22053

The redistribution shall occur at least once each year. To 22054
begin the redistribution, the chief first shall determine the 22055
amount of all standing timber sold from state forest lands and 22056
state forest nurseries, together with the amount of the total sale 22057
proceeds, in each county, in each township within the county, and 22058
in each school district within the county. The chief next shall 22059
determine the amount of the direct costs that the division of 22060
forestry incurred in association with the sale of that standing 22061
timber. The amount of the direct costs shall be subtracted from 22062
the amount of the total sale proceeds and shall be transferred 22063
from the forestry holding account redistribution fund to the state 22064
forest fund. 22065

The remaining amount of the total sale proceeds equals the 22066
net value of the standing timber that was sold. The chief shall 22067
determine the net value of standing timber sold from state forest 22068
lands and state forest nurseries in each county, in each township 22069
within the county, and in each school district within the county 22070
and shall send to each county treasurer a copy of the 22071

determination at the time that moneys are paid to the county 22072
treasurer under this division. 22073

Thirty-five per cent of the net value of standing timber sold 22074
from state forest lands and state forest nurseries located in a 22075
county shall be transferred from the forestry holding account 22076
redistribution fund to the state forest fund. The remaining 22077
sixty-five per cent of the net value shall be transferred from the 22078
forestry holding account redistribution fund and paid to the 22079
county treasurer for the use of the general fund of that county. 22080

The county auditor shall do all of the following: 22081

(1) Retain for the use of the general fund of the county 22082
one-fourth of the amount received by the county under division (D) 22083
of this section; 22084

(2) Pay into the general fund of any township located within 22085
the county and containing such lands and nurseries one-fourth of 22086
the amount received by the county from standing timber sold from 22087
lands and nurseries located in the township; 22088

(3) Request the board of education of any school district 22089
located within the county and containing such lands and nurseries 22090
to identify which fund or funds of the district should receive the 22091
moneys available to the school district under division (D)(3) of 22092
this section. After receiving notice from the board, the county 22093
auditor shall pay into the fund or funds so identified one-half of 22094
the amount received by the county from standing timber sold from 22095
lands and nurseries located in the school district, distributed 22096
proportionately as identified by the board. 22097

The division of forestry shall not supply logs, lumber, or 22098
other forest products or minerals, taken from the state forest 22099
lands or state forest nurseries, to any other agency or 22100
subdivision of the state unless payment is made therefor in the 22101
amount of the actual prevailing value thereof. This section is 22102

applicable to the moneys so received. 22103

(E) The chief may enter into a personal service contract for 22104
consulting services to assist the chief with the sale of timber or 22105
other forest products and related inventory. Compensation for 22106
consulting services shall be paid from the proceeds of the sale of 22107
timber or other forest products and related inventory that are the 22108
subject of the personal service contract. 22109

Sec. 1503.141. ~~There is hereby created in the state treasury~~ 22110
~~the wildfire suppression fund. The fund shall consist of any~~ 22111
~~federal moneys received for the purposes of this section and~~ 22112
~~donations, gifts, bequests, and other moneys received for those~~ 22113
~~purposes. In addition, the chief of the division of forestry~~ 22114
~~annually may request that the director of budget and management~~ 22115
~~transfer, and, if so requested, the director shall transfer, Each~~ 22116
~~fiscal year, the director of natural resources or the director's~~ 22117
~~designee shall designate not more than ~~one~~ two hundred thousand~~ 22118
~~dollars to the wildfire suppression fund from in the state forest~~ 22119
~~fund created in section 1503.05 of the Revised Code for wildfire~~ 22120
~~suppression payments. The amount ~~transferred~~ designated shall~~ 22121
~~consist only of money ~~deposited into the state forest~~ credited to~~ 22122
~~the fund from the sale of standing timber taken from state forest~~ 22123
~~lands as set forth in that section.~~ 22124

The ~~chief~~ director or the director's designee may use ~~moneys~~ 22125
~~in the money designated for wildfire suppression fund payments to~~ 22126
reimburse firefighting agencies and private fire companies for 22127
their costs incurred in the suppression of wildfires in counties 22128
within fire protection areas established under section 1503.08 of 22129
the Revised Code where there is a state forest or national forest, 22130
or portion thereof. The ~~chief, with the approval of the director~~ 22131
~~of natural resources, or the director's designee may provide such~~ 22132
reimbursement in additional counties. The ~~chief~~ director or the 22133

director's designee shall provide such reimbursement pursuant to 22134
agreements and contracts entered into under section 1503.14 of the 22135
Revised Code and in accordance with the following schedule: 22136

(A) For wildfire suppression on private land, an initial 22137
seventy-dollar payment to the firefighting agency or private fire 22138
company; 22139

(B) For wildfire suppression on land under the administration 22140
or care of the department of natural resources or on land that is 22141
part of any national forest administered by the United States 22142
department of agriculture forest service, an initial 22143
one-hundred-dollar payment to the firefighting agency or private 22144
fire company; 22145

(C) For any wildfire suppression on land specified in 22146
division (A) or (B) of this section lasting more than two hours, 22147
an additional payment of thirty-five dollars per hour. 22148

~~If at any time moneys in the fund exceed two hundred thousand 22149
dollars, the chief shall transfer the moneys that exceed that 22150
amount to the state forest fund. 22151~~

As used in this section, "firefighting agency" and "private 22152
fire company" have the same meanings as in section 9.60 of the 22153
Revised Code. 22154

Sec. 1504.02. (A) The office of real estate and land 22155
management shall do all of the following: 22156

(1) Except as otherwise provided in the Revised Code, 22157
coordinate and conduct all real estate functions for the 22158
department of natural resources, including acquiring land by 22159
purchase, lease, gift, devise, bequest, appropriation, or 22160
otherwise; administering grants through sales, leases, exchanges, 22161
easements, and licenses; performing inventories of land; and 22162
performing other related general management duties; 22163

(2) Cooperate with federal agencies and political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, and prepare and distribute the statewide comprehensive outdoor recreation plan;	22164 22165 22166 22167 22168
(3) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director of natural resources;	22169 22170 22171
(4) Administer the real estate services associated with canal lands on behalf of the director under Chapter 1520. of the Revised Code.	22172 22173 22174
(B) The office may do any of the following:	22175
(1) Coordinate environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C. 4321, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, and regulations adopted under those acts;	22176 22177 22178 22179 22180 22181 22182
(2) Survey land;	22183
(3) As considered necessary by the director, administer any state or federally funded grant program that is related to natural resources or recreation;	22184 22185 22186
(4) Coordinate department projects, programs, policies, procedures, and activities with the United States army corps of engineers and other federal agencies;	22187 22188 22189
(5) Coordinate department activities associated with the completion of drainage ditch improvements in accordance with Chapters 6131. and 6133. of the Revised Code;	22190 22191 22192
(6) Prepare and distribute the statewide comprehensive	22193

outdoor recreation plan. 22194

Sec. 1505.09. (A) There is hereby created in the state 22195
treasury the geological mapping fund, to be administered by the 22196
chief of the division of geological survey. The Except as provided 22197
in division (B) of this section, the fund shall be used for the 22198
purposes of performing the necessary field, laboratory, and 22199
administrative tasks to map and make public reports on the 22200
geology, geologic hazards, and energy and mineral resources of the 22201
state. The source of ~~moneys~~ money for the fund shall include, but 22202
not be limited to, the mineral severance tax as specified in 22203
section 5749.02 of the Revised Code transfers made to the fund in 22204
accordance with section 6111.046 of the Revised Code, and the fees 22205
collected under rules adopted under section 1505.05 of the Revised 22206
Code. The chief may seek federal or other ~~moneys~~ money in addition 22207
to the mineral severance tax and fees to carry out the purposes of 22208
this section. If the chief receives federal ~~moneys~~ money for the 22209
purposes of this section, the chief shall deposit ~~those moneys~~ 22210
that money into the state treasury to the credit of a fund created 22211
by the controlling board to carry out those purposes. Other ~~moneys~~ 22212
money received by the chief for the purposes of this section in 22213
addition to the mineral severance tax, fees, and federal ~~moneys~~ 22214
money shall be credited to the geological mapping fund. 22215

(B) Any money transferred to the geological mapping fund in 22216
accordance with section 6111.046 of the Revised Code shall be used 22217
by the chiefs of the divisions of mineral resources management, 22218
oil and gas resources management, geological survey, and water 22219
resources in the department of natural resources for the purpose 22220
of executing their duties under sections 6111.043 to 6111.047 of 22221
the Revised Code. 22222

Sec. 1506.23. (A) There is hereby created in the state 22223
treasury the Lake Erie protection fund, which shall consist of 22224

~~moneys~~ money deposited into the fund from the issuance of Lake Erie license plates under section 4503.52 of the Revised Code, money awarded to the state from the great lakes protection fund, and donations, gifts, bequests, and other moneys received for the purposes of this section. Not later than the first day of June each year, the Ohio Lake Erie commission created in section 1506.21 of the Revised Code shall designate one of its members to administer the fund and, with the approval of the commission, to expend moneys from the fund for any of the following purposes:

- (1) Accelerating the pace of research into the economic, environmental, and human health effects of contamination of Lake Erie and its tributaries;
- (2) Funding cooperative research and data collection regarding Lake Erie water quality and toxic contamination;
- (3) Developing improved methods of measuring water quality and establishing a firm scientific base for implementing a basinwide system of water quality management for Lake Erie and its tributaries;
- (4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants;
- (5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection;
- (6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin;
- (7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any

educational institution, or any nonprofit organization for the 22256
development and implementation of projects and programs that are 22257
designed to protect Lake Erie by reducing toxic contamination of 22258
or improving water quality in Lake Erie; 22259

(8) Expenses authorized by the Ohio Lake Erie commission 22260
necessary to implement this chapter. 22261

(B) Moneys in the Lake Erie protection fund are not intended 22262
to replace other moneys expended by any agency of the United 22263
States, any state agency, as "agency" is so defined, any political 22264
subdivision, any educational institution, or any nonprofit 22265
organization for projects and programs that are designed to 22266
protect Lake Erie by reducing toxic contamination of or improving 22267
water quality in Lake Erie. 22268

(C) Each March, the Ohio Lake Erie commission shall publish a 22269
Lake Erie protection agenda that describes proposed uses of the 22270
Lake Erie protection fund for the following state fiscal year. The 22271
agenda shall be the subject of at least one public meeting of the 22272
commission held in the Lake Erie basin. The commission shall 22273
submit the agenda to the governor, the president of the senate, 22274
and the speaker of the house of representatives. 22275

(D) Not later than September 1, 1991, and annually 22276
thereafter, the Lake Erie commission shall prepare a report of the 22277
activities that were undertaken by the commission under this 22278
section during the immediately preceding fiscal year, including, 22279
without limitation, revenues and expenses for the preceding fiscal 22280
year. The commission shall submit the report to the governor, the 22281
president of the senate, and the speaker of the house of 22282
representatives. 22283

Sec. 1509.02. There is hereby created in the department of 22284
natural resources the division of oil and gas resources 22285
management, which shall be administered by the chief of the 22286

division of oil and gas resources management. The division has 22287
sole and exclusive authority to regulate the permitting, location, 22288
and spacing of oil and gas wells and production operations within 22289
the state, excepting only those activities regulated under federal 22290
laws for which oversight has been delegated to the environmental 22291
protection agency and activities regulated under sections 6111.02 22292
to 6111.028 of the Revised Code. The regulation of oil and gas 22293
activities is a matter of general statewide interest that requires 22294
uniform statewide regulation, and this chapter and rules adopted 22295
under it constitute a comprehensive plan with respect to all 22296
aspects of the locating, drilling, well stimulation, completing, 22297
and operating of oil and gas wells within this state, including 22298
site construction and restoration, permitting related to those 22299
activities, and the disposal of wastes from those wells. In order 22300
to assist the division in the furtherance of its sole and 22301
exclusive authority as established in this section, the chief may 22302
enter into cooperative agreements with other state agencies for 22303
advice and consultation, including visitations at the surface 22304
location of a well on behalf of the division. Such cooperative 22305
agreements do not confer on other state agencies any authority to 22306
administer or enforce this chapter and rules adopted under it. In 22307
addition, such cooperative agreements shall not be construed to 22308
dilute or diminish the division's sole and exclusive authority as 22309
established in this section. Nothing in this section affects the 22310
authority granted to the director of transportation and local 22311
authorities in section 723.01 or 4513.34 of the Revised Code, 22312
provided that the authority granted under those sections shall not 22313
be exercised in a manner that discriminates against, unfairly 22314
impedes, or obstructs oil and gas activities and operations 22315
regulated under this chapter. 22316

The chief shall not hold any other public office, nor shall 22317
the chief be engaged in any occupation or business that might 22318
interfere with or be inconsistent with the duties as chief. 22319

~~All moneys~~ Money collected by the chief pursuant to sections 22320
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 22321
1509.28, 1509.34, ~~and~~ 1509.50, and 5749.02 of the Revised Code, 22322
~~ninety per cent of moneys received by the treasurer of state from~~ 22323
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 22324
~~the Revised Code,~~ all civil penalties paid under section 1509.33 22325
of the Revised Code, and, notwithstanding any section of the 22326
Revised Code relating to the distribution or crediting of fines 22327
for violations of the Revised Code, all fines imposed under 22328
divisions (A) and (B) of section 1509.99 of the Revised Code and 22329
fines imposed under divisions (C) and (D) of section 1509.99 of 22330
the Revised Code for all violations prosecuted by the attorney 22331
general and for violations prosecuted by prosecuting attorneys 22332
that do not involve the transportation of brine by vehicle shall 22333
be deposited into the state treasury to the credit of the oil and 22334
gas well fund, which is hereby created. Fines imposed under 22335
divisions (C) and (D) of section 1509.99 of the Revised Code for 22336
violations prosecuted by prosecuting attorneys that involve the 22337
transportation of brine by vehicle and penalties associated with a 22338
compliance agreement entered into pursuant to this chapter shall 22339
be paid to the county treasury of the county where the violation 22340
occurred. 22341

The fund shall be used solely and exclusively for the 22342
purposes enumerated in division (B) of section 1509.071 of the 22343
Revised Code, for the expenses of the division associated with the 22344
administration of this chapter and Chapter 1571. of the Revised 22345
Code and rules adopted under them, and for expenses that are 22346
critical and necessary for the protection of human health and 22347
safety and the environment related to oil and gas production in 22348
this state. The expenses of the division in excess of the moneys 22349
available in the fund shall be paid from general revenue fund 22350
appropriations to the department. 22351

Sec. 1509.07. (A)(1)(a) Except as provided in division 22352
(A)(1)(b) or (A)(2) of this section, an owner of any well, except 22353
an exempt Mississippian well or an exempt domestic well, shall 22354
obtain liability insurance coverage from a company authorized or 22355
approved to do business in this state in an amount of not less 22356
than one million dollars bodily injury coverage and property 22357
damage coverage to pay damages for injury to persons or damage to 22358
property caused by the drilling, operation, or plugging of all the 22359
owner's wells in this state. However, if any well is located 22360
within an urbanized area, the owner shall obtain liability 22361
insurance coverage in an amount of not less than three million 22362
dollars for bodily injury coverage and property damage coverage to 22363
pay damages for injury to persons or damage to property caused by 22364
the drilling, operation, or plugging of all of the owner's wells 22365
in this state. 22366

(b) A board of county commissioners of a county that is an 22367
owner of a well may elect to satisfy the liability coverage 22368
requirements specified in division (A)(1)(a) of this section by 22369
participating in a joint self-insurance pool in accordance with 22370
the requirements established under section 2744.081 of the Revised 22371
Code. Nothing in division (A)(1)(b) of this section shall be 22372
construed to allow an entity, other than a county, to participate 22373
in a joint self-insurance pool to satisfy the liability coverage 22374
requirements specified in division (A)(1)(a) of this section. 22375

(2) An owner of a horizontal well shall obtain liability 22376
insurance coverage from an insurer authorized to write such 22377
insurance in this state or from an insurer approved to write such 22378
insurance in this state under section 3905.33 of the Revised Code 22379
in an amount of not less than five million dollars bodily injury 22380
coverage and property damage coverage to pay damages for injury to 22381
persons or damage to property caused by the production operations 22382
of all the owner's wells in this state. The insurance policy shall 22383

include a reasonable level of coverage available for an 22384
environmental endorsement. 22385

(3) An owner shall maintain the coverage required under 22386
division (A)(1) or (2) of this section until all the owner's wells 22387
are plugged and abandoned or are transferred to an owner who has 22388
obtained insurance as required under this section and who is not 22389
under a notice of material and substantial violation or under a 22390
suspension order. The owner shall provide proof of liability 22391
insurance coverage to the chief of the division of oil and gas 22392
resources management upon request. Upon failure of the owner to 22393
provide that proof when requested, the chief may order the 22394
suspension of any outstanding permits and operations of the owner 22395
until the owner provides proof of the required insurance coverage. 22396

(B)(1) Except as otherwise provided in this section, an owner 22397
of any well, before being issued a permit under section 1509.06 of 22398
the Revised Code or before operating or producing from a well, 22399
shall execute and file with the division of oil and gas resources 22400
management a surety bond conditioned on compliance with the 22401
restoration requirements of section 1509.072, the plugging 22402
requirements of section 1509.12, the permit provisions of section 22403
1509.13 of the Revised Code, and all rules and orders of the chief 22404
relating thereto, in an amount set by rule of the chief. 22405

(2) The owner may deposit with the chief, instead of a surety 22406
bond, cash in an amount equal to the surety bond as prescribed 22407
pursuant to this section or negotiable certificates of deposit or 22408
irrevocable letters of credit, issued by any bank organized or 22409
transacting business in this state or by any savings and loan 22410
association as defined in section 1151.01 of the Revised Code, 22411
having a cash value equal to or greater than the amount of the 22412
surety bond as prescribed pursuant to this section. Cash or 22413
certificates of deposit shall be deposited upon the same terms as 22414
those upon which surety bonds may be deposited. If certificates of 22415

deposit are deposited with the chief instead of a surety bond, the 22416
chief shall require the bank or savings and loan association that 22417
issued any such certificate to pledge securities of a cash value 22418
equal to the amount of the certificate that is in excess of the 22419
amount insured by any of the agencies and instrumentalities 22420
created under the "Federal Deposit Insurance Act," 64 Stat. 873 22421
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 22422
it, including at least the federal deposit insurance corporation, 22423
bank insurance fund, and savings association insurance fund. The 22424
securities shall be security for the repayment of the certificate 22425
of deposit. 22426

Immediately upon a deposit of cash, certificates of deposit, 22427
or letters of credit with the chief, the chief shall deliver them 22428
to the treasurer of state who shall hold them in trust for the 22429
purposes for which they have been deposited. 22430

(3) Instead of a surety bond, the chief may accept proof of 22431
financial responsibility consisting of a sworn financial statement 22432
showing a net financial worth within this state equal to twice the 22433
amount of the bond for which it substitutes and, as may be 22434
required by the chief, a list of producing properties of the owner 22435
within this state or other evidence showing ability and intent to 22436
comply with the law and rules concerning restoration and plugging 22437
that may be required by rule of the chief. The owner of an exempt 22438
Mississippian well is not required to file scheduled updates of 22439
the financial documents, but shall file updates of those documents 22440
if requested to do so by the chief. The owner of a nonexempt 22441
Mississippian well shall file updates of the financial documents 22442
in accordance with a schedule established by rule of the chief. 22443
The chief, upon determining that an owner for whom the chief has 22444
accepted proof of financial responsibility instead of bond cannot 22445
demonstrate financial responsibility, shall order that the owner 22446
execute and file a bond or deposit cash, certificates of deposit, 22447

or irrevocable letters of credit as required by this section for 22448
the wells specified in the order within ten days of receipt of the 22449
order. If the order is not complied with, all wells of the owner 22450
that are specified in the order and for which no bond is filed or 22451
cash, certificates of deposit, or letters of credit are deposited 22452
shall be plugged. No owner shall fail or refuse to plug such a 22453
well. Each day on which such a well remains unplugged thereafter 22454
constitutes a separate offense. 22455

(4) The surety bond provided for in this section shall be 22456
executed by a surety company authorized to do business in this 22457
state. 22458

The chief shall not approve any bond until it is personally 22459
signed and acknowledged by both principal and surety, or as to 22460
either by the principal's or surety's attorney in fact, with a 22461
certified copy of the power of attorney attached thereto. The 22462
chief shall not approve a bond unless there is attached a 22463
certificate of the superintendent of insurance that the company is 22464
authorized to transact a fidelity and surety business in this 22465
state. 22466

All bonds shall be given in a form to be prescribed by the 22467
chief and shall run to the state as obligee. 22468

(5) An owner of an exempt Mississippian well or an exempt 22469
domestic well, in lieu of filing a surety bond, cash in an amount 22470
equal to the surety bond, certificates of deposit, irrevocable 22471
letters of credit, or a sworn financial statement, may file a 22472
one-time fee of fifty dollars, which shall be deposited in the oil 22473
and gas well plugging fund created in section 1509.071 of the 22474
Revised Code. 22475

(C) An owner, operator, producer, or other person shall not 22476
operate a well or produce from a well at any time if the owner, 22477
operator, producer, or other person has not satisfied the 22478

requirements established in this section. 22479

Sec. 1509.071. (A) When the chief of the division of oil and 22480
gas resources management finds that an owner has failed to comply 22481
with a final nonappealable order issued or compliance agreement 22482
entered into under section 1509.04, the restoration requirements 22483
of section 1509.072, plugging requirements of section 1509.12, or 22484
permit provisions of section 1509.13 of the Revised Code, or rules 22485
and orders relating thereto, the chief shall make a finding of 22486
that fact and declare any surety bond filed to ensure compliance 22487
with those sections and rules forfeited in the amount set by rule 22488
of the chief. The chief thereupon shall certify the total 22489
forfeiture to the attorney general, who shall proceed to collect 22490
the amount of the forfeiture. In addition, the chief may require 22491
an owner, operator, producer, or other person who forfeited a 22492
surety bond to post a new surety bond in the amount of fifteen 22493
thousand dollars for a single well, thirty thousand dollars for 22494
two wells, or fifty thousand dollars for three or more wells. 22495

In lieu of total forfeiture, the surety or owner, at the 22496
surety's or owner's option, may cause the well to be properly 22497
plugged and abandoned and the area properly restored or pay to the 22498
treasurer of state the cost of plugging and abandonment. 22499

(B) All moneys collected because of forfeitures of bonds as 22500
provided in this section shall be deposited in the state treasury 22501
to the credit of the oil and gas well fund created in section 22502
1509.02 of the Revised Code. 22503

The chief annually shall spend not less than fourteen per 22504
cent of the revenue credited to the fund during the previous 22505
fiscal year for the following purposes: 22506

(1) In accordance with division (D) of this section, to plug 22507
idle and orphaned wells or to restore the land surface properly as 22508
required in section 1509.072 of the Revised Code; 22509

(2) In accordance with division (E) of this section, to 22510
correct conditions that the chief reasonably has determined are 22511
causing imminent health or safety risks at an idle and orphaned 22512
well or a well for which the owner cannot be contacted in order to 22513
initiate a corrective action within a reasonable period of time as 22514
determined by the chief. 22515

Expenditures from the fund shall be made only for lawful 22516
purposes. In addition, expenditures from the fund shall not be 22517
made to purchase real property or to remove a dwelling in order to 22518
access a well. 22519

The director of budget and management, in consultation with 22520
the chief, shall establish an accounting code for purposes of 22521
tracking expenditures made as required under this division. 22522

(C)(1) Upon determining that the owner of a well has failed 22523
to properly plug and abandon it or to properly restore the land 22524
surface at the well site in compliance with the applicable 22525
requirements of this chapter and applicable rules adopted and 22526
orders issued under it or that a well is an abandoned well for 22527
which no funds are available to plug the well in accordance with 22528
this chapter, the chief shall do all of the following: 22529

(a) Determine from the records in the office of the county 22530
recorder of the county in which the well is located the identity 22531
of the owner of the land on which the well is located, the 22532
identity of the owner of the oil or gas lease under which the well 22533
was drilled or the identity of each person owning an interest in 22534
the lease, and the identities of the persons having legal title 22535
to, or a lien upon, any of the equipment appurtenant to the well; 22536

(b) Mail notice to the owner of the land on which the well is 22537
located informing the landowner that the well is to be plugged. If 22538
the owner of the oil or gas lease under which the well was drilled 22539
is different from the owner of the well or if any persons other 22540

than the owner of the well own interests in the lease, the chief 22541
also shall mail notice that the well is to be plugged to the owner 22542
of the lease or to each person owning an interest in the lease, as 22543
appropriate. 22544

(c) Mail notice to each person having legal title to, or a 22545
lien upon, any equipment appurtenant to the well, informing the 22546
person that the well is to be plugged and offering the person the 22547
opportunity to plug the well and restore the land surface at the 22548
well site at the person's own expense in order to avoid forfeiture 22549
of the equipment to this state. 22550

(2) If none of the persons described in division (C)(1)(c) of 22551
this section plugs the well within sixty days after the mailing of 22552
the notice required by that division, all equipment appurtenant to 22553
the well is hereby declared to be forfeited to this state without 22554
compensation and without the necessity for any action by the state 22555
for use to defray the cost of plugging and abandoning the well and 22556
restoring the land surface at the well site. 22557

(D) Expenditures from the fund for the purpose of division 22558
(B)(1) of this section shall be made in accordance with either of 22559
the following: 22560

(1) The expenditures may be made pursuant to contracts 22561
entered into by the chief with persons who agree to furnish all of 22562
the materials, equipment, work, and labor as specified and 22563
provided in such a contract for activities associated with the 22564
restoration or plugging of a well as determined by the chief. The 22565
activities may include excavation to uncover a well, geophysical 22566
methods to locate a buried well when clear evidence of leakage 22567
from the well exists, cleanout of wellbores to remove material 22568
from a failed plugging of a well, plugging operations, 22569
installation of vault and vent systems, including associated 22570
engineering certifications and permits, restoration of property, 22571
and repair of damage to property that is caused by such 22572

activities. Expenditures shall not be used for salaries, 22573
maintenance, equipment, or other administrative purposes, except 22574
for costs directly attributed to the plugging of an idle and 22575
orphaned well. Agents or employees of persons contracting with the 22576
chief for a restoration or plugging project may enter upon any 22577
land, public or private, on which the well is located for the 22578
purpose of performing the work. Prior to such entry, the chief 22579
shall give to the following persons written notice of the 22580
existence of a contract for a project to restore or plug a well, 22581
the names of the persons with whom the contract is made, and the 22582
date that the project will commence: the owner of the well, the 22583
owner of the land upon which the well is located, the owner or 22584
agents of adjoining land, and, if the well is located in the same 22585
township as or in a township adjacent to the excavations and 22586
workings of a mine and the owner or lessee of that mine has 22587
provided written notice identifying those townships to the chief 22588
at any time during the immediately preceding three years, the 22589
owner or lessee of the mine. 22590

(2)(a) The owner of the land on which a well is located who 22591
has received notice under division (C)(1)(b) of this section may 22592
plug the well and be reimbursed by the division of oil and gas 22593
resources management for the reasonable cost of plugging the well. 22594
In order to plug the well, the landowner shall submit an 22595
application to the chief on a form prescribed by the chief and 22596
approved by the technical advisory council on oil and gas created 22597
in section 1509.38 of the Revised Code. The application, at a 22598
minimum, shall require the landowner to provide the same 22599
information as is required to be included in the application for a 22600
permit to plug and abandon under section 1509.13 of the Revised 22601
Code. The application shall be accompanied by a copy of a proposed 22602
contract to plug the well prepared by a contractor regularly 22603
engaged in the business of plugging oil and gas wells. The 22604
proposed contract shall require the contractor to furnish all of 22605

the materials, equipment, work, and labor necessary to plug the well properly and shall specify the price for doing the work, including a credit for the equipment appurtenant to the well that was forfeited to the state through the operation of division (C)(2) of this section. Expenditures under division (D)(2)(a) of this section shall be consistent with the expenditures for activities described in division (D)(1) of this section. The application also shall be accompanied by the permit fee required by section 1509.13 of the Revised Code unless the chief, in the chief's discretion, waives payment of the permit fee. The application constitutes an application for a permit to plug and abandon the well for the purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and accompanying proposed contract under division (D)(2)(a) of this section, the chief shall determine whether the plugging would comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it and whether the cost of the plugging under the proposed contract is reasonable. If the chief determines that the proposed plugging would comply with those requirements and that the proposed cost of the plugging is reasonable, the chief shall notify the landowner of that determination and issue to the landowner a permit to plug and abandon the well under section 1509.13 of the Revised Code. Upon approval of the application and proposed contract, the chief shall transfer ownership of the equipment appurtenant to the well to the landowner. The chief may disapprove an application submitted under division (D)(2)(a) of this section if the chief determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arm's length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well.

(d) Upon determining that the plugging has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to

furnish all of the materials, equipment, work, and labor as 22671
specified and provided in such a contract. The competitive bidding 22672
requirements of Chapter 153. of the Revised Code do not apply if 22673
the chief reasonably determines that an emergency situation exists 22674
requiring immediate action for the correction of the applicable 22675
health or safety risk. A contract or purchase of materials for 22676
purposes of addressing the emergency situation is not subject to 22677
division (B) of section 127.16 of the Revised Code. The chief, 22678
designated representatives of the chief, and agents or employees 22679
of persons contracting with the chief under this division may 22680
enter upon any land, public or private, for the purpose of 22681
performing the work. 22682

(F) Contracts entered into by the chief under this section 22683
are not subject to any of the following: 22684

(1) Chapter 4115. of the Revised Code; 22685

(2) Section 153.54 of the Revised Code, except that the 22686
contractor shall obtain and provide to the chief as a bid guaranty 22687
a surety bond or letter of credit in an amount equal to ten per 22688
cent of the amount of the contract; 22689

(3) Section 4733.17 of the Revised Code. 22690

(G) The owner of land on which a well is located who has 22691
received notice under division (C)(1)(b) of this section, in lieu 22692
of plugging the well in accordance with division (D)(2) of this 22693
section, may cause ownership of the well to be transferred to an 22694
owner who is lawfully doing business in this state and who has met 22695
the financial responsibility requirements established under 22696
section 1509.07 of the Revised Code, subject to the approval of 22697
the chief. The transfer of ownership also shall be subject to the 22698
landowner's filing the appropriate forms required under section 22699
1509.31 of the Revised Code and providing to the chief sufficient 22700
information to demonstrate the landowner's or owner's right to 22701

produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

(H) The chief shall issue an order that requires the owner of a well to pay the actual documented costs of a corrective action that is described in division (B)(2) of this section concerning the well. The chief shall transmit the money so recovered to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund.

(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; or any state university or college as defined in section 3345.27 of the Revised Code. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.

Sec. 1513.18. (A) All money that becomes the property of the 22732
state under division (G) of section 1513.16 of the Revised Code 22733
shall be deposited in the reclamation forfeiture fund, which is 22734
hereby created in the state treasury. Disbursements from the fund 22735
shall be made by the chief of the division of mineral resources 22736
management for the purpose of reclaiming areas of land affected by 22737
coal mining under a coal mining and reclamation permit issued on 22738
or after September 1, 1981, on which an operator has defaulted. 22739

(B) The fund also shall consist of all money from the 22740
collection of liens under section 1513.081 of the Revised Code, 22741
~~any moneys transferred to it under section 1513.181 of the Revised~~ 22742
~~Code from the coal mining and reclamation reserve fund created in~~ 22743
~~that section,~~ all money credited to the fund from the fee levied 22744
by division (F)(8)(c) of section 1513.16 of the Revised Code, 22745
fines collected under division (E) of section 1513.02 and section 22746
1513.99 of the Revised Code, fines collected for a violation of 22747
section 2921.31 of the Revised Code that, prior to July 1, 1996, 22748
would have been a violation of division (G) of section 1513.17 of 22749
the Revised Code as it existed prior to that date, and ~~moneys~~ 22750
money collected and credited to it pursuant to section 5749.02 of 22751
the Revised Code. Disbursements from the fund shall be made by the 22752
chief in accordance with division (D) of this section for the 22753
purpose of reclaiming areas that an operator has affected by 22754
mining and failed to reclaim under a coal mining and reclamation 22755
permit issued under this chapter. 22756

The chief may expend ~~moneys~~ money from the fund to pay 22757
necessary administrative costs, including engineering and design 22758
services, incurred by the division of mineral resources management 22759
in reclaiming these areas. The chief also may expend ~~moneys~~ money 22760
from the fund to pay necessary administrative costs of the 22761
reclamation forfeiture fund advisory board created in section 22762
1513.182 of the Revised Code as authorized by the board under that 22763

section. Expenditures from the fund to pay such administrative 22764
costs need not be made under contract. 22765

(C) Except when paying necessary administrative costs 22766
authorized by division (B) of this section, expenditures from the 22767
fund shall be made under contracts entered into by the chief, with 22768
the approval of the director of natural resources, in accordance 22769
with procedures established by the chief, by rules adopted in 22770
accordance with section 1513.02 of the Revised Code. The chief may 22771
reclaim the land in the same manner as set forth in sections 22772
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 22773
the chief shall be awarded to the lowest responsive and 22774
responsible bidder, in accordance with section 9.312 of the 22775
Revised Code, after sealed bids are received, opened, and 22776
published at the time and place fixed by the chief. The chief 22777
shall publish notice of the time and place at which bids will be 22778
received, opened, and published, at least once and at least ten 22779
days before the date of the opening of the bids, in a newspaper of 22780
general circulation in the county in which the area of land to be 22781
reclaimed under the contract is located. If, after advertising, no 22782
bids are received at the time and place fixed for receiving them, 22783
the chief may advertise again for bids, or, if the chief considers 22784
the public interest will best be served, the chief may enter into 22785
a contract for the reclamation of the area of land without further 22786
advertisement for bids. The chief may reject any or all bids 22787
received and again publish notice of the time and place at which 22788
bids for contracts will be received, opened, and published. The 22789
chief, with the approval of the director, may enter into a 22790
contract with the landowner, a coal mine operator or surface mine 22791
operator mining under a current, valid permit issued under this 22792
chapter or Chapter 1514. of the Revised Code, or a contractor 22793
hired by the surety or trustee, if the performance security is 22794
held in trust, to complete reclamation on land affected by coal 22795
mining on which an operator has defaulted, or with a contractor 22796

hired by the trust administrator of an alternative financial 22797
security that is provided in accordance with division (F)(8) of 22798
section 1513.16 of the Revised Code to provide long-term water 22799
treatment or a long-term alternative water supply on areas 22800
affected by coal mining on which a permittee has defaulted or not 22801
fully funded an alternative financial security, without 22802
advertising for bids. 22803

(D)(1) The chief shall expend money credited to the 22804
reclamation forfeiture fund from the forfeiture of the performance 22805
security applicable to an area of land to pay for the cost of 22806
completing reclamation to the standards established by this 22807
chapter and rules adopted under it. 22808

(2) If the performance security for the area of land was 22809
provided under division (C)(1) of section 1513.08 of the Revised 22810
Code, the chief shall use the money from the forfeited performance 22811
security and any alternative financial security provided under 22812
division (F)(8) of section 1513.16 of the Revised Code to complete 22813
the reclamation that the operator failed to do under the 22814
operator's applicable coal mining and reclamation permit issued 22815
under this chapter. 22816

(3) If the performance security for the area of land was 22817
provided under division (C)(2) of section 1513.08 of the Revised 22818
Code, the chief shall use the money from the forfeited performance 22819
security and any alternative financial security provided under 22820
division (F)(8) of section 1513.16 of the Revised Code to complete 22821
the reclamation that the operator failed to do under the 22822
operator's applicable coal mining and reclamation permit issued 22823
under this chapter. If the money credited to the reclamation 22824
forfeiture fund from the forfeiture of the performance security 22825
provided under division (C)(2) of section 1513.08 of the Revised 22826
Code and any alternative financial security provided under 22827
division (F)(8) of section 1513.16 of the Revised Code is not 22828

sufficient to complete the reclamation to the standards 22829
established by this chapter and rules adopted under it, the chief 22830
shall notify the reclamation forfeiture fund advisory board of the 22831
amount of the insufficiency. The chief may expend money credited 22832
to the reclamation forfeiture fund under section 5749.02 of the 22833
Revised Code, or credited to the reclamation forfeiture fund from 22834
the fee levied by division (F)(8)(c) of section 1513.16 of the 22835
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 22836
~~the Revised Code~~ to complete the reclamation to the standards 22837
established by this chapter and rules adopted under it. Except as 22838
provided in division (D)(5) of this section, the chief shall not 22839
expend money from the fund in an amount that exceeds the 22840
difference between the amount of the performance security provided 22841
under division (C)(2) of section 1513.08 of the Revised Code and 22842
the estimated cost of reclamation as determined by the chief under 22843
divisions (B) and (E) of that section. 22844

(4) Except as provided in division (D)(5) of this section, 22845
money from the reclamation forfeiture fund shall not be used for 22846
reclamation of land or water resources affected by mine drainage 22847
that requires extended water treatment after reclamation is 22848
completed under the terms of the permit. In addition, money from 22849
the reclamation forfeiture fund shall not be used to supplement 22850
the performance security of an applicant or permittee that has 22851
provided performance security in accordance with division (C)(1) 22852
of section 1513.08 of the Revised Code. 22853

(5) If a permittee relies in part on the reclamation 22854
forfeiture fund for alternative financial security under division 22855
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 22856
reclamation forfeiture fund may be used for reclamation of the 22857
land or water resources affected by mine drainage that requires 22858
water treatment after reclamation is completed under the terms of 22859
the permit or an alternative water supply after reclamation is 22860

completed under the terms of the permit in an amount not to exceed 22861
the balance of the alternative financial security provided by the 22862
reclamation forfeiture fund under that division. 22863

(E) The chief shall keep a detailed accounting of the 22864
expenditures from the reclamation forfeiture fund to complete 22865
reclamation of the land or water resources, as applicable, and, 22866
upon completion of the reclamation, shall certify the expenditures 22867
to the attorney general. Upon the chief's certification of the 22868
expenditures from the reclamation forfeiture fund, the attorney 22869
general shall bring an action for that amount of money. The 22870
operator is liable for that expense in addition to any other 22871
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 22872
credited to the reclamation forfeiture fund. The chief shall not 22873
postpone the reclamation because of any action brought by the 22874
attorney general under this division. Prior to completing 22875
reclamation, the chief may collect through the attorney general 22876
any additional amount that the chief believes will be necessary 22877
for reclamation in excess of the forfeited performance security 22878
and any alternative financial security amount applicable to the 22879
land or water resources that the operator should have, but failed 22880
to, reclaim. 22881

(F) Except as otherwise provided in division (H) of this 22882
section, if any part of the ~~moneys~~ money in the reclamation 22883
forfeiture fund remains in the fund after the chief has caused the 22884
area of land to be reclaimed and has paid all the reclamation 22885
costs and expenses, the chief may expend those ~~moneys~~ money to 22886
complete other reclamation work performed under this section on 22887
forfeiture areas affected under a coal mining and reclamation 22888
permit issued on or after September 1, 1981. 22889

(G) The chief shall require every contractor performing 22890
reclamation work pursuant to this section to pay workers at the 22891
greater of their regular rate of pay, as established by contract, 22892

agreement, or prior custom or practice, or the average wage rate 22893
paid in this state for the same or similar work as determined by 22894
the chief under section 1513.02 of the Revised Code. 22895

(H) All investment earnings of the fund shall be credited to 22896
the fund and shall be used only for the reclamation of land for 22897
which performance security was provided under division (C)(2) of 22898
section 1513.08 of the Revised Code. 22899

Sec. 1513.20. The chief of the division of mineral resources 22900
management, with the approval of the director of natural 22901
resources, may purchase or acquire by gift, donation, or 22902
contribution any eroded land, including land affected by strip 22903
mining, for which no cash is held in the reclamation forfeiture 22904
fund created by section 1513.18 of the Revised Code. For this 22905
purpose the chief may expend ~~moneys~~ money deposited in the 22906
~~unreclaimed lands~~ mining regulation and safety fund created by 22907
section 1513.30 of the Revised Code. All lands purchased or 22908
acquired shall be deeded to the state, but no deed shall be 22909
accepted or the purchase price paid until the title has been 22910
approved by the attorney general. 22911

Sec. 1513.25. After completion of the reclamation of a tract 22912
of land acquired pursuant to section 1513.20 of the Revised Code, 22913
the chief of the division of mineral resources management may, if 22914
the land is suitable to the uses of any other department, 22915
division, office, or institution of the state, transfer the land 22916
or tract to that department, division, office, or institution, 22917
subject to the approval of the director of natural resources. 22918

With the approval of the attorney general and the director, 22919
the chief may sell any such land or tract, after completion of the 22920
plan of reclamation, when the sale is advantageous to the state. 22921

With the approval of the attorney general and the director, 22922

the chief may grant easements and leases on the land or tract 22923
under terms advantageous to the state, and may grant mineral 22924
rights on a royalty basis. 22925

All ~~moneys~~ money received from the sale of reclaimed lands, 22926
or in payment for easements, leases, or royalties, shall be paid 22927
to the ~~unreclaimed lands~~ mining regulation and safety fund created 22928
in section 1513.30 of the Revised Code. 22929

Sec. 1513.27. As used in this section and sections 1513.28, 22930
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 22931
adjacent property" means physical injury or harm to nearby 22932
property caused by the unreclaimed condition of lands mined prior 22933
to April 10, 1972, or pursuant to a license issued prior to April 22934
10, 1972, including, without limitation, injury or harm to 22935
vegetation on adjacent property, pollution of surface or 22936
underground waters on adjacent property, loss or interruption of 22937
water supply on adjacent property, flow of acid water onto or 22938
across adjacent property, flooding of adjacent property, 22939
landslides onto or across adjacent property, erosion of adjacent 22940
property, or deposition of sediment upon adjacent property. Damage 22941
to adjacent property does not include any diminution of the market 22942
value of adjacent property caused exclusively by the visual or 22943
aesthetic appearance of such unreclaimed lands. 22944

The chief of the division of mineral resources management, 22945
with the approval of the director of natural resources, may enter 22946
into a written agreement, which may be in the form of a contract, 22947
with the owner of any unreclaimed land affected by mining before 22948
April 10, 1972, or pursuant to a license issued before April 10, 22949
1972, that causes or may cause pollution of the waters of the 22950
state or damage to adjacent property, is not likely to be mined in 22951
the foreseeable future, and lies within the boundaries of a 22952
project area approved by the chief under section 1513.30 of the 22953

Revised Code, under which the state or its agents may enter the 22954
land to reclaim it at state expense with ~~moneys~~ money from the 22955
~~unreclaimed lands~~ mining regulation and safety fund by 22956
establishing vegetative cover and substantially reducing or 22957
eliminating erosion, sedimentation, landslides, pollution, 22958
accumulation or discharge of acid water, flooding, and damage to 22959
adjacent property. The agreement may include provisions pertaining 22960
to liability for damages and any other provisions necessary or 22961
desirable to achieve the purposes of this section. 22962

If the chief makes a finding of fact that land or water 22963
resources have been adversely affected by past coal mining 22964
practices; if the adverse effects are at a stage where, in the 22965
public interest, action to restore, reclaim, abate, control, or 22966
prevent the adverse effects should be taken; and if the owners of 22967
the affected land or water resources either are not known or 22968
readily available or will not give permission for the state, 22969
political subdivisions, or their agents, employees, or contractors 22970
to enter on the property to restore, reclaim, abate, control, or 22971
prevent the adverse effects, the chief or the chief's agents, 22972
employees, or contractors may enter on the affected property in 22973
order to do all things necessary or expedient to restore, reclaim, 22974
abate, control, or prevent the adverse effects. Prior to entering 22975
on the property, the chief or the chief's agents, employees, or 22976
contractors shall give notice by mail to the owners, if known, or, 22977
if not known, by posting notice on the premises and advertising 22978
once in a newspaper of general circulation in the county or 22979
municipal corporation in which the land lies. Such an entry shall 22980
be construed as an exercise of the police power for the protection 22981
of public health, safety, and welfare and shall not be construed 22982
as an act of condemnation of property or of trespass. The ~~moneys~~ 22983
money expended for the work and the benefits accruing to any 22984
premises so entered upon shall be chargeable against land and 22985
shall mitigate or offset any claim in or any action brought by any 22986

owner of any interest in the premises for any alleged damages by 22987
virtue of the entry. This provision is not intended to create new 22988
rights of action or eliminate existing immunities. 22989

Each agreement entered into pursuant to this section shall 22990
contain provisions for the reimbursement of a portion of the costs 22991
of the reclamation that is commensurate with the increase in the 22992
fair market value of the property attributable to the reclamation 22993
work thereon, as determined by appraisals made before and after 22994
reclamation in the manner stated in the agreement, unless the 22995
determination discloses an increase in value that is 22996
insubstantial. For reimbursement of the portion, the agreement may 22997
include provisions for any of the following: 22998

(A) Public use for soil, water, forest, or wildlife 22999
conservation or public recreation purposes; 23000

(B) Payment to the state of the share of the income from the 23001
crops or timber produced on the land that is stated in the 23002
agreement; 23003

(C) Imposition of a lien in the amount of the increase in 23004
fair market value payable upon transfer or conveyance of the 23005
property to a new owner. All such reimbursements and payments 23006
shall be credited to the ~~unreclaimed lands~~ mining regulation and 23007
safety fund. 23008

(D) Payment to the state in cash of the amount of the 23009
increase in fair market value, payable upon completion of the 23010
reclamation. 23011

For the purpose of selecting lands to be reclaimed within the 23012
boundaries of approved project areas, the chief shall consult the 23013
owners of unreclaimed lands, may consult with local officials, 23014
civic and professional organizations, and interested individuals, 23015
and shall consider the feasibility, cost, and public benefits of 23016
reclaiming particular lands, their potential for being mined, and 23017

the availability of federal or other assistance for reclamation. 23018
Before entering into the agreement, the chief shall prepare or 23019
approve a detailed plan with topographic maps indicating the 23020
reclamation improvements to be made. The plan may include 23021
improvements recommended by the owner, but may not include 23022
improvements that the chief finds are not necessary to establish 23023
vegetative cover or substantially reduce or eliminate erosion, 23024
sedimentation, landslides, pollution, accumulation or discharge of 23025
acid water, flooding, or damage to adjacent property. 23026

With the approval of the director and upon entering into the 23027
agreement with the owner, the chief may carry out the plan of 23028
reclamation or any part thereof with the employees and equipment 23029
of any division of the department of natural resources, or the 23030
chief may carry out the plan or any part thereof by contracting 23031
therefor. 23032

The chief, with the approval of the director and written 23033
consent of the owner, may enter into a contract with an operator 23034
mining adjacent land under a current, valid permit to carry out 23035
the plan of reclamation on the unreclaimed land or any part of the 23036
plan without advertising for bids. Contracts entered into with 23037
operators mining adjacent land are not subject to division (B) of 23038
section 127.16 of the Revised Code. 23039

The chief shall require every operator mining adjacent land 23040
who performs reclamation work pursuant to this section to pay 23041
workers at the greater of their regular rate of pay, as 23042
established by contract, agreement, or prior custom or practice, 23043
or the average wage rate paid in this state for the same or 23044
similar work performed in the same or similar locality by private 23045
companies doing their own reclamation work. Each contract awarded 23046
by the chief to other than an operator mining adjacent land shall 23047
be awarded to the lowest responsible bidder after sealed bids are 23048
received, opened, and published at the time and place fixed by the 23049

chief. The chief shall publish notice of the time and place at 23050
which bids will be received, opened, and published, at least once 23051
at least ten days before the date of the opening of the bids, in a 23052
newspaper of general circulation in the county in which the area 23053
of land to be reclaimed under the contract is located. If, after 23054
so advertising for bids, no bids are received by the chief at the 23055
time and place fixed for receiving them, the chief may advertise 23056
again for bids, or, if the chief considers the public interest 23057
will be best served, the chief may enter into a contract for the 23058
reclamation of the area of land without further advertisement for 23059
bids. The chief may reject all bids received and again publish 23060
notice of the time and place at which bids for contracts will be 23061
received, opened, and published. The chief, with the approval of 23062
the director and written consent of the owner, may enter into a 23063
contract with a licensed mine operator mining adjacent land under 23064
a valid permit to carry out the plan of reclamation on the 23065
unreclaimed land or any part of the plan without advertising for 23066
bids. 23067

Sec. 1513.28. The chief of the division of mineral resources 23068
management, with the approval of the director of natural 23069
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 23070
~~lands~~ mining regulation and safety fund created by section 1513.30 23071
of the Revised Code for the payment by the state of up to 23072
seventy-five per cent of the reasonable and necessary reclamation 23073
expenses incurred by the owner of any unreclaimed land affected by 23074
mining before April 10, 1972, or pursuant to a license issued 23075
before April 10, 1972, that causes or may cause pollution of the 23076
waters of the state or damage to adjacent property, is not likely 23077
to be mined in the foreseeable future, and lies within the 23078
boundaries of a project area approved by the chief under section 23079
1513.30 of the Revised Code. 23080

The owner shall submit application for a grant on forms 23081

furnished by the division, together with detailed plans and 23082
topographic maps indicating the reclamation improvements to be 23083
made, an itemized estimate of the project's cost, a description of 23084
the project's benefits, and such other information as the chief 23085
prescribes. The plan of reclamation may be prepared in 23086
consultation with a local soil and water conservation district. 23087

The chief may award the applicant a grant only after finding 23088
that the proposed reclamation work will establish vegetative cover 23089
and substantially reduce or eliminate erosion, sedimentation, 23090
landslides, pollution, accumulation or discharge of acid water, 23091
flooding, and damage to adjacent property. 23092

For the purpose of establishing priorities for awarding 23093
grants under this section and section 1513.31 of the Revised Code, 23094
the chief shall consider each project's feasibility, cost, and 23095
public benefits of reclaiming the particular land, its potential 23096
for being mined, and the availability of federal or other 23097
financial assistance for reclamation. 23098

The chief shall determine the amount of a grant under this 23099
section based upon the chief's determination of what constitutes 23100
reasonable and necessary expenses actually incurred for 23101
establishing vegetative cover, substantially reducing or 23102
eliminating erosion, sedimentation, landslides, pollution, 23103
accumulation or discharge of acid water, flooding, or damage to 23104
adjacent property, and preparing the plan of reclamation. The 23105
owner may elect to have other improvements made concurrently, but 23106
in no event shall any part of the grant be made for such other 23107
improvements, and in no event shall the amount of the grant exceed 23108
seventy-five per cent of the total amount, determined by the 23109
chief, of what constitutes reasonable and necessary expenses 23110
actually incurred for the reclamation measures listed in this 23111
section. 23112

The chief shall enter into a contract for funding with each 23113

applicant awarded a grant to ensure that the ~~moneys~~ money granted 23114
are used for the purposes of this section and that the reclamation 23115
work is properly done. The final payment may not be made until the 23116
chief inspects and approves the completed reclamation work. 23117

Each such contract shall contain provisions for the 23118
reimbursement of a portion of the costs of the reclamation that is 23119
commensurate with the increase in the fair market value of the 23120
property attributable to the reclamation work thereon, as 23121
determined by appraisals made before and after reclamation in the 23122
manner stated in the agreement, unless such determination 23123
discloses an increase in value that is insubstantial in comparison 23124
to the benefits to the public from the abatement of pollution or 23125
prevention of damage to adjacent property, considering the 23126
applicant's share of the reclamation cost. For reimbursement of 23127
such portion, the contract may include provisions for: 23128

(A) Public use for soil, water, forest, or wildlife 23129
conservation or public recreation purposes; 23130

(B) Payment to the state of the share of the income from the 23131
crops or timber produced on the land that is stated in the 23132
agreement; 23133

(C) Imposition of a lien in the amount of the increase in 23134
fair market value payable upon transfer or conveyance of the 23135
property to a new owner; 23136

(D) Payment to the state in cash in the amount of the 23137
increase in fair market value, payable upon completion of the 23138
reclamation. 23139

All such reimbursements and payments shall be credited to the 23140
~~unreclaimed lands~~ mining regulation and safety fund. 23141

Not more than forty per cent of the money credited to the 23142
fund during the preceding calendar year may be expended during a 23143
calendar year for grants under this section. 23144

The chief shall require every landowner performing 23145
reclamation work pursuant to this section to pay workers at the 23146
greater of their regular rate of pay, as established by contract, 23147
agreement, or prior custom or practice, or the average wage rate 23148
in this state for the same or similar work performed in the same 23149
or similar locality by private companies doing their own 23150
reclamation work. 23151

Sec. 1513.30. (A) There is hereby created in the state 23152
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 23153
to be administered by the chief of the division of mineral 23154
resources management ~~and~~. The fund shall be used for the purpose 23155
of reclaiming following purposes: 23156

(1) Reclaiming land, public or private, affected by mining, 23157
or controlling mine drainage, for which no cash is held in the 23158
reclamation forfeiture fund created in section 1513.18 of the 23159
Revised Code ~~or the surface mining fund created in section;~~ 23160

(2) Specified purposes in sections 1514.06, 1514.11, and 23161
1561.48 of the Revised Code; 23162

(3) Administration and enforcement of Chapter 1513. of the 23163
Revised Code. 23164

All investment earnings of the fund shall be deposited into 23165
the fund. 23166

(B) In order to direct expenditures from the ~~unreclaimed~~ 23167
~~lands~~ mining regulation and safety fund toward reclamation 23168
projects that fulfill priority needs and provide the greatest 23169
public benefits, the chief periodically shall consider projects to 23170
be financed from the ~~unreclaimed lands~~ mining regulation and 23171
safety fund. For the purpose of selecting project areas and 23172
determining the boundaries of project areas, the chief shall 23173
consider the feasibility, cost, and public benefits of reclaiming 23174

the areas, their potential for being mined, the availability of 23175
federal or other financial assistance for reclamation, and the 23176
geographic distribution of project areas to ensure fair 23177
distribution among affected areas. 23178

(C) The chief shall give priority to areas where there is 23179
little or no likelihood of mining within the foreseeable future, 23180
reclamation is feasible at reasonable cost with available funds, 23181
and either of the following applies: 23182

~~(A)(1)~~ The pollution of the waters of the state and damage to 23183
adjacent property are most severe and widespread. 23184

~~(B)(2)~~ Reclamation will make possible public uses for soil, 23185
water, forest, or wildlife conservation or public recreation 23186
purposes, will facilitate orderly commercial or industrial site 23187
development, or will facilitate the use or improve the enjoyment 23188
of nearby public conservation or recreation lands. 23189

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation 23190
and safety fund for reclamation projects may be made only for 23191
projects that are within the boundaries of project areas approved 23192
by the chief. Expenditures from the ~~unreclaimed lands~~ mining 23193
regulation and safety fund shall be made by the chief, with the 23194
approval of the director of natural resources. 23195

~~The chief may expend an amount not to exceed twenty per cent 23196
of the moneys credited annually by the treasurer of state to the 23197
unreclaimed lands fund for the purpose of administering the fund. 23198~~

(E) The chief may engage in cooperative projects under this 23199
section with any agency of the United States, appropriate state 23200
agencies, or state universities or colleges as defined in section 23201
3345.27 of the Revised Code and may transfer money from the fund 23202
to other appropriate state agencies or to state universities or 23203
colleges in order to carry out the reclamation activities 23204
authorized by this section. 23205

~~If the director of natural resources determines it to be necessary, the director may request the controlling board to transfer an amount of money from the fund to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.~~

(F) Notwithstanding any other provisions of law to the contrary, money credited to the mining regulation and safety fund that is derived from taxes levied in division (A)(3) or (4) of section 5749.02 of the Revised Code shall not be used for any purposes authorized under this chapter.

Sec. 1513.31. For the purpose of promoting local or regional economic or community development, the chief of the division of mineral resources management, with the approval of the director of natural resources, may make grants of money from the ~~unreclaimed lands~~ mining regulation and safety fund created by section 1513.30 of the Revised Code for the payment by the state of up to seventy-five per cent of the reasonable and necessary expenses incurred by a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of the Revised Code for the reclamation of any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, that is owned by the political subdivision or corporation, is to be reclaimed for the purpose of commercial or industrial site development by the political subdivision or corporation or the development of recreational facilities by the political subdivision, and lies within the boundaries of a project area approved by the chief.

The owner shall submit an application for a grant on forms furnished by the division of mineral resources management together with detailed plans and topographic maps indicating the

reclamation improvements to be made, an itemized estimate of the 23237
project's cost, a description of the project's benefits, and such 23238
other information as the chief prescribes. The chief may award the 23239
applicant a grant only after finding that the proposed reclamation 23240
work will render the unreclaimed land suitable for commercial, 23241
industrial, or, if the land is owned by a political subdivision, 23242
recreational site development and will substantially reduce or 23243
eliminate the damage, if any, to adjacent property that is or may 23244
be caused by the condition of the unreclaimed land. 23245

The chief shall determine the amount of the grant based upon 23246
the chief's determination of what constitutes reasonable and 23247
necessary expenses actually incurred for preparing the plan of 23248
reclamation; preparing the unreclaimed land for commercial, 23249
industrial, or, in the case of land owned by a political 23250
subdivision, recreational site development, including backfilling, 23251
grading, resoiling, planting, or other work to restore the land to 23252
a condition suitable for such development; and, if the condition 23253
of the unreclaimed land so requires, establishing vegetative cover 23254
or substantially reducing or eliminating erosion, sedimentation, 23255
landslides, pollution, accumulation or discharge of acid water, 23256
flooding, or damage to adjacent property. The owner may have other 23257
improvements made concurrently with the reclamation work, but 23258
shall not spend any part of the grant for such other improvements. 23259
No grant shall exceed seventy-five per cent of the total amount, 23260
as determined by the chief, of what constitutes reasonable and 23261
necessary expenses actually incurred for the reclamation measures 23262
listed in this section. 23263

The chief shall enter into a contract for funding with each 23264
applicant awarded a grant in order to ensure that the ~~moneys~~ money 23265
granted are used for the purposes of this section and that the 23266
reclamation work is properly done. The final payment under a grant 23267
may not be made until the chief inspects and approves the 23268

completed reclamation work. 23269

Sec. 1513.32. For the purpose of promoting local or regional 23270
economic or community development, the chief of the division of 23271
mineral resources management, with the approval of the director of 23272
natural resources, may enter into a written agreement, which may 23273
be in the form of a contract, with a political subdivision, 23274
community improvement corporation incorporated under Chapter 1724. 23275
of the Revised Code, or other nonprofit corporation incorporated 23276
under Chapter 1702. of the Revised Code that owns any unreclaimed 23277
land affected by mining before April 10, 1972, or pursuant to a 23278
license issued before April 10, 1972, under which the state or its 23279
agents may enter upon the land to reclaim it at state expense with 23280
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 23281
safety fund created by section 1513.30 of the Revised Code for the 23282
purpose of commercial or industrial site development if the land 23283
is owned by a political subdivision or corporation or the 23284
development of recreational facilities if the land is owned by a 23285
political subdivision. The agreement may include provisions 23286
pertaining to liability for damages and any other provisions 23287
necessary or desirable to achieve the purposes of this section. 23288

For the purpose of selecting lands to be reclaimed for 23289
commercial, industrial, or, if the lands are owned by a political 23290
subdivision, recreational site development, the chief shall 23291
consult with the owners of unreclaimed lands and with local 23292
officials, civic and professional organizations, and interested 23293
individuals and shall consider the feasibility, cost, and public 23294
benefits of reclaiming particular lands and the availability of 23295
federal or other assistance for the reclamation. The chief shall 23296
select for reclamation under this section only lands that lie 23297
within the boundaries of a project area approved by the chief. 23298

Before entering into the agreement, the chief shall prepare 23299

or approve a detailed plan with topographic maps indicating the 23300
reclamation improvements to be made, an itemized estimate of the 23301
project's cost, a description of the project's benefits, and such 23302
other information as the chief considers appropriate. The plan 23303
shall include only reclamation work that is necessary to render 23304
the unreclaimed land suitable for commercial, industrial, or, if 23305
the land is owned by a political subdivision, recreational site 23306
development and will substantially reduce or eliminate the damage, 23307
if any, to adjacent property that is or may be caused by the 23308
condition of the unreclaimed land. The plan may include 23309
improvements recommended by the owner, but may not include any 23310
improvements that the chief finds are not necessary to prepare the 23311
unreclaimed land for commercial, industrial, or, if the land is 23312
owned by a political subdivision, recreational site development, 23313
or if the condition of the unreclaimed land so requires, are not 23314
necessary to establish vegetative cover or substantially reduce or 23315
eliminate erosion, sedimentation, landslides, pollution, 23316
accumulation or discharge of acid water, flooding, or damage to 23317
adjacent property. 23318

With the approval of the director and upon entering into an 23319
agreement with the owner, the chief may carry out the plan of 23320
reclamation or any part thereof with the employees or equipment of 23321
the department, or the chief may carry out the plan or any part 23322
thereof by contracting therefor in accordance with the procedures 23323
prescribed in section 1513.27 of the Revised Code. The chief shall 23324
keep an itemized record of the state's expense in carrying out the 23325
plan. 23326

Expenditure of not more than twenty per cent of the ~~moneys~~ 23327
money credited to the ~~unreclaimed lands~~ mining regulation and 23328
safety fund during the preceding fiscal year may be approved by 23329
the chief during a fiscal year for conducting reclamation projects 23330
under this section and for making grants under section 1513.31 of 23331

the Revised Code, provided that such expenditures are primarily 23332
for the pollution abatement purposes of section 1513.30 of the 23333
Revised Code. 23334

Sec. 1513.33. The amount of any grant to a community 23335
improvement corporation or nonprofit corporation made under 23336
section 1513.31 of the Revised Code or the state's expenses 23337
incurred in reclaiming unreclaimed land owned by a community 23338
improvement corporation or nonprofit corporation under section 23339
1513.32 of the Revised Code shall constitute a loan by the state 23340
to the corporation. Entry into a grant contract under section 23341
1513.31 of the Revised Code or into a reclamation agreement under 23342
section 1513.32 of the Revised Code by the chief of the division 23343
of mineral resources management constitutes the designation of the 23344
community improvement corporation or nonprofit corporation as the 23345
state's agent for the commercial or industrial development of the 23346
land named in the contract or agreement. 23347

Each grant contract under section 1513.31 of the Revised Code 23348
or reclamation agreement under section 1513.32 of the Revised Code 23349
shall include terms for repayment of the grant or reimbursement of 23350
the state for its reclamation expenses, which shall require 23351
repayment of the loan in full upon the first sale, lease, or 23352
rental of the land reclaimed under the contract or agreement if 23353
the entire parcel of reclaimed land is sold, leased, or rented. If 23354
the corporation establishes a business enterprise on the entire 23355
parcel of reclaimed land, the contract shall require repayment of 23356
the loan in full upon the commencement of operation of the 23357
business enterprise. If the reclaimed land is sold, leased, or 23358
rented in portions or the corporation establishes a business 23359
enterprise on any portion of the reclaimed land, the contract or 23360
agreement shall require repayment of that portion of the loan that 23361
corresponds to the portion of the reclaimed land sold, leased, or 23362
rented upon the first sale, lease, or rental of that portion, or 23363

upon commencement of operation of the business enterprise on that 23364
portion, by the corporation in the proportion that the acreage of 23365
the reclaimed land sold, leased, rented, or used in business by 23366
the corporation bears to the total acreage of land reclaimed under 23367
the contract or agreement. 23368

To secure repayment of the ~~moneys~~ money granted under section 23369
1513.31 of the Revised Code or of the state's reclamation expenses 23370
under section 1513.32 of the Revised Code to or on behalf of a 23371
community improvement corporation or nonprofit corporation, the 23372
state shall have a lien on the land owned by the corporation that 23373
is land reclaimed under section 1513.31 or 1513.32 of the Revised 23374
Code equal to the amount of the grant made under section 1513.31 23375
of the Revised Code or to the state's expenses incurred in 23376
reclaiming the land under section 1513.32 of the Revised Code. 23377
Within thirty days after the final grant payment is made under 23378
section 1513.31 of the Revised Code or after the completion of the 23379
reclamation work under section 1513.32 of the Revised Code, the 23380
chief shall cause to be recorded in the office of the county 23381
recorder of the county in which the reclaimed land is located a 23382
statement that shall contain an itemized accounting of the grant 23383
paid under section 1513.31 of the Revised Code or an itemized 23384
record of the state's expenses incurred in reclaiming the land 23385
under section 1513.32 of the Revised Code. The statement shall 23386
constitute a notice of lien and operate as of the date of delivery 23387
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 23388
money paid out or the reclamation expenses incurred by the state 23389
and shall have priority as a lien second only to the lien of real 23390
property taxes imposed upon the land. The notice of lien and the 23391
lien shall not be valid as against any mortgagee, pledgee, 23392
purchaser, or judgment creditor whose rights have attached prior 23393
to the date of filing of the statement by the chief or to any 23394
prior or subsequent lien for real property taxes imposed pursuant 23395
to section 5719.04 of the Revised Code. 23396

The county recorder shall record and index the chief's 23397
statement, under the name of the state and the corporation, in the 23398
official records maintained by the county recorder's office. The 23399
county recorder shall impose no charge for the recording or 23400
indexing of the statement. If the land is registered, the county 23401
recorder shall make a notation and enter a memorial of the lien 23402
upon the page of the register in which the last certificate of 23403
title to the land is registered, stating the name of the claimant, 23404
amount claimed, volume and page of the record where recorded, and 23405
exact time the memorial was entered. 23406

The lien shall continue in force so long as any portion of 23407
the amount granted under section 1513.31 of the Revised Code or 23408
the state's reclamation expenses incurred under section 1513.32 of 23409
the Revised Code remains unpaid. Upon repayment in full of those 23410
~~moneys~~ money or expenses, the chief promptly shall issue a 23411
certificate of release of the lien. Upon presentation of the 23412
certificate of release, the county recorder of the county where 23413
the lien is recorded shall record the lien as having been 23414
discharged. 23415

A lien imposed under this section shall be foreclosed upon 23416
the substantial failure of a corporation to repay any portion of 23417
the amount granted under section 1513.31 of the Revised Code or 23418
the state's reclamation expenses incurred under section 1513.32 of 23419
the Revised Code in accordance with the terms of the grant 23420
contract or reclamation agreement. Before foreclosing any lien 23421
under this section, the chief shall make a written demand upon the 23422
corporation to comply with the repayment terms of the contract or 23423
agreement. If the corporation does not pay the amount due within 23424
sixty days, the chief shall refer the matter to the attorney 23425
general, who shall institute a civil action to foreclose the lien 23426
of the state. 23427

All ~~moneys~~ money collected from loan repayments and lien 23428

foreclosures under this section shall be credited to the 23429
~~unreclaimed lands~~ mining regulation and safety fund created by 23430
section 1513.30 of the Revised Code. 23431

Sec. 1513.37. (A) There is hereby created in the state 23432
treasury the abandoned mine reclamation fund, which shall be 23433
administered by the chief of the division of mineral resources 23434
management. The fund shall consist of grants from the secretary of 23435
the interior from the federal abandoned mine reclamation fund 23436
established by Title IV of the "Surface Mining Control and 23437
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 23438
regulations adopted under it, and amendments to the act and 23439
regulations. Expenditures from the abandoned mine reclamation fund 23440
shall be made by the chief for the following purposes: 23441

(1) Reclamation and restoration of land and water resources 23442
adversely affected by past coal mining, including, but not limited 23443
to, reclamation and restoration of abandoned strip mine areas, 23444
abandoned coal processing areas, and abandoned coal refuse 23445
disposal areas; sealing and filling of abandoned deep mine entries 23446
and voids; planting of land adversely affected by past coal 23447
mining; prevention of erosion and sedimentation; prevention, 23448
abatement, treatment, and control of water pollution created by 23449
coal mine drainage, including restoration of streambeds and 23450
construction and operation of water treatment plants; prevention, 23451
abatement, and control of burning coal refuse disposal areas and 23452
burning coal in situ; and prevention, abatement, and control of 23453
coal mine subsidence; 23454

(2) Acquisition and filling of voids and sealing of tunnels, 23455
shafts, and entryways of noncoal lands; 23456

(3) Acquisition of land as provided for in this section; 23457

(4) Administrative expenses incurred in accomplishing the 23458
purposes of this section; 23459

(5) All other necessary expenses to accomplish the purposes of this section.	23460 23461
(B) Expenditures of moneys <u>money</u> from the fund on land and water eligible pursuant to division (C) of this section shall reflect the following priorities in the order stated:	23462 23463 23464
(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	23465 23466 23467
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	23468 23469
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	23470 23471 23472 23473 23474
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	23475 23476 23477
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	23478 23479 23480 23481
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	23482 23483 23484 23485
(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of	23486 23487 23488 23489

the following criteria: 23490

(a) Are lands that were abandoned or left in an inadequate 23491
reclamation status prior to August 3, 1977, and for which there is 23492
no continuing reclamation responsibility under state or federal 23493
laws; 23494

(b) Are lands for which the chief finds that surface coal 23495
mining operations occurred at any time between August 4, 1977, and 23496
August 16, 1982, and that any ~~moneys~~ money for reclamation or 23497
abatement that are available pursuant to a bond, performance 23498
security, or other form of financial guarantee or from any other 23499
source are not sufficient to provide for adequate reclamation or 23500
abatement at the site; 23501

(c) Are lands for which the chief finds that surface coal 23502
mining operations occurred at any time between August 4, 1977, and 23503
November 5, 1990, that the surety of the mining operator became 23504
insolvent during that time, and that, as of November 5, 1990, any 23505
~~moneys~~ money immediately available from proceedings relating to 23506
that insolvency or from any financial guarantee or other source 23507
are not sufficient to provide for adequate reclamation or 23508
abatement at the site. 23509

(2) In determining which sites to reclaim pursuant to 23510
divisions (C)(1)(b) and (c) of this section, the chief shall 23511
follow the priorities stated in divisions (B)(1) and (2) of this 23512
section and shall ensure that priority is given to those sites 23513
that are in the immediate vicinity of a residential area or that 23514
have an adverse economic impact on a local community. 23515

(3) Surface coal mining operations on lands eligible for 23516
remining shall not affect the eligibility of those lands for 23517
reclamation and restoration under this section after the release 23518
of the bond, performance security, or other form of financial 23519
guarantee for any such operation as provided under division (F) of 23520

section 1513.16 of the Revised Code. If the bond, performance 23521
security, or other form of financial guarantee for a surface coal 23522
mining operation on lands eligible for remining is forfeited, 23523
~~moneys~~ money available under this section may be used if the 23524
amount of the bond, performance security, or other form of 23525
financial guarantee is not sufficient to provide for adequate 23526
reclamation or abatement, except that if conditions warrant, the 23527
chief immediately shall exercise the authority granted under 23528
division (L) of this section. 23529

(D) The chief may submit to the secretary of the interior a 23530
state reclamation plan and annual projects to carry out the 23531
purposes of this section. 23532

(1) The reclamation plan generally shall identify the areas 23533
to be reclaimed, the purposes for which the reclamation is 23534
proposed, the relationship of the lands to be reclaimed and the 23535
proposed reclamation to surrounding areas, the specific criteria 23536
for ranking and identifying projects to be funded, and the legal 23537
authority and programmatic capability to perform the work in 23538
accordance with this section. 23539

(2) On an annual basis, the chief may submit to the secretary 23540
an application for support of the abandoned mine reclamation fund 23541
and implementation of specific reclamation projects. The annual 23542
requests shall include such information as may be requested by the 23543
secretary. 23544

(3) The costs for each proposed project under this section 23545
shall include actual construction costs, actual operation and 23546
maintenance costs of permanent facilities, planning and 23547
engineering costs, construction inspection costs, and other 23548
necessary administrative expenses. 23549

(4) The chief may submit annual and other reports required by 23550
the secretary when funds are provided by the secretary under Title 23551

IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and amendments to the act and regulations.

(E)(1) There is hereby created in the state treasury the acid mine drainage abatement and treatment fund, which shall be administered by the chief. The fund shall consist of grants from the secretary of the interior from the federal abandoned mine reclamation fund pursuant to section 402(g)(6) of Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. All investment earnings of the fund shall be credited to the fund.

(2) The chief shall make expenditures from the fund, in consultation with the United States department of agriculture, soil conservation service, to implement acid mine drainage abatement and treatment plans approved by the secretary. The plans shall provide for the comprehensive abatement of the causes and treatment of the effects of acid mine drainage within qualified hydrologic units affected by coal mining practices and shall include at least all of the following:

(a) An identification of the qualified hydrologic unit. As used in division (E) of this section, "qualified hydrologic unit" means a hydrologic unit that meets all of the following criteria:

(i) The water quality in the unit has been significantly affected by acid mine drainage from coal mining practices in a manner that has an adverse impact on biological resources.

(ii) The unit contains lands and waters that meet the eligibility requirements established under division (C) of this section and any of the priorities established in divisions (B)(1) to (3) of this section.

(iii) The unit contains lands and waters that are proposed to be the subject of expenditures from the reclamation forfeiture

fund created in section 1513.18 of the Revised Code or the	23583
unreclaimed lands <u>mining regulation and safety</u> fund created in	23584
section 1513.30 of the Revised Code.	23585
(b) The extent to which acid mine drainage is affecting the	23586
water quality and biological resources within the hydrologic unit;	23587
(c) An identification of the sources of acid mine drainage	23588
within the hydrologic unit;	23589
(d) An identification of individual projects and the measures	23590
proposed to be undertaken to abate and treat the causes or effects	23591
of acid mine drainage within the hydrologic unit;	23592
(e) The cost of undertaking the proposed abatement and	23593
treatment measures;	23594
(f) An identification of existing and proposed sources of	23595
funding for those measures;	23596
(g) An analysis of the cost-effectiveness and environmental	23597
benefits of abatement and treatment measures.	23598
(3) The chief may make grants of moneys <u>money</u> from the acid	23599
mine drainage abatement and treatment fund to watershed groups for	23600
conducting projects to accomplish the purposes of this section. A	23601
grant may be made in an amount equal to not more than fifty per	23602
cent of each of the following:	23603
(a) Reasonable and necessary expenses for the collection and	23604
analysis of data sufficient to do either or both of the following:	23605
(i) Identify a watershed as a qualified hydrologic unit;	23606
(ii) Monitor the quality of water in a qualified hydrologic	23607
unit before, during, and at any time after completion of the	23608
project by the watershed group.	23609
(b) Engineering design costs and construction costs involved	23610
in the project, provided that the project is conducted in a	23611
qualified hydrologic unit and the chief considers the project to	23612

be a priority. 23613

A watershed group that wishes to obtain a grant under 23614
division (E)(3) of this section shall submit an application to the 23615
chief on forms provided by the division of mineral resources 23616
management, together with detailed estimates and timetables for 23617
accomplishing the stated goals of the project and any other 23618
information that the chief requires. 23619

For the purposes of establishing priorities for awarding 23620
grants under division (E)(3) of this section, the chief shall 23621
consider each project's feasibility, cost-effectiveness, and 23622
environmental benefit, together with the availability of matching 23623
funding, including in-kind services, for the project. 23624

The chief shall enter into a contract for funding with each 23625
applicant awarded a grant to ensure that the ~~moneys~~ money granted 23626
are used for the purposes of this section and that the work that 23627
the project involves is done properly. The contract is not subject 23628
to division (B) of section 127.16 of the Revised Code. The final 23629
payment of grant ~~moneys~~ money shall not be made until the chief 23630
inspects and approves the completed project. 23631

The chief shall require each applicant awarded a grant under 23632
this section who conducts a project involving construction work to 23633
pay workers at the greater of their regular rate of pay, as 23634
established by contract, agreement, or prior custom or practice, 23635
or the average wage rate paid in this state for the same or 23636
similar work performed in the same or a similar locality by 23637
private companies doing similar work on similar projects. 23638

As used in division (E)(3) of this section, "watershed group" 23639
means a charitable organization as defined in section 1716.01 of 23640
the Revised Code that has been established for the purpose of 23641
conducting reclamation of land and waters adversely affected by 23642
coal mining practices and specifically for conducting acid mine 23643

drainage abatement. 23644

(F)(1) If the chief makes a finding of fact that land or 23645
water resources have been adversely affected by past coal mining 23646
practices; the adverse effects are at a stage where, in the public 23647
interest, action to restore, reclaim, abate, control, or prevent 23648
the adverse effects should be taken; the owners of the land or 23649
water resources where entry must be made to restore, reclaim, 23650
abate, control, or prevent the adverse effects of past coal mining 23651
practices are not known or are not readily available; or the 23652
owners will not give permission for the state, political 23653
subdivisions, or their agents, employees, or contractors to enter 23654
upon the property to restore, reclaim, abate, control, or prevent 23655
the adverse effects of past coal mining practices; then, upon 23656
giving notice by mail to the owners, if known, or, if not known, 23657
by posting notice upon the premises and advertising once in a 23658
newspaper of general circulation in the municipal corporation or 23659
county in which the land lies, the chief or the chief's agents, 23660
employees, or contractors may enter upon the property adversely 23661
affected by past coal mining practices and any other property to 23662
have access to the property to do all things necessary or 23663
expedient to restore, reclaim, abate, control, or prevent the 23664
adverse effects. The entry shall be construed as an exercise of 23665
the police power for the protection of the public health, safety, 23666
and general welfare and shall not be construed as an act of 23667
condemnation of property nor of trespass on it. The ~~moneys~~ money 23668
expended for the work and the benefits accruing to any such 23669
premises so entered upon shall be chargeable against the land and 23670
shall mitigate or offset any claim in or any action brought by any 23671
owner of any interest in the premises for any alleged damages by 23672
virtue of the entry, but this provision is not intended to create 23673
new rights of action or eliminate existing immunities. 23674

(2) The chief or the chief's authorized representatives may 23675

enter upon any property for the purpose of conducting studies or 23676
exploratory work to determine the existence of adverse effects of 23677
past coal mining practices and to determine the feasibility of 23678
restoration, reclamation, abatement, control, or prevention of 23679
such adverse effects. The entry shall be construed as an exercise 23680
of the police power for the protection of the public health, 23681
safety, and general welfare and shall not be construed as an act 23682
of condemnation of property nor trespass on it. 23683

(3) The chief may acquire any land by purchase, donation, or 23684
condemnation that is adversely affected by past coal mining 23685
practices if the chief determines that acquisition of the land is 23686
necessary to successful reclamation and that all of the following 23687
apply: 23688

(a) The acquired land, after restoration, reclamation, 23689
abatement, control, or prevention of the adverse effects of past 23690
coal mining practices, will serve recreation and historic 23691
purposes, serve conservation and reclamation purposes, or provide 23692
open space benefits. 23693

(b) Permanent facilities such as a treatment plant or a 23694
relocated stream channel will be constructed on the land for the 23695
restoration, reclamation, abatement, control, or prevention of the 23696
adverse effects of past coal mining practices. 23697

(c) Acquisition of coal refuse disposal sites and all coal 23698
refuse thereon will serve the purposes of this section or public 23699
ownership is desirable to meet emergency situations and prevent 23700
recurrences of the adverse effects of past coal mining practices. 23701

(4)(a) Title to all lands acquired pursuant to this section 23702
shall be in the name of the state. The price paid for land 23703
acquired under this section shall reflect the market value of the 23704
land as adversely affected by past coal mining practices. 23705

(b) The chief may receive grants on a matching basis from the 23706

secretary of the interior for the purpose of carrying out this 23707
section. 23708

(5)(a) Where land acquired pursuant to this section is 23709
considered to be suitable for industrial, commercial, residential, 23710
or recreational development, the chief may sell the land by public 23711
sale under a system of competitive bidding at not less than fair 23712
market value and under other requirements imposed by rule to 23713
ensure that the lands are put to proper use consistent with local 23714
and state land use plans, if any, as determined by the chief. 23715

(b) The chief, when requested, and after appropriate public 23716
notice, shall hold a public meeting in the county, counties, or 23717
other appropriate political subdivisions of the state in which 23718
lands acquired pursuant to this section are located. The meetings 23719
shall be held at a time that shall afford local citizens and 23720
governments the maximum opportunity to participate in the decision 23721
concerning the use or disposition of the lands after restoration, 23722
reclamation, abatement, control, or prevention of the adverse 23723
effects of past coal mining practices. 23724

(6) In addition to the authority to acquire land under 23725
division (F)(3) of this section, the chief may use money in the 23726
fund to acquire land by purchase, donation, or condemnation, and 23727
to reclaim and transfer acquired land to a political subdivision, 23728
or to any person, if the chief determines that it is an integral 23729
and necessary element of an economically feasible plan for the 23730
construction or rehabilitation of housing for persons disabled as 23731
the result of employment in the mines or work incidental to that 23732
employment, persons displaced by acquisition of land pursuant to 23733
this section, persons dislocated as the result of adverse effects 23734
of coal mining practices that constitute an emergency as provided 23735
in the "Surface Mining Control and Reclamation Act of 1977," 91 23736
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 23737
dislocated as the result of natural disasters or catastrophic 23738

failures from any cause. Such activities shall be accomplished 23739
under such terms and conditions as the chief requires, which may 23740
include transfers of land with or without monetary consideration, 23741
except that to the extent that the consideration is below the fair 23742
market value of the land transferred, no portion of the difference 23743
between the fair market value and the consideration shall accrue 23744
as a profit to those persons. No part of the funds provided under 23745
this section may be used to pay the actual construction costs of 23746
housing. The chief may carry out the purposes of division (F)(6) 23747
of this section directly or by making grants and commitments for 23748
grants and may advance money under such terms and conditions as 23749
the chief may require to any agency or instrumentality of the 23750
state or any public body or nonprofit organization designated by 23751
the chief. 23752

(G)(1) Within six months after the completion of projects to 23753
restore, reclaim, abate, control, or prevent adverse effects of 23754
past coal mining practices on privately owned land, the chief 23755
shall itemize the ~~moneys~~ money so expended and may file a 23756
statement of the expenditures in the office of the county recorder 23757
of the county in which the land lies, together with a notarized 23758
appraisal by an independent appraiser of the value of the land 23759
before the restoration, reclamation, abatement, control, or 23760
prevention of adverse effects of past coal mining practices if the 23761
~~moneys~~ money so expended result in a significant increase in 23762
property value. The statement shall constitute a lien upon the 23763
land as of the date of the expenditures of the ~~moneys~~ money and 23764
shall have priority as a lien second only to the lien of real 23765
property taxes imposed upon the land. The lien shall not exceed 23766
the amount determined by the appraisal to be the increase in the 23767
fair market value of the land as a result of the restoration, 23768
reclamation, abatement, control, or prevention of the adverse 23769
effects of past coal mining practices. No lien shall be filed 23770
under division (G) of this section against the property of any 23771

person who owned the surface prior to May 2, 1977, and did not 23772
consent to, participate in, or exercise control over the mining 23773
operation that necessitated the reclamation performed. 23774

(2) The landowner may petition, within sixty days after the 23775
filing of the lien, to determine the increase in the fair market 23776
value of the land as a result of the restoration, reclamation, 23777
abatement, control, or prevention of the adverse effects of past 23778
coal mining practices. The amount reported to be the increase in 23779
value of the premises shall constitute the amount of the lien and 23780
shall be recorded with the statement provided in this section. Any 23781
party aggrieved by the decision may appeal as provided by state 23782
law. 23783

(3) The lien provided in division (G) of this section shall 23784
be recorded and indexed, under the name of the state and the 23785
landowner, in the official records in the office of the county 23786
recorder of the county in which the land lies. The county recorder 23787
shall impose no charge for the recording or indexing of the lien. 23788
If the land is registered, the county recorder shall make a 23789
notation and enter a memorial of the lien upon the page of the 23790
register in which the last certificate of title to the land is 23791
registered, stating the name of the claimant, amount claimed, 23792
volume and page of the record where recorded, and exact time the 23793
memorial was entered. 23794

(4) The lien shall continue in force so long as any portion 23795
of the amount of the lien remains unpaid. If the lien remains 23796
unpaid at the time of conveyance of the land on which the lien was 23797
placed, the conveyance may be set aside. Upon repayment in full of 23798
the ~~moneys~~ money expended under this section, the chief promptly 23799
shall issue a certificate of release of the lien. Upon 23800
presentation of the certificate of release, the county recorder of 23801
the county in which the lien is recorded shall record the lien as 23802
having been discharged. 23803

(5) A lien imposed under this section shall be foreclosed 23804
upon the substantial failure of a landowner to pay any portion of 23805
the amount of the lien. Before foreclosing any lien under this 23806
section, the chief shall make a written demand upon the landowner 23807
for payment. If the landowner does not pay the amount due within 23808
sixty days, the chief shall refer the matter to the attorney 23809
general, who shall institute a civil action to foreclose the lien. 23810

(H)(1) The chief may fill voids, seal abandoned tunnels, 23811
shafts, and entryways, and reclaim surface impacts of underground 23812
or strip mines that the chief determines could endanger life and 23813
property, constitute a hazard to the public health and safety, or 23814
degrade the environment. 23815

(2) In those instances where mine waste piles are being 23816
reworked for conservation purposes, the incremental costs of 23817
disposing of the wastes from those operations by filling voids and 23818
sealing tunnels may be eligible for funding, provided that the 23819
disposal of these wastes meets the purposes of this section. 23820

(3) The chief may acquire by purchase, donation, easement, or 23821
otherwise such interest in land as the chief determines necessary 23822
to carry out division (H) of this section. 23823

(I) The chief shall report annually to the secretary of the 23824
interior on operations under the fund and include recommendations 23825
as to its future uses. 23826

(J)(1) The chief may engage in any work and do all things 23827
necessary or expedient, including the adoption of rules, to 23828
implement and administer this section. 23829

(2) The chief may engage in cooperative projects under this 23830
section with any agency of the United States, any other state, or 23831
their governmental agencies or with any state university or 23832
college as defined in section 3345.27 of the Revised Code. The 23833
cooperative projects are not subject to division (B) of section 23834

127.16 of the Revised Code. 23835

(3) The chief may request the attorney general to initiate in 23836
any court of competent jurisdiction an action in equity for an 23837
injunction to restrain any interference with the exercise of the 23838
right to enter or to conduct any work provided in this section, 23839
which remedy is in addition to any other remedy available under 23840
this section. 23841

(4) The chief may construct or operate a plant or plants for 23842
the control and treatment of water pollution resulting from mine 23843
drainage. The extent of this control and treatment may be 23844
dependent upon the ultimate use of the water. Division (J)(4) of 23845
this section does not repeal or supersede any portion of the 23846
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 23847
U.S.C.A. 1151, as amended, and no control or treatment under 23848
division (J)(4) of this section, in any way, shall be less than 23849
that required by that act. The construction of a plant or plants 23850
may include major interceptors and other facilities appurtenant to 23851
the plant. 23852

(5) The chief may transfer money from the abandoned mine 23853
reclamation fund and the acid mine drainage abatement and 23854
treatment fund to other appropriate state agencies or to state 23855
universities or colleges in order to carry out the reclamation 23856
activities authorized by this section. 23857

(K) The chief may contract for any part of work to be 23858
performed under this section, with or without advertising for 23859
bids, if the chief determines that a condition exists that could 23860
reasonably be expected to cause substantial physical harm to 23861
persons, property, or the environment and to which persons or 23862
improvements on real property are currently exposed. 23863

The chief shall require every contractor performing 23864
reclamation work under this section to pay its workers at the 23865

greater of their regular rate of pay, as established by contract, 23866
agreement, or prior custom or practice, or the average wage rate 23867
paid in this state for the same or similar work as determined by 23868
the chief under section 1513.02 of the Revised Code. 23869

(L)(1) The chief may contract for the emergency restoration, 23870
reclamation, abatement, control, or prevention of adverse effects 23871
of mining practices on eligible lands if the chief determines that 23872
an emergency exists constituting a danger to the public health, 23873
safety, or welfare and that no other person or agency will act 23874
expeditiously to restore, reclaim, abate, control, or prevent 23875
those adverse effects. The chief may enter into a contract for 23876
emergency work under division (L) of this section without 23877
advertising for bids. Any such contract or any purchase of 23878
materials for emergency work under division (L) of this section is 23879
not subject to division (B) of section 127.16 of the Revised Code. 23880

(2) The chief or the chief's agents, employees, or 23881
contractors may enter on any land where such an emergency exists, 23882
and on other land in order to have access to that land, in order 23883
to restore, reclaim, abate, control, or prevent the adverse 23884
effects of mining practices and to do all things necessary or 23885
expedient to protect the public health, safety, or welfare. Such 23886
an entry shall be construed as an exercise of the police power and 23887
shall not be construed as an act of condemnation of property or of 23888
trespass. The ~~moneys~~ money expended for the work and the benefits 23889
accruing to any premises so entered upon shall be chargeable 23890
against the land and shall mitigate or offset any claim in or any 23891
action brought by any owner of any interest in the premises for 23892
any alleged damages by virtue of the entry. This provision is not 23893
intended to create new rights of action or eliminate existing 23894
immunities. 23895

Sec. 1514.03. Within thirty days after each anniversary date 23896

of issuance of a surface or in-stream mining permit, the operator 23897
shall file with the chief of the division of mineral resources 23898
management an annual report, on a form prescribed and furnished by 23899
the chief, that, for the period covered by the report, shall state 23900
the amount of and identify the types of minerals and coal, if any 23901
coal, produced and shall state the number of acres affected and 23902
the number of acres estimated to be affected during the next year 23903
of operation. An annual report is not required to be filed if a 23904
final report is filed in lieu thereof. 23905

Each annual report for a surface mining operation shall 23906
include a progress map indicating the location of areas of land 23907
affected during the period of the report and the location of the 23908
area of land estimated to be affected during the next year. The 23909
map shall be prepared in accordance with division (A)(11) or (12) 23910
of section 1514.02 of the Revised Code, as appropriate, except 23911
that a map prepared in accordance with division (A)(12) of that 23912
section may be certified by the operator or authorized agent of 23913
the operator in lieu of certification by a professional engineer 23914
or surveyor registered under Chapter 4733. of the Revised Code. 23915
However, the chief may require that an annual progress map or a 23916
final map be prepared by a registered professional engineer or 23917
registered surveyor if the chief has reason to believe that the 23918
operator exceeded the boundaries of the permit area or, if the 23919
operator filed the map required under division (A)(11) of section 23920
1514.02 of the Revised Code, that the operator extracted ten 23921
thousand tons or more of minerals during the period covered by the 23922
report. 23923

Each annual report for an in-stream mining operation shall 23924
include a statement of the total tonnage removed by in-stream 23925
mining for each month and of the surface acreage and depth of 23926
material removed by in-stream mining and shall include a map that 23927
identifies the area affected by the in-stream mining if the 23928

in-stream mining for the year addressed by the report occurred 23929
beyond the area identified in the most recent approved map, 23930
soundings that depict the cross-sectional views of the channel 23931
bottom of the watercourse if the soundings depict a 23932
cross-sectional view of the channel bottom that is different from 23933
the most recent approved map, and water elevations for the 23934
watercourse if water elevations are different from those indicated 23935
on the most recent approved map. 23936

Each annual report shall be accompanied by a filing fee in 23937
the amount of five hundred dollars, except in the case of an 23938
annual report filed by a small operator or an in-stream mining 23939
operator. A small operator, which is a surface mine operator who 23940
intends to extract fewer than ten thousand tons of minerals and no 23941
coal during the next year of operation under the permit, or an 23942
in-stream mining operator shall include a filing fee in the amount 23943
of two hundred fifty dollars with each annual report. The annual 23944
report of any operator also shall be accompanied by an acreage fee 23945
in the amount of seventy-five dollars multiplied by the number of 23946
acres estimated in the report to be affected during the next year 23947
of operation under the permit. The acreage fee shall be adjusted 23948
by subtracting a credit of seventy-five dollars per excess acre 23949
paid for the preceding year if the acreage paid for the preceding 23950
year exceeds the acreage actually affected or by adding an 23951
additional amount of seventy-five dollars per excess acre affected 23952
if the acreage actually affected exceeds the acreage paid for the 23953
preceding year. 23954

With each annual report the operator shall file a performance 23955
bond in the amount, unless otherwise provided by rule, of five 23956
hundred dollars multiplied by the number of acres estimated to be 23957
affected during the next year of operation under the permit for 23958
which no performance bond previously was filed. Unless otherwise 23959
provided by rule, the bond shall be adjusted by subtracting a 23960

credit of five hundred dollars per excess acre for which bond was 23961
filed for the preceding year if the acreage for which the bond was 23962
filed for the preceding year exceeds the acreage actually 23963
affected, or by adding an amount of five hundred dollars per 23964
excess acre affected if the acreage actually affected exceeds the 23965
acreage for which bond was filed for the preceding year. 23966

Within thirty days after the expiration of the surface or 23967
in-stream mining permit, or completion or abandonment of the 23968
operation, whichever occurs earlier, the operator shall submit a 23969
final report containing the same information required in an annual 23970
report, but covering the time from the last annual report to the 23971
expiration of the permit, or completion or abandonment of the 23972
operation, whichever occurs earlier. 23973

Each final report shall include a map indicating the location 23974
of the area of land affected during the period of the report and 23975
the location of the total area of land affected under the permit. 23976
The map shall be prepared in accordance with division (A)(11) or 23977
(12) of section 1514.02 of the Revised Code, as appropriate. 23978

In the case of a final report for an in-stream mining 23979
operation, the map also shall include the information required 23980
under division (A)(18) of section 1514.02 of the Revised Code, as 23981
applicable. 23982

If the final report and certified map, as verified by the 23983
chief, show that the number of acres affected under the permit is 23984
larger than the number of acres for which the operator has paid an 23985
acreage fee or filed a performance bond, upon notification by the 23986
chief, the operator shall pay an additional acreage fee in the 23987
amount of seventy-five dollars multiplied by the difference 23988
between the number of acres affected under the permit and the 23989
number of acres for which the operator has paid an acreage fee and 23990
shall file an additional performance bond in the amount, unless 23991
otherwise provided by rule, of five hundred dollars multiplied by 23992

the difference between the number of acres affected under the 23993
permit and the number of acres for which the operator has filed 23994
bond. 23995

If the final report and certified map, as verified by the 23996
chief, show that the number of acres affected under the permit is 23997
smaller than the number of acres for which the operator has filed 23998
a performance bond, the chief shall order release of the excess 23999
bond. However, the chief shall retain a performance bond in a 24000
minimum amount of ten thousand dollars irrespective of the number 24001
of acres affected under the permit. The release of the excess bond 24002
shall be in an amount, unless otherwise provided by rule, equal to 24003
five hundred dollars multiplied by the difference between the 24004
number of acres affected under the permit and the number of acres 24005
for which the operator has filed bond. 24006

The fees collected pursuant to this section and section 24007
1514.02 of the Revised Code shall be deposited with the treasurer 24008
of state to the credit of the ~~surface~~ mining regulation and safety 24009
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 24010

If upon inspection the chief finds that any filing fee, 24011
acreage fee, performance bond, or part thereof is not paid when 24012
due or is paid on the basis of false or substantially inaccurate 24013
reports, the chief may request the attorney general to recover the 24014
unpaid amounts that are due the state, and the attorney general 24015
shall commence appropriate legal proceedings to recover the unpaid 24016
amounts. 24017

Sec. 1514.051. (A) If an operator or a partner or officer of 24018
the operator forfeits a performance bond, the division of mineral 24019
resources management shall have a priority lien in front of all 24020
other interested creditors against the assets of that operator for 24021
the amount that is needed to perform any reclamation that is 24022
required as a result of the operator's mining activities. The 24023

chief of the division of mineral resources management shall file a 24024
statement in the office of the county recorder of each county in 24025
which the mined land lies of the estimated costs to reclaim the 24026
land. Estimated costs shall include direct and indirect costs of 24027
the development, design, construction, management, and 24028
administration of the reclamation. The statement shall constitute 24029
a lien on the assets of the operator as of the date of the filing. 24030
The lien shall continue in force so long as any portion of the 24031
lien remains unpaid or until the chief issues a certificate of 24032
release of the lien. If the chief issues a certificate of release 24033
of the lien, the chief shall file a certificate of release in the 24034
office of each applicable county recorder. 24035

(B) The chief promptly shall issue a certificate of release 24036
under any of the following circumstances: 24037

(1) Upon the repayment in full of the money that is necessary 24038
to complete the reclamation; 24039

(2) Upon the transfer of an existing permit that includes the 24040
areas of the surface mine for which reclamation was not completed 24041
from the operator that forfeited the performance bond to a new 24042
operator; 24043

(3) Any other circumstance that the chief determines to be in 24044
the best interests of the state. 24045

(C) The chief may modify the amount of a lien under this 24046
section. If the chief modifies a lien, the chief shall file a 24047
statement in the office of the county recorder of each applicable 24048
county of the new amount of the lien. 24049

(D) The chief may authorize a closing agent to hold a 24050
certificate of release in escrow for a period not to exceed one 24051
hundred eighty days for the purpose of facilitating the transfer 24052
of unreclaimed mine land. 24053

(E) All money from the collection of liens under this section 24054
shall be deposited in the state treasury to the credit of the 24055
~~surface~~ mining regulation and safety fund created in section 24056
~~1514.06~~ 1513.30 of the Revised Code. 24057

Sec. 1514.06. (A) ~~There is hereby created in the state~~ 24058
~~treasury the surface mining fund consisting of all~~ All money that 24059
becomes the property of the state pursuant to sections 1514.05 and 24060
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 24061
under divisions (C)(1) and (2) of section 1514.071, and other 24062
money specified in section 1514.11 of the Revised Code shall be 24063
credited to the mining regulation and safety fund created in 24064
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 24065
~~the fund shall be credited to the fund. Expenditures from the fund~~ 24066
~~shall be made by the~~ The chief of the division of mineral 24067
resources management may expend such money for the purpose of 24068
reclaiming areas of land affected by surface or in-stream mining 24069
under a permit issued under this chapter that the operator has 24070
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 24071
~~the fund that is sufficient to achieve that purpose and, in doing~~ 24072
~~so, considers the timeliness of reclamation activity, the chief~~ 24073
~~may use the fund for other purposes specified in section 1514.11~~ 24074
~~of the Revised Code.~~ 24075

(B) Expenditures of ~~moneys~~ money from the fund for the 24076
purposes specified in division (A) of this section, except as 24077
otherwise provided by this section, shall be made pursuant to 24078
contracts entered into by the chief with persons who agree to 24079
furnish all of the materials, equipment, work, and labor, as 24080
specified and provided in the contracts, for the prices stipulated 24081
therein. With the approval of the director of natural resources, 24082
the chief may reclaim the land in the same manner as the chief 24083
required of the operator who failed to reclaim the land. Each 24084
contract awarded by the chief shall be awarded to the lowest 24085

responsive and responsible bidder, in accordance with section 24086
9.312 of the Revised Code, after sealed bids are received, opened, 24087
and published at the time and place fixed by the chief. The chief 24088
shall publish notice of the time and place at which bids will be 24089
received, opened, and published, at least once at least ten days 24090
before the date of the opening of the bids, in a newspaper of 24091
general circulation in the county in which the area of land to be 24092
reclaimed under the contract is located. If, after so advertising 24093
for bids, no bids are received by the chief at the time and place 24094
fixed for receiving them, the chief may advertise again for bids, 24095
or, if the chief considers the public interest will be best 24096
served, the chief may enter into a contract for the reclamation of 24097
the area of land without further advertisement for bids. The chief 24098
may reject any or all bids received and again publish notice of 24099
the time and place at which bids for contracts will be received, 24100
opened, and published. 24101

(C) With the approval of the director, the chief, without 24102
advertising for bids, may enter into a contract with the 24103
landowner, a surface or in-stream mine operator or coal mine 24104
operator mining under a current, valid permit issued under this 24105
chapter or Chapter 1513. of the Revised Code, or a contractor 24106
hired by a surety to complete reclamation, to carry out 24107
reclamation on land affected by surface or in-stream mining 24108
operations that an operator has failed to reclaim. 24109

(D) With the approval of the director, the chief may carry 24110
out all or part of the reclamation work on land affected by 24111
surface or in-stream mining operations that the operator has 24112
failed to reclaim using the employees and equipment of any 24113
division of the department of natural resources. 24114

(E) The chief shall require every contractor performing 24115
reclamation work under this section to pay workers at the greater 24116
of their regular rate of pay, as established by contract, 24117

agreement, or prior custom or practice, or the average wage rate 24118
paid in this state for the same or similar work, as determined by 24119
the chief under section 1513.02 of the Revised Code. 24120

(F) Each contract entered into by the chief under this 24121
section shall provide only for the reclamation of land affected by 24122
the surface or in-stream mining operation or operations of one 24123
operator and not reclaimed by the operator as required by this 24124
chapter. If there is money in the fund derived from the 24125
performance bond deposited with the chief by one operator to 24126
ensure the reclamation of two or more areas of land affected by 24127
the surface or in-stream mining operation or operations of one 24128
operator and not reclaimed by the operator as required by this 24129
chapter, the chief may award a single contract for the reclamation 24130
of all such areas of land. 24131

(G) The cost of the reclamation work done under this section 24132
on each area of land affected by surface or in-stream mining 24133
operations that an operator has failed to reclaim shall be paid 24134
out of the money in the fund derived from the performance bond 24135
that was deposited with the chief to ensure the reclamation of 24136
that area of land. ~~If the amount of money is not sufficient to pay~~ 24137
~~the cost of doing all of the reclamation work on the area of land~~ 24138
~~that the operator should have done, but failed to do, the chief~~ 24139
~~may expend from the reclamation forfeiture fund created in section~~ 24140
~~1513.18 of the Revised Code or the surface mining fund created in~~ 24141
~~this section the amount of money needed to complete reclamation to~~ 24142
~~the standards required by this chapter.~~ The operator is liable for 24143
that expense in addition to any other liabilities imposed by law. 24144
At the request of the chief, the attorney general shall bring an 24145
action against the operator for the amount of the expenditures 24146
from ~~either~~ the mining regulation and safety fund. ~~Moneys~~ Money so 24147
recovered shall be deposited in the state treasury to the credit 24148
of ~~the~~ that fund ~~from which the expenditures were made.~~ 24149

~~(H) If any part of the money in the surface mining fund 24150
remains in the fund after the chief has caused the area of land to 24151
be reclaimed and has paid all the reclamation costs and expenses, 24152
or if any money remains because the area of land has been 24153
repermitted under this chapter or reclaimed by a person other than 24154
the chief, the chief may expend the remaining money to complete 24155
other reclamation work performed under this section. The chief 24156
shall prepare an annual report that summarizes the money credited 24157
to the fund and expenditures made from the fund and post the 24158
report on the division of mineral resources management's web site. 24159~~

Sec. 1514.071. (A) In addition to any other penalties 24160
established under this chapter, the chief of the division of 24161
mineral resources management may assess a civil penalty against 24162
any person who fails to comply with an order issued by the chief 24163
under section 1514.07 of the Revised Code by the date specified in 24164
the order or as subsequently extended by the chief. 24165

(B) Civil penalties assessed under this section shall not 24166
exceed one thousand dollars for each occurrence of noncompliance 24167
with an order. Each day of continuing noncompliance, up to a 24168
maximum of thirty days, may be deemed a separate occurrence for 24169
purposes of penalty assessments. In determining the amount of the 24170
assessment, the chief shall consider the seriousness of the 24171
noncompliance, the effect of the noncompliance, and the operator's 24172
history of noncompliance. 24173

(C) Upon issuance of a notice of noncompliance with an order, 24174
the chief shall inform the person to whom the notice of 24175
noncompliance is issued of the amount of any civil penalty to be 24176
assessed and provide an opportunity for an adjudicatory hearing 24177
with the reclamation commission pursuant to section 1514.09 of the 24178
Revised Code. The person charged with the penalty shall have 24179
thirty days from receipt of the assessment to pay the penalty in 24180

full or, if the person wishes to contest the amount of the 24181
penalty, file a petition for review of the assessment with the 24182
commission pursuant to section 1514.09 of the Revised Code and 24183
forward the amount of the penalty to the secretary of the 24184
commission as required by this division. Failure to forward the 24185
money to the secretary within thirty days after the chief informs 24186
the person of the amount of the penalty shall result in a waiver 24187
of all legal rights to contest the amount of the penalty. 24188

If, after a hearing, the commission affirms or modifies the 24189
amount of the penalty, the person charged with the penalty shall 24190
have thirty days after receipt of the written decision to file an 24191
appeal from the commission's order in accordance with section 24192
1514.09 of the Revised Code. 24193

At the time that the petition for review of the assessment is 24194
filed with the secretary, the person shall forward the amount of 24195
the penalty to the secretary for placement in the reclamation 24196
penalty fund created in division (F)(3) of section 1513.02 of the 24197
Revised Code. Pursuant to administrative or judicial review of the 24198
penalty, the secretary shall do either of the following: 24199

(1) If it is determined that the amount of the penalty should 24200
be reduced, within thirty days, remit the appropriate amount of 24201
the penalty to the person, with interest, and forward any balance 24202
of the penalty, with interest, to the chief for deposit in the 24203
~~surface~~ mining regulation and safety fund created in section 24204
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 24205
surface or in-stream mining operations in the state; 24206

(2) If the penalty was not reduced, forward the entire 24207
penalty, with interest, to the chief for deposit in the ~~surface~~ 24208
mining regulation and safety fund for reclamation of abandoned 24209
surface or in-stream mining operations in the state. 24210

(D) Civil penalties owed under this section may be recovered 24211

in a civil action brought by the attorney general upon the request 24212
of the chief. 24213

Sec. 1514.10. No person shall: 24214

(A)(1) Engage in surface mining without a permit; 24215

(2) Engage in in-stream mining or conduct an in-stream mining 24216
operation without an in-stream mining permit issued by the chief 24217
of the division of mineral resources management. A person who, on 24218
March 15, 2002, holds a valid permit to conduct in-stream mining 24219
that is issued under section 10 of the "Rivers and Harbors 24220
Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as 24221
amended, shall not be required to obtain an in-stream mining 24222
permit from the chief under this chapter until the existing permit 24223
expires. 24224

(B) Exceed the limits of a surface or in-stream mining permit 24225
or amendment to a permit by mining land contiguous to an area of 24226
land affected under a permit or amendment, which contiguous land 24227
is not under a permit or amendment; 24228

(C) Purposely misrepresent or omit any material fact in an 24229
application for a surface or in-stream mining permit or amendment, 24230
an annual or final report, or any hearing or investigation 24231
conducted by the chief or the reclamation commission; 24232

(D) Fail to perform any measure set forth in the approved 24233
plan of mining and reclamation that is necessary to prevent damage 24234
to adjoining property or to achieve a performance standard 24235
required in division (A)(10) of section 1514.02 of the Revised 24236
Code, or violate any other requirement of this chapter, a rule 24237
adopted thereunder, or an order of the chief; 24238

(E) Conduct surface excavations of minerals within any of the 24239
following: 24240

(1) One hundred twenty feet horizontal distance outward from 24241

the highwater mark on each bank of an area designated as a wild, 24242
scenic, or recreational river area under sections 1547.81 to 24243
1547.86 of the Revised Code or of a portion of a river designated 24244
as a component of the national wild and scenic river system under 24245
the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 24246
1274, as amended; 24247

(2) Seventy-five feet horizontal distance outward from the 24248
highwater mark on each bank of a watercourse that drains a surface 24249
area of more than one hundred square miles; 24250

(3) Fifty feet horizontal distance outward from the highwater 24251
mark on each bank of a watercourse that drains a surface area of 24252
more than twenty-five square miles, but fewer than one hundred 24253
square miles unless a variance is obtained under rules adopted by 24254
the chief. 24255

(F) Conduct any surface mining activity within any of the 24256
following: 24257

(1) Seventy-five feet horizontal distance outward from the 24258
highwater mark on each bank of an area designated as a wild, 24259
scenic, or recreational river area under sections 1547.81 to 24260
~~1547.87~~ 1547.86 of the Revised Code or of a portion of a river 24261
designated as a component of the national wild and scenic river 24262
system under the "Wild and Scenic Rivers Act," 82 Stat. 906 24263
(1968), 16 U.S.C. 1274, as amended; 24264

(2) Seventy-five feet horizontal distance outward from the 24265
highwater mark on each bank of a watercourse that drains a surface 24266
area of more than one hundred square miles; 24267

(3) Fifty feet horizontal distance outward from the highwater 24268
mark on each bank of a watercourse that drains a surface area of 24269
more than twenty-five square miles, but fewer than one hundred 24270
square miles unless a variance is obtained under rules adopted by 24271
the chief. 24272

A person who has been issued a surface mining permit prior to 24273
March 15, 2002 may continue to operate under that permit and shall 24274
not be subject to the prohibitions established in divisions (E) 24275
and (F) of this section until the permit is renewed. 24276

The number of square miles of surface area that a watercourse 24277
drains shall be determined by consulting the "gazetteer of Ohio 24278
streams," which is a portion of the Ohio water plan inventory 24279
published in 1960 by the division of water in the department of 24280
natural resources, or its successor, if any. 24281

(G) Engage in any part of a process that is followed in the 24282
production of minerals from the bottom of the channel of a 24283
watercourse in any of the following circumstances or areas: 24284

(1) In an area designated as a wild, scenic, or recreational 24285
river area under sections 1547.81 to 1547.86 of the Revised Code, 24286
in a portion of a river designated as a component of the national 24287
wild and scenic river system under the "Wild and Scenic Rivers 24288
Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within 24289
one-half mile upstream of any portion of such an area or 24290
component; 24291

(2) During periods other than periods of low flow, as 24292
determined by rules adopted under section 1514.08 of the Revised 24293
Code; 24294

(3) During critical fish or mussel spawning seasons as 24295
determined by the chief of the division of wildlife under Chapter 24296
1531. of the Revised Code and rules adopted under it; 24297

(4) In an area known to possess critical spawning habitat for 24298
a species of fish or mussel that is on the federal endangered 24299
species list established in accordance with the "Endangered 24300
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 24301
amended, or the state endangered species list established in rules 24302
adopted under section 1531.25 of the Revised Code. 24303

Division (G) of this section does not apply to the activities 24304
described in divisions (M)(1) and (2) of section 1514.01 of the 24305
Revised Code. 24306

Sec. 1514.11. In addition to the purposes otherwise 24307
authorized ~~in section 1514.06 of the Revised Code by law~~, the 24308
chief of the division of mineral resources management may use 24309
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 24310
created under ~~that~~ section 1513.30 of the Revised Code for the 24311
administration and enforcement of this chapter, for the 24312
reclamation of land affected by surface or in-stream mining under 24313
a permit issued under this chapter that the operator failed to 24314
reclaim and for which the performance bond filed by the operator 24315
is insufficient to complete the reclamation, and for the 24316
reclamation of land affected by surface or in-stream mining that 24317
was abandoned and left unreclaimed and for which no permit was 24318
issued or bond filed under this chapter. Also, the chief may use 24319
the portion of the ~~surface~~ mining regulation and safety fund that 24320
consists of ~~moneys~~ money collected from the severance taxes levied 24321
under section 5749.02 of the Revised Code for mine safety and 24322
first aid training. For purposes of reclamation under this 24323
section, the chief shall expend ~~moneys~~ money in the fund in 24324
accordance with the procedures and requirements established in 24325
section 1514.06 of the Revised Code and may enter into contracts 24326
and perform work in accordance with that section. 24327

Fees collected under sections 1514.02 and 1514.03 of the 24328
Revised Code, ~~one half of the moneys and money~~ collected from the 24329
severance taxes levied under ~~divisions (A)(3) and (4) of section~~ 24330
5749.02 of the Revised Code, ~~and all of the moneys collected from~~ 24331
~~the severance tax levied under division (A)(7) of section 5749.02~~ 24332
~~of the Revised Code~~ shall be credited to the fund in accordance 24333
with those sections. Notwithstanding any section of the Revised 24334
Code relating to the distribution or crediting of fines for 24335

violations of the Revised Code, all fines imposed under section 24336
1514.99 of the Revised Code shall be credited to the fund. 24337

Sec. 1514.46. If the operator of a surface mining operation 24338
requests the division of mineral resources management to conduct 24339
mine safety training, the chief of the division of mineral 24340
resources management shall conduct mine safety training for the 24341
employees of that operator. For persons who are not employed by a 24342
holder of a surface mining permit issued under this chapter and 24343
who seek the training, the chief may charge a fee in an amount 24344
established in rules for conducting it. The safety training shall 24345
be conducted in accordance with rules and shall emphasize the 24346
standards adopted in rules and include any other content that the 24347
chief determines is beneficial. Any fees collected under this 24348
section shall be deposited in the state treasury to the credit of 24349
the ~~surface~~ mining regulation and safety fund created in section 24350
~~1514.06~~ 1513.30 of the Revised Code. 24351

Sec. 1521.06. (A) No dam may be constructed for the purpose 24352
of storing, conserving, or retarding water, or for any other 24353
purpose, nor shall any levee be constructed for the purpose of 24354
diverting or retaining flood water, unless the person or 24355
governmental agency desiring the construction has a construction 24356
permit for the dam or levee issued by the chief of the division of 24357
water resources. 24358

A construction permit is not required under this section for: 24359

(1) A dam that is or will be less than ten feet in height and 24360
that has or will have a storage capacity of not more than fifty 24361
acre-feet at the elevation of the top of the dam, as determined by 24362
the chief. For the purposes of this section, the height of a dam 24363
shall be measured from the natural stream bed or lowest ground 24364
elevation at the downstream or outside limit of the dam to the 24365

elevation of the top of the dam.	24366
(2) A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;	24367 24368 24369
(3) A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief;	24370 24371
(4) A dam or levee that belongs to a class exempted by the chief;	24372 24373
(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief;	24374 24375 24376 24377 24378
(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.	24379 24380
(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the <u>any</u> filing fee specified by <u>rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section:</u>	24381 24382 24383 24384 24385 24386 24387 24388 24389 24390 24391 24392 24393 24394
(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent;	24395 24396

(2) For the next four hundred thousand dollars of estimated	24397
cost, a fee of three per cent;	24398
(3) For the next five hundred thousand dollars of estimated	24399
cost, a fee of two per cent;	24400
(4) For all costs in excess of one million dollars, a fee of	24401
one half of one per cent.	24402
In no case shall the filing fee be less than one thousand	24403
dollars or more than one hundred thousand dollars. If the actual	24404
cost exceeds the estimated cost by more than fifteen per cent, an	24405
additional filing fee shall be required equal to the fee	24406
determined by the preceding schedule less the original filing fee.	24407
All fees collected pursuant to this section, and all fines	24408
collected pursuant to section 1521.99 of the Revised Code, shall	24409
be deposited in the state treasury to the credit of the dam safety	24410
fund, which is hereby created. Expenditures from the fund shall be	24411
made by the chief for the purpose of administering this section	24412
and sections 1521.061 and 1521.062 of the Revised Code.	24413
(C) The chief shall, within thirty days from the date of the	24414
receipt of the application, fee, and bond or other security, issue	24415
or deny a construction permit for the construction or may issue a	24416
construction permit conditioned upon the making of such changes in	24417
the plans and specifications for the construction as the chief	24418
considers advisable if the chief determines that the construction	24419
of the proposed dam or levee, in accordance with the plans and	24420
specifications filed, would endanger life, health, or property.	24421
(D) The chief may deny a construction permit after finding	24422
that a dam or levee built in accordance with the plans and	24423
specifications would endanger life, health, or property, because	24424
of improper or inadequate design, or for such other reasons as the	24425
chief may determine.	24426
In the event the chief denies a permit for the construction	24427

of the dam or levee, or issues a permit conditioned upon a making 24428
of changes in the plans or specifications for the construction, 24429
the chief shall state the reasons therefor and so notify, in 24430
writing, the person or governmental agency making the application 24431
for a permit. If the permit is denied, the chief shall return the 24432
bond or other security to the person or governmental agency making 24433
application for the permit. 24434

The decision of the chief conditioning or denying a 24435
construction permit is subject to appeal as provided in Chapter 24436
119. of the Revised Code. A dam or levee built substantially at 24437
variance from the plans and specifications upon which a 24438
construction permit was issued is in violation of this section. 24439
The chief may at any time inspect any dam or levee, or site upon 24440
which any dam or levee is to be constructed, in order to determine 24441
whether it complies with this section. 24442

(E) A registered professional engineer shall inspect the 24443
construction for which the permit was issued during all phases of 24444
construction and shall furnish to the chief such regular reports 24445
of the engineer's inspections as the chief may require. When the 24446
chief finds that construction has been fully completed in 24447
accordance with the terms of the permit and the plans and 24448
specifications approved by the chief, the chief shall approve the 24449
construction. When one year has elapsed after approval of the 24450
completed construction, and the chief finds that within this 24451
period no fact has become apparent to indicate that the 24452
construction was not performed in accordance with the terms of the 24453
permit and the plans and specifications approved by the chief, or 24454
that the construction as performed would endanger life, health, or 24455
property, the chief shall release the bond or other security. No 24456
bond or other security shall be released until one year after 24457
final approval by the chief, unless the dam or levee has been 24458
modified so that it will not retain water and has been approved as 24459

nonhazardous after determination by the chief that the dam or 24460
levee as modified will not endanger life, health, or property. 24461

(F) When inspections required by this section are not being 24462
performed, the chief shall notify the person or governmental 24463
agency to which the permit has been issued that inspections are 24464
not being performed by the registered professional engineer and 24465
that the chief will inspect the remainder of the construction. 24466
Thereafter, the chief shall inspect the construction and the cost 24467
of inspection shall be charged against the owner. Failure of the 24468
registered professional engineer to submit required inspection 24469
reports shall be deemed notice that the engineer's inspections are 24470
not being performed. 24471

(G) The chief may order construction to cease on any dam or 24472
levee that is being built in violation of this section, and may 24473
prohibit the retention of water behind any dam or levee that has 24474
been built in violation of this section. The attorney general, 24475
upon written request of the chief, may bring an action for an 24476
injunction against any person who violates this section or to 24477
enforce an order or prohibition of the chief made pursuant to this 24478
section. 24479

(H) The chief may adopt rules in accordance with Chapter 119. 24480
of the Revised Code, for the design and construction of dams and 24481
levees for which a construction permit is required by this section 24482
or for which periodic inspection is required by section 1521.062 24483
of the Revised Code, ~~for establishing a filing fee schedule in~~ 24484
~~lieu of the schedule established under division (B) of this~~ 24485
~~section,~~ for deposit and forfeiture of bonds and other securities 24486
required by section 1521.061 of the Revised Code, for the periodic 24487
inspection, operation, repair, improvement, alteration, or removal 24488
of all dams and levees, as specified in section 1521.062 of the 24489
Revised Code, and for establishing classes of dams or levees that 24490
are exempt from the requirements of this section and section 24491

1521.062 of the Revised Code as being of a size, purpose, or 24492
situation that does not present a substantial hazard to life, 24493
health, or property. The chief may, by rule, limit the period 24494
during which a construction permit issued under this section is 24495
valid. The rules may allow for the extension of the period during 24496
which a permit is valid upon written request, provided that the 24497
written request includes a revised construction cost estimate, and 24498
may require the payment of an additional filing fee for the 24499
requested extension. If a construction permit expires without an 24500
extension before construction is completed, the person or agency 24501
shall apply for a new permit, and shall not continue construction 24502
until the new permit is issued. 24503

(I) The chief shall adopt rules in accordance with Chapter 24504
119. of the Revised Code establishing a filing fee schedule for 24505
purposes of division (B) of this section. 24506

Sec. 1521.063. (A) Except for the federal government, the 24507
owner of a dam, that is classified as a class I, class II, or 24508
class III dam under rules adopted under section 1521.06 of the 24509
Revised Code and subject to section 1521.062 of the Revised Code 24510
shall pay an annual fee, ~~based upon the height of the dam, the~~ 24511
~~linear foot length of the dam, and the per acre foot of volume of~~ 24512
~~water impounded by the dam~~ in accordance with the annual fee 24513
schedule established in rules adopted under division (B) of this 24514
section. The fee shall be paid to the division of water resources 24515
on or before the thirtieth day of June of each year. ~~The annual~~ 24516
~~fee shall be as follows until otherwise provided by rules adopted~~ 24517
~~under this section:~~ 24518

~~(1) For any dam classified as a class I dam under rules 24519~~
~~adopted by the chief of the division of water resources under 24520~~
~~section 1521.06 of the Revised Code, three hundred dollars plus 24521~~
~~ten dollars per foot of height of dam, five cents per foot of 24522~~

~~length of the dam and five cents per acre foot of water impounded 24523
by the dam; 24524~~

~~(2) For any dam classified as a class II dam under those 24525
rules, ninety dollars plus six dollars per foot of height of dam, 24526
five cents per foot of length of the dam and five cents per acre 24527
foot of water impounded by the dam; 24528~~

~~(3) For any dam classified as a class III dam under those 24529
rules, ninety dollars plus four dollars per foot of height of the 24530
dam, five cents per foot of length of the dam, and five cents 24531
per acre foot of volume of water impounded by the dam. 24532~~

~~For purposes of this section, the height of a dam is the 24533
vertical height, to the nearest foot, as determined by the 24534
division under section 1521.062 of the Revised Code. 24535~~

All fees collected under this section shall be deposited in 24536
the dam safety fund created in section 1521.06 of the Revised 24537
Code. Any owner who fails to pay any annual fee required by this 24538
section within sixty days after the due date shall be assessed a 24539
penalty of ten per cent of the annual fee plus interest at the 24540
rate of one-half per cent per month from the due date until the 24541
date of payment. 24542

There is hereby created the compliant dam discount program to 24543
be administered by the chief of the division of water resources. 24544
Under the program, the chief may reduce the amount of the annual 24545
fee that an owner of a dam is required to pay in accordance with 24546
rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) 24547
of this section if the owner is in compliance with section 24548
1521.062 of the Revised Code and has developed an emergency action 24549
plan pursuant to standards established in rules adopted under this 24550
section. The chief shall not discount an annual fee by more than 24551
twenty-five per cent of the total annual fee that is due. In 24552
addition, the chief shall not discount the annual fee that is due 24553

from the owner of a dam who has been assessed a penalty under this section. 24554
24555

(B)(1) The chief shall, in accordance with Chapter 119. of 24556
the Revised Code and subject to the prior approval of the director 24557
of natural resources, adopt, and may amend or rescind, rules for 24558
the collection of fees and the administration, implementation, and 24559
enforcement of this section ~~and~~. 24560

(2) The chief shall, in accordance with Chapter 119. of the 24561
Revised Code, adopt rules for the establishment of an annual fee 24562
schedule in lieu of the schedule established in division (A) for 24563
purposes of this section. 24564

(3) The annual fee schedule must be based on the height of 24565
the dam, the linear foot length of the dam, and the per-acre foot 24566
of volume of water impounded by the dam. For purposes of this 24567
section, the height of a dam is the vertical height, to the 24568
nearest foot, as determined by the division under section 1521.062 24569
of the Revised Code. 24570

(C)(1) No person, political subdivision, or state 24571
governmental agency shall violate or fail to comply with this 24572
section or any rule or order adopted or issued under it. 24573

(2) The attorney general, upon written request of the chief, 24574
may commence an action against any such violator. Any action under 24575
division (C)(2) of this section is a civil action. 24576

(D) As used in this section, "political subdivision" includes 24577
townships, municipal corporations, counties, school districts, 24578
municipal universities, park districts, sanitary districts, and 24579
conservancy districts and subdivisions thereof. 24580

Sec. 1531.01. As used in this chapter and Chapter 1533. of 24581
the Revised Code: 24582

(A) "Person" means a person as defined in section 1.59 of the 24583

Revised Code or a company; an employee, agent, or officer of such 24584
a person or company; a combination of individuals; the state; a 24585
political subdivision of the state; an interstate body created by 24586
a compact; or the federal government or a department, agency, or 24587
instrumentality of it. 24588

(B) "Resident" means any individual who has resided in this 24589
state for not less than six months ~~next~~ preceding the date of 24590
making application for a license or permit. 24591

(C) "Nonresident" means any individual who does not qualify 24592
as a resident. 24593

(D) "Division rule" or "rule" means any rule adopted by the 24594
chief of the division of wildlife under section 1531.10 of the 24595
Revised Code unless the context indicates otherwise. 24596

(E) "Closed season" means that period of time during which 24597
the taking of wild animals protected by this chapter and Chapter 24598
1533. of the Revised Code is prohibited. 24599

(F) "Open season" means that period of time during which the 24600
taking of wild animals protected by this chapter and Chapter 1533. 24601
of the Revised Code is permitted. 24602

(G) "Take or taking" includes pursuing, shooting, hunting, 24603
killing, trapping, angling, fishing with a trotline, or netting 24604
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 24605
wild bird, or wild quadruped, and any lesser act, such as 24606
wounding, or placing, setting, drawing, or using any other device 24607
for killing or capturing any wild animal, whether it results in 24608
killing or capturing the animal or not. "Take or taking" includes 24609
every attempt to kill or capture and every act of assistance to 24610
any other person in killing or capturing or attempting to kill or 24611
capture a wild animal. 24612

(H) "Possession" means both actual and constructive 24613
possession and any control of things referred to. 24614

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	24615 24616 24617
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	24618 24619
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	24620 24621
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	24622 24623 24624 24625
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	24626 24627 24628 24629 24630 24631 24632 24633
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	24634 24635 24636
(O) "Fish" means a cold-blooded vertebrate having fins.	24637
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	24638 24639
(Q) "Wild birds" includes game birds and nongame birds.	24640
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	24641 24642
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	24643 24644

grouse, wild turkey, Hungarian partridge, Chukar partridge, 24645
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 24646
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 24647
duck, geese, brant, and crows. 24648

(T) "Nongame birds" includes all other wild birds not 24649
included and defined as game birds or migratory game birds. 24650

(U) "Wild quadrupeds" includes game quadrupeds and 24651
fur-bearing animals. 24652

(V) "Game quadrupeds" includes cottontail rabbits, gray 24653
squirrels, black squirrels, fox squirrels, red squirrels, flying 24654
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 24655
wild boar, elk, and black bears. 24656

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 24657
skunks, opossums, muskrats, fox, beavers, badgers, otters, 24658
coyotes, and bobcats. 24659

(X) "Wild animals" includes mollusks, crustaceans, aquatic 24660
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 24661
and all other wild mammals, but does not include domestic deer. 24662

(Y) "Hunting" means pursuing, shooting, killing, following 24663
after or on the trail of, lying in wait for, shooting at, or 24664
wounding wild birds or wild quadrupeds while employing any device 24665
commonly used to kill or wound wild birds or wild quadrupeds 24666
whether or not the acts result in killing or wounding. "Hunting" 24667
includes every attempt to kill or wound and every act of 24668
assistance to any other person in killing or wounding or 24669
attempting to kill or wound wild birds or wild quadrupeds. 24670

(Z) "Trapping" means securing or attempting to secure 24671
possession of a wild bird or wild quadruped by means of setting, 24672
placing, drawing, or using any device that is designed to close 24673
upon, hold fast, confine, or otherwise capture a wild bird or wild 24674
quadruped whether or not the means results in capture. "Trapping" 24675

includes every act of assistance to any other person in capturing 24676
wild birds or wild quadrupeds by means of the device whether or 24677
not the means results in capture. 24678

(AA) "Muskrat spear" means any device used in spearing 24679
muskrats. 24680

(BB) "Channels and passages" means those narrow bodies of 24681
water lying between islands or between an island and the mainland 24682
in Lake Erie. 24683

(CC) "Island" means a rock or land elevation above the waters 24684
of Lake Erie having an area of five or more acres above water. 24685

(DD) "Reef" means an elevation of rock, either broken or in 24686
place, or gravel shown by the latest United States chart to be 24687
above the common level of the surrounding bottom of the lake, 24688
other than the rock bottom, or in place forming the base or 24689
foundation rock of an island or mainland and sloping from the 24690
shore of it. "Reef" also means all elevations shown by that chart 24691
to be above the common level of the sloping base or foundation 24692
rock of an island or mainland, whether running from the shore of 24693
an island or parallel with the contour of the shore of an island 24694
or in any other way and whether formed by rock, broken or in 24695
place, or from gravel. 24696

(EE) "Fur farm" means any area used exclusively for raising 24697
fur-bearing animals or in addition thereto used for hunting game, 24698
the boundaries of which are plainly marked as such. 24699

(FF) "Waters" includes any lake, pond, reservoir, stream, 24700
channel, lagoon, or other body of water, or any part thereof, 24701
whether natural or artificial. 24702

(GG) "Crib" or "car" refers to that particular compartment of 24703
the net from which the fish are taken when the net is lifted. 24704

(HH) "Commercial fish" means those species of fish permitted 24705

to be taken, possessed, bought, or sold unless otherwise	24706
restricted by the Revised Code or division rule and are alewife	24707
(<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin	24708
(<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp (<i>Cyprinus carpio</i>),	24709
smallmouth buffalo (<i>Ictiobus bubalus</i>), bigmouth buffalo (<i>Ictiobus</i>	24710
<i>cyprinellus</i>), black bullhead (<i>Ictalurus melas</i>), yellow bullhead	24711
(<i>Ictalurus natalis</i>), brown bullhead (<i>Ictalurus nebulosus</i>), channel	24712
catfish (<i>Ictalurus punctatus</i>), flathead catfish (<i>Pylodictis</i>	24713
<i>olivaris</i>), whitefish (<i>Coregonus</i> sp.), cisco (<i>Coregonus</i> sp.),	24714
freshwater drum or sheepshead (<i>Aplodinotus grunniens</i>), gar	24715
(<i>Lepisosteus</i> sp.), gizzard shad (<i>Dorosoma cepedianum</i>), goldfish	24716
(<i>Carassius auratus</i>), lake trout (<i>Salvelinus namaycush</i>), mooneye	24717
(<i>Hiodon tergisus</i>), quillback (<i>Carpiodes cyprinus</i>), smelt	24718
(<i>Allosmerus elongatus</i> , <i>Hypomesus</i> sp., <i>Osmerus</i> sp., <i>Spirinchus</i>	24719
sp.), sturgeon (<i>Acipenser</i> sp., <i>Scaphirhynchus</i> sp.), sucker other	24720
than buffalo and quillback (<i>Carpiodes</i> sp., <i>Catostomus</i> sp.,	24721
<i>Hypentelium</i> sp., <i>Minytrema</i> sp., <i>Moxostoma</i> sp.), white bass (<i>Morone</i>	24722
<i>chrysops</i>), white perch (<i>Roccus americanus</i>), and yellow perch	24723
(<i>Perca flavescens</i>). When the common name of a fish is used in this	24724
chapter or Chapter 1533. of the Revised Code, it refers to the	24725
fish designated by the scientific name in this definition.	24726
(II) "Fishing" means taking or attempting to take fish by any	24727
method, and all other acts such as placing, setting, drawing, or	24728
using any device commonly used to take fish whether resulting in a	24729
taking or not.	24730
(JJ) "Fillet" means the pieces of flesh taken or cut from	24731
both sides of a fish, joined to form one piece of flesh.	24732
(KK) "Part fillet" means a piece of flesh taken or cut from	24733
one side of a fish.	24734
(LL) "Round" when used in describing fish means with head and	24735
tail intact.	24736

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or

otherwise specifically marked fish within a limited period of 24768
time. 24769

(UU) "Tenant" means an individual who resides on land for 24770
which the individual pays rent and whose annual income is 24771
primarily derived from agricultural production conducted on that 24772
land, as "agricultural production" is defined in section 929.01 of 24773
the Revised Code. 24774

(VV) "Nonnative wildlife" means any wild animal not 24775
indigenous to this state, but does not include domestic deer. 24776

(WW) "Reptiles" includes common musk turtle (*sternotherus* 24777
odoratus), common snapping turtle (*Chelydra serpentina* 24778
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 24779
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 24780
blandingii), common map turtle (*Graptemys geographica*), ouachita 24781
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 24782
painted turtle (*Chrysemys picta marginata*), red-eared slider 24783
(*Trachemys scripta elegans*), eastern spiny softshell turtle 24784
(*Apalone spinifera spinifera*), midland smooth softshell turtle 24785
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 24786
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 24787
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 24788
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 24789
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 24790
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 24791
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 24792
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 24793
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 24794
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 24795
northern redbelly snake (*Storeria occipitomaculata* 24796
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 24797
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 24798
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 24799

(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis sauritus septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), eastern smooth earth snake (*Virginia valeriae valeriae*), northern ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), eastern milk snake (*Lampropeltis triangulum triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*), northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), northern two-lined salamander

(Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), northern leopard frog (Rana pipiens), pickerel frog (Rana palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).	24833 24834 24835 24836 24837 24838 24839 24840 24841 24842 24843 24844 24845
(YY) "Deer" means white-tailed deer (Odocoileus virginianus).	24846 24847
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	24848 24849 24850
(AAA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).	24851 24852 24853 24854
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	24855 24856 24857
(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as	24858 24859 24860 24861 24862 24863

all-terrain vehicles, all-season vehicles, mini-bikes, and trail 24864
bikes. "Electric-powered all-purpose vehicle" does not include a 24865
utility vehicle as defined in section 4501.01 of the Revised Code, 24866
any vehicle that is principally used in playing golf, any motor 24867
vehicle or aircraft that is required to be registered under 24868
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 24869
excluded from the definition of "motor vehicle" as provided in 24870
division (B) of section 4501.01 of the Revised Code. 24871

(DDD) "Wholly enclosed preserve" means an area of land that 24872
is surrounded by a fence that is at least six feet in height, 24873
unless otherwise specified in division rule, and is constructed of 24874
a woven wire mesh, or another enclosure that the division of 24875
wildlife may approve, where game birds, game quadrupeds, reptiles, 24876
amphibians, or fur-bearing animals are raised and may be sold 24877
under the authority of a commercial propagating license or captive 24878
white-tailed deer propagation license obtained under section 24879
1533.71 of the Revised Code. 24880

(EEE) "Commercial bird shooting preserve" means an area of 24881
land where game birds are released and hunted by shooting as 24882
authorized by a commercial bird shooting preserve license obtained 24883
under section 1533.72 of the Revised Code. 24884

(FFF) "Wild animal hunting preserve" means an area of land 24885
where game, captive white-tailed deer, and nonnative wildlife, 24886
other than game birds, are released and hunted as authorized by a 24887
wild animal hunting preserve license obtained under section 24888
1533.721 of the Revised Code. 24889

(GGG) "Captive white-tailed deer" means legally acquired deer 24890
that are held in private ownership at a facility licensed under 24891
section 943.03 or 943.031 of the Revised Code and under section 24892
1533.71 or 1533.721 of the Revised Code. 24893

Sec. 1531.06. (A) The chief of the division of wildlife, with 24894

the approval of the director of natural resources, may acquire by 24895
gift, lease, purchase, or otherwise lands or surface rights upon 24896
lands and waters or surface rights upon waters for wild animals, 24897
fish or game management, preservation, propagation, and 24898
protection, outdoor and nature activities, public fishing and 24899
hunting grounds, and flora and fauna preservation. The chief, with 24900
the approval of the director, may receive by grant, devise, 24901
bequest, donation, or assignment evidences of indebtedness, the 24902
proceeds of which are to be used for the purchase of such lands or 24903
surface rights upon lands and waters or surface rights upon 24904
waters. 24905

(B)(1) The chief shall adopt rules for the protection of 24906
state-owned or leased lands and waters and property under the 24907
control of the division of wildlife against wrongful use or 24908
occupancy that will ensure the carrying out of the intent of this 24909
section, protect those lands, waters, and property from 24910
depredations, and preserve them from molestation, spoilation, 24911
destruction, or any improper use or occupancy thereof, including 24912
rules with respect to recreational activities and for the 24913
government and use of such lands, waters, and property. 24914

(2) The chief may adopt rules benefiting wild animals, fish 24915
or game management, preservation, propagation, and protection, 24916
outdoor and nature activities, public fishing and hunting grounds, 24917
and flora and fauna preservation, and regulating the taking and 24918
possession of wild animals on any lands or waters owned or leased 24919
or under the division's supervision and control and, for a 24920
specified period of years, may prohibit or recall the taking and 24921
possession of any wild animal on any portion of such lands or 24922
waters. The division clearly shall define and mark the boundaries 24923
of the lands and waters owned or leased or under its supervision 24924
and control upon which the taking of any wild animal is 24925
prohibited. 24926

(C) The chief, with the approval of the director, may acquire 24927
by gift, lease, or purchase land for the purpose of establishing 24928
state fish hatcheries and game farms and may erect on it buildings 24929
or structures that are necessary. 24930

The title to or lease of such lands and waters shall be taken 24931
by the chief in the name of the state. The lease or purchase price 24932
of all such lands and waters may be paid from hunting and trapping 24933
and fishing licenses and any other funds. 24934

(D) To provide more public recreation, stream and lake 24935
agreements for public fishing only may be obtained under rules 24936
adopted by the chief. 24937

(E) The chief, with the approval of the director, may 24938
establish user fees for the use of special public facilities or 24939
participation in special activities on lands and waters 24940
administered by the division. The special facilities and 24941
activities may include hunting or fishing on special designated 24942
public lands and waters intensively managed or stocked with 24943
artificially propagated game birds or fish, field trial 24944
facilities, wildlife nature centers, firearm ranges, boat mooring 24945
facilities, camping sites, and other similar special facilities 24946
and activities. The chief shall determine whether the user fees 24947
are refundable and shall ensure that that information is provided 24948
at the time the user fees are paid. 24949

(F) The chief, with the approval of the director, may enter 24950
into lease agreements for rental of concessions or other special 24951
projects situated on state-owned or leased lands or waters or 24952
other property under the division's control. The chief shall set 24953
and collect the fees for concession rentals or other special 24954
projects; regulate through contracts between the division and 24955
concessionaires the sale of tangible objects at concessions or 24956
other special projects; and keep a record of all such fee payments 24957
showing the amount received, from whom received, and for what 24958

purpose the fee was collected. 24959

(G) The chief may sell or donate conservation-related items 24960
or items that promote wildlife conservation, including, but not 24961
limited to, stamps, pins, badges, books, bulletins, maps, 24962
publications, calendars, and any other educational article or 24963
artifact pertaining to wild animals; sell confiscated or forfeited 24964
items; and sell surplus structures and equipment, and timber or 24965
crops from lands owned, administered, leased, or controlled by the 24966
division. The chief, with the approval of the director, also may 24967
engage in campaigns and special events that promote wildlife 24968
conservation by selling or donating wildlife-related materials, 24969
memberships, and other items of promotional value. 24970

(H) The chief may sell, lease, or transfer minerals or 24971
mineral rights, with the approval of the director, when the chief 24972
and the director determine it to be in the best interest of the 24973
state. Upon approval of the director, the chief may make, execute, 24974
and deliver contracts, including leases, to mine, drill, or 24975
excavate iron ore, stone, coal, salt, and other minerals, other 24976
than oil or gas, upon and under lands owned by the state and 24977
administered by the division to any person who complies with the 24978
terms of such a contract. No such contract shall be valid for more 24979
than fifty years from its effective date. Consideration for 24980
minerals and mineral rights shall be by rental or royalty basis as 24981
prescribed by the chief and payable as prescribed by contract. 24982
Moneys collected under this division shall be paid into the state 24983
treasury to the credit of the wildlife habitat fund created in 24984
section 1531.33 of the Revised Code. Contracts entered into under 24985
this division also may provide for consideration for minerals or 24986
mineral rights in the form of acquisition of lands as provided 24987
under divisions (A) and (C) of this section. 24988

(I) All moneys received under divisions (E), (F), and (G) of 24989
this section shall be paid into the state treasury to the credit 24990

of a fund that shall be used for the purposes outlined in section 24991
1533.15 of the Revised Code and for the management of other wild 24992
animals for their ecological and nonconsumptive recreational value 24993
or benefit. 24994

(J) The chief, with the approval of the director, may barter 24995
or sell wild animals to other states, state or federal agencies, 24996
and conservation or zoological organizations. Moneys received from 24997
the sale of wild animals shall be deposited into the wildlife fund 24998
created in section 1531.17 of the Revised Code. 24999

(K) The chief shall adopt rules establishing standards and 25000
guidelines for the administration of contraceptive chemicals to 25001
noncaptive wild animals. The rules may specify chemical delivery 25002
methods and devices and monitoring requirements. 25003

The chief shall establish criteria for the issuance of and 25004
shall issue permits for the administration of contraceptive 25005
chemicals to noncaptive wild animals. No person shall administer 25006
contraceptive chemicals to noncaptive wild animals without a 25007
permit issued by the chief. 25008

(L) All fees set by the chief under this section shall be 25009
approved by the wildlife council. 25010

(M) Information contained in the wildlife diversity database 25011
that is established pursuant to division (B)(2) of this section 25012
and section 1531.25 of the Revised Code may be made available to 25013
any individual or public or private agency for research, 25014
educational, environmental, land management, or other similar 25015
purposes that are not detrimental to the conservation of a species 25016
or feature. Information regarding sensitive site locations of 25017
species that are listed pursuant to section 1531.25 of the Revised 25018
Code and of features that are included in the wildlife diversity 25019
database is not subject to section 149.43 of the Revised Code if 25020
the chief determines that the release of the information could be 25021

detrimental to the conservation of a species or feature. 25022

(N) Not later than one year after the effective date of this amendment, the chief shall establish both of the following: 25023
25024

(1) A risk assessment policy for aquatic species that provides for both of the following: 25025
25026

(a) An evaluation of the overall risk of a species based on the best available biological information derived from professionally accepted science and practices in fisheries or aquatic invasive species management; 25027
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(b) A determination of whether a species shall be listed as an injurious aquatic invasive species. 25031
25032

(2) A definition of injurious invasive aquatic species. 25033

The chief shall adopt rules in accordance with section 1531.10 of the Revised Code necessary to administer division (N) of this section. 25034
25035
25036

Sec. 1533.10. Except as provided in this section or division 25037
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 25038
Revised Code, no person shall hunt any wild bird or wild quadruped 25039
without a hunting license. Each day that any person hunts within 25040
the state without procuring such a license constitutes a separate 25041
offense. Except as otherwise provided in this section, every 25042
applicant for a hunting license who is a resident of the state and 25043
eighteen years of age or more shall procure a resident hunting 25044
license or an apprentice resident hunting license, the fee for 25045
which shall be eighteen dollars unless the rules adopted under 25046
division (B) of section 1533.12 of the Revised Code provide for 25047
issuance of a resident hunting license to the applicant free of 25048
charge. Except as provided in rules adopted under division (B)(2) 25049
of that section, each applicant who is a resident of this state 25050
and who at the time of application is sixty-six years of age or 25051

older shall procure a special senior hunting license, the fee for 25052
which shall be one-half of the regular hunting license fee. Every 25053
applicant who is under the age of eighteen years shall procure a 25054
special youth hunting license or an apprentice youth hunting 25055
license, the fee for which shall be one-half of the regular 25056
hunting license fee. 25057

A resident of this state who owns lands in the state and the 25058
owner's children of any age and grandchildren under eighteen years 25059
of age may hunt on the lands without a hunting license. A resident 25060
of any other state who owns real property in this state, and the 25061
spouse and children living with the property owner, may hunt on 25062
that property without a license, ~~provided that the state of~~ 25063
~~residence of the real property owner allows residents of this~~ 25064
~~state owning real property in that state, and the spouse and~~ 25065
~~children living with the property owner, to hunt without a license~~ 25066
and shall be treated as a resident for the purposes of this 25067
section. If the owner of land in this state is a limited liability 25068
company or a limited liability partnership that consists of three 25069
or fewer individual members or partners, as applicable, an 25070
individual member or partner who is a resident of this state and 25071
the member's or partner's children of any age and grandchildren 25072
under eighteen years of age may hunt on the land owned by the 25073
limited liability company or limited liability partnership without 25074
a hunting license. In addition, if the owner of land in this state 25075
is a trust that has a total of three or fewer trustees and 25076
beneficiaries, an individual who is a trustee or beneficiary and 25077
who is a resident of this state and the individual's children of 25078
any age and grandchildren under eighteen years of age may hunt on 25079
the land owned by the trust without a hunting license. The tenant 25080
and children of the tenant, residing on lands in the state, may 25081
hunt on them without a hunting license. 25082

Except as otherwise provided in this section or division 25083

(A)(1) of section 1533.12 of the Revised Code, every applicant for a hunting license who is a nonresident of the state and who is eighteen years of age or older shall procure a nonresident hunting license or an apprentice nonresident hunting license, the fee for which shall be one hundred twenty-four dollars unless the applicant is a resident of a state that is a party to an agreement under section 1533.91 of the Revised Code, in which case the fee shall be eighteen dollars. Apprentice resident hunting licenses, apprentice youth hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted pursuant to it.

The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be thirty-nine dollars. No person shall take or possess deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or any nongame animal while possessing only a small game hunting license. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting

license, as applicable, as provided in this section. 25117

No person shall procure or attempt to procure a hunting 25118
license by fraud, deceit, misrepresentation, or any false 25119
statement. 25120

This section does not authorize the taking and possessing of 25121
deer or wild turkeys without first having obtained, in addition to 25122
the hunting license required by this section, a deer or wild 25123
turkey permit as provided in section 1533.11 of the Revised Code 25124
or the taking and possessing of ducks, geese, or brant without 25125
first having obtained, in addition to the hunting license required 25126
by this section, a wetlands habitat stamp as provided in section 25127
1533.112 of the Revised Code. 25128

This section does not authorize the hunting or trapping of 25129
fur-bearing animals without first having obtained, in addition to 25130
a hunting license required by this section, a fur taker permit as 25131
provided in section 1533.111 of the Revised Code. 25132

No hunting license shall be issued unless it is accompanied 25133
by a written explanation of the law in section 1533.17 of the 25134
Revised Code and the penalty for its violation, including a 25135
description of terms of imprisonment and fines that may be 25136
imposed. 25137

No hunting license, other than an apprentice hunting license, 25138
shall be issued unless the applicant presents to the agent 25139
authorized to issue the license a previously held hunting license 25140
or evidence of having held such a license in content and manner 25141
approved by the chief, a certificate of completion issued upon 25142
completion of a hunter education and conservation course approved 25143
by the chief, or evidence of equivalent training in content and 25144
manner approved by the chief. A previously held apprentice hunting 25145
license does not satisfy the requirement concerning the 25146
presentation of a previously held hunting license or evidence of 25147

it. 25148

No person shall issue a hunting license, except an apprentice 25149
hunting license, to any person who fails to present the evidence 25150
required by this section. No person shall purchase or obtain a 25151
hunting license, other than an apprentice hunting license, without 25152
presenting to the issuing agent the evidence required by this 25153
section. Issuance of a hunting license in violation of the 25154
requirements of this section is an offense by both the purchaser 25155
of the illegally obtained hunting license and the clerk or agent 25156
who issued the hunting license. Any hunting license issued in 25157
violation of this section is void. 25158

The chief, with approval of the wildlife council, shall adopt 25159
rules prescribing a hunter education and conservation course for 25160
first-time hunting license buyers, other than buyers of apprentice 25161
hunting licenses, and for volunteer instructors. The course shall 25162
consist of subjects including, but not limited to, hunter safety 25163
and health, use of hunting implements, hunting tradition and 25164
ethics, the hunter and conservation, the law in section 1533.17 of 25165
the Revised Code along with the penalty for its violation, 25166
including a description of terms of imprisonment and fines that 25167
may be imposed, and other law relating to hunting. Authorized 25168
personnel of the division or volunteer instructors approved by the 25169
chief shall conduct such courses with such frequency and at such 25170
locations throughout the state as to reasonably meet the needs of 25171
license applicants. The chief shall issue a certificate of 25172
completion to each person who successfully completes the course 25173
and passes an examination prescribed by the chief. 25174

Sec. 1533.11. (A)(1) Except as provided in this section or 25175
section 1533.731 of the Revised Code, no person shall hunt deer on 25176
lands of another without first obtaining an annual deer permit. 25177
Except as provided in this section, no person shall hunt wild 25178

turkeys on lands of another without first obtaining an annual wild turkey permit. ~~Each~~ Except as provided in division (A)(2) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license. Except as provided in rules adopted under division (B) of that section, each applicant for a deer or wild turkey permit shall pay an annual fee of twenty three dollars for each permit unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a deer or wild turkey permit to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty six years of age or older shall procure a senior deer or wild turkey permit, the fee for which shall be one half of the regular deer or wild turkey permit fee. Each applicant who is under the age of eighteen years shall procure a youth deer or wild turkey permit, the fee for which shall be one half of the regular deer or wild turkey permit fee. Except as provided in division (A)(2) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license in accordance with the following schedule:

<u>Deer permit - resident</u>	<u>\$23.00</u>	25200
<u>Deer permit - nonresident</u>	<u>\$74.00</u>	25201
<u>Youth deer permit - resident and nonresident</u>	<u>\$11.50</u>	25202
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	25203
<u>Senior deer permit - nonresident</u>	<u>\$23.00</u>	25204
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	25205
<u>Wild turkey permit - nonresident</u>	<u>\$35.00</u>	25206
<u>Youth wild turkey permit - resident and nonresident</u>	<u>\$11.50</u>	25207
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	25208
<u>Senior wild turkey permit - nonresident</u>	<u>\$23.00</u>	25209
<u>(2) As used in division (A)(1) of this section:</u>		25210

<u>(a) "Resident" means any of the following:</u>	25211
<u>(i) An individual who has resided in this state for not less than six months preceding the date of making application for a permit;</u>	25212 25213 25214
<u>(ii) A person who owns real property in this state;</u>	25215
<u>(iii) The spouse of a person who owns real property in this state who lives with that person;</u>	25216 25217
<u>(iv) A child of a person who owns real property in this state who lives with that person.</u>	25218 25219
<u>(b) "Nonresident" means any individual who does not qualify as a resident.</u>	25220 25221
<u>(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.</u>	25222 25223
<u>(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit. The</u>	25224 25225
<u>(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. Every</u>	25226 25227 25228 25229 25230 25231 25232
<u>(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section. The</u>	25233 25234 25235 25236 25237
<u>(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.</u>	25238 25239 25240

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.12. (A)(1) Except as otherwise provided in division 25273
(A)(2) of this section, every person on active duty in the armed 25274
forces of the United States who is stationed in this state and who 25275
wishes to engage in an activity for which a license, permit, or 25276
stamp is required under this chapter first shall obtain the 25277
requisite license, permit, or stamp. Such a person is eligible to 25278
obtain a resident hunting or fishing license regardless of whether 25279
the person qualifies as a resident of this state. To obtain a 25280
resident hunting or fishing license, the person shall present a 25281
card or other evidence identifying the person as being on active 25282
duty in the armed forces of the United States and as being 25283
stationed in this state. 25284

(2) Every person on active duty in the armed forces of the 25285
United States, while on leave or furlough, may take or catch fish 25286
of the kind lawfully permitted to be taken or caught within the 25287
state, may hunt any wild bird or wild quadruped lawfully permitted 25288
to be hunted within the state, and may trap fur-bearing animals 25289
lawfully permitted to be trapped within the state, without 25290
procuring a fishing license, a hunting license, a fur taker 25291
permit, or a wetlands habitat stamp required by this chapter, 25292
provided that the person shall carry on the person when fishing, 25293
hunting, or trapping, a card or other evidence identifying the 25294
person as being on active duty in the armed forces of the United 25295
States, and provided that the person is not otherwise violating 25296
any of the hunting, fishing, and trapping laws of this state. 25297

In order to hunt deer or wild turkey, any such person shall 25298
obtain a deer or wild turkey permit, as applicable, under section 25299
1533.11 of the Revised Code. Such a person is eligible to obtain a 25300
deer or wild turkey permit at the resident rate, regardless of 25301
whether the person is a resident of this state. However, the 25302
person need not obtain a hunting license in order to obtain such a 25303
permit. 25304

(B) The chief of the division of wildlife shall provide by 25305
rule adopted under section 1531.10 of the Revised Code all of the 25306
following: 25307

(1) Every resident of this state with a disability that has 25308
been determined by the veterans administration to be permanently 25309
and totally disabling, who receives a pension or compensation from 25310
the veterans administration, and who received an honorable 25311
discharge from the armed forces of the United States, and every 25312
veteran to whom the registrar of motor vehicles has issued a set 25313
of license plates under section 4503.41 of the Revised Code, shall 25314
be issued a fishing license, hunting license, fur taker permit, 25315
deer or wild turkey permit, or wetlands habitat stamp, or any 25316
combination of those licenses, permits, and stamp, free of charge 25317
on an annual, multi-year, or lifetime basis as determined 25318
appropriate by the chief when application is made to the chief in 25319
the manner prescribed by and on forms provided by the chief. 25320

(2) Every resident of the state who was born on or before 25321
December 31, 1937, shall be issued an annual fishing license, 25322
hunting license, fur taker permit, deer or wild turkey permit, or 25323
wetlands habitat stamp, or any combination of those licenses, 25324
permits, and stamp, free of charge when application is made to the 25325
chief in the manner prescribed by and on forms provided by the 25326
chief. 25327

(3) Every resident of state or county institutions, 25328
charitable institutions, and military homes in this state shall be 25329
issued an annual fishing license free of charge when application 25330
is made to the chief in the manner prescribed by and on forms 25331
provided by the chief. 25332

(4) Any mobility impaired or blind person, as defined in 25333
section 955.011 of the Revised Code, who is a resident of this 25334
state and who is unable to engage in fishing without the 25335
assistance of another person shall be issued an annual fishing 25336

license free of charge when application is made to the chief in 25337
the manner prescribed by and on forms provided by the chief. The 25338
person who is assisting the mobility impaired or blind person may 25339
assist in taking or catching fish of the kind permitted to be 25340
taken or caught without procuring the license required under 25341
section 1533.32 of the Revised Code, provided that only one line 25342
is used by both persons. 25343

(5) As used in division (B)(5) of this section, "prisoner of 25344
war" means any regularly appointed, enrolled, enlisted, or 25345
inducted member of the military forces of the United States who 25346
was captured, separated, and incarcerated by an enemy of the 25347
United States. 25348

Any person who has been a prisoner of war, was honorably 25349
discharged from the military forces, and is a resident of this 25350
state shall be issued a fishing license, hunting license, fur 25351
taker permit, or wetlands habitat stamp, or any combination of 25352
those licenses, permits, and stamp, free of charge on an annual, 25353
multi-year, or lifetime basis as determined appropriate by the 25354
chief when application is made to the chief in the manner 25355
prescribed by and on forms provided by the chief. 25356

(C) The chief shall adopt rules pursuant to section 1531.08 25357
of the Revised Code designating not more than two days, which need 25358
not be consecutive, in each year as "free sport fishing days" on 25359
which any resident may exercise the privileges accorded the holder 25360
of a fishing license issued under section 1533.32 of the Revised 25361
Code without procuring such a license, provided that the person is 25362
not otherwise violating any of the fishing laws of this state. 25363

Sec. 1547.73. There is hereby created in the division of 25364
parks and watercraft a waterways safety council composed of five 25365
members appointed by the governor with the advice and consent of 25366
the senate. Not more than three of such appointees shall belong to 25367

the same political party. Terms of office shall be for five years, 25368
commencing on the first day of February and ending on the 25369
thirty-first day of January. Each member shall hold office from 25370
the date of appointment until the end of the term for which the 25371
member was appointed. The chief of the division of parks and 25372
watercraft shall act as secretary of the council. In the event of 25373
the death, removal, resignation, or incapacity of a member of the 25374
council, the governor, with the advice and consent of the senate, 25375
shall appoint a successor to fill the unexpired term who shall 25376
hold office for the remainder of the term for which the member's 25377
predecessor was appointed. Any member shall continue in office 25378
subsequent to the expiration date of the member's term until the 25379
member's successor takes office, or until a period of sixty days 25380
has elapsed, whichever occurs first. The governor may remove any 25381
appointed member of the council for misfeasance, nonfeasance, or 25382
malfeasance in office. 25383

The council may: 25384

(A) Advise with and recommend to the chief as to plans and 25385
programs for the construction, maintenance, repair, and operation 25386
of refuge harbors and other projects for the harboring, mooring, 25387
docking, and storing of light draft vessels as provided in 25388
sections 1547.71, and 1547.72, ~~and 1547.78~~ of the Revised Code; 25389

(B) Advise with and recommend to the chief as to the methods 25390
of coordinating the shore erosion projects of the department of 25391
natural resources with the refuge of light draft vessel harbor 25392
projects; 25393

(C) Advise with and recommend to the chief as to plans and 25394
programs for the acquisition, protection, construction, 25395
maintenance, and administration of wild river areas, scenic river 25396
areas, and recreational river areas; 25397

(D) Consider and make recommendations upon any matter which 25398

is brought to its attention by any person or that the chief may submit to it; 25399
25400

(E) Submit to the governor biennially recommendations for amendments to the laws of the state relative to refuge and light draft vessel harbor projects. 25401
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Before entering upon the discharge of official duties, each member of the council shall take and subscribe to an oath of office, which oath, in writing, shall be filed in the office of the secretary of state. 25404
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The members of the council shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the performance of their official duties from the waterways safety fund as provided in section 1547.75 of the Revised Code. 25408
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The council shall, by a majority vote of all its members, adopt and amend bylaws. 25413
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To be eligible for appointment as a member of the council, a person shall be a citizen of the United States and an elector of the state and possess a knowledge of and have an interest in small boat operations. 25415
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The council shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the council provide, or at the behest of a majority of its members. Notices of all meetings shall be given in such manner as the bylaws provide. The council shall choose annually from among its members a chairperson to preside over its meetings. A majority of the members of the council shall constitute a quorum. No advice shall be given or recommendation made without a majority of the members of the council concurring therein. 25419
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Sec. 1561.14. A person who applies for a certificate as a 25429
mine electrician shall be able to read and write the English 25430
language, and prior to the date of the application for examination 25431
either shall have had at least one year's experience in performing 25432
electrical work underground in a coal mine, in the surface work 25433
area of an underground coal mine, in a surface coal mine, or in a 25434
noncoal mine, or shall have had such experience as the chief of 25435
the division of mineral resources management determines to be 25436
equivalent. Each applicant for examination shall pay a fee of ten 25437
dollars to the chief on the first day of the examination. Any 25438
~~moneys~~ money collected under this section shall be paid into the 25439
state treasury to the credit of the mining regulation and safety 25440
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 25441

Sec. 1561.16. (A) As used in this section and sections 25442
1561.17 to 1561.21 of the Revised Code, "actual practical 25443
experience" means previous employment that involved a person's 25444
regular presence in the type of mining operation in which the 25445
experience is required to exist; participation in functions 25446
relating to the hazards involved in and the utilization of 25447
equipment, tools, and work crews and individuals for that type of 25448
mining; and regular exposure to the methods, procedures, and 25449
safety laws applicable to that type of mining. Credit of up to one 25450
year for a portion of the required experience time may be given 25451
upon documentation to the chief of the division of mineral 25452
resources management of an educational degree in a field related 25453
to mining. Credit of up to two years of the required experience 25454
time may be given upon presentation to the chief of proof of 25455
graduation from an accredited school of mines or mining after a 25456
four-year course of study with employment in the mining industry 25457
during interim breaks during the school years. 25458

(B) A person who applies for a certificate as a mine 25459

foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief on the first day of such examination.

(C) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of more than two calendar years shall apply for and obtain recertification from the chief in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine. An applicant for recertification shall pay a fee established in rules adopted under this section at the time of application for recertification.

(D) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine.

(E) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in

accordance with Chapter 119. of the Revised Code that do all of 25492
the following: 25493

(1) Prescribe requirements, criteria, and procedures for the 25494
recertification of a mine foreperson or a foreperson of a gaseous 25495
mine who has not worked in an underground coal mine for a period 25496
of more than two calendar years; 25497

(2) Prescribe requirements, criteria, and procedures for the 25498
retraining of a mine foreperson or a foreperson of a gaseous mine 25499
who has not worked in an underground coal mine for a period of one 25500
or more calendar years; 25501

(3) Establish fees for the examination and recertification of 25502
mine forepersons or forepersons of gaseous mines under this 25503
section; 25504

(4) Prescribe any other requirements, criteria, and 25505
procedures that the chief determines are necessary to administer 25506
this section. 25507

(F) Any ~~moneys~~ money collected under this section shall be 25508
paid into the state treasury to the credit of the mining 25509
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 25510
the Revised Code. 25511

Sec. 1561.17. (A) A person who applies for a certificate as 25512
mine foreperson or foreperson of nongaseous mines shall be able to 25513
read and write the English language; shall have had at least three 25514
years' actual practical experience in mines, or the equivalent 25515
thereof in the judgment of the chief of the division of mineral 25516
resources management; and shall have knowledge of the dangers and 25517
nature of noxious gases. Each applicant for examination shall pay 25518
a fee established in rules adopted under this section to the chief 25519
on the first day of the examination. 25520

(B) A person who has been issued a certificate as a mine 25521

foreperson or a foreperson of a nongaseous coal mine and who has 25522
not worked in an underground coal mine for a period of more than 25523
two calendar years shall apply for and obtain recertification from 25524
the chief in accordance with rules adopted under this section 25525
before performing the duties of a mine foreperson or a foreperson 25526
of a nongaseous coal mine. An applicant for recertification shall 25527
pay a fee established in rules adopted under this section at the 25528
time of application for recertification. 25529

(C) A person who has been issued a certificate as a mine 25530
foreperson or a foreperson of a nongaseous coal mine and who has 25531
not worked in an underground coal mine for a period of one or more 25532
calendar years shall successfully complete a retraining course in 25533
accordance with rules adopted under this section before performing 25534
the duties of a mine foreperson or a foreperson of a nongaseous 25535
coal mine. 25536

(D) The chief, in consultation with a statewide association 25537
representing the coal mining industry and a statewide association 25538
representing employees of coal mines, shall adopt rules in 25539
accordance with Chapter 119. of the Revised Code that do all of 25540
the following: 25541

(1) Prescribe requirements, criteria, and procedures for the 25542
recertification of a mine foreperson or a foreperson of a 25543
nongaseous coal mine who has not worked in an underground coal 25544
mine for a period of more than two calendar years; 25545

(2) Prescribe requirements, criteria, and procedures for the 25546
retraining of a mine foreperson or a foreperson of a nongaseous 25547
coal mine who has not worked in an underground coal mine for a 25548
period of one or more calendar years; 25549

(3) Establish fees for the examination and recertification of 25550
mine forepersons or forepersons of nongaseous coal mines under 25551
this section; 25552

(4) Prescribe any other requirements, criteria, and 25553
procedures that the chief determines are necessary to administer 25554
this section. 25555

(E) Any ~~moneys~~ money collected under this section shall be 25556
paid into the state treasury to the credit of the mining 25557
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 25558
the Revised Code. 25559

Sec. 1561.18. A person who applies for a certificate as a 25560
foreperson of surface maintenance facilities at underground or 25561
surface mines shall be able to read and write the English language 25562
and shall have had at least three years' actual practical 25563
experience in or around the surface maintenance facilities of 25564
underground or surface mines or the equivalent thereof in the 25565
judgment of the chief of the division of mineral resources 25566
management. Each applicant for examination shall pay a fee of ten 25567
dollars to the chief on the first day of the examination. Any 25568
~~moneys~~ money collected under this section shall be paid into the 25569
state treasury to the credit of the mining regulation and safety 25570
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 25571

Sec. 1561.19. A person who applies for a certificate as a 25572
mine foreperson of surface mines shall be able to read and write 25573
the English language and shall have had at least five years' 25574
actual practical experience in surface mines. An applicant for a 25575
certificate as a foreperson of surface mines shall meet the same 25576
requirements, except that the applicant shall have had at least 25577
three years' actual practical experience in surface mines or the 25578
equivalent thereof in the judgment of the chief of the division of 25579
mineral resources management. Each applicant for examination shall 25580
pay a fee of ten dollars to the chief on the first day of the 25581
examination. Any ~~moneys~~ money collected under this section shall 25582
be paid into the state treasury to the credit of the mining 25583

regulation and safety fund created in section ~~1561.48~~ 1513.30 of 25584
the Revised Code. 25585

Sec. 1561.20. A person who applies for a certificate as a 25586
surface mine blaster shall be able to read and write the English 25587
language; shall have had at least one year's actual practical 25588
experience in surface mines or the equivalent thereof in the 25589
judgment of the chief of the division of mineral resources 25590
management; shall have knowledge of the dangers and nature of the 25591
use of explosives, related equipment, and blasting techniques; and 25592
shall have knowledge of safety laws and rules, including those 25593
related to the storage, use, and transportation of explosives. 25594
Each applicant for examination shall pay a fee of ten dollars to 25595
the chief on the first day of the examination. Any ~~moneys~~ money 25596
collected under this section shall be paid into the state treasury 25597
to the credit of the mining regulation and safety fund created in 25598
section ~~1561.48~~ 1513.30 of the Revised Code. 25599

Sec. 1561.21. A person who applies for a certificate as a 25600
shot firer shall be able to read and write the English language; 25601
shall have had at least one year's actual practical experience in 25602
the underground workings of mines or the equivalent thereof in the 25603
judgment of the chief of the division of mineral resources 25604
management; shall have knowledge of the dangers and nature of 25605
noxious and explosive gases; shall have knowledge of the dangers 25606
and nature of the use of explosives, related equipment, and 25607
blasting techniques; and shall have knowledge of safety laws and 25608
rules, including those related to the underground storage, use, 25609
and transportation of explosives. Each applicant for examination 25610
shall pay a fee of ten dollars to the chief on the first day of 25611
the examination. Any ~~moneys~~ money collected under this section 25612
shall be paid into the state treasury to the credit of the mining 25613
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 25614

the Revised Code. 25615

Any person who possesses a mine foreperson or foreperson 25616
certificate issued by the chief shall be considered certified as a 25617
shot firer. 25618

Sec. 1561.22. A person who applies for a certificate as fire 25619
boss shall be able to read and write the English language; shall 25620
have had at least three years' actual practical experience in the 25621
underground workings of a gaseous mine or the equivalent thereof 25622
in the judgment of the chief of the division of mineral resources 25623
management; and shall have knowledge of the dangers and nature of 25624
noxious and explosive gases gained by actual contact with gas in 25625
mines and ventilation of gaseous mines. Each applicant for 25626
examination shall pay a fee of ten dollars to the chief on the 25627
first day of the examination. Any ~~moneys~~ money collected under 25628
this section shall be paid into the state treasury to the credit 25629
of the mining regulation and safety fund created in section 25630
~~1561.48~~ 1513.30 of the Revised Code. 25631

Sec. 1561.26. (A) As used in this section: 25632

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 25633
meanings as in section 4765.01 of the Revised Code. 25634

(2) "Mine medical responder" has the same meaning as in 25635
section 1565.15 of the Revised Code. 25636

(B) The superintendent of rescue stations, with the approval 25637
of the chief of the division of mineral resources management, 25638
shall, at each rescue station provided for in section 1561.25 of 25639
the Revised Code, train and employ rescue crews of six members 25640
each, one of whom shall hold a mine foreperson or fire boss 25641
certificate and be designated captain, and train and employ any 25642
number of such rescue crews as the superintendent believes 25643
necessary. One member of a rescue crew shall be certified as an 25644

EMT-basic, EMT-I, mine medical responder, or paramedic. Each 25645
member of a rescue crew shall devote the time specified by the 25646
chief each month for training purposes and shall be available at 25647
all times to assist in rescue work at explosions, mine fires, and 25648
other emergencies. 25649

A captain of mine rescue crews shall receive for service as 25650
captain the sum of twenty-four dollars per month, and each member 25651
shall receive the sum of twenty dollars per month, all payable on 25652
requisition approved by the chief. When engaged in rescue work at 25653
explosions, mine fires, or other emergencies away from their 25654
station, the members of the rescue crews and captains of the same 25655
shall be paid the sum of six dollars per hour for work on the 25656
surface, which includes the time consumed by those members in 25657
traveling to and from the scene of the emergency when the scene is 25658
away from the station of the members, and the sum of seven dollars 25659
per hour for all work underground at the emergency, and in 25660
addition thereto, the necessary living expenses of the members 25661
when the emergency is away from their home station, all payable on 25662
requisition approved by the chief. 25663

Each member of a mine rescue crew shall undergo an annual 25664
medical examination. The chief may designate to perform an 25665
examination any individual authorized by the Revised Code to do 25666
so, including a physician assistant, a clinical nurse specialist, 25667
a certified nurse practitioner, or a certified nurse-midwife. In 25668
designating the individual to perform a medical examination, the 25669
chief shall choose one near the station of the member of the 25670
rescue crews. The examiner shall report the examination results to 25671
the chief and if, in the opinion of the chief, the report 25672
indicates that the member is physically unfit for further 25673
services, the chief shall relieve the member from further duty. 25674
The fee charged by the examiner for the examination shall be paid 25675
in the same manner as fees are paid to doctors employed by the 25676

industrial commission for special medical examinations. 25677

The chief may remove any member of a rescue crew for any 25678
reason. Such crews shall be subject to the orders of the chief, 25679
the superintendent, and the deputy mine inspectors when engaged in 25680
actual mine rescue work. Mine rescue crews shall, in case of death 25681
or injury when engaged in rescue work, wherever the same may 25682
occur, be paid compensation, or their dependents shall be paid 25683
death benefits, from the workers' compensation fund, in the same 25684
manner as other employees of the state. 25685

(C) In addition to the training of rescue crews, each 25686
assistant superintendent of rescue stations, with the approval of 25687
the superintendent, shall provide for and conduct safety, first 25688
aid, and rescue classes at any mine or for any group of miners who 25689
make application for the conducting of such classes. The chief may 25690
assess a fee for safety and first aid classes for the purpose of 25691
covering the costs associated with providing those classes. The 25692
chief shall establish a fee schedule for safety and first aid 25693
classes by rule adopted in accordance with Chapter 119. of the 25694
Revised Code. Fees collected under this section shall be deposited 25695
in the ~~surface~~ mining regulation and safety fund created in 25696
section ~~1514.06~~ 1513.30 of the Revised Code. 25697

The superintendent shall prescribe and provide for a uniform 25698
schedule of conducting such safety and rescue classes as will 25699
provide a competent knowledge of modern safety and rescue methods 25700
in, at, and about mines. 25701

(D) No member of a mine rescue crew who performs mine rescue 25702
at an underground coal mine and no operator of a mine whose 25703
employee participates as a member of such a mine rescue crew is 25704
liable in any civil action that arises under the laws of this 25705
state for damage or injury caused in the performance of rescue 25706
work at an underground coal mine. However, a member of such a mine 25707
rescue crew may be liable if the member acted with malicious 25708

purpose, in bad faith, or in a wanton or reckless manner. 25709

This division does not eliminate, limit, or reduce any 25710
immunity from civil liability that is conferred on a member of 25711
such a mine rescue crew or an operator by any other provision of 25712
the Revised Code or by case law. 25713

Sec. 1561.45. Fines collected by reason of prosecutions under 25714
this chapter and Chapters 1563., 1565., and 1567. of the Revised 25715
Code shall be paid to the chief of the division of mineral 25716
resources management, and by the chief paid into the state 25717
treasury to the credit of the mining regulation and safety fund 25718
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25719

Sec. 1561.46. Fees received by the chief of the division of 25720
mineral resources management under sections 1561.16 to 1561.22 of 25721
the Revised Code shall be paid by the chief into the state 25722
treasury to the credit of the mining regulation and safety fund 25723
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25724

Sec. 1561.48. All ~~moneys~~ money collected under sections 25725
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 25726
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 25727
into the state treasury to the credit of the mining regulation and 25728
safety fund, ~~which is hereby~~ created by section 1513.30 of the 25729
Revised Code. The department of natural resources shall use the 25730
~~moneys~~ money in the fund to pay the operating expenses of the 25731
division of mineral resources management. 25732

Sec. 1711.53. (A)(1) No person shall operate an amusement 25733
ride within the state without a permit issued by the director of 25734
agriculture under division (A)(2) of this section. The owner of an 25735
amusement ride, whether the ride is a temporary amusement ride or 25736
a permanent amusement ride, who desires to operate the amusement 25737

ride within the state shall, prior to the operation of the 25738
amusement ride and annually thereafter, submit to the department 25739
of agriculture an application for a permit, together with the 25740
appropriate permit and inspection fee, on a form to be furnished 25741
by the department. Prior to issuing any permit the department 25742
shall, within thirty days after the date on which it receives the 25743
application, inspect each amusement ride described in the 25744
application. The owner of an amusement ride shall have the 25745
amusement ride ready for inspection not later than two hours after 25746
the time that is requested by the person for the inspection. 25747

(2) For each amusement ride found to comply with the rules 25748
adopted by the director under division (B) of this section and 25749
division (B) of section 1711.551 of the Revised Code, the director 25750
shall issue an annual permit, provided that evidence of liability 25751
insurance coverage for the amusement ride as required by section 25752
1711.54 of the Revised Code is on file with the department. 25753

(3) The director shall issue with each permit a decal 25754
indicating that the amusement ride has been issued the permit. The 25755
owner of the amusement ride shall affix the decal on the ride at a 25756
location where the decal is easily visible to the patrons of the 25757
ride. A copy of the permit shall be kept on file at the same 25758
address as the location of the amusement ride identified on the 25759
permit, and shall be made available for inspection, upon 25760
reasonable demand, by any person. An owner may operate an 25761
amusement ride prior to obtaining a permit, provided that the 25762
operation is for the purpose of testing the amusement ride or 25763
training amusement ride operators and other employees of the owner 25764
and the amusement ride is not open to the public. 25765

(B) The director, in accordance with Chapter 119. of the 25766
Revised Code, shall adopt rules providing for a schedule of fines, 25767
with no fine exceeding five thousand dollars, for violations of 25768
sections 1711.50 to 1711.57 of the Revised Code or any rules 25769

adopted under this division and for the classification of 25770
amusement rides and rules for the safe operation and inspection of 25771
all amusement rides as are necessary for amusement ride safety and 25772
for the protection of the general public. Rules adopted by the 25773
director for the safe operation and inspection of amusement rides 25774
shall be reasonable and based upon generally accepted engineering 25775
standards and practices. In adopting rules under this section, the 25776
director may adopt by reference, in whole or in part, the national 25777
fire code or the national electrical code (NEC) prepared by the 25778
national fire protection association, the standards of the 25779
American society for testing and materials (ASTM) or the American 25780
national standards institute (ANSI), or any other principles, 25781
tests, or standards of nationally recognized technical or 25782
scientific authorities. Insofar as is practicable and consistent 25783
with sections 1711.50 to 1711.57 of the Revised Code, rules 25784
adopted under this division shall be consistent with the rules of 25785
other states. The department shall cause sections 1711.50 to 25786
1711.57 of the Revised Code and the rules adopted in accordance 25787
with this division and division (B) of section 1711.551 of the 25788
Revised Code to be published in pamphlet form and a copy to be 25789
furnished without charge to each owner of an amusement ride who 25790
holds a current permit or is an applicant therefor. 25791

(C) With respect to an application for a permit for an 25792
amusement ride, an owner may apply to the director for a waiver or 25793
modification of any rule adopted under division (B) of this 25794
section if there are practical difficulties or unnecessary 25795
hardships for the amusement ride to comply with the rules. Any 25796
application shall set forth the reasons for the request. The 25797
director, with the approval of the advisory council on amusement 25798
ride safety, may waive or modify the application of a rule to any 25799
amusement ride if the public safety is secure. Any authorization 25800
by the director under this division shall be in writing and shall 25801
set forth the conditions under which the waiver or modification is 25802

authorized, and the department shall retain separate records of 25803
all proceedings under this division. 25804

(D)(1) The director shall employ and provide for training of 25805
a chief inspector and additional inspectors and employees as may 25806
be necessary to administer and enforce sections 1711.50 to 1711.57 25807
of the Revised Code. The director may appoint or contract with 25808
other persons to perform inspections of amusement rides, provided 25809
that the persons meet the qualifications for inspectors 25810
established by rules adopted under division (B) of this section 25811
and are not owners, or employees of owners, of any amusement ride 25812
subject to inspection under sections 1711.50 to 1711.57 of the 25813
Revised Code. No person shall inspect an amusement ride who, 25814
within six months prior to the date of inspection, was an employee 25815
of the owner of the ride. 25816

(2) Before the director contracts with other persons to 25817
inspect amusement rides, the director shall seek the advice of the 25818
advisory council on amusement ride safety on whether to contract 25819
with those persons. The advice shall not be binding upon the 25820
director. After having received the advice of the council, the 25821
director may proceed to contract with inspectors in accordance 25822
with the procedures specified in division (E)(2) of section 25823
1711.11 of the Revised Code. 25824

(3) With the advice and consent of the advisory council on 25825
amusement ride safety, the director may employ a special 25826
consultant to conduct an independent investigation of an amusement 25827
ride accident. This consultant need not be in the civil service of 25828
the state, but shall have qualifications to conduct the 25829
investigation acceptable to the council. 25830

(E)(1) Except as otherwise provided in division (E)(1) of 25831
this section, the department shall charge the following amusement 25832
ride fees: 25833

Permit	\$ 150	25834
Annual inspection and reinspection per ride:		25835
Kiddie rides	\$ 100	25836
Roller coaster	\$ 1,200	25837
Aerial lifts or bungee jumping facilities	\$ 450	25838
Go karts, per kart	\$ 5	25839
Inflatable rides, kiddie and adult	\$ 105	25840
Other rides	\$ 160	25841
Midseason operational inspection per ride	\$ 25	25842
Expedited inspection per ride	\$ 100	25843
Failure to cancel scheduled inspection per ride	\$ 100	25844
Failure to have amusement ride ready for inspection		25845
per ride	\$ 100	25846

The go kart inspection fee is in addition to the inspection fee for the go kart track. 25847
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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the annual fee for an inspection and reinspection of an inflatable ride. 25849
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 25852
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 25855
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(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 25860
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(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the

department conducts a supplemental inspection. 25898

(H) The department may annually conduct a midseason 25899
operational inspection of every amusement ride upon which it 25900
conducts an annual inspection pursuant to division (A) of this 25901
section. The midseason operational inspection is in addition to 25902
any other inspection or reinspection of the amusement ride as may 25903
be required pursuant to sections 1711.50 to 1711.57 of the Revised 25904
Code. The owner of an amusement ride shall submit to the 25905
department, at the time determined by the department, the 25906
midseason operational inspection fee specified in division (E) of 25907
this section. The director, in accordance with Chapter 119. of the 25908
Revised Code, shall adopt rules specifying the time period during 25909
which the department will conduct midseason operational 25910
inspections. 25911

Sec. 1721.01. A company or association incorporated for 25912
cemetery purposes may appropriate or otherwise acquire, and may 25913
hold, not more than six hundred forty acres of land at any one 25914
location, which shall be exempt from execution, and from being 25915
appropriated for any public purpose, except as otherwise provided 25916
in this section, ~~and from taxation, if held exclusively for~~ 25917
~~cemetery or burial purposes, and with no view to profit.~~ A company 25918
or association of that nature may own land at multiple locations, 25919
and as many as six hundred forty acres owned at each location in 25920
accordance with this section are entitled to the exemptions 25921
specified in this section. 25922

Lands of cemetery associations not containing graves or not 25923
containing graves that are in use as such on the date a written 25924
notice, as provided in this section, is served upon the officers 25925
of a cemetery, shall be subject to appropriation for highway or 25926
street purposes if an appropriation commences within four years of 25927
the serving of the notice. For such purposes said lands shall be 25928

subject to the exercise of the right of eminent domain by the 25929
municipal corporation in which such lands are located, by the 25930
board of county commissioners of the county in which such lands 25931
are located, or by the director of transportation under the same 25932
conditions and in the same manner as any private property; and, if 25933
any burial occurs within the area specifically designated in the 25934
written notice, the appropriating agency shall have the same 25935
powers with respect to such burial as are given to a board of 25936
township trustees by section 517.21 of the Revised Code and shall 25937
pay any costs resulting from the exercise of these powers. This 25938
section shall not be construed as authorizing an appropriating 25939
agency to exercise the powers specified by section 517.21 of the 25940
Revised Code in any part of a cemetery other than the area 25941
specifically designated in the written notice. 25942

The appropriating agency shall serve upon the officers or 25943
agents having control of a cemetery a written notice that a 25944
specifically designated area of the cemetery may be needed for 25945
highway purposes. No such notice may be served more than once. 25946

Such appropriation proceedings shall be made in the manner 25947
provided for in sections 163.01 to 163.22 of the Revised Code or, 25948
if by the director of transportation, as otherwise provided by 25949
law. 25950

The board of trustees of such company or association, 25951
whenever in its opinion any portion of such lands is unsuitable 25952
for burial purposes, may sell and convey by deed in fee simple, in 25953
such manner, and upon such terms, as are provided by resolution of 25954
such board, any such portion of said lands, and apply the proceeds 25955
thereof to the general purposes of the company or association; but 25956
on such sale being made, the lands so sold shall be returned by 25957
the board to the auditor of the proper county and placed by that 25958
auditor upon the grand tax list and duplicate of real and public 25959
utility property for taxation. 25960

Such company or association may also take, set aside, or hold 25961
any personal property received by it from any source for cemetery 25962
purposes; and if such company or association is incorporated not 25963
for profit, all personal property, including the income therefrom, 25964
owned or held by it, or for its use, for cemetery purposes and 25965
with no view to profit, shall be exempt from execution, from being 25966
appropriated for any public purpose, and from taxation, and no tax 25967
shall be assessed upon any personal property or the income 25968
therefrom expressly exempted under this section. 25969

~~This chapter does not authorize the exemption of real 25970
property used for a funeral home or any other activity not 25971
permitted to be conducted by a cemetery association exempt from 25972
taxation under section 501(c)(13) of the "Internal Revenue Code of 25973
1954," 26 U.S.C.A. 501, or any successor provision. 25974~~

All exemptions ~~from taxation~~ provided for in this section 25975
shall be in addition to such other exemptions ~~from taxation~~ as a 25976
company or association incorporated for cemetery purposes, or its 25977
real or personal property, has under any other provisions of the 25978
Revised Code. 25979

Sec. 1721.10. Except as otherwise provided in this section, 25980
lands appropriated and set apart as burial grounds, either for 25981
public or for private use, and recorded or filed as such in the 25982
office of the county recorder of the county where they are 25983
situated, and any burial ground that has been used as such for 25984
fifteen years are exempt from sale on execution on a judgment, 25985
~~taxation~~, dower, and compulsory partition; but land appropriated 25986
and set apart as a private burial ground is not so exempt if it 25987
exceeds in value the sum of fifty dollars. 25988

The lien for taxes against such burial grounds may be 25989
enforced in the same manner prescribed for abandoned lands under 25990
sections 323.65 to 323.79 of the Revised Code except that the 25991

burial ground may be transferred only to a municipal corporation, 25992
county, or township under division (D) of section 323.74 of the 25993
Revised Code. No burial ground that is otherwise exempt from sale 25994
or execution under this section shall be offered for sale at 25995
public auction. 25996

Sec. 1733.04. (A) In addition to the authority conferred by 25997
section 1701.13 of the Revised Code, but subject to any 25998
limitations contained in sections 1733.01 to 1733.45 of the 25999
Revised Code, and its articles and regulations, a credit union may 26000
do any of the following: 26001

(1) Make loans as provided in section 1733.25 of the Revised 26002
Code; 26003

(2) Invest its money as provided in section 1733.30 of the 26004
Revised Code; 26005

(3) If authorized by the code of regulations, rebate to the 26006
borrowing members a portion of the member's interest paid to the 26007
credit union; 26008

(4) If authorized by the regulations, charge a membership or 26009
entrance fee not to exceed one dollar per member; 26010

(5) Purchase group savings life insurance and group credit 26011
life insurance; 26012

(6) Make reasonable contributions to any nonprofit civic, 26013
charitable, or service organizations; 26014

(7) Act as trustee or custodian, for which reasonable 26015
compensation may be received, under any written trust instrument 26016
or custodial agreement created or organized in the United States 26017
and forming part of a tax-advantaged savings plan that qualifies 26018
for specific tax treatment under sections 223, 401(d), 408, 408A, 26019
and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 26020
408A, and 530, as amended, for its members or groups of its 26021

members, provided that the funds of such plans are invested in 26022
share accounts or share certificate accounts of the credit union. 26023
These services include, but are not limited to, acting as a 26024
trustee or custodian for member retirement, education, or health 26025
savings accounts. 26026

(8) Participate in and pledge assets in connection with the 26027
business linked deposit program under sections 135.77 to 135.774 26028
of the Revised Code and the agricultural linked deposit program 26029
under sections 135.71 to 135.76 of the Revised Code. 26030

(B) The authority of a credit union shall be subject to the 26031
following: 26032

(1) A credit union may not borrow money in excess of 26033
twenty-five per cent of its shares and undivided earnings, without 26034
prior specific authorization by the superintendent of credit 26035
unions. 26036

(2) A credit union may not pay a commission or other 26037
compensation to any person for securing members or for the sale of 26038
its shares, except that reasonable incentives may be made 26039
available directly to members or potential members to promote 26040
thrift. 26041

(3) A credit union, subject to the approval of the 26042
superintendent, may have service facilities other than its home 26043
office. 26044

(4) Real estate may be acquired by lease, purchase, or 26045
otherwise as necessary and to the extent required for use of the 26046
credit union presently and in the future operation of its office 26047
or headquarters, and in case of a purchase of real estate, the 26048
superintendent must first be notified in writing prior to the 26049
purchase of the real estate. The superintendent shall notify the 26050
credit union not more than thirty days after receipt of the 26051
notification to purchase the real estate if the purchase is 26052

denied, approved, or modified. If the superintendent does not 26053
respond within thirty days after receipt of the notification to 26054
purchase the real estate, it shall be deemed approved. Nothing 26055
herein contained shall be deemed to prohibit a credit union from 26056
taking title to real estate in connection with a default in the 26057
payment of a loan, provided that title to such real estate shall 26058
not be held by the credit union for more than two years without 26059
the prior written approval of the superintendent. A credit union 26060
also may lease space in any real estate it acquires in accordance 26061
with rules adopted by the superintendent. 26062

(C)(1) As used in division (C) of this section: 26063

(a) "School" means an elementary or secondary school. 26064

(b) "Student" means a child enrolled in a school. 26065

(c) "Student branch" means the designation provided to the 26066
credit union for the in-school services and financial education 26067
offered to students. 26068

(2) A credit union, upon agreement with a school board, in 26069
the case of a public school, or the governing authority, in the 26070
case of a nonpublic school, and with the permission of the 26071
superintendent, may open and maintain a student branch. 26072

(3) Notwithstanding any other provision of this section, any 26073
student enrolled in the school maintaining a student branch who is 26074
not otherwise qualified for membership in the credit union 26075
maintaining the student branch is qualified to be a member of that 26076
student branch. 26077

(4) The student's membership in the student branch expires 26078
upon the student's graduation from secondary school. 26079

(5) The student branch is for the express use of students and 26080
may not be used by faculty, staff, or lineal ancestors or 26081
descendents of students. 26082

(6) Faculty, staff, or lineal ancestors or descendants of 26083
students are not eligible for membership in the credit union 26084
maintaining the student branch unless otherwise qualified by this 26085
section to be members. 26086

(7) The superintendent may adopt rules appropriate to the 26087
formation and operation of student branches. 26088

(D) A credit union may guarantee the signature of a member in 26089
connection with a transaction involving tangible or intangible 26090
property in which a member has or seeks to acquire an interest. 26091

Sec. 1733.24. (A) A credit union is authorized to receive 26092
funds for deposit in share accounts, share draft accounts, and 26093
share certificates from its members, from other credit unions, and 26094
from an officer, employee, or agent of the federal, state, or 26095
local governments, or political subdivisions of the state, in 26096
accordance with such terms, rates, and conditions as may be 26097
established by its board of directors, and for purposes of the 26098
agricultural linked deposit program created under sections 135.71 26099
to 135.76 of the Revised Code and the business linked deposit 26100
program created under sections 135.77 to 135.774 of the Revised 26101
Code. 26102

(B) The shares and share accounts of the credit union may be 26103
of one or more classes, as designated by the board of directors, 26104
subject to approval of the superintendent of credit unions based 26105
on rules that shall assure equitable distribution of dividends 26106
among classes, considering costs and advantages of each class to 26107
the members of the credit union, including without limitation 26108
special services rendered, length of ownership, minimum 26109
investment, conditions of repurchase, and other appropriate 26110
standards or combinations thereof. In the event the articles of 26111
incorporation of the credit union indicate the authorized number 26112
of shares to be unlimited, the designation of classification of 26113

shares and share accounts of the credit union may be effected by 26114
the board of directors, subject to the approval of the 26115
superintendent, and does not require amendment of the articles of 26116
incorporation. All shares of the credit union shall have a par 26117
value per share as set by the board of directors. Redemptions and 26118
liquidating dividends shall be prorated to each member on the 26119
basis of the price paid the credit union for such share, 26120
irrespective of the class of such shares. 26121

(C)(1) Each credit union shall have one class of shares 26122
designated as "membership share." The membership shares, or if a 26123
credit union has but one class of shares, then all of the shares 26124
of the credit union, shall have a par value as set by the board of 26125
directors. 26126

(2) Two or more persons that are eligible for membership that 26127
have jointly subscribed for one or more shares under a joint 26128
account each may be admitted to membership. 26129

(D) A credit union need not issue certificates for any or all 26130
of its classes of shares but irrespective of whether certificates 26131
are issued, a registry of shares must be kept, including all of 26132
the transactions of the credit union pertaining to such shares. 26133

(E) A credit union is authorized to maintain share draft 26134
accounts in accordance with rules prescribed by the 26135
superintendent. The credit union may pay dividends on share draft 26136
accounts, may pay dividends at different rates on different types 26137
of share draft accounts, and may permit the owners of such share 26138
draft accounts to make withdrawals by negotiable or transferable 26139
instruments or other orders for the purpose of making transfers to 26140
third parties. 26141

(F) Unless otherwise provided by written agreement of the 26142
parties, the rights, responsibilities, and liabilities attaching 26143
to a share draft withdrawn from, transferred to, or otherwise 26144

handled by a credit union are defined in and governed by Chapters 26145
1303. and 1304. of the Revised Code, as if the credit union were a 26146
bank. 26147

(G) Unless otherwise provided in the articles or regulations, 26148
a member may designate any person or persons to own or hold 26149
shares, or share accounts with the member in joint tenancy with 26150
right of survivorship and not as tenants in common. 26151

(H) Shares or share accounts may be issued in the name of a 26152
custodian under the Ohio transfers to minors act, a member in 26153
trust for a beneficiary, a fiduciary or custodian in trust for a 26154
member beneficiary, or a fiduciary or custodian in trust upon the 26155
death of a member. Redemption of such shares or payment of such 26156
share accounts to a member, to the extent of the payment, 26157
discharges the liability of the credit union to the member and the 26158
beneficiary, and the credit union shall be under no obligation to 26159
see to the application of the payment. Unless prior to the death 26160
of a member, the member has notified the credit union in writing 26161
in a form approved by the credit union of a different beneficiary 26162
to receive the proceeds of such shares or share accounts, then the 26163
proceeds shall be paid to the beneficiary or to the beneficiary's 26164
parent or legal representative. Any payment made pursuant to 26165
written instructions of the member or pursuant to the provisions 26166
herein contained shall be a valid and sufficient release and 26167
discharge of the credit union in connection with any such share or 26168
share accounts. 26169

(I)(1) Except as otherwise provided in the articles or 26170
regulations, and subject to the provisions thereof, a minor may 26171
purchase shares, share accounts, or other depository instruments, 26172
and except for qualification as a voting member, the credit union 26173
may deal with the minor with respect to shares, share accounts, or 26174
other depository instruments owned by the minor as if the minor 26175
were a person of legal age. 26176

(2) If shares, share accounts, or other depository instruments are issued in the name of a minor, redemption of any part or all of the shares or withdrawal of funds by payment to the minor of the shares or funds and any declared dividends or interest releases the credit union from all obligation to the minor as to the shares reduced or funds withdrawn.

(J) The regulations may require advance written notice of a member's intention to withdraw the member's shares. Such advance notice shall not exceed sixty days.

Sec. 1751.72. (A) As used in this section:

(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or episodically, for longer than six continuous months.

(2) "Clinical peer" means a health care practitioner in the same, or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review.

(3) "Covered person" means a person receiving coverage for health services under a policy, contract, or agreement issued by a health insuring corporation.

(4) "Emergency services" has the same meaning as in section 1753.28 of the Revised Code.

(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question.

(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.

(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the

most recent standard adopted by the the United States department 26207
of health and human services. 26208

(8) "Prior authorization requirement" means any practice 26209
implemented by a health insuring corporation in which coverage of 26210
a health care service, device, or drug is dependent upon a covered 26211
person or a health care practitioner obtaining approval from the 26212
health insuring corporation prior to the service, device, or drug 26213
being performed, received, or prescribed, as applicable. "Prior 26214
authorization" includes prospective or utilization review 26215
procedures conducted prior to providing a health care service, 26216
device, or drug. 26217

(9) "Urgent care services" means a medical care or other 26218
service for a condition where application of the timeframe for 26219
making routine or non-life threatening care determinations is 26220
either of the following: 26221

(a) Could seriously jeopardize the life, health, or safety of 26222
the patient or others due to the patient's psychological state; 26223

(b) In the opinion of a practitioner with knowledge of the 26224
patient's medical or behavioral condition, would subject the 26225
patient to adverse health consequences without the care or 26226
treatment that is the subject of the request. 26227

(10) "Utilization review" and "utilization review 26228
organization" have the same meanings as in section 1751.77 of the 26229
Revised Code. 26230

(B) If a policy, contract, or agreement issued by a health 26231
insuring corporation contains a prior authorization requirement, 26232
then all of the following apply: 26233

(1) On or before January 1, 2018, the health insuring 26234
corporation shall permit health care practitioners to access the 26235
prior authorization form through the applicable electronic 26236
software system. 26237

(2)(a) For policies issued on or after January 1, 2018, the health insuring corporation or other payer acting on behalf of the health insuring corporation, shall accept prior authorization requests through a secure electronic transmission.

(b) For policies issued on or after January 1, 2018, the health insuring corporation, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the health insuring corporation shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor.

(c) For purposes of division (B)(2) of this section, neither of the following shall be considered a secure electronic transmission:

(i) A facsimile;

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard.

(3) For policies issued on or after January 1, 2018, a health care practitioner and health insuring corporation may enter into a contractual arrangement under which the health insuring corporation agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or unavailable where the health care practitioner is located.

(4)(a) For policies issued on or after January 1, 2018, if

the health care practitioner submits the request for prior 26269
authorization as described in divisions (B)(1) and (2) of this 26270
section, the health insuring corporation shall respond to all 26271
prior authorization requests within forty-eight hours for urgent 26272
care services, or ten calendar days for any prior authorization 26273
request that is not for an urgent care service, of the time the 26274
request is received by the health insuring corporation. Division 26275
(B)(4) of this section does not apply to emergency services. 26276

(b) The response required under division (B)(4)(a) of this 26277
section shall indicate whether the request is approved or denied. 26278
If the prior authorization is denied, the health insuring 26279
corporation shall provide the specific reason for the denial. 26280

(c) If the prior authorization request is incomplete, the 26281
health insuring corporation shall indicate the specific additional 26282
information that is required to process the request. 26283

(5)(a) For policies issued on or after January 1, 2018, if a 26284
health care practitioner submits a prior authorization request as 26285
described in divisions (B)(1) and (2) of this section, the health 26286
insuring corporation shall provide an electronic receipt to the 26287
health care practitioner acknowledging that the prior 26288
authorization request was received. 26289

(b) For policies issued on or after January 1, 2018, if a 26290
health insuring corporation requests additional information that 26291
is required to process a prior authorization request as described 26292
in division (B)(4)(c) of this section, the health care 26293
practitioner shall provide an electronic receipt to the health 26294
insuring corporation acknowledging that the request for additional 26295
information was received. 26296

(6)(a) For policies issued on or after January 1, 2017, for a 26297
prior approval related to a chronic condition, the health insuring 26298
corporation shall honor a prior authorization approval for an 26299

approved drug for the lesser of the following from the date of the approval: 26300
26301

(i) Twelve months; 26302

(ii) The last day of the covered person's eligibility under the policy, contract, or agreement. 26303
26304

(b) The duration of all other prior authorization approvals shall be dictated by the policy, contract, or agreement issued by the health insuring corporation. 26305
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(c) A health insuring corporation may, in relation to a prior approval under division (B)(6)(a) of this section, require a health care practitioner to submit information to the health insuring corporation indicating that the patient's chronic condition has not changed. 26308
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(i) The request for information by the health insuring corporation and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication. 26313
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(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly. 26317
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(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the health insuring corporation may terminate the twelve-month approval. 26321
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(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose. 26325
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(e) A twelve-month approval provided under division (B)(6)(a)	26330
of this section does not apply to and is not required for any of	26331
the following:	26332
(i) Medications that are prescribed for a non-maintenance	26333
condition;	26334
(ii) Medications that have a typical treatment of less than	26335
one year;	26336
(iii) Medications that require an initial trial period to	26337
determine effectiveness and tolerability, beyond which a one-year,	26338
or greater, prior authorization period will be given;	26339
(iv) Medications where there is medical or scientific	26340
evidence as defined in section 3922.01 of the Revised Code that do	26341
not support a twelve-month prior approval;	26342
(v) Medications that are a schedule I or II controlled	26343
substance or any opioid analgesic or benzodiazepine, as defined in	26344
section 3719.01 of the Revised Code;	26345
(vi) Medications that are not prescribed by an in-network	26346
provider as part of a care management program.	26347
(7) For policies issued on or after January 1, 2017, a health	26348
insuring corporation may, but is not required to, provide the	26349
twelve-month approval prescribed in division (B)(6)(a) of this	26350
section for a prescription drug that meets either of the	26351
following:	26352
(a) The drug is prescribed or administered to treat a rare	26353
medical condition and pursuant to medical or scientific evidence	26354
as defined in section 3922.01 of the Revised Code.	26355
(b) Medications that are controlled substances not included	26356
in division (B)(6)(e)(v) of this section.	26357
For purposes of division (B)(7) of this section, "rare	26358
medical condition" means any disease or condition that affects	26359

fewer than two hundred thousand individuals in the United States. 26360

(8) Nothing in division (B)(6) or (7) of this section 26361
prohibits the substitution, in accordance with section 4729.38 of 26362
the Revised Code, of any drug that has received a twelve-month 26363
approval under division (B)(6)(a) of this section when there is a 26364
release of either of the following: 26365

(a) A United States food and drug administration approved 26366
comparable brand product or a generic counterpart of a brand 26367
product that is listed as therapeutically equivalent in the United 26368
States food and drug administration's publication titled approved 26369
drug products with therapeutic equivalence evaluations; 26370

(b) An interchangeable biological product, as defined in 26371
section 3715.01 of the Revised Code. 26372

(9)(a) For policies issued on or after January 1, 2017, upon 26373
written request, a health insuring corporation shall permit a 26374
retrospective review for a claim that is submitted for a service 26375
where prior authorization was required but not obtained if the 26376
service in question meets all of the following: 26377

(i) The service is directly related to another service for 26378
which prior approval has already been obtained and that has 26379
already been performed. 26380

(ii) The new service was not known to be needed at the time 26381
the original prior authorized service was performed. 26382

(iii) The need for the new service was revealed at the time 26383
the original authorized service was performed. 26384

(b) Once the written request and all necessary information is 26385
received, the health insuring corporation shall review the claim 26386
for coverage and medical necessity. The health insuring 26387
corporation shall not deny a claim for such a new service based 26388
solely on the fact that a prior authorization approval was not 26389

received for the new service in question. 26390

(10)(a) For policies issued on or after January 1, 2017, the 26391
health insuring corporation shall disclose to all participating 26392
health care practitioners any new prior authorization requirement 26393
at least thirty days prior to the effective date of the new 26394
requirement. 26395

(b) The notice may be sent via electronic mail or standard 26396
mail and shall be conspicuously entitled "Notice of Changes to 26397
Prior Authorization Requirements." The notice is not required to 26398
contain a complete listing of all changes made to the prior 26399
authorization requirements, but shall include specific information 26400
on where the health care practitioner may locate the information 26401
on the health insuring corporation's web site or, if applicable, 26402
the health insuring corporation's portal. 26403

(c) All participating health care practitioners shall 26404
promptly notify the health insuring corporation of any changes to 26405
the health care practitioner's electronic mail or standard mail 26406
address. 26407

(11)(a) For policies issued on or after January 1, 2017, the 26408
health insuring corporation shall make available to all 26409
participating health care practitioners on its web site or 26410
provider portal a listing of its prior authorization requirements, 26411
including specific information or documentation that a 26412
practitioner must submit in order for the prior authorization 26413
request to be considered complete. 26414

(b) The health insuring corporation shall make available on 26415
its web site information about the policies, contracts, or 26416
agreements offered by the health insuring corporation that clearly 26417
identifies specific services, drugs, or devices to which a prior 26418
authorization requirement exists. 26419

(12) For policies issued on or after January 1, 2018, the 26420

health insuring corporation shall establish a streamlined appeal 26421
process relating to adverse prior authorization determinations 26422
that shall include all of the following: 26423

(a) For urgent care services, the appeal shall be considered 26424
within forty-eight hours after the health insuring corporation 26425
receives the appeal. 26426

(b) For all other matters, the appeal shall be considered 26427
within ten calendar days after the health insuring corporation 26428
receives the appeal. 26429

(c) The appeal shall be between the health care practitioner 26430
requesting the service in question and a clinical peer. 26431

(d) If the appeal does not resolve the disagreement, either 26432
the covered person or an authorized representative as defined in 26433
section 3922.01 of the Revised Code may request an external review 26434
under Chapter 3922. of the Revised Code to the extent Chapter 26435
3922. of the Revised Code is applicable. 26436

(C) For policies issued on or after January 1, 2017, except 26437
in cases of fraudulent or materially incorrect information, a 26438
health insuring corporation shall not retroactively deny a prior 26439
authorization for a health care service, drug, or device when all 26440
of the following are met: 26441

(1) The health care practitioner submits a prior 26442
authorization request to the health insuring corporation for a 26443
health care service, drug, or device. 26444

(2) The health insuring corporation approves the prior 26445
authorization request after determining that all of the following 26446
are true: 26447

(a) The patient is eligible under the health benefit plan. 26448

(b) The health care service, drug, or device is covered under 26449
the patient's health benefit plan. 26450

(c) The health care service, drug, or device meets the health insuring corporation's standards for medical necessity and prior authorization. 26451
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26453

(3) The health care practitioner renders the health care service, drug, or device pursuant to the approved prior authorization request and all of the terms and conditions of the health care practitioner's contract with the health insuring corporation. 26454
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(4) On the date the health care practitioner renders the prior approved health care service, drug, or device, all of the following are true: 26459
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(a) The patient is eligible under the health benefit plan. 26462

(b) The patient's condition or circumstances related to the patient's care has not changed. 26463
26464

(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request. 26465
26466
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(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the health insuring corporation, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization. 26468
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(D) Any provision of a contractual arrangement entered into between a health insuring corporation and a health care practitioner or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable. 26477
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(E) For policies issued on or after January 1, 2017, 26481
committing a series of violations of this section that, taken 26482
together, constitute a practice or pattern shall be considered an 26483
unfair and deceptive practice under sections 3901.19 to 3901.26 of 26484
the Revised Code. 26485

(F) The superintendent of insurance may adopt rules in 26486
accordance with Chapter 119. of the Revised Code as necessary to 26487
implement the provisions of this section. 26488

(G) This section does not apply to any of the following types 26489
of coverage: a policy, contract, certificate, or agreement that 26490
covers only a specified accident, accident only, credit, dental, 26491
disability income, long-term care, hospital indemnity, 26492
supplemental coverage as described in section 3923.37 of the 26493
Revised Code, specified disease, or vision care; a dental benefit 26494
that is offered as a part of a policy, contract, certificate, or 26495
agreement offered by a health insuring corporation; coverage 26496
issued as a supplement to liability insurance; insurance arising 26497
out of workers' compensation or similar law; automobile medical 26498
payment insurance; insurance under which benefits are payable with 26499
or without regard to fault and which is statutorily required to be 26500
contained in any liability insurance policy or equivalent 26501
self-insurance; a medicare supplement policy of insurance as 26502
defined by the superintendent of insurance by rule; coverage under 26503
a plan through medicare or the federal employees benefit program; 26504
or any coverage issued under Chapter 55 of Title 10 of the United 26505
States Code and any coverage issued as a supplement to that 26506
coverage. 26507

Sec. 1751.75. A health insuring corporation may present 26508
evidence of compliance with the requirements of sections 1751.73 26509
and 1751.74 of the Revised Code by submitting certification to the 26510
superintendent of insurance of its accreditation by an 26511

independent, private accrediting organization, such as the 26512
national committee on quality assurance, the national quality 26513
health council, the joint commission on accreditation of health 26514
care organizations, the accreditation association for ambulatory 26515
health care, or the American accreditation healthcare 26516
commission/utilization review accreditation commission. The 26517
superintendent, upon review of the organization's accreditation 26518
process, may determine that such accreditation constitutes 26519
compliance by the health insuring corporation with the 26520
requirements of these sections. 26521

Sec. 1923.12. (A) If a resident or a resident's estate has 26522
been evicted from a manufactured home park pursuant to a judgment 26523
entered under section 1923.09 or 1923.11 of the Revised Code and 26524
if the resident or estate has abandoned or otherwise left 26525
unoccupied the resident's manufactured home, mobile home, or 26526
recreational vehicle on the residential premises of the 26527
manufactured home park for a period of three days following the 26528
entry of the judgment, the operator of the manufactured home park 26529
may provide to the titled owner of the home or vehicle a written 26530
notice to remove the home or vehicle from the manufactured home 26531
park within fourteen days from the date of the delivery of the 26532
notice. The park operator shall deliver or cause the delivery of 26533
the notice by personal delivery to the owner or by ordinary mail 26534
sent to the last known address of the owner. Except as provided in 26535
divisions (D) and (E) of this section, if the owner of the 26536
manufactured home, mobile home, or recreational vehicle does not 26537
remove it or cause it to be removed from the manufactured home 26538
park within fourteen days from the date of the delivery of the 26539
notice, the park operator may follow the procedures of division 26540
(B) of section 1923.13 and division (B) of section 1923.14 of the 26541
Revised Code to permit the removal of the home or vehicle from the 26542
manufactured home park, and the potential sale, destruction, or 26543

transfer of ownership of the home or vehicle. 26544

(B) Every notice provided to the titled owner of a 26545
manufactured home, mobile home, or recreational vehicle under this 26546
section shall contain the following language printed in a 26547
conspicuous manner: "You are being asked to remove your 26548
manufactured home, mobile home, or recreational vehicle from the 26549
residential premises of, a manufactured home park, in 26550
accordance with a judgment of eviction entered in court 26551
on against, If the manufactured home, mobile 26552
home, or recreational vehicle is not removed from the manufactured 26553
home park within fourteen days from the date of delivery of this 26554
notice, the home or vehicle may be sold or destroyed, or its title 26555
may be transferred to, pursuant to division (B) of both 26556
sections 1923.13 and 1923.14 of the Revised Code. If you are in 26557
doubt regarding your legal rights, it is recommended that you seek 26558
legal assistance." 26559

(C)(1) Before requesting a writ of execution under division 26560
(B) of section 1923.13 of the Revised Code, the park operator 26561
shall conduct or cause to be conducted a search of the appropriate 26562
public records that relate to the manufactured home, mobile home, 26563
or recreational vehicle, and make or cause to be made reasonably 26564
diligent inquiries, for the purpose of identifying any persons who 26565
have an outstanding right, title, or interest in the home or 26566
vehicle. 26567

(2) If the search or inquiries pursuant to division (C)(1) of 26568
this section reveal any person who has an outstanding right, 26569
title, or interest in the manufactured home, mobile home, or 26570
recreational vehicle, the park operator shall ~~list the name and~~ 26571
~~last known address of each~~ provide to the person with a right, 26572
~~title, or interest of that nature on its request for the writ of~~ 26573
~~execution. In addition, if personal property has been abandoned on~~ 26574
~~the residential premises and the park operator has knowledge of~~ 26575

~~any person who has an outstanding right, title, or interest in any 26576
of the personal property, the park operator shall list the item or 26577
items of personal property and the name and last known address of 26578
each person with the outstanding right, title, or interest on the 26579
request for the writ of execution. The park operator also shall 26580
certify on the request that the park operator provided the written 26581
notice required by this section. The clerk of the municipal court, 26582
county court, or court of common pleas may require the park 26583
operator to pay an advance deposit sufficient to secure payment of 26584
the appraisal of the manufactured home, mobile home, or 26585
recreational vehicle and the advertisement of the sale of the home 26586
or vehicle written notice to remove the home or vehicle from the 26587
manufactured home park or arrange for the sale of the home or 26588
vehicle within twenty-one days from the date of the delivery of 26589
the notice. 26590~~

The notice shall contain the following language printed in a 26591
conspicuous manner: "You are being asked to remove the 26592
manufactured home, mobile home, or recreational vehicle that you 26593
have an outstanding right, title, or interest in from the 26594
residential premises of, a manufactured home park, in 26595
accordance with a judgment of eviction entered in court 26596
on against, If the manufactured home, mobile 26597
home, or recreational vehicle is not removed from the manufactured 26598
home park within twenty-one days from the date of delivery of this 26599
notice, the home or vehicle may be sold or destroyed, or its title 26600
may be transferred to, pursuant to division (B) of both 26601
sections 1923.13 and 1923.14 of the Revised Code. If you are in 26602
doubt regarding your legal rights, it is recommended that you seek 26603
legal assistance." 26604

The park operator shall deliver or cause the delivery of the 26605
notice by personal delivery to the person or by ordinary mail sent 26606
to the last known address of the person. If a sale of the home or 26607

vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.

(3) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.

(D) When a deceased resident or a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or

recreational vehicle will be stored during the administration of 26640
the estate. The costs for the removal and storage of the 26641
manufactured home, mobile home, or recreational vehicle shall be a 26642
claim against the resident's estate without further presentation 26643
of the claim to the executor or administrator. 26644

(E)(1) When the resident who has been evicted from a 26645
manufactured home park pursuant to a judgment entered under 26646
section 1923.09 or 1923.11 of the Revised Code is the titled owner 26647
of a manufactured home, mobile home, or recreational vehicle and 26648
is or becomes deceased prior to the removal of the home or vehicle 26649
from the manufactured home park, and no probate court has granted 26650
~~letters testamentary or of~~ administration with respect to the 26651
resident's estate within ninety days of the deceased's death, the 26652
park operator may store the home or vehicle at a storage facility 26653
or at another location within the manufactured home park before 26654
and after a probate court grants letters testamentary or of 26655
administration with respect to the resident's estate pursuant to 26656
Title XXI of the Revised Code. 26657

(2) If a probate court grants administration with respect to 26658
the resident's estate within ninety days of the date of the 26659
eviction of the resident from the park, the removal of the 26660
manufactured home, mobile home, or recreational vehicle from the 26661
park and potential sale, destruction, or transfer of ownership of 26662
the home or vehicle shall be conducted pursuant to division (D) of 26663
this section. 26664

(3) If no probate court grants ~~letters testamentary or of~~ 26665
administration with respect to the resident's estate within ~~one~~ 26666
~~year~~ ninety days of the date of the eviction of the resident from 26667
the manufactured home park pursuant to a judgment entered under 26668
section 1923.09 or 1923.11 of the Revised Code, the park operator 26669
~~may follow the procedures of division (B) of section 1923.13 and~~ 26670
~~division (B) of section 1923.14 of the Revised Code to permit the~~ 26671

~~removal of the manufactured home, mobile home, or recreational
vehicle from the park and potential sale, destruction, or transfer
of ownership of the home or vehicle.~~ 26672
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~~(3) If a probate court grants letters testamentary or of
administration with respect to the resident's estate within one
year of the date of the eviction of the resident from the park,
the removal of the manufactured home, mobile home, or recreational
vehicle from the park and potential sale, destruction, or transfer
of ownership of the home or vehicle shall be conducted pursuant to
division (D) of this section shall conduct or cause to be
conducted a search of the appropriate public records that relate
to the manufactured home, mobile home, or recreational vehicle,
and make or cause to be made reasonably diligent inquiries, for
the purpose of identifying any persons who have an outstanding
right, title, or interest in the home or vehicle.~~ 26675
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~~(a) If the search or inquiries pursuant to division (E)(3) of
this section reveal any person who has an outstanding right,
title, or interest in the manufactured home, mobile home, or
recreational vehicle, the park operator shall provide to the
person a written notice to remove the home or vehicle from the
manufactured home park or arrange for the sale of the home or
vehicle within twenty-one days from the date of the delivery of
the notice. The notice shall be in the form described in division
(C)(2) of this section. The park operator shall deliver or cause
the delivery of the notice by personal delivery to the person or
by ordinary mail sent to the last known address of the person. If
a sale of the home or vehicle is arranged, the person shall pay
any rent due to the park operator during the pendency of the sale.
If the person does not remove the home or vehicle or arrange for
its sale within twenty-one days from the date of the delivery of
the notice, the park operator may follow the procedures of
division (B) of section 1923.13 and division (B) of section~~ 26687
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1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 26704
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(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall publish notice of a petition for a writ of execution in a newspaper of general circulation in the county where the home or vehicle has been abandoned. The publication shall contain the name of the deceased and the last known address of the home or vehicle and shall run for two consecutive weeks. The park operator shall provide to the clerk of the court written certification by the newspaper of the dates of the publication and an affidavit signed by the operator attesting to the publication. The park operator may then follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 26707
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Sec. 1923.13. (A) When a judgment of restitution is entered by a court in an action under this chapter, unless the plaintiff or the plaintiff's agent or attorney proceeds under division (B) of this section, at the request of the plaintiff or the plaintiff's agent or attorney, that court shall issue a writ of execution on the judgment, in the following form, as near as practicable: 26723
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"The state of Ohio, county: To any constable or police officer of township, city, or village; or To the sheriff of county; or To any authorized bailiff of the (name of court): 26730
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Whereas, in a certain action for the forcible entry and 26735
detention (or the forcible detention, as the case may be), of the 26736
following described premises, to wit:, lately tried 26737
before this court, wherein was plaintiff, and 26738
..... was defendant, judgment was rendered on 26739
the day of,, that the plaintiff 26740
have restitution of those premises; and also that the plaintiff 26741
recover costs in the sum of, You therefore are 26742
hereby commanded to cause the defendant to be forthwith removed 26743
from those premises, and the plaintiff to have restitution of 26744
them; also, that you levy of the goods and chattels of the 26745
defendant, and make the costs previously mentioned and all 26746
accruing costs, and of this writ make legal service and due 26747
return. 26748

Witness my hand, this day of, 26749
..... Judge, (Name of court)" 26750

(B) When a judgment of restitution is entered by a court in 26751
any action under this chapter against a manufactured home park 26752
resident or the estate of a manufactured home park resident, at 26753
the request of the plaintiff or the plaintiff's agent or attorney, 26754
that court shall issue a writ of execution on the judgment, in the 26755
following form, as near as practicable: 26756

"The state of Ohio, county; To any constable or 26757
police officer of township, city, or village; or To the 26758
sheriff of county; or To any authorized bailiff of the 26759
..... (name of court): 26760

Whereas, in a certain action for eviction of a resident or a 26761
resident's estate from the following described residential 26762
premises of a manufactured home park on which the following 26763
described manufactured home, mobile home, or recreational vehicle 26764
is located, to wit:, lately tried before this court, 26765
wherein was plaintiff, and was defendant, 26766

..... judgment was rendered on the day of 26767
.....,, that the plaintiff have restitution of the 26768
premises and also that the plaintiff recover costs in the sum of 26769
..... You therefore are hereby authorized to cause the 26770
defendant to be removed and set out from the residential premises, 26771
if ~~necessary~~ the defendant holds over on the premises subsequent 26772
to an eviction judgment against the defendant. In accordance with 26773
division (A) of section 1923.12 of the Revised Code, three days 26774
after the eviction judgment, the plaintiff is hereby commanded to 26775
post a fourteen-day notice to the defendant to sell or remove the 26776
manufactured home, mobile home, or recreational vehicle from the 26777
premises, at the defendant's costs. If the manufactured home, 26778
mobile home, or recreational vehicle is not sold or removed by the 26779
defendant at the expiration of the fourteen-day notice, it is 26780
hereby ordered that the defendant forfeits the right to the 26781
manufactured home, mobile home, or recreational vehicle and the 26782
plaintiff is hereby authorized to exercise the rights set forth 26783
herein. Also, you are to levy of the goods and chattels of the 26784
defendant, and make the costs previously mentioned and all 26785
accruing costs, and of this writ make legal service and due 26786
return. 26787

Further, you are authorized to cause the manufactured home, 26788
mobile home, or recreational vehicle, and all personal property on 26789
the residential premises, to be, ~~at your option, either (1)~~ 26790
~~removed from the manufactured home park and, if necessary, moved~~ 26791
~~to a storage facility of your choice, or (2)~~ retained at their 26792
current location on the residential premises, until they are 26793
disposed of in a manner authorized by this writ or the law of this 26794
state. 26795

If the manufactured home, mobile home, or recreational 26796
vehicle has been abandoned by the defendant, the park operator is 26797
hereby commanded to submit a notarized affidavit to the county 26798

auditor of the county where the park is located listing the titled 26799
owner, address, serial number, and the value of the manufactured 26800
home, mobile home, or recreational vehicle. Within fifteen days 26801
after receipt of the affidavit, the county auditor is hereby 26802
commanded to confirm whether the county auditor agrees or 26803
disagrees with the stated value on the affidavit. Either of the 26804
following shall apply: 26805

(1) If the county auditor agrees with the stated value on the 26806
affidavit, the county auditor is hereby commanded to sign the 26807
original affidavit attesting to the agreement of the value of the 26808
manufactured home, mobile home, or recreational vehicle and return 26809
the original affidavit to the park operator within fifteen days 26810
after receipt of the affidavit from the park operator. 26811

(2) If the county auditor disagrees with the stated value on 26812
the affidavit, the county auditor is hereby commanded to notify 26813
the park operator of the disagreement within fifteen days after 26814
receipt of the affidavit. The park operator is hereby authorized 26815
to submit additional materials in support of the stated value on 26816
the affidavit consistent with industry valuation standards within 26817
ten days after receipt of the notice of the disagreement. If the 26818
park operator submits additional materials in support of the 26819
stated value on the affidavit, then after reviewing the additional 26820
materials submitted, either of the following shall apply: 26821

(a) If the county auditor agrees with the stated value on the 26822
affidavit, the county auditor is hereby commanded to sign the 26823
original affidavit attesting to the agreement of the value of the 26824
manufactured home, mobile home, or recreational vehicle and return 26825
the original affidavit to the park operator within ten days after 26826
receipt of the additional materials. 26827

(b) If the county auditor continues to disagree with the 26828
stated value on the affidavit, the county auditor is hereby 26829
commanded to notify the park operator of the continued 26830

disagreement within ten days of receipt of the additional material 26831
and return the original affidavit to the park operator. The park 26832
operator is hereby authorized to appeal to this court for a ruling 26833
on the disagreement pursuant to court rule. 26834

The park operator is hereby commanded to submit to this court 26835
the affidavit signed by the county auditor stating the value of 26836
the manufactured home, mobile home, or recreational vehicle, which 26837
shall be deemed to be the park operator's sworn testimony. If the 26838
park operator knowingly falsifies information on the affidavit the 26839
park operator shall be guilty of falsification under divisions 26840
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 26841

If the manufactured home, mobile home, or recreational 26842
vehicle has been so abandoned and has a value of more than three 26843
thousand dollars, and the requirements of section 1923.12 of the 26844
Revised Code have been satisfied, you are hereby authorized to 26845
cause the sale of the home or vehicle and personal property in the 26846
home or vehicle in accordance with division (B)(3) of section 26847
1923.14 of the Revised Code. ~~A search of appropriate public~~ 26848
~~records or other reasonably diligent inquiries reveals the~~ 26849
~~following persons, whose last known addresses are listed next to~~ 26850
~~their names, may continue to have an outstanding right, title, or~~ 26851
~~interest in the home or vehicle:~~ 26852
~~In addition, the~~ 26853
~~following persons, whose last known addresses are listed next to~~ 26854
~~their names, may continue to have an outstanding right, title, or~~ 26855
~~interest in certain personal property left in the home and listed~~ 26855
~~next to their names:~~ 26856
If you are unable to sell the 26857
manufactured home, mobile home, or recreational vehicle due to a 26858
want of bidders, after it is offered for sale on two occasions, 26859
you are hereby commanded to cause the presentation of this writ to 26859
a clerk of the court of common pleas title division for the 26860
issuance of a certificate of title transferring the title of the 26861
home or vehicle to the plaintiff, free and clear of all security 26862

interests, liens, and encumbrances, in accordance with division 26863
(B)(3) of section 1923.14 of the Revised Code. 26864

If the manufactured home, mobile home, or recreational 26865
vehicle has been so abandoned and has a value of ~~less than~~ three 26866
thousand dollars or less and if the requirements of section 26867
1923.12 of the Revised Code have been satisfied, you are hereby 26868
authorized ~~either to cause the sale or destruction of the home or~~ 26869
~~vehicle, or~~ to cause the presentation of this writ to a clerk of 26870
the court of common pleas title division for the issuance of a 26871
certificate of title transferring the title of the home or vehicle 26872
to the plaintiff, free and clear of all security interests, liens, 26873
and encumbrances, in accordance with division (B)(4) of section 26874
1923.14 of the Revised Code. 26875

Upon this writ's presentation by the levying officer to a 26876
clerk of the court of common pleas title division under the 26877
circumstances described in either of the two preceding paragraphs 26878
and in accordance with division (B)(3) or (4) of section 1923.14 26879
of the Revised Code, as applicable, the clerk is hereby commanded 26880
to issue a certificate of title transferring the title of the 26881
manufactured home, mobile home, or recreational vehicle to the 26882
plaintiff, free and clear of all security interests, liens, and 26883
encumbrances, in the manner prescribed in section 4505.10 of the 26884
Revised Code. 26885

Witness my hand, this day of, 26886
..... , Judge, (Name of court)." 26887

Sec. 1923.14. (A) Except as otherwise provided in this 26888
section, within ten days after receiving a writ of execution 26889
described in division (A) or (B) of section 1923.13 of the Revised 26890
Code, the sheriff, police officer, constable, or bailiff shall 26891
execute it by restoring the plaintiff to the possession of the 26892
premises, and shall levy and collect ~~the~~ reasonable costs, not to 26893

exceed the standard motion fee, and make return, as upon other 26894
executions. If an appeal from the judgment of restitution is filed 26895
and if, following the filing of the appeal, a stay of execution is 26896
obtained and any required bond is filed with the court of common 26897
pleas, municipal court, or county court, the judge of that court 26898
immediately shall issue an order to the sheriff, police officer, 26899
constable, or bailiff commanding the delay of all further 26900
proceedings upon the execution. If the premises have been restored 26901
to the plaintiff, the sheriff, police officer, constable, or 26902
bailiff shall forthwith place the defendant in possession of them, 26903
and return the writ with the sheriff's, police officer's, 26904
constable's, or bailiff's proceedings and the costs taxed on it. 26905

(B)(1) After a ~~court of common pleas,~~ municipal court, or 26906
county court issues a writ of execution described in division (B) 26907
of section 1923.13 of the Revised Code, the clerk of the court 26908
shall send by regular mail, to the last known address of each 26909
person other than the titled owner of the manufactured home, 26910
mobile home, or recreational vehicle that is the subject of the 26911
writ ~~and to the last known address of each other person~~ who is 26912
listed on the writ as having any outstanding right, title, or 26913
interest in the home, vehicle, or personal property and to the 26914
auditor and treasurer of the county in which the court is located, 26915
a written notice that the home or vehicle potentially may be sold, 26916
destroyed, or have its title transferred under the circumstances 26917
described in division (B)(3) or (4) of this section. A person 26918
having any outstanding right, title, or interest in the home, 26919
vehicle, or personal property is not required to consent to the 26920
notice required under this division in order for the writ to be 26921
executed. 26922

(2) Except as otherwise provided in this division, after 26923
causing the defendant to be removed from the residential premises 26924
of the manufactured home park, if necessary, by writ of 26925

~~restitution, and receiving a writ of execution described in~~ 26926
~~division (B) of section 1923.13 of the Revised Code, and after~~ 26927
~~causing the defendant to be removed from the residential premises~~ 26928
~~of the manufactured home park, if necessary, in accordance with~~ 26929
the writ, the sheriff, police officer, constable, or bailiff may 26930
cause the manufactured home, mobile home, or recreational vehicle 26931
that is the subject of the writ, and all personal property on the 26932
residential premises, ~~at the sheriff's, police officer's,~~ 26933
~~constable's, or bailiff's option, either to be removed from the~~ 26934
~~manufactured home park and, if necessary, moved to a storage~~ 26935
~~facility of the sheriff's, police officer's, constable's, or~~ 26936
~~bailiff's choice, or to be retained at their current location on~~ 26937
the residential premises, until they are claimed by the defendant 26938
or they are disposed of in a manner authorized by division (B)(3), 26939
(4), or (6) of this section or by another section of the Revised 26940
Code. ~~The sheriff, police officer, constable, or bailiff shall not~~ 26941
~~cause the manufactured home, mobile home, or recreational vehicle~~ 26942
~~that is the subject of the writ, or the personal property, to be~~ 26943
~~removed from the manufactured home park or moved to a storage~~ 26944
~~facility if the holder of any outstanding lien, right, title, or~~ 26945
~~interest in the home or vehicle, other than the titled owner of~~ 26946
~~the home or vehicle, meets the conditions set forth in division~~ 26947
~~(B)(6) or (7) of this section.~~ 26948

~~The sheriff, police officer, constable, or bailiff who~~ 26949
~~removes the manufactured home, mobile home, or recreational~~ 26950
~~vehicle, or the abandoned personal property, from the residential~~ 26951
~~premises shall be immune from civil liability pursuant to section~~ 26952
~~2744.03 of the Revised Code for any damage caused to the home,~~ 26953
~~vehicle, or any personal property during the removal.~~ 26954

The park operator shall not be liable for any damage caused 26955
by the park operator's removal of the manufactured home, mobile 26956
home, or recreational vehicle or the removal of the personal 26957

property from the residential premises, or for any damage to the 26958
home, vehicle, or personal property during the time the home, 26959
vehicle, or property remains abandoned or stored in the 26960
manufactured home park, unless the damage is the result of acts 26961
that the park operator or the park operator's agents or employees 26962
performed with malicious purpose, in bad faith, or in a wanton or 26963
reckless manner. The reasonable costs for a removal of the 26964
manufactured home, mobile home, or recreational vehicle and 26965
personal property and, as applicable, the reasonable costs for its 26966
storage shall constitute a lien upon the home or vehicle payable 26967
by the titled owner of the home or vehicle or payable pursuant to 26968
division (B)(3) of this section to the park operator. 26969

The sheriff, police officer, constable, or bailiff shall not 26970
be liable for any damage caused by the park operator's removal of 26971
the manufactured home, mobile home, or recreational vehicle or the 26972
removal of the personal property from the residential premises, or 26973
for any damage to the home, vehicle, or personal property during 26974
the time the home, vehicle, or property remains abandoned or 26975
stored in the manufactured home park. 26976

(3) Except as provided in divisions (B)(4), (5), and (6) of 26977
this section and division (D) of section 1923.12 of the Revised 26978
Code, within sixty days after receiving a writ of execution 26979
described in division (B) of section 1923.13 of the Revised Code 26980
for a manufactured home, mobile home, or recreational vehicle, 26981
determined to have a value of more than three thousand dollars, 26982
the sheriff, police officer, constable, or bailiff shall commence 26983
proceedings for the sale of the manufactured home, mobile home, or 26984
recreational vehicle that is the subject of the writ, and the 26985
abandoned personal property on the residential premises, if the 26986
home or vehicle is determined to be abandoned in accordance with 26987
the procedures for the sale of goods on execution under Chapter 26988
2329. of the Revised Code. In addition to all notices required to 26989

be given under section 2329.13 of the Revised Code, the sheriff, 26990
police officer, constable, or bailiff shall serve at their 26991
respective last known addresses a written notice of the date, 26992
time, and place of the sale upon all persons who are listed on the 26993
writ of execution as having any outstanding right, title, or 26994
interest in the abandoned manufactured home, mobile home, or 26995
recreational vehicle and the personal property and shall provide 26996
written notice to the auditor and the treasurer of the county in 26997
which the court issuing the writ is located. 26998

Unless the proceedings are governed by division (D) of 26999
section 1923.12 of the Revised Code, notwithstanding any statutory 27000
provision to the contrary, including, but not limited to, section 27001
2329.66 of the Revised Code, there shall be no stay of execution 27002
or exemption from levy or sale on execution available to the 27003
titled owner of the abandoned manufactured home, mobile home, or 27004
recreational vehicle in relation to a sale under this division. 27005
Except as otherwise provided in sections 2113.031, 2117.25, and 27006
5162.21 of the Revised Code in a case involving a deceased 27007
resident or resident's estate, the sheriff, police officer, 27008
constable, or bailiff shall distribute the proceeds from the sale 27009
of an abandoned manufactured home, mobile home, or recreational 27010
vehicle and any personal property under this division in the 27011
following manner: 27012

(a) The sheriff, police officer, constable, or bailiff shall 27013
first pay the costs for any moving of and any storage outside the 27014
manufactured home park of the home or vehicle and any personal 27015
property pursuant to division (B)(2) of this section, the costs of 27016
the sale, ~~including reimbursing the park operator for the deposit~~ 27017
~~that the park operator paid to the clerk of court under division~~ 27018
~~(C) of section 1923.12 of the Revised Code~~ any advertising 27019
expenses paid by the park operator for the sale of the 27020
manufactured home, mobile home, or recreational vehicle under 27021

division (B)(3) of this section, and any unpaid court costs 27022
assessed against the defendant in the underlying action. 27023

(b) Following the payment required by division (B)(3)(a) of 27024
this section, the sheriff, police officer, constable, or bailiff 27025
shall pay all outstanding tax liens on the home or vehicle. 27026

(c) Following the payment required by division (B)(3)(b) of 27027
this section, the sheriff, police officer, constable, or bailiff 27028
shall pay all other outstanding security interests, liens, or 27029
encumbrances on the home or vehicle by priority of filing or other 27030
priority. 27031

(d) Following the payment required by division (B)(3)(c) of 27032
this section, the sheriff, police officer, constable, or bailiff 27033
shall pay any outstanding monetary judgment rendered under section 27034
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 27035
and any costs associated with retaining the home or vehicle prior 27036
to the sale at its location on the residential premises within the 27037
manufactured home park pursuant to division (B)(2) of this 27038
section. 27039

(e) After complying with divisions (B)(3)(a) to (d) of this 27040
section, the sheriff, police officer, constable, or bailiff shall 27041
report any remaining money as unclaimed funds pursuant to Chapter 27042
169. of the Revised Code. 27043

Upon the return of any writ of execution for the satisfaction 27044
of which an abandoned manufactured home, mobile home, or 27045
recreational vehicle has been sold under this division, on careful 27046
examination of the proceedings of the sheriff, police officer, 27047
constable, or bailiff conducting the sale, if the court that 27048
issued the writ finds that the sale was made, in all respects, in 27049
conformity with ~~the relevant provisions of Chapter 2329. of the~~ 27050
~~Revised Code and with~~ this division, ~~it~~ the court shall direct the 27051
clerk of the court to make an entry on the journal that the court 27052

is satisfied with the legality of the sale and order the court 27053
~~shall direct the clerk of the court of common pleas of the county~~ 27054
~~in which the writ was issued~~ title division to issue a certificate 27055
of title, free and clear of all security interests, liens, and 27056
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 27057
~~of the court of common pleas shall issue the new certificate of~~ 27058
~~title to the purchaser of the home or vehicle regardless of~~ 27059
~~whether the writ was issued by the court of common pleas or~~ 27060
~~another court duly authorized to issue the writ.~~ If the 27061
manufactured home, mobile home, or recreational vehicle sold under 27062
this division is located in a manufactured home park, the 27063
purchaser of the home or vehicle shall have no right to maintain 27064
the home or vehicle in the manufactured home park without the park 27065
operator's consent and the sheriff, police officer, constable, or 27066
bailiff conducting the sale shall notify all prospective 27067
purchasers of this fact prior to the commencement of the sale. 27068

If, after it is offered for sale on two occasions under this 27069
division, the abandoned manufactured home, mobile home, or 27070
recreational vehicle cannot be sold due to a want of bidders, the 27071
sheriff, police officer, constable, or bailiff shall present the 27072
writ of execution unsatisfied to the clerk of the court of common 27073
pleas title division, of the county in which the writ was issued 27074
for the issuance by the clerk in the manner prescribed in section 27075
4505.10 of the Revised Code of a certificate of title transferring 27076
the title of the home or vehicle to the plaintiff, free and clear 27077
of all security interests, liens, and encumbrances. ~~The clerk of~~ 27078
~~the court of common pleas shall issue the new certificate of title~~ 27079
~~transferring the title of the manufactured home, mobile home, or~~ 27080
~~recreational vehicle to the plaintiff regardless of whether the~~ 27081
~~writ was issued by the court of common pleas or another court duly~~ 27082
~~authorized to issue the writ.~~ If any taxes are owed on the home or 27083
vehicle at this time, the county auditor shall remove the 27084
delinquent taxes from the manufactured home tax list and the 27085

delinquent manufactured home tax list and remit any penalties for 27086
late payment of manufactured home taxes. Acceptance of the 27087
certificate of title by the plaintiff terminates all further 27088
proceedings under this section. In accordance with division (E)(3) 27089
of section 4503.061 of the Revised Code, the plaintiff shall 27090
notify the county auditor of the transfer of title. Pursuant to 27091
section 4503.061 of the Revised Code, if the manufactured home, 27092
mobile home, or recreational vehicle is destroyed or removed, the 27093
plaintiff shall provide the county auditor with notice of removal 27094
or destruction of the manufactured home, mobile home, or 27095
recreational vehicle. 27096

(4) Except as provided in division (B)(5) or (6) of this 27097
section and division (D) of section 1923.12 of the Revised Code, 27098
within ~~sixty~~ thirty days after receiving a writ of execution 27099
described in division (B) of section 1923.13 of the Revised Code, 27100
if the manufactured home, mobile home, or recreational vehicle is 27101
determined to be abandoned and to have a value of ~~less than~~ three 27102
thousand dollars or less, ~~the sheriff, police officer, constable,~~ 27103
~~or bailiff shall serve at their respective last known addresses a~~ 27104
~~written notice of potential action as described in this division~~ 27105
~~upon all persons who are listed on the writ as having any~~ 27106
~~outstanding right, title, or interest in the home or vehicle. This~~ 27107
~~notice shall be in addition to all notices required to be given~~ 27108
~~under section 2329.13 of the Revised Code. Subject to the~~ 27109
~~fulfillment of these notice requirements,~~ the sheriff, police 27110
officer, constable, or bailiff shall ~~take one of the following~~ 27111
~~actions with respect to the abandoned manufactured home, mobile~~ 27112
~~home, or recreational vehicle:~~ 27113

~~(a) Cause its destruction if there is no person having an~~ 27114
~~outstanding right, title, or interest in the home or vehicle,~~ 27115
~~other than the titled owner of the home or vehicle;~~ 27116

~~(b) Proceed with its sale under division (B)(3) of this~~ 27117

~~section;~~ 27118

~~(c) If there is no person having an outstanding right, title, 27119
or interest in the home or vehicle other than the titled owner of 27120
the home or vehicle, or if there is an outstanding right, title, 27121
or interest in the home or vehicle and the lienholder consents in 27122
writing, present the writ of execution to the clerk of the court 27123
of common pleas title division, of the county in which the writ 27124
was issued for the issuance by the clerk in the manner prescribed 27125
in section 4505.10 of the Revised Code of a certificate of title 27126
transferring the title of the home or vehicle to the plaintiff, 27127
free and clear of all security interests, liens, and encumbrances. 27128
The clerk of the court of common pleas shall issue the new 27129
certificate of title transferring the title of the home or vehicle 27130
regardless of whether the writ was issued by the court of common 27131
pleas or another court duly authorized to issue the writ. If any 27132
taxes are owed on the home or vehicle at this time, the county 27133
auditor shall remove the delinquent taxes from the manufactured 27134
home tax list and the delinquent manufactured home tax list and 27135
remit any penalties for late payment of manufactured home taxes. 27136
Acceptance of the certificate of title by the plaintiff terminates 27137
all further proceedings under this section. In accordance with 27138
division (E)(3) of section 4503.061 of the Revised Code, the 27139
plaintiff shall notify the county auditor of the transfer of 27140
title. Pursuant to section 4503.0611 of the Revised Code, if the 27141
manufactured home, mobile home, or recreational vehicle is 27142
destroyed or removed, the plaintiff shall provide the county 27143
auditor with notice of removal or destruction of the manufactured 27144
home, mobile home, or recreational vehicle. 27145~~

(5) At any time prior to the issuance of the writ of 27146
execution described in division (B) of section 1923.13 of the 27147
Revised Code, the titled owner of the manufactured home, mobile 27148
home, or recreational vehicle that would be the subject of the 27149

writ may remove the abandoned home or vehicle from the 27150
manufactured home park ~~or other place of storage~~ upon payment to 27151
the county auditor of all outstanding tax liens on the home or 27152
vehicle and, unless the owner is indigent, payment to the clerk of 27153
court of all unpaid court costs assessed against the defendant in 27154
the underlying action. After the issuance of the writ of 27155
execution, the titled owner of the home or vehicle may remove the 27156
abandoned home or vehicle from the manufactured home park ~~or other~~ 27157
~~place of storage~~ at any time up to the day before the scheduled 27158
sale, destruction, or transfer of the home or vehicle pursuant to 27159
division (B)(3) or (4) of this section upon payment of all of the 27160
following: 27161

(a) All costs ~~for moving and storage of the home or vehicle~~ 27162
~~pursuant to division (B)(2) of this section and all costs~~ incurred 27163
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 27164
~~including the date of the removal of the home or vehicle;~~ 27165

(b) All outstanding tax liens on the home or vehicle; 27166

(c) Unless the owner is indigent, all unpaid court costs 27167
assessed against the defendant in the underlying action. 27168

(6) At any time after the issuance of the writ of execution 27169
described in division (B) of section 1923.13 of the Revised Code, 27170
the holder of any outstanding lien, right, title, or interest in 27171
the manufactured home, mobile home, or recreational vehicle, other 27172
than the titled owner of the home or vehicle, may stop the 27173
sheriff, police officer, constable, or bailiff from proceeding 27174
with the sale under this division by doing both of the following: 27175

(a) Commencing a proceeding to repossess the home or vehicle 27176
pursuant to Chapters 1309. and 1317. of the Revised Code; 27177

(b) Paying to the park operator all monthly rental payments 27178
for the lot on which the home or vehicle is located from the time 27179
of the issuance of the writ of execution until the time that the 27180

home or vehicle is sold pursuant to Chapters 1309. and 1317. of 27181
the Revised Code. 27182

(7)(a) At any time prior to the day before the scheduled sale 27183
of the property pursuant to division (B)(3) of this section, the 27184
defendant may remove any personal property of the defendant from 27185
the abandoned home or vehicle or other place of storage. 27186

(b) If personal property owned by a person other than the 27187
defendant is abandoned on the residential premises and has not 27188
previously been removed, the owner of the personal property may 27189
remove the personal property from the abandoned home or vehicle or 27190
other place of storage up to the day before the scheduled sale of 27191
the property pursuant to division (B)(3) of this section upon 27192
presentation of proof of ownership of the property that is 27193
satisfactory to the sheriff, police officer, constable, or bailiff 27194
conducting the sale. 27195

Sec. 2151.353. (A) If a child is adjudicated an abused, 27196
neglected, or dependent child, the court may make any of the 27197
following orders of disposition: 27198

(1) Place the child in protective supervision; 27199

(2) Commit the child to the temporary custody of a any of the 27200
following: 27201

(a) A public children services agency,~~a~~ 27202

(b) A private child placing agency,~~either;~~ 27203

(c) Either parent,~~a~~ 27204

(d) A relative residing within or outside the state,~~or a~~ 27205

(e) A probation officer for placement in a certified foster 27206
home,~~or in any other home approved by the court;~~ 27207

(f) Any other person approved by the court. 27208

(3) Award legal custody of the child to either parent or to 27209

any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D)(1) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical,

mental, or psychological problems and are unable to care for the 27274
child because of those problems, adoption is not in the best 27275
interest of the child, as determined in accordance with division 27276
(D)(1) of section 2151.414 of the Revised Code, and the child 27277
retains a significant and positive relationship with a parent or 27278
relative. 27279

(c) The child has been counseled on the permanent placement 27280
options available to the child, and is unwilling to accept or 27281
unable to adapt to a permanent placement. 27282

(6) Order the removal from the child's home until further 27283
order of the court of the person who committed abuse as described 27284
in section 2151.031 of the Revised Code against the child, who 27285
caused or allowed the child to suffer neglect as described in 27286
section 2151.03 of the Revised Code, or who is the parent, 27287
guardian, or custodian of a child who is adjudicated a dependent 27288
child and order any person not to have contact with the child or 27289
the child's siblings. 27290

(B)(1) When making a determination on whether to place a 27291
child in a planned permanent living arrangement pursuant to 27292
division (A)(5)(b) or (c) of this section, the court shall 27293
consider all relevant information that has been presented to the 27294
court, including information gathered from the child, the child's 27295
guardian ad litem, and the public children services agency or 27296
private child placing agency. 27297

(2) A child who is placed in a planned permanent living 27298
arrangement pursuant to division (A)(5)(b) or (c) of this section 27299
shall be placed in an independent living setting or in a family 27300
setting in which the caregiver has been provided by the agency 27301
that has custody of the child with a notice that addresses the 27302
following: 27303

(a) The caregiver understands that the planned permanent 27304

living arrangement is intended to be permanent in nature and that 27305
the caregiver will provide a stable placement for the child 27306
through the child's emancipation or until the court releases the 27307
child from the custody of the agency, whichever occurs first. 27308

(b) The caregiver is expected to actively participate in the 27309
youth's independent living case plan, attend agency team meetings 27310
and court hearings as appropriate, complete training, as provided 27311
in division (B) of section 5103.035 of the Revised Code, related 27312
to providing the child independent living services, and assist in 27313
the child's transition into adulthood. 27314

(3) The department of job and family services shall develop a 27315
model notice to be provided by an agency that has custody of a 27316
child to a caregiver under division (B)(2) of this section. The 27317
agency may modify the model notice to apply to the needs of the 27318
agency. 27319

(C) No order for permanent custody or temporary custody of a 27320
child or the placement of a child in a planned permanent living 27321
arrangement shall be made pursuant to this section unless the 27322
complaint alleging the abuse, neglect, or dependency contains a 27323
prayer requesting permanent custody, temporary custody, or the 27324
placement of the child in a planned permanent living arrangement 27325
as desired, the summons served on the parents of the child 27326
contains as is appropriate a full explanation that the granting of 27327
an order for permanent custody permanently divests them of their 27328
parental rights, a full explanation that an adjudication that the 27329
child is an abused, neglected, or dependent child may result in an 27330
order of temporary custody that will cause the removal of the 27331
child from their legal custody until the court terminates the 27332
order of temporary custody or permanently divests the parents of 27333
their parental rights, or a full explanation that the granting of 27334
an order for a planned permanent living arrangement will result in 27335
the removal of the child from their legal custody if any of the 27336

conditions listed in divisions (A)(5)(a) to (c) of this section 27337
are found to exist, and the summons served on the parents contains 27338
a full explanation of their right to be represented by counsel and 27339
to have counsel appointed pursuant to Chapter 120. of the Revised 27340
Code if they are indigent. 27341

If after making disposition as authorized by division (A)(2) 27342
of this section, a motion is filed that requests permanent custody 27343
of the child, the court may grant permanent custody of the child 27344
to the movant in accordance with section 2151.414 of the Revised 27345
Code. 27346

(D) If the court issues an order for protective supervision 27347
pursuant to division (A)(1) of this section, the court may place 27348
any reasonable restrictions upon the child, the child's parents, 27349
guardian, or custodian, or any other person, including, but not 27350
limited to, any of the following: 27351

(1) Order a party, within forty-eight hours after the 27352
issuance of the order, to vacate the child's home indefinitely or 27353
for a specified period of time; 27354

(2) Order a party, a parent of the child, or a physical 27355
custodian of the child to prevent any particular person from 27356
having contact with the child; 27357

(3) Issue an order restraining or otherwise controlling the 27358
conduct of any person which conduct would not be in the best 27359
interest of the child. 27360

(E) As part of its dispositional order, the court shall 27361
journalize a case plan for the child. The journalized case plan 27362
shall not be changed except as provided in section 2151.412 of the 27363
Revised Code. 27364

(F)(1) The court shall retain jurisdiction over any child for 27365
whom the court issues an order of disposition pursuant to division 27366
(A) of this section or pursuant to section 2151.414 or 2151.415 of 27367

the Revised Code until the child attains the age of eighteen years 27368
if the child is not mentally retarded, developmentally disabled, 27369
or physically impaired, the child attains the age of twenty-one 27370
years if the child is mentally retarded, developmentally disabled, 27371
or physically impaired, or the child is adopted and a final decree 27372
of adoption is issued, except that the court may retain 27373
jurisdiction over the child and continue any order of disposition 27374
under division (A) of this section or under section 2151.414 or 27375
2151.415 of the Revised Code for a specified period of time to 27376
enable the child to graduate from high school or vocational 27377
school. The court shall retain jurisdiction over a person who 27378
meets the requirements described in division (A)(1) of section 27379
5101.1411 of the Revised Code and who is subject to a voluntary 27380
participation agreement that is in effect. The court shall make an 27381
entry continuing its jurisdiction under this division in the 27382
journal. 27383

(2) Any public children services agency, any private child 27384
placing agency, the department of job and family services, or any 27385
party, other than any parent whose parental rights with respect to 27386
the child have been terminated pursuant to an order issued under 27387
division (A)(4) of this section, by filing a motion with the 27388
court, may at any time request the court to modify or terminate 27389
any order of disposition issued pursuant to division (A) of this 27390
section or section 2151.414 or 2151.415 of the Revised Code. The 27391
court shall hold a hearing upon the motion as if the hearing were 27392
the original dispositional hearing and shall give all parties to 27393
the action and the guardian ad litem notice of the hearing 27394
pursuant to the Juvenile Rules. If applicable, the court shall 27395
comply with section 2151.42 of the Revised Code. 27396

(G) Any temporary custody order issued pursuant to division 27397
(A) of this section shall terminate one year after the earlier of 27398
the date on which the complaint in the case was filed or the child 27399

was first placed into shelter care, except that, upon the filing 27400
of a motion pursuant to section 2151.415 of the Revised Code, the 27401
temporary custody order shall continue and not terminate until the 27402
court issues a dispositional order under that section. In 27403
resolving the motion, the court shall not order an existing 27404
temporary custody order to continue beyond two years after the 27405
date on which the complaint was filed or the child was first 27406
placed into shelter care, whichever date is earlier, regardless of 27407
whether any extensions have been previously ordered pursuant to 27408
division (D) of section 2151.415 of the Revised Code. 27409

(H)(1) No later than one year after the earlier of the date 27410
the complaint in the case was filed or the child was first placed 27411
in shelter care, a party may ask the court to extend an order for 27412
protective supervision for six months or to terminate the order. A 27413
party requesting extension or termination of the order shall file 27414
a written request for the extension or termination with the court 27415
and give notice of the proposed extension or termination in 27416
writing before the end of the day after the day of filing it to 27417
all parties and the child's guardian ad litem. If a public 27418
children services agency or private child placing agency requests 27419
termination of the order, the agency shall file a written status 27420
report setting out the facts supporting termination of the order 27421
at the time it files the request with the court. If no party 27422
requests extension or termination of the order, the court shall 27423
notify the parties that the court will extend the order for six 27424
months or terminate it and that it may do so without a hearing 27425
unless one of the parties requests a hearing. All parties and the 27426
guardian ad litem shall have seven days from the date a notice is 27427
sent pursuant to this division to object to and request a hearing 27428
on the proposed extension or termination. 27429

(a) If it receives a timely request for a hearing, the court 27430
shall schedule a hearing to be held no later than thirty days 27431

after the request is received by the court. The court shall give 27432
notice of the date, time, and location of the hearing to all 27433
parties and the guardian ad litem. At the hearing, the court shall 27434
determine whether extension or termination of the order is in the 27435
child's best interest. If termination is in the child's best 27436
interest, the court shall terminate the order. If extension is in 27437
the child's best interest, the court shall extend the order for 27438
six months. 27439

(b) If it does not receive a timely request for a hearing, 27440
the court may extend the order for six months or terminate it 27441
without a hearing and shall journalize the order of extension or 27442
termination not later than fourteen days after receiving the 27443
request for extension or termination or after the date the court 27444
notifies the parties that it will extend or terminate the order. 27445
If the court does not extend or terminate the order, it shall 27446
schedule a hearing to be held no later than thirty days after the 27447
expiration of the applicable fourteen-day time period and give 27448
notice of the date, time, and location of the hearing to all 27449
parties and the child's guardian ad litem. At the hearing, the 27450
court shall determine whether extension or termination of the 27451
order is in the child's best interest. If termination is in the 27452
child's best interest, the court shall terminate the order. If 27453
extension is in the child's best interest, the court shall issue 27454
an order extending the order for protective supervision six 27455
months. 27456

(2) If the court grants an extension of the order for 27457
protective supervision pursuant to division (H)(1) of this 27458
section, a party may, prior to termination of the extension, file 27459
with the court a request for an additional extension of six months 27460
or for termination of the order. The court and the parties shall 27461
comply with division (H)(1) of this section with respect to 27462
extending or terminating the order. 27463

(3) If a court grants an extension pursuant to division 27464
(H)(2) of this section, the court shall terminate the order for 27465
protective supervision at the end of the extension. 27466

(I) The court shall not issue a dispositional order pursuant 27467
to division (A) of this section that removes a child from the 27468
child's home unless the court complies with section 2151.419 of 27469
the Revised Code and includes in the dispositional order the 27470
findings of fact required by that section. 27471

(J) If a motion or application for an order described in 27472
division (A)(6) of this section is made, the court shall not issue 27473
the order unless, prior to the issuance of the order, it provides 27474
to the person all of the following: 27475

(1) Notice and a copy of the motion or application; 27476

(2) The grounds for the motion or application; 27477

(3) An opportunity to present evidence and witnesses at a 27478
hearing regarding the motion or application; 27479

(4) An opportunity to be represented by counsel at the 27480
hearing. 27481

(K) The jurisdiction of the court shall terminate one year 27482
after the date of the award or, if the court takes any further 27483
action in the matter subsequent to the award, the date of the 27484
latest further action subsequent to the award, if the court awards 27485
legal custody of a child to either of the following: 27486

(1) A legal custodian who, at the time of the award of legal 27487
custody, resides in a county of this state other than the county 27488
in which the court is located; 27489

(2) A legal custodian who resides in the county in which the 27490
court is located at the time of the award of legal custody, but 27491
moves to a different county of this state prior to one year after 27492
the date of the award or, if the court takes any further action in 27493

the matter subsequent to the award, one year after the date of the 27494
latest further action subsequent to the award. 27495

The court in the county in which the legal custodian resides 27496
then shall have jurisdiction in the matter. 27497

Sec. 2151.417. (A) Any court that issues a dispositional 27498
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 27499
Revised Code may review at any time the child's placement or 27500
custody arrangement, the case plan prepared for the child pursuant 27501
to section 2151.412 of the Revised Code, the actions of the public 27502
children services agency or private child placing agency in 27503
implementing that case plan, the child's permanency plan if the 27504
child's permanency plan has been approved, and any other aspects 27505
of the child's placement or custody arrangement. In conducting the 27506
review, the court shall determine the appropriateness of any 27507
agency actions, the safety and appropriateness of continuing the 27508
child's placement or custody arrangement, and whether any changes 27509
should be made with respect to the child's permanency plan or 27510
placement or custody arrangement or with respect to the actions of 27511
the agency under the child's placement or custody arrangement. 27512
Based upon the evidence presented at a hearing held after notice 27513
to all parties and the guardian ad litem of the child, the court 27514
may require the agency, the parents, guardian, or custodian of the 27515
child, and the physical custodians of the child to take any 27516
reasonable action that the court determines is necessary and in 27517
the best interest of the child or to discontinue any action that 27518
it determines is not in the best interest of the child. 27519

(B) If a court issues a dispositional order pursuant to 27520
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 27521
court has continuing jurisdiction over the child as set forth in 27522
division (F)(1) of section 2151.353 of the Revised Code. The court 27523
may amend a dispositional order in accordance with division (F)(2) 27524

of section 2151.353 of the Revised Code at any time upon its own 27525
motion or upon the motion of any interested party. The court shall 27526
comply with section 2151.42 of the Revised Code in amending any 27527
dispositional order pursuant to this division. 27528

(C)(1) Any court that issues a dispositional order pursuant 27529
to section 2151.353, 2151.414, or 2151.415 of the Revised Code 27530
shall hold a review hearing one year after the earlier of the date 27531
on which the complaint in the case was filed or the child was 27532
first placed into shelter care to review the case plan prepared 27533
pursuant to section 2151.412 of the Revised Code and the child's 27534
placement or custody arrangement, to approve or review the 27535
permanency plan for the child, and to make changes to the case 27536
plan and placement or custody arrangement consistent with the 27537
permanency plan. The court shall schedule the review hearing at 27538
the time that it holds the dispositional hearing pursuant to 27539
section 2151.35 of the Revised Code. 27540

(2) The court shall hold a similar review hearing no later 27541
than every twelve months after the initial review hearing until 27542
the child is adopted, returned to the parents, or the court 27543
otherwise terminates the child's placement or custody arrangement, 27544
except that the dispositional hearing held pursuant to section 27545
2151.415 of the Revised Code shall take the place of the first 27546
review hearing to be held under this section. The court shall 27547
schedule each subsequent review hearing at the conclusion of the 27548
review hearing immediately preceding the review hearing to be 27549
scheduled. 27550

(3) The court is not required to continue holding review 27551
hearings under divisions (C)(1) and (2) of this section regarding 27552
a child subject to an order of legal custody under section 27553
2151.353 or 2151.415 of the Revised Code, if all of the following 27554
apply: 27555

(a) The child is not subject to an order of protective 27556

supervision under section 2151.353 or 2151.415 of the Revised Code. 27557
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(b) A public children services agency or private child placing agency is not providing services to the child. 27559
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(c) The court finds that further review under divisions (C)(1) and (2) of this section are no longer necessary to serve the child's best interests. 27561
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(D) If, within fourteen days after a written summary of an administrative review is filed with the court pursuant to section 2151.416 of the Revised Code, the court does not approve the proposed change to the case plan filed pursuant to division (E) of section 2151.416 of the Revised Code or a party or the guardian ad litem requests a review hearing pursuant to division (E) of that section, the court shall hold a review hearing in the same manner that it holds review hearings pursuant to division (C) of this section, except that if a review hearing is required by this division and if a hearing is to be held pursuant to division (C) of this section or section 2151.415 of the Revised Code, the hearing held pursuant to division (C) of this section or section 2151.415 of the Revised Code shall take the place of the review hearing required by this division. 27564
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(E) If a court determines pursuant to section 2151.419 of the Revised Code that a public children services agency or private child placing agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, and return the child to the child's home, and the court does not return the child to the child's home pursuant to division (A)(3) of section 2151.419 of the Revised Code, the court shall hold a review hearing to approve the permanency plan for the child and, if appropriate, to make changes to the child's case plan and the child's placement or custody arrangement consistent with the 27578
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permanency plan. The court may hold the hearing immediately 27589
following the determination under section 2151.419 of the Revised 27590
Code and shall hold it no later than thirty days after making that 27591
determination. 27592

(F) The court shall give notice of the review hearings held 27593
pursuant to this section to every interested party, including, but 27594
not limited to, the appropriate agency employees who are 27595
responsible for the child's care and planning, the child's 27596
parents, any person who had guardianship or legal custody of the 27597
child prior to the custody order, the child's guardian ad litem, 27598
and the child. The court shall summon every interested party to 27599
appear at the review hearing and give them an opportunity to 27600
testify and to present other evidence with respect to the child's 27601
custody arrangement, including, but not limited to, the following: 27602
the case plan for the child; the permanency plan, if one exists; 27603
the actions taken by the child's custodian; the need for a change 27604
in the child's custodian or caseworker; and the need for any 27605
specific action to be taken with respect to the child. The court 27606
shall require any interested party to testify or present other 27607
evidence when necessary to a proper determination of the issues 27608
presented at the review hearing. In any review hearing that 27609
pertains to a permanency plan for a child who will not be returned 27610
to the parent, the court shall consider in-state and out-of-state 27611
placement options and the court shall determine whether the 27612
in-state or the out-of-state placement continues to be appropriate 27613
and in the best interests of the child. In any review hearing that 27614
pertains to a permanency plan for a child, the court or a citizens 27615
board appointed by the court pursuant to division (H) of this 27616
section shall consult with the child, in an age-appropriate 27617
manner, regarding the proposed permanency plan for the child. 27618

(G) After the review hearing, the court shall take the 27619
following actions based upon the evidence presented: 27620

(1) If an administrative review has been conducted, determine 27621
whether the conclusions of the review are supported by a 27622
preponderance of the evidence and approve or modify the case plan 27623
based upon that evidence; 27624

(2) If the hearing was held under division (C) or (E) of this 27625
section, approve a permanency plan for the child that specifies 27626
whether and, if applicable, when the child will be safely returned 27627
home or placed for adoption, for legal custody, or in a planned 27628
permanent living arrangement. A permanency plan approved after a 27629
hearing under division (E) of this section shall not include any 27630
provision requiring the child to be returned to the child's home. 27631

(3) If the child is in temporary custody, do all of the 27632
following: 27633

(a) Determine whether the child can and should be returned 27634
home with or without an order for protective supervision; 27635

(b) If the child can and should be returned home with or 27636
without an order for protective supervision, terminate the order 27637
for temporary custody; 27638

(c) If the child cannot or should not be returned home with 27639
an order for protective supervision, determine whether the agency 27640
currently with custody of the child should retain custody or 27641
whether another public children services agency, private child 27642
placing agency, or an individual should be given custody of the 27643
child. 27644

The court shall comply with section 2151.42 of the Revised 27645
Code in taking any action under this division. 27646

(4) If the child is in permanent custody, determine what 27647
actions are required by the custodial agency and of any other 27648
organizations or persons in order to facilitate an adoption of the 27649
child and make any appropriate orders with respect to the custody 27650
arrangement or conditions of the child, including, but not limited 27651

to, a transfer of permanent custody to another public children services agency or private child placing agency; 27652
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(5) Journalize the terms of the updated case plan for the child. 27654
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(H) The court may appoint a referee or a citizens review board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct the review hearings, the board shall consist of one member representing the general public and four members who are trained or experienced in the care or placement of children and have training or experience in the fields of medicine, psychology, social work, education, or any related field. Of the initial appointments to the board, two shall be for a term of one year, two shall be for a term of two years, and one shall be for a term of three years, with all the terms ending one year after the date on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. 27656
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(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the custodial agency, the guardian ad litem of the child who is the subject of the review hearing, and, if that child is not the subject of a permanent commitment hearing, the parents of the child. 27675
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(J) If the hearing held under this section takes the place of an administrative review that otherwise would have been held under section 2151.416 of the Revised Code, the court at the hearing 27681
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held under this section shall do all of the following in addition	27684
to any other requirements of this section:	27685
(1) Determine the continued necessity for and the safety and	27686
appropriateness of the child's placement;	27687
(2) Determine the extent of compliance with the child's case	27688
plan;	27689
(3) Determine the extent of progress that has been made	27690
toward alleviating or mitigating the causes necessitating the	27691
child's placement in foster care;	27692
(4) Project a likely date by which the child may be safely	27693
returned home or placed for adoption or legal custody.	27694
(K)(1) Whenever the court is required to approve a permanency	27695
plan under this section or section 2151.415 of the Revised Code,	27696
the public children services agency or private child placing	27697
agency that filed the complaint in the case, has custody of the	27698
child, or will be given custody of the child shall develop a	27699
permanency plan for the child. The agency must file the plan with	27700
the court prior to the hearing under this section or section	27701
2151.415 of the Revised Code.	27702
(2) The permanency plan developed by the agency must specify	27703
whether and, if applicable, when the child will be safely returned	27704
home or placed for adoption or legal custody. If the agency	27705
determines that there is a compelling reason why returning the	27706
child home or placing the child for adoption or legal custody is	27707
not in the best interest of the child, the plan shall provide that	27708
the child will be placed in a planned permanent living	27709
arrangement. A permanency plan developed as a result of a	27710
determination made under division (A)(2) of section 2151.419 of	27711
the Revised Code may not include any provision requiring the child	27712
to be returned home.	27713
(3)(a) Whenever a court is required under this section or	27714

section 2151.415 or 2151.419 of the Revised Code to conduct a 27715
review hearing to approve a permanency plan, the court shall 27716
determine whether the agency required to develop the plan has made 27717
reasonable efforts to finalize it. If the court determines the 27718
agency has not made reasonable efforts to finalize the plan, the 27719
court shall issue an order finalizing a permanency plan requiring 27720
the agency to use reasonable efforts to do the following: 27721

(i) Place the child in a timely manner into a permanent 27722
placement; 27723

(ii) Complete whatever steps are necessary to finalize the 27724
permanent placement of the child. 27725

(b) In making reasonable efforts as required in division 27726
(K)(3)(a) of this section, the agency shall consider the child's 27727
health and safety as the paramount concern. 27728

Sec. 2151.43. In cases against an adult under sections 27729
2151.01 to 2151.54 of the Revised Code, any person may file an 27730
affidavit with the clerk of the juvenile court setting forth 27731
briefly, in plain and ordinary language, the charges against the 27732
accused who shall be tried thereon. When the child is a recipient 27733
of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the 27734
county department of job and family services shall file charges 27735
against any person who fails to provide support to a child in 27736
violation of section 2919.21 of the Revised Code, unless the 27737
department files charges under section 3113.06 of the Revised 27738
Code, or unless charges of nonsupport are filed by a relative or 27739
guardian of the child, or unless action to enforce support is 27740
brought under Chapter 3115. of the Revised Code. 27741

In such prosecution an indictment by the grand jury or 27742
information by the prosecuting attorney shall not be required. The 27743
clerk shall issue a warrant for the arrest of the accused, who, 27744
when arrested, shall be taken before the juvenile judge and tried 27745

according to such sections. 27746

The affidavit may be amended at any time before or during the trial. 27747
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The judge may bind such adult over to the grand jury, where the act complained of constitutes a felony. 27749
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Sec. 2151.49. In every case of conviction under sections 2151.01 to 2151.54 of the Revised Code, where imprisonment is imposed as part of the punishment, the juvenile judge may suspend sentence, before or during commitment, upon such condition as the juvenile judge imposes. In the case of conviction for nonsupport of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of the Revised Code, if the juvenile judge suspends sentence on condition that the person make payments for support, the payment shall be made to the county department of job and family services rather than to the child or custodian of the child. 27751
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The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court. 27761
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Sec. 2301.56. (A) A facility governing board that proposes or establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may apply to the division of parole and community services of the department of rehabilitation and correction for state financial assistance for the cost of renovation, maintenance, and operation of any of the facilities and programs. If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the 27766
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board shall submit a separate application for each facility and 27776
program for which it desires the financial assistance. 27777

An application for state financial assistance under this 27778
section may be made when the facility governing board submits for 27779
approval of the division of parole and community services its 27780
proposal for the establishment of the facility and program in 27781
question under division (B) of section 2301.51 of the Revised 27782
Code, or at any time after the division has approved the proposal. 27783
All applications for state financial assistance for proposed or 27784
approved facilities and programs shall be made on forms that are 27785
prescribed and furnished by the department of rehabilitation and 27786
correction, and in accordance with section 5120.112 of the Revised 27787
Code. 27788

(B) The facility governing board may submit a request for 27789
funding of some or all of its community-based correctional 27790
facilities and programs or district community-based correctional 27791
facilities and programs to the board of county commissioners of 27792
the county, if the facility governing board serves a 27793
community-based correctional facility and program, or to the 27794
boards of county commissioners of all of the member counties, if 27795
the facility governing board serves a district community-based 27796
correctional facility and program. The board or boards may 27797
appropriate, but are not required to appropriate, a sum of money 27798
for funding all aspects of each facility and program as outlined 27799
in sections 2301.51 to 2301.58 of the Revised Code. The facility 27800
governing board has no recourse against a board or boards of 27801
county commissioners if the board or boards of county 27802
commissioners do not appropriate money for funding any facility 27803
and program or if they appropriate money for funding a facility 27804
and program in an amount less than the total amount of the 27805
submitted request for funding. 27806

(C) Pursuant to section 2929.37 of the Revised Code, a board 27807

of county commissioners may require a person who was convicted of 27808
an offense and who is confined in a community-based correctional 27809
facility or district community-based correctional facility as 27810
provided in sections 2301.51 to 2301.58 of the Revised Code to 27811
reimburse the county for its expenses incurred by reason of the 27812
person's confinement. 27813

(D)(1) Community-based correctional facilities and programs 27814
and district community-based correctional facilities and programs 27815
are public offices under section 117.01 of the Revised Code and 27816
are subject to audit under section 117.10 of the Revised Code. The 27817
audits of the facilities and programs shall include financial 27818
audits and, in addition, in the circumstances specified in this 27819
division, performance audits by the auditor of state. If a private 27820
or nonprofit entity performs the day-to-day operation of any 27821
community-based correctional facility and program or district 27822
community-based correctional facility and program, the private or 27823
nonprofit entity also is subject to financial audits under section 27824
117.10 of the Revised Code, and, in addition, in the circumstances 27825
specified in this division, to performance audits by the auditor 27826
of state. The auditor of state shall conduct the performance 27827
audits of a facility and program and of an entity required under 27828
section 117.10 of the Revised Code and this division and, 27829
notwithstanding the time period for audits specified in section 27830
117.11 of the Revised Code, shall conduct the financial audits of 27831
a facility and program and of an entity required under section 27832
117.10 of the Revised Code and this division, in accordance with 27833
the following criteria: 27834

(a) For each facility and program and each entity, the 27835
auditor of state shall conduct the initial financial audit within 27836
two years after March 31, 2003, or, if the facility and program in 27837
question is established on or after March 31, 2003, within two 27838
years after the date on which it is established. 27839

(b) After the initial financial audit described in division 27840
(D)(1)(a) of this section, for each facility and program and each 27841
entity, the auditor of state shall conduct the financial audits of 27842
the facility and program or the entity at least once every two 27843
fiscal years. 27844

(c) At any time after March 31, 2003, regarding a facility 27845
and program or regarding an entity that performs the day-to-day 27846
operation of a facility and program, the department of 27847
rehabilitation and correction or the facility governing board that 27848
established the facility and program may request, or the auditor 27849
of state on its own initiative may undertake, a performance audit 27850
of the facility and program or the entity. Upon the receipt of the 27851
request, or upon the auditor of state's own initiative as 27852
described in this division, the auditor of state shall conduct a 27853
performance audit of the facility and program or the entity. 27854

(2) ~~The department of rehabilitation and correction~~ Each 27855
community-based correctional facility and program, district 27856
community-based correctional facility and program, and, to the 27857
extent that information is available, private or nonprofit entity 27858
that performs the day-to-day operation of any community-based 27859
correctional facility and program or district community-based 27860
correctional facility and program shall prepare and provide to the 27861
auditor of state ~~quarterly~~ an annual financial reports for each 27862
~~community based correctional facility and program, for each~~ 27863
~~district community based correctional facility and program, and,~~ 27864
~~to the extent that information is available, for each private or~~ 27865
~~nonprofit entity that performs the day to day operation of any~~ 27866
~~community based correctional facility and program or district~~ 27867
~~community based correctional facility and program. Each report~~ 27868
~~shall cover a three month period and shall be provided to the~~ 27869
~~auditor of state not later than fifteen days after the end of the~~ 27870
~~period covered by the report~~ in accordance with section 117.38 of 27871

the Revised Code. 27872

Sec. 2305.02. ~~The A court of common pleas in the county where~~ 27873
~~the underlying criminal action was initiated~~ determined as 27874
specified in division (B)(1) of section 2743.48 of the Revised 27875
Code has exclusive, original jurisdiction to hear and determine a 27876
~~civil~~ an action or proceeding that is commenced by an individual 27877
who ~~seeks a determination by that court that the individual~~ 27878
satisfies divisions (A)(1) to (5) of section 2743.48 of the 27879
Revised Code and that seeks a determination by the court either 27880
that the offense of which the individual was found guilty, 27881
including all lesser included offenses, was not committed by the 27882
individual or that no offense was committed by any person. If ~~that~~ 27883
the court enters the requested determination, it shall comply with 27884
division (B) of that section. 27885

Sec. 2329.211. (A)(1) In every action demanding the judicial 27886
or execution sale of residential property, if the judgment 27887
creditor is the purchaser at the sale, the purchaser shall not be 27888
required to make a sale deposit. All other purchasers shall make a 27889
sale deposit as follows: 27890

(a) If the appraised value of the residential property is 27891
less than or equal to ten thousand dollars, the deposit shall be 27892
two thousand dollars. 27893

(b) If the appraised value of the residential property is 27894
greater than ten thousand dollars but less than or equal to two 27895
hundred thousand dollars, the deposit shall be five thousand 27896
dollars. 27897

(c) If the appraised value of the residential property is 27898
greater than two hundred thousand dollars, the deposit shall be 27899
ten thousand dollars. 27900

(2) The timing of the deposit and other payment requirements 27901

shall be established by the court or the person conducting the 27902
sale and included in the advertisement of the sale. If the 27903
purchaser fails to meet the timing or other requirements of the 27904
deposit, the sale shall be invalid. 27905

(3) If the sale is held online, the deposit may be made by a 27906
financial transaction device as defined in section 301.28 of the 27907
Revised Code. 27908

(B) In every action demanding the judicial or execution sale 27909
of commercial property, the purchaser at the sale shall make a 27910
deposit pursuant to the requirements, if any, established for the 27911
sale. 27912

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this 27913
section, the purchaser of lands and tenements taken in execution 27914
shall submit to the officer who makes the sale the following 27915
information: 27916

(a)(i) If the purchaser is an individual, the information 27917
shall include the individual's name, mailing address, which shall 27918
not be a post office box, electronic mail address, telephone 27919
number, and financial transaction device information of the 27920
purchaser; 27921

(ii) If the purchaser is an entity, the information shall 27922
include the entity's legal name, trade name if different from its 27923
legal name, state and date of formation, active status with the 27924
office of the secretary of state, mailing address, telephone 27925
number, financial transaction device information, the name of an 27926
individual contact person for the entity, and the contact person's 27927
title, mailing address, which shall not be a post office box, 27928
electronic mail address, and telephone number. 27929

(b) An attorney or a law firm that represents a purchaser may 27930
submit the information required under division (A)(1)(a) of this 27931

section in a representative capacity, either as an individual or 27932
entity. 27933

(c) If the lands and tenements taken in execution are 27934
intended to be used as residential rental property and the 27935
residential rental property is purchased by a trust, business 27936
trust, estate, partnership, limited partnership, limited liability 27937
company, association, corporation, or any other business entity, 27938
the name, address, and telephone number of the following with the 27939
provision that the purchaser be readily accessible through the 27940
identified contact person: 27941

(i) A trustee, in the case of a trust or business trust; 27942

(ii) The executor or administrator, in the case of an estate; 27943

(iii) A general partner, in the case of a partnership or a 27944
limited partnership; 27945

(iv) A member, manager, ~~or~~ officer, or contact person, in the 27946
case of a limited liability company; 27947

(v) An associate, in the case of an association; 27948

(vi) An officer, in the case of a corporation; 27949

(vii) A member, manager, or officer, in the case of any other 27950
business entity. 27951

(d) A statement indicating ~~whether~~ if the purchaser ~~will~~ 27952
~~occupy~~ intends to use the lands and tenements taken in execution 27953
as residential rental property. 27954

(2) If the lands and tenements taken in execution are not 27955
residential rental property and the purchaser of those lands and 27956
tenements is a corporation, partnership, association, estate, 27957
trust, or other business organization the only place of business 27958
of which is in the county in which the real property is located, 27959
the information required by divisions (A)(1)(a) and (d) of this 27960
section shall be the contact information for ~~the office of an~~ 27961

employee or contact person of the purchasing entity that is 27962
located in that county and that the purchasing entity has 27963
designated to receive notices or inquiries about the property. If 27964
the purchasing entity has a place of business outside the county 27965
in which the real property is located and the purchasing entity's 27966
principal place of business is located in this state, the 27967
information required by divisions (A)(1)(a) and (d) of this 27968
section shall be the contact information for ~~the office of an~~ 27969
employee or contact person of the purchasing entity that is 27970
located in this state and that the purchasing entity has 27971
designated to receive notices or inquiries about the property. If 27972
the purchasing entity's principal place of business is not located 27973
in this state, the information required by divisions (A)(1)(a) and 27974
(d) of this section shall be the contact information for ~~a natural~~ 27975
~~person who is employed by the purchasing entity~~ an employee or 27976
contact person at the purchasing entity's principal place of 27977
business outside of this state and whom the purchasing entity has 27978
designated to receive notices or inquiries about the property. 27979

(B)(1) The information required by division (A) of this 27980
section shall be part of the record of the court of common pleas. 27981
If the court has ordered or the clerk of the court has issued an 27982
order for the sheriff to advertise and sell the lands and 27983
tenements, the information also shall be part of the sheriff's 27984
record of proceedings. Except as provided in division (B)(2) of 27985
this section, the information is a public record and open to 27986
public inspection. 27987

(2) The electronic mail address, telephone number, and 27988
financial transaction device information required in division 27989
(A)(1) of this section are confidential and not public records for 27990
purposes of section 149.43 of the Revised Code. 27991

(C) The requirements of division (A) of this section shall 27992
not apply if the purchaser of the lands and tenements of the sale 27993

is the plaintiff or a lien holder who is a party to the action. 27994

(D) As used in this section, ~~"financial~~ 27995

(1) "Financial transaction device" has the same meaning as in 27996
section 301.28 of the Revised Code. 27997

(2) "Residential rental property" has the same meaning as in 27998
section 5323.01 of the Revised Code. 27999

Sec. 2329.31. (A) Upon the return of any writ of execution 28000
for the satisfaction of which lands and tenements have been sold, 28001
on careful examination of the proceedings of the officer making 28002
the sale, if the court of common pleas finds that the sale was 28003
made, in all respects, in conformity with sections 2329.01 to 28004
2329.61 of the Revised Code, it shall, within thirty days of the 28005
return of the writ, direct the clerk of the court of common pleas 28006
to make an entry on the journal that the court is satisfied of the 28007
legality of such sale. Nothing in this section prevents the court 28008
of common pleas from staying the confirmation of the sale to 28009
permit a property owner time to redeem the property or for any 28010
other reason that it determines is appropriate. In those 28011
instances, the sale shall be confirmed within thirty days after 28012
the termination of any stay of confirmation. 28013

(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ 28014
~~including a lienholder,~~ to pay within thirty days of the 28015
confirmation of the sale the balance due on the purchase price of 28016
the lands and tenements. 28017

(C)(1) The officer making the sale shall record the prepared 28018
deed required by section 2329.36 of the Revised Code within 28019
fourteen days after the confirmation of sale and payment of the 28020
balance due. 28021

(2)(a) If the deed is not prepared and recorded within the 28022
fourteen-day period, the purchaser may file a motion with the 28023

court to proceed with the transfer of title. If the court finds 28024
that a proper sale was made, it shall enter an order transferring 28025
the title of the lands and tenements to the purchaser, ordering 28026
the plaintiff to present a certified copy of the order to the 28027
county recorder for recording, and ordering the county recorder to 28028
record the order in the record of deeds. The order, when filed 28029
with the county recorder, shall have the same effect as a deed 28030
prepared pursuant to section 2329.36 of the Revised Code. 28031

(b) Upon the issuance of the court order described in 28032
division (C)(2)(a) of this section, the plaintiff, or the 28033
plaintiff's attorney, shall present a certified copy of the order 28034
to be recorded in the office of the county recorder. The county 28035
recorder shall record the order in the record of deeds. 28036

(c) The clerk shall issue a copy of the court order to the 28037
county auditor to transfer record ownership of the lands and 28038
tenements for the purpose of real estate taxes. Real estate taxes 28039
coming due after the date of the sale shall not prohibit the 28040
auditor from transferring ownership of the lands and tenements on 28041
its records or cause the recorder to deny recording. The real 28042
estate taxes shall become the responsibility of the new title 28043
holder of the lands and tenements. The sheriff shall not require 28044
the confirmation of sale to be amended for taxes not due and 28045
payable as of the date of the sale. 28046

Sec. 2329.311. (A) In sales of residential properties taken 28047
in execution or order of sale that are sold at an auction with the 28048
minimum bid pursuant to division (B) of section 2329.52 of the 28049
Revised Code, the judgment creditor and the first lienholder each 28050
have the right to redeem the property within fourteen days after 28051
the sale by paying the purchase price. The redeeming party shall 28052
pay the purchase price to the clerk of the court in which the 28053
judgment was rendered or the order of sale was made. Upon timely 28054

payment, the court shall proceed as described in section 2329.31 28055
of the Revised Code, with the redeeming party considered the 28056
successful purchaser at the sale. 28057

(B) If the judgment creditor and the first lienholder each 28058
seek to redeem the property, pursuant to division (A) of this 28059
section, the court shall resolve the conflict in favor of the 28060
first lienholder. 28061

Sec. 2329.44. (A) On a sale made pursuant to this chapter, if 28062
the officer who makes the sale receives from the sale more money 28063
than is necessary to satisfy the writ of execution, with interest 28064
and costs, the officer who made the sale shall deliver any balance 28065
remaining after satisfying the writ of execution, with interest 28066
and costs, to the clerk of the court that issued the writ of 28067
execution. The clerk then shall do one of the following: 28068

(1) If the balance is ~~twenty-five~~ one hundred dollars or 28069
more, send to the judgment debtor whose property was the subject 28070
of the sale a notice that indicates the amount of the balance, 28071
informs the judgment debtor that ~~he~~ the judgment debtor is 28072
entitled to receive the balance, and sets forth the procedure that 28073
the judgment debtor is required to follow to obtain the balance. 28074
This notice shall be sent to the judgment debtor at the address of 28075
the judgment debtor in the caption on the judgment or at any 28076
different address ~~he~~ the judgment debtor may have provided, by 28077
certified mail, return receipt requested, within ninety days after 28078
the sale. If the certified mail envelope is returned with an 28079
endorsement showing failure or refusal of delivery, the clerk 28080
immediately shall send the judgment debtor, at the address of the 28081
judgment debtor in the caption on the judgment or any different 28082
address ~~he~~ the judgment debtor may have provided, a similar notice 28083
by ordinary mail. If the ordinary mail envelope is returned for 28084
any reason, the clerk immediately shall give a similar notice to 28085

the judgment debtor by an advertisement in a newspaper published 28086
in and of general circulation in the county, which advertisement 28087
shall run at least once a week for at least three consecutive 28088
weeks. The advertisement shall include the case number, the name 28089
of the judgment debtor, and information on how to contact the 28090
clerk. If the balance remains unclaimed for ninety days following 28091
the first date of publication, the clerk shall dispose of the 28092
balance in the same manner as unclaimed money is disposed of under 28093
sections 2335.34 and 2335.35 of the Revised Code. 28094

(2) If the balance is less than ~~twenty five~~ one hundred 28095
dollars, send to the judgment debtor whose property was the 28096
subject of the sale a notice that indicates the amount of the 28097
balance, informs the judgment debtor that ~~he~~ the judgment debtor 28098
is entitled to receive the balance, and sets forth the procedure 28099
that the judgment debtor is required to follow to obtain the 28100
balance. This notice shall be sent to the judgment debtor at the 28101
address of the judgment debtor in the caption on the judgment or 28102
at any different address ~~he~~ the judgment debtor may have provided, 28103
by ordinary mail. If the balance remains unclaimed for ninety days 28104
following the date of mailing, the clerk shall dispose of the 28105
balance in the same manner as unclaimed money is disposed of under 28106
sections 2335.34 and 2335.35 of the Revised Code. 28107

(B)(1) Subject to division (B)(2) of this section, the clerk 28108
of the court that issued the writ of execution, on demand and 28109
whether or not the notice required by division (A)(1) or (2) of 28110
this section is provided as prescribed, shall pay the balance to 28111
the judgment debtor or ~~his~~ the judgment debtor's legal 28112
representatives. 28113

(2) The clerk of the court that issued the writ of execution 28114
is not required to pay the balance to the judgment debtor or ~~his~~ 28115
the judgment debtor's legal representatives pursuant to division 28116
(B)(1) of this section until the judgment debtor or the legal 28117

representatives pay to the clerk ~~twenty five dollars if the~~ 28118
~~balance is twenty five dollars or more, or five dollars if the~~ 28119
~~balance is less than twenty five dollars to compensate the clerk~~ 28120
~~for~~ the actual costs incurred in the provision of the notice 28121
required by division (A)(1) or (2) of this section. 28122

Sec. 2329.66. (A) Every person who is domiciled in this state 28123
may hold property exempt from execution, garnishment, attachment, 28124
or sale to satisfy a judgment or order, as follows: 28125

(1)(a) In the case of a judgment or order regarding money 28126
owed for health care services rendered or health care supplies 28127
provided to the person or a dependent of the person, one parcel or 28128
item of real or personal property that the person or a dependent 28129
of the person uses as a residence. Division (A)(1)(a) of this 28130
section does not preclude, affect, or invalidate the creation 28131
under this chapter of a judgment lien upon the exempted property 28132
but only delays the enforcement of the lien until the property is 28133
sold or otherwise transferred by the owner or in accordance with 28134
other applicable laws to a person or entity other than the 28135
surviving spouse or surviving minor children of the judgment 28136
debtor. Every person who is domiciled in this state may hold 28137
exempt from a judgment lien created pursuant to division (A)(1)(a) 28138
of this section the person's interest, not to exceed one hundred 28139
twenty-five thousand dollars, in the exempted property. 28140

(b) In the case of all other judgments and orders, the 28141
person's interest, not to exceed one hundred twenty-five thousand 28142
dollars, in one parcel or item of real or personal property that 28143
the person or a dependent of the person uses as a residence. 28144

(c) For purposes of divisions (A)(1)(a) and (b) of this 28145
section, "parcel" means a tract of real property as identified on 28146
the records of the auditor of the county in which the real 28147
property is located. 28148

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;	28149 28150
(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.	28151 28152 28153 28154 28155
(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;	28156 28157 28158 28159 28160 28161 28162
(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.	28163 28164 28165 28166
(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;	28167 28168 28169 28170
(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;	28171 28172 28173
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	28174 28175 28176
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	28177 28178 28179

(d) The person's interest in money, benefits, charity,	28180
relief, or aid to be paid, provided, or rendered by a fraternal	28181
benefit society, as exempted by section 3921.18 of the Revised	28182
Code;	28183
(e) The person's interest in the portion of benefits under	28184
policies of sickness and accident insurance and in lump sum	28185
payments for dismemberment and other losses insured under those	28186
policies, as exempted by section 3923.19 of the Revised Code.	28187
(7) The person's professionally prescribed or medically	28188
necessary health aids;	28189
(8) The person's interest in a burial lot, including, but not	28190
limited to, exemptions under section 517.09 or 1721.07 of the	28191
Revised Code;	28192
(9) The person's interest in the following:	28193
(a) Moneys paid or payable for living maintenance or rights,	28194
as exempted by section 3304.19 of the Revised Code;	28195
(b) Workers' compensation, as exempted by section 4123.67 of	28196
the Revised Code;	28197
(c) Unemployment compensation benefits, as exempted by	28198
section 4141.32 of the Revised Code;	28199
(d) Cash assistance payments under the Ohio works first	28200
program, as exempted by section 5107.75 of the Revised Code;	28201
(e) Benefits and services under the prevention, retention,	28202
and contingency program, as exempted by section 5108.08 of the	28203
Revised Code;	28204
(f) Disability financial assistance payments, as exempted by	28205
section 5115.06 of the Revised Code;	28206
(g) Payments under section 24 or 32 of the "Internal Revenue	28207
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	28208

(10)(a) Except in cases in which the person was convicted of 28209
or pleaded guilty to a violation of section 2921.41 of the Revised 28210
Code and in which an order for the withholding of restitution from 28211
payments was issued under division (C)(2)(b) of that section, in 28212
cases in which an order for withholding was issued under section 28213
2907.15 of the Revised Code, in cases in which an order for 28214
forfeiture was issued under division (A) or (B) of section 28215
2929.192 of the Revised Code, and in cases in which an order was 28216
issued under section 2929.193 or 2929.194 of the Revised Code, and 28217
only to the extent provided in the order, and except as provided 28218
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 28219
and 3123.06 of the Revised Code, the person's rights to or 28220
interests in a pension, benefit, annuity, retirement allowance, or 28221
accumulated contributions, the person's rights to or interests in 28222
a participant account in any deferred compensation program offered 28223
by the Ohio public employees deferred compensation board, a 28224
government unit, or a municipal corporation, or the person's other 28225
accrued or accruing rights or interests, as exempted by section 28226
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 28227
5505.22 of the Revised Code, and the person's rights to or 28228
interests in benefits from the Ohio public safety officers death 28229
benefit fund; 28230

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 28231
3121.03, and 3123.06 of the Revised Code, the person's rights to 28232
receive or interests in receiving a payment or other benefits 28233
under any pension, annuity, or similar plan or contract, not 28234
including a payment or benefit from a stock bonus or 28235
profit-sharing plan or a payment included in division (A)(6)(b) or 28236
(10)(a) of this section, on account of illness, disability, death, 28237
age, or length of service, to the extent reasonably necessary for 28238
the support of the person and any of the person's dependents, 28239
except if all the following apply: 28240

(i) The plan or contract was established by or under the 28241
auspices of an insider that employed the person at the time the 28242
person's rights or interests under the plan or contract arose. 28243

(ii) The payment is on account of age or length of service. 28244

(iii) The plan or contract is not qualified under the 28245
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 28246
amended. 28247

(c) Except for any portion of the assets that were deposited 28248
for the purpose of evading the payment of any debt and except as 28249
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 28250
3123.06 of the Revised Code, the person's rights or interests in 28251
the assets held in, or to directly or indirectly receive any 28252
payment or benefit under, any individual retirement account, 28253
individual retirement annuity, "Roth IRA," account opened pursuant 28254
to a program administered by a state under section 529 or 529A of 28255
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 28256
as amended, or education individual retirement account that 28257
provides payments or benefits by reason of illness, disability, 28258
death, retirement, or age or provides payments or benefits for 28259
purposes of education or qualified disability expenses, to the 28260
extent that the assets, payments, or benefits described in 28261
division (A)(10)(c) of this section are attributable to or derived 28262
from any of the following or from any earnings, dividends, 28263
interest, appreciation, or gains on any of the following: 28264

(i) Contributions of the person that were less than or equal 28265
to the applicable limits on deductible contributions to an 28266
individual retirement account or individual retirement annuity in 28267
the year that the contributions were made, whether or not the 28268
person was eligible to deduct the contributions on the person's 28269
federal tax return for the year in which the contributions were 28270
made; 28271

(ii) Contributions of the person that were less than or equal 28272
to the applicable limits on contributions to a Roth IRA or 28273
education individual retirement account in the year that the 28274
contributions were made; 28275

(iii) Contributions of the person that are within the 28276
applicable limits on rollover contributions under subsections 219, 28277
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 28278
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 28279
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 28280

(iv) Contributions by any person into any plan, fund, or 28281
account that is formed, created, or administered pursuant to, or 28282
is otherwise subject to, section 529 or 529A of the "Internal 28283
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 28284

(d) Except for any portion of the assets that were deposited 28285
for the purpose of evading the payment of any debt and except as 28286
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 28287
3123.06 of the Revised Code, the person's rights or interests in 28288
the assets held in, or to receive any payment under, any Keogh or 28289
"H.R. 10" plan that provides benefits by reason of illness, 28290
disability, death, retirement, or age, to the extent reasonably 28291
necessary for the support of the person and any of the person's 28292
dependents. 28293

(e) The person's rights to or interests in any assets held 28294
in, or to directly or indirectly receive any payment or benefit 28295
under, any individual retirement account, individual retirement 28296
annuity, "Roth IRA," account opened pursuant to a program 28297
administered by a state under section 529 or 529A of the "Internal 28298
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 28299
education individual retirement account that a decedent, upon or 28300
by reason of the decedent's death, directly or indirectly left to 28301
or for the benefit of the person, either outright or in trust or 28302
otherwise, including, but not limited to, any of those rights or 28303

interests in assets or to receive payments or benefits that were 28304
transferred, conveyed, or otherwise transmitted by the decedent by 28305
means of a will, trust, exercise of a power of appointment, 28306
beneficiary designation, transfer or payment on death designation, 28307
or any other method or procedure. 28308

(f) The exemptions under divisions (A)(10)(a) to (e) of this 28309
section also shall apply or otherwise be available to an alternate 28310
payee under a qualified domestic relations order (QDRO) or other 28311
similar court order. 28312

(g) A person's interest in any plan, program, instrument, or 28313
device described in divisions (A)(10)(a) to (e) of this section 28314
shall be considered an exempt interest even if the plan, program, 28315
instrument, or device in question, due to an error made in good 28316
faith, failed to satisfy any criteria applicable to that plan, 28317
program, instrument, or device under the "Internal Revenue Code of 28318
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 28319

(11) The person's right to receive spousal support, child 28320
support, an allowance, or other maintenance to the extent 28321
reasonably necessary for the support of the person and any of the 28322
person's dependents; 28323

(12) The person's right to receive, or moneys received during 28324
the preceding twelve calendar months from, any of the following: 28325

(a) An award of reparations under sections 2743.51 to 2743.72 28326
of the Revised Code, to the extent exempted by division (D) of 28327
section 2743.66 of the Revised Code; 28328

(b) A payment on account of the wrongful death of an 28329
individual of whom the person was a dependent on the date of the 28330
individual's death, to the extent reasonably necessary for the 28331
support of the person and any of the person's dependents; 28332

(c) Except in cases in which the person who receives the 28333
payment is an inmate, as defined in section 2969.21 of the Revised 28334

Code, and in which the payment resulted from a civil action or 28335
appeal against a government entity or employee, as defined in 28336
section 2969.21 of the Revised Code, a payment, not to exceed 28337
twenty thousand two hundred dollars, on account of personal bodily 28338
injury, not including pain and suffering or compensation for 28339
actual pecuniary loss, of the person or an individual for whom the 28340
person is a dependent; 28341

(d) A payment in compensation for loss of future earnings of 28342
the person or an individual of whom the person is or was a 28343
dependent, to the extent reasonably necessary for the support of 28344
the debtor and any of the debtor's dependents. 28345

(13) Except as provided in sections 3119.80, 3119.81, 28346
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 28347
earnings of the person owed to the person for services in an 28348
amount equal to the greater of the following amounts: 28349

(a) If paid weekly, thirty times the current federal minimum 28350
hourly wage; if paid biweekly, sixty times the current federal 28351
minimum hourly wage; if paid semimonthly, sixty-five times the 28352
current federal minimum hourly wage; or if paid monthly, one 28353
hundred thirty times the current federal minimum hourly wage that 28354
is in effect at the time the earnings are payable, as prescribed 28355
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 28356
U.S.C. 206(a)(1), as amended; 28357

(b) Seventy-five per cent of the disposable earnings owed to 28358
the person. 28359

(14) The person's right in specific partnership property, as 28360
exempted by the person's rights in a partnership pursuant to 28361
section 1776.50 of the Revised Code, except as otherwise set forth 28362
in section 1776.50 of the Revised Code; 28363

(15) A seal and official register of a notary public, as 28364
exempted by section 147.04 of the Revised Code; 28365

(16) The person's interest in a tuition unit or a payment 28366
under section 3334.09 of the Revised Code pursuant to a tuition 28367
payment contract, as exempted by section 3334.15 of the Revised 28368
Code; 28369

(17) Any other property that is specifically exempted from 28370
execution, attachment, garnishment, or sale by federal statutes 28371
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 28372
U.S.C.A. 101, as amended; 28373

(18) The person's aggregate interest in any property, not to 28374
exceed one thousand seventy-five dollars, except that division 28375
(A)(18) of this section applies only in bankruptcy proceedings. 28376

(B) On April 1, 2010, and on the first day of April in each 28377
third calendar year after 2010, the Ohio judicial conference shall 28378
adjust each dollar amount set forth in this section to reflect any 28379
increase in the consumer price index for all urban consumers, as 28380
published by the United States department of labor, or, if that 28381
index is no longer published, a generally available comparable 28382
index, for the three-year period ending on the thirty-first day of 28383
December of the preceding year. Any adjustments required by this 28384
division shall be rounded to the nearest twenty-five dollars. 28385

The Ohio judicial conference shall prepare a memorandum 28386
specifying the adjusted dollar amounts. The judicial conference 28387
shall transmit the memorandum to the director of the legislative 28388
service commission, and the director shall publish the memorandum 28389
in the register of Ohio. (Publication of the memorandum in the 28390
register of Ohio shall continue until the next memorandum 28391
specifying an adjustment is so published.) The judicial conference 28392
also may publish the memorandum in any other manner it concludes 28393
will be reasonably likely to inform persons who are affected by 28394
its adjustment of the dollar amounts. 28395

(C) As used in this section: 28396

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of

whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise

valid pursuant to section 2329.661 of the Revised Code. 28458

Sec. 2743.48. (A) As used in this section and section 2743.49 28459
of the Revised Code, a "wrongfully imprisoned individual" means an 28460
individual who satisfies each of the following: 28461

(1) The individual was charged with a violation of a section 28462
of the Revised Code by an indictment or information, and the 28463
violation charged was an aggravated felony ~~or~~, felony, or 28464
misdemeanor. 28465

(2) The individual was found guilty of, but did not plead 28466
guilty to, the particular charge or a lesser-included offense by 28467
the court or jury involved, and the offense of which the 28468
individual was found guilty was an aggravated felony ~~or~~, felony, or 28469
misdemeanor. 28470

(3) The individual was sentenced to an indefinite or definite 28471
term of imprisonment in a state correctional institution for the 28472
offense of which the individual was found guilty. 28473

(4) The individual's conviction was vacated, dismissed, or 28474
reversed on appeal, ~~the prosecuting attorney in the case cannot or~~ 28475
~~will not seek any further appeal of right or upon leave of court,~~ 28476
and no criminal proceeding is pending, ~~can be brought, or will be~~ 28477
~~brought by any prosecuting attorney, city director of law, village~~ 28478
~~solicitor, or other chief legal officer of a municipal corporation~~ 28479
against the individual for any act associated with that 28480
conviction. 28481

(5) Subsequent to sentencing ~~and~~ or during or subsequent to 28482
imprisonment, an error in procedure was discovered that occurred 28483
prior to, during, or after sentencing, that violated the 28484
individual's rights to a fair trial under the Ohio Constitution or 28485
the United States Constitution, and that resulted in the 28486
individual's release, or it was determined by ~~the~~ a court of 28487

common pleas ~~in the county where the underlying criminal action~~ 28488
~~was initiated either that the charged offense of which the~~ 28489
~~individual was found guilty,~~ including all lesser-included 28490
offenses, ~~either~~ was not committed by the individual or ~~that no~~ 28491
~~offense was not~~ committed by any person. In addition to any other 28492
application of the provisions of this division regarding an error 28493
in procedure as they exist on and after the effective date of this 28494
amendment, if an individual had a claim dismissed, has a claim 28495
pending, or did not file a claim because the state of the law in 28496
effect prior to the effective date of this amendment barred the 28497
claim or made the claim appear to be futile, those provisions 28498
apply with respect to the individual and the claim and, on or 28499
after that effective date, the individual may file a claim and 28500
obtain the benefit of those provisions. 28501

(B)(1) A person who is a resident of this state may file a 28502
civil action to be declared a wrongfully imprisoned individual in 28503
the court of common pleas in either the county where the 28504
underlying criminal action was initiated or the county in which 28505
the person resides. A person who is not a resident of this state 28506
may file a civil action to be declared a wrongfully imprisoned 28507
individual in the court of common pleas in the county where the 28508
underlying criminal action was initiated. That civil action shall 28509
be separate from the underlying finding of guilt ~~by the court of~~ 28510
~~common pleas.~~ Upon the filing of a civil action to be determined a 28511
wrongfully imprisoned individual, the attorney general shall be 28512
served with a copy of the complaint and shall be heard. 28513

(2) When ~~the~~ a court of common pleas in the county where the 28514
~~underlying criminal action was initiated~~ as specified in division 28515
(B)(1) of this section determines ~~in a separate civil action~~ that 28516
a person is a wrongfully imprisoned individual, the court shall 28517
provide the person with a copy of this section and orally inform 28518
the person and the person's attorney of the person's rights under 28519

this section to commence a civil action against the state in the court of claims because of the person's wrongful imprisonment and to be represented in that civil action by counsel of the person's own choice.

(3) The court described in division (B)(1) of this section shall notify the clerk of the court of claims, in writing and within seven days after the date of the entry of its determination that the person is a wrongfully imprisoned individual, of the name and proposed mailing address of the person and of the fact that the person has the rights to commence a civil action and to have legal representation as provided in this section. The clerk of the court of claims shall maintain in the clerk's office a list of wrongfully imprisoned individuals for whom notices are received under this section and shall create files in the clerk's office for each such individual.

(4) Within sixty days after the date of the entry of the determination by ~~the a~~ court of common pleas ~~in the county where the underlying criminal action was initiated~~ as specified in division (B)(1) of this section that a person is a wrongfully imprisoned individual, the clerk of the court of claims shall forward a preliminary judgment to the president of the controlling board requesting the payment of fifty per cent of the amount described in division (E)(2)(b) of this section to the wrongfully imprisoned individual. The board shall take all actions necessary to cause the payment of that amount out of the emergency purposes special purpose account of the board.

(5) If an individual was serving at the time of the wrongful imprisonment concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation as described in this section for any portion of that wrongful imprisonment that occurred during a concurrent sentence of that nature.

(C)(1) In a civil action under this section, a wrongfully 28552
imprisoned individual has the right to have counsel of the 28553
individual's own choice. 28554

(2) If a wrongfully imprisoned individual who is the subject 28555
of a court determination as described in division (B)(2) of this 28556
section does not commence a civil action under this section within 28557
six months after the entry of that determination, the clerk of the 28558
court of claims shall send a letter to the wrongfully imprisoned 28559
individual, at the address set forth in the notice received from 28560
the court of common pleas pursuant to division (B)(3) of this 28561
section or to any later address provided by the wrongfully 28562
imprisoned individual, that reminds the wrongfully imprisoned 28563
individual of the wrongfully imprisoned individual's rights under 28564
this section. Until the statute of limitations provided in 28565
division (H) of this section expires and unless the wrongfully 28566
imprisoned individual commences a civil action under this section, 28567
the clerk of the court of claims shall send a similar letter in a 28568
similar manner to the wrongfully imprisoned individual at least 28569
once each three months after the sending of the first reminder. 28570

(D) Notwithstanding any provisions of this chapter to the 28571
contrary, a wrongfully imprisoned individual has and may file a 28572
civil action against the state, in the court of claims, to recover 28573
a sum of money as described in this section, because of the 28574
individual's wrongful imprisonment. The court of claims shall have 28575
exclusive, original jurisdiction over such a civil action. The 28576
civil action shall proceed, be heard, and be determined as 28577
provided in sections 2743.01 to 2743.20 of the Revised Code, 28578
except that if a provision of this section conflicts with a 28579
provision in any of those sections, the provision in this section 28580
controls. 28581

(E)(1) In a civil action as described in division (D) of this 28582
section, the complainant may establish that the claimant is a 28583

wrongfully imprisoned individual by submitting to the court of 28584
claims a certified copy of the judgment entry of the court of 28585
common pleas associated with the claimant's conviction and 28586
sentencing, and a certified copy of the entry of the determination 28587
of the court of common pleas that the claimant is a wrongfully 28588
imprisoned individual under division (B)(2) of this section. No 28589
other evidence shall be required of the complainant to establish 28590
that the claimant is a wrongfully imprisoned individual, and the 28591
claimant shall be irrebuttably presumed to be a wrongfully 28592
imprisoned individual. 28593

(2) In a civil action as described in division (D) of this 28594
section, upon presentation of requisite proof to the court of 28595
claims, a wrongfully imprisoned individual is entitled to receive 28596
a sum of money that equals the total of each of the following 28597
amounts: 28598

(a) The amount of any fine or court costs imposed and paid, 28599
and the reasonable attorney's fees and other expenses incurred by 28600
the wrongfully imprisoned individual in connection with all 28601
associated criminal proceedings and appeals, and, if applicable, 28602
in connection with obtaining the wrongfully imprisoned 28603
individual's discharge from confinement in the state correctional 28604
institution; 28605

(b) For each full year of imprisonment in the state 28606
correctional institution for the offense of which the wrongfully 28607
imprisoned individual was found guilty, forty thousand three 28608
hundred thirty dollars or the adjusted amount determined by the 28609
auditor of state pursuant to section 2743.49 of the Revised Code, 28610
and for each part of a year of being so imprisoned, a pro-rated 28611
share of forty thousand three hundred thirty dollars or the 28612
adjusted amount determined by the auditor of state pursuant to 28613
section 2743.49 of the Revised Code; 28614

(c) Any loss of wages, salary, or other earned income that 28615

directly resulted from the wrongfully imprisoned individual's 28616
arrest, prosecution, conviction, and wrongful imprisonment; 28617

(d) The amount of the following cost debts the department of 28618
rehabilitation and correction recovered from the wrongfully 28619
imprisoned individual who was in custody of the department or 28620
under the department's supervision: 28621

(i) Any user fee or copayment for services at a detention 28622
facility, including, but not limited to, a fee or copayment for 28623
sick call visits; 28624

(ii) The cost of housing and feeding the wrongfully 28625
imprisoned individual in a detention facility; 28626

(iii) The cost of supervision of the wrongfully imprisoned 28627
individual; 28628

(iv) The cost of any ancillary services provided to the 28629
wrongfully imprisoned individual. 28630

(3) The court of claims shall deduct any known debts owed by 28631
the wrongfully imprisoned individual to the state, as defined in 28632
division (A) of section 2743.01 of the Revised Code, or a 28633
political subdivision, as defined in division (B) of section 28634
2743.01 of the Revised Code, from the sum of money described in 28635
division (E)(2) of this section, and those deducted amounts shall 28636
be paid to the state or political subdivision, whichever is 28637
applicable. 28638

(F)(1) If the court of claims determines in a civil action as 28639
described in division (D) of this section that the complainant is 28640
a wrongfully imprisoned individual, it shall enter judgment for 28641
the wrongfully imprisoned individual in the amount of the sum of 28642
money to which the wrongfully imprisoned individual is entitled 28643
under division (E)(2) of this section. In determining that sum, 28644
the court of claims shall not take into consideration any expenses 28645
incurred by the state or any of its political subdivisions in 28646

connection with the arrest, prosecution, and imprisonment of the 28647
wrongfully imprisoned individual, including, but not limited to, 28648
expenses for food, clothing, shelter, and medical services. The 28649
court shall reduce that sum by the amount of the payment to the 28650
wrongfully imprisoned individual described in division (B)(4) of 28651
this section. 28652

(2) If the wrongfully imprisoned individual was represented 28653
in the civil action under this section by counsel of the 28654
wrongfully imprisoned individual's own choice, the court of claims 28655
shall include in the judgment entry referred to in division (F)(1) 28656
of this section an award for the reasonable attorney's fees of 28657
that counsel. These fees shall be paid as provided in division (G) 28658
of this section. 28659

(3) The state consents to be sued by a wrongfully imprisoned 28660
individual because the imprisonment was wrongful, and to liability 28661
on its part because of that fact, only as provided in this 28662
section. However, this section does not affect any liability of 28663
the state or of its employees to a wrongfully imprisoned 28664
individual on a claim for relief that is not based on the fact of 28665
the wrongful imprisonment, including, but not limited to, a claim 28666
for relief that arises out of circumstances occurring during the 28667
wrongfully imprisoned individual's confinement in the state 28668
correctional institution. 28669

(G) The clerk of the court of claims shall forward a 28670
certified copy of a judgment under division (F) of this section to 28671
the president of the controlling board. The board shall take all 28672
actions necessary to cause the payment of the judgment out of the 28673
emergency purposes special purpose account of the board. 28674

(H) To be eligible to recover a sum of money as described in 28675
this section because of wrongful imprisonment, both of the 28676
following shall apply to a wrongfully imprisoned individual: 28677

(1) The wrongfully imprisoned individual shall not have been, 28678
prior to September 24, 1986, the subject of an act of the general 28679
assembly that authorized an award of compensation for the wrongful 28680
imprisonment or have been the subject of an action before the 28681
former sundry claims board that resulted in an award of 28682
compensation for the wrongful imprisonment. 28683

(2) The wrongfully imprisoned individual shall commence a 28684
civil action under this section in the court of claims no later 28685
than two years after the date of the entry of the determination of 28686
the court of common pleas that the individual is a wrongfully 28687
imprisoned individual under division (B)(2) of this section. 28688

Sec. 2743.75. (A) In order to provide for an expeditious and 28689
economical procedure that attempts to resolve disputes alleging a 28690
denial of access to public records in violation of division (B) of 28691
section 149.43 of the Revised Code, except for a court that hears 28692
a mandamus action pursuant to that section, the court of claims 28693
shall be the sole and exclusive authority in this state that 28694
adjudicates or resolves complaints based on alleged violations of 28695
that section. The clerk of the court of claims shall designate one 28696
or more current employees or hire one or more individuals to serve 28697
as special masters to hear complaints brought under this section. 28698
All special masters shall have been engaged in the practice of law 28699
in this state for at least four years and be in good standing with 28700
the supreme court at the time of designation or hiring. The clerk 28701
may assign administrative and clerical work associated with 28702
complaints brought under this section to current employees or may 28703
hire such additional employees as may be necessary to perform such 28704
work. 28705

(B) The clerk of the court of common pleas in each county 28706
shall act as the clerk of the court of claims for purposes of 28707
accepting those complaints filed with the clerk under division 28708

(D)(1) of this section, accepting filing fees for those 28709
complaints, and serving those complaints. 28710

(C)(1) Subject to division (C)(2) of this section, a person 28711
allegedly aggrieved by a denial of access to public records in 28712
violation of division (B) of section 149.43 of the Revised Code 28713
may seek relief under that section or under this section, 28714
provided, however, that if the allegedly aggrieved person files a 28715
complaint under either section, that person may not seek relief 28716
that pertains to the same request for records in a complaint filed 28717
under the other section. 28718

(2) If the allegedly aggrieved person files a complaint under 28719
this section and the court of claims determines that the complaint 28720
constitutes a case of first impression that involves an issue of 28721
substantial public interest, the court shall dismiss the complaint 28722
without prejudice and direct the allegedly aggrieved person to 28723
commence a mandamus action in the court of appeals with 28724
appropriate jurisdiction as provided in division (C)(1) of section 28725
149.43 of the Revised Code. 28726

(D)(1) An allegedly aggrieved person who proceeds under this 28727
section shall file a complaint, on a form prescribed by the clerk 28728
of the court of claims, with the clerk of the court of claims or 28729
with the clerk of the court of common pleas of the county in which 28730
the public office from which the records are requested is located. 28731
The person shall attach to the complaint copies of the original 28732
records request and any written responses or other communications 28733
relating to the request from the public office or person 28734
responsible for public records and shall pay a filing fee of 28735
twenty-five dollars made payable to the clerk of the court with 28736
whom the complaint is filed. The clerk shall serve a copy of the 28737
complaint on the public office or person responsible for public 28738
records for the particular public office in accordance with Civil 28739
Rule 4.1 and, if the complaint is filed with the clerk of the 28740

court of common pleas, shall forward the complaint to the clerk of 28741
the court of claims, and to no other court, within three business 28742
days after service is complete. 28743

(2) Upon receipt of a complaint filed under division (D)(1) 28744
of this section, the clerk of the court of claims shall assign a 28745
case number for the action and a special master to examine the 28746
complaint. Notwithstanding any provision to the contrary in this 28747
section, upon the recommendation of the special master, the court 28748
of claims on its own motion may dismiss the complaint at any time. 28749
The allegedly aggrieved person may voluntarily dismiss the 28750
complaint filed by that person under division (D)(1) of this 28751
section. 28752

(E)(1) Upon service of a complaint under division (D)(1) of 28753
this section, except as otherwise provided in this division, the 28754
special master assigned by the clerk under division (D)(2) of this 28755
section immediately shall refer the case to mediation services 28756
that the court of claims makes available to persons. If, in the 28757
interest of justice considering the circumstances of the case or 28758
the parties, the special master determines that the case should 28759
not be referred to mediation, the special master shall notify the 28760
court that the case was not referred to mediation, and the case 28761
shall proceed in accordance with division (F) of this section. If 28762
the case is referred to mediation, any further proceedings under 28763
division (F) of this section shall be stayed until the conclusion 28764
of the mediation. Any mediation proceedings under this division 28765
may be conducted by teleconference, telephone, or other electronic 28766
means. If an agreement is reached during mediation, the court 28767
shall dismiss the complaint. If an agreement is not reached, the 28768
special master shall notify the court that the case was not 28769
resolved and that the mediation has been terminated. 28770

(2) Within ten business days after the termination of the 28771
mediation or the notification to the court that the case was not 28772

referred to mediation under division (E)(1) of this section, the 28773
public office or person responsible for public records shall file 28774
a response, and if applicable, a motion to dismiss the complaint, 28775
with the clerk of the court of claims and transmit copies of the 28776
pleadings to the allegedly aggrieved party. No further motions or 28777
pleadings shall be accepted by the clerk of the court of claims or 28778
by the special master assigned by the clerk under division (D)(2) 28779
of this section unless the special master directs in writing that 28780
a further motion or pleading be filed. 28781

(3) All of the following apply prior to the submission of the 28782
special master's report and recommendation to the court of claims 28783
under division (F)(1) of this section: 28784

(a) The special master shall not permit any discovery. 28785

(b) The parties may attach supporting affidavits to their 28786
respective pleadings. 28787

(c) The special master may require either or both of the 28788
parties to submit additional information or documentation 28789
supported by affidavits. 28790

(F)(1) Not later than seven business days after receiving the 28791
response, or motion to dismiss the complaint, if applicable, of 28792
the public office or person responsible for public records, the 28793
special master shall submit to the court of claims a report and 28794
recommendation based on the ordinary application of statutory law 28795
and case law as they existed at the time of the filing of the 28796
complaint. For good cause shown, the special master may extend the 28797
seven-day period for the submission of the report and 28798
recommendation to the court of claims under this division by an 28799
additional seven business days. 28800

(2) Upon submission of the special master's report and 28801
recommendation to the court of claims under division (F)(1) of 28802
this section, the clerk shall send copies of the report and 28803

recommendation to each party by certified mail, return receipt 28804
requested, not later than three business days after the report and 28805
recommendation is filed. Either party may object to the report and 28806
recommendation within seven business days after receiving the 28807
report and recommendation by filing a written objection with the 28808
clerk and sending a copy to the other party by certified mail, 28809
return receipt requested. Any objection to the report and 28810
recommendation shall be specific and state with particularity all 28811
grounds for the objection. If neither party timely objects, the 28812
court of claims shall promptly issue a final order adopting the 28813
report and recommendation, unless it determines that there is an 28814
error of law or other defect evident on the face of the report and 28815
recommendation. If either party timely objects, the other party 28816
may file with the clerk a response within seven business days 28817
after receiving the objection and send a copy of the response to 28818
the objecting party by certified mail, return receipt requested. 28819
The court, within seven business days after the response to the 28820
objection is filed, shall issue a final order that adopts, 28821
modifies, or rejects the report and recommendation. 28822

(3) If the court of claims determines that the public office 28823
or person responsible for the public records denied the aggrieved 28824
person access to the public records in violation of division (B) 28825
of section 149.43 of the Revised Code and if no appeal from the 28826
court's final order is taken under division (G) of this section, 28827
both of the following apply: 28828

(a) The public office or the person responsible for the 28829
public records shall permit the aggrieved person to inspect or 28830
receive copies of the public records that the court requires to be 28831
disclosed in its order. 28832

(b) The aggrieved person shall be entitled to recover from 28833
the public office or person responsible for the public records the 28834
amount of the filing fee of twenty-five dollars and any other 28835

costs associated with the action that are incurred by the 28836
aggrieved person, but shall not be entitled to recover attorney's 28837
fees, except that division (G)(2) of this section applies if an 28838
appeal is taken under division (G)(1) of this section. 28839

(G)(1) Any appeal from a final order of the court of claims 28840
under this section or from an order of the court of claims 28841
dismissing the complaint as provided in division (D)(2) of this 28842
section shall be taken to the court of appeals of the appellate 28843
district where the principal place of business of the public 28844
office from which the public record is requested is located. 28845
However, no appeal may be taken from a final order of the court of 28846
claims that adopts the special master's report and recommendation 28847
unless a timely objection to that report and recommendation was 28848
filed under division (F)(2) of this section. If the court of 28849
claims materially modifies the special master's report and 28850
recommendation, either party may take an appeal to the court of 28851
appeals of the appellate district of the principal place of 28852
business where that public office is located but the appeal shall 28853
be limited to the issue in the report and recommendation that is 28854
materially modified by the court of claims. In order to facilitate 28855
the expeditious resolution of disputes over alleged denials of 28856
access to public records in violation of division (B) of section 28857
149.43 of the Revised Code, the appeal shall be given such 28858
precedence over other pending matters as will ensure that the 28859
court will reach a decision promptly. 28860

(2) If a court of appeals in any appeal taken under division 28861
(G)(1) of this section by the public office or person responsible 28862
for the public records determines that the public office or person 28863
denied the aggrieved person access to the public records in 28864
violation of division (B) of section 149.43 of the Revised Code 28865
and obviously filed the appeal with the intent to either delay 28866
compliance with the court of claims' order from which the appeal 28867

is taken for no reasonable cause or unduly harass the aggrieved 28868
person, the court of appeals may award reasonable attorney's fees 28869
to the aggrieved person in accordance with division (C) of section 28870
149.43 of the Revised Code. No discovery may be conducted on the 28871
issue of the public office or person responsible for the public 28872
records filing the appeal with the alleged intent to either delay 28873
compliance with the court of claims' order for no reasonable cause 28874
or unduly harass the aggrieved person. This division shall not be 28875
construed as creating a presumption that the public office or the 28876
person responsible for the public records filed the appeal with 28877
the intent to either delay compliance with the court of claims' 28878
order for no reasonable cause or unduly harass the aggrieved 28879
person. 28880

(H) The powers of the court of claims prescribed in section 28881
2743.05 of the Revised Code apply to the proceedings in that court 28882
under this section. 28883

(I)(1) All filing fees collected by a clerk of the court of 28884
common pleas under division (D)(1) of this section shall be paid 28885
to the county treasurer for deposit into the county general 28886
revenue fund. All such money collected during a month shall be 28887
transmitted on or before the twentieth day of the following month 28888
by the clerk of the court of common pleas to the county treasurer. 28889

(2) All filing fees collected by the clerk of the court of 28890
claims under division (D)(1) of this section shall be ~~kept~~ 28891
deposited into the state treasury to the credit of the public 28892
records fund, which is hereby created. Money credited to the fund 28893
shall be used by the court of claims to assist in paying for its 28894
costs to implement this section. All investment earnings of the 28895
fund shall be credited to the fund. Not later than the first day 28896
of February of each year, the clerk of the court of claims shall 28897
prepare a report accessible to the public that details the fees 28898
collected during the preceding calendar year by the clerk of the 28899

court of claims and the clerks of the courts of common pleas under 28900
this section. 28901

(J) Nothing in this section shall be construed to limit the 28902
authority of the auditor of state under division (G) of section 28903
109.43 of the Revised Code. 28904

Sec. 2923.1210. (A) A business entity, property owner, or 28905
public or private employer may not establish, maintain, or enforce 28906
a policy or rule that prohibits or has the effect of prohibiting a 28907
person who has been issued a valid concealed handgun license from 28908
transporting or storing a firearm or ammunition when both of the 28909
following conditions are met: 28910

(1) Each firearm and all of the ammunition remains inside the 28911
person's privately owned motor vehicle while the person is 28912
physically present inside the motor vehicle, or each firearm and 28913
all of the ammunition is locked within the trunk, glove box, or 28914
other enclosed compartment or container within or on the person's 28915
privately owned motor vehicle; 28916

(2) The vehicle is in a location where it is otherwise 28917
permitted to be. 28918

(B) A business entity, property owner, or public or private 28919
employer that violates division (A) of this section may be found 28920
liable in a civil action brought by any individual injured by the 28921
violation. The court may award compensatory damages and any 28922
equitable relief, including injunctive relief, it finds 28923
appropriate. If an award is made in favor of the plaintiff, the 28924
court may award costs and reasonable attorney's fees to the 28925
plaintiff after a hearing to determine the amount of the fees. 28926

(C) No business entity, property owner, or public or private 28927
employer shall be held liable in any civil action for damages, 28928
injuries, or death resulting from or arising out of another 28929

person's actions involving a firearm or ammunition transported or 28930
stored pursuant to division (A) of this section including the 28931
theft of a firearm from an employee's or invitee's automobile, 28932
unless the business entity, property owner, or public or private 28933
employer intentionally solicited or procured the other person's 28934
injurious actions. 28935

Sec. 2925.01. As used in this chapter: 28936

(A) "Administer," "controlled substance," "controlled 28937
substance analog," "dispense," "distribute," "hypodermic," 28938
"manufacturer," "official written order," "person," "pharmacist," 28939
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 28940
"schedule IV," "schedule V," and "wholesaler" have the same 28941
meanings as in section 3719.01 of the Revised Code. 28942

(B) "Drug dependent person" and "drug of abuse" have the same 28943
meanings as in section 3719.011 of the Revised Code. 28944

(C) "Drug," "dangerous drug," "licensed health professional 28945
authorized to prescribe drugs," and "prescription" have the same 28946
meanings as in section 4729.01 of the Revised Code. 28947

(D) "Bulk amount" of a controlled substance means any of the 28948
following: 28949

(1) For any compound, mixture, preparation, or substance 28950
included in schedule I, schedule II, or schedule III, with the 28951
exception of controlled substance analogs, marihuana, cocaine, 28952
L.S.D., heroin, and hashish and except as provided in division 28953
(D)(2) or (5) of this section, whichever of the following is 28954
applicable: 28955

(a) An amount equal to or exceeding ten grams or twenty-five 28956
unit doses of a compound, mixture, preparation, or substance that 28957
is or contains any amount of a schedule I opiate or opium 28958
derivative; 28959

(b) An amount equal to or exceeding ten grams of a compound, 28960
mixture, preparation, or substance that is or contains any amount 28961
of raw or gum opium; 28962

(c) An amount equal to or exceeding thirty grams or ten unit 28963
doses of a compound, mixture, preparation, or substance that is or 28964
contains any amount of a schedule I hallucinogen other than 28965
tetrahydrocannabinol or lysergic acid amide, or a schedule I 28966
stimulant or depressant; 28967

(d) An amount equal to or exceeding twenty grams or five 28968
times the maximum daily dose in the usual dose range specified in 28969
a standard pharmaceutical reference manual of a compound, mixture, 28970
preparation, or substance that is or contains any amount of a 28971
schedule II opiate or opium derivative; 28972

(e) An amount equal to or exceeding five grams or ten unit 28973
doses of a compound, mixture, preparation, or substance that is or 28974
contains any amount of phencyclidine; 28975

(f) An amount equal to or exceeding one hundred twenty grams 28976
or thirty times the maximum daily dose in the usual dose range 28977
specified in a standard pharmaceutical reference manual of a 28978
compound, mixture, preparation, or substance that is or contains 28979
any amount of a schedule II stimulant that is in a final dosage 28980
form manufactured by a person authorized by the "Federal Food, 28981
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 28982
amended, and the federal drug abuse control laws, as defined in 28983
section 3719.01 of the Revised Code, that is or contains any 28984
amount of a schedule II depressant substance or a schedule II 28985
hallucinogenic substance; 28986

(g) An amount equal to or exceeding three grams of a 28987
compound, mixture, preparation, or substance that is or contains 28988
any amount of a schedule II stimulant, or any of its salts or 28989
isomers, that is not in a final dosage form manufactured by a 28990

person authorized by the Federal Food, Drug, and Cosmetic Act and 28991
the federal drug abuse control laws. 28992

(2) An amount equal to or exceeding one hundred twenty grams 28993
or thirty times the maximum daily dose in the usual dose range 28994
specified in a standard pharmaceutical reference manual of a 28995
compound, mixture, preparation, or substance that is or contains 28996
any amount of a schedule III or IV substance other than an 28997
anabolic steroid or a schedule III opiate or opium derivative; 28998

(3) An amount equal to or exceeding twenty grams or five 28999
times the maximum daily dose in the usual dose range specified in 29000
a standard pharmaceutical reference manual of a compound, mixture, 29001
preparation, or substance that is or contains any amount of a 29002
schedule III opiate or opium derivative; 29003

(4) An amount equal to or exceeding two hundred fifty 29004
milliliters or two hundred fifty grams of a compound, mixture, 29005
preparation, or substance that is or contains any amount of a 29006
schedule V substance; 29007

(5) An amount equal to or exceeding two hundred solid dosage 29008
units, sixteen grams, or sixteen milliliters of a compound, 29009
mixture, preparation, or substance that is or contains any amount 29010
of a schedule III anabolic steroid. 29011

(E) "Unit dose" means an amount or unit of a compound, 29012
mixture, or preparation containing a controlled substance that is 29013
separately identifiable and in a form that indicates that it is 29014
the amount or unit by which the controlled substance is separately 29015
administered to or taken by an individual. 29016

(F) "Cultivate" includes planting, watering, fertilizing, or 29017
tilling. 29018

(G) "Drug abuse offense" means any of the following: 29019

(1) A violation of division (A) of section 2913.02 that 29020

constitutes theft of drugs, or a violation of section 2925.02, 29021
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 29022
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 29023
2925.37 of the Revised Code; 29024

(2) A violation of an existing or former law of this or any 29025
other state or of the United States that is substantially 29026
equivalent to any section listed in division (G)(1) of this 29027
section; 29028

(3) An offense under an existing or former law of this or any 29029
other state, or of the United States, of which planting, 29030
cultivating, harvesting, processing, making, manufacturing, 29031
producing, shipping, transporting, delivering, acquiring, 29032
possessing, storing, distributing, dispensing, selling, inducing 29033
another to use, administering to another, using, or otherwise 29034
dealing with a controlled substance is an element; 29035

(4) A conspiracy to commit, attempt to commit, or complicity 29036
in committing or attempting to commit any offense under division 29037
(G)(1), (2), or (3) of this section. 29038

(H) "Felony drug abuse offense" means any drug abuse offense 29039
that would constitute a felony under the laws of this state, any 29040
other state, or the United States. 29041

(I) "Harmful intoxicant" does not include beer or 29042
intoxicating liquor but means any of the following: 29043

(1) Any compound, mixture, preparation, or substance the gas, 29044
fumes, or vapor of which when inhaled can induce intoxication, 29045
excitement, giddiness, irrational behavior, depression, 29046
stupefaction, paralysis, unconsciousness, asphyxiation, or other 29047
harmful physiological effects, and includes, but is not limited 29048
to, any of the following: 29049

(a) Any volatile organic solvent, plastic cement, model 29050
cement, fingernail polish remover, lacquer thinner, cleaning 29051

fluid, gasoline, or other preparation containing a volatile	29052
organic solvent;	29053
(b) Any aerosol propellant;	29054
(c) Any fluorocarbon refrigerant;	29055
(d) Any anesthetic gas.	29056
(2) Gamma Butyrolactone;	29057
(3) 1,4 Butanediol.	29058
(J) "Manufacture" means to plant, cultivate, harvest,	29059
process, make, prepare, or otherwise engage in any part of the	29060
production of a drug, by propagation, extraction, chemical	29061
synthesis, or compounding, or any combination of the same, and	29062
includes packaging, repackaging, labeling, and other activities	29063
incident to production.	29064
(K) "Possess" or "possession" means having control over a	29065
thing or substance, but may not be inferred solely from mere	29066
access to the thing or substance through ownership or occupation	29067
of the premises upon which the thing or substance is found.	29068
(L) "Sample drug" means a drug or pharmaceutical preparation	29069
that would be hazardous to health or safety if used without the	29070
supervision of a licensed health professional authorized to	29071
prescribe drugs, or a drug of abuse, and that, at one time, had	29072
been placed in a container plainly marked as a sample by a	29073
manufacturer.	29074
(M) "Standard pharmaceutical reference manual" means the	29075
current edition, with cumulative changes if any, of references	29076
that are approved by the state board of pharmacy.	29077
(N) "Juvenile" means a person under eighteen years of age.	29078
(O) "Counterfeit controlled substance" means any of the	29079
following:	29080

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is 29112
situated, whether or not any instruction, extracurricular 29113
activities, or training provided by the school is being conducted 29114
on the premises at the time a criminal offense is committed; 29115

(2) Any other parcel of real property that is owned or leased 29116
by a board of education of a school, the governing authority of a 29117
community school established under Chapter 3314. of the Revised 29118
Code, or the governing body of a nonpublic school for which the 29119
state board of education prescribes minimum standards under 29120
section 3301.07 of the Revised Code and on which some of the 29121
instruction, extracurricular activities, or training of the school 29122
is conducted, whether or not any instruction, extracurricular 29123
activities, or training provided by the school is being conducted 29124
on the parcel of real property at the time a criminal offense is 29125
committed. 29126

(S) "School building" means any building in which any of the 29127
instruction, extracurricular activities, or training provided by a 29128
school is conducted, whether or not any instruction, 29129
extracurricular activities, or training provided by the school is 29130
being conducted in the school building at the time a criminal 29131
offense is committed. 29132

(T) "Disciplinary counsel" means the disciplinary counsel 29133
appointed by the board of commissioners on grievances and 29134
discipline of the supreme court under the Rules for the Government 29135
of the Bar of Ohio. 29136

(U) "Certified grievance committee" means a duly constituted 29137
and organized committee of the Ohio state bar association or of 29138
one or more local bar associations of the state of Ohio that 29139
complies with the criteria set forth in Rule V, section 6 of the 29140
Rules for the Government of the Bar of Ohio. 29141

(V) "Professional license" means any license, permit, 29142

certificate, registration, qualification, admission, temporary 29143
license, temporary permit, temporary certificate, or temporary 29144
registration that is described in divisions (W)(1) to (36) of this 29145
section and that qualifies a person as a professionally licensed 29146
person. 29147

(W) "Professionally licensed person" means any of the 29148
following: 29149

(1) A person who has obtained a license as a manufacturer of 29150
controlled substances or a wholesaler of controlled substances 29151
under Chapter 3719. of the Revised Code; 29152

(2) A person who has received a certificate or temporary 29153
certificate as a certified public accountant or who has registered 29154
as a public accountant under Chapter 4701. of the Revised Code and 29155
who holds an Ohio permit issued under that chapter; 29156

(3) A person who holds a certificate of qualification to 29157
practice architecture issued or renewed and registered under 29158
Chapter 4703. of the Revised Code; 29159

(4) A person who is registered as a landscape architect under 29160
Chapter 4703. of the Revised Code or who holds a permit as a 29161
landscape architect issued under that chapter; 29162

(5) A person licensed under Chapter 4707. of the Revised 29163
Code; 29164

(6) A person who has been issued a certificate of 29165
registration as a registered barber under Chapter 4709. of the 29166
Revised Code; 29167

(7) A person licensed and regulated to engage in the business 29168
of a debt pooling company by a legislative authority, under 29169
authority of Chapter 4710. of the Revised Code; 29170

(8) A person who has been issued a cosmetologist's license, 29171
hair designer's license, manicurist's license, esthetician's 29172

license, natural hair stylist's license, advanced cosmetologist's	29173
license, advanced hair designer's license, advanced manicurist's	29174
license, advanced esthetician's license, advanced natural hair	29175
stylist's license, cosmetology instructor's license, hair design	29176
instructor's license, manicurist instructor's license, esthetics	29177
instructor's license, natural hair style instructor's license,	29178
independent contractor's license, or tanning facility permit under	29179
Chapter 4713. of the Revised Code;	29180
(9) A person who has been issued a license to practice	29181
dentistry, a general anesthesia permit, a conscious intravenous	29182
sedation permit, a limited resident's license, a limited teaching	29183
license, a dental hygienist's license, or a dental hygienist's	29184
teacher's certificate under Chapter 4715. of the Revised Code;	29185
(10) A person who has been issued an embalmer's license, a	29186
funeral director's license, a funeral home license, or a crematory	29187
license, or who has been registered for an embalmer's or funeral	29188
director's apprenticeship under Chapter 4717. of the Revised Code;	29189
(11) A person who has been licensed as a registered nurse or	29190
practical nurse, or who has been issued a certificate for the	29191
practice of nurse-midwifery under Chapter 4723. of the Revised	29192
Code;	29193
(12) A person who has been licensed to practice optometry or	29194
to engage in optical dispensing under Chapter 4725. of the Revised	29195
Code;	29196
(13) A person licensed to act as a pawnbroker under Chapter	29197
4727. of the Revised Code;	29198
(14) A person licensed to act as a precious metals dealer	29199
under Chapter 4728. of the Revised Code;	29200
(15) A person licensed as a pharmacist, a pharmacy intern, a	29201
wholesale distributor of dangerous drugs, or a terminal	29202
distributor of dangerous drugs under Chapter 4729. of the Revised	29203

Code;	29204
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	29205 29206
(17) A person who has been issued a certificate <u>license</u> to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or pediatry <u>podiatric medicine and surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued a certificate to practice a limited branch of medicine under that chapter;</u>	29207 29208 29209 29210 29211 29212
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	29213 29214
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	29215 29216
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	29217 29218
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	29219 29220
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	29221 29222
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	29223 29224
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	29225 29226
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	29227 29228
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	29229 29230 29231 29232

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	29233 29234 29235
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	29236 29237 29238
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	29239 29240 29241
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	29242 29243 29244
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	29245 29246
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	29247 29248 29249 29250 29251
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	29252 29253
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	29254 29255 29256
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	29257 29258
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	29259 29260 29261
(X) "Cocaine" means any of the following:	29262

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	29263 29264
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	29265 29266 29267 29268
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	29269 29270 29271 29272 29273 29274
(Y) "L.S.D." means lysergic acid diethylamide.	29275
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	29276 29277 29278
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	29279 29280
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	29281 29282 29283 29284 29285 29286 29287
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	29288 29289 29290 29291 29292 29293

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	29294 29295
(EE) "Minor drug possession offense" means either of the following:	29296 29297
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	29298 29299
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	29300 29301 29302
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	29303 29304
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	29305 29306
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	29307 29308 29309
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	29310 29311 29312 29313
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	29314 29315 29316 29317 29318
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	29319 29320
Sec. 2925.23. (A) No person shall knowingly make a false statement in any prescription, order, report, or record required	29321 29322

by Chapter 3719. or 4729. of the Revised Code.	29323
(B) No person shall intentionally make, utter, or sell, or	29324
knowingly possess any of the following that is a false or forged:	29325
(1) Prescription;	29326
(2) Uncompleted preprinted prescription blank used for	29327
writing a prescription;	29328
(3) Official written order;	29329
(4) License for a terminal distributor of dangerous drugs, as	29330
required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code;	29331
(5) Registration certificate <u>License</u> for a wholesale	29332
distributor of dangerous drugs, as required <u>defined</u> in section	29333
4729.60 <u>4729.01</u> of the Revised Code.	29334
(C) No person, by theft as defined in section 2913.02 of the	29335
Revised Code, shall acquire any of the following:	29336
(1) A prescription;	29337
(2) An uncompleted preprinted prescription blank used for	29338
writing a prescription;	29339
(3) An official written order;	29340
(4) A blank official written order;	29341
(5) A license or blank license for a terminal distributor of	29342
dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of	29343
the Revised Code;	29344
(6) A registration certificate <u>license</u> or blank registration	29345
eertificate <u>license</u> for a wholesale distributor of dangerous	29346
drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the	29347
Revised Code.	29348
(D) No person shall knowingly make or affix any false or	29349
forged label to a package or receptacle containing any dangerous	29350

drugs. 29351

(E) Divisions (A) and (D) of this section do not apply to 29352
licensed health professionals authorized to prescribe drugs, 29353
pharmacists, owners of pharmacies, and other persons whose conduct 29354
is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 29355
4730., 4731., and 4741. of the Revised Code. 29356

(F) Whoever violates this section is guilty of illegal 29357
processing of drug documents. If the offender violates division 29358
(B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this 29359
section, illegal processing of drug documents is a felony of the 29360
fifth degree. If the offender violates division (A), division 29361
(B)(1) or (3), division (C)(1) or (3), or division (D) of this 29362
section, the penalty for illegal processing of drug documents 29363
shall be determined as follows: 29364

(1) If the drug involved is a compound, mixture, preparation, 29365
or substance included in schedule I or II, with the exception of 29366
marihuana, illegal processing of drug documents is a felony of the 29367
fourth degree, and division (C) of section 2929.13 of the Revised 29368
Code applies in determining whether to impose a prison term on the 29369
offender. 29370

(2) If the drug involved is a dangerous drug or a compound, 29371
mixture, preparation, or substance included in schedule III, IV, 29372
or V or is marihuana, illegal processing of drug documents is a 29373
felony of the fifth degree, and division (C) of section 2929.13 of 29374
the Revised Code applies in determining whether to impose a prison 29375
term on the offender. 29376

(G)(1) In addition to any prison term authorized or required 29377
by division (F) of this section and sections 2929.13 and 2929.14 29378
of the Revised Code and in addition to any other sanction imposed 29379
for the offense under this section or sections 2929.11 to 2929.18 29380
of the Revised Code, the court that sentences an offender who is 29381

convicted of or pleads guilty to any violation of divisions (A) to 29382
(D) of this section may suspend for not more than five years the 29383
offender's driver's or commercial driver's license or permit. 29384
However, if the offender pleaded guilty to or was convicted of a 29385
violation of section 4511.19 of the Revised Code or a 29386
substantially similar municipal ordinance or the law of another 29387
state or the United States arising out of the same set of 29388
circumstances as the violation, the court shall suspend the 29389
offender's driver's or commercial driver's license or permit for 29390
not more than five years. 29391

If the offender is a professionally licensed person, in 29392
addition to any other sanction imposed for a violation of this 29393
section, the court immediately shall comply with section 2925.38 29394
of the Revised Code. 29395

(2) Any offender who received a mandatory suspension of the 29396
offender's driver's or commercial driver's license or permit under 29397
this section prior to ~~the effective date of this amendment~~ 29398
September 13, 2016, may file a motion with the sentencing court 29399
requesting the termination of the suspension. However, an offender 29400
who pleaded guilty to or was convicted of a violation of section 29401
4511.19 of the Revised Code or a substantially similar municipal 29402
ordinance or law of another state or the United States that arose 29403
out of the same set of circumstances as the violation for which 29404
the offender's license or permit was suspended under this section 29405
shall not file such a motion. 29406

Upon the filing of a motion under division (G)(2) of this 29407
section, the sentencing court, in its discretion, may terminate 29408
the suspension. 29409

(H) Notwithstanding any contrary provision of section 3719.21 29410
of the Revised Code, the clerk of court shall pay a fine imposed 29411
for a violation of this section pursuant to division (A) of 29412
section 2929.18 of the Revised Code in accordance with and subject 29413

to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the

jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code,

the court may request the court of common pleas of that county to 29479
receive the offender into the general control and supervision of 29480
that county or multicounty department of probation for purposes of 29481
reporting to the court a violation of any condition of the 29482
sanctions, any condition of release under a community control 29483
sanction imposed by the court, a violation of law, or the 29484
departure of the offender from this state without the permission 29485
of the court or the offender's probation officer, subject to the 29486
jurisdiction of the trial judge over and with respect to the 29487
person of the offender, and to the rules governing that department 29488
of probation. 29489

If there is no department of probation in the county that 29490
serves the court, the court shall place the offender, regardless 29491
of the offender's county of residence, under the general control 29492
and supervision of the adult parole authority for purposes of 29493
reporting to the court a violation of any of the sanctions, any 29494
condition of release under a community control sanction imposed by 29495
the court, a violation of law, or the departure of the offender 29496
from this state without the permission of the court or the 29497
offender's probation officer. 29498

(b) If the court imposing sentence upon an offender sentences 29499
the offender to any community control sanction or combination of 29500
community control sanctions authorized pursuant to section 29501
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 29502
offender violates any condition of the sanctions, any condition of 29503
release under a community control sanction imposed by the court, 29504
violates any law, or departs the state without the permission of 29505
the court or the offender's probation officer, the public or 29506
private person or entity that operates or administers the sanction 29507
or the program or activity that comprises the sanction shall 29508
report the violation or departure directly to the sentencing 29509
court, or shall report the violation or departure to the county or 29510

multicounty department of probation with general control and 29511
supervision over the offender under division (A)(2)(a) of this 29512
section or the officer of that department who supervises the 29513
offender, or, if there is no such department with general control 29514
and supervision over the offender under that division, to the 29515
adult parole authority. If the public or private person or entity 29516
that operates or administers the sanction or the program or 29517
activity that comprises the sanction reports the violation or 29518
departure to the county or multicounty department of probation or 29519
the adult parole authority, the department's or authority's 29520
officers may treat the offender as if the offender were on 29521
probation and in violation of the probation, and shall report the 29522
violation of the condition of the sanction, any condition of 29523
release under a community control sanction imposed by the court, 29524
the violation of law, or the departure from the state without the 29525
required permission to the sentencing court. 29526

(3) If an offender who is eligible for community control 29527
sanctions under this section admits to being drug addicted or the 29528
court has reason to believe that the offender is drug addicted, 29529
and if the offense for which the offender is being sentenced was 29530
related to the addiction, the court may require that the offender 29531
be assessed by a properly credentialed professional within a 29532
specified period of time and shall require the professional to 29533
file a written assessment of the offender with the court. If a 29534
court imposes treatment and recovery support services as a 29535
community control sanction, the court shall direct the level and 29536
type of treatment and recovery support services after 29537
consideration of the written assessment, if available at the time 29538
of sentencing, and recommendations of the professional and other 29539
treatment and recovery support services providers. 29540

(4) If an assessment completed pursuant to division (A)(3) of 29541
this section indicates that the offender is addicted to drugs or 29542

alcohol, the court may include in any community control sanction 29543
imposed for a violation of section 2925.02, 2925.03, 2925.04, 29544
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 29545
2925.37 of the Revised Code a requirement that the offender 29546
participate in alcohol and drug addiction services and recovery 29547
supports certified under section 5119.36 of the Revised Code or 29548
offered by a properly credentialed community addiction services 29549
provider. 29550

(B)(1) If the conditions of a community control sanction are 29551
violated or if the offender violates a law or leaves the state 29552
without the permission of the court or the offender's probation 29553
officer, the sentencing court may impose upon the violator one or 29554
more of the following penalties: 29555

(a) A longer time under the same sanction if the total time 29556
under the sanctions does not exceed the five-year limit specified 29557
in division (A) of this section; 29558

(b) A more restrictive sanction under section 2929.16, 29559
2929.17, or 2929.18 of the Revised Code; 29560

(c) A prison term on the offender pursuant to section 2929.14 29561
of the Revised Code and division (B)(3) of this section, provided 29562
that a prison term imposed under this division for any technical 29563
violation of the conditions of a community control sanction 29564
imposed for a felony of the fifth degree or for any violation of 29565
law committed while under a community control sanction imposed for 29566
such a felony that consists of a new criminal offense and that is 29567
not a felony shall not exceed ninety days. 29568

(2) If an offender was acting pursuant to division (B)(2)(b) 29569
of section 2925.11 of the Revised Code and in so doing violated 29570
the conditions of a community control sanction based on a minor 29571
drug possession offense, as defined in section 2925.11 of the 29572
Revised Code, the sentencing court may consider the offender's 29573

conduct in seeking or obtaining medical assistance for another in 29574
good faith or for self or may consider the offender being the 29575
subject of another person seeking or obtaining medical assistance 29576
in accordance with that division as a mitigating factor before 29577
imposing any of the penalties described in division (B)(1) of this 29578
section. 29579

(3) The prison term, if any, imposed upon a violator pursuant 29580
to this division shall be within the range of prison terms 29581
available for the offense for which the sanction that was violated 29582
was imposed and shall not exceed the prison term specified in the 29583
notice provided to the offender at the sentencing hearing pursuant 29584
to division (B)(2) of section 2929.19 of the Revised Code. The 29585
court may reduce the longer period of time that the offender is 29586
required to spend under the longer sanction, the more restrictive 29587
sanction, or a prison term imposed pursuant to this division by 29588
the time the offender successfully spent under the sanction that 29589
was initially imposed. 29590

(C) If an offender, for a significant period of time, 29591
fulfills the conditions of a sanction imposed pursuant to section 29592
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 29593
manner, the court may reduce the period of time under the sanction 29594
or impose a less restrictive sanction, but the court shall not 29595
permit the offender to violate any law or permit the offender to 29596
leave the state without the permission of the court or the 29597
offender's probation officer. 29598

(D)(1) If a court under division (A)(1) of this section 29599
imposes a condition of release under a community control sanction 29600
that requires the offender to submit to random drug testing, the 29601
department of probation or the adult parole authority that has 29602
general control and supervision of the offender under division 29603
(A)(2)(a) of this section may cause the offender to submit to 29604
random drug testing performed by a laboratory or entity that has 29605

entered into a contract with any of the governmental entities or 29606
officers authorized to enter into a contract with that laboratory 29607
or entity under section 341.26, 753.33, or 5120.63 of the Revised 29608
Code. 29609

(2) If no laboratory or entity described in division (D)(1) 29610
of this section has entered into a contract as specified in that 29611
division, the department of probation or the adult parole 29612
authority that has general control and supervision of the offender 29613
under division (A)(2)(a) of this section shall cause the offender 29614
to submit to random drug testing performed by a reputable public 29615
laboratory to determine whether the individual who is the subject 29616
of the drug test ingested or was injected with a drug of abuse. 29617

(3) A laboratory or entity that has entered into a contract 29618
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 29619
shall perform the random drug tests under division (D)(1) of this 29620
section in accordance with the applicable standards that are 29621
included in the terms of that contract. A public laboratory shall 29622
perform the random drug tests under division (D)(2) of this 29623
section in accordance with the standards set forth in the policies 29624
and procedures established by the department of rehabilitation and 29625
correction pursuant to section 5120.63 of the Revised Code. An 29626
offender who is required under division (A)(1) of this section to 29627
submit to random drug testing as a condition of release under a 29628
community control sanction and whose test results indicate that 29629
the offender ingested or was injected with a drug of abuse shall 29630
pay the fee for the drug test if the department of probation or 29631
the adult parole authority that has general control and 29632
supervision of the offender requires payment of a fee. A 29633
laboratory or entity that performs the random drug testing on an 29634
offender under division (D)(1) or (2) of this section shall 29635
transmit the results of the drug test to the appropriate 29636
department of probation or the adult parole authority that has 29637

general control and supervision of the offender under division 29638
(A)(2)(a) of this section. 29639

Sec. 2929.20. (A) As used in this section: 29640

(1)(a) Except as provided in division (A)(1)(b) of this 29641
section, "eligible offender" means any person who, on or after 29642
April 7, 2009, is serving a stated prison term that includes one 29643
or more nonmandatory prison terms. 29644

(b) "Eligible offender" does not include any person who, on 29645
or after April 7, 2009, is serving a stated prison term for any of 29646
the following criminal offenses that was a felony and was 29647
committed while the person held a public office in this state: 29648

(i) A violation of section 2921.02, 2921.03, 2921.05, 29649
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 29650
Code; 29651

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 29652
2921.12 of the Revised Code, when the conduct constituting the 29653
violation was related to the duties of the offender's public 29654
office or to the offender's actions as a public official holding 29655
that public office; 29656

(iii) A violation of an existing or former municipal 29657
ordinance or law of this or any other state or the United States 29658
that is substantially equivalent to any violation listed in 29659
division (A)(1)(b)(i) of this section; 29660

(iv) A violation of an existing or former municipal ordinance 29661
or law of this or any other state or the United States that is 29662
substantially equivalent to any violation listed in division 29663
(A)(1)(b)(ii) of this section, when the conduct constituting the 29664
violation was related to the duties of the offender's public 29665
office or to the offender's actions as a public official holding 29666
that public office; 29667

(v) A conspiracy to commit, attempt to commit, or complicity 29668
in committing any offense listed in division (A)(1)(b)(i) or 29669
described in division (A)(1)(b)(iii) of this section; 29670

(vi) A conspiracy to commit, attempt to commit, or complicity 29671
in committing any offense listed in division (A)(1)(b)(ii) or 29672
described in division (A)(1)(b)(iv) of this section, if the 29673
conduct constituting the offense that was the subject of the 29674
conspiracy, that would have constituted the offense attempted, or 29675
constituting the offense in which the offender was complicit was 29676
or would have been related to the duties of the offender's public 29677
office or to the offender's actions as a public official holding 29678
that public office. 29679

(2) "Nonmandatory prison term" means a prison term that is 29680
not a mandatory prison term. 29681

(3) "Public office" means any elected federal, state, or 29682
local government office in this state. 29683

(4) "Victim's representative" has the same meaning as in 29684
section 2930.01 of the Revised Code. 29685

(5) "Imminent danger of death," "medically incapacitated," 29686
and "terminal illness" have the same meanings as in section 29687
2967.05 of the Revised Code. 29688

(B) On the motion of an eligible offender or upon its own 29689
motion, the sentencing court may reduce the eligible offender's 29690
aggregated nonmandatory prison term or terms through a judicial 29691
release under this section. 29692

(C) An eligible offender may file a motion for judicial 29693
release with the sentencing court within the following applicable 29694
periods: 29695

(1) If the aggregated nonmandatory prison term or terms is 29696
less than two years, the eligible offender may file the motion ~~not~~ 29697

~~earlier than thirty days~~ at any time after the offender is 29698
delivered to a state correctional institution or, if the prison 29699
term includes a mandatory prison term or terms, ~~not earlier than~~ 29700
~~thirty days~~ at any time after the expiration of all mandatory 29701
prison terms. 29702

(2) If the aggregated nonmandatory prison term or terms is at 29703
least two years but less than five years, the eligible offender 29704
may file the motion not earlier than one hundred eighty days after 29705
the offender is delivered to a state correctional institution or, 29706
if the prison term includes a mandatory prison term or terms, not 29707
earlier than one hundred eighty days after the expiration of all 29708
mandatory prison terms. 29709

(3) If the aggregated nonmandatory prison term or terms is 29710
five years, the eligible offender may file the motion not earlier 29711
than the date on which the eligible offender has served four years 29712
of the offender's stated prison term or, if the prison term 29713
includes a mandatory prison term or terms, not earlier than four 29714
years after the expiration of all mandatory prison terms. 29715

(4) If the aggregated nonmandatory prison term or terms is 29716
more than five years but not more than ten years, the eligible 29717
offender may file the motion not earlier than the date on which 29718
the eligible offender has served five years of the offender's 29719
stated prison term or, if the prison term includes a mandatory 29720
prison term or terms, not earlier than five years after the 29721
expiration of all mandatory prison terms. 29722

(5) If the aggregated nonmandatory prison term or terms is 29723
more than ten years, the eligible offender may file the motion not 29724
earlier than the later of the date on which the offender has 29725
served one-half of the offender's stated prison term or the date 29726
specified in division (C)(4) of this section. 29727

(D) Upon receipt of a timely motion for judicial release 29728

filed by an eligible offender under division (C) of this section 29729
or upon the sentencing court's own motion made within the 29730
appropriate time specified in that division, the court may deny 29731
the motion without a hearing or schedule a hearing on the motion. 29732
The court shall not grant the motion without a hearing. If a court 29733
denies a motion without a hearing, the court later may consider 29734
judicial release for that eligible offender on a subsequent motion 29735
filed by that eligible offender unless the court denies the motion 29736
with prejudice. If a court denies a motion with prejudice, the 29737
court may later consider judicial release on its own motion. If a 29738
court denies a motion after a hearing, the court shall not 29739
consider a subsequent motion for that eligible offender. The court 29740
shall hold only one hearing for any eligible offender. 29741

A hearing under this section shall be conducted in open court 29742
not less than thirty or more than sixty days after the motion is 29743
filed, provided that the court may delay the hearing for one 29744
hundred eighty additional days. If the court holds a hearing, the 29745
court shall enter a ruling on the motion within ten days after the 29746
hearing. If the court denies the motion without a hearing, the 29747
court shall enter its ruling on the motion within sixty days after 29748
the motion is filed. 29749

(E) If a court schedules a hearing under division (D) of this 29750
section, the court shall notify the eligible offender and the head 29751
of the state correctional institution in which the eligible 29752
offender is confined prior to the hearing. The head of the state 29753
correctional institution immediately shall notify the appropriate 29754
person at the department of rehabilitation and correction of the 29755
hearing, and the department within twenty-four hours after receipt 29756
of the notice, shall post on the database it maintains pursuant to 29757
section 5120.66 of the Revised Code the offender's name and all of 29758
the information specified in division (A)(1)(c)(i) of that 29759
section. If the court schedules a hearing for judicial release, 29760

the court promptly shall give notice of the hearing to the 29761
prosecuting attorney of the county in which the eligible offender 29762
was indicted. Upon receipt of the notice from the court, the 29763
prosecuting attorney shall do whichever of the following is 29764
applicable: 29765

(1) Subject to division (E)(2) of this section, notify the 29766
victim of the offense or the victim's representative pursuant to 29767
division (B) of section 2930.16 of the Revised Code; 29768

(2) If the offense was an offense of violence that is a 29769
felony of the first, second, or third degree, except as otherwise 29770
provided in this division, notify the victim or the victim's 29771
representative of the hearing regardless of whether the victim or 29772
victim's representative has requested the notification. The notice 29773
of the hearing shall not be given under this division to a victim 29774
or victim's representative if the victim or victim's 29775
representative has requested pursuant to division (B)(2) of 29776
section 2930.03 of the Revised Code that the victim or the 29777
victim's representative not be provided the notice. If notice is 29778
to be provided to a victim or victim's representative under this 29779
division, the prosecuting attorney may give the notice by any 29780
reasonable means, including regular mail, telephone, and 29781
electronic mail, in accordance with division (D)(1) of section 29782
2930.16 of the Revised Code. If the notice is based on an offense 29783
committed prior to March 22, 2013, the notice also shall include 29784
the opt-out information described in division (D)(1) of section 29785
2930.16 of the Revised Code. The prosecuting attorney, in 29786
accordance with division (D)(2) of section 2930.16 of the Revised 29787
Code, shall keep a record of all attempts to provide the notice, 29788
and of all notices provided, under this division. Division (E)(2) 29789
of this section, and the notice-related provisions of division (K) 29790
of this section, division (D)(1) of section 2930.16, division (H) 29791
of section 2967.12, division (E)(1)(b) of section 2967.19, 29792

division (A)(3)(b) of section 2967.26, division (D)(1) of section 29793
2967.28, and division (A)(2) of section 5149.101 of the Revised 29794
Code enacted in the act in which division (E)(2) of this section 29795
was enacted, shall be known as "Roberta's Law." 29796

(F) Upon an offender's successful completion of 29797
rehabilitative activities, the head of the state correctional 29798
institution may notify the sentencing court of the successful 29799
completion of the activities. 29800

(G) Prior to the date of the hearing on a motion for judicial 29801
release under this section, the head of the state correctional 29802
institution in which the eligible offender is confined shall send 29803
to the court an institutional summary report on the eligible 29804
offender's conduct in the institution and in any institution from 29805
which the eligible offender may have been transferred. Upon the 29806
request of the prosecuting attorney of the county in which the 29807
eligible offender was indicted or of any law enforcement agency, 29808
the head of the state correctional institution, at the same time 29809
the person sends the institutional summary report to the court, 29810
also shall send a copy of the report to the requesting prosecuting 29811
attorney and law enforcement agencies. The institutional summary 29812
report shall cover the eligible offender's participation in 29813
school, vocational training, work, treatment, and other 29814
rehabilitative activities and any disciplinary action taken 29815
against the eligible offender. The report shall be made part of 29816
the record of the hearing. A presentence investigation report is 29817
not required for judicial release. 29818

(H) If the court grants a hearing on a motion for judicial 29819
release under this section, the eligible offender shall attend the 29820
hearing if ordered to do so by the court. Upon receipt of a copy 29821
of the journal entry containing the order, the head of the state 29822
correctional institution in which the eligible offender is 29823
incarcerated shall deliver the eligible offender to the sheriff of 29824

the county in which the hearing is to be held. The sheriff shall 29825
convey the eligible offender to and from the hearing. 29826

(I) At the hearing on a motion for judicial release under 29827
this section, the court shall afford the eligible offender and the 29828
eligible offender's attorney an opportunity to present written 29829
and, if present, oral information relevant to the motion. The 29830
court shall afford a similar opportunity to the prosecuting 29831
attorney, the victim or the victim's representative, and any other 29832
person the court determines is likely to present additional 29833
relevant information. The court shall consider any statement of a 29834
victim made pursuant to section 2930.14 or 2930.17 of the Revised 29835
Code, any victim impact statement prepared pursuant to section 29836
2947.051 of the Revised Code, and any report made under division 29837
(G) of this section. The court may consider any written statement 29838
of any person submitted to the court pursuant to division (L) of 29839
this section. After ruling on the motion, the court shall notify 29840
the victim of the ruling in accordance with sections 2930.03 and 29841
2930.16 of the Revised Code. 29842

(J)(1) A court shall not grant a judicial release under this 29843
section to an eligible offender who is imprisoned for a felony of 29844
the first or second degree, or to an eligible offender who 29845
committed an offense under Chapter 2925. or 3719. of the Revised 29846
Code and for whom there was a presumption under section 2929.13 of 29847
the Revised Code in favor of a prison term, unless the court, with 29848
reference to factors under section 2929.12 of the Revised Code, 29849
finds both of the following: 29850

(a) That a sanction other than a prison term would adequately 29851
punish the offender and protect the public from future criminal 29852
violations by the eligible offender because the applicable factors 29853
indicating a lesser likelihood of recidivism outweigh the 29854
applicable factors indicating a greater likelihood of recidivism; 29855

(b) That a sanction other than a prison term would not demean 29856

the seriousness of the offense because factors indicating that the
eligible offender's conduct in committing the offense was less
serious than conduct normally constituting the offense outweigh
factors indicating that the eligible offender's conduct was more
serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible
offender under division (J)(1) of this section shall specify on
the record both findings required in that division and also shall
list all the factors described in that division that were
presented at the hearing.

(K) If the court grants a motion for judicial release under
this section, the court shall order the release of the eligible
offender, shall place the eligible offender under an appropriate
community control sanction, under appropriate conditions, and
under the supervision of the department of probation serving the
court and shall reserve the right to reimpose the sentence that it
reduced if the offender violates the sanction. If the court
reimposes the reduced sentence, it may do so either concurrently
with, or consecutive to, any new sentence imposed upon the
eligible offender as a result of the violation that is a new
offense. Except as provided in division (R)(2) of this section,
the period of community control shall be no longer than five
years. The court, in its discretion, may reduce the period of
community control by the amount of time the eligible offender
spent in jail or prison for the offense and in prison. If the
court made any findings pursuant to division (J)(1) of this
section, the court shall serve a copy of the findings upon counsel
for the parties within fifteen days after the date on which the
court grants the motion for judicial release.

If the court grants a motion for judicial release, the court
shall notify the appropriate person at the department of
rehabilitation and correction, and the department shall post

notice of the release on the database it maintains pursuant to 29889
section 5120.66 of the Revised Code. The court also shall notify 29890
the prosecuting attorney of the county in which the eligible 29891
offender was indicted that the motion has been granted. Unless the 29892
victim or the victim's representative has requested pursuant to 29893
division (B)(2) of section 2930.03 of the Revised Code that the 29894
victim or victim's representative not be provided the notice, the 29895
prosecuting attorney shall notify the victim or the victim's 29896
representative of the judicial release in any manner, and in 29897
accordance with the same procedures, pursuant to which the 29898
prosecuting attorney is authorized to provide notice of the 29899
hearing pursuant to division (E)(2) of this section. If the notice 29900
is based on an offense committed prior to March 22, 2013, the 29901
notice to the victim or victim's representative also shall include 29902
the opt-out information described in division (D)(1) of section 29903
2930.16 of the Revised Code. 29904

(L) In addition to and independent of the right of a victim 29905
to make a statement pursuant to section 2930.14, 2930.17, or 29906
2946.051 of the Revised Code and any right of a person to present 29907
written information or make a statement pursuant to division (I) 29908
of this section, any person may submit to the court, at any time 29909
prior to the hearing on the offender's motion for judicial 29910
release, a written statement concerning the effects of the 29911
offender's crime or crimes, the circumstances surrounding the 29912
crime or crimes, the manner in which the crime or crimes were 29913
perpetrated, and the person's opinion as to whether the offender 29914
should be released. 29915

(M) The changes to this section that are made on September 29916
30, 2011, apply to any judicial release decision made on or after 29917
September 30, 2011, for any eligible offender. 29918

(N) Notwithstanding the eligibility requirements specified in 29919
division (A) of this section and the filing time frames specified 29920

in division (C) of this section and notwithstanding the findings 29921
required under division (J) of this section, the sentencing court, 29922
upon the court's own motion and after considering whether the 29923
release of the offender into society would create undue risk to 29924
public safety, may grant a judicial release to an offender who is 29925
not serving a life sentence at any time during the offender's 29926
imposed sentence when the director of rehabilitation and 29927
correction certifies to the sentencing court through the chief 29928
medical officer for the department of rehabilitation and 29929
correction that the offender is in imminent danger of death, is 29930
medically incapacitated, or is suffering from a terminal illness. 29931

(O) The director of rehabilitation and correction shall not 29932
certify any offender under division (N) of this section who is 29933
serving a death sentence. 29934

(P) A motion made by the court under division (N) of this 29935
section is subject to the notice, hearing, and other procedural 29936
requirements specified in divisions (D), (E), (G), (H), (I), (K), 29937
and (L) of this section, except for the following: 29938

(1) The court may waive the offender's appearance at any 29939
hearing scheduled by the court if the offender's condition makes 29940
it impossible for the offender to participate meaningfully in the 29941
proceeding. 29942

(2) The court may grant the motion without a hearing, 29943
provided that the prosecuting attorney and victim or victim's 29944
representative to whom notice of the hearing was provided under 29945
division (E) of this section indicate that they do not wish to 29946
participate in the hearing or present information relevant to the 29947
motion. 29948

(Q) The court may request health care records from the 29949
department of rehabilitation and correction to verify the 29950
certification made under division (N) of this section. 29951

(R)(1) If the court grants judicial release under division 29952
(N) of this section, the court shall do all of the following: 29953

(a) Order the release of the offender; 29954

(b) Place the offender under an appropriate community control 29955
sanction, under appropriate conditions; 29956

(c) Place the offender under the supervision of the 29957
department of probation serving the court or under the supervision 29958
of the adult parole authority. 29959

(2) The court, in its discretion, may revoke the judicial 29960
release if the offender violates the community control sanction 29961
described in division (R)(1) of this section. The period of that 29962
community control is not subject to the five-year limitation 29963
described in division (K) of this section and shall not expire 29964
earlier than the date on which all of the offender's mandatory 29965
prison terms expire. 29966

(S) If the health of an offender who is released under 29967
division (N) of this section improves so that the offender is no 29968
longer terminally ill, medically incapacitated, or in imminent 29969
danger of death, the court shall, upon the court's own motion, 29970
revoke the judicial release. The court shall not grant the motion 29971
without a hearing unless the offender waives a hearing. If a 29972
hearing is held, the court shall afford the offender and the 29973
offender's attorney an opportunity to present written and, if the 29974
offender or the offender's attorney is present, oral information 29975
relevant to the motion. The court shall afford a similar 29976
opportunity to the prosecuting attorney, the victim or the 29977
victim's representative, and any other person the court determines 29978
is likely to present additional relevant information. A court that 29979
grants a motion under this division shall specify its findings on 29980
the record. 29981

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section:

(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.

(ii) "Voluntary county" means any county in which the board

of county commissioners of the county and the administrative judge 30012
of the general division of the court of common pleas of the county 30013
enter into an agreement of the type described in division 30014
(B)(3)(b) of this section and in which the agreement has not been 30015
terminated as described in that division. 30016

(b) In any county other than a target county, the board of 30017
county commissioners of the county and the administrative judge of 30018
the general division of the court of common pleas of the county 30019
may agree to having the county participate in the procedures 30020
regarding local and state confinement established under division 30021
(B)(3)(c) of this section. A board of county commissioners and an 30022
administrative judge of a court of common pleas that enter into an 30023
agreement of the type described in this division may terminate the 30024
agreement, but a termination under this division shall take effect 30025
only at the end of the state fiscal biennium in which the 30026
termination decision is made. 30027

(c) Except as provided in division (B)(3)(d) of this section, 30028
on and after July 1, 2018, no person sentenced by the court of 30029
common pleas of a target county or of a voluntary county to a 30030
prison term that is twelve months or less for a felony of the 30031
fifth degree shall serve the term in an institution under the 30032
control of the department of rehabilitation and correction. The 30033
person shall instead serve the sentence as a term of confinement 30034
in a facility of a type described in division (C) or (D) of this 30035
section. Nothing in this division relieves the state of its 30036
obligation to pay for the cost of confinement of the person in a 30037
community-based correctional facility under division (D) of this 30038
section. 30039

(d) Division (B)(3)(c) of this section does not apply to any 30040
person to whom any of the following apply: 30041

(i) The felony of the fifth degree was an offense of 30042
violence, as defined in section 2901.01 of the Revised Code, a sex 30043

offense under Chapter 2907. of the Revised Code, or any offense 30044
for which a mandatory prison term is required. 30045

(ii) The person previously has been convicted of or pleaded 30046
guilty to any felony offense of violence, as defined in section 30047
2901.01 of the Revised Code. 30048

(iii) The person previously has been convicted of or pleaded 30049
guilty to any felony sex offense under Chapter 2907. of the 30050
Revised Code. 30051

(iv) The person's sentence is required to be served 30052
concurrently to any other sentence imposed upon the person for a 30053
felony that is required to be served in an institution under the 30054
control of the department of rehabilitation and correction. 30055

(C) A person who is convicted of or pleads guilty to one or 30056
more misdemeanors and who is sentenced to a jail term or term of 30057
imprisonment pursuant to the conviction or convictions shall serve 30058
that term in a county, multicounty, municipal, municipal-county, 30059
or multicounty-municipal jail or workhouse; in a community 30060
alternative sentencing center or district community alternative 30061
sentencing center when authorized by section 307.932 of the 30062
Revised Code; or, if the misdemeanor or misdemeanors are not 30063
offenses of violence, in a minimum security jail. 30064

(D) Nothing in this section prohibits the commitment, 30065
referral, or sentencing of a person who is convicted of or pleads 30066
guilty to a felony to a community-based correctional facility. 30067

Sec. 2941.51. (A) Counsel appointed to a case or selected by 30068
an indigent person under division (E) of section 120.16 or 30069
division (E) of section 120.26 of the Revised Code, or otherwise 30070
appointed by the court, except for counsel appointed by the court 30071
to provide legal representation for a person charged with a 30072
violation of an ordinance of a municipal corporation, shall be 30073

paid for their services by the county the compensation and 30074
expenses that the trial court approves. Each request for payment 30075
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 30076
~~affidavit of indigency that~~ are completed by the indigent person 30077
on ~~forms~~ a form prescribed by the state public defender. 30078
Compensation and expenses shall not exceed the amounts fixed by 30079
the board of county commissioners pursuant to division (B) of this 30080
section. 30081

(B) The board of county commissioners shall establish a 30082
schedule of fees by case or on an hourly basis to be paid by the 30083
county for legal services provided by appointed counsel. Prior to 30084
establishing such schedule, the board shall request the bar 30085
association or associations of the county to submit a proposed 30086
schedule for cases other than capital cases. The schedule 30087
submitted shall be subject to the review, amendment, and approval 30088
of the board of county commissioners, except with respect to 30089
capital cases. With respect to capital cases, the schedule shall 30090
provide for fees by case or on an hourly basis to be paid to 30091
counsel in the amount or at the rate set by the capital case 30092
attorney fee council pursuant to division (D) of section 120.33 of 30093
the Revised Code, and the board of county commissioners shall 30094
approve that amount or rate. 30095

With respect to capital cases, counsel shall be paid 30096
compensation and expenses in accordance with the amount or at the 30097
rate set by the capital case attorney fee council pursuant to 30098
division (D) of section 120.33 of the Revised Code. 30099

(C) In a case where counsel have been appointed to conduct an 30100
appeal under Chapter 120. of the Revised Code, such compensation 30101
shall be fixed by the court of appeals or the supreme court, as 30102
provided in divisions (A) and (B) of this section. 30103

(D) The fees and expenses approved by the court under this 30104
section shall not be taxed as part of the costs and shall be paid 30105

by the county. However, if the person represented has, or 30106
reasonably may be expected to have, the means to meet some part of 30107
the cost of the services rendered to the person, the person shall 30108
pay the county an amount that the person reasonably can be 30109
expected to pay. Pursuant to section 120.04 of the Revised Code, 30110
the county shall pay to the state public defender a percentage of 30111
the payment received from the person in an amount proportionate to 30112
the percentage of the costs of the person's case that were paid to 30113
the county by the state public defender pursuant to this section. 30114
The money paid to the state public defender shall be credited to 30115
the client payment fund created pursuant to division (B)(5) of 30116
section 120.04 of the Revised Code. 30117

(E) The county auditor shall draw a warrant on the county 30118
treasurer for the payment of such counsel in the amount fixed by 30119
the court, plus the expenses that the court fixes and certifies to 30120
the auditor. The county auditor shall report periodically, but not 30121
less than annually, to the board of county commissioners and to 30122
the Ohio public defender commission the amounts paid out pursuant 30123
to the approval of the court under this section, separately 30124
stating costs and expenses that are reimbursable under section 30125
120.35 of the Revised Code. The board, after review and approval 30126
of the auditor's report, may then certify it to the state public 30127
defender for reimbursement. The request for reimbursement shall be 30128
accompanied by a financial disclosure form completed by each 30129
indigent person for whom counsel was provided on a form prescribed 30130
by the state public defender. The state public defender shall 30131
review the report and, in accordance with the standards, 30132
guidelines, and maximums established pursuant to divisions (B)(7) 30133
and (8) of section 120.04 of the Revised Code, pay fifty per cent 30134
of the total cost, other than costs and expenses that are 30135
reimbursable under section 120.35 of the Revised Code, if any, of 30136
paying appointed counsel in each county and pay ~~fifty~~ one hundred 30137
per cent of costs and expenses that are reimbursable under section 30138

120.35 of the Revised Code, if any, to the board. 30139

(F) If any county system for paying appointed counsel fails 30140
to maintain the standards for the conduct of the system 30141
established by the rules of the Ohio public defender commission 30142
pursuant to divisions (B) and (C) of section 120.03 of the Revised 30143
Code or the standards established by the state public defender 30144
pursuant to division (B)(7) of section 120.04 of the Revised Code, 30145
the commission shall notify the board of county commissioners of 30146
the county that the county system for paying appointed counsel has 30147
failed to comply with its rules. Unless the board corrects the 30148
conduct of its appointed counsel system to comply with the rules 30149
within ninety days after the date of the notice, the state public 30150
defender may deny all or part of the county's reimbursement from 30151
the state provided for in this section. 30152

Sec. 2953.25. (A) As used in this section: 30153

(1) "Collateral sanction" means a penalty, disability, or 30154
disadvantage that is related to employment or occupational 30155
licensing, however denominated, as a result of the individual's 30156
conviction of or plea of guilty to an offense and that applies by 30157
operation of law in this state whether or not the penalty, 30158
disability, or disadvantage is included in the sentence or 30159
judgment imposed. 30160

"Collateral sanction" does not include imprisonment, 30161
probation, parole, supervised release, forfeiture, restitution, 30162
fine, assessment, or costs of prosecution. 30163

(2) "Decision-maker" includes, but is not limited to, the 30164
state acting through a department, agency, board, commission, or 30165
instrumentality established by the law of this state for the 30166
exercise of any function of government, a political subdivision, 30167
an educational institution, or a government contractor or 30168
subcontractor made subject to this section by contract, law, or 30169

ordinance. 30170

(3) "Department-funded program" means a residential or 30171
nonresidential program that is not a term in a state correctional 30172
institution, that is funded in whole or part by the department of 30173
rehabilitation and correction, and that is imposed as a sanction 30174
for an offense, as part of a sanction that is imposed for an 30175
offense, or as a term or condition of any sanction that is imposed 30176
for an offense. 30177

(4) "Designee" means the person designated by the deputy 30178
director of the division of parole and community services to 30179
perform the duties designated in division (B) of this section. 30180

(5) "Division of parole and community services" means the 30181
division of parole and community services of the department of 30182
rehabilitation and correction. 30183

(6) "Offense" means any felony or misdemeanor under the laws 30184
of this state. 30185

(7) "Political subdivision" has the same meaning as in 30186
section 2969.21 of the Revised Code. 30187

(8) "Discretionary civil impact," "licensing agency," and 30188
"mandatory civil impact" have the same meanings as in section 30189
2961.21 of the Revised Code. 30190

~~(B)(1) After the provisions of this division become operative~~ 30191
~~as described in division (J) of this section, an~~ An individual who 30192
is subject to one or more collateral sanctions as a result of 30193
being convicted of or pleading guilty to an offense and who either 30194
has served a term in a state correctional institution for any 30195
offense or has spent time in a department-funded program for any 30196
offense may file a petition with the designee of the deputy 30197
director of the division of parole and community services for a 30198
certificate of qualification for employment. 30199

(2) ~~After the provisions of this division become operative as described in division (J) of this section, an~~ An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file a ~~petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services~~ for a certificate of qualification for employment by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section.

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this section, an individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

~~(a)~~(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or

local correctional facility that was imposed for that offense and 30231
all periods of supervision imposed after release from the period 30232
of incarceration or, if the individual was not incarcerated for 30233
that offense, at any time after the expiration of one year from 30234
the date of the individual's final release from all other 30235
sanctions imposed for that offense. 30236

~~(b)(ii)~~ If the offense that resulted in the collateral 30237
sanction from which the individual seeks relief is a misdemeanor, 30238
at any time after the expiration of six months from the date of 30239
release of the individual from any period of incarceration in a 30240
local correctional facility that was imposed for that offense and 30241
all periods of supervision imposed after release from the period 30242
of incarceration or, if the individual was not incarcerated for 30243
that offense, at any time after the expiration of six months from 30244
the date of the final release of the individual from all sanctions 30245
imposed for that offense including any period of supervision. 30246

(b) The department of rehabilitation and correction may 30247
establish criteria by rule adopted under Chapter 119. of the 30248
Revised Code that, if satisfied by an individual, would allow the 30249
individual to file a petition before the expiration of six months 30250
or one year from the date of final release, whichever is 30251
applicable under division (B)(4)(a) of this section. 30252

(5)(a) A designee that receives a petition for a 30253
~~eertification~~ certificate of qualification for employment from an 30254
individual under division (B)(1) or (2) of this section shall 30255
review the petition to determine whether it is complete. If the 30256
petition is complete, the designee shall forward the petition, and 30257
any other information the designee possesses that relates to the 30258
petition, to the court of common pleas of the county in which the 30259
individual resides if the individual submitting the petition 30260
resides in this state or, if the individual resides outside of 30261
this state, to the court of common pleas of the county in which 30262

the conviction or plea of guilty from which the individual seeks relief was entered. 30263
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(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B)(2) of this section, or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate. 30265
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A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney ~~of the county in which the individual resides~~ that the individual has filed the petition. 30279
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A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. 30284
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(C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal 30290
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history, all filings submitted by the prosecutor or by the victim 30295
in accordance with rules adopted by the division of parole and 30296
community services, the applicant's military service record, if 30297
applicable, and whether the applicant has an emotional, mental, or 30298
physical condition that is traceable to the applicant's military 30299
service in the armed forces of the United States and that was a 30300
contributing factor in the commission of the offense or offenses, 30301
and all other relevant evidence. The court may order any report, 30302
investigation, or disclosure by the individual that the court 30303
believes is necessary for the court to reach a decision on whether 30304
to approve the individual's petition for a certificate of 30305
qualification for employment. 30306

(2) Upon receiving a petition for a certificate of 30307
qualification for employment filed by an individual under division 30308
(B)(2) of this section or being forwarded a petition for such a 30309
certificate under division (B)(5)(a) of this section, except as 30310
otherwise provided in this division, the court shall decide 30311
whether to issue the certificate within sixty days after the court 30312
receives or is forwarded the completed petition and all 30313
information requested for the court to make that decision. Upon 30314
request of the individual who filed the petition, the court may 30315
extend the sixty-day period specified in this division. 30316

(3) Subject to division (C)(5) of this section, a court that 30317
receives an individual's petition for a certificate of 30318
qualification for employment under division (B)(2) of this section 30319
or that is forwarded a petition for such a certificate under 30320
division (B)(5)(a) of this section may issue a certificate of 30321
qualification for employment, at the court's discretion, if the 30322
court finds that the individual has established all of the 30323
following by a preponderance of the evidence: 30324

(a) Granting the petition will materially assist the 30325
individual in obtaining employment or occupational licensing. 30326

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life. 30327
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(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual. 30329
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(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition. 30331
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~~(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual shall not create relief from any of the following collateral sanctions:~~ 30334
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(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 30341
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(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 30344
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(c) Restrictions on employment as a prosecutor or law enforcement officer; 30349
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu 30351
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of conviction for a violation of section 2903.01, 2903.02, 30358
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 30359
2911.01, 2911.11, or 2919.123 of the Revised Code; 30360

(e) The immediate suspension of a license, certificate, or 30361
evidence of registration that is imposed upon an individual 30362
holding a license as a health care professional under Title XLVII 30363
of the Revised Code pursuant to division (C) of section 3719.121 30364
of the Revised Code; 30365

(f) The denial or ineligibility for employment in a pain 30366
clinic under division (B)(4) of section 4729.552 of the Revised 30367
Code; 30368

(g) The mandatory suspension of a license that is imposed on 30369
an individual applying for or holding a license as a health care 30370
professional under Title XLVII of the Revised Code pursuant to 30371
section 3123.43 of the Revised Code. 30372

(6) If a court that receives an individual's petition for a 30373
certificate of qualification for employment under division (B)(2) 30374
of this section or that is forwarded a petition for such a 30375
certificate under division (B)(5)(a) of this section denies the 30376
petition, the court shall provide written notice to the individual 30377
of the court's denial. The court may place conditions on the 30378
individual regarding the individual's filing of any subsequent 30379
petition for a certificate of qualification for employment. The 30380
written notice must notify the individual of any conditions placed 30381
on the individual's filing of a subsequent petition for a 30382
certificate of qualification for employment. 30383

If a court of common pleas that receives an individual's 30384
petition for a certificate of qualification for employment under 30385
division (B)(2) of this section or that is forwarded a petition 30386
for such a certificate under division (B)(5)(a) of this section 30387
denies the petition, the individual may appeal the decision to the 30388

court of appeals only if the individual alleges that the denial 30389
was an abuse of discretion on the part of the court of common 30390
pleas. 30391

(D)(1) A certificate of qualification for employment issued 30392
to an individual lifts the automatic bar of a collateral sanction, 30393
and a decision-maker shall consider on a case-by-case basis 30394
whether to grant or deny the issuance or restoration of an 30395
occupational license or an employment opportunity, notwithstanding 30396
the individual's possession of the certificate, without, however, 30397
reconsidering or rejecting any finding made by a designee or court 30398
under division (C)(3) of this section. 30399

(2) The certificate constitutes a rebuttable presumption that 30400
the person's criminal convictions are insufficient evidence that 30401
the person is unfit for the license, employment opportunity, or 30402
certification in question. Notwithstanding the presumption 30403
established under this division, the agency may deny the license 30404
or certification for the person if it determines that the person 30405
is unfit for issuance of the license. 30406

(3) If an employer that has hired a person who has been 30407
issued a certificate of qualification for employment applies to a 30408
licensing agency for a license or certification and the person has 30409
a conviction or guilty plea that otherwise would bar the person's 30410
employment with the employer or licensure for the employer because 30411
of a mandatory civil impact, the agency shall give the person 30412
individualized consideration, notwithstanding the mandatory civil 30413
impact, the mandatory civil impact shall be considered for all 30414
purposes to be a discretionary civil impact, and the certificate 30415
constitutes a rebuttable presumption that the person's criminal 30416
convictions are insufficient evidence that the person is unfit for 30417
the employment, or that the employer is unfit for the license or 30418
certification, in question. 30419

(E) A certificate of qualification for employment does not 30420

grant the individual to whom the certificate was issued relief 30421
from the mandatory civil impacts identified in division (A)(1) of 30422
section 2961.01 or division (B) of section 2961.02 of the Revised 30423
Code. 30424

(F) A petition for a certificate of qualification for 30425
employment filed by an individual under division (B)(1) or (2) of 30426
this section shall include all of the following: 30427

(1) The individual's name, date of birth, and social security 30428
number; 30429

(2) All aliases of the individual and all social security 30430
numbers associated with those aliases; 30431

(3) The individual's residence address, including the city, 30432
county, and state of residence and zip code; 30433

(4) The length of time that the individual has ~~been a~~ 30434
~~resident of this~~ resided in the individual's current state of 30435
residence, expressed in years and months of residence; 30436

(5) ~~The name or type of each collateral sanction from which~~ 30437
~~the individual is requesting a certificate of qualification for~~ 30438
~~employment~~ A general statement as to why the individual has filed 30439
the petition and how the certificate of qualification for 30440
employment would assist the individual; 30441

(6) A summary of the individual's criminal history with 30442
respect to each offense that is a disqualification from employment 30443
or licensing in an occupation or profession, including the years 30444
of each conviction or plea of guilty for each of those offenses; 30445

(7) A summary of the individual's employment history, 30446
specifying the name of, and dates of employment with, each 30447
employer; 30448

(8) Verifiable references and endorsements; 30449

(9) The name of one or more immediate family members of the 30450

individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been

convicted of or pleaded guilty to the felony and was willful in 30482
retaining the individual as an employee after the demonstration of 30483
dangerousness or the conviction or guilty plea of which the person 30484
has actual knowledge. 30485

(H) A certificate of qualification for employment issued 30486
under this section shall be ~~presumptively~~ revoked if the 30487
individual to whom the certificate of qualification for employment 30488
was issued is convicted of or pleads guilty to a felony offense 30489
committed subsequent to the issuance of the certificate of 30490
qualification for employment. The department of rehabilitation and 30491
correction shall periodically review the certificates listed in 30492
the database described in division (K) of this section to identify 30493
those that are subject to revocation under this division. Upon 30494
identifying a certificate of qualification for employment that is 30495
subject to revocation, the department shall note in the database 30496
that the certificate has been revoked, the reason for revocation, 30497
and the effective date of revocation, which shall be the date of 30498
the conviction or plea of guilty subsequent to the issuance of the 30499
certificate. 30500

(I) A designee's forwarding, or failure to forward, a 30501
petition for a certificate of qualification for employment to a 30502
court or a court's issuance, or failure to issue, a petition for a 30503
certificate of qualification for employment to an individual under 30504
division (B) of this section does not give rise to a claim for 30505
damages against the department of rehabilitation and correction or 30506
court. 30507

(J) ~~Not later than ninety days after September 28, 2012, the~~ 30508
The division of parole and community services shall adopt rules in 30509
accordance with Chapter 119. of the Revised Code for the 30510
implementation and administration of this section and shall 30511
prescribe the form for the petition to be used under division 30512
(B)(1) or (2) of this section. The form for the petition shall 30513

include places for all of the information specified in division 30514
(F) of this section. ~~Upon the adoption of the rules, the~~ 30515
~~provisions of divisions (A) to (I) of this section become~~ 30516
~~operative.~~ 30517

(K) The department of rehabilitation and correction shall 30518
~~conduct a study to determine the manner for transferring the~~ 30519
~~mechanism for the issuance of a certificate of qualification for~~ 30520
~~employment created by this section to an electronic database~~ 30521
~~established and maintained by the department. The maintain a~~ 30522
~~database to which the mechanism is to be transferred shall include~~ 30523
~~that identifies granted certificates and revoked certificates and~~ 30524
~~shall be designed to track tracks the number of certificates~~ 30525
~~granted and revoked, the industries, occupations, and professions~~ 30526
~~with respect to which the certificates have been most applicable,~~ 30527
~~and the types of employers that have accepted the certificates,~~ 30528
~~and the recidivism rates of individuals who have been issued the~~ 30529
~~certificates. Not later than the date that is one year after~~ 30530
~~September 28, 2012, the The department of rehabilitation and~~ 30531
~~correction shall submit to the general assembly and the governor~~ 30532
~~annually create a report that contains the results of the study~~ 30533
~~and recommendations for transferring the mechanism for the~~ 30534
~~issuance of certificate of qualification for employment created by~~ 30535
~~this section to an electronic summarizes the information~~ 30536
~~maintained in the database established and maintained by the~~ 30537
~~department and shall make the report available to the public on~~ 30538
~~its internet web site.~~ 30539

~~(L) The department of rehabilitation and correction, in~~ 30540
~~conjunction with the Ohio judicial conference, shall conduct a~~ 30541
~~study to determine whether the application process for~~ 30542
~~certificates of qualification for employment created by this~~ 30543
~~section is feasible based upon the caseload capacity of the~~ 30544
~~department and the courts of common pleas. Not later than the date~~ 30545

~~that is one year after September 28, 2012, the department shall 30546
submit to the general assembly a report that contains the results 30547
of the study and any recommendations for improvement of the 30548
application process. 30549~~

Sec. 2967.122. (A) Except as provided in division (B) of this 30550
section, at least two weeks before any offender who is serving a 30551
sentence for a felony is released from confinement in any state 30552
correctional institution, the adult parole authority shall provide 30553
notice of the release to the sheriff of the county in which the 30554
offender was convicted and to the sheriff of the county in which 30555
the offender will reside. Notice required by this section may be 30556
contained in a weekly list of all offenders who are scheduled for 30557
release. 30558

(B)(1) At least sixty days before the adult parole authority 30559
recommends a pardon or commutation of sentence for an offender or 30560
at least sixty days prior to a hearing before the adult parole 30561
authority regarding a grant of parole to an offender, the adult 30562
parole authority shall provide notice to the sheriff of the county 30563
in which the offender was convicted and the county in which the 30564
offender will reside. 30565

(2) At least sixty days before an offender is transferred to 30566
transitional control under section 2967.26 of the Revised Code, 30567
the adult parole authority shall provide notice of the pendency of 30568
the transfer to the sheriff of the county in which the offender 30569
was convicted and the county in which the offender will reside. 30570

(C) The notice required by divisions (A) and (B) of this 30571
section shall contain all of the following: 30572

(1) The name of the offender being released; 30573

(2) The date of the offender's release; 30574

(3) The offense for the violation of which the offender was 30575

<u>convicted and incarcerated;</u>	30576
<u>(4) The date of the offender's conviction pursuant to which the offender was incarcerated;</u>	30577
<u>(5) The sentence imposed for that conviction;</u>	30578
<u>(6) The length of any supervision that the offender will be under;</u>	30579
<u>(7) The name, business address, and business phone number of the offender's supervising officer, if the offender is to be supervised upon release;</u>	30580
<u>(8) The address at which the convict will reside.</u>	30581
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30582
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30583
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30584
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30585
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30586
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30587
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30588
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	30589
Sec. 2967.193. (A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A) (2) (3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in	30590
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division (C) of this section and subject to the maximum aggregate 30606
total specified in division (A)~~(2)~~(3) of this section, a person so 30607
confined in a state correctional institution who successfully 30608
completes two programs or activities of that type may, in 30609
addition, provisionally earn up to five days of credit toward 30610
satisfaction of the person's stated prison term for the successful 30611
completion of the second program or activity. The person shall not 30612
be awarded any provisional days of credit for the successful 30613
completion of the first program or activity or for the successful 30614
completion of any program or activity that is completed after the 30615
second program or activity. At the end of each calendar month in 30616
which a person productively participates in a program or activity 30617
listed in this division or successfully completes a program or 30618
activity listed in this division, the department of rehabilitation 30619
and correction shall determine and record the total number of days 30620
credit that the person provisionally earned in that calendar 30621
month. If the person in a state correctional institution violates 30622
prison rules or the person in the substance use disorder treatment 30623
program violates program or department rules, the department may 30624
deny the person a credit that otherwise could have been 30625
provisionally awarded to the person or may withdraw one or more 30626
credits previously provisionally earned by the person. Days of 30627
credit provisionally earned by a person shall be finalized and 30628
awarded by the department subject to administrative review by the 30629
department of the person's conduct. 30630

(2) The Regardless of the category in which a person is 30631
included in division (D) of this section, and notwithstanding the 30632
maximum aggregate total specified in division (A)(3) of this 30633
section, a person who successfully completes any of the following 30634
shall earn ninety days of credit toward satisfaction of the 30635
person's stated prison term: 30636

(a) An Ohio high school diploma or Ohio certificate of high 30637

<u>school equivalence certified by the Ohio central school system;</u>	30638
<u>(b) A therapeutic drug community program;</u>	30639
<u>(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;</u>	30640
<u>(d) A career technical vocational school program;</u>	30641
<u>(e) A college certification program;</u>	30642
<u>(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.</u>	30643
<u>(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.</u>	30644
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	30647
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:	30648
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(1) The person is serving a prison term that section 2929.13 30668
or section 2929.14 of the Revised Code specifies cannot be reduced 30669
pursuant to this section or this chapter or is serving a sentence 30670
for which section 2967.13 or division (B) of section 2929.143 of 30671
the Revised Code specifies that the person is not entitled to any 30672
earned credit under this section. 30673

(2) The person is sentenced to death or is serving a prison 30674
term or a term of life imprisonment for aggravated murder, murder, 30675
or a conspiracy or attempt to commit, or complicity in committing, 30676
aggravated murder or murder. 30677

(3) The person is serving a sentence of life imprisonment 30678
without parole imposed pursuant to section 2929.03 or 2929.06 of 30679
the Revised Code, a prison term or a term of life imprisonment 30680
without parole imposed pursuant to section 2971.03 of the Revised 30681
Code, or a sentence for a sexually oriented offense that was 30682
committed on or after September 30, 2011. 30683

(D) This division does not apply to a determination of 30684
whether a person confined in a state correctional institution or 30685
placed in a substance use disorder treatment program may earn any 30686
days of credit under division (A) of this section for successful 30687
completion of a second program or activity. The determination of 30688
whether a person confined in a state correctional institution may 30689
earn one day of credit or five days of credit under division (A) 30690
of this section for each completed month during which the person 30691
productively participates in a program or activity specified under 30692
that division shall be made in accordance with the following: 30693

(1) The offender may earn one day of credit under division 30694
(A) of this section, except as provided in division (C) of this 30695
section, if the most serious offense for which the offender is 30696
confined is any of the following that is a felony of the first or 30697
second degree: 30698

(a) A violation of division (A) of section 2903.04 or of 30699
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 30700
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 30701
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 30702
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 30703
of the Revised Code; 30704

(b) A conspiracy or attempt to commit, or complicity in 30705
committing, any other offense for which the maximum penalty is 30706
imprisonment for life or any offense listed in division (D)(1)(a) 30707
of this section. 30708

(2) The offender may earn one day of credit under division 30709
(A) of this section, except as provided in division (C) of this 30710
section, if the offender is serving a stated prison term that 30711
includes a prison term imposed for a sexually oriented offense 30712
that the offender committed prior to September 30, 2011. 30713

(3) The offender may earn one day of credit under division 30714
(A) of this section, except as provided in division (C) of this 30715
section, if the offender is serving a stated prison term that 30716
includes a prison term imposed for a felony other than carrying a 30717
concealed weapon an essential element of which is any conduct or 30718
failure to act expressly involving any deadly weapon or dangerous 30719
ordnance. 30720

(4) Except as provided in division (C) of this section, if 30721
the most serious offense for which the offender is confined is a 30722
felony of the first or second degree and divisions (D)(1), (2), 30723
and (3) of this section do not apply to the offender, the offender 30724
may earn one day of credit under division (A) of this section if 30725
the offender committed that offense prior to September 30, 2011, 30726
and the offender may earn five days of credit under division (A) 30727
of this section if the offender committed that offense on or after 30728
September 30, 2011. 30729

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D)(2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 3109.15. There is hereby created within the department of job and family services the children's trust fund board consisting of fifteen members. The directors of mental health and addiction services, health, and job and family services shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the

demographic composition of this state, and, to the extent 30761
practicable, shall be representative of the following categories: 30762
the educational community; the legal community; the social work 30763
community; the medical community; the voluntary sector; and 30764
professional providers of child abuse and child neglect services. 30765
~~Five of these members shall be residents of metropolitan 30766~~
~~statistical areas as defined by the United States office of 30767~~
~~management and budget where the population exceeds four hundred 30768~~
~~thousand; no two such members shall be residents of the same 30769~~
~~metropolitan statistical area.~~ Two members of the board shall be 30770
members of the house of representatives appointed by the speaker 30771
of the house of representatives and shall be members of two 30772
different political parties. Two members of the board shall be 30773
members of the senate appointed by the president of the senate and 30774
shall be members of two different political parties. All members 30775
of the board appointed by the speaker of the house of 30776
representatives or the president of the senate shall serve until 30777
the expiration of the sessions of the general assembly during 30778
which they were appointed. They may be reappointed to an unlimited 30779
number of successive terms of two years at the pleasure of the 30780
speaker of the house of representatives or president of the 30781
senate. Public members shall serve terms of three years. Each 30782
member shall serve until the member's successor is appointed, or 30783
until a period of sixty days has elapsed, whichever occurs first. 30784
No public member may serve more than two consecutive full terms. 30785
All vacancies on the board shall be filled for the balance of the 30786
unexpired term in the same manner as the original appointment. 30787

Any member of the board may be removed by the member's 30788
appointing authority for misconduct, incompetency, or neglect of 30789
duty after first being given the opportunity to be heard in the 30790
member's own behalf. Pursuant to section 3.17 of the Revised Code, 30791
a member, except a member of the general assembly or a judge of 30792
any court in the state, who fails to attend at least three-fifths 30793

of the regular and special meetings held by the board during any 30794
two-year period forfeits the member's position on the board. 30795

Each member of the board shall serve without compensation but 30796
shall be reimbursed for all actual and necessary expenses incurred 30797
in the performance of official duties. 30798

At the beginning of the first year of each even-numbered 30799
general assembly, the chairperson of the board shall be appointed 30800
by the speaker of the house of representatives from among members 30801
of the board who are members of the house of representatives. At 30802
the beginning of the first year of each odd-numbered general 30803
assembly, the chairperson of the board shall be appointed by the 30804
president of the senate from among the members of the board who 30805
are senate members. 30806

The board shall biennially select a vice-chair from among its 30807
nonlegislative members. 30808

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 30809
this section, an action to determine the existence or nonexistence 30810
of the father and child relationship may be brought by the child 30811
or the child's personal representative, the child's mother or her 30812
personal representative, a man alleged or alleging himself to be 30813
the child's father, the child support enforcement agency of the 30814
county in which the child resides if the child's mother, father, 30815
or alleged father is a recipient of public assistance or of 30816
services under Title IV-D of the "Social Security Act," 88 Stat. 30817
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 30818
personal representative. 30819

(2) A man alleged or alleging himself to be the child's 30820
father is not eligible to file an action under division (A)(1) of 30821
this section if the man was convicted of or pleaded guilty to rape 30822
or sexual battery, the victim of the rape or sexual battery was 30823
the child's mother, and the child was conceived as a result of the 30824

rape or sexual battery. 30825

(B) An agreement does not bar an action under this section. 30826

(C) If an action under this section is brought before the 30827
birth of the child and if the action is contested, all 30828
proceedings, except service of process and the taking of 30829
depositions to perpetuate testimony, may be stayed until after the 30830
birth. 30831

(D) A recipient of public assistance or of services under 30832
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 30833
U.S.C.A. 651, as amended, shall cooperate with the child support 30834
enforcement agency of the county in which a child resides to 30835
obtain an administrative determination pursuant to sections 30836
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 30837
determination pursuant to sections 3111.01 to 3111.18 of the 30838
Revised Code, of the existence or nonexistence of a parent and 30839
child relationship between the father and the child. If the 30840
recipient fails to cooperate, the agency may commence an action to 30841
determine the existence or nonexistence of a parent and child 30842
relationship between the father and the child pursuant to sections 30843
3111.01 to 3111.18 of the Revised Code. 30844

(E) As used in this section: 30845

(1) "Public assistance" means ~~all~~ both of the following: 30846

(a) Medicaid; 30847

(b) Ohio works first under Chapter 5107. of the Revised Code; 30848

~~(c) Disability financial assistance under Chapter 5115. of~~ 30849
~~the Revised Code.~~ 30850

(2) "Rape" means a violation of section 2907.02 of the 30851
Revised Code or similar law of another state. 30852

(3) "Sexual battery" means a violation of section 2907.03 of 30853
the Revised Code or similar law of another state. 30854

Sec. 3113.06. No father, or mother when she is charged with 30855
the maintenance, of a child under eighteen years of age, or a 30856
mentally or physically handicapped child under age twenty-one, who 30857
is legally a ward of a public children services agency or is the 30858
recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised 30859
Code, shall neglect or refuse to pay such agency the reasonable 30860
cost of maintaining such child when such father or mother is able 30861
to do so by reason of property, labor, or earnings. 30862

An offense under this section shall be held committed in the 30863
county in which the agency is located. The agency shall file 30864
charges against any parent who violates this section, unless the 30865
agency files charges under section 2919.21 of the Revised Code, or 30866
unless charges of nonsupport are filed by a relative or guardian 30867
of the child, or unless an action to enforce support is brought 30868
under Chapter 3115. of the Revised Code. 30869

Sec. 3113.07. As used in this section, "executive director" 30870
has the same meaning as in section 5153.01 of the Revised Code. 30871

Sentence may be suspended, if a person, after conviction 30872
under section 3113.06 of the Revised Code and before sentence 30873
thereunder, appears before the court of common pleas in which such 30874
conviction took place and enters into bond to the state in a sum 30875
fixed by the court at not less than five hundred dollars, with 30876
sureties approved by such court, conditioned that such person will 30877
pay, so long as the child remains a ward of the public children 30878
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 30879
~~5115.~~ of the Revised Code, to the executive director thereof or to 30880
a trustee to be named by the court, for the benefit of such agency 30881
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 30882
~~5115.~~ of the Revised Code, to the county department of job and 30883
family services, the reasonable cost of keeping such child. The 30884
amount of such costs and the time of payment shall be fixed by the 30885

court. 30886

The court, in accordance with sections 3119.29 to 3119.56 of 30887
the Revised Code, shall include in each support order made under 30888
this section the requirement that one or both of the parents 30889
provide for the health care needs of the child to the satisfaction 30890
of the court. 30891

Sec. 3119.05. When a court computes the amount of child 30892
support required to be paid under a court child support order or a 30893
child support enforcement agency computes the amount of child 30894
support to be paid pursuant to an administrative child support 30895
order, all of the following apply: 30896

(A) The parents' current and past income and personal 30897
earnings shall be verified by electronic means or with suitable 30898
documents, including, but not limited to, paystubs, employer 30899
statements, receipts and expense vouchers related to 30900
self-generated income, tax returns, and all supporting 30901
documentation and schedules for the tax returns. 30902

(B) The amount of any pre-existing child support obligation 30903
of a parent under a child support order and the amount of any 30904
court-ordered spousal support actually paid shall be deducted from 30905
the gross income of that parent to the extent that payment under 30906
the child support order or that payment of the court-ordered 30907
spousal support is verified by supporting documentation. 30908

(C) If other minor children who were born to the parent and a 30909
person other than the other parent who is involved in the 30910
immediate child support determination live with the parent, the 30911
court or agency shall deduct an amount from that parent's gross 30912
income that equals the number of such minor children times the 30913
federal income tax exemption for such children less child support 30914
received for them for the year, not exceeding the federal income 30915
tax exemption. 30916

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the gross income of a parent, it shall not include any income earned by the spouse of that parent.

(F) The court shall issue a separate order for extraordinary medical or dental expenses, including, but not limited to, orthodontia, psychological, appropriate private education, and other expenses, and may consider the expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a

reasonable period of years. 30948

(I) Unless it would be unjust or inappropriate and therefore 30949
not in the best interests of the child, a court or agency shall 30950
not determine a parent to be voluntarily unemployed or 30951
underemployed and shall not impute income to that parent if either 30952
of the following conditions exist: 30953

(1) The parent is receiving recurring monetary income from 30954
means-tested public assistance benefits, including cash assistance 30955
payments under the Ohio works first program established under 30956
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 30957
~~disability financial assistance program established under Chapter~~ 30958
~~5115. of the Revised Code,~~ supplemental security income, or 30959
means-tested veterans' benefits; 30960

(2) The parent is incarcerated or institutionalized for a 30961
period of twelve months or more with no other available assets, 30962
unless the parent is incarcerated for an offense relating to the 30963
abuse or neglect of a child who is the subject of the support 30964
order or an offense under Title XXIX of the Revised Code when the 30965
obligee or a child who is the subject of the support order is a 30966
victim of the offense. 30967

(J) When a court or agency requires a parent to pay an amount 30968
for that parent's failure to support a child for a period of time 30969
prior to the date the court modifies or issues a court child 30970
support order or an agency modifies or issues an administrative 30971
child support order for the current support of the child, the 30972
court or agency shall calculate that amount using the basic child 30973
support schedule, worksheets, and child support laws in effect, 30974
and the incomes of the parents as they existed, for that prior 30975
period of time. 30976

(K) A court or agency may disregard a parent's additional 30977
income from overtime or additional employment when the court or 30978

agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(L) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

Sec. 3121.03. If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code to issue one or more withholding or deduction notices described in this section or other orders described in this section, the court or agency shall issue one or more of the following types of notices or orders, as appropriate, for payment of the support and also, if required by the Revised Code or the court, to pay any arrearages:

(A)(1) If the court or the child support enforcement agency determines that the obligor is receiving income from a payor, the court or agency shall require the payor to do all of the following:

(a) Withhold from the obligor's income a specified amount for support in satisfaction of the support order and begin the withholding no later than fourteen business days following the date the notice is mailed or transmitted to the payor under section 3121.035, 3123.021, or 3123.06 of the Revised Code and division (A)(2) of this section or, if the payor is an employer,

no later than the first pay period that occurs after fourteen 31010
business days following the date the notice is mailed or 31011
transmitted; 31012

(b) Send the amount withheld to the office of child support 31013
in the department of job and family services pursuant to section 31014
3121.43 of the Revised Code immediately but not later than seven 31015
business days after the date the obligor is paid; 31016

(c) Continue the withholding at intervals specified in the 31017
notice until further notice from the court or child support 31018
enforcement agency. 31019

To the extent possible, the amount specified to be withheld 31020
shall satisfy the amount ordered for support in the support order 31021
plus any arrearages owed by the obligor under any prior support 31022
order that pertained to the same child or spouse, notwithstanding 31023
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 31024
2716.041, and 2716.05 of the Revised Code. However, in no case 31025
shall the sum of the amount to be withheld and any fee withheld by 31026
the payor as a charge for its services exceed the maximum amount 31027
permitted under section 303(b) of the "Consumer Credit Protection 31028
Act," 15 U.S.C. 1673(b). 31029

(2) A court or agency that imposes an income withholding 31030
requirement shall, within the applicable time specified in section 31031
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 31032
Code, send to the obligor's payor by regular mail or via secure 31033
federally managed data transmission interface a notice that 31034
contains all of the information applicable to withholding notices 31035
set forth in section 3121.037 of the Revised Code. The notice is 31036
final and is enforceable by the court. 31037

(B)(1) If the court or child support enforcement agency 31038
determines that the obligor has funds that are not exempt under 31039
the laws of this state or the United States from execution, 31040

attachment, or other legal process and are on deposit in an 31041
account in a financial institution under the jurisdiction of the 31042
court that issued the court support order, or in the case of an 31043
administrative child support order, under the jurisdiction of the 31044
common pleas court of the county in which the agency that issued 31045
or is administering the order is located, the court or agency may 31046
require any financial institution in which the obligor's funds are 31047
on deposit to do all of the following: 31048

(a) Deduct from the obligor's account a specified amount for 31049
support in satisfaction of the support order and begin the 31050
deduction no later than fourteen business days following the date 31051
the notice was mailed or transmitted to the financial institution 31052
under section 3121.035 or 3123.06 of the Revised Code and division 31053
(B)(2) of this section; 31054

(b) Send the amount deducted to the office of child support 31055
in the department of job and family services pursuant to section 31056
3121.43 of the Revised Code immediately but not later than seven 31057
business days after the date the latest deduction was made; 31058

(c) Provide the date on which the amount was deducted; 31059

(d) Continue the deduction at intervals specified in the 31060
notice until further notice from the court or child support 31061
enforcement agency. 31062

To the extent possible, the amount to be deducted shall 31063
satisfy the amount ordered for support in the support order plus 31064
any arrearages that may be owed by the obligor under any prior 31065
support order that pertained to the same child or spouse, 31066
notwithstanding the limitations of sections 2329.66, 2329.70, and 31067
2716.13 of the Revised Code. 31068

(2) A court or agency that imposes a deduction requirement 31069
shall, within the applicable period of time specified in section 31070
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 31071

to the financial institution by regular mail or via secure 31072
federally managed data transmission interface a notice that 31073
contains all of the information applicable to deduction notices 31074
set forth in section 3121.037 of the Revised Code. The notice is 31075
final and is enforceable by the court. 31076

(C) With respect to any court support order it issues, a 31077
court may issue an order requiring the obligor to enter into a 31078
cash bond with the court. The court shall issue the order as part 31079
of the court support order or, if the court support order has 31080
previously been issued, as a separate order. The cash bond shall 31081
be in a sum fixed by the court at not less than five hundred nor 31082
more than ten thousand dollars, conditioned that the obligor will 31083
make payment as previously ordered and will pay any arrearages 31084
under any prior court support order that pertained to the same 31085
child or spouse. 31086

The order, along with an additional order requiring the 31087
obligor to immediately notify the child support enforcement 31088
agency, in writing, if the obligor begins to receive income from a 31089
payor, shall be attached to and served on the obligor at the same 31090
time as service of the court support order or, if the court 31091
support order has previously been issued, as soon as possible 31092
after the issuance of the order under this section. The additional 31093
order requiring notice by the obligor shall state all of the 31094
following: 31095

(1) That when the obligor begins to receive income from a 31096
payor the obligor may request that the court cancel its bond order 31097
and instead issue a notice requiring the withholding of an amount 31098
from income for support in accordance with this section; 31099

(2) That when the obligor begins to receive income from a 31100
payor the court will proceed to collect on the bond if the court 31101
determines that payments due under the court support order have 31102
not been made and that the amount that has not been paid is at 31103

least equal to the support owed for one month under the court 31104
support order and will issue a notice requiring the withholding of 31105
an amount from income for support in accordance with this section. 31106
The notice required of the obligor shall include a description of 31107
the nature of any new employment, the name and business address of 31108
any new employer, and any other information reasonably required by 31109
the court. 31110

The court shall not order an obligor to post a cash bond 31111
under this section unless the court determines that the obligor 31112
has the ability to do so. 31113

A child support enforcement agency may not issue a cash bond 31114
order. If a child support enforcement agency is required to issue 31115
a withholding or deduction notice under this section with respect 31116
to a court support order but the agency determines that no 31117
withholding or deduction notice would be appropriate, the agency 31118
may request that the court issue a cash bond order under this 31119
section, and upon the request, the court may issue the order. 31120

(D)(1) If the obligor under a court support order is 31121
unemployed, has no income, and does not have an account at any 31122
financial institution, or on request of a child support 31123
enforcement agency under division (D)(1) or (2) of this section, 31124
the court shall issue an order requiring the obligor, if able to 31125
engage in employment, to seek employment or participate in a work 31126
activity to which a recipient of assistance under Title IV-A of 31127
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 31128
as amended, may be assigned as specified in section 407(d) of the 31129
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 31130
shall include in the order requirements that the obligor register 31131
with the OhioMeansJobs web site and to notify the child support 31132
enforcement agency on obtaining employment, obtaining any income, 31133
or obtaining ownership of any asset with a value of five hundred 31134
dollars or more. The court may issue the order regardless of 31135

whether the obligee to whom the obligor owes support is a 31136
recipient of assistance under Title IV-A of the "Social Security 31137
Act." The court shall issue the order as part of a court support 31138
order or, if a court support order has previously been issued, as 31139
a separate order. If a child support enforcement agency is 31140
required to issue a withholding or deduction notice under this 31141
section with respect to a court support order but determines that 31142
no withholding or deduction notice would be appropriate, the 31143
agency may request that the court issue a court order under 31144
division (D)(1) of this section, and, on the request, the court 31145
may issue the order. 31146

(2) If the obligor under an administrative child support 31147
order is unemployed, has no income, and does not have an account 31148
at any financial institution, the agency shall issue an 31149
administrative order requiring the obligor, if able to engage in 31150
employment, to seek employment or participate in a work activity 31151
to which a recipient of assistance under Title IV-A of the "Social 31152
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 31153
may be assigned as specified in section 407(d) of the "Social 31154
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 31155
include in the order requirements that the obligor register with 31156
the OhioMeansJobs web site and to notify the agency on obtaining 31157
employment or income, or ownership of any asset with a value of 31158
five hundred dollars or more. The agency may issue the order 31159
regardless of whether the obligee to whom the obligor owes support 31160
is a recipient of assistance under Title IV-A of the "Social 31161
Security Act." If an obligor fails to comply with an 31162
administrative order issued pursuant to division (D)(2) of this 31163
section, the agency shall submit a request to a court for the 31164
court to issue an order under division (D)(1) of this section. 31165

Sec. 3301.0710. The state board of education shall adopt 31166
rules establishing a statewide program to assess student 31167

achievement. The state board shall ensure that all assessments 31168
administered under the program are aligned with the academic 31169
standards and model curricula adopted by the state board and are 31170
created with input from Ohio parents, Ohio classroom teachers, 31171
Ohio school administrators, and other Ohio school personnel 31172
pursuant to section 3301.079 of the Revised Code. 31173

The assessment program shall be designed to ensure that 31174
students who receive a high school diploma demonstrate at least 31175
high school levels of achievement in English language arts, 31176
mathematics, science, and social studies. 31177

(A)(1) The state board shall prescribe all of the following: 31178

(a) Two statewide achievement assessments, one each designed 31179
to measure the level of English language arts and mathematics 31180
skill expected at the end of third grade; 31181

(b) ~~Three~~ Two statewide achievement assessments, one each 31182
designed to measure the level of English language arts, and 31183
~~mathematics, and social studies~~ skill expected at the end of 31184
fourth grade; 31185

(c) Three statewide achievement assessments, one each 31186
designed to measure the level of English language arts, 31187
mathematics, and science skill expected at the end of fifth grade; 31188

(d) ~~Three~~ Two statewide achievement assessments, one each 31189
designed to measure the level of English language arts, and 31190
~~mathematics, and social studies~~ skill expected at the end of sixth 31191
grade; 31192

(e) Two statewide achievement assessments, one each designed 31193
to measure the level of English language arts and mathematics 31194
skill expected at the end of seventh grade; 31195

(f) Three statewide achievement assessments, one each 31196
designed to measure the level of English language arts, 31197

mathematics, and science skill expected at the end of eighth grade. 31198
31199

(2) The state board shall determine and designate at least 31200
five ranges of scores on each of the achievement assessments 31201
described in divisions (A)(1) and (B)(1) of this section. Each 31202
range of scores shall be deemed to demonstrate a level of 31203
achievement so that any student attaining a score within such 31204
range has achieved one of the following: 31205

(a) An advanced level of skill; 31206

(b) An accelerated level of skill; 31207

(c) A proficient level of skill; 31208

(d) A basic level of skill; 31209

(e) A limited level of skill. 31210

(3) For the purpose of implementing division (A) of section 31211
3313.608 of the Revised Code, the state board shall determine and 31212
designate a level of achievement, not lower than the level 31213
designated in division (A)(2)(e) of this section, on the third 31214
grade English language arts assessment for a student to be 31215
promoted to the fourth grade. The state board shall review and 31216
adjust upward the level of achievement designated under this 31217
division each year the test is administered until the level is set 31218
equal to the level designated in division (A)(2)(c) of this 31219
section. 31220

(4) Each school district or school shall teach and assess 31221
social studies in at least the fourth and sixth grades. Any 31222
assessment in such area shall be determined by the district or 31223
school and may be formative or summative in nature. The results of 31224
such assessment shall not be reported to the department of 31225
education. 31226

(B)(1) The assessments prescribed under division (B)(1) of 31227

this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(c) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with division (B)(2) of this section.

(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests beginning with students who enter the ninth grade for the first time on or after July 1, 2014.

(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B)(1) or (2) of this section that is specified in the agreement.

(C) The superintendent of public instruction shall designate 31260
dates and times for the administration of the assessments 31261
prescribed by divisions (A) and (B) of this section. 31262

In prescribing administration dates pursuant to this 31263
division, the superintendent shall designate the dates in such a 31264
way as to allow a reasonable length of time between the 31265
administration of assessments prescribed under this section and 31266
any administration of the national assessment of educational 31267
progress given to students in the same grade level pursuant to 31268
section 3301.27 of the Revised Code or federal law. 31269

(D) The state board shall prescribe a practice version of 31270
each Ohio graduation test described in division (B)(1) of this 31271
section that is of comparable length to the actual test. 31272

(E) Any committee established by the department of education 31273
for the purpose of making recommendations to the state board 31274
regarding the state board's designation of scores on the 31275
assessments described by this section shall inform the state board 31276
of the probable percentage of students who would score in each of 31277
the ranges established under division (A)(2) of this section on 31278
the assessments if the committee's recommendations are adopted by 31279
the state board. To the extent possible, these percentages shall 31280
be disaggregated by gender, major racial and ethnic groups, 31281
limited English proficient students, economically disadvantaged 31282
students, students with disabilities, and migrant students. 31283

Sec. 3301.0711. (A) The department of education shall: 31284

(1) Annually furnish to, grade, and score all assessments 31285
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 31286
the Revised Code to be administered by city, local, exempted 31287
village, and joint vocational school districts, except that each 31288
district shall score any assessment administered pursuant to 31289
division (B)(10) of this section. Each assessment so furnished 31290

shall include the data verification code of the student to whom 31291
the assessment will be administered, as assigned pursuant to 31292
division (D)(2) of section 3301.0714 of the Revised Code. In 31293
furnishing the practice versions of Ohio graduation tests 31294
prescribed by division (D) of section 3301.0710 of the Revised 31295
Code, the department shall make the tests available on its web 31296
site for reproduction by districts. In awarding contracts for 31297
grading assessments, the department shall give preference to 31298
Ohio-based entities employing Ohio residents. 31299

(2) Adopt rules for the ethical use of assessments and 31300
prescribing the manner in which the assessments prescribed by 31301
section 3301.0710 of the Revised Code shall be administered to 31302
students. 31303

(B) Except as provided in divisions (C) and (J) of this 31304
section, the board of education of each city, local, and exempted 31305
village school district shall, in accordance with rules adopted 31306
under division (A) of this section: 31307

(1) Administer the English language arts assessments 31308
prescribed under division (A)(1)(a) of section 3301.0710 of the 31309
Revised Code twice annually to all students in the third grade who 31310
have not attained the score designated for that assessment under 31311
division (A)(2)(c) of section 3301.0710 of the Revised Code. 31312

(2) Administer the mathematics assessment prescribed under 31313
division (A)(1)(a) of section 3301.0710 of the Revised Code at 31314
least once annually to all students in the third grade. 31315

(3) Administer the assessments prescribed under division 31316
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 31317
annually to all students in the fourth grade. 31318

(4) Administer the assessments prescribed under division 31319
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 31320
annually to all students in the fifth grade. 31321

(5) Administer the assessments prescribed under division	31322
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	31323
annually to all students in the sixth grade.	31324
(6) Administer the assessments prescribed under division	31325
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	31326
annually to all students in the seventh grade.	31327
(7) Administer the assessments prescribed under division	31328
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	31329
annually to all students in the eighth grade.	31330
(8) Except as provided in division (B)(9) of this section,	31331
administer any assessment prescribed under division (B)(1) of	31332
section 3301.0710 of the Revised Code as follows:	31333
(a) At least once annually to all tenth grade students and at	31334
least twice annually to all students in eleventh or twelfth grade	31335
who have not yet attained the score on that assessment designated	31336
under that division;	31337
(b) To any person who has successfully completed the	31338
curriculum in any high school or the individualized education	31339
program developed for the person by any high school pursuant to	31340
section 3323.08 of the Revised Code but has not received a high	31341
school diploma and who requests to take such assessment, at any	31342
time such assessment is administered in the district.	31343
(9) In lieu of the board of education of any city, local, or	31344
exempted village school district in which the student is also	31345
enrolled, the board of a joint vocational school district shall	31346
administer any assessment prescribed under division (B)(1) of	31347
section 3301.0710 of the Revised Code at least twice annually to	31348
any student enrolled in the joint vocational school district who	31349
has not yet attained the score on that assessment designated under	31350
that division. A board of a joint vocational school district may	31351
also administer such an assessment to any student described in	31352

division (B)(8)(b) of this section. 31353

(10) If the district has a three-year average graduation rate 31354
of not more than seventy-five per cent, administer each assessment 31355
prescribed by division (D) of section 3301.0710 of the Revised 31356
Code in September to all ninth grade students who entered ninth 31357
grade prior to July 1, 2014. 31358

Except as provided in section 3313.614 of the Revised Code 31359
for administration of an assessment to a person who has fulfilled 31360
the curriculum requirement for a high school diploma but has not 31361
passed one or more of the required assessments, the assessments 31362
prescribed under division (B)(1) of section 3301.0710 of the 31363
Revised Code shall not be administered after the date specified in 31364
the rules adopted by the state board of education under division 31365
(D)(1) of section 3301.0712 of the Revised Code. 31366

(11)(a) Except as provided in division (B)(11)(b) of this 31367
section, administer the assessments prescribed by division (B)(2) 31368
of section 3301.0710 and section 3301.0712 of the Revised Code in 31369
accordance with the timeline and plan for implementation of those 31370
assessments prescribed by rule of the state board adopted under 31371
division (D)(1) of section 3301.0712 of the Revised Code; 31372

(b) A student who has presented evidence to the district or 31373
school of having satisfied the condition prescribed by division 31374
(A)(1) of section 3313.618 of the Revised Code to qualify for a 31375
high school diploma prior to the date of the administration of the 31376
assessment prescribed under division (B)(1) of section 3301.0712 31377
of the Revised Code shall not be required to take that assessment. 31378
However, no board shall prohibit a student who is not required to 31379
take such assessment from taking the assessment. 31380

(C)(1)(a) In the case of a student receiving special 31381
education services under Chapter 3323. of the Revised Code, the 31382
individualized education program developed for the student under 31383

that chapter shall specify the manner in which the student will 31384
participate in the assessments administered under this section, 31385
except that a student with significant cognitive disabilities to 31386
whom an alternate assessment is administered in accordance with 31387
division (C)(1) of this section and a student determined to have a 31388
disability that includes an intellectual disability as outlined in 31389
guidance issued by the department shall not be required to take 31390
the assessment prescribed under division (B)(1) of section 31391
3301.0712 of the Revised Code. The individualized education 31392
program may excuse the student from taking any particular 31393
assessment required to be administered under this section if it 31394
instead specifies an alternate assessment method approved by the 31395
department of education as conforming to requirements of federal 31396
law for receipt of federal funds for disadvantaged pupils. To the 31397
extent possible, the individualized education program shall not 31398
excuse the student from taking an assessment unless no reasonable 31399
accommodation can be made to enable the student to take the 31400
assessment. No board shall prohibit a student who is not required 31401
to take an assessment under division (C)(1) of this section from 31402
taking the assessment. 31403

(b) Any alternate assessment approved by the department for a 31404
student under this division shall produce measurable results 31405
comparable to those produced by the assessment it replaces in 31406
order to allow for the student's results to be included in the 31407
data compiled for a school district or building under section 31408
3302.03 of the Revised Code. 31409

(c)(i) Any student enrolled in a chartered nonpublic school 31410
who has been identified, based on an evaluation conducted in 31411
accordance with section 3323.03 of the Revised Code or section 504 31412
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 31413
794, as amended, as a child with a disability shall be excused 31414
from taking any particular assessment required to be administered 31415

under this section if a plan developed for the student pursuant to 31416
rules adopted by the state board excuses the student from taking 31417
that assessment. 31418

(ii) A student with significant cognitive disabilities to 31419
whom an alternate assessment is administered in accordance with 31420
division (C)(1) of this section and a student determined to have a 31421
disability that includes an intellectual disability as outlined in 31422
guidance issued by the department shall not be required to take 31423
the assessment prescribed under division (B)(1) of section 31424
3301.0712 of the Revised Code. 31425

(iii) In the case of any student so excused from taking an 31426
assessment under division (C)(1)(c) of this section, the chartered 31427
nonpublic school shall not prohibit the student from taking the 31428
assessment. 31429

(2) A district board may, for medical reasons or other good 31430
cause, excuse a student from taking an assessment administered 31431
under this section on the date scheduled, but that assessment 31432
shall be administered to the excused student not later than nine 31433
days following the scheduled date. The district board shall 31434
annually report the number of students who have not taken one or 31435
more of the assessments required by this section to the state 31436
board not later than the thirtieth day of June. 31437

(3) As used in this division, "limited English proficient 31438
student" has the same meaning as in 20 U.S.C. 7801. 31439

No school district board shall excuse any limited English 31440
proficient student from taking any particular assessment required 31441
to be administered under this section, except as follows: 31442

(a) Any limited English proficient student who has been 31443
enrolled in United States schools for less than two years and for 31444
whom no appropriate accommodations are available based on guidance 31445
issued by the department shall not be required to take the 31446

assessment prescribed under division (B)(1) of section 3301.0712 31447
of the Revised Code. 31448

(b) Any limited English proficient student who has been 31449
enrolled in United States schools for less than one full school 31450
year shall not be required to take any reading, writing, or 31451
English language arts assessment. 31452

However, no board shall prohibit a limited English proficient 31453
student who is not required to take an assessment under division 31454
(C)(3) of this section from taking the assessment. A board may 31455
permit any limited English proficient student to take an 31456
assessment required to be administered under this section with 31457
appropriate accommodations, as determined by the department. For 31458
each limited English proficient student, each school district 31459
shall annually assess that student's progress in learning English, 31460
in accordance with procedures approved by the department. 31461

(4)(a) The governing authority of a chartered nonpublic 31462
school may excuse a limited English proficient student from taking 31463
any assessment administered under this section. 31464

(b) No governing authority shall require a limited English 31465
proficient student who has been enrolled in United States schools 31466
for less than two years and for whom no appropriate accommodations 31467
are available based on guidance issued by the department to take 31468
the assessment prescribed under division (B)(1) of section 31469
3301.0712 of the Revised Code. 31470

(c) No governing authority shall prohibit a limited English 31471
proficient student from taking an assessment from which the 31472
student was excused under division (C)(4) of this section. 31473

(D)(1) In the school year next succeeding the school year in 31474
which the assessments prescribed by division (A)(1) or (B)(1) of 31475
section 3301.0710 of the Revised Code or former division (A)(1), 31476
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 31477

existed prior to September 11, 2001, are administered to any 31478
student, the board of education of any school district in which 31479
the student is enrolled in that year shall provide to the student 31480
intervention services commensurate with the student's performance, 31481
including any intensive intervention required under section 31482
3313.608 of the Revised Code, in any skill in which the student 31483
failed to demonstrate at least a score at the proficient level on 31484
the assessment. 31485

(2) Following any administration of the assessments 31486
prescribed by division (D) of section 3301.0710 of the Revised 31487
Code to ninth grade students, each school district that has a 31488
three-year average graduation rate of not more than seventy-five 31489
per cent shall determine for each high school in the district 31490
whether the school shall be required to provide intervention 31491
services to any students who took the assessments. In determining 31492
which high schools shall provide intervention services based on 31493
the resources available, the district shall consider each school's 31494
graduation rate and scores on the practice assessments. The 31495
district also shall consider the scores received by ninth grade 31496
students on the English language arts and mathematics assessments 31497
prescribed under division (A)(1)(f) of section 3301.0710 of the 31498
Revised Code in the eighth grade in determining which high schools 31499
shall provide intervention services. 31500

Each high school selected to provide intervention services 31501
under this division shall provide intervention services to any 31502
student whose results indicate that the student is failing to make 31503
satisfactory progress toward being able to attain scores at the 31504
proficient level on the Ohio graduation tests. Intervention 31505
services shall be provided in any skill in which a student 31506
demonstrates unsatisfactory progress and shall be commensurate 31507
with the student's performance. Schools shall provide the 31508
intervention services prior to the end of the school year, during 31509

the summer following the ninth grade, in the next succeeding 31510
school year, or at any combination of those times. 31511

(E) Except as provided in section 3313.608 of the Revised 31512
Code and division (N) of this section, no school district board of 31513
education shall utilize any student's failure to attain a 31514
specified score on an assessment administered under this section 31515
as a factor in any decision to deny the student promotion to a 31516
higher grade level. However, a district board may choose not to 31517
promote to the next grade level any student who does not take an 31518
assessment administered under this section or make up an 31519
assessment as provided by division (C)(2) of this section and who 31520
is not exempt from the requirement to take the assessment under 31521
division (C)(3) of this section. 31522

(F) No person shall be charged a fee for taking any 31523
assessment administered under this section. 31524

(G)(1) Each school district board shall designate one 31525
location for the collection of assessments administered in the 31526
spring under division (B)(1) of this section and those 31527
administered under divisions (B)(2) to (7) of this section. Each 31528
district board shall submit the assessments to the entity with 31529
which the department contracts for the scoring of the assessments 31530
as follows: 31531

(a) If the district's total enrollment in grades kindergarten 31532
through twelve during the first full school week of October was 31533
less than two thousand five hundred, not later than the Friday 31534
after all of the assessments have been administered; 31535

(b) If the district's total enrollment in grades kindergarten 31536
through twelve during the first full school week of October was 31537
two thousand five hundred or more, but less than seven thousand, 31538
not later than the Monday after all of the assessments have been 31539
administered; 31540

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city,

local, or exempted village school district who are attending 31572
school in the joint vocational school district. 31573

(H) Individual scores on any assessments administered under 31574
this section shall be released by a district board only in 31575
accordance with section 3319.321 of the Revised Code and the rules 31576
adopted under division (A) of this section. No district board or 31577
its employees shall utilize individual or aggregate results in any 31578
manner that conflicts with rules for the ethical use of 31579
assessments adopted pursuant to division (A) of this section. 31580

(I) Except as provided in division (G) of this section, the 31581
department or an entity with which the department contracts for 31582
the scoring of the assessment shall not release any individual 31583
scores on any assessment administered under this section. The 31584
state board shall adopt rules to ensure the protection of student 31585
confidentiality at all times. The rules may require the use of the 31586
data verification codes assigned to students pursuant to division 31587
(D)(2) of section 3301.0714 of the Revised Code to protect the 31588
confidentiality of student scores. 31589

(J) Notwithstanding division (D) of section 3311.52 of the 31590
Revised Code, this section does not apply to the board of 31591
education of any cooperative education school district except as 31592
provided under rules adopted pursuant to this division. 31593

(1) In accordance with rules that the state board shall 31594
adopt, the board of education of any city, exempted village, or 31595
local school district with territory in a cooperative education 31596
school district established pursuant to divisions (A) to (C) of 31597
section 3311.52 of the Revised Code may enter into an agreement 31598
with the board of education of the cooperative education school 31599
district for administering any assessment prescribed under this 31600
section to students of the city, exempted village, or local school 31601
district who are attending school in the cooperative education 31602
school district. 31603

(2) In accordance with rules that the state board shall 31604
adopt, the board of education of any city, exempted village, or 31605
local school district with territory in a cooperative education 31606
school district established pursuant to section 3311.521 of the 31607
Revised Code shall enter into an agreement with the cooperative 31608
district that provides for the administration of any assessment 31609
prescribed under this section to both of the following: 31610

(a) Students who are attending school in the cooperative 31611
district and who, if the cooperative district were not 31612
established, would be entitled to attend school in the city, 31613
local, or exempted village school district pursuant to section 31614
3313.64 or 3313.65 of the Revised Code; 31615

(b) Persons described in division (B)(8)(b) of this section. 31616

Any assessment of students pursuant to such an agreement 31617
shall be in lieu of any assessment of such students or persons 31618
pursuant to this section. 31619

(K)(1) Except as otherwise provided in division (K)(1) or (2) 31620
of this section, each chartered nonpublic school for which at 31621
least sixty-five per cent of its total enrollment is made up of 31622
students who are participating in state scholarship programs shall 31623
administer the elementary assessments prescribed by section 31624
3301.0710 of the Revised Code. In accordance with procedures and 31625
deadlines prescribed by the department, the parent or guardian of 31626
a student enrolled in the school who is not participating in a 31627
state scholarship program may submit notice to the chief 31628
administrative officer of the school that the parent or guardian 31629
does not wish to have the student take the elementary assessments 31630
prescribed for the student's grade level under division (A) of 31631
section 3301.0710 of the Revised Code. If a parent or guardian 31632
submits an opt-out notice, the school shall not administer the 31633
assessments to that student. This option does not apply to any 31634
assessment required for a high school diploma under section 31635

3313.612 of the Revised Code. 31636

(2) A chartered nonpublic school may submit to the 31637
superintendent of public instruction a request for a waiver from 31638
administering the elementary assessments prescribed by division 31639
(A) of section 3301.0710 of the Revised Code. The state 31640
superintendent shall approve or disapprove a request for a waiver 31641
submitted under division (K)(2) of this section. No waiver shall 31642
be approved for any school year prior to the 2015-2016 school 31643
year. 31644

To be eligible to submit a request for a waiver, a chartered 31645
nonpublic school shall meet the following conditions: 31646

(a) At least ninety-five per cent of the students enrolled in 31647
the school are children with disabilities, as defined under 31648
section 3323.01 of the Revised Code, or have received a diagnosis 31649
by a school district or from a physician, including a 31650
neuropsychiatrist or psychiatrist, or a psychologist who is 31651
authorized to practice in this or another state as having a 31652
condition that impairs academic performance, such as dyslexia, 31653
dyscalculia, attention deficit hyperactivity disorder, or 31654
Asperger's syndrome. 31655

(b) The school has solely served a student population 31656
described in division (K)(1)(a) of this section for at least ten 31657
years. 31658

(c) The school provides to the department at least five years 31659
of records of internal testing conducted by the school that 31660
affords the department data required for accountability purposes, 31661
including diagnostic assessments and nationally standardized 31662
norm-referenced achievement assessments that measure reading and 31663
math skills. 31664

(3) Any chartered nonpublic school that is not subject to 31665
division (K)(1) of this section may participate in the assessment 31666

program by administering any of the assessments prescribed by 31667
division (A) of section 3301.0710 of the Revised Code. The chief 31668
administrator of the school shall specify which assessments the 31669
school will administer. Such specification shall be made in 31670
writing to the superintendent of public instruction prior to the 31671
first day of August of any school year in which assessments are 31672
administered and shall include a pledge that the nonpublic school 31673
will administer the specified assessments in the same manner as 31674
public schools are required to do under this section and rules 31675
adopted by the department. 31676

(4) The department of education shall furnish the assessments 31677
prescribed by section 3301.0710 of the Revised Code to each 31678
chartered nonpublic school that is subject to division (K)(1) of 31679
this section or participates under division (K)(3) of this 31680
section. 31681

(L) If a chartered nonpublic school is educating students in 31682
grades nine through twelve, the following shall apply: 31683

(1) For a student who is enrolled in a chartered nonpublic 31684
school that is accredited through the independent schools 31685
association of the central states and who is attending the school 31686
under a state scholarship program, the student shall either take 31687
all of the assessments prescribed by division (B) of section 31688
3301.0712 of the Revised Code or take an alternative assessment 31689
approved by the department under section 3313.619 of the Revised 31690
Code. However, a student who is excused from taking an assessment 31691
under division (C) of this section or has presented evidence to 31692
the chartered nonpublic school of having satisfied the condition 31693
prescribed by division (A)(1) of section 3313.618 of the Revised 31694
Code to qualify for a high school diploma prior to the date of the 31695
administration of the assessment prescribed under division (B)(1) 31696
of section 3301.0712 of the Revised Code shall not be required to 31697
take that assessment. No governing authority of a chartered 31698

nonpublic school shall prohibit a student who is not required to
take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic
school that is accredited through the independent schools
association of the central states, and who is not attending the
school under a state scholarship program, the student shall not be
required to take any assessment prescribed under section 3301.0712
or 3313.619 of the Revised Code.

(3)(a) Except as provided in division (L)(3)(b) of this
section, for a student who is enrolled in a chartered nonpublic
school that is not accredited through the independent schools
association of the central states, regardless of whether the
student is attending or is not attending the school under a state
scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of
section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1)
of section 3301.0712 of the Revised Code, provided that the
student's school publishes the results of that assessment for each
graduating class. The published results of that assessment shall
include the overall composite scores, mean scores, twenty-fifth
percentile scores, and seventy-fifth percentile scores for each
subject area of the assessment.

(iii) Take an alternative assessment approved by the
department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under
division (C) of this section or has presented evidence to the
chartered nonpublic school of having satisfied the condition
prescribed by division (A)(1) of section 3313.618 of the Revised
Code to qualify for a high school diploma prior to the date of the
administration of the assessment prescribed under division (B)(1)

of section 3301.0712 of the Revised Code shall not be required to 31730
take that assessment. No governing authority of a chartered 31731
nonpublic school shall prohibit a student who is not required to 31732
take such assessment from taking the assessment. 31733

(M)(1) The superintendent of the state school for the blind 31734
and the superintendent of the state school for the deaf shall 31735
administer the assessments described by sections 3301.0710 and 31736
3301.0712 of the Revised Code. Each superintendent shall 31737
administer the assessments in the same manner as district boards 31738
are required to do under this section and rules adopted by the 31739
department of education and in conformity with division (C)(1)(a) 31740
of this section. 31741

(2) The department of education shall furnish the assessments 31742
described by sections 3301.0710 and 3301.0712 of the Revised Code 31743
to each superintendent. 31744

(N) Notwithstanding division (E) of this section, a school 31745
district may use a student's failure to attain a score in at least 31746
the proficient range on the mathematics assessment described by 31747
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 31748
an assessment described by division (A)(1)(b), (c), (d), (e), or 31749
(f) of section 3301.0710 of the Revised Code as a factor in 31750
retaining that student in the current grade level. 31751

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 31752
(6), and (7) of this section, the assessments required by division 31753
(A)(1) of section 3301.0710 of the Revised Code shall become 31754
public records pursuant to section 149.43 of the Revised Code on 31755
the thirty-first day of July following the school year that the 31756
assessments were administered. 31757

(2) The department may field test proposed questions with 31758
samples of students to determine the validity, reliability, or 31759
appropriateness of questions for possible inclusion in a future 31760

year's assessment. The department also may use anchor questions on 31761
assessments to ensure that different versions of the same 31762
assessment are of comparable difficulty. 31763

Field test questions and anchor questions shall not be 31764
considered in computing scores for individual students. Field test 31765
questions and anchor questions may be included as part of the 31766
administration of any assessment required by division (A)(1) or 31767
(B) of section 3301.0710 and division (B) of section 3301.0712 of 31768
the Revised Code. 31769

(3) Any field test question or anchor question administered 31770
under division (O)(2) of this section shall not be a public 31771
record. Such field test questions and anchor questions shall be 31772
redacted from any assessments which are released as a public 31773
record pursuant to division (O)(1) of this section. 31774

(4) This division applies to the assessments prescribed by 31775
division (A) of section 3301.0710 of the Revised Code. 31776

(a) The first administration of each assessment, as specified 31777
in former section 3301.0712 of the Revised Code, shall be a public 31778
record. 31779

(b) For subsequent administrations of each assessment prior 31780
to the 2011-2012 school year, not less than forty per cent of the 31781
questions on the assessment that are used to compute a student's 31782
score shall be a public record. The department shall determine 31783
which questions will be needed for reuse on a future assessment 31784
and those questions shall not be public records and shall be 31785
redacted from the assessment prior to its release as a public 31786
record. However, for each redacted question, the department shall 31787
inform each city, local, and exempted village school district of 31788
the statewide academic standard adopted by the state board under 31789
section 3301.079 of the Revised Code and the corresponding 31790
benchmark to which the question relates. The preceding sentence 31791

does not apply to field test questions that are redacted under 31792
division (O)(3) of this section. 31793

(c) The administrations of each assessment in the 2011-2012, 31794
2012-2013, and 2013-2014 school years shall not be a public 31795
record. 31796

(5) Each assessment prescribed by division (B)(1) of section 31797
3301.0710 of the Revised Code shall not be a public record. 31798

(6) ~~Beginning with the spring administration for~~ (a) Except 31799
as provided in division (O)(6)(b) of this section, for the 31800
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 31801
year years, questions on the assessments prescribed under division 31802
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 31803
of the Revised Code and the corresponding preferred answers that 31804
are used to compute a student's score shall become a public record 31805
as follows: 31806

~~(a)~~(i) Forty per cent of the questions and preferred answers 31807
on the assessments on the thirty-first day of July following the 31808
administration of the assessment; 31809

~~(b)~~(ii) Twenty per cent of the questions and preferred 31810
answers on the assessment on the thirty-first day of July one year 31811
after the administration of the assessment; 31812

~~(c)~~(iii) The remaining forty per cent of the questions and 31813
preferred answers on the assessment on the thirty-first day of 31814
July two years after the administration of the assessment. 31815

The entire content of an assessment shall become a public 31816
record within three years of its administration. 31817

The department shall make the questions that become a public 31818
record under this division readily accessible to the public on the 31819
department's web site. Questions on the spring administration of 31820
each assessment shall be released on an annual basis, in 31821

accordance with this division. 31822

(b) No questions and corresponding preferred answers shall 31823
become a public record under division (O)(6) of this section after 31824
July 31, 2017. 31825

(7) Division (O)(7) of this section applies to the 31826
assessments prescribed by division (A) of section 3301.0710 and 31827
division (B)(2) of section 3301.0712 of the Revised Code. 31828

Beginning with the assessments administered in the spring of 31829
the 2017-2018 school year, not less than forty per cent of the 31830
questions on each assessment that are used to compute a student's 31831
score shall be a public record. The department shall determine 31832
which questions will be needed for reuse on a future assessment 31833
and those questions shall not be public records and shall be 31834
redacted from the assessment prior to its release as a public 31835
record. However, for each redacted question, the department shall 31836
inform each city, local, and exempted village school district of 31837
the corresponding statewide academic standard adopted by the state 31838
board under section 3301.079 of the Revised Code and the 31839
corresponding benchmark to which the question relates. The 31840
department is not required to provide corresponding standards and 31841
benchmarks to field test questions that are redacted under 31842
division (O)(3) of this section. 31843

(P) As used in this section: 31844

(1) "Three-year average" means the average of the most recent 31845
consecutive three school years of data. 31846

(2) "Dropout" means a student who withdraws from school 31847
before completing course requirements for graduation and who is 31848
not enrolled in an education program approved by the state board 31849
of education or an education program outside the state. "Dropout" 31850
does not include a student who has departed the country. 31851

(3) "Graduation rate" means the ratio of students receiving a 31852

diploma to the number of students who entered ninth grade four 31853
years earlier. Students who transfer into the district are added 31854
to the calculation. Students who transfer out of the district for 31855
reasons other than dropout are subtracted from the calculation. If 31856
a student who was a dropout in any previous year returns to the 31857
same school district, that student shall be entered into the 31858
calculation as if the student had entered ninth grade four years 31859
before the graduation year of the graduating class that the 31860
student joins. 31861

(4) "State scholarship programs" means the educational choice 31862
scholarship pilot program established under sections 3310.01 to 31863
3310.17 of the Revised Code, the autism scholarship program 31864
established under section 3310.41 of the Revised Code, the Jon 31865
Peterson special needs scholarship program established under 31866
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 31867
project scholarship program established under sections 3313.974 to 31868
3313.979 of the Revised Code. 31869

Sec. 3301.0712. (A) The state board of education, the 31870
superintendent of public instruction, and the chancellor of higher 31871
education shall develop a system of college and work ready 31872
assessments as described in division (B) of this section to assess 31873
whether each student upon graduating from high school is ready to 31874
enter college or the workforce. Beginning with students who enter 31875
the ninth grade for the first time on or after July 1, 2014, the 31876
system shall replace the Ohio graduation tests prescribed in 31877
division (B)(1) of section 3301.0710 of the Revised Code as a 31878
measure of student academic performance and one determinant of 31879
eligibility for a high school diploma in the manner prescribed by 31880
rule of the state board adopted under division (D) of this 31881
section. 31882

(B) The college and work ready assessment system shall 31883

consist of the following: 31884

(1) Nationally standardized assessments that measure college 31885
and career readiness and are used for college admission. The 31886
assessments shall be selected jointly by the state superintendent 31887
and the chancellor, and one of which shall be selected by each 31888
school district or school to administer to its students. The 31889
assessments prescribed under division (B)(1) of this section shall 31890
be administered to all eleventh-grade students in the spring of 31891
the school year. 31892

(2) Seven end-of-course examinations, one in each of the 31893
areas of English language arts I, English language arts II, 31894
science, Algebra I, geometry, American history, and American 31895
government. The end-of-course examinations shall be selected 31896
jointly by the state superintendent and the chancellor in 31897
consultation with faculty in the appropriate subject areas at 31898
institutions of higher education of the university system of Ohio. 31899
Advanced placement examinations and international baccalaureate 31900
examinations, as prescribed under section 3313.6013 of the Revised 31901
Code, in the areas of science, American history, and American 31902
government may be used as end-of-course examinations in accordance 31903
with division (B)(4)(a)(i) of this section. Final course grades 31904
for courses taken under any other advanced standing program, as 31905
prescribed under section 3313.6013 of the Revised Code, in the 31906
areas of science, American history, and American government may be 31907
used in lieu of end-of-course examinations in accordance with 31908
division (B)(4)(a)(ii) of this section. 31909

(3)(a) Not later than July 1, 2013, each school district 31910
board of education shall adopt interim end-of-course examinations 31911
that comply with the requirements of divisions (B)(3)(b)(i) and 31912
(ii) of this section to assess mastery of American history and 31913
American government standards adopted under division (A)(1)(b) of 31914
section 3301.079 of the Revised Code and the topics required under 31915

division (M) of section 3313.603 of the Revised Code. Each high 31916
school of the district shall use the interim examinations until 31917
the state superintendent and chancellor select end-of-course 31918
examinations in American history and American government under 31919
division (B)(2) of this section. 31920

(b) Not later than July 1, 2014, the state superintendent and 31921
the chancellor shall select the end-of-course examinations in 31922
American history and American government. 31923

(i) The end-of-course examinations in American history and 31924
American government shall require demonstration of mastery of the 31925
American history and American government content for social 31926
studies standards adopted under division (A)(1)(b) of section 31927
3301.079 of the Revised Code and the topics required under 31928
division (M) of section 3313.603 of the Revised Code. 31929

(ii) At least twenty per cent of the end-of-course 31930
examination in American government shall address the topics on 31931
American history and American government described in division (M) 31932
of section 3313.603 of the Revised Code. 31933

(4)(a) Notwithstanding anything to the contrary in this 31934
section, beginning with the 2014-2015 school year, both of the 31935
following shall apply: 31936

(i) If a student is enrolled in an appropriate advanced 31937
placement or international baccalaureate course, that student 31938
shall take the advanced placement or international baccalaureate 31939
examination in lieu of the science, American history, or American 31940
government end-of-course examinations prescribed under division 31941
(B)(2) of this section. The state board shall specify the score 31942
levels for each advanced placement examination and international 31943
baccalaureate examination for purposes of calculating the minimum 31944
cumulative performance score that demonstrates the level of 31945
academic achievement necessary to earn a high school diploma. 31946

(ii) If a student is enrolled in an appropriate course under 31947
any other advanced standing program, as described in section 31948
3313.6013 of the Revised Code, that student shall not be required 31949
to take the science, American history, or American government 31950
end-of-course examination, whichever is applicable, prescribed 31951
under division (B)(2) of this section. Instead, that student's 31952
final course grade shall be used in lieu of the applicable 31953
end-of-course examination prescribed under that section. The state 31954
superintendent, in consultation with the chancellor, shall adopt 31955
guidelines for purposes of calculating the corresponding final 31956
course grades that demonstrate the level of academic achievement 31957
necessary to earn a high school diploma. 31958

Division (B)(4)(a)(ii) of this section shall apply only to 31959
courses for which students receive transcribed credit, as defined 31960
in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall 31961
not apply to remedial or developmental courses. 31962

(b) No student shall take a substitute examination or 31963
examination prescribed under division (B)(4)(a) of this section in 31964
place of the end-of-course examinations in English language arts 31965
I, English language arts II, Algebra I, or geometry prescribed 31966
under division (B)(2) of this section. 31967

(c) The state board shall consider additional assessments 31968
that may be used, beginning with the 2016-2017 school year, as 31969
substitute examinations in lieu of the end-of-course examinations 31970
prescribed under division (B)(2) of this section. 31971

(5) The state board shall do all of the following: 31972

(a) Determine and designate at least five ranges of scores on 31973
each of the end-of-course examinations prescribed under division 31974
(B)(2) of this section, and substitute examinations prescribed 31975
under division (B)(4) of this section. Each range of scores shall 31976
be considered to demonstrate a level of achievement so that any 31977

student attaining a score within such range has achieved one of	31978
the following:	31979
(i) An advanced level of skill;	31980
(ii) An accelerated level of skill;	31981
(iii) A proficient level of skill;	31982
(iv) A basic level of skill;	31983
(v) A limited level of skill.	31984
(b) Determine a method by which to calculate a cumulative	31985
performance score based on the results of a student's	31986
end-of-course examinations or substitute examinations;	31987
(c) Determine the minimum cumulative performance score that	31988
demonstrates the level of academic achievement necessary to earn a	31989
high school diploma;	31990
(d) Develop a table of corresponding score equivalents for	31991
the end-of-course examinations and substitute examinations in	31992
order to calculate student performance consistently across the	31993
different examinations.	31994
A score of two on an advanced placement examination or a	31995
score of two or three on an international baccalaureate	31996
examination shall be considered equivalent to a proficient level	31997
of skill as specified under division (B)(5)(a)(iii) of this	31998
section.	31999
(6)(a) A student who meets both of the following conditions	32000
shall not be required to take an end-of-course examination:	32001
(i) The student received high school credit prior to July 1,	32002
2015, for a course for which the end-of-course examination is	32003
prescribed.	32004
(ii) The examination was not available for administration	32005
prior to July 1, 2015.	32006

Receipt of credit for the course described in division 32007
(B)(6)(a)(i) of this section shall satisfy the requirement to take 32008
the end-of-course examination. A student exempted under division 32009
(B)(6)(a) of this section may take the applicable end-of-course 32010
examination at a later date. 32011

(b) For purposes of determining whether a student who is 32012
exempt from taking an end-of-course examination under division 32013
(B)(6)(a) of this section has attained the cumulative score 32014
prescribed by division (B)(5)(c) of this section, such student 32015
shall select either of the following: 32016

(i) The student is considered to have attained a proficient 32017
score on the end-of-course examination from which the student is 32018
exempt; 32019

(ii) The student's final course grade shall be used in lieu 32020
of a score on the end-of-course examination from which the student 32021
is exempt. 32022

The state superintendent, in consultation with the 32023
chancellor, shall adopt guidelines for purposes of calculating the 32024
corresponding final course grades and the minimum cumulative 32025
performance score that demonstrates the level of academic 32026
achievement necessary to earn a high school diploma. 32027

(7)(a) Notwithstanding anything to the contrary in this 32028
section, the state board may replace the algebra I end-of-course 32029
examination prescribed under division (B)(2) of this section with 32030
an algebra II end-of-course examination, beginning with the 32031
2016-2017 school year for students who enter ninth grade on or 32032
after July 1, 2016. 32033

(b) If the state board replaces the algebra I end-of-course 32034
examination with an algebra II end-of-course examination as 32035
authorized under division (B)(7)(a) of this section, both of the 32036
following shall apply: 32037

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course

examination in science for students who entered the ninth grade 32069
for the first time on or after July 1, 2014, but prior to July 1, 32070
2015, and who have not met the requirement prescribed by section 32071
3313.618 of the Revised Code by July 1, 2019, due to a student's 32072
failure to satisfy division (A)(2) of section 3313.618 of the 32073
Revised Code. 32074

(9) Neither the state board nor the department of education 32075
shall develop or administer an end-of-course examination in the 32076
area of world history. 32077

(C) The state board shall convene a group of national 32078
experts, state experts, and local practitioners to provide advice, 32079
guidance, and recommendations for the alignment of standards and 32080
model curricula to the assessments and in the design of the 32081
end-of-course examinations prescribed by this section. 32082

(D) Upon completion of the development of the assessment 32083
system, the state board shall adopt rules prescribing all of the 32084
following: 32085

(1) A timeline and plan for implementation of the assessment 32086
system, including a phased implementation if the state board 32087
determines such a phase-in is warranted; 32088

(2) The date after which a person shall meet the requirements 32089
of the entire assessment system as a prerequisite for a diploma of 32090
adult education under section 3313.611 of the Revised Code; 32091

(3) Whether and the extent to which a person may be excused 32092
from an American history end-of-course examination and an American 32093
government end-of-course examination under division (H) of section 32094
3313.61 and division (B)(3) of section 3313.612 of the Revised 32095
Code; 32096

(4) The date after which a person who has fulfilled the 32097
curriculum requirement for a diploma but has not passed one or 32098
more of the required assessments at the time the person fulfilled 32099

the curriculum requirement shall meet the requirements of the 32100
entire assessment system as a prerequisite for a high school 32101
diploma under division (B) of section 3313.614 of the Revised 32102
Code; 32103

(5) The extent to which the assessment system applies to 32104
students enrolled in a dropout recovery and prevention program for 32105
purposes of division (F) of section 3313.603 and section 3314.36 32106
of the Revised Code. 32107

(E) Not later than forty-five days prior to the state board's 32108
adoption of a resolution directing the department to file the 32109
rules prescribed by division (D) of this section in final form 32110
under section 119.04 of the Revised Code, the superintendent of 32111
public instruction shall present the assessment system developed 32112
under this section to the respective committees of the house of 32113
representatives and senate that consider education legislation. 32114

(F)(1) Any person enrolled in a nonchartered nonpublic school 32115
or any person who has been excused from attendance at school for 32116
the purpose of home instruction under section 3321.04 of the 32117
Revised Code may choose to participate in the system of 32118
assessments administered under divisions (B)(1) and (2) of this 32119
section. However, no such person shall be required to participate 32120
in the system of assessments. 32121

(2) The department shall adopt rules for the administration 32122
and scoring of any assessments under division (F)(1) of this 32123
section. 32124

(G) Not later than December 31, 2014, the state board shall 32125
select at least one nationally recognized job skills assessment. 32126
Each school district shall administer that assessment to those 32127
students who opt to take it. The state shall reimburse a school 32128
district for the costs of administering that assessment. The state 32129
board shall establish the minimum score a student must attain on 32130

the job skills assessment in order to demonstrate a student's 32131
workforce readiness and employability. The administration of the 32132
job skills assessment to a student under this division shall not 32133
exempt a school district from administering the assessments 32134
prescribed in division (B) of this section to that student. 32135

Sec. 3301.0714. (A) The state board of education shall adopt 32136
rules for a statewide education management information system. The 32137
rules shall require the state board to establish guidelines for 32138
the establishment and maintenance of the system in accordance with 32139
this section and the rules adopted under this section. The 32140
guidelines shall include: 32141

(1) Standards identifying and defining the types of data in 32142
the system in accordance with divisions (B) and (C) of this 32143
section; 32144

(2) Procedures for annually collecting and reporting the data 32145
to the state board in accordance with division (D) of this 32146
section; 32147

(3) Procedures for annually compiling the data in accordance 32148
with division (G) of this section; 32149

(4) Procedures for annually reporting the data to the public 32150
in accordance with division (H) of this section; 32151

(5) Standards to provide strict safeguards to protect the 32152
confidentiality of personally identifiable student data. 32153

(B) The guidelines adopted under this section shall require 32154
the data maintained in the education management information system 32155
to include at least the following: 32156

(1) Student participation and performance data, for each 32157
grade in each school district as a whole and for each grade in 32158
each school building in each school district, that includes: 32159

(a) The numbers of students receiving each category of 32160

instructional service offered by the school district, such as 32161
regular education instruction, vocational education instruction, 32162
specialized instruction programs or enrichment instruction that is 32163
part of the educational curriculum, instruction for gifted 32164
students, instruction for students with disabilities, and remedial 32165
instruction. The guidelines shall require instructional services 32166
under this division to be divided into discrete categories if an 32167
instructional service is limited to a specific subject, a specific 32168
type of student, or both, such as regular instructional services 32169
in mathematics, remedial reading instructional services, 32170
instructional services specifically for students gifted in 32171
mathematics or some other subject area, or instructional services 32172
for students with a specific type of disability. The categories of 32173
instructional services required by the guidelines under this 32174
division shall be the same as the categories of instructional 32175
services used in determining cost units pursuant to division 32176
(C)(3) of this section. 32177

(b) The numbers of students receiving support or 32178
extracurricular services for each of the support services or 32179
extracurricular programs offered by the school district, such as 32180
counseling services, health services, and extracurricular sports 32181
and fine arts programs. The categories of services required by the 32182
guidelines under this division shall be the same as the categories 32183
of services used in determining cost units pursuant to division 32184
(C)(4)(a) of this section. 32185

(c) Average student grades in each subject in grades nine 32186
through twelve; 32187

(d) Academic achievement levels as assessed under sections 32188
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 32189

(e) The number of students designated as having a disabling 32190
condition pursuant to division (C)(1) of section 3301.0711 of the 32191
Revised Code; 32192

(f) The numbers of students reported to the state board	32193
pursuant to division (C)(2) of section 3301.0711 of the Revised	32194
Code;	32195
(g) Attendance rates and the average daily attendance for the	32196
year. For purposes of this division, a student shall be counted as	32197
present for any field trip that is approved by the school	32198
administration.	32199
(h) Expulsion rates;	32200
(i) Suspension rates;	32201
(j) Dropout rates;	32202
(k) Rates of retention in grade;	32203
(l) For pupils in grades nine through twelve, the average	32204
number of carnegie units, as calculated in accordance with state	32205
board of education rules;	32206
(m) Graduation rates, to be calculated in a manner specified	32207
by the department of education that reflects the rate at which	32208
students who were in the ninth grade three years prior to the	32209
current year complete school and that is consistent with	32210
nationally accepted reporting requirements;	32211
(n) Results of diagnostic assessments administered to	32212
kindergarten students as required under section 3301.0715 of the	32213
Revised Code to permit a comparison of the academic readiness of	32214
kindergarten students. However, no district shall be required to	32215
report to the department the results of any diagnostic assessment	32216
administered to a kindergarten student, except for the language	32217
and reading assessment described in division (A)(2) of section	32218
3301.0715 of the Revised Code, if the parent of that student	32219
requests the district not to report those results.	32220
<u>(o) Beginning on the first day of July that next succeeds the</u>	32221
<u>effective date of this amendment, for each disciplinary action</u>	32222

which is required to be reported under division (B)(4) of this 32223
section, districts and schools also shall include an 32224
identification of the person or persons, if any, at whom the 32225
student's violent behavior that resulted in discipline was 32226
directed. The person or persons shall be identified by the 32227
respective classification at the district or school, such as 32228
student, teacher, or nonteaching employee, but shall not be 32229
identified by name. 32230

Division (B)(1)(o) of this section does not apply after the 32231
date that is two years following the submission of the report 32232
required by Section 733.13 of H.B. 49 of the 132nd general 32233
assembly. 32234

(2) Personnel and classroom enrollment data for each school 32235
district, including: 32236

(a) The total numbers of licensed employees and nonlicensed 32237
employees and the numbers of full-time equivalent licensed 32238
employees and nonlicensed employees providing each category of 32239
instructional service, instructional support service, and 32240
administrative support service used pursuant to division (C)(3) of 32241
this section. The guidelines adopted under this section shall 32242
require these categories of data to be maintained for the school 32243
district as a whole and, wherever applicable, for each grade in 32244
the school district as a whole, for each school building as a 32245
whole, and for each grade in each school building. 32246

(b) The total number of employees and the number of full-time 32247
equivalent employees providing each category of service used 32248
pursuant to divisions (C)(4)(a) and (b) of this section, and the 32249
total numbers of licensed employees and nonlicensed employees and 32250
the numbers of full-time equivalent licensed employees and 32251
nonlicensed employees providing each category used pursuant to 32252
division (C)(4)(c) of this section. The guidelines adopted under 32253
this section shall require these categories of data to be 32254

maintained for the school district as a whole and, wherever 32255
applicable, for each grade in the school district as a whole, for 32256
each school building as a whole, and for each grade in each school 32257
building. 32258

(c) The total number of regular classroom teachers teaching 32259
classes of regular education and the average number of pupils 32260
enrolled in each such class, in each of grades kindergarten 32261
through five in the district as a whole and in each school 32262
building in the school district. 32263

(d) The number of lead teachers employed by each school 32264
district and each school building. 32265

(3)(a) Student demographic data for each school district, 32266
including information regarding the gender ratio of the school 32267
district's pupils, the racial make-up of the school district's 32268
pupils, the number of limited English proficient students in the 32269
district, and an appropriate measure of the number of the school 32270
district's pupils who reside in economically disadvantaged 32271
households. The demographic data shall be collected in a manner to 32272
allow correlation with data collected under division (B)(1) of 32273
this section. Categories for data collected pursuant to division 32274
(B)(3) of this section shall conform, where appropriate, to 32275
standard practices of agencies of the federal government. 32276

(b) With respect to each student entering kindergarten, 32277
whether the student previously participated in a public preschool 32278
program, a private preschool program, or a head start program, and 32279
the number of years the student participated in each of these 32280
programs. 32281

(4) Any data required to be collected pursuant to federal 32282
law. 32283

(C) The education management information system shall include 32284
cost accounting data for each district as a whole and for each 32285

school building in each school district. The guidelines adopted 32286
under this section shall require the cost data for each school 32287
district to be maintained in a system of mutually exclusive cost 32288
units and shall require all of the costs of each school district 32289
to be divided among the cost units. The guidelines shall require 32290
the system of mutually exclusive cost units to include at least 32291
the following: 32292

(1) Administrative costs for the school district as a whole. 32293
The guidelines shall require the cost units under this division 32294
(C)(1) to be designed so that each of them may be compiled and 32295
reported in terms of average expenditure per pupil in formula ADM 32296
in the school district, as determined pursuant to section 3317.03 32297
of the Revised Code. 32298

(2) Administrative costs for each school building in the 32299
school district. The guidelines shall require the cost units under 32300
this division (C)(2) to be designed so that each of them may be 32301
compiled and reported in terms of average expenditure per 32302
full-time equivalent pupil receiving instructional or support 32303
services in each building. 32304

(3) Instructional services costs for each category of 32305
instructional service provided directly to students and required 32306
by guidelines adopted pursuant to division (B)(1)(a) of this 32307
section. The guidelines shall require the cost units under 32308
division (C)(3) of this section to be designed so that each of 32309
them may be compiled and reported in terms of average expenditure 32310
per pupil receiving the service in the school district as a whole 32311
and average expenditure per pupil receiving the service in each 32312
building in the school district and in terms of a total cost for 32313
each category of service and, as a breakdown of the total cost, a 32314
cost for each of the following components: 32315

(a) The cost of each instructional services category required 32316
by guidelines adopted under division (B)(1)(a) of this section 32317

that is provided directly to students by a classroom teacher;	32318
(b) The cost of the instructional support services, such as	32319
services provided by a speech-language pathologist, classroom	32320
aide, multimedia aide, or librarian, provided directly to students	32321
in conjunction with each instructional services category;	32322
(c) The cost of the administrative support services related	32323
to each instructional services category, such as the cost of	32324
personnel that develop the curriculum for the instructional	32325
services category and the cost of personnel supervising or	32326
coordinating the delivery of the instructional services category.	32327
(4) Support or extracurricular services costs for each	32328
category of service directly provided to students and required by	32329
guidelines adopted pursuant to division (B)(1)(b) of this section.	32330
The guidelines shall require the cost units under division (C)(4)	32331
of this section to be designed so that each of them may be	32332
compiled and reported in terms of average expenditure per pupil	32333
receiving the service in the school district as a whole and	32334
average expenditure per pupil receiving the service in each	32335
building in the school district and in terms of a total cost for	32336
each category of service and, as a breakdown of the total cost, a	32337
cost for each of the following components:	32338
(a) The cost of each support or extracurricular services	32339
category required by guidelines adopted under division (B)(1)(b)	32340
of this section that is provided directly to students by a	32341
licensed employee, such as services provided by a guidance	32342
counselor or any services provided by a licensed employee under a	32343
supplemental contract;	32344
(b) The cost of each such services category provided directly	32345
to students by a nonlicensed employee, such as janitorial	32346
services, cafeteria services, or services of a sports trainer;	32347
(c) The cost of the administrative services related to each	32348

services category in division (C)(4)(a) or (b) of this section, 32349
such as the cost of any licensed or nonlicensed employees that 32350
develop, supervise, coordinate, or otherwise are involved in 32351
administering or aiding the delivery of each services category. 32352

(D)(1) The guidelines adopted under this section shall 32353
require school districts to collect information about individual 32354
students, staff members, or both in connection with any data 32355
required by division (B) or (C) of this section or other reporting 32356
requirements established in the Revised Code. The guidelines may 32357
also require school districts to report information about 32358
individual staff members in connection with any data required by 32359
division (B) or (C) of this section or other reporting 32360
requirements established in the Revised Code. The guidelines shall 32361
not authorize school districts to request social security numbers 32362
of individual students. The guidelines shall prohibit the 32363
reporting under this section of a student's name, address, and 32364
social security number to the state board of education or the 32365
department of education. The guidelines shall also prohibit the 32366
reporting under this section of any personally identifiable 32367
information about any student, except for the purpose of assigning 32368
the data verification code required by division (D)(2) of this 32369
section, to any other person unless such person is employed by the 32370
school district or the information technology center operated 32371
under section 3301.075 of the Revised Code and is authorized by 32372
the district or technology center to have access to such 32373
information or is employed by an entity with which the department 32374
contracts for the scoring or the development of state assessments. 32375
The guidelines may require school districts to provide the social 32376
security numbers of individual staff members and the county of 32377
residence for a student. Nothing in this section prohibits the 32378
state board of education or department of education from providing 32379
a student's county of residence to the department of taxation to 32380
facilitate the distribution of tax revenue. 32381

(2)(a) The guidelines shall provide for each school district 32382
or community school to assign a data verification code that is 32383
unique on a statewide basis over time to each student whose 32384
initial Ohio enrollment is in that district or school and to 32385
report all required individual student data for that student 32386
utilizing such code. The guidelines shall also provide for 32387
assigning data verification codes to all students enrolled in 32388
districts or community schools on the effective date of the 32389
guidelines established under this section. The assignment of data 32390
verification codes for other entities, as described in division 32391
(D)(2)(c) of this section, the use of those codes, and the 32392
reporting and use of associated individual student data shall be 32393
coordinated by the department in accordance with state and federal 32394
law. 32395

School districts shall report individual student data to the 32396
department through the information technology centers utilizing 32397
the code. The entities described in division (D)(2)(c) of this 32398
section shall report individual student data to the department in 32399
the manner prescribed by the department. 32400

Except as provided in sections 3301.941, 3310.11, 3310.42, 32401
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 32402
shall the state board or the department have access to information 32403
that would enable any data verification code to be matched to 32404
personally identifiable student data. 32405

(b) Each school district and community school shall ensure 32406
that the data verification code is included in the student's 32407
records reported to any subsequent school district, community 32408
school, or state institution of higher education, as defined in 32409
section 3345.011 of the Revised Code, in which the student 32410
enrolls. Any such subsequent district or school shall utilize the 32411
same identifier in its reporting of data under this section. 32412

(c) The director of any state agency that administers a 32413

publicly funded program providing services to children who are 32414
younger than compulsory school age, as defined in section 3321.01 32415
of the Revised Code, including the directors of health, job and 32416
family services, mental health and addiction services, and 32417
developmental disabilities, shall request and receive, pursuant to 32418
sections 3301.0723 and 5123.0423 of the Revised Code, a data 32419
verification code for a child who is receiving those services. 32420

(E) The guidelines adopted under this section may require 32421
school districts to collect and report data, information, or 32422
reports other than that described in divisions (A), (B), and (C) 32423
of this section for the purpose of complying with other reporting 32424
requirements established in the Revised Code. The other data, 32425
information, or reports may be maintained in the education 32426
management information system but are not required to be compiled 32427
as part of the profile formats required under division (G) of this 32428
section or the annual statewide report required under division (H) 32429
of this section. 32430

(F) Beginning with the school year that begins July 1, 1991, 32431
the board of education of each school district shall annually 32432
collect and report to the state board, in accordance with the 32433
guidelines established by the board, the data required pursuant to 32434
this section. A school district may collect and report these data 32435
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32436

(G) The state board shall, in accordance with the procedures 32437
it adopts, annually compile the data reported by each school 32438
district pursuant to division (D) of this section. The state board 32439
shall design formats for profiling each school district as a whole 32440
and each school building within each district and shall compile 32441
the data in accordance with these formats. These profile formats 32442
shall: 32443

(1) Include all of the data gathered under this section in a 32444
manner that facilitates comparison among school districts and 32445

among school buildings within each school district; 32446

(2) Present the data on academic achievement levels as 32447
assessed by the testing of student achievement maintained pursuant 32448
to division (B)(1)(d) of this section. 32449

(H)(1) The state board shall, in accordance with the 32450
procedures it adopts, annually prepare a statewide report for all 32451
school districts and the general public that includes the profile 32452
of each of the school districts developed pursuant to division (G) 32453
of this section. Copies of the report shall be sent to each school 32454
district. 32455

(2) The state board shall, in accordance with the procedures 32456
it adopts, annually prepare an individual report for each school 32457
district and the general public that includes the profiles of each 32458
of the school buildings in that school district developed pursuant 32459
to division (G) of this section. Copies of the report shall be 32460
sent to the superintendent of the district and to each member of 32461
the district board of education. 32462

(3) Copies of the reports received from the state board under 32463
divisions (H)(1) and (2) of this section shall be made available 32464
to the general public at each school district's offices. Each 32465
district board of education shall make copies of each report 32466
available to any person upon request and payment of a reasonable 32467
fee for the cost of reproducing the report. The board shall 32468
annually publish in a newspaper of general circulation in the 32469
school district, at least twice during the two weeks prior to the 32470
week in which the reports will first be available, a notice 32471
containing the address where the reports are available and the 32472
date on which the reports will be available. 32473

(I) Any data that is collected or maintained pursuant to this 32474
section and that identifies an individual pupil is not a public 32475
record for the purposes of section 149.43 of the Revised Code. 32476

(J) As used in this section:	32477
(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.	32478 32479 32480 32481 32482 32483 32484
(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	32485 32486 32487 32488 32489
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	32490 32491 32492 32493 32494
(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.	32495 32496 32497 32498 32499 32500 32501 32502
(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:	32503 32504 32505
(a) Notify the district in writing that the department has determined that data has not been reported as required under this	32506 32507

section and require the district to review its data submission and 32508
submit corrected data by a deadline established by the department. 32509
The department also may require the district to develop a 32510
corrective action plan, which shall include provisions for the 32511
district to provide mandatory staff training on data reporting 32512
procedures. 32513

(b) Withhold up to ten per cent of the total amount of state 32514
funds due to the district for the current fiscal year and, if not 32515
previously required under division (L)(2)(a) of this section, 32516
require the district to develop a corrective action plan in 32517
accordance with that division; 32518

(c) Withhold an additional amount of up to twenty per cent of 32519
the total amount of state funds due to the district for the 32520
current fiscal year; 32521

(d) Direct department staff or an outside entity to 32522
investigate the district's data reporting practices and make 32523
recommendations for subsequent actions. The recommendations may 32524
include one or more of the following actions: 32525

(i) Arrange for an audit of the district's data reporting 32526
practices by department staff or an outside entity; 32527

(ii) Conduct a site visit and evaluation of the district; 32528

(iii) Withhold an additional amount of up to thirty per cent 32529
of the total amount of state funds due to the district for the 32530
current fiscal year; 32531

(iv) Continue monitoring the district's data reporting; 32532

(v) Assign department staff to supervise the district's data 32533
management system; 32534

(vi) Conduct an investigation to determine whether to suspend 32535
or revoke the license of any district employee in accordance with 32536
division (N) of this section; 32537

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to

conduct an audit of a school district's data reporting practices 32569
any time the department has reason to believe the district has not 32570
made a good faith effort to report data as required by this 32571
section. If any audit conducted by an outside entity under 32572
division (L)(2)(d)(i) or (5) of this section confirms that a 32573
district has not made a good faith effort to report data as 32574
required by this section, the district shall reimburse the 32575
department for the full cost of the audit. The department may 32576
withhold state funds due to the district for this purpose. 32577

(6) Prior to issuing a revised report card for a school 32578
district under division (L)(2)(d)(viii) of this section, the 32579
department may hold a hearing to provide the district with an 32580
opportunity to demonstrate that it made a good faith effort to 32581
report data as required by this section. The hearing shall be 32582
conducted by a referee appointed by the department. Based on the 32583
information provided in the hearing, the referee shall recommend 32584
whether the department should issue a revised report card for the 32585
district. If the referee affirms the department's contention that 32586
the district did not make a good faith effort to report data as 32587
required by this section, the district shall bear the full cost of 32588
conducting the hearing and of issuing any revised report card. 32589

(7) If the department determines that any inaccurate data 32590
reported under this section caused a school district to receive 32591
excess state funds in any fiscal year, the district shall 32592
reimburse the department an amount equal to the excess funds, in 32593
accordance with a payment schedule determined by the department. 32594
The department may withhold state funds due to the district for 32595
this purpose. 32596

(8) Any school district that has funds withheld under 32597
division (L)(2) of this section may appeal the withholding in 32598
accordance with Chapter 119. of the Revised Code. 32599

(9) In all cases of a disagreement between the department and 32600

a school district regarding the appropriateness of an action taken 32601
under division (L)(2) of this section, the burden of proof shall 32602
be on the district to demonstrate that it made a good faith effort 32603
to report data as required by this section. 32604

(10) The state board of education shall adopt rules under 32605
Chapter 119. of the Revised Code to implement division (L) of this 32606
section. 32607

(M) No information technology center or school district shall 32608
acquire, change, or update its student administration software 32609
package to manage and report data required to be reported to the 32610
department unless it converts to a student software package that 32611
is certified by the department. 32612

(N) The state board of education, in accordance with sections 32613
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32614
license as defined under division (A) of section 3319.31 of the 32615
Revised Code that has been issued to any school district employee 32616
found to have willfully reported erroneous, inaccurate, or 32617
incomplete data to the education management information system. 32618

(O) No person shall release or maintain any information about 32619
any student in violation of this section. Whoever violates this 32620
division is guilty of a misdemeanor of the fourth degree. 32621

(P) The department shall disaggregate the data collected 32622
under division (B)(1)(n) of this section according to the race and 32623
socioeconomic status of the students assessed. 32624

(Q) If the department cannot compile any of the information 32625
required by division (H) of section 3302.03 of the Revised Code 32626
based upon the data collected under this section, the department 32627
shall develop a plan and a reasonable timeline for the collection 32628
of any data necessary to comply with that division. 32629

Sec. 3301.0715. (A) Except as required under division (B)(1) 32630

of section 3313.608 or as specified in division (D)(3) of section 32631
3301.079 of the Revised Code, the board of education of each city, 32632
local, and exempted village school district shall administer each 32633
applicable diagnostic assessment developed and provided to the 32634
district in accordance with section 3301.079 of the Revised Code 32635
to the following: 32636

(1) Any student who transfers into the district or to a 32637
different school within the district if each applicable diagnostic 32638
assessment was not administered by the district or school the 32639
student previously attended in the current school year, within 32640
thirty days after the date of transfer. If the district or school 32641
into which the student transfers cannot determine whether the 32642
student has taken any applicable diagnostic assessment in the 32643
current school year, the district or school may administer the 32644
diagnostic assessment to the student. However, if a student 32645
transfers into the district prior to the administration of the 32646
diagnostic assessments to all students under division (B) of this 32647
section, the district may administer the diagnostic assessments to 32648
that student on the date or dates determined under that division. 32649

(2) Each kindergarten student, not earlier than the first day 32650
of the school year and not later than the first day of November. 32651
However, a board of education may administer the selected response 32652
and performance task items portion of the diagnostic assessment up 32653
to two weeks prior to the first day of the school year. 32654

For the purpose of division (A)(2) of this section, the 32655
district shall administer the kindergarten readiness assessment 32656
provided by the department of education. In no case shall the 32657
results of the readiness assessment be used to prohibit a student 32658
from enrolling in kindergarten. 32659

(3) Each student enrolled in first, second, or third grade. 32660

Division (A) of this section does not apply to students with 32661

significant cognitive disabilities, as defined by the department 32662
of education. 32663

(B) Each district board shall administer each diagnostic 32664
assessment when the board deems appropriate, provided the 32665
administration complies with section 3313.608 of the Revised Code. 32666
However, the board shall administer any diagnostic assessment at 32667
least once annually to all students in the appropriate grade 32668
level. A district board may administer any diagnostic assessment 32669
in the fall and spring of a school year to measure the amount of 32670
academic growth attributable to the instruction received by 32671
students during that school year. 32672

(C) Any district that received a grade of "A" or "B" for the 32673
performance index score under division (A)(1)(b), (B)(1)(b), or 32674
(C)(1)(b) of section 3302.03 of the Revised Code or for the 32675
value-added progress dimension under division (A)(1)(e), 32676
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 32677
the immediately preceding school year may use different diagnostic 32678
assessments from those adopted under division (D) of section 32679
3301.079 of the Revised Code in order to satisfy the requirements 32680
of division (A)(3) of this section. 32681

(D) Each district board shall utilize and score any 32682
diagnostic assessment administered under division (A) of this 32683
section in accordance with rules established by the department. 32684
After the administration of any diagnostic assessment, each 32685
district shall provide a student's completed diagnostic 32686
assessment, the results of such assessment, and any other 32687
accompanying documents used during the administration of the 32688
assessment to the parent of that student, and shall include all 32689
such documents and information in any plan developed for the 32690
student under division (C) of section 3313.608 of the Revised 32691
Code. Each district shall submit to the department, in the manner 32692
the department prescribes, the results of the diagnostic 32693

assessments administered under this section, regardless of the 32694
type of assessment used under section 3313.608 of the Revised 32695
Code. The department may issue reports with respect to the data 32696
collected. The department may report school and district level 32697
kindergarten diagnostic assessment data and use diagnostic 32698
assessment data to calculate the measure prescribed by divisions 32699
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 32700

(E) Each district board shall provide intervention services 32701
to students whose diagnostic assessments show that they are 32702
failing to make satisfactory progress toward attaining the 32703
academic standards for their grade level. 32704

(F) Beginning in the 2018-2019 school year, any chartered 32705
nonpublic school may elect to administer the kindergarten 32706
readiness assessment to all kindergarten students enrolled in the 32707
school. If the school so elects, the chief administrator of the 32708
school shall notify the superintendent of public instruction not 32709
later than the thirty-first day of March prior to any school year 32710
in which the school will administer the assessment. The department 32711
shall furnish the assessment to the school at no cost to the 32712
school. In administering the assessment, the school shall do all 32713
of the following: 32714

(1) Enter into a written agreement with the department 32715
specifying that the school will share each participating student's 32716
assessment data with the department and, that for the purpose of 32717
reporting the data to the department, each participating student 32718
will be assigned a data verification code as described in division 32719
(D)(2) of section 3301.0714 of the Revised Code; 32720

(2) Require the assessment to be administered by a teacher 32721
certified under section 3301.071 of the Revised Code who either 32722
has completed training on administering the kindergarten readiness 32723
assessment provided by the department or has been trained by 32724
another person who has completed such training; 32725

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

Sec. 3302.01. As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science, ~~and social studies~~.

(2) For the assessments prescribed by division (B)(1) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.

The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to

the student an additional proportional weight, as approved by the 32757
state board. For each school year that such a student's score is 32758
included in the performance index score and the student attains 32759
the proficient score on an assessment, that additional weight 32760
shall be assigned to the student on a subject-by-subject basis. 32761

Students shall be included in the "performance index score" 32762
in accordance with division (K)(2) of section 3302.03 of the 32763
Revised Code. 32764

(B) "Subgroup" means a subset of the entire student 32765
population of the state, a school district, or a school building 32766
and includes each of the following: 32767

(1) Major racial and ethnic groups; 32768

(2) Students with disabilities; 32769

(3) Economically disadvantaged students; 32770

(4) Limited English proficient students; 32771

(5) Students identified as gifted in superior cognitive 32772
ability and specific academic ability fields under Chapter 3324. 32773
of the Revised Code. For students who are gifted in specific 32774
academic ability fields, the department shall use data for those 32775
students with specific academic ability in math and reading. If 32776
any other academic field is assessed, the department shall also 32777
include data for students with specific academic ability in that 32778
field. 32779

(6) Students in the lowest quintile for achievement 32780
statewide, as determined by a method prescribed by the state board 32781
of education. 32782

(C) "No Child Left Behind Act of 2001" includes the statutes 32783
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 32784
both thereto, rules and regulations promulgated pursuant to those 32785
statutes, guidance documents, and any other policy directives 32786

regarding implementation of that act issued by the United States 32787
department of education. 32788

(D) "Adequate yearly progress" means a measure of annual 32789
academic performance as calculated in accordance with the "No 32790
Child Left Behind Act of 2001." 32791

(E) "Supplemental educational services" means additional 32792
academic assistance, such as tutoring, remediation, or other 32793
educational enrichment activities, that is conducted outside of 32794
the regular school day by a provider approved by the department in 32795
accordance with the "No Child Left Behind Act of 2001." 32796

(F) "Value-added progress dimension" means a measure of 32797
academic gain for a student or group of students over a specific 32798
period of time that is calculated by applying a statistical 32799
methodology to individual student achievement data derived from 32800
the achievement assessments prescribed by section 3301.0710 of the 32801
Revised Code. The "value-added progress dimension" shall be 32802
developed and implemented in accordance with section 3302.021 of 32803
the Revised Code. 32804

(G)(1) "Four-year adjusted cohort graduation rate" means the 32805
number of students who graduate in four years or less with a 32806
regular high school diploma divided by the number of students who 32807
form the adjusted cohort for the graduating class. 32808

(2) "Five-year adjusted cohort graduation rate" means the 32809
number of students who graduate in five years with a regular high 32810
school diploma divided by the number of students who form the 32811
adjusted cohort for the four-year graduation rate. 32812

(H) "State institution of higher education" has the same 32813
meaning as in section 3345.011 of the Revised Code. 32814

(I) "Annual measurable objectives" means a measure of student 32815
progress determined in accordance with an agreement between the 32816
department of education and the United States department of 32817

education. 32818

(J) "Community school" means a community school established 32819
under Chapter 3314. of the Revised Code. 32820

(K) "STEM school" means a science, technology, engineering, 32821
and mathematics school established under Chapter 3326. of the 32822
Revised Code. 32823

(L) "Entitled to attend school in the district" means 32824
entitled to attend school in a school district under section 32825
3313.64 or 3313.65 of the Revised Code. 32826

Sec. 3302.03. Annually, not later than the fifteenth day of 32827
September or the preceding Friday when that day falls on a 32828
Saturday or Sunday, the department of education shall assign a 32829
letter grade for overall academic performance and for each 32830
separate performance measure for each school district, and each 32831
school building in a district, in accordance with this section. 32832
The state board shall adopt rules pursuant to Chapter 119. of the 32833
Revised Code to establish performance criteria for each letter 32834
grade and prescribe a method by which the department assigns each 32835
letter grade. For a school building to which any of the 32836
performance measures do not apply, due to grade levels served by 32837
the building, the state board shall designate the performance 32838
measures that are applicable to the building and that must be 32839
calculated separately and used to calculate the building's overall 32840
grade. The department shall issue annual report cards reflecting 32841
the performance of each school district, each building within each 32842
district, and for the state as a whole using the performance 32843
measures and letter grade system described in this section. The 32844
department shall include on the report card for each district and 32845
each building within each district the most recent two-year trend 32846
data in student achievement for each subject and each grade. 32847

(A)(1) For the 2012-2013 school year, the department shall 32848

issue grades as described in division (E) of this section for each	32849
of the following performance measures:	32850
(a) Annual measurable objectives;	32851
(b) Performance index score for a school district or	32852
building. Grades shall be awarded as a percentage of the total	32853
possible points on the performance index system as adopted by the	32854
state board. In adopting benchmarks for assigning letter grades	32855
under division (A)(1)(b) of this section, the state board of	32856
education shall designate ninety per cent or higher for an "A," at	32857
least seventy per cent but not more than eighty per cent for a	32858
"C," and less than fifty per cent for an "F."	32859
(c) The extent to which the school district or building meets	32860
each of the applicable performance indicators established by the	32861
state board under section 3302.02 of the Revised Code and the	32862
percentage of applicable performance indicators that have been	32863
achieved. In adopting benchmarks for assigning letter grades under	32864
division (A)(1)(c) of this section, the state board shall	32865
designate ninety per cent or higher for an "A."	32866
(d) The four- and five-year adjusted cohort graduation rates.	32867
In adopting benchmarks for assigning letter grades under	32868
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the	32869
department shall designate a four-year adjusted cohort graduation	32870
rate of ninety-three per cent or higher for an "A" and a five-year	32871
cohort graduation rate of ninety-five per cent or higher for an	32872
"A."	32873
(e) The overall score under the value-added progress	32874
dimension of a school district or building, for which the	32875
department shall use up to three years of value-added data as	32876
available. The letter grade assigned for this growth measure shall	32877
be as follows:	32878
(i) A score that is at least two standard errors of measure	32879

above the mean score shall be designated as an "A." 32880

(ii) A score that is at least one standard error of measure 32881
but less than two standard errors of measure above the mean score 32882
shall be designated as a "B." 32883

(iii) A score that is less than one standard error of measure 32884
above the mean score but greater than or equal to one standard 32885
error of measure below the mean score shall be designated as a 32886
"C." 32887

(iv) A score that is not greater than one standard error of 32888
measure below the mean score but is greater than or equal to two 32889
standard errors of measure below the mean score shall be 32890
designated as a "D." 32891

(v) A score that is not greater than two standard errors of 32892
measure below the mean score shall be designated as an "F." 32893

Whenever the value-added progress dimension is used as a 32894
graded performance measure, whether as an overall measure or as a 32895
measure of separate subgroups, the grades for the measure shall be 32896
calculated in the same manner as prescribed in division (A)(1)(e) 32897
of this section. 32898

(f) The value-added progress dimension score for a school 32899
district or building disaggregated for each of the following 32900
subgroups: students identified as gifted, students with 32901
disabilities, and students whose performance places them in the 32902
lowest quintile for achievement on a statewide basis. Each 32903
subgroup shall be a separate graded measure. 32904

(2) Not later than April 30, 2013, the state board of 32905
education shall adopt a resolution describing the performance 32906
measures, benchmarks, and grading system for the 2012-2013 school 32907
year and, not later than June 30, 2013, shall adopt rules in 32908
accordance with Chapter 119. of the Revised Code that prescribe 32909
the methods by which the performance measures under division 32910

(A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 32942
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 32946
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the 32954
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Revised Code. 32974

(h) For a high mobility school district or building, an 32975
additional value-added progress dimension score. For this measure, 32976
the department shall use value-added data from the most recent 32977
school year available and shall use assessment scores for only 32978
those students to whom the district or building has administered 32979
the assessments prescribed by section 3301.0710 of the Revised 32980
Code for each of the two most recent consecutive school years. 32981

As used in this division, "high mobility school district or 32982
building" means a school district or building where at least 32983
twenty-five per cent of its total enrollment is made up of 32984
students who have attended that school district or building for 32985
less than one year. 32986

(2) In addition to the graded measures in division (B)(1) of 32987
this section, the department shall include on a school district's 32988
or building's report card all of the following without an assigned 32989
letter grade: 32990

(a) The percentage of students enrolled in a district or 32991
building participating in advanced placement classes and the 32992
percentage of those students who received a score of three or 32993
better on advanced placement examinations; 32994

(b) The number of a district's or building's students who 32995
have earned at least three college credits through dual enrollment 32996
or advanced standing programs, such as the post-secondary 32997
enrollment options program under Chapter 3365. of the Revised Code 32998
and state-approved career-technical courses offered through dual 32999
enrollment or statewide articulation, that appear on a student's 33000
transcript or other official document, either of which is issued 33001
by the institution of higher education from which the student 33002
earned the college credit. The credits earned that are reported 33003
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 33004

include any that are remedial or developmental and shall include 33005
those that count toward the curriculum requirements established 33006
for completion of a degree. 33007

(c) The percentage of students enrolled in a district or 33008
building who have taken a national standardized test used for 33009
college admission determinations and the percentage of those 33010
students who are determined to be remediation-free in accordance 33011
with standards adopted under division (F) of section 3345.061 of 33012
the Revised Code; 33013

(d) The percentage of the district's or the building's 33014
students who receive industry-recognized credentials as approved 33015
under section 3313.6113 of the Revised Code. ~~The state board shall~~ 33016
~~adopt criteria for acceptable industry recognized credentials.~~ 33017

(e) The percentage of students enrolled in a district or 33018
building who are participating in an international baccalaureate 33019
program and the percentage of those students who receive a score 33020
of four or better on the international baccalaureate examinations. 33021

(f) The percentage of the district's or building's students 33022
who receive an honors diploma under division (B) of section 33023
3313.61 of the Revised Code. 33024

(3) Not later than December 31, 2013, the state board shall 33025
adopt rules in accordance with Chapter 119. of the Revised Code 33026
that prescribe the methods by which the performance measures under 33027
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 33028
and assigned a letter grade, including performance benchmarks for 33029
each grade. 33030

At least forty-five days prior to the state board's adoption 33031
of rules to prescribe the methods by which the performance 33032
measures under division (B)(1) of this section shall be assessed 33033
and assigned a letter grade, the department shall conduct a public 33034
presentation before the standing committees of the house of 33035

representatives and the senate that consider education legislation 33036
describing such methods, including performance benchmarks. 33037

(4) There shall not be an overall letter grade for a school 33038
district or building for the 2013-2014, 2014-2015, 2015-2016, and 33039
2016-2017 school years. 33040

(C)(1) For the 2014-2015 school year and each school year 33041
thereafter, the department shall issue grades as described in 33042
division (E) of this section for each of the performance measures 33043
prescribed in division (C)(1) of this section. The graded measures 33044
are as follows: 33045

(a) Annual measurable objectives; 33046

(b) Performance index score for a school district or 33047
building. Grades shall be awarded as a percentage of the total 33048
possible points on the performance index system as created by the 33049
department. In adopting benchmarks for assigning letter grades 33050
under division (C)(1)(b) of this section, the state board shall 33051
designate ninety per cent or higher for an "A," at least seventy 33052
per cent but not more than eighty per cent for a "C," and less 33053
than fifty per cent for an "F." 33054

(c) The extent to which the school district or building meets 33055
each of the applicable performance indicators established by the 33056
state board under section 3302.03 of the Revised Code and the 33057
percentage of applicable performance indicators that have been 33058
achieved. In adopting benchmarks for assigning letter grades under 33059
division (C)(1)(c) of this section, the state board shall 33060
designate ninety per cent or higher for an "A." 33061

(d) The four- and five-year adjusted cohort graduation rates; 33062

(e) The overall score under the value-added progress 33063
dimension, or another measure of student academic progress if 33064
adopted by the state board, of a school district or building, for 33065
which the department shall use up to three years of value-added 33066

data as available. 33067

In adopting benchmarks for assigning letter grades for 33068
overall score on value-added progress dimension under division 33069
(C)(1)(e) of this section, the state board shall prohibit the 33070
assigning of a grade of "A" for that measure unless the district's 33071
or building's grade assigned for value-added progress dimension 33072
for all subgroups under division (C)(1)(f) of this section is a 33073
"B" or higher. 33074

For the metric prescribed by division (C)(1)(e) of this 33075
section, the state board may adopt a student academic progress 33076
measure to be used instead of the value-added progress dimension. 33077
If the state board adopts such a measure, it also shall prescribe 33078
a method for assigning letter grades for the new measure that is 33079
comparable to the method prescribed in division (A)(1)(e) of this 33080
section. 33081

(f) The value-added progress dimension score of a school 33082
district or building disaggregated for each of the following 33083
subgroups: students identified as gifted in superior cognitive 33084
ability and specific academic ability fields under Chapter 3324. 33085
of the Revised Code, students with disabilities, and students 33086
whose performance places them in the lowest quintile for 33087
achievement on a statewide basis, as determined by a method 33088
prescribed by the state board. Each subgroup shall be a separate 33089
graded measure. 33090

The state board may adopt student academic progress measures 33091
to be used instead of the value-added progress dimension. If the 33092
state board adopts such measures, it also shall prescribe a method 33093
for assigning letter grades for the new measures that is 33094
comparable to the method prescribed in division (A)(1)(e) of this 33095
section. 33096

(g) Whether a school district or building is making progress 33097

in improving literacy in grades kindergarten through three, as 33098
determined using a method prescribed by the state board. The state 33099
board shall adopt rules to prescribe benchmarks and standards for 33100
assigning grades to a district or building for purposes of 33101
division (C)(1)(g) of this section. The state board shall 33102
designate for a "C" grade a value that is not lower than the 33103
statewide average value for this measure. No grade shall be issued 33104
under division (C)(1)(g) of this section for a district or 33105
building in which less than five per cent of students have scored 33106
below grade level on the kindergarten diagnostic assessment under 33107
division (B)(1) of section 3313.608 of the Revised Code. 33108

(h) For a high mobility school district or building, an 33109
additional value-added progress dimension score. For this measure, 33110
the department shall use value-added data from the most recent 33111
school year available and shall use assessment scores for only 33112
those students to whom the district or building has administered 33113
the assessments prescribed by section 3301.0710 of the Revised 33114
Code for each of the two most recent consecutive school years. 33115

As used in this division, "high mobility school district or 33116
building" means a school district or building where at least 33117
twenty-five per cent of its total enrollment is made up of 33118
students who have attended that school district or building for 33119
less than one year. 33120

(2) In addition to the graded measures in division (C)(1) of 33121
this section, the department shall include on a school district's 33122
or building's report card all of the following without an assigned 33123
letter grade: 33124

(a) The percentage of students enrolled in a district or 33125
building who have taken a national standardized test used for 33126
college admission determinations and the percentage of those 33127
students who are determined to be remediation-free in accordance 33128
with the standards adopted under division (F) of section 3345.061 33129

of the Revised Code;	33130
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	33131 33132 33133 33134
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	33135 33136 33137 33138 33139 33140 33141 33142 33143 33144 33145 33146
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	33147 33148 33149
(e) The percentage of the district's or building's students who receive industry-recognized credentials <u>as approved under section 3313.6113 of the Revised Code</u> ;	33150 33151 33152
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	33153 33154 33155 33156
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	33157 33158 33159
(3) The state board shall adopt rules pursuant to Chapter	33160

119. of the Revised Code that establish a method to assign an 33161
overall grade for a school district or school building for the 33162
2017-2018 school year and each school year thereafter. The rules 33163
shall group the performance measures in divisions (C)(1) and (2) 33164
of this section into the following components: 33165

(a) Gap closing, which shall include the performance measure 33166
in division (C)(1)(a) of this section; 33167

(b) Achievement, which shall include the performance measures 33168
in divisions (C)(1)(b) and (c) of this section; 33169

(c) Progress, which shall include the performance measures in 33170
divisions (C)(1)(e) and (f) of this section; 33171

(d) Graduation, which shall include the performance measure 33172
in division (C)(1)(d) of this section; 33173

(e) Kindergarten through third-grade literacy, which shall 33174
include the performance measure in division (C)(1)(g) of this 33175
section; 33176

(f) Prepared for success, which shall include the performance 33177
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 33178
this section. The state board shall develop a method to determine 33179
a grade for the component in division (C)(3)(f) of this section 33180
using the performance measures in divisions (C)(2)(a), (b), (c), 33181
(d), (e), and (f) of this section. When available, the state board 33182
may incorporate the performance measure under division (C)(2)(g) 33183
of this section into the component under division (C)(3)(f) of 33184
this section. When determining the overall grade for the prepared 33185
for success component prescribed by division (C)(3)(f) of this 33186
section, no individual student shall be counted in more than one 33187
performance measure. However, if a student qualifies for more than 33188
one performance measure in the component, the state board may, in 33189
its method to determine a grade for the component, specify an 33190
additional weight for such a student that is not greater than or 33191

equal to 1.0. In determining the overall score under division 33192
(C)(3)(f) of this section, the state board shall ensure that the 33193
pool of students included in the performance measures aggregated 33194
under that division are all of the students included in the four- 33195
and five-year adjusted graduation cohort. 33196

In the rules adopted under division (C)(3) of this section, 33197
the state board shall adopt a method for determining a grade for 33198
each component in divisions (C)(3)(a) to (f) of this section. The 33199
state board also shall establish a method to assign an overall 33200
grade of "A," "B," "C," "D," or "F" using the grades assigned for 33201
each component. The method the state board adopts for assigning an 33202
overall grade shall give equal weight to the components in 33203
divisions (C)(3)(b) and (c) of this section. 33204

At least forty-five days prior to the state board's adoption 33205
of rules to prescribe the methods for calculating the overall 33206
grade for the report card, as required by this division, the 33207
department shall conduct a public presentation before the standing 33208
committees of the house of representatives and the senate that 33209
consider education legislation describing the format for the 33210
report card, weights that will be assigned to the components of 33211
the overall grade, and the method for calculating the overall 33212
grade. 33213

(D) On or after ~~than~~ July 1, 2015, the state board may 33214
develop a measure of student academic progress for high school 33215
students using only data from assessments in English language arts 33216
and mathematics. If the state board develops this measure, each 33217
school district and applicable school building shall be assigned a 33218
separate letter grade for ~~if~~ it not sooner than the 2017-2018 33219
school year. The district's or building's grade for that measure 33220
shall not be included in determining the district's or building's 33221
overall letter grade. 33222

(E) The letter grades assigned to a school district or 33223

building under this section shall be as follows:	33224
(1) "A" for a district or school making excellent progress;	33225
(2) "B" for a district or school making above average progress;	33226 33227
(3) "C" for a district or school making average progress;	33228
(4) "D" for a district or school making below average progress;	33229 33230
(5) "F" for a district or school failing to meet minimum progress.	33231 33232
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	33233 33234 33235
(1) Performance of students by grade-level;	33236
(2) Performance of students by race and ethnic group;	33237
(3) Performance of students by gender;	33238
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	33239 33240
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	33241 33242 33243
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	33244 33245
(7) Performance of students grouped by those who are economically disadvantaged;	33246 33247
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	33248 33249 33250
(9) Performance of students grouped by those who are	33251

classified as limited English proficient;	33252
(10) Performance of students grouped by those who have disabilities;	33253 33254
(11) Performance of students grouped by those who are classified as migrants;	33255 33256
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	33257 33258 33259 33260 33261 33262 33263 33264 33265
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	33266 33267 33268
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	33269 33270 33271 33272 33273 33274
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than	33275 33276 33277 33278 33279 33280 33281 33282

ten students, the department shall indicate on the report card 33283
that is why data was not reported. 33284

(G) The department may include with the report cards any 33285
additional education and fiscal performance data it deems 33286
valuable. 33287

(H) The department shall include on each report card a list 33288
of additional information collected by the department that is 33289
available regarding the district or building for which the report 33290
card is issued. When available, such additional information shall 33291
include student mobility data disaggregated by race and 33292
socioeconomic status, college enrollment data, and the reports 33293
prepared under section 3302.031 of the Revised Code. 33294

The department shall maintain a site on the world wide web. 33295
The report card shall include the address of the site and shall 33296
specify that such additional information is available to the 33297
public at that site. The department shall also provide a copy of 33298
each item on the list to the superintendent of each school 33299
district. The district superintendent shall provide a copy of any 33300
item on the list to anyone who requests it. 33301

(I)(1)(a) Except as provided in division (I)(1)(b) of this 33302
section, for any district that sponsors a conversion community 33303
school under Chapter 3314. of the Revised Code, the department 33304
shall combine data regarding the academic performance of students 33305
enrolled in the community school with comparable data from the 33306
schools of the district for the purpose of determining the 33307
performance of the district as a whole on the report card issued 33308
for the district under this section or section 3302.033 of the 33309
Revised Code. 33310

(b) The department shall not combine data from any conversion 33311
community school that a district sponsors if a majority of the 33312
students enrolled in the conversion community school are enrolled 33313

in a dropout prevention and recovery program that is operated by 33314
the school, as described in division (A)(4)(a) of section 3314.35 33315
of the Revised Code. The department shall include as an addendum 33316
to the district's report card the ratings and performance measures 33317
that are required under section 3314.017 of the Revised Code for 33318
any community school to which division (I)(1)(b) of this section 33319
applies. This addendum shall include, at a minimum, the data 33320
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 33321
3314.017 of the Revised Code. 33322

(2) Any district that leases a building to a community school 33323
located in the district or that enters into an agreement with a 33324
community school located in the district whereby the district and 33325
the school endorse each other's programs may elect to have data 33326
regarding the academic performance of students enrolled in the 33327
community school combined with comparable data from the schools of 33328
the district for the purpose of determining the performance of the 33329
district as a whole on the district report card. Any district that 33330
so elects shall annually file a copy of the lease or agreement 33331
with the department. 33332

(3) Any municipal school district, as defined in section 33333
3311.71 of the Revised Code, that sponsors a community school 33334
located within the district's territory, or that enters into an 33335
agreement with a community school located within the district's 33336
territory whereby the district and the community school endorse 33337
each other's programs, may exercise either or both of the 33338
following elections: 33339

(a) To have data regarding the academic performance of 33340
students enrolled in that community school combined with 33341
comparable data from the schools of the district for the purpose 33342
of determining the performance of the district as a whole on the 33343
district's report card; 33344

(b) To have the number of students attending that community 33345

school noted separately on the district's report card. 33346

The election authorized under division (I)(3)(a) of this 33347
section is subject to approval by the governing authority of the 33348
community school. 33349

Any municipal school district that exercises an election to 33350
combine or include data under division (I)(3) of this section, by 33351
the first day of October of each year, shall file with the 33352
department documentation indicating eligibility for that election, 33353
as required by the department. 33354

(J) The department shall include on each report card the 33355
percentage of teachers in the district or building who are highly 33356
qualified, as defined by the No Child Left Behind Act of 2001, and 33357
a comparison of that percentage with the percentages of such 33358
teachers in similar districts and buildings. 33359

(K)(1) In calculating English language arts, mathematics, 33360
~~social studies~~, or science assessment passage rates used to 33361
determine school district or building performance under this 33362
section, the department shall include all students taking an 33363
assessment with accommodation or to whom an alternate assessment 33364
is administered pursuant to division (C)(1) or (3) of section 33365
3301.0711 of the Revised Code. 33366

(2) In calculating performance index scores, rates of 33367
achievement on the performance indicators established by the state 33368
board under section 3302.02 of the Revised Code, and annual 33369
measurable objectives for determining adequate yearly progress for 33370
school districts and buildings under this section, the department 33371
shall do all of the following: 33372

(a) Include for each district or building only those students 33373
who are included in the ADM certified for the first full school 33374
week of October and are continuously enrolled in the district or 33375
building through the time of the spring administration of any 33376

assessment prescribed by division (A)(1) or (B)(1) of section 33377
3301.0710 or division (B) of section 3301.0712 of the Revised Code 33378
that is administered to the student's grade level; 33379

(b) Include cumulative totals from both the fall and spring 33380
administrations of the third grade English language arts 33381
achievement assessment; 33382

(c) Except as required by the No Child Left Behind Act of 33383
2001, exclude for each district or building any limited English 33384
proficient student who has been enrolled in United States schools 33385
for less than one full school year. 33386

(L) Beginning with the 2015-2016 school year and at least 33387
once every three years thereafter, the state board of education 33388
shall review and may adjust the benchmarks for assigning letter 33389
grades to the performance measures and components prescribed under 33390
divisions (C)(3) and (D) of this section. 33391

Sec. 3302.151. (A) Notwithstanding anything to the contrary 33392
in the Revised Code, a school district that qualifies under 33393
division (D) of this section shall be exempt from all of the 33394
following: 33395

(1) The teacher qualification requirements under the 33396
third-grade reading guarantee, as prescribed under divisions 33397
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 33398
exemption does not relieve a teacher from holding a valid Ohio 33399
license in a subject area and grade level determined appropriate 33400
by the board of education of that district. 33401

~~(2) The mentoring component of the Ohio teacher residency 33402
program established under division (A)(1) of section 3319.223 of 33403
the Revised Code, so long as the district utilizes a local 33404
approach to train and support new teachers; 33405~~

~~(3) Any provision of the Revised Code or rule or standard of 33406~~

the state board of education prescribing a minimum or maximum 33407
class size; 33408

~~(4)~~(3) Any provision of the Revised Code or rule or standard 33409
of the state board requiring teachers to be licensed specifically 33410
in the grade level in which they are teaching, except unless 33411
otherwise prescribed by federal law. This exemption does not apply 33412
to special education teachers. Nor does this exemption relieve a 33413
teacher from holding a valid Ohio license in the subject area in 33414
which that teacher is teaching and at least some grade level 33415
determined appropriate by the district board. 33416

(B)(1) Notwithstanding anything to the contrary in the 33417
Revised Code, including sections 3319.30 and 3319.36 of the 33418
Revised Code, the superintendent of a school district that 33419
qualifies under division (D) of this section may employ an 33420
individual who is not licensed as required by sections 3319.22 to 33421
3319.30 of the Revised Code, but who is otherwise qualified based 33422
on experience, to teach classes in the district, so long as the 33423
board of education of the school district approves the 33424
individual's employment and provides mentoring and professional 33425
development opportunities to that individual, as determined 33426
necessary by the board. 33427

(2) As a condition of employment under this section, an 33428
individual shall be subject to a criminal records check as 33429
prescribed by section 3319.391 of the Revised Code. In the manner 33430
prescribed by the department of education, the individual shall 33431
submit the criminal records check to the department and shall 33432
register with the department during the period in which the 33433
individual is employed by the district. The department shall use 33434
the information submitted to enroll the individual in the retained 33435
applicant fingerprint database, established under section 109.5721 33436
of the Revised Code, in the same manner as any teacher licensed 33437
under sections 3319.22 to 3319.31 of the Revised Code. 33438

(3) An individual employed pursuant to this division is 33439
subject to Chapter 3307. of the Revised Code. 33440

If the department receives notification of the arrest or 33441
conviction of an individual employed under division (B) of this 33442
section, the department shall promptly notify the employing 33443
district and may take any action authorized under sections 3319.31 33444
and 3319.311 of the Revised Code that it considers appropriate. No 33445
district shall employ any individual under division (B) of this 33446
section if the district learns that the individual has plead 33447
guilty to, has been found guilty by a jury or court of, or has 33448
been convicted of any of the offenses listed in division (C) of 33449
section 3319.31 of the Revised Code. 33450

(C) Notwithstanding anything to the contrary in the Revised 33451
Code, noncompliance with any of the requirements listed in 33452
divisions (A) or (B) of this section shall not disqualify a school 33453
district that qualifies under division (D) of this section from 33454
receiving funds under Chapter 3317. of the Revised Code. 33455

(D) In order for a city, local, or exempted village school 33456
district to qualify for the exemptions described in this section, 33457
the school district shall meet all of the following benchmarks on 33458
the most recent report card issued for that district under section 33459
3302.03 of the Revised Code: 33460

(1) The district received at least eighty-five per cent of 33461
the total possible points for the performance index score 33462
calculated under division (C)(1)(b) of that section; 33463

(2) The district received a grade of an "A" for performance 33464
indicators met under division (C)(1)(c) of that section; 33465

(3) The district has a four-year adjusted cohort graduation 33466
rate of at least ninety-three per cent and a five-year adjusted 33467
cohort graduation rate of at least ninety-five per cent, as 33468
calculated under division (C)(1)(d) of that section. 33469

(E) A school district that meets the requirements prescribed 33470
by division (D) of this section shall be qualified for the 33471
exemptions prescribed by this section for three school years, 33472
beginning with the school year in which the qualifying report card 33473
is issued. 33474

(F) As used in this section, "license" has the same meaning 33475
as in section 3319.31 of the Revised Code. 33476

Sec. 3303.20. The superintendent of public instruction shall 33477
appoint a supervisor of agricultural education within the 33478
department of education. The supervisor shall be responsible for 33479
administering and disseminating to school districts information 33480
about agricultural education. The supervisor also may serve as the 33481
chair of the board of trustees of the Ohio FFA association, and 33482
may assist with the association's programs and activities in a 33483
manner that enables the association to maintain its state charter 33484
and to meet applicable requirements of the United States 33485
department of education and the national FFA organization. This 33486
assistance may include the provision of department personnel, 33487
services, and facilities. 33488

The department shall maintain an appropriate number of 33489
full-time employees focusing on agricultural education. The 33490
department shall employ at least three program consultants who 33491
shall be available to provide assistance to school districts on a 33492
regional basis throughout the state. At least one consultant may 33493
coordinate local activities of the student organization known as 33494
the future farmers of America. Department employees may not 33495
receive compensation from the Ohio FFA association, but the 33496
department may be reimbursed by the association for reasonable 33497
expenses related to assistance provided under this section. 33498

Sec. 3304.11. As used in sections 3304.11 to 3304.27 of the 33499

Revised Code: 33500

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 33501
~~person with~~ an individual who has a physical or mental impairment 33502
that ~~is~~ constitutes or results in a substantial impediment to 33503
employment ~~and who can benefit in terms of an employment outcome~~ 33504
~~from the provision of~~ requires vocational rehabilitation services 33505
to prepare for, secure, retain, advance in, or regain employment. 33506

(B) "Physical or mental impairment" means ~~a physical or~~ 33507
~~mental condition that materially limits, contributes to limiting~~ 33508
~~or, if not corrected, will probably result in limiting a person's~~ 33509
~~activities or functioning~~ any physiological, mental, or 33510
psychological disorder. 33511

(C) "Substantial impediment to employment" means a physical 33512
or mental ~~disability that impedes a person's occupational~~ 33513
~~performance, by preventing the person's obtaining, retaining, or~~ 33514
~~preparing for a gainful occupation consistent with the person's~~ 33515
~~capacities and~~ impairment that hinders an individual from 33516
preparing for, entering into, engaging in, advancing in, or 33517
retaining employment consistent with the individual's abilities 33518
and capabilities. 33519

(D) "Vocational rehabilitation" ~~and "vocational~~ 33520
~~rehabilitation services" means any activity or service calculated~~ 33521
~~to enable a person with a disability or groups of persons with~~ 33522
~~disabilities to engage in gainful occupation and includes, but is~~ 33523
~~not limited to, medical and vocational evaluation, including~~ 33524
~~diagnostic and related services, vocational counseling, guidance~~ 33525
~~and placement, including follow up services, rehabilitation~~ 33526
~~training, including books and other training materials, physical~~ 33527
~~restoration, recruitment and training services designed to provide~~ 33528
~~persons with disabilities new employment opportunities,~~ 33529
~~maintenance, occupational tools, equipment, supplies,~~ 33530
~~transportation, services to families of persons with disabilities~~ 33531

~~that contribute substantially to the rehabilitation of these~~ 33532
~~persons, and any other goods or service necessary to render a~~ 33533
~~person with a disability employable has the same meaning as~~ 33534
~~defined in section 361.5 of Title 34 of the Code of Federal~~ 33535
~~Regulations, 34 C.F.R. 361.5.~~ 33536

(E) "Establishment of a rehabilitation facility" means the 33537
expansion, remodeling, or alteration of an existing building that 33538
is necessary to adapt or to increase the effectiveness of that 33539
building for rehabilitation facility purposes, the acquisition of 33540
equipment for these purposes, and the initial staffing. 33541

(F) "Construction" means the construction of new buildings, 33542
acquisition of land or existing buildings and their expansion, 33543
remodeling, alteration and renovation, and the initial staffing 33544
and equipment of any new, newly acquired, expanded, remodeled, 33545
altered, or renovated buildings. 33546

~~(G) "Physical restoration services" means those services that~~ 33547
~~are necessary to correct or substantially modify within a~~ 33548
~~reasonable period of time a physical or mental condition that is~~ 33549
~~stable or slowly progressive.~~ 33550

~~(H) "Occupational license" means any license, permit, or~~ 33551
~~other written authority required by any governmental unit in order~~ 33552
~~to engage in any occupation or business.~~ 33553

~~(I) "Maintenance" means money payments to persons with~~ 33554
~~disabilities who need financial assistance for their subsistence~~ 33555
~~during their vocational rehabilitation monetary support provided~~ 33556
~~to an individual for expenses such as food, shelter, and clothing~~ 33557
~~that are in excess of the normal expenses of the individual and~~ 33558
~~that are necessitated by the individual's participation in an~~ 33559
~~assessment for determining eligibility and need for vocational~~ 33560
~~rehabilitation services or the individual's receipt of vocational~~ 33561
~~rehabilitation services under an individualized plan for~~ 33562

employment. 33563

Sec. 3304.12. (A) The governor, with the advice and consent 33564
of the senate, shall appoint the opportunities for Ohioans with 33565
disabilities commission within the opportunities for Ohioans with 33566
disabilities agency consisting of seven members, no more than four 33567
of whom shall be members of the same political party and who shall 33568
include at least three from rehabilitation professions, including 33569
at least one member from the field of services to the blind, and 33570
at least four individuals with disabilities, no less than two nor 33571
more than three of whom have received vocational rehabilitation 33572
services offered by a state vocational rehabilitation services 33573
agency or the veterans' administration. The members with 33574
disabilities shall be representative of several major categories 33575
of ~~persons~~ eligible individuals with disabilities served by the 33576
opportunities for Ohioans with disabilities agency. 33577

(B) Terms of office shall be for seven years, commencing on 33578
the ninth day of September and ending on the eighth day of 33579
September, with no person eligible to serve more than two 33580
seven-year terms. Each member shall hold office from the date of 33581
appointment until the end of the term for which the member was 33582
appointed. Any member appointed to fill a vacancy occurring prior 33583
to the expiration of the term for which the member's predecessor 33584
was appointed shall hold office for the remainder of that term. 33585
Any member shall continue in office subsequent to the expiration 33586
date of the member's term until a successor takes office, or until 33587
a period of sixty days has elapsed, whichever occurs first. 33588
Members who fail to perform their duties or who are guilty of 33589
misconduct may be removed on written charges preferred by the 33590
governor or by a majority of the commission. 33591

(C) Members of the commission shall be reimbursed for travel 33592
and necessary expenses incurred in the conduct of their duties, 33593

and shall receive an amount fixed pursuant to division (J) of 33594
section 124.15 of the Revised Code while actually engaged in 33595
attendance at meetings or in the performance of their duties. 33596

Sec. 3304.14. For the purposes of sections 3304.11 to 3304.27 33597
of the Revised Code, the opportunities for Ohioans with 33598
disabilities commission shall approve the state vocational 33599
rehabilitation services plan, jointly approve the state plan for 33600
independent living with the Ohio state independent living council, 33601
appoint a consumer advisory committee, and, to the extent 33602
feasible, conduct a review and analysis of the effectiveness of 33603
and consumer satisfaction with all of the following: 33604

(A) The functions performed by the opportunities for Ohioans 33605
with disabilities agency; 33606

(B) The vocational rehabilitation services provided by state 33607
agencies and other public and private entities responsible for 33608
providing vocational rehabilitation services to ~~persons~~ eligible 33609
individuals with disabilities under the "Rehabilitation Act of 33610
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 33611

(C) The employment outcomes achieved by eligible individuals 33612
with disabilities receiving vocational rehabilitation services 33613
under sections 3304.11 to 3304.27 of the Revised Code, including 33614
the availability of health and other employment benefits in 33615
connection with those employment outcomes. 33616

Sec. 3304.15. (A) There is hereby created the opportunities 33617
for Ohioans with disabilities agency. The agency is the designated 33618
state unit authorized under the "Rehabilitation Act of 1973," 87 33619
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 33620
rehabilitation services to eligible ~~persons~~ individuals with 33621
disabilities. 33622

(B) The governor shall appoint an executive director of the 33623

opportunities for Ohioans with disabilities agency to serve at the 33624
pleasure of the governor and shall fix the executive director's 33625
compensation. The executive director shall devote the executive 33626
director's entire time to the duties of the executive director's 33627
office, shall hold no other office or position of trust and 33628
profit, and shall engage in no other business during the executive 33629
director's term of office. The governor may grant the executive 33630
director the authority to appoint, remove, and discipline without 33631
regard to sex, race, creed, color, age, or national origin, such 33632
other professional, administrative, and clerical staff members as 33633
are necessary to carry out the functions and duties of the agency. 33634

The executive director of the opportunities for Ohioans with 33635
disabilities agency is the executive and administrative officer of 33636
the agency. Whenever the Revised Code imposes a duty on or 33637
requires an action of the agency, the executive director shall 33638
perform the duty or action on behalf of the agency. The executive 33639
director may establish procedures for all of the following: 33640

(1) The governance of the agency; 33641

(2) The conduct of agency employees and officers; 33642

(3) The performance of agency business; 33643

(4) The custody, use, and preservation of agency records, 33644
papers, books, documents, and property. 33645

(C) The executive director shall have exclusive authority to 33646
administer the daily operation and provision of vocational 33647
rehabilitation services under this chapter. In exercising that 33648
authority, the executive director may do all of the following: 33649

(1) Adopt rules in accordance with Chapter 119. of the 33650
Revised Code; 33651

(2) Prepare and submit an annual report to the governor; 33652

(3) Certify any disbursement of funds available to the agency 33653

for vocational rehabilitation ~~activities~~ services; 33654

(4) Take appropriate action to guarantee rights of vocational 33655
rehabilitation services to ~~people~~ eligible individuals with 33656
disabilities; 33657

(5) Consult with and advise other state agencies and 33658
coordinate programs for ~~persons~~ eligible individuals with 33659
disabilities; 33660

(6) Comply with the requirements for match as part of budget 33661
submission; 33662

(7) Establish research and demonstration projects; 33663

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 33664
further vocational rehabilitation services; 33665

(9) For the purposes of the business enterprise program 33666
administered under sections 3304.28 to 3304.35 of the Revised 33667
Code: 33668

(a) Establish and manage small business entities owned or 33669
operated by ~~visually impaired persons~~ individuals who are blind; 33670

(b) Purchase insurance; 33671

(c) Accept computers. 33672

(10) Enter into contracts and other agreements for the 33673
provision of vocational rehabilitation services. 33674

(D) The executive director shall establish a fee schedule for 33675
vocational rehabilitation services in accordance with 34 C.F.R. 33676
361.50. 33677

Sec. 3304.17. The opportunities for Ohioans with disabilities 33678
agency shall provide vocational rehabilitation services to all 33679
eligible ~~persons~~ individuals with disabilities, including any 33680
~~person~~ eligible individual with a disability who is eligible under 33681
the terms of an agreement or arrangement with another state or 33682

with the federal government. If vocational rehabilitation services 33683
cannot be provided to all eligible individuals with disabilities 33684
in the state who apply for vocational rehabilitation services, the 33685
agency shall implement an order of selection in accordance with 34 33686
C.F.R. 361.36. 33687

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs 33688
web site" has the same meaning as in section 6301.01 of the 33689
Revised Code. 33690

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 33691
eligible individual receiving vocational rehabilitation services 33692
provided under section 3304.17 of the Revised Code shall create an 33693
account with the OhioMeansJobs web site upon initiation of a job 33694
search as a part of receiving those vocational rehabilitation 33695
services. 33696

(C) Division (B) of this section does not apply to any 33697
eligible individual with a disability who is legally prohibited 33698
from using a computer, has a physical or visual impairment that 33699
makes the eligible individual with a disability unable to use a 33700
computer, or has a limited ability to read, write, speak, or 33701
understand a language in which the OhioMeansJobs web site is 33702
available. 33703

Sec. 3304.18. The treasurer of state shall be the custodian 33704
of all moneys received from the federal government for vocational 33705
rehabilitation services programs and shall disburse the money upon 33706
the certification of the executive director of the opportunities 33707
for Ohioans with disabilities agency. If federal funds are not 33708
available to the state for vocational rehabilitation ~~purposes~~ 33709
services, the governor shall include as part of the governor's 33710
biennial budget request to the general assembly a request for 33711
funds sufficient to support the activities of the agency. 33712

Sec. 3304.182. Any agreement between the opportunities for 33713
Ohioans with disabilities agency and a private or public entity 33714
providing funds under section 3304.181 of the Revised Code may 33715
permit the agency to receive a specified percentage of the funds, 33716
but the percentage shall be not more than twenty-five per cent of 33717
the total funds available under the agreement. The agency may 33718
terminate an agreement at any time for just cause. It may 33719
terminate an agreement for any other reason by giving at least 33720
thirty days' notice to the public or private entity. 33721

Any vocational rehabilitation services provided under an 33722
agreement entered into under section 3304.181 of the Revised Code 33723
shall be provided by a person or government entity that meets the 33724
accreditation standards established in rules adopted by the agency 33725
under section 3304.15 of the Revised Code. 33726

Sec. 3304.19. ~~The right of a person with a disability to~~ 33727
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 33728
of the Revised Code, is not transferable or assignable at law or 33729
in equity, and none of the money paid or payable or rights 33730
existing under this chapter are subject to execution, levy, 33731
attachment, garnishment, or other legal process, or to the 33732
operation of any bankruptcy or insolvency law. 33733

Sec. 3304.20. Any ~~person~~ eligible individual with a 33734
disability applying for or receiving vocational rehabilitation 33735
services who is dissatisfied with regard to the furnishing or 33736
denial of vocational rehabilitation services, may file a request 33737
for an administrative review and redetermination of that action in 33738
accordance with rules of the opportunities for Ohioans with 33739
disabilities agency. When the ~~person~~ eligible individual with a 33740
disability is dissatisfied with the finding of this administrative 33741
review, the ~~person~~ eligible individual with a disability is 33742

entitled, in accordance with agency rules and in accordance with 33743
Chapter 119. of the Revised Code, to a fair hearing before the 33744
executive director of the agency. 33745

Sec. 3304.21. No person shall, except for the purposes of 33746
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 33747
with the rules established by the opportunities for Ohioans with 33748
disabilities agency, solicit, disclose, receive, make use of, 33749
authorize, knowingly permit, participate in, or acquiesce in the 33750
use of any list of names or information concerning ~~persons~~ 33751
eligible individuals with disabilities applying for or receiving 33752
any vocational rehabilitation services from the agency, which 33753
information is directly or indirectly derived from the records of 33754
the agency or is acquired in the performance of the person's 33755
official duties. 33756

Sec. 3304.22. No officer or employee of the opportunities for 33757
Ohioans with disabilities commission, the opportunities for 33758
Ohioans with disabilities agency, or any person engaged in the 33759
administration of a vocational rehabilitation services program 33760
sponsored by or affiliated with the state shall use or permit the 33761
use of any vocational rehabilitation services program for the 33762
purpose of interfering with an election for any partisan political 33763
purpose; solicit or receive money for a partisan political 33764
purpose; or require any other person to contribute any service or 33765
money for a partisan political purpose. Whoever violates this 33766
section shall be removed from the officer's or employee's office 33767
or employment. 33768

Sec. 3304.27. All vocational rehabilitation services made 33769
available under sections 3304.11 to 3304.27 of the Revised Code, 33770
are made available subject to amendment or repeal of those 33771
sections, and no ~~person~~ eligible individual with a disability 33772

shall have any claim by reason of the ~~person's~~ eligible 33773
individual's vocational rehabilitation services being affected in 33774
any way by such an amendment or repeal. 33775

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 33776
Revised Code: 33777

(A) "Suitable vending facility" means automatic vending 33778
machines, cafeterias, snack bars, cart service shelters, counters, 33779
and other appropriate auxiliary food service equipment determined 33780
to be necessary by the bureau of services for the visually 33781
impaired for the automatic or manual dispensing of foods, 33782
beverages, and other such commodities for sale by ~~persons~~ 33783
individuals, no fewer than one-half of whom are blind, under the 33784
supervision of a licensed ~~blind~~ vendor who is blind or an employee 33785
of the opportunities for Ohioans with disabilities agency. 33786

(B) "Blind" means either of the following: 33787

(1) Vision twenty/two hundred or less in the better eye with 33788
proper correction; 33789

(2) Field defect in the better eye with proper correction 33790
that contracts the peripheral field so that the diameter of the 33791
visual field subtends an angle no greater than twenty degrees. 33792

(C) "Governmental property" means any real property, 33793
building, or facility owned, leased, or rented by the state or any 33794
board, commission, department, division, or other unit or agency 33795
thereof, but does not include any institution under the management 33796
of the department of rehabilitation and correction pursuant to 33797
section 5120.05 of the Revised Code, or under the management of 33798
the department of youth services created pursuant to section 33799
5139.01 of the Revised Code. 33800

Sec. 3304.29. The bureau of services for the visually 33801
impaired shall: 33802

(A) Survey suitable vending facility concession opportunities	33803
for <u>individuals who are</u> blind persons on governmental property;	33804
(B) Obtain and make public, information concerning employment	33805
opportunities for <u>individuals who are</u> blind persons in suitable	33806
vending facilities;	33807
(C) License <u>individuals who are</u> blind persons to operate	33808
suitable vending facilities on governmental property;	33809
(D) Adopt rules and do everything necessary and proper to	33810
carry out sections 3304.29 to 3304.34 of the Revised Code.	33811
Sec. 3304.30. Every person in charge of governmental property	33812
to be substantially renovated or who is responsible for the	33813
acquisition, lease, or rental of such property shall consult with	33814
the director of the bureau of services for the visually impaired	33815
prior to such renovation, acquisition, lease, or rental to	33816
determine if sufficient numbers of persons will be using such	33817
property to support a suitable vending facility. If the director	33818
determines that such property would be a satisfactory site for a	33819
suitable vending facility, provision shall be made for electrical	33820
outlets, plumbing fixtures, and other requirements for the	33821
installation and operation of a suitable vending facility. In the	33822
case of a state university, medical university, technical college,	33823
state community college, community college, university branch	33824
district, or state-affiliated college or university, the decision	33825
to establish a suitable vending facility shall be made jointly by	33826
the director of services for the visually impaired and proper	33827
administrative authorities of the state or state-affiliated	33828
college or university.	33829
The bureau shall provide each suitable vending facility with	33830
equipment and an adequate initial stock of suitable articles to be	33831
vended. An inventory shall be made of each suitable vending	33832
facility at least once every six months. Each blind licensee may	33833

make the blind licensee's own inventory on forms prescribed by the 33834
bureau, provided that the bureau shall retain the right to make 33835
its own inventory at any mutually agreeable time. Each blind 33836
licensee may employ and discharge personnel required to operate 33837
the blind licensee's suitable vending facility, but employment 33838
preference shall be given to individuals who are blind persons and 33839
who are capable of discharging the required duties, ~~and at.~~ At all 33840
times at least one-half of the employees shall be blind. 33841

Sec. 3304.31. Licenses issued by the bureau of services for 33842
the visually impaired under section 3304.29 of the Revised Code 33843
shall be in effect until suspended or revoked. The bureau may 33844
deny, revoke, or suspend a license or otherwise discipline a 33845
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 33846
deceit in procuring or attempting to procure a license, is guilty 33847
of a felony or a crime of moral turpitude, is addicted to the use 33848
of habit-forming drugs or alcohol, or is mentally incompetent. 33849
Such license may also be denied, revoked, or suspended on proof of 33850
violation by the applicant or licensee of the rules established by 33851
the bureau for the operation of suitable vending facilities by the 33852
blind or if a licensee fails to maintain a vending facility as a 33853
suitable vending facility. 33854

Any individual who is blind person and who has had ~~his~~ the 33855
individual's license suspended or revoked or ~~his~~ the individual's 33856
application denied by the bureau may reapply for a license and may 33857
be reinstated or be granted a license by the bureau upon 33858
presentation of satisfactory evidence that there is no longer 33859
cause for such suspension, revocation, or denial. Before the 33860
bureau may revoke, deny, or suspend a license, or otherwise 33861
discipline a licensee, written charges must be filed by the 33862
director of the bureau and a hearing shall be held as provided in 33863
Chapter 119. of the Revised Code. 33864

Sec. 3304.41. The opportunities for Ohioans with disabilities 33865
agency shall establish and administer a program for the use of 33866
funds appropriated for that purpose to provide personal care 33867
assistance to enable eligible ~~severely physically disabled persons~~ 33868
individuals with severe physical disabilities to live 33869
~~independently or~~ and work, independently. The agency shall adopt 33870
rules in accordance with Chapter 119. of the Revised Code as 33871
necessary to carry out the purposes of this section, ~~and shall~~ 33872
~~apply to the controlling board for the release of the funds.~~ 33873

Sec. 3309.23. (A) Except as provided in division (B) of this 33874
section, the following shall be contributors to the school 33875
employees retirement system: 33876

(1) All employees, as defined in division (B) of section 33877
3309.01 of the Revised Code; 33878

(2) The employees of an existing or newly created employer 33879
unit as defined in division (A) of section 3309.01 of the Revised 33880
Code, supported in whole or in part by the state or any political 33881
subdivision thereof and wholly controlled and managed by the state 33882
or any subdivision thereof. Such employees shall become 33883
contributors on the same terms and conditions as provided by this 33884
chapter, provided the board of trustees or other managing body of 33885
such school, college, or other institution, if such institution is 33886
now in existence or if in existence on such date, shall agree by 33887
formal resolution to accept all the requirements and obligations 33888
imposed by this chapter upon employers. A certified copy of the 33889
resolution shall be filed with the school employees retirement 33890
board. When such resolution has been adopted and a copy of it 33891
filed with the school employees retirement board, it shall not 33892
later be subject to rescission or abrogation. Service in such 33893
schools, colleges, or other institutions shall be then considered 33894
in every way the same as service in the public schools. 33895

(3) All other individuals who become members.	33896
(B) The following individuals may choose to be exempt from compulsory membership by filing a written application for exemption with the employer within the first month after being employed:	33897 33898 33899 33900
(1) A student who is not a member at the time of employment and who is employed by the school, college, or university in which the student is enrolled and regularly attending classes;	33901 33902 33903
(2) An emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	33904 33905
(3) An individual employed in a program established pursuant to the "Workforce Investment Act," 112 Stat. 936 (1998), 29 U.S.C. 2801 <u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.</u> , or any other federal job training program.	33906 33907 33908 33909
(C) A member may elect to have employment by the school, college, or university at which the member is enrolled and regularly attending classes exempted from contribution to the retirement system by filing a written application with the member's employer within the first month after being so employed.	33910 33911 33912 33913 33914
(D) In all cases of doubt pertaining to contributors on an individual or group basis or the status of existing or newly created employer units, the decision shall be made by the retirement board, and such decision shall be final.	33915 33916 33917 33918
Sec. 3309.374. (A) The <u>Until December 31, 2017, the</u> school employees retirement board shall annually increase each allowance, pension, or benefit payable under this chapter by three per cent, except that no allowance, pension, or benefit shall exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.	33919 33920 33921 33922 33923 33924
(B) <u>Effective January 1, 2018, the retirement board may</u>	33925

annually increase each allowance, pension, or benefit payable 33926
under this chapter by the percentage increase, if any, in the 33927
consumer price index, not to exceed two and one half per cent, as 33928
determined by the United States bureau of labor statistics (U.S. 33929
city average for urban wage earners and clerical workers: "all 33930
items 1982-84=100") for the twelve-month period ending on the 33931
thirtieth day of June of the immediately preceding calendar year. 33932
No increase shall be made for a period in which the consumer price 33933
index did not increase. 33934

(C) The first increase is payable to all persons becoming 33935
eligible after June 30, 1971, upon such persons receiving an 33936
allowance, pension, or benefit for twelve months. 33937

The increased amount is payable for the ensuing twelve-month 33938
period or until the next increase is granted under this section, 33939
whichever is later. Subsequent increases shall be determined from 33940
the date of the first increase paid to the former member in the 33941
case of an allowance being paid a beneficiary under an option, or 33942
from the date of the first increase to the survivor first 33943
receiving an allowance or benefit in the case of an allowance or 33944
benefit being paid to the subsequent survivors of the former 33945
member. 33946

The date of the first increase under this section becomes the 33947
anniversary date for any future increases. 33948

(D) The allowance or benefit used in the first calculation of 33949
an increase under this section shall remain as the base for all 33950
future increases, unless a new base is established. Any increase 33951
resulting from payment of a recalculated benefit under Section 3 33952
of Substitute Senate Bill No. 270 of the 123rd general assembly 33953
shall be included in the calculation of future increases under 33954
this section. 33955

~~(B)~~(E) If payment of a portion of a benefit is made to an 33956

alternate payee under section 3309.671 of the Revised Code, 33957
increases under this section granted while the order is in effect 33958
shall be apportioned between the alternate payee and the retirant 33959
or disability benefit recipient in the same proportion that the 33960
amount being paid to the alternate payee bears to the amount paid 33961
to the retirant or disability benefit recipient. 33962

If payment of a portion of a benefit is made to one or more 33963
beneficiaries under "plan F" under division (B)(3)(e) of section 33964
3309.46 of the Revised Code, each increase under this section 33965
granted while the plan of payment is in effect shall be divided 33966
among the designated beneficiaries in accordance with the portion 33967
each beneficiary has been allocated. 33968

~~(C)~~(F) No allowance, pension, or benefit payable under this 33969
chapter shall exceed the limit established by section 415 of the 33970
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as 33971
amended. 33972

(G) Before granting an increase under division (B) of this 33973
section, the retirement board may adjust the percentage of any 33974
increase if the board's actuary, in its annual actuarial valuation 33975
required by section 3309.21 of the Revised Code, or in other 33976
evaluations conducted under that section, determines that an 33977
adjustment does not materially impair the fiscal integrity of the 33978
retirement system or is necessary to preserve the fiscal integrity 33979
of the retirement system. 33980

(H) The retirement board shall make all rules necessary to 33981
carry out this section. 33982

Sec. 3309.661. (A) Except as provided in section 3309.673 of 33983
the Revised Code, the granting of a retirement allowance, annuity, 33984
pension, or other benefit to any person pursuant to action of the 33985
school employees retirement board vests a right in such person, so 33986
long as the person remains the recipient of any of the funds 33987

established by section 3309.60 of the Revised Code, to receive 33988
such retirement allowance, annuity, pension, or benefit. Such 33989
right shall also be vested with equal effect in the recipient of a 33990
grant heretofore made from any of the funds named in section 33991
3309.60 of the Revised Code. 33992

(B) This section does not affect the retirement board's 33993
authority under division (G) of section 3309.374 of the Revised 33994
Code. 33995

Sec. 3310.16. ~~For~~ (A) Except as provided in division (B) of 33996
this section, for the 2013-2014 school year and each school year 33997
thereafter, the department of education shall conduct two 33998
application periods each year for the educational choice 33999
scholarship pilot program under sections 3310.03 and 3310.032 of 34000
the Revised Code, as follows: 34001

~~(A)~~(1) The first application period shall open not sooner 34002
than the first day of February prior to the first day of July of 34003
the school year for which a scholarship is sought and run not less 34004
than seventy-five days. 34005

~~(B)~~(2) The second application period shall open not sooner 34006
than the first day of July of the school year for which the 34007
scholarship is sought and run not less than thirty days. 34008

(B) If the scholarships awarded under section 3310.032 of the 34009
Revised Code in the first application period for any school year 34010
use the entirety of the amount appropriated by the general 34011
assembly for such scholarships for that school year, the 34012
department need not conduct a second application period for 34013
scholarships under that section. If, after the first application 34014
period, there are funds remaining to award scholarships under 34015
section 3310.032 of the Revised Code, the department shall conduct 34016
a second application period in accordance with division (A)(2) of 34017
this section. 34018

(C) Not later than the thirty-first day of May of each school year, the department shall determine whether funds remain available for income-based scholarships under the educational choice scholarship program after the first application period.

Sec. 3310.52. (A) The Jon Peterson special needs scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year, subject to division (B) of this section, the department of education annually shall pay a scholarship to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Beginning in the 2014-2015 school year, if the child is in category one as that term is defined in division (B)(1) of section 3310.56 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

~~(C) No scholarship or renewal of a scholarship shall be awarded to an eligible applicant on behalf of a qualified special education child for the next school year, unless on or before the application deadline the eligible applicant completes the application for the scholarship or renewal, in the manner prescribed by the department, and notifies the school district in which the child is entitled to attend school that the eligible applicant has applied for the scholarship or renewal.~~

~~The application deadline for academic terms that begin between the first day of July and the thirty first day of December shall be the fifteenth day of April that precedes the first day of instruction. The application deadline for academic terms that begin between the first day of January and the thirtieth day of June shall be the fifteenth day of November that precedes the first day of instruction. The department shall pay a scholarship to the parent of each qualified special education child, unless the parent authorizes a direct payment to the child's provider, upon application of that parent in the manner prescribed by the department. However, the department shall not adopt specific dates for application deadlines for scholarships under the program.~~

Sec. 3311.06. (A) As used in this section: 34070

(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code. 34071
34072

(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district. 34073
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(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory. 34077
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34079
34080

(4) "Annexation agreement" means an agreement entered into 34081
under division (F) of this section that has been approved by the 34082
state board of education or an agreement entered into prior to 34083
September 24, 1986, that meets the requirements of division (F) of 34084
this section and has been filed with the state board. 34085

(B) The territory included within the boundaries of a city, 34086
local, exempted village, or joint vocational school district shall 34087
be contiguous except where a natural island forms an integral part 34088
of the district, where the state board of education authorizes a 34089
noncontiguous school district, as provided in division (E)(1) of 34090
this section, or where a local school district is created pursuant 34091
to section 3311.26 of the Revised Code from one or more local 34092
school districts, one of which has entered into an agreement under 34093
section 3313.42 of the Revised Code. 34094

(C)(1) When all of the territory of a school district is 34095
annexed to a city or village, such territory thereby becomes a 34096
part of the city school district or the school district of which 34097
the village is a part, and the legal title to school property in 34098
such territory for school purposes shall be vested in the board of 34099
education of the city school district or the school district of 34100
which the village is a part. 34101

(2) When the territory so annexed to a city or village 34102
comprises part but not all of the territory of a school district, 34103
the said territory becomes part of the city school district or the 34104
school district of which the village is a part only upon approval 34105
by the state board of education, unless the district in which the 34106
territory is located is a party to an annexation agreement with 34107
the city school district. 34108

Any urban school district that has not entered into an 34109
annexation agreement with any other school district whose 34110
territory would be affected by any transfer under this division 34111
and that desires to negotiate the terms of transfer with any such 34112

district shall conduct any negotiations under division (F) of this 34113
section as part of entering into an annexation agreement with such 34114
a district. 34115

Any school district, except an urban school district, 34116
desiring state board approval of a transfer under this division 34117
shall make a good faith effort to negotiate the terms of transfer 34118
with any other school district whose territory would be affected 34119
by the transfer. Before the state board may approve any transfer 34120
of territory to a school district, except an urban school 34121
district, under this section, it must receive the following: 34122

(a) A resolution requesting approval of the transfer, passed 34123
by at least one of the school districts whose territory would be 34124
affected by the transfer; 34125

(b) Evidence determined to be sufficient by the state board 34126
to show that good faith negotiations have taken place or that the 34127
district requesting the transfer has made a good faith effort to 34128
hold such negotiations; 34129

(c) If any negotiations took place, a statement signed by all 34130
boards that participated in the negotiations, listing the terms 34131
agreed on and the points on which no agreement could be reached. 34132

(D) The state board of education shall adopt rules governing 34133
negotiations held by any school district except an urban school 34134
district pursuant to division (C)(2) of this section. The rules 34135
shall encourage the realization of the following goals: 34136

(1) A discussion by the negotiating districts of the present 34137
and future educational needs of the pupils in each district; 34138

(2) The educational, financial, and territorial stability of 34139
each district affected by the transfer; 34140

(3) The assurance of appropriate educational programs, 34141
services, and opportunities for all the pupils in each 34142

participating district, and adequate planning for the facilities 34143
needed to provide these programs, services, and opportunities. 34144

Districts involved in negotiations under such rules may agree 34145
to share revenues from the property included in the territory to 34146
be transferred, establish cooperative programs between the 34147
participating districts, and establish mechanisms for the 34148
settlement of any future boundary disputes. 34149

(E)(1) If territory annexed after September 24, 1986, is part 34150
of a school district that is a party to an annexation agreement 34151
with the urban school district serving the annexing city, the 34152
transfer of such territory shall be governed by the agreement. If 34153
the agreement does not specify how the territory is to be dealt 34154
with, the boards of education of the district in which the 34155
territory is located and the urban school district shall negotiate 34156
with regard to the transfer of the territory which shall be 34157
transferred to the urban school district unless, not later than 34158
ninety days after the effective date of municipal annexation, the 34159
boards of education of both districts, by resolution adopted by a 34160
majority of the members of each board, agree that the territory 34161
will not be transferred and so inform the state board of 34162
education. 34163

If territory is transferred under this division the transfer 34164
shall take effect on the first day of July occurring not sooner 34165
than ninety-one days after the effective date of the municipal 34166
annexation. Territory transferred under this division need not be 34167
contiguous to the district to which it is transferred. 34168

(2) Territory annexed prior to September 24, 1986, by a city 34169
served by an urban school district shall not be subject to 34170
transfer under this section if the district in which the territory 34171
is located is a party to an annexation agreement or becomes a 34172
party to such an agreement not later than ninety days after 34173
September 24, 1986. If the district does not become a party to an 34174

annexation agreement within the ninety-day period, transfer of 34175
territory shall be governed by division (C)(2) of this section. If 34176
the district subsequently becomes a party to an agreement, 34177
territory annexed prior to September 24, 1986, other than 34178
territory annexed under division (C)(2) of this section prior to 34179
the effective date of the agreement, shall not be subject to 34180
transfer under this section. 34181

(F) An urban school district may enter into a comprehensive 34182
agreement with one or more school districts under which transfers 34183
of territory annexed by the city served by the urban school 34184
district after September 24, 1986, shall be governed by the 34185
agreement. Such agreement must provide for the establishment of a 34186
cooperative education program under section 3313.842 of the 34187
Revised Code in which all the parties to the agreement are 34188
participants and must be approved by resolution of the majority of 34189
the members of each of the boards of education of the school 34190
districts that are parties to it. An agreement may provide for 34191
interdistrict payments based on local revenue growth resulting 34192
from development in any territory annexed by the city served by 34193
the urban school district. 34194

An agreement entered into under this division may be altered, 34195
modified, or terminated only by agreement, by resolution approved 34196
by the majority of the members of each board of education, of all 34197
school districts that are parties to the agreement, except that 34198
with regard to any provision that affects only the urban school 34199
district and one of the other districts that is a party, that 34200
district and the urban district may modify or alter the agreement 34201
by resolution approved by the majority of the members of the board 34202
of that district and the urban district. Alterations, 34203
modifications, terminations, and extensions of an agreement 34204
entered into under this division do not require approval of the 34205
state board of education, but shall be filed with the board after 34206

approval and execution by the parties. 34207

If an agreement provides for interdistrict payments, each 34208
party to the agreement, except any school district specifically 34209
exempted by the agreement, shall agree to make an annual payment 34210
to the urban school district with respect to any of its territory 34211
that is annexed territory in an amount not to exceed the amount 34212
certified for that year under former section 3317.029 of the 34213
Revised Code as that section existed prior to July 1, 1998; except 34214
that such limitation of annual payments to amounts certified under 34215
former section 3317.029 of the Revised Code does not apply to 34216
agreements or extensions of agreements entered into on or after 34217
June 1, 1992, unless such limitation is expressly agreed to by the 34218
parties. The agreement may provide that all or any part of the 34219
payment shall be waived if the urban school district receives its 34220
payment with respect to such annexed territory under former 34221
section 3317.029 of the Revised Code and that all or any part of 34222
such payment may be waived if the urban school district does not 34223
receive its payment with respect to such annexed territory under 34224
such section. 34225

With respect to territory that is transferred to the urban 34226
school district after September 24, 1986, the agreement may 34227
provide for annual payments by the urban school district to the 34228
school district whose territory is transferred to the urban school 34229
district subsequent to annexation by the city served by the urban 34230
school district. 34231

(G) In the event territory is transferred from one school 34232
district to another under this section, an equitable division of 34233
the funds and indebtedness between the districts involved shall be 34234
made under the supervision of the state board of education and 34235
that board's decision shall be final. Such division shall not 34236
include funds payable to or received by a school district under 34237
Chapter 3317. of the Revised Code or payable to or received by a 34238

school district from the United States or any department or agency 34239
thereof. In the event such transferred territory includes real 34240
property owned by a school district, the state board of education, 34241
as part of such division of funds and indebtedness, shall 34242
determine the true value in money of such real property and all 34243
buildings or other improvements thereon. The board of education of 34244
the school district receiving such territory shall forthwith pay 34245
to the board of education of the school district losing such 34246
territory such true value in money of such real property, 34247
buildings, and improvements less such percentage of the true value 34248
in money of each school building located on such real property as 34249
is represented by the ratio of the total enrollment in day classes 34250
of the pupils residing in the territory transferred enrolled at 34251
such school building in the school year in which such annexation 34252
proceedings were commenced to the total enrollment in day classes 34253
of all pupils residing in the school district losing such 34254
territory enrolled at such school building in such school year. 34255
The school district receiving such payment shall place the 34256
proceeds thereof in its sinking fund or bond retirement fund. 34257

(H) The state board of education, before approving such 34258
transfer of territory, shall determine that such payment has been 34259
made and shall apportion to the acquiring school district such 34260
percentage of the indebtedness of the school district losing the 34261
territory as is represented by the ratio that the assessed 34262
valuation of the territory transferred bears to the total assessed 34263
valuation of the entire school district losing the territory as of 34264
the effective date of the transfer, provided that in ascertaining 34265
the indebtedness of the school district losing the territory the 34266
state board of education shall disregard such percentage of the 34267
par value of the outstanding and unpaid bonds and notes of said 34268
school district issued for construction or improvement of the 34269
school building or buildings for which payment was made by the 34270
acquiring district as is equal to the percentage by which the true 34271

value in money of such building or buildings was reduced in fixing 34272
the amount of said payment. 34273

(I) No transfer of school district territory or division of 34274
funds and indebtedness incident thereto, pursuant to the 34275
annexation of territory to a city or village shall be completed in 34276
any other manner than that prescribed by this section regardless 34277
of the date of the commencement of such annexation proceedings, 34278
and this section applies to all proceedings for such transfers and 34279
divisions of funds and indebtedness pending or commenced on or 34280
after October 2, 1959. 34281

(J) Notwithstanding anything to the contrary in the Revised 34282
Code, including section 3311.24 of the Revised Code, beginning on 34283
the effective date of this amendment until October 1, 2021, no 34284
school district that is a party to an annexation agreement shall 34285
transfer territory that is or will be used for nonresidential 34286
purposes to another school district that is a party to the 34287
annexation agreement without the approval of the boards of 34288
education of each of the school districts unless the school 34289
district territory of one of those boards of education overlaps 34290
with a new community authority created prior to January 1, 1993, 34291
under Chapter 349. of the Revised Code. 34292

Sec. 3311.27. The board of education of a surviving school 34293
district, as that term is defined in section 5748.10 of the 34294
Revised Code, shall notify the tax commissioner as and in the 34295
manner required by that section. 34296

Sec. 3311.751. Notwithstanding division (F) of section 34297
5705.10 of the Revised Code, if a municipal school district board 34298
of education sells real property that it owns in its corporate 34299
capacity, moneys received from the sale may be paid into the 34300
general fund of the district, as long as all of the following 34301

conditions are satisfied:	34302
(A) The district has owned the real property for at least ten years.	34303 34304
(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale.	34305 34306 34307 34308
(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio school facilities <u>construction</u> commission.	34309 34310 34311
Sec. 3311.86. (A) As used in this section:	34312
(1) "Alliance" means a municipal school district transformation alliance established as a nonprofit corporation.	34313 34314
(2) "Alliance municipal school district" means a municipal school district for which an alliance has been created under this section.	34315 34316 34317
(3) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of a municipal school district and that either is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs.	34318 34319 34320 34321 34322 34323
(4) "Transformation alliance education plan" means a plan prepared by the mayor, and confirmed by the alliance, to transform public education in the alliance municipal school district to a system of municipal school district schools and partnering community schools that will be held to the highest standards of school performance and student achievement.	34324 34325 34326 34327 34328 34329
(B) If one or more partnering community schools are located	34330

in a municipal school district, the mayor may initiate proceedings 34331
to establish a municipal school district transformation alliance 34332
as a nonprofit corporation under Chapter 1702. of the Revised 34333
Code. The mayor shall have sole authority to appoint the directors 34334
of any alliance created under this section. The directors of the 34335
alliance shall include representatives of all of the following: 34336

(1) The municipal school district; 34337

(2) Partnering community schools; 34338

(3) Members of the community at large, including parents and 34339
educators; 34340

(4) The business community, including business leaders and 34341
foundation leaders. 34342

No one group listed in divisions (B)(1) to (4) of this 34343
section shall comprise a majority of the directors. The mayor 34344
shall be an ex officio director, and serve as the chairperson of 34345
the board of directors, of any alliance created under this 34346
section. If the proceedings are initiated, the mayor shall 34347
identify the directors in the articles of incorporation filed 34348
under section 1702.04 of the Revised Code. 34349

(C)(1) A majority of the members of the board of directors of 34350
the alliance shall constitute a quorum of the board. Any formal 34351
action taken by the board of directors shall take place at a 34352
meeting of the board and shall require the concurrence of a 34353
majority of the members of the board. Meetings of the board of 34354
directors shall be public meetings open to the public at all 34355
times, except that the board and its committees and subcommittees 34356
may hold an executive session, as if it were a public body with 34357
public employees, for any of the purposes for which an executive 34358
session of a public body is permitted under division (G) of 34359
section 121.22 of the Revised Code, notwithstanding that the 34360
alliance is not a public body as defined in that section, and its 34361

employees are not public employees as provided in division (F) of 34362
this section. The board of directors shall establish reasonable 34363
methods whereby any person may determine the time and place of all 34364
of the board's public meetings and by which any person, upon 34365
request, may obtain reasonable advance notification of the board's 34366
public meetings. Provisions for that advance notification may 34367
include, but are not limited to, mailing notices to all 34368
subscribers on a mailing list or mailing notices in 34369
self-addressed, stamped envelopes provided by the person. 34370

(2) All records of the alliance shall be organized and 34371
maintained by the alliance and also filed with the department of 34372
education. The alliance and the department shall make those 34373
records available to the public as though those records were 34374
public records for purposes of Chapter 149. of the Revised Code. 34375
The department shall promptly notify the alliance upon the 34376
department's receipt of any requests for records relating to the 34377
alliance pursuant to section 149.43 of the Revised Code. 34378

(3) The board of directors of the alliance shall establish a 34379
conflicts of interest policy and shall adopt that policy, and any 34380
amendments to the policy, at a meeting of the board held in 34381
accordance with this section. 34382

(D)(1) If an alliance is created under this section, the 34383
alliance shall do all of the following: 34384

(a) Report annually on the performance of all municipal 34385
school district schools and all community schools established 34386
under Chapter 3314. of the Revised Code and located in the 34387
district, using the criteria adopted under division (B) of section 34388
3311.87 of the Revised Code; 34389

(b) Confirm and monitor implementation of the transformation 34390
alliance education plan; 34391

(c) Suggest national education models for and provide input 34392

in the development of new municipal school district schools and 34393
partnering community schools. 34394

(2) If an alliance is created under this section, the 34395
department of education may request alliance comment, or the 34396
alliance independently may offer comment to the department, on the 34397
granting, renewal, or extension of an agreement with a sponsor of 34398
community schools under section 3314.015 of the Revised Code when 34399
the sponsor has existing agreements with a community school 34400
located in an alliance municipal school district. If the alliance 34401
makes comments, those comments shall be considered by the 34402
department prior to making its decision whether to grant, renew, 34403
or extend the agreement. 34404

For purposes of division (D)(2) of this section, comments by 34405
the alliance shall be based on the criteria established under 34406
division (A) of section 3311.87 of the Revised Code. 34407

(E) Divisions (E)(1) to (3) of this section apply to each 34408
community school sponsor that is subject to approval by the 34409
department under section 3314.015 of the Revised Code whose 34410
approval under that section is granted, renewed, or extended on or 34411
after October 1, 2012. Divisions (E)(1) to (3) of this section do 34412
not apply to a sponsor that has been approved by the department 34413
prior to that date, until the sponsor's approval is renewed, 34414
granted anew, or extended on or after that date. 34415

(1) Before a sponsor to which this section applies may 34416
sponsor new community schools in an alliance municipal school 34417
district, the sponsor shall request recommendation from the 34418
alliance to sponsor community schools in the district. 34419

(2) The alliance shall review the sponsor's request and shall 34420
make a recommendation to the department based on the standards for 34421
sponsors developed under division (A)(2) of section 3311.87 of the 34422
Revised Code. 34423

(3) The department shall use the standards developed under 34424
division (A)(2) of section 3311.87 of the Revised Code, in 34425
addition to any other requirements of the Revised Code, to review 34426
a sponsor's request and make a final determination, on 34427
recommendation of the alliance, of whether the sponsor may sponsor 34428
new community schools in the alliance municipal school district. 34429

No sponsor shall be required to receive authorization to 34430
sponsor new community schools under division (E)(3) of this 34431
section more than one time. 34432

(F) Directors, officers, and employees of an alliance are not 34433
public employees or public officials, are not subject to Chapters 34434
124., 145., and 4117. of the Revised Code, and are not "public 34435
officials" or "public servants" as defined in section 2921.01 of 34436
the Revised Code. Membership on the board of directors of an 34437
alliance does not constitute the holding of an incompatible public 34438
office or employment in violation of any statutory or common law 34439
prohibition against the simultaneous holding of more than one 34440
public office or employment. Members of the board of directors of 34441
an alliance are not disqualified from holding any public office by 34442
reason of that membership, and do not forfeit by reason of that 34443
membership the public office or employment held when appointed to 34444
the board, notwithstanding any contrary disqualification or 34445
forfeiture requirement under the Revised Code or the common law of 34446
this state. 34447

~~(G) The authority to establish an alliance under this section 34448
expires on January 1, 2018. Any alliance established under this 34449
section is terminated, and any related authority granted to the 34450
alliance under this section expires on that date. 34451~~

Sec. 3313.372. (A) As used in this section, "energy 34452
conservation measure" means an installation or modification of an 34453
installation in, or remodeling of, a building, to reduce energy 34454

consumption. It includes:	34455
(1) Insulation of the building structure and systems within the building;	34456 34457
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	34458 34459 34460 34461 34462
(3) Automatic energy control systems;	34463
(4) Heating, ventilating, or air conditioning system modifications or replacements;	34464 34465
(5) Caulking and weatherstripping;	34466
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	34467 34468 34469 34470 34471
(7) Energy recovery systems;	34472
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	34473 34474 34475
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities <u>construction</u> commission as an energy conservation measure.	34476 34477 34478
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section	34479 34480 34481 34482 34483 34484

3313.46 of the Revised Code, and shall be on the following terms: 34485

(1) Not less than one-fifteenth of the costs thereof shall be 34486
paid within two years from the date of purchase. 34487

(2) The remaining balance of the costs thereof shall be paid 34488
within fifteen years from the date of purchase. 34489

The provisions of any installment payment contract entered 34490
into pursuant to this section shall provide that all payments, 34491
except payments for repairs and obligations on termination of the 34492
contract prior to its expiration, shall not exceed the calculated 34493
energy, water, or waste water cost savings, avoided operating 34494
costs, and avoided capital costs attributable to the one or more 34495
measures over a defined period of time. Those payments shall be 34496
made only to the extent that the savings described in this 34497
division actually occur. The energy services company shall warrant 34498
and guarantee that the energy conservation measures shall realize 34499
guaranteed savings and shall be responsible to pay an amount equal 34500
to any savings shortfall. 34501

An installment payment contract entered into by a board of 34502
education under this section shall require the board to contract 34503
in accordance with division (A) of section 3313.46 of the Revised 34504
Code for the installation, modification, or remodeling of energy 34505
conservation measures unless division (A) of section 3313.46 of 34506
the Revised Code does not apply pursuant to division (B)(3) of 34507
that section, in which case the contract shall be awarded through 34508
a competitive selection process pursuant to rules adopted by the 34509
~~school~~ facilities construction commission. 34510

An installment payment contract entered into by a board of 34511
education under this section may include services for measurement 34512
and verification of energy savings associated with the guarantee. 34513
The annual cost of measurement and verification services shall not 34514
exceed ten per cent of the guaranteed savings in any year of the 34515

installment payment contract. 34516

(C) If a board of education determines that a surety bond is 34517
necessary to secure energy, water, or waste water cost savings 34518
guaranteed in a contract entered into by the board of education 34519
under this section, the energy services company shall provide a 34520
surety bond that satisfies all of the following requirements: 34521

(1) The penal sum of the surety bond for the first guarantee 34522
year shall equal the amount of savings included in the annual 34523
guaranteed savings amount that is measured and calculated in 34524
accordance with the measurement and verification plan included in 34525
the contract, but may not include guaranteed savings that are not 34526
measured or that are stipulated in the contract. The annual 34527
guaranteed savings amount shall include only the savings 34528
guaranteed in the contract for the one-year term that begins on 34529
the first day of the first savings guarantee year and may not 34530
include amounts from subsequent years. 34531

(2) The surety bond shall have a term of not more than one 34532
year unless renewed. At the option of the board of education, the 34533
surety bond may be renewed for one or two additional terms, each 34534
term not to exceed one year. The surety bond may not be renewed or 34535
extended so that it is in effect for more than three consecutive 34536
years. 34537

In the event of a renewal, the penal sum of the surety bond 34538
for each renewed year shall be revised so that the penal sum 34539
equals the annual guaranteed savings amount for such renewal year 34540
that is measured and calculated in accordance with the measurement 34541
and verification plan included in the contract, but may not 34542
include guaranteed savings that are not measured or that are 34543
stipulated in the contract. Regardless of the number of renewals 34544
of the bond, the aggregate liability under each renewed bond may 34545
not exceed the penal sum stated in the renewal certificate for the 34546
applicable renewal year. 34547

(3) The surety bond for the first year shall be issued within 34548
thirty days of the commencement of the first savings guarantee 34549
year under the contract. 34550

In the event of renewal, the surety shall deliver to the 34551
board of education a renewal certificate reflecting the revised 34552
penal sum within thirty days of the board of education's request. 34553
The board of education shall deliver the request for renewal not 34554
less than thirty days prior to the expiration date of the surety 34555
bond then in existence. A surety bond furnished pursuant to 34556
section 153.54 of the Revised Code shall not secure obligations 34557
related to energy, water, or waste water cost savings as 34558
referenced in division (C) of this section. 34559

(D) The board may issue the notes of the school district 34560
signed by the president and the treasurer of the board and 34561
specifying the terms of the purchase and securing the deferred 34562
payments provided in this section, payable at the times provided 34563
and bearing interest at a rate not exceeding the rate determined 34564
as provided in section 9.95 of the Revised Code. The notes may 34565
contain an option for prepayment and shall not be subject to 34566
Chapter 133. of the Revised Code. In the resolution authorizing 34567
the notes, the board may provide, without the vote of the electors 34568
of the district, for annually levying and collecting taxes in 34569
amounts sufficient to pay the interest on and retire the notes, 34570
except that the total net indebtedness of the district without a 34571
vote of the electors incurred under this and all other sections of 34572
the Revised Code, except section 3318.052 of the Revised Code, 34573
shall not exceed one per cent of the district's tax valuation. 34574
Revenues derived from local taxes or otherwise, for the purpose of 34575
conserving energy or for defraying the current operating expenses 34576
of the district, may be applied to the payment of interest and the 34577
retirement of such notes. The notes may be sold at private sale or 34578
given to the energy services company under the installment payment 34579

contract authorized by division (B) of this section. 34580

(E) Debt incurred under this section shall not be included in 34581
the calculation of the net indebtedness of a school district under 34582
section 133.06 of the Revised Code. 34583

(F) No school district board shall enter into an installment 34584
payment contract under division (B) of this section unless it 34585
first obtains a report of the costs of the energy conservation 34586
measures and the savings thereof as described under division 34587
(G)(1) of section 133.06 of the Revised Code as a requirement for 34588
issuing energy securities, makes a finding that the amount spent 34589
on such measures is not likely to exceed the amount of money it 34590
would save in energy costs and resultant operational and 34591
maintenance costs as described in that division, except that that 34592
finding shall cover the ensuing fifteen years, and the ~~school~~ 34593
facilities construction commission determines that the district 34594
board's findings are reasonable and approves the contract as 34595
described in that division. 34596

The district board shall monitor the savings and maintain a 34597
report of those savings, which shall be submitted to the 34598
commission in the same manner as required by division (G) of 34599
section 133.06 of the Revised Code in the case of energy 34600
securities. 34601

Sec. 3313.411. (A) As used in this section: 34602

(1) "College-preparatory boarding school" means a 34603
college-preparatory boarding school established under Chapter 34604
3328. of the Revised Code. 34605

(2) "Community school" means a community school established 34606
under Chapter 3314. of the Revised Code. 34607

(3) "High-performing community school" has the same meaning 34608
as in section 3313.413 of the Revised Code. 34609

(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 34610
34611
34612

(5) "Unused school facilities" means any real property that 34613
has been used by a school district for school operations, 34614
including, but not limited to, academic instruction or 34615
administration, since July 1, 1998, but has not been used in that 34616
capacity for two years. 34617

(B)(1) Except as provided in section 3313.412 of the Revised 34618
Code, on and after June 30, 2011, any school district board of 34619
education shall offer any unused school facilities it owns in its 34620
corporate capacity for lease or sale to the governing authorities 34621
of community schools, ~~and the board~~ boards of trustees of any 34622
college-preparatory boarding ~~school~~ schools, and the governing 34623
bodies of any STEM schools, that are located within the territory 34624
of the district. Not later than sixty days after the district 34625
board makes the offer, interested governing authorities ~~and,~~ 34626
boards of trustees, and governing bodies shall notify the district 34627
treasurer in writing of the intention to lease or purchase the 34628
property. 34629

The district board shall give priority to the governing 34630
authorities of high-performing community schools that are located 34631
within the territory of the district. 34632

(2) At the same time that a district board makes the offer 34633
required under division (B)(1) of this section, the board also 34634
may, but shall not be required to, offer that property for sale or 34635
lease to the governing authorities of community schools with 34636
plans, stipulated in their contracts entered into under section 34637
3314.03 of the Revised Code, either to relocate their operations 34638
to the territory of the district or to add facilities, as 34639
authorized by division (B)(3) or (4) of section 3314.05 of the 34640
Revised Code, to be located within the territory of the district. 34641

(C)(1) If, not later than sixty days after the district board makes the offer, only one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the district board shall sell the property to that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

If, not later than sixty days after the district board makes the offer, more than one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of high-performing community schools that notified the district treasurer of the intention to purchase the property pursuant to division (B) of this section are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property as determined in an appraisal that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools ~~and~~, college-preparatory boarding schools, and STEM schools made pursuant to that division.

If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division (B)

of this section, the board shall conduct a public auction in the 34674
manner required for auctions of district property under division 34675
(A) of section 3313.41 of the Revised Code. Only the entities that 34676
notified the district treasurer pursuant to division (B) of this 34677
section are eligible to bid at the auction. 34678

(3) If more than one governing authority of a high-performing 34679
community school notifies the district treasurer in writing of the 34680
intention to lease the property pursuant to division (B) of this 34681
section, the district board shall conduct a lottery to select from 34682
among those governing authorities the one qualified governing 34683
authority to which the district board shall lease the property. 34684

If no such governing authority of a high-performing community 34685
school notifies the district treasurer of its intention to lease 34686
the property pursuant to division (B) of this section, the board 34687
shall then proceed with the offers from all other start-up 34688
community schools ~~and~~, college-preparatory boarding schools, and 34689
STEM schools made pursuant to that division. If more than one 34690
other start-up community school ~~or~~, college-preparatory boarding 34691
school, or STEM school notified the district treasurer of its 34692
intention to lease the property pursuant to division (B) of this 34693
section, the district board shall conduct a lottery to select from 34694
among those parties the one qualified party to which the district 34695
board shall lease the property. 34696

(4) The lease price offered by a district board to a 34697
community school ~~or~~, college-preparatory boarding school, or STEM 34698
school under this section shall not be higher than the fair market 34699
value for such a leasehold as determined in an appraisal that is 34700
not more than one year old. 34701

(5) If no qualified party offered the property under division 34702
(B) of this section accepts the offer to lease or buy the property 34703
within sixty days after the offer is made, the district board may 34704
offer the property to any other entity in accordance with 34705

divisions (A) to (F) of section 3313.41 of the Revised Code. 34706

(D) Notwithstanding division (B) of this section, a school 34707
district board may renew any agreement it originally entered into 34708
prior to June 30, 2011, to lease real property to an entity other 34709
than a community school ~~or~~ college-preparatory boarding school, 34710
or STEM school. Nothing in this section shall affect the leasehold 34711
arrangements between the district board and that other entity. 34712

(E)(1) Except as provided in division (E)(2) of this section, 34713
the governing authority of a community school ~~or the~~ board of 34714
trustees of a college-preparatory boarding school, or governing 34715
body of a STEM school shall not sell any property purchased under 34716
division (B) of this section within five years of purchasing that 34717
property. 34718

(2) The governing authority ~~or~~ board of trustees, or 34719
governing body may sell a property purchased under division (B) of 34720
this section within five years of the purchase, only if the 34721
governing authority ~~or~~ board of trustees, or governing body sells 34722
or transfers that property to another entity described in that 34723
division. 34724

Sec. 3313.413. (A) As used in this section, "high-performing 34725
community school" means either of the following: 34726

(1) A community school established under Chapter 3314. of the 34727
Revised Code that meets the following conditions: 34728

(a) Except as provided in division (A)(1)(b) or (c) of this 34729
section, the school both: 34730

(i) Has received a grade of "A," "B," or "C" for the 34731
performance index score under division (C)(1)(b) of section 34732
3302.03 of the Revised Code or has increased its performance index 34733
score under division (C)(1)(b) of section 3302.03 of the Revised 34734
Code in each of the previous three years of operation; and 34735

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools ~~and~~, the boards of trustees of any college-preparatory boarding ~~school~~ schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities ~~and~~, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located

within the territory of the district. 34767

(1) If more than one governing authority of a high-performing 34768
community school notifies the district treasurer of its intention 34769
to purchase the property pursuant to division (B) of this section, 34770
the board shall conduct a public auction in the manner required 34771
for auctions of district property under division (A) of section 34772
3313.41 of the Revised Code. Only the governing authorities of 34773
high-performing community schools that notified the district 34774
treasurer pursuant to division (B) of this section are eligible to 34775
bid at the auction. 34776

(2) If no governing authority of a high-performing community 34777
school notifies the district treasurer of its intention to 34778
purchase the property pursuant to division (B) of this section, 34779
the board shall then proceed with the offers from all other 34780
start-up community schools ~~and~~, college-preparatory boarding 34781
schools, and STEM schools made pursuant to that division. If more 34782
than one such entity notifies the district treasurer of its 34783
intention to purchase the property pursuant to division (B) of 34784
this section, the board shall conduct a public auction in the 34785
manner required for auctions of district property under division 34786
(A) of section 3313.41 of the Revised Code. Only the entities that 34787
notified the district treasurer pursuant to division (B) of this 34788
section are eligible to bid at the auction. 34789

(3) If no governing authority ~~or~~, board of trustees, or 34790
governing body notifies the district treasurer of its intention to 34791
purchase the property pursuant to division (B) of this section, 34792
the district may then offer the property for sale in the manner 34793
prescribed under divisions (A) to (F) of section 3313.41 of the 34794
Revised Code. 34795

(C) Notwithstanding anything to the contrary in sections 34796
3313.41 and 3313.411 of the Revised Code, the purchase price of 34797
any real property sold to any of the entities in accordance with 34798

division (B) of this section shall not be more than the appraised 34799
fair market value of that property as determined in an appraisal 34800
of the property that is not more than one year old. 34801

(D) Not later than the first day of October of each year, the 34802
department of education shall post in a prominent location on its 34803
web site a list of schools that qualify as high-performing 34804
community schools for purposes of this section and section 34805
3313.411 of the Revised Code. 34806

Sec. 3313.46. (A) In addition to any other law governing the 34807
bidding for contracts by the board of education of any school 34808
district, when any such board determines to build, repair, 34809
enlarge, improve, or demolish any school building, the cost of 34810
which will exceed fifty thousand dollars, except in cases of 34811
urgent necessity, or for the security and protection of school 34812
property, and except as otherwise provided in division (D) of 34813
section 713.23 and in section 125.04 of the Revised Code, all of 34814
the following shall apply: 34815

(1) The board shall cause to be prepared the plans, 34816
specifications, and related information as required in divisions 34817
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 34818
the board determines that other information is sufficient to 34819
inform any bidders of the board's requirements. However, if the 34820
board determines that such other information is sufficient for 34821
bidding a project, the board shall not engage in the construction 34822
of any such project involving the practice of professional 34823
engineering, professional surveying, or architecture, for which 34824
plans, specifications, and estimates have not been made by, and 34825
the construction thereof inspected by, a licensed professional 34826
engineer, licensed professional surveyor, or registered architect. 34827

(2) The board shall advertise for bids once each week for a 34828
period of not less than two consecutive weeks, or as provided in 34829

section 7.16 of the Revised Code, in a newspaper of general 34830
circulation in the district before the date specified by the board 34831
for receiving bids. The board may also cause notice to be inserted 34832
in trade papers or other publications designated by it or to be 34833
distributed by electronic means, including posting the notice on 34834
the board's internet web site. If the board posts the notice on 34835
its web site, it may eliminate the second notice otherwise 34836
required to be published in a newspaper of general circulation 34837
within the school district, provided that the first notice 34838
published in such newspaper meets all of the following 34839
requirements: 34840

(a) It is published at least two weeks before the opening of 34841
bids. 34842

(b) It includes a statement that the notice is posted on the 34843
board of education's internet web site. 34844

(c) It includes the internet address of the board's internet 34845
web site. 34846

(d) It includes instructions describing how the notice may be 34847
accessed on the board's internet web site. 34848

(3) Unless the board extends the time for the opening of bids 34849
they shall be opened at the time and place specified by the board 34850
in the advertisement for the bids. 34851

(4) Each bid shall contain the name of every person 34852
interested therein. Each bid shall meet the requirements of 34853
section 153.54 of the Revised Code. 34854

(5) When both labor and materials are embraced in the work 34855
bid for, the board may require that each be separately stated in 34856
the bid, with the price thereof, or may require that bids be 34857
submitted without such separation. 34858

(6) None but the lowest responsible bid shall be accepted. 34859

The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code.

(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of the Revised Code and make them available to the auditor of state upon request.

(8) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders.

(9) When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

(B) Division (A) of this section does not apply to the board of education of any school district in any of the following situations:

(1) The acquisition of educational materials used in teaching.

(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source.

(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment

payment contract under section 3313.372 of the Revised Code or 34891
undertaken pursuant to division (G)(1) of section 133.06 of the 34892
Revised Code. 34893

(4) The acquisition of computer software for instructional 34894
purposes and computer hardware for instructional purposes pursuant 34895
to division (B)(4) of section 3313.37 of the Revised Code. 34896

(C) No resolution adopted pursuant to division (B)(2) or (3) 34897
of this section shall have any effect on whether sections 153.12 34898
to 153.14 and 153.54 of the Revised Code apply to the board of 34899
education of any school district with regard to any item. 34900

Sec. 3313.5310. (A)(1) This section applies to both of the 34901
following: 34902

(a) Any school operated by a school district board of 34903
education; 34904

(b) Any chartered or nonchartered nonpublic school that is 34905
subject to the rules of an interscholastic conference or an 34906
organization that regulates interscholastic conferences or events. 34907

(2) As used in this section, "athletic activity" means all of 34908
the following: 34909

(a) Interscholastic athletics; 34910

(b) An athletic contest or competition that is sponsored by 34911
or associated with a school that is subject to this section, 34912
including cheerleading, club-sponsored sports activities, and 34913
sports activities sponsored by school-affiliated organizations; 34914

(c) Noncompetitive cheerleading that is sponsored by 34915
school-affiliated organizations; 34916

(d) Practices, interschool practices, and scrimmages for all 34917
of the activities described in divisions (A)(2)(a), (b), and (c) 34918
of this section. 34919

(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, ~~for each athletic activity~~ in which the student participates in an athletic activity.

(D) No individual shall coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(E)(1) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(a) The student's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the student has not been evaluated and cleared for participation in an athletic activity by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(b) The student is known to have exhibited syncope or

fainting at any time prior to or following an athletic activity 34951
and has not been evaluated and cleared for return under division 34952
(E)(3) of this section after exhibiting syncope or fainting. 34953

(2) A student shall be removed by the student's coach from 34954
participation in an athletic activity if the student exhibits 34955
syncope or fainting. 34956

(3) If a student is not allowed to participate in or is 34957
removed from participation in an athletic activity under division 34958
(E)(1) or (2) of this section, the student shall not be allowed to 34959
return to participation until the student is evaluated and cleared 34960
for return in writing by any of the following: 34961

(a) A physician authorized under Chapter 4731. of the Revised 34962
Code to practice medicine and surgery or osteopathic medicine and 34963
surgery, including a physician who specializes in cardiology; 34964

(b) A certified nurse practitioner, clinical nurse 34965
specialist, or certified nurse-midwife who holds a certificate of 34966
authority issued under Chapter 4723. of the Revised Code; 34967

(c) A physician assistant licensed under Chapter 4730. of the 34968
Revised Code; 34969

(d) An athletic trainer licensed under Chapter 4755. of the 34970
Revised Code. 34971

The licensed health care providers specified in divisions 34972
(E)(3)(a) to (d) of this section may consult with any other 34973
licensed or certified health care providers in order to determine 34974
whether a student is ready to return to participation. 34975

(F) A school that is subject to this section shall establish 34976
penalties for a coach who violates the provisions of division (E) 34977
of this section. 34978

(G) Nothing in this section shall be construed to abridge or 34979
limit any rights provided under a collective bargaining agreement 34980

entered into under Chapter 4117. of the Revised Code prior to ~~the~~ 34981
~~effective date of this section~~ March 14, 2017. 34982

(H)(1) A school district, member of a school district board 34983
of education, or school district employee or volunteer, including 34984
a coach, is not liable in damages in a civil action for injury, 34985
death, or loss to person or property allegedly arising from 34986
providing services or performing duties under this section, unless 34987
the act or omission constitutes willful or wanton misconduct. 34988

This section does not eliminate, limit, or reduce any other 34989
immunity or defense that a school district, member of a school 34990
district board of education, or school district employee or 34991
volunteer, including a coach, may be entitled to under Chapter 34992
2744. or any other provision of the Revised Code or under the 34993
common law of this state. 34994

(2) A chartered or nonchartered nonpublic school or any 34995
officer, director, employee, or volunteer of the school, including 34996
a coach, is not liable in damages in a civil action for injury, 34997
death, or loss to person or property allegedly arising from 34998
providing services or performing duties under this section, unless 34999
the act or omission constitutes willful or wanton misconduct. 35000

Sec. 3313.5315. Any student from a country or province 35001
outside the United States, who attends an elementary or secondary 35002
school in this state that began operating a dormitory on its 35003
campus prior to 2014, shall be permitted to participate in 35004
interscholastic athletics at that school on the same basis as 35005
students who are residents of this state, so long as the student 35006
holds an F-1 visa issued by the United States department of state. 35007
Such a student shall not be denied the opportunity to participate 35008
in interscholastic athletics solely because the student's parents 35009
do not reside in this state. 35010

No school district, school, interscholastic conference, or 35011

organization that regulates interscholastic conferences or events 35012
shall have a rule, bylaw, or other regulation that conflicts with 35013
this section. 35014

Sec. 3313.603. (A) As used in this section: 35015

(1) "One unit" means a minimum of one hundred twenty hours of 35016
course instruction, except that for a laboratory course, "one 35017
unit" means a minimum of one hundred fifty hours of course 35018
instruction. 35019

(2) "One-half unit" means a minimum of sixty hours of course 35020
instruction, except that for physical education courses, "one-half 35021
unit" means a minimum of one hundred twenty hours of course 35022
instruction. 35023

(B) Beginning September 15, 2001, except as required in 35024
division (C) of this section and division (C) of section 3313.614 35025
of the Revised Code, the requirements for graduation from every 35026
high school shall include twenty units earned in grades nine 35027
through twelve and shall be distributed as follows: 35028

(1) English language arts, four units; 35029

(2) Health, one-half unit; 35030

(3) Mathematics, three units; 35031

(4) Physical education, one-half unit; 35032

(5) Science, two units until September 15, 2003, and three 35033
units thereafter, which at all times shall include both of the 35034
following: 35035

(a) Biological sciences, one unit; 35036

(b) Physical sciences, one unit. 35037

(6) History and government, one unit, which shall comply with 35038
division (M) of this section and shall include both of the 35039
following: 35040

(a) American history, one-half unit;	35041
(b) American government, one-half unit.	35042
(7) Social studies, two units.	35043
Beginning with students who enter ninth grade for the first	35044
time on or after July 1, 2017, the two units of instruction	35045
prescribed by division (B)(7) of this section shall include at	35046
least one-half unit of instruction in the study of world history	35047
and civilizations.	35048
(8) Elective units, seven units until September 15, 2003, and	35049
six units thereafter.	35050
Each student's electives shall include at least one unit, or	35051
two half units, chosen from among the areas of	35052
business/technology, fine arts, and/or foreign language.	35053
(C) Beginning with students who enter ninth grade for the	35054
first time on or after July 1, 2010, except as provided in	35055
divisions (D) to (F) of this section, the requirements for	35056
graduation from every public and chartered nonpublic high school	35057
shall include twenty units that are designed to prepare students	35058
for the workforce and college. The units shall be distributed as	35059
follows:	35060
(1) English language arts, four units;	35061
(2) Health, one-half unit, which shall include instruction in	35062
nutrition and the benefits of nutritious foods and physical	35063
activity for overall health;	35064
(3) Mathematics, four units, which shall include one unit of	35065
algebra II or the equivalent of algebra II. However, students who	35066
enter ninth grade for the first time on or after July 1, 2015, and	35067
who are pursuing a career-technical instructional track shall not	35068
be required to take algebra II, and instead may complete a	35069
career-based pathway mathematics course approved by the department	35070

of education as an alternative.	35071
(4) Physical education, one-half unit;	35072
(5) Science, three units with inquiry-based laboratory	35073
experience that engages students in asking valid scientific	35074
questions and gathering and analyzing information, which shall	35075
include the following, or their equivalent:	35076
(a) Physical sciences, one unit;	35077
(b) Life sciences, one unit;	35078
(c) Advanced study in one or more of the following sciences,	35079
one unit:	35080
(i) Chemistry, physics, or other physical science;	35081
(ii) Advanced biology or other life science;	35082
(iii) Astronomy, physical geology, or other earth or space	35083
science.	35084
(6) History and government, one unit, which shall comply with	35085
division (M) of this section and shall include both of the	35086
following:	35087
(a) American history, one-half unit;	35088
(b) American government, one-half unit.	35089
(7) Social studies, two units.	35090
Each school shall integrate the study of economics and	35091
financial literacy, as expressed in the social studies academic	35092
content standards adopted by the state board of education under	35093
division (A)(1) of section 3301.079 of the Revised Code and the	35094
academic content standards for financial literacy and	35095
entrepreneurship adopted under division (A)(2) of that section,	35096
into one or more existing social studies credits required under	35097
division (C)(7) of this section, or into the content of another	35098
class, so that every high school student receives instruction in	35099

those concepts. In developing the curriculum required by this 35100
paragraph, schools shall use available public-private partnerships 35101
and resources and materials that exist in business, industry, and 35102
through the centers for economics education at institutions of 35103
higher education in the state. 35104

Beginning with students who enter ninth grade for the first 35105
time on or after July 1, 2017, the two units of instruction 35106
prescribed by division (C)(7) of this section shall include at 35107
least one-half unit of instruction in the study of world history 35108
and civilizations. 35109

(8) Five units consisting of one or any combination of 35110
foreign language, fine arts, business, career-technical education, 35111
family and consumer sciences, technology, agricultural education, 35112
a junior reserve officer training corps (JROTC) program approved 35113
by the congress of the United States under title 10 of the United 35114
States Code, or English language arts, mathematics, science, or 35115
social studies courses not otherwise required under division (C) 35116
of this section. 35117

Ohioans must be prepared to apply increased knowledge and 35118
skills in the workplace and to adapt their knowledge and skills 35119
quickly to meet the rapidly changing conditions of the 35120
twenty-first century. National studies indicate that all high 35121
school graduates need the same academic foundation, regardless of 35122
the opportunities they pursue after graduation. The goal of Ohio's 35123
system of elementary and secondary education is to prepare all 35124
students for and seamlessly connect all students to success in 35125
life beyond high school graduation, regardless of whether the next 35126
step is entering the workforce, beginning an apprenticeship, 35127
engaging in post-secondary training, serving in the military, or 35128
pursuing a college degree. 35129

The requirements for graduation prescribed in division (C) of 35130
this section are the standard expectation for all students 35131

entering ninth grade for the first time at a public or chartered 35132
nonpublic high school on or after July 1, 2010. A student may 35133
satisfy this expectation through a variety of methods, including, 35134
but not limited to, integrated, applied, career-technical, and 35135
traditional coursework. 35136

Whereas teacher quality is essential for student success when 35137
completing the requirements for graduation, the general assembly 35138
shall appropriate funds for strategic initiatives designed to 35139
strengthen schools' capacities to hire and retain highly qualified 35140
teachers in the subject areas required by the curriculum. Such 35141
initiatives are expected to require an investment of \$120,000,000 35142
over five years. 35143

Stronger coordination between high schools and institutions 35144
of higher education is necessary to prepare students for more 35145
challenging academic endeavors and to lessen the need for academic 35146
remediation in college, thereby reducing the costs of higher 35147
education for Ohio's students, families, and the state. The state 35148
board and the chancellor of higher education shall develop 35149
policies to ensure that only in rare instances will students who 35150
complete the requirements for graduation prescribed in division 35151
(C) of this section require academic remediation after high 35152
school. 35153

School districts, community schools, and chartered nonpublic 35154
schools shall integrate technology into learning experiences 35155
across the curriculum in order to maximize efficiency, enhance 35156
learning, and prepare students for success in the 35157
technology-driven twenty-first century. Districts and schools 35158
shall use distance and web-based course delivery as a method of 35159
providing or augmenting all instruction required under this 35160
division, including laboratory experience in science. Districts 35161
and schools shall utilize technology access and electronic 35162
learning opportunities provided by the broadcast educational media 35163

commission, chancellor, the Ohio learning network, education 35164
technology centers, public television stations, and other public 35165
and private providers. 35166

(D) Except as provided in division (E) of this section, a 35167
student who enters ninth grade on or after July 1, 2010, and 35168
before July 1, 2016, may qualify for graduation from a public or 35169
chartered nonpublic high school even though the student has not 35170
completed the requirements for graduation prescribed in division 35171
(C) of this section if all of the following conditions are 35172
satisfied: 35173

(1) During the student's third year of attending high school, 35174
as determined by the school, the student and the student's parent, 35175
guardian, or custodian sign and file with the school a written 35176
statement asserting the parent's, guardian's, or custodian's 35177
consent to the student's graduating without completing the 35178
requirements for graduation prescribed in division (C) of this 35179
section and acknowledging that one consequence of not completing 35180
those requirements is ineligibility to enroll in most state 35181
universities in Ohio without further coursework. 35182

(2) The student and parent, guardian, or custodian fulfill 35183
any procedural requirements the school stipulates to ensure the 35184
student's and parent's, guardian's, or custodian's informed 35185
consent and to facilitate orderly filing of statements under 35186
division (D)(1) of this section. Annually, each district or school 35187
shall notify the department of the number of students who choose 35188
to qualify for graduation under division (D) of this section and 35189
the number of students who complete the student's success plan and 35190
graduate from high school. 35191

(3) The student and the student's parent, guardian, or 35192
custodian and a representative of the student's high school 35193
jointly develop a student success plan for the student in the 35194
manner described in division (C)(1) of section 3313.6020 of the 35195

Revised Code that specifies the student matriculating to a	35196
two-year degree program, acquiring a business and	35197
industry-recognized credential, or entering an apprenticeship.	35198
(4) The student's high school provides counseling and support	35199
for the student related to the plan developed under division	35200
(D)(3) of this section during the remainder of the student's high	35201
school experience.	35202
(5)(a) Except as provided in division (D)(5)(b) of this	35203
section, the student successfully completes, at a minimum, the	35204
curriculum prescribed in division (B) of this section.	35205
(b) Beginning with students who enter ninth grade for the	35206
first time on or after July 1, 2014, a student shall be required	35207
to complete successfully, at the minimum, the curriculum	35208
prescribed in division (B) of this section, except as follows:	35209
(i) Mathematics, four units, one unit which shall be one of	35210
the following:	35211
(I) Probability and statistics;	35212
(II) Computer programming;	35213
(III) Applied mathematics or quantitative reasoning;	35214
(IV) Any other course approved by the department using	35215
standards established by the superintendent not later than October	35216
1, 2014.	35217
(ii) Elective units, five units;	35218
(iii) Science, three units as prescribed by division (B) of	35219
this section which shall include inquiry-based laboratory	35220
experience that engages students in asking valid scientific	35221
questions and gathering and analyzing information.	35222
The department, in collaboration with the chancellor, shall	35223
analyze student performance data to determine if there are	35224
mitigating factors that warrant extending the exception permitted	35225

by division (D) of this section to high school classes beyond 35226
those entering ninth grade before July 1, 2016. The department 35227
shall submit its findings and any recommendations not later than 35228
December 1, 2015, to the speaker and minority leader of the house 35229
of representatives, the president and minority leader of the 35230
senate, the chairpersons and ranking minority members of the 35231
standing committees of the house of representatives and the senate 35232
that consider education legislation, the state board of education, 35233
and the superintendent of public instruction. 35234

(E) Each school district and chartered nonpublic school 35235
retains the authority to require an even more challenging minimum 35236
curriculum for high school graduation than specified in division 35237
(B) or (C) of this section. A school district board of education, 35238
through the adoption of a resolution, or the governing authority 35239
of a chartered nonpublic school may stipulate any of the 35240
following: 35241

(1) A minimum high school curriculum that requires more than 35242
twenty units of academic credit to graduate; 35243

(2) An exception to the district's or school's minimum high 35244
school curriculum that is comparable to the exception provided in 35245
division (D) of this section but with additional requirements, 35246
which may include a requirement that the student successfully 35247
complete more than the minimum curriculum prescribed in division 35248
(B) of this section; 35249

(3) That no exception comparable to that provided in division 35250
(D) of this section is available. 35251

(F) A student enrolled in a dropout prevention and recovery 35252
program, which program has received a waiver from the department, 35253
may qualify for graduation from high school by successfully 35254
completing a competency-based instructional program administered 35255
by the dropout prevention and recovery program in lieu of 35256

completing the requirements for graduation prescribed in division 35257
(C) of this section. The department shall grant a waiver to a 35258
dropout prevention and recovery program, within sixty days after 35259
the program applies for the waiver, if the program meets all of 35260
the following conditions: 35261

(1) The program serves only students not younger than sixteen 35262
years of age and not older than twenty-one years of age. 35263

(2) The program enrolls students who, at the time of their 35264
initial enrollment, either, or both, are at least one grade level 35265
behind their cohort age groups or experience crises that 35266
significantly interfere with their academic progress such that 35267
they are prevented from continuing their traditional programs. 35268

(3) The program requires students to attain at least the 35269
applicable score designated for each of the assessments prescribed 35270
under division (B)(1) of section 3301.0710 of the Revised Code or, 35271
to the extent prescribed by rule of the state board under division 35272
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 35273
of that section. 35274

(4) The program develops a student success plan for the 35275
student in the manner described in division (C)(1) of section 35276
3313.6020 of the Revised Code that specifies the student's 35277
matriculating to a two-year degree program, acquiring a business 35278
and industry-recognized credential, or entering an apprenticeship. 35279

(5) The program provides counseling and support for the 35280
student related to the plan developed under division (F)(4) of 35281
this section during the remainder of the student's high school 35282
experience. 35283

(6) The program requires the student and the student's 35284
parent, guardian, or custodian to sign and file, in accordance 35285
with procedural requirements stipulated by the program, a written 35286
statement asserting the parent's, guardian's, or custodian's 35287

consent to the student's graduating without completing the 35288
requirements for graduation prescribed in division (C) of this 35289
section and acknowledging that one consequence of not completing 35290
those requirements is ineligibility to enroll in most state 35291
universities in Ohio without further coursework. 35292

(7) Prior to receiving the waiver, the program has submitted 35293
to the department an instructional plan that demonstrates how the 35294
academic content standards adopted by the state board under 35295
section 3301.079 of the Revised Code will be taught and assessed. 35296

(8) Prior to receiving the waiver, the program has submitted 35297
to the department a policy on career advising that satisfies the 35298
requirements of section 3313.6020 of the Revised Code, with an 35299
emphasis on how every student will receive career advising. 35300

(9) Prior to receiving the waiver, the program has submitted 35301
to the department a written agreement outlining the future 35302
cooperation between the program and any combination of local job 35303
training, postsecondary education, nonprofit, and health and 35304
social service organizations to provide services for students in 35305
the program and their families. 35306

Divisions (F)(8) and (9) of this section apply only to 35307
waivers granted on or after July 1, 2015. 35308

If the department does not act either to grant the waiver or 35309
to reject the program application for the waiver within sixty days 35310
as required under this section, the waiver shall be considered to 35311
be granted. 35312

(G) Every high school may permit students below the ninth 35313
grade to take advanced work. If a high school so permits, it shall 35314
award high school credit for successful completion of the advanced 35315
work and shall count such advanced work toward the graduation 35316
requirements of division (B) or (C) of this section if the 35317
advanced work was both: 35318

(1) Taught by a person who possesses a license or certificate 35319
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 35320
Code that is valid for teaching high school; 35321

(2) Designated by the board of education of the city, local, 35322
or exempted village school district, the board of the cooperative 35323
education school district, or the governing authority of the 35324
chartered nonpublic school as meeting the high school curriculum 35325
requirements. 35326

Each high school shall record on the student's high school 35327
transcript all high school credit awarded under division (G) of 35328
this section. In addition, if the student completed a seventh- or 35329
eighth-grade fine arts course described in division (K) of this 35330
section and the course qualified for high school credit under that 35331
division, the high school shall record that course on the 35332
student's high school transcript. 35333

(H) The department shall make its individual academic career 35334
plan available through its Ohio career information system web site 35335
for districts and schools to use as a tool for communicating with 35336
and providing guidance to students and families in selecting high 35337
school courses. 35338

(I) A school district or chartered nonpublic school may 35339
integrate academic content in a subject area for which the state 35340
board has adopted standards under section 3301.079 of the Revised 35341
Code into a course in a different subject area, including a 35342
career-technical education course, in accordance with guidance for 35343
integrated coursework developed by the department. Upon successful 35344
completion of an integrated course, a student may receive credit 35345
for both subject areas that were integrated into the course. Units 35346
~~earned in English language arts, mathematics, science, and social~~ 35347
~~studies that are~~ for subject area content delivered through 35348
integrated academic and career-technical instruction are eligible 35349
to meet the graduation requirements of division (B) or (C) of this 35350

section. 35351

For purposes of meeting graduation requirements, if an 35352
end-of-course examination has been prescribed under section 35353
3301.0712 of the Revised Code for the subject area delivered 35354
through integrated instruction, the school district or school may 35355
administer the related subject area examinations upon the 35356
student's completion of the integrated course. 35357

Nothing in division (I) of this section shall be construed to 35358
excuse any school district, chartered nonpublic school, or student 35359
from any requirement in the Revised Code related to curriculum, 35360
assessments, or the awarding of a high school diploma. 35361

(J)(1) The state board, in consultation with the chancellor, 35362
shall adopt a statewide plan implementing methods for students to 35363
earn units of high school credit based on a demonstration of 35364
subject area competency, instead of or in combination with 35365
completing hours of classroom instruction. The state board shall 35366
adopt the plan not later than March 31, 2009, and commence phasing 35367
in the plan during the 2009-2010 school year. The plan shall 35368
include a standard method for recording demonstrated proficiency 35369
on high school transcripts. Each school district and community 35370
school shall comply with the state board's plan adopted under this 35371
division and award units of high school credit in accordance with 35372
the plan. The state board may adopt existing methods for earning 35373
high school credit based on a demonstration of subject area 35374
competency as necessary prior to the 2009-2010 school year. 35375

(2) Not later than December 31, 2015, the state board shall 35376
update the statewide plan adopted pursuant to division (J)(1) of 35377
this section to also include methods for students enrolled in 35378
seventh and eighth grade to meet curriculum requirements based on 35379
a demonstration of subject area competency, instead of or in 35380
combination with completing hours of classroom instruction. 35381
Beginning with the 2017-2018 school year, each school district and 35382

community school also shall comply with the updated plan adopted 35383
pursuant to this division and permit students enrolled in seventh 35384
and eighth grade to meet curriculum requirements based on subject 35385
area competency in accordance with the plan. 35386

(3) Not later than December 31, 2017, the department shall 35387
develop a framework for school districts and community schools to 35388
use in granting units of high school credit to students who 35389
demonstrate subject area competency through work-based learning 35390
experiences, internships, or cooperative education. Beginning with 35391
the 2018-2019 school year, each district and community school 35392
shall comply with the framework. Each district and community 35393
school also shall review any policy it has adopted regarding the 35394
demonstration of subject area competency to identify ways to 35395
incorporate work-based learning experiences, internships, and 35396
cooperative education into the policy in order to increase student 35397
engagement and opportunities to earn units of high school credit. 35398

(K) This division does not apply to students who qualify for 35399
graduation from high school under division (D) or (F) of this 35400
section, or to students pursuing a career-technical instructional 35401
track as determined by the school district board of education or 35402
the chartered nonpublic school's governing authority. 35403
Nevertheless, the general assembly encourages such students to 35404
consider enrolling in a fine arts course as an elective. 35405

Beginning with students who enter ninth grade for the first 35406
time on or after July 1, 2010, each student enrolled in a public 35407
or chartered nonpublic high school shall complete two semesters or 35408
the equivalent of fine arts to graduate from high school. The 35409
coursework may be completed in any of grades seven to twelve. Each 35410
student who completes a fine arts course in grade seven or eight 35411
may elect to count that course toward the five units of electives 35412
required for graduation under division (C)(8) of this section, if 35413
the course satisfied the requirements of division (G) of this 35414

section. In that case, the high school shall award the student 35415
high school credit for the course and count the course toward the 35416
five units required under division (C)(8) of this section. If the 35417
course in grade seven or eight did not satisfy the requirements of 35418
division (G) of this section, the high school shall not award the 35419
student high school credit for the course but shall count the 35420
course toward the two semesters or the equivalent of fine arts 35421
required by this division. 35422

(L) Notwithstanding anything to the contrary in this section, 35423
the board of education of each school district and the governing 35424
authority of each chartered nonpublic school may adopt a policy to 35425
excuse from the high school physical education requirement each 35426
student who, during high school, has participated in 35427
interscholastic athletics, marching band, or cheerleading for at 35428
least two full seasons or in the junior reserve officer training 35429
corps for at least two full school years. If the board or 35430
authority adopts such a policy, the board or authority shall not 35431
require the student to complete any physical education course as a 35432
condition to graduate. However, the student shall be required to 35433
complete one-half unit, consisting of at least sixty hours of 35434
instruction, in another course of study. In the case of a student 35435
who has participated in the junior reserve officer training corps 35436
for at least two full school years, credit received for that 35437
participation may be used to satisfy the requirement to complete 35438
one-half unit in another course of study. 35439

(M) It is important that high school students learn and 35440
understand United States history and the governments of both the 35441
United States and the state of Ohio. Therefore, beginning with 35442
students who enter ninth grade for the first time on or after July 35443
1, 2012, the study of American history and American government 35444
required by divisions (B)(6) and (C)(6) of this section shall 35445
include the study of all of the following documents: 35446

(1) The Declaration of Independence;	35447
(2) The Northwest Ordinance;	35448
(3) The Constitution of the United States with emphasis on the Bill of Rights;	35449 35450
(4) The Ohio Constitution.	35451
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	35452 35453 35454
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	35455 35456 35457 35458 35459 35460
Sec. 3313.6012. (A) The board of education of each city, exempted village, and local school district shall adopt a policy governing the conduct of academic prevention/intervention services for all grades and all schools throughout the district. The board shall update the policy annually. The policy shall include, but not be limited to, all of the following:	35461 35462 35463 35464 35465 35466
(1) Procedures for using diagnostic assessments to measure student progress toward the attainment of academic standards and to identify students who may not attain the academic standards in accordance with section 3301.0715 of the Revised Code;	35467 35468 35469 35470
(2) A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments;	35471 35472 35473
(3) Procedures for the regular collection of student performance data;	35474 35475

(4) Procedures for using student performance data to evaluate 35476
the effectiveness of intervention services and, if necessary, to 35477
modify such services. 35478

The policy shall include any prevention/intervention services 35479
required under sections 3301.0711, 3301.0715, and 3313.608 of the 35480
Revised Code. 35481

(B) In accordance with the policy adopted under division (A) 35482
of this section, each school district shall provide 35483
prevention/intervention services in pertinent subject areas to 35484
students who score below the proficient level on a reading, 35485
writing, mathematics, ~~social studies~~, or science proficiency or 35486
achievement test or who do not demonstrate academic performance at 35487
their grade level based on the results of a diagnostic assessment. 35488

Sec. 3313.6013. (A) As used in this section, "advanced 35489
standing program" means a program that enables a student to earn 35490
credit toward a degree from an institution of higher education 35491
while enrolled in high school or that enables a student to 35492
complete coursework while enrolled in high school that may earn 35493
credit toward a degree from an institution of higher education 35494
upon the student's attainment of a specified score on an 35495
examination covering the coursework. Advanced standing programs 35496
may include any of the following: 35497

(1) The college credit plus program established under Chapter 35498
3365. of the Revised Code; 35499

(2) Advanced placement courses; 35500

(3) International baccalaureate diploma courses; 35501

(4) Early college high school programs. 35502

(B) Each city, local, exempted village, and joint vocational 35503
school district and each chartered nonpublic high school shall 35504
provide students enrolled in grades nine through twelve with the 35505

opportunity to participate in an advanced standing program. For 35506
this purpose, each school district and chartered nonpublic high 35507
school shall offer at least one advanced standing program in 35508
accordance with division (B)(1) or (2) of this section, as 35509
applicable. 35510

(1) A city, local, or exempted village school district meets 35511
the requirements of this division through its mandatory 35512
participation in the college credit plus program established under 35513
Chapter 3365. of the Revised Code. However, a city, local, or 35514
exempted village school district may offer any other advanced 35515
standing program, in addition to the college credit plus program, 35516
and each joint vocational school district shall offer at least one 35517
other advanced standing program, to students in good standing, as 35518
defined by the partnership for continued learning under section 35519
3301.42 of the Revised Code as it existed prior to October 16, 35520
2009, or as subsequently defined by the department of education. 35521

(2) A chartered nonpublic high school that elects to 35522
participate in the college credit plus program established under 35523
Chapter 3365. of the Revised Code meets the requirements of this 35524
division. Each chartered nonpublic high school that elects not to 35525
participate in the college credit plus program instead shall offer 35526
at least one other advanced standing program to students in good 35527
standing, as defined by the partnership for continued learning 35528
under section 3301.42 of the Revised Code as it existed prior to 35529
October 16, 2009, or as subsequently defined by the department of 35530
education. 35531

(C) Each school district and each chartered nonpublic high 35532
school shall provide information about the advanced standing 35533
programs offered by the district or school to all students 35534
enrolled in grades six through eleven. The district or school 35535
shall include information about all of the following: 35536

(1) The process colleges and universities use in awarding 35537

credit for advanced placement and international baccalaureate 35538
courses and examinations, including minimum scores required by 35539
state institutions of higher education, as defined in section 35540
3345.011 of the Revised Code, for a student to receive college 35541
credit; 35542

(2) The availability of tuition and fee waivers for advanced 35543
placement and international baccalaureate courses and 35544
examinations; 35545

(3) The availability of online advanced placement or 35546
international baccalaureate courses, including those that may be 35547
available at no cost; 35548

(4) The benefits of earning postsecondary credit through 35549
advanced placement or international baccalaureate courses; 35550

(5) The availability of advanced placement or international 35551
baccalaureate courses offered throughout the district. 35552

The district or school may include additional information as 35553
determined appropriate by the district or school. 35554

(D) Except as provided for in Chapter 3365. of the Revised 35555
Code, no city, local, exempted village, and joint vocational 35556
school district shall charge an enrolled student an additional fee 35557
or tuition for participation in any advanced standing program 35558
offered by the district. Students may be required to pay the costs 35559
associated with taking an advanced placement or international 35560
baccalaureate examination. 35561

(E) Any agreement between a school district or school and an 35562
associated college governing the operation of an early college 35563
high school program shall be ~~subject to~~ exempt from the 35564
requirements of the college credit plus program, ~~with the~~ 35565
~~following exceptions:~~ 35566

~~(1) Any aspect of the agreement that does not relate to the~~ 35567

~~conferral of transcribed credit, as defined in section 3365.01 of 35568
the Revised Code, shall not be subject to the requirements of the 35569
college credit plus program. 35570~~

~~(2) If the early college high school program began operating 35571
prior to July 1, 2014, the agreement shall not be subject to the 35572
requirements of the college credit plus program until the later of 35573
the date on which the existing agreement expires or July 1, 2015. 35574~~

~~(3) If the district, school, or associated college operating 35575
the early college high school program was granted an award under 35576
Section 263.325 of Am. Sub. H.B. 59 of the 130th general assembly 35577
for the 2014-2015 school year, as the lead applicant on the grant 35578
or as part of a consortium, for a project involving the 35579
establishment or expansion of an early college high school, the 35580
agreement shall not be subject to the requirements of the college 35581
credit plus program during the period of time for which the 35582
project is funded by the grant award under that section. 35583~~

~~(4) If the district, school, or associated college obtains a 35584
waiver for the agreement under section 3365.10 of the Revised 35585
Code, the agreement shall not be subject to the requirements of 35586
the college credit plus program as expressed in and excused by the 35587
waiver provided the program meets the definition set forth in 35588
division (F)(2) of this section and is approved by the 35589
superintendent of public instruction and the chancellor of higher 35590
education. 35591~~

The college credit plus program also shall not govern any 35592
advanced placement course or international baccalaureate diploma 35593
course as described under this section. 35594

(F) As used in this section: 35595

(1) "Associated college" means a public or private college, 35596
as defined in section 3365.01 of the Revised Code, which has 35597
entered into an agreement with a school district or school to 35598

establish an early college high school program, as described in 35599
division (F)(2) of this section, and awards transcribed credit, 35600
as defined in section 3365.01 of the Revised Code, to students 35601
through that program. 35602

(2) "Early college high school program" means a ~~program~~ 35603
~~operated by a school district or school and an associated college~~ 35604
~~that provides a personalized learning plan, which is based on~~ 35605
~~accelerated curriculum and includes both high school and~~ 35606
~~college level coursework, and enables the following students to~~ 35607
~~earn a high school diploma and an associate degree, or the~~ 35608
~~equivalent number of transcribed credits, upon successful~~ 35609
~~completion of the program~~ partnership between at least one school 35610
district or school and at least one institution of higher 35611
education that allows participants to simultaneously complete 35612
requirements toward earning a regular high school diploma and have 35613
the opportunity to earn not less than twenty-four credits that are 35614
transferable to the institutions of higher education in the 35615
partnership as part of an organized course of study toward a 35616
post-secondary degree or credential at no cost to the participant 35617
or participant's family. The program also shall prioritize the 35618
following students: 35619

(a) Students who are underrepresented in regard to completing 35620
post-secondary education; 35621

(b) Students who are economically disadvantaged, as defined 35622
by the department of education; 35623

(c) Students whose parents did not earn a college degree. 35624

Sec. 3313.6023. The board of education of each school 35625
district shall provide training in the use of an automated 35626
external defibrillator to each person employed by that district, 35627
except for substitutes, adult education instructors who are 35628
scheduled to work the full-time equivalent of less than one 35629

hundred twenty days per school year, or persons who are employed 35630
on an as-needed, seasonal, or intermittent basis, so long as the 35631
persons are not employed to coach or supervise interscholastic 35632
athletics. This training may be incorporated into the in-service 35633
training required by division (A) of section 3319.073 of the 35634
Revised Code. For this purpose, the board shall use one of the 35635
instructional programs listed in divisions (B)(1) and (2) of 35636
section 3313.6021 of the Revised Code. 35637

Each person to whom this section applies shall complete the 35638
training not later than July 1, 2018, and at least once every five 35639
years thereafter. 35640

Sec. 3313.618. (A) In addition to the applicable curriculum 35641
requirements, each student entering ninth grade for the first time 35642
on or after July 1, 2014, shall satisfy at least one of the 35643
following conditions in order to qualify for a high school 35644
diploma: 35645

(1) Be remediation-free, in accordance with standards adopted 35646
under division (F) of section 3345.061 of the Revised Code, on 35647
each of the nationally standardized assessments in English, 35648
mathematics, and reading; 35649

(2) Attain a score specified under division (B)(5)(c) of 35650
section 3301.0712 of the Revised Code on the end-of-course 35651
examinations prescribed under division (B) of section 3301.0712 of 35652
the Revised Code. 35653

(3) Attain a score that demonstrates workforce readiness and 35654
employability on a nationally recognized job skills assessment 35655
selected by the state board of education under division (G) of 35656
section 3301.0712 of the Revised Code and obtain either an 35657
industry-recognized credential, as described under division 35658
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 35659

issued by a state agency or board for practice in a vocation that 35660
requires an examination for issuance of that license. 35661

~~The state board shall approve the industry recognized 35662
credentials and licenses that may qualify a student for a high 35663
school diploma under division (A)(3) of this section. The 35664
industry-recognized credentials and licenses shall be as approved 35665
under section 3313.6113 of the Revised Code. 35666~~

A student may choose to qualify for a high school diploma by 35667
satisfying any of the separate requirements prescribed by 35668
divisions (A)(1) to (3) of this section. If the student's school 35669
district or school does not administer the examination prescribed 35670
by one of those divisions that the student chooses to take to 35671
satisfy the requirements of this section, the school district or 35672
school may require that student to arrange for the applicable 35673
scores to be sent directly to the district or school by the 35674
company or organization that administers the examination. 35675

(B) The state board of education shall not create or require 35676
any additional assessment for the granting of any type of high 35677
school diploma other than as prescribed by this section. Except as 35678
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 35679
Revised Code, the state board or the superintendent of public 35680
instruction shall not create any endorsement or designation that 35681
may be affiliated with a high school diploma. 35682

Sec. 3313.6110. (A) A person who has completed the final year 35683
of instruction at home, as authorized under section 3321.04 of the 35684
Revised Code, and has successfully fulfilled the high school 35685
curriculum applicable to that person may be granted a high school 35686
diploma by the person's parent, guardian, or other person having 35687
charge or care of a child, as defined in division (A)(1) of 35688
section 3321.01 of the Revised Code. 35689

(B) Beginning with diplomas issued on or after July 1, 2015, 35690

each diploma granted under division (A) of this section shall be 35691
accompanied by the official letter of excuse issued by the 35692
district superintendent for the student's final year of home 35693
education. 35694

(C) A person who has graduated from a nonchartered nonpublic 35695
school in Ohio and who has successfully fulfilled that school's 35696
high school curriculum may be granted a high school diploma by the 35697
governing authority of that school. 35698

(D) Notwithstanding anything in the Revised Code to the 35699
contrary, a diploma granted under this section shall serve as 35700
proof of the successful completion of that person's applicable 35701
high school curriculum and satisfactory to fulfill any legal 35702
requirement to show such proof. 35703

(E) For the purposes of an application for employment, a 35704
diploma granted under this section shall be considered proof of 35705
completion of a high school education, regardless of whether the 35706
person to which the diploma was granted participated in the 35707
assessments prescribed by division (A)(1) or (B)(1) or (2) of 35708
section 3301.0710 and section 3301.0712 of the Revised Code. 35709

(F) A diploma granted under division (A) of this section may 35710
include a state seal of biliteracy or an OhioMeansJobs-readiness 35711
seal that may be assigned to the student's diploma, by the parent, 35712
guardian, or other person having charge or care of the student, in 35713
the same manner as prescribed for transcripts issued by school 35714
districts and chartered nonpublic schools under ~~section~~ sections 35715
3313.6111 and 3113.6112 of the Revised Code. 35716

Sec. 3313.6112. (A) The superintendent of public instruction, 35717
in consultation with the chancellor of higher education and the 35718
governor's office of workforce transformation, shall establish the 35719
OhioMeansJobs-readiness seal, which may be attached or affixed to 35720
the high school diploma and transcript of a student enrolled in a 35721

public or chartered nonpublic school. 35722

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section. 35723
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(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following: 35731
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(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency; 35734
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(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student; 35739
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(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal; 35744
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(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered 35749
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nonpublic schools to assign an OhioMeansJobs-readiness seal. 35752

(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript. 35753
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Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not later than January 1, 2018. 35756
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(B) The committee shall do the following: 35766

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services; 35767
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(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary; 35770
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(3) Review and update the list of industry-recognized credentials and licenses at least biennially. 35773
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Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code: 35775
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(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the 35777
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residential parent and legal custodian of the child. When a child 35781
is in the legal custody of a government agency or a person other 35782
than the child's natural or adoptive parent, "parent" means the 35783
parent with residual parental rights, privileges, and 35784
responsibilities. When a child is in the permanent custody of a 35785
government agency or a person other than the child's natural or 35786
adoptive parent, "parent" means the parent who was divested of 35787
parental rights and responsibilities for the care of the child and 35788
the right to have the child live with the parent and be the legal 35789
custodian of the child and all residual parental rights, 35790
privileges, and responsibilities. 35791

(b) When a child is the subject of a power of attorney 35792
executed under sections 3109.51 to 3109.62 of the Revised Code, 35793
"parent" means the grandparent designated as attorney in fact 35794
under the power of attorney. When a child is the subject of a 35795
caretaker authorization affidavit executed under sections 3109.64 35796
to 3109.73 of the Revised Code, "parent" means the grandparent 35797
that executed the affidavit. 35798

(2) "Legal custody," "permanent custody," and "residual 35799
parental rights, privileges, and responsibilities" have the same 35800
meanings as in section 2151.011 of the Revised Code. 35801

(3) "School district" or "district" means a city, local, or 35802
exempted village school district and excludes any school operated 35803
in an institution maintained by the department of youth services. 35804

(4) Except as used in division (C)(2) of this section, "home" 35805
means a home, institution, foster home, group home, or other 35806
residential facility in this state that receives and cares for 35807
children, to which any of the following applies: 35808

(a) The home is licensed, certified, or approved for such 35809
purpose by the state or is maintained by the department of youth 35810
services. 35811

(b) The home is operated by a person who is licensed,	35812
certified, or approved by the state to operate the home for such	35813
purpose.	35814
(c) The home accepted the child through a placement by a	35815
person licensed, certified, or approved to place a child in such a	35816
home by the state.	35817
(d) The home is a children's home created under section	35818
5153.21 or 5153.36 of the Revised Code.	35819
(5) "Agency" means all of the following:	35820
(a) A public children services agency;	35821
(b) An organization that holds a certificate issued by the	35822
Ohio department of job and family services in accordance with the	35823
requirements of section 5103.03 of the Revised Code and assumes	35824
temporary or permanent custody of children through commitment,	35825
agreement, or surrender, and places children in family homes for	35826
the purpose of adoption;	35827
(c) Comparable agencies of other states or countries that	35828
have complied with applicable requirements of section 2151.39 of	35829
the Revised Code or as applicable, sections 5103.20 to 5103.22 or	35830
5103.23 to 5103.237 of the Revised Code.	35831
(6) A child is placed for adoption if either of the following	35832
occurs:	35833
(a) An agency to which the child has been permanently	35834
committed or surrendered enters into an agreement with a person	35835
pursuant to section 5103.16 of the Revised Code for the care and	35836
adoption of the child.	35837
(b) The child's natural parent places the child pursuant to	35838
section 5103.16 of the Revised Code with a person who will care	35839
for and adopt the child.	35840
(7) "Preschool child with a disability" has the same meaning	35841

as in section 3323.01 of the Revised Code. 35842

(8) "Child," unless otherwise indicated, includes preschool 35843
children with disabilities. 35844

(9) "Active duty" means active duty pursuant to an executive 35845
order of the president of the United States, an act of the 35846
congress of the United States, or section 5919.29 or 5923.21 of 35847
the Revised Code. 35848

(B) Except as otherwise provided in section 3321.01 of the 35849
Revised Code for admittance to kindergarten and first grade, a 35850
child who is at least five but under twenty-two years of age and 35851
any preschool child with a disability shall be admitted to school 35852
as provided in this division. 35853

(1) A child shall be admitted to the schools of the school 35854
district in which the child's parent resides. 35855

(2) Except as provided in division (B) of section 2151.362 35856
and section 3317.30 of the Revised Code, a child who does not 35857
reside in the district where the child's parent resides shall be 35858
admitted to the schools of the district in which the child resides 35859
if any of the following applies: 35860

(a) The child is in the legal or permanent custody of a 35861
government agency or a person other than the child's natural or 35862
adoptive parent. 35863

(b) The child resides in a home. 35864

(c) The child requires special education. 35865

(3) A child who is not entitled under division (B)(2) of this 35866
section to be admitted to the schools of the district where the 35867
child resides and who is residing with a resident of this state 35868
with whom the child has been placed for adoption shall be admitted 35869
to the schools of the district where the child resides unless 35870
either of the following applies: 35871

(a) The placement for adoption has been terminated.	35872
(b) Another school district is required to admit the child under division (B)(1) of this section.	35873 35874
Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	35875 35876 35877 35878 35879
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:	35880 35881 35882 35883 35884 35885
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	35886 35887 35888 35889 35890 35891 35892
(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	35893 35894 35895 35896 35897
(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;	35898 35899 35900 35901
(b) If the parent's residence at the time the court removed	35902

the child from home or placed the child in the legal or permanent 35903
custody of the person or government agency is unknown, tuition 35904
shall be paid by the district in which the child resided at the 35905
time the child was removed from home or placed in legal or 35906
permanent custody, whichever occurred first; 35907

(c) If a school district cannot be established under division 35908
(C)(2)(a) or (b) of this section, tuition shall be paid by the 35909
district determined as required by section 2151.362 of the Revised 35910
Code by the court at the time it vests custody of the child in the 35911
person or government agency; 35912

(d) If at the time the court removed the child from home or 35913
vested legal or permanent custody of the child in the person or 35914
government agency, whichever occurred first, one parent was in a 35915
residential or correctional facility or a juvenile residential 35916
placement and the other parent, if living and not in such a 35917
facility or placement, was not known to reside in this state, 35918
tuition shall be paid by the district determined under division 35919
(D) of section 3313.65 of the Revised Code as the district 35920
required to pay any tuition while the parent was in such facility 35921
or placement; 35922

(e) If the department of education has determined, pursuant 35923
to division (A)(2) of section 2151.362 of the Revised Code, that a 35924
school district other than the one named in the court's initial 35925
order, or in a prior determination of the department, is 35926
responsible to bear the cost of educating the child, the district 35927
so determined shall be responsible for that cost. 35928

(3) If the child is not in the permanent or legal custody of 35929
a government agency or person other than the child's parent and 35930
the child resides in a home, tuition shall be paid by one of the 35931
following: 35932

(a) The school district in which the child's parent resides; 35933

(b) If the child's parent is not a resident of this state, 35934
the home in which the child resides. 35935

(4) Division (C)(4) of this section applies to any child who 35936
is admitted to a school district under division (B)(2) of this 35937
section, resides in a home that is not a foster home, a home 35938
maintained by the department of youth services, a detention 35939
facility established under section 2152.41 of the Revised Code, or 35940
a juvenile facility established under section 2151.65 of the 35941
Revised Code, and receives educational services at the home or 35942
facility in which the child resides pursuant to a contract between 35943
the home or facility and the school district providing those 35944
services, ~~and does not receive special education.~~ 35945

If a child to whom division (C)(4) of this section applies is 35946
a special education student, a district may choose whether to 35947
receive a tuition payment for that child under division (C)(4) of 35948
this section or to receive a payment for that child under section 35949
3323.14 of the Revised Code. If a district chooses to receive a 35950
payment for that child under section 3323.14 of the Revised Code, 35951
it shall not receive a tuition payment for that child under 35952
division (C)(4) of this section. 35953

If a child to whom division (C)(4) of this section applies is 35954
not a special education student, a district shall receive a 35955
tuition payment for that child under division (C)(4) of this 35956
section. 35957

In the case of a child to which division (C)(4) of this 35958
section applies, the total educational cost to be paid for the 35959
child shall be determined by a formula approved by the department 35960
of education, which formula shall be designed to calculate a per 35961
diem cost for the educational services provided to the child for 35962
each day the child is served and shall reflect the total actual 35963
cost incurred in providing those services. The department shall 35964
certify the total educational cost to be paid for the child to 35965

both the school district providing the educational services and, 35966
if different, the school district that is responsible to pay 35967
tuition for the child. The department shall deduct the certified 35968
amount from the state basic aid funds payable under Chapter 3317. 35969
of the Revised Code to the district responsible to pay tuition and 35970
shall pay that amount to the district providing the educational 35971
services to the child. 35972

(D) Tuition required to be paid under divisions (C)(2) and 35973
(3)(a) of this section shall be computed in accordance with 35974
section 3317.08 of the Revised Code. Tuition required to be paid 35975
under division (C)(3)(b) of this section shall be computed in 35976
accordance with section 3317.081 of the Revised Code. If a home 35977
fails to pay the tuition required by division (C)(3)(b) of this 35978
section, the board of education providing the education may 35979
recover in a civil action the tuition and the expenses incurred in 35980
prosecuting the action, including court costs and reasonable 35981
attorney's fees. If the prosecuting attorney or city director of 35982
law represents the board in such action, costs and reasonable 35983
attorney's fees awarded by the court, based upon the prosecuting 35984
attorney's, director's, or one of their designee's time spent 35985
preparing and presenting the case, shall be deposited in the 35986
county or city general fund. 35987

(E) A board of education may enroll a child free of any 35988
tuition obligation for a period not to exceed sixty days, on the 35989
sworn statement of an adult resident of the district that the 35990
resident has initiated legal proceedings for custody of the child. 35991

(F) In the case of any individual entitled to attend school 35992
under this division, no tuition shall be charged by the school 35993
district of attendance and no other school district shall be 35994
required to pay tuition for the individual's attendance. 35995
Notwithstanding division (B), (C), or (E) of this section: 35996

(1) All persons at least eighteen but under twenty-two years 35997

of age who live apart from their parents, support themselves by 35998
their own labor, and have not successfully completed the high 35999
school curriculum or the individualized education program 36000
developed for the person by the high school pursuant to section 36001
3323.08 of the Revised Code, are entitled to attend school in the 36002
district in which they reside. 36003

(2) Any child under eighteen years of age who is married is 36004
entitled to attend school in the child's district of residence. 36005

(3) A child is entitled to attend school in the district in 36006
which either of the child's parents is employed if the child has a 36007
medical condition that may require emergency medical attention. 36008
The parent of a child entitled to attend school under division 36009
(F)(3) of this section shall submit to the board of education of 36010
the district in which the parent is employed a statement from the 36011
child's physician certifying that the child's medical condition 36012
may require emergency medical attention. The statement shall be 36013
supported by such other evidence as the board may require. 36014

(4) Any child residing with a person other than the child's 36015
parent is entitled, for a period not to exceed twelve months, to 36016
attend school in the district in which that person resides if the 36017
child's parent files an affidavit with the superintendent of the 36018
district in which the person with whom the child is living resides 36019
stating all of the following: 36020

(a) That the parent is serving outside of the state in the 36021
armed services of the United States; 36022

(b) That the parent intends to reside in the district upon 36023
returning to this state; 36024

(c) The name and address of the person with whom the child is 36025
living while the parent is outside the state. 36026

(5) Any child under the age of twenty-two years who, after 36027
the death of a parent, resides in a school district other than the 36028

district in which the child attended school at the time of the 36029
parent's death is entitled to continue to attend school in the 36030
district in which the child attended school at the time of the 36031
parent's death for the remainder of the school year, subject to 36032
approval of that district board. 36033

(6) A child under the age of twenty-two years who resides 36034
with a parent who is having a new house built in a school district 36035
outside the district where the parent is residing is entitled to 36036
attend school for a period of time in the district where the new 36037
house is being built. In order to be entitled to such attendance, 36038
the parent shall provide the district superintendent with the 36039
following: 36040

(a) A sworn statement explaining the situation, revealing the 36041
location of the house being built, and stating the parent's 36042
intention to reside there upon its completion; 36043

(b) A statement from the builder confirming that a new house 36044
is being built for the parent and that the house is at the 36045
location indicated in the parent's statement. 36046

(7) A child under the age of twenty-two years residing with a 36047
parent who has a contract to purchase a house in a school district 36048
outside the district where the parent is residing and who is 36049
waiting upon the date of closing of the mortgage loan for the 36050
purchase of such house is entitled to attend school for a period 36051
of time in the district where the house is being purchased. In 36052
order to be entitled to such attendance, the parent shall provide 36053
the district superintendent with the following: 36054

(a) A sworn statement explaining the situation, revealing the 36055
location of the house being purchased, and stating the parent's 36056
intent to reside there; 36057

(b) A statement from a real estate broker or bank officer 36058
confirming that the parent has a contract to purchase the house, 36059

that the parent is waiting upon the date of closing of the 36060
mortgage loan, and that the house is at the location indicated in 36061
the parent's statement. 36062

The district superintendent shall establish a period of time 36063
not to exceed ninety days during which the child entitled to 36064
attend school under division (F)(6) or (7) of this section may 36065
attend without tuition obligation. A student attending a school 36066
under division (F)(6) or (7) of this section shall be eligible to 36067
participate in interscholastic athletics under the auspices of 36068
that school, provided the board of education of the school 36069
district where the student's parent resides, by a formal action, 36070
releases the student to participate in interscholastic athletics 36071
at the school where the student is attending, and provided the 36072
student receives any authorization required by a public agency or 36073
private organization of which the school district is a member 36074
exercising authority over interscholastic sports. 36075

(8) A child whose parent is a full-time employee of a city, 36076
local, or exempted village school district, or of an educational 36077
service center, may be admitted to the schools of the district 36078
where the child's parent is employed, or in the case of a child 36079
whose parent is employed by an educational service center, in the 36080
district that serves the location where the parent's job is 36081
primarily located, provided the district board of education 36082
establishes such an admission policy by resolution adopted by a 36083
majority of its members. Any such policy shall take effect on the 36084
first day of the school year and the effective date of any 36085
amendment or repeal may not be prior to the first day of the 36086
subsequent school year. The policy shall be uniformly applied to 36087
all such children and shall provide for the admission of any such 36088
child upon request of the parent. No child may be admitted under 36089
this policy after the first day of classes of any school year. 36090

(9) A child who is with the child's parent under the care of 36091

a shelter for victims of domestic violence, as defined in section 36092
3113.33 of the Revised Code, is entitled to attend school free in 36093
the district in which the child is with the child's parent, and no 36094
other school district shall be required to pay tuition for the 36095
child's attendance in that school district. 36096

The enrollment of a child in a school district under this 36097
division shall not be denied due to a delay in the school 36098
district's receipt of any records required under section 3313.672 36099
of the Revised Code or any other records required for enrollment. 36100
Any days of attendance and any credits earned by a child while 36101
enrolled in a school district under this division shall be 36102
transferred to and accepted by any school district in which the 36103
child subsequently enrolls. The state board of education shall 36104
adopt rules to ensure compliance with this division. 36105

(10) Any child under the age of twenty-two years whose parent 36106
has moved out of the school district after the commencement of 36107
classes in the child's senior year of high school is entitled, 36108
subject to the approval of that district board, to attend school 36109
in the district in which the child attended school at the time of 36110
the parental move for the remainder of the school year and for one 36111
additional semester or equivalent term. A district board may also 36112
adopt a policy specifying extenuating circumstances under which a 36113
student may continue to attend school under division (F)(10) of 36114
this section for an additional period of time in order to 36115
successfully complete the high school curriculum for the 36116
individualized education program developed for the student by the 36117
high school pursuant to section 3323.08 of the Revised Code. 36118

(11) As used in this division, "grandparent" means a parent 36119
of a parent of a child. A child under the age of twenty-two years 36120
who is in the custody of the child's parent, resides with a 36121
grandparent, and does not require special education is entitled to 36122
attend the schools of the district in which the child's 36123

grandparent resides, provided that, prior to such attendance in 36124
any school year, the board of education of the school district in 36125
which the child's grandparent resides and the board of education 36126
of the school district in which the child's parent resides enter 36127
into a written agreement specifying that good cause exists for 36128
such attendance, describing the nature of this good cause, and 36129
consenting to such attendance. 36130

In lieu of a consent form signed by a parent, a board of 36131
education may request the grandparent of a child attending school 36132
in the district in which the grandparent resides pursuant to 36133
division (F)(11) of this section to complete any consent form 36134
required by the district, including any authorization required by 36135
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 36136
Code. Upon request, the grandparent shall complete any consent 36137
form required by the district. A school district shall not incur 36138
any liability solely because of its receipt of a consent form from 36139
a grandparent in lieu of a parent. 36140

Division (F)(11) of this section does not create, and shall 36141
not be construed as creating, a new cause of action or substantive 36142
legal right against a school district, a member of a board of 36143
education, or an employee of a school district. This section does 36144
not affect, and shall not be construed as affecting, any 36145
immunities from defenses to tort liability created or recognized 36146
by Chapter 2744. of the Revised Code for a school district, 36147
member, or employee. 36148

(12) A child under the age of twenty-two years is entitled to 36149
attend school in a school district other than the district in 36150
which the child is entitled to attend school under division (B), 36151
(C), or (E) of this section provided that, prior to such 36152
attendance in any school year, both of the following occur: 36153

(a) The superintendent of the district in which the child is 36154
entitled to attend school under division (B), (C), or (E) of this 36155

section contacts the superintendent of another district for 36156
purposes of this division; 36157

(b) The superintendents of both districts enter into a 36158
written agreement that consents to the attendance and specifies 36159
that the purpose of such attendance is to protect the student's 36160
physical or mental well-being or to deal with other extenuating 36161
circumstances deemed appropriate by the superintendents. 36162

While an agreement is in effect under this division for a 36163
student who is not receiving special education under Chapter 3323. 36164
of the Revised Code and notwithstanding Chapter 3327. of the 36165
Revised Code, the board of education of neither school district 36166
involved in the agreement is required to provide transportation 36167
for the student to and from the school where the student attends. 36168

A student attending a school of a district pursuant to this 36169
division shall be allowed to participate in all student 36170
activities, including interscholastic athletics, at the school 36171
where the student is attending on the same basis as any student 36172
who has always attended the schools of that district while of 36173
compulsory school age. 36174

(13) All school districts shall comply with the 36175
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 36176
seq., for the education of homeless children. Each city, local, 36177
and exempted village school district shall comply with the 36178
requirements of that act governing the provision of a free, 36179
appropriate public education, including public preschool, to each 36180
homeless child. 36181

When a child loses permanent housing and becomes a homeless 36182
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 36183
such a homeless person changes temporary living arrangements, the 36184
child's parent or guardian shall have the option of enrolling the 36185
child in either of the following: 36186

(a) The child's school of origin, as defined in 42 U.S.C.A. 36187
11432(g)(3)(C); 36188

(b) The school that is operated by the school district in 36189
which the shelter where the child currently resides is located and 36190
that serves the geographic area in which the shelter is located. 36191

(14) A child under the age of twenty-two years who resides 36192
with a person other than the child's parent is entitled to attend 36193
school in the school district in which that person resides if both 36194
of the following apply: 36195

(a) That person has been appointed, through a military power 36196
of attorney executed under section 574(a) of the "National Defense 36197
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 36198
U.S.C. 1044b, or through a comparable document necessary to 36199
complete a family care plan, as the parent's agent for the care, 36200
custody, and control of the child while the parent is on active 36201
duty as a member of the national guard or a reserve unit of the 36202
armed forces of the United States or because the parent is a 36203
member of the armed forces of the United States and is on a duty 36204
assignment away from the parent's residence. 36205

(b) The military power of attorney or comparable document 36206
includes at least the authority to enroll the child in school. 36207

The entitlement to attend school in the district in which the 36208
parent's agent under the military power of attorney or comparable 36209
document resides applies until the end of the school year in which 36210
the military power of attorney or comparable document expires. 36211

(G) A board of education, after approving admission, may 36212
waive tuition for students who will temporarily reside in the 36213
district and who are either of the following: 36214

(1) Residents or domiciliaries of a foreign nation who 36215
request admission as foreign exchange students; 36216

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 36281
or section 3313.65 of the Revised Code shall have an amount 36282
credited under division (C) of section 3317.023 of the Revised 36283
Code equal to its own tuition rate for the same period of 36284
attendance. If the tuition rate credited to the district of 36285
attendance exceeds the rate deducted from the district required to 36286
pay tuition, the department of education shall pay the district of 36287
attendance the difference from amounts deducted from all 36288
districts' payments under division (C) of section 3317.023 of the 36289
Revised Code but not credited to other school districts under such 36290
division and from appropriations made for such purpose. The 36291
treasurer of each school district shall, by the fifteenth day of 36292
January and July, furnish the superintendent of public instruction 36293
a report of the names of each child who attended the district's 36294
schools under divisions (C)(2) and (3) of this section or section 36295
3313.65 of the Revised Code during the preceding six calendar 36296
months, the duration of the attendance of those children, the 36297
school district responsible for tuition on behalf of the child, 36298
and any other information that the superintendent requires. 36299

Upon receipt of the report the superintendent, pursuant to 36300
division (C) of section 3317.023 of the Revised Code, shall deduct 36301
each district's tuition obligations under divisions (C)(2) and (3) 36302
of this section or section 3313.65 of the Revised Code and pay to 36303
the district of attendance that amount plus any amount required to 36304
be paid by the state. 36305

(K) In the event of a disagreement, the superintendent of 36306
public instruction shall determine the school district in which 36307
the parent resides. 36308

(L) Nothing in this section requires or authorizes, or shall 36309
be construed to require or authorize, the admission to a public 36310
school in this state of a pupil who has been permanently excluded 36311
from public school attendance by the superintendent of public 36312

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 36313
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 36315
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Sec. 3313.6410. This section applies to any school that is operated by a school district and in which the enrolled students work primarily on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method. 36330
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(A) Any school to which this section applies shall withdraw from the school any student who, for two consecutive school years of enrollment in the school, has failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. The school shall report 36335
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any such student's data verification code, as assigned pursuant to 36344
section 3301.0714 of the Revised Code, to the department of 36345
education to be added to the list maintained by the department 36346
under section 3314.26 of the Revised Code. 36347

(B) No school to which this section applies shall receive any 36348
state funds under Chapter 3317. of the Revised Code for any 36349
enrolled student whose data verification code appears on the list 36350
maintained by the department under section 3314.26 of the Revised 36351
Code. Notwithstanding any provision of the Revised Code to the 36352
contrary, the parent of any such student shall pay tuition to the 36353
school district that operates the school in an amount equal to the 36354
state funds the district otherwise would receive for that student, 36355
as determined by the department. A school to which this section 36356
applies may withdraw any student for whom the parent does not pay 36357
tuition as required by this division. 36358

Sec. 3313.713. (A) As used in this section: 36359

(1) "Drug" means a drug, as defined in section 4729.01 of the 36360
Revised Code, that is to be administered pursuant to the 36361
instructions of the prescriber, whether or not required by law to 36362
be sold only upon a prescription. 36363

(2) "Federal law" means the "Individuals with Disabilities 36364
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 36365

(3) "Prescriber" has the same meaning as in section 4729.01 36366
of the Revised Code. 36367

(B) The board of education of each city, local, exempted 36368
village, and joint vocational school district shall adopt a policy 36369
on the authority of its employees, when acting in situations other 36370
than those governed by sections 2305.23, 2305.231, 3313.712, 36371
3313.7110, 3313.7112, and 3313.7113 of the Revised Code, to 36372
administer drugs prescribed to students enrolled in the schools of 36373

the district. The policy shall provide either that: 36374

(1) Except as otherwise required by federal law, no person 36375
employed by the board shall, in the course of such employment, 36376
administer any drug prescribed to any student enrolled in the 36377
schools of the district. 36378

(2) Designated persons employed by the board are authorized 36379
to administer to a student a drug prescribed for the student. 36380
Effective July 1, 2011, only employees of the board who are 36381
licensed health professionals, or who have completed a drug 36382
administration training program conducted by a licensed health 36383
professional and considered appropriate by the board, may 36384
administer to a student a drug prescribed for the student. Except 36385
as otherwise provided by federal law, the board's policy may 36386
provide that certain drugs or types of drugs shall not be 36387
administered or that no employee shall use certain procedures, 36388
such as injection, to administer a drug to a student. 36389

(C) No drug prescribed for a student shall be administered 36390
pursuant to federal law or a policy adopted under division (B) of 36391
this section until the following occur: 36392

(1) The board, or a person designated by the board, receives 36393
a written request, signed by the parent, guardian, or other person 36394
having care or charge of the student, that the drug be 36395
administered to the student. 36396

(2) The board, or a person designated by the board, receives 36397
a statement, signed by the prescriber, that includes all of the 36398
following information: 36399

(a) The name and address of the student; 36400

(b) The school and class in which the student is enrolled; 36401

(c) The name of the drug and the dosage to be administered; 36402

(d) The times or intervals at which each dosage of the drug 36403

is to be administered; 36404

(e) The date the administration of the drug is to begin; 36405

(f) The date the administration of the drug is to cease; 36406

(g) Any severe adverse reactions that should be reported to 36407
the prescriber and one or more phone numbers at which the 36408
prescriber can be reached in an emergency; 36409

(h) Special instructions for administration of the drug, 36410
including sterile conditions and storage. 36411

(3) The parent, guardian, or other person having care or 36412
charge of the student agrees to submit a revised statement signed 36413
by the prescriber to the board or a person designated by the board 36414
if any of the information provided by the prescriber pursuant to 36415
division (C)(2) of this section changes. 36416

(4) The person authorized by the board to administer the drug 36417
receives a copy of the statement required by division (C)(2) or 36418
(3) of this section. 36419

(5) The drug is received by the person authorized to 36420
administer the drug to the student for whom the drug is prescribed 36421
in the container in which it was dispensed by the prescriber or a 36422
licensed pharmacist. 36423

(6) Any other procedures required by the board are followed. 36424

(D) If a drug is administered to a student, the board of 36425
education shall acquire and retain copies of the written requests 36426
required by division (C)(1) and the statements required by 36427
divisions (C)(2) and (3) of this section and shall ensure that by 36428
the next school day following the receipt of any such statement a 36429
copy is given to the person authorized to administer drugs to the 36430
student for whom the statement has been received. The board, or a 36431
person designated by the board, shall establish a location in each 36432
school building for the storage of drugs to be administered under 36433

this section and federal law. All such drugs shall be stored in 36434
that location in a locked storage place, except that drugs that 36435
require refrigeration may be kept in a refrigerator in a place not 36436
commonly used by students. 36437

(E) No person who has been authorized by a board of education 36438
to administer a drug and has a copy of the most recent statement 36439
required by division (C)(2) or (3) of this section given to the 36440
person in accordance with division (D) of this section prior to 36441
administering the drug is liable in civil damages for 36442
administering or failing to administer the drug, unless such 36443
person acts in a manner that constitutes gross negligence or 36444
wanton or reckless misconduct. 36445

(F) A board of education may designate a person or persons to 36446
perform any function or functions in connection with a drug policy 36447
adopted under this section either by name or by position, 36448
training, qualifications, or similar distinguishing factors. 36449

(G) A policy adopted by a board of education pursuant to this 36450
section may be changed, modified, or revised by action of the 36451
board. 36452

(H) Nothing in this section shall be construed to require a 36453
person employed by a board of education to administer a drug to a 36454
student unless the board's policy adopted in compliance with this 36455
section establishes such a requirement. A board shall not require 36456
an employee to administer a drug to a student if the employee 36457
objects, on the basis of religious convictions, to administering 36458
the drug. 36459

Nothing in this section affects the application of section 36460
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, or 3313.7113 of 36461
the Revised Code to the administration of emergency care or 36462
treatment to a student. 36463

Nothing in this section affects the ability of a public or 36464

nonpublic school to participate in a school-based fluoride mouth 36465
rinse program established by the director of health pursuant to 36466
section 3701.136 of the Revised Code. Nothing in this section 36467
affects the ability of a person who is employed by, or who 36468
volunteers for, a school that participates in such a program to 36469
administer fluoride mouth rinse to a student in accordance with 36470
section 3701.136 of the Revised Code and any rules adopted by the 36471
director under that section. 36472

(I) Nothing in this section shall be construed to require a 36473
school district to obtain written authorization or instructions 36474
from a health care provider to apply nonprescription topical 36475
ointments designed to prevent sunburn. Furthermore, nothing in 36476
this section shall be construed to prohibit a student to possess 36477
and self-apply nonprescription topical ointment designed to 36478
prevent sunburn while on school property or at a school-sponsored 36479
event without written authorization or instructions from a 36480
healthcare provider. The policy adopted by a school district 36481
pursuant to this section shall not require written authorization 36482
from a health care provider, but may require parental 36483
authorization, for the possession or application of such 36484
sunscreen. A designated person employed by the board of education 36485
of a school district shall apply sunscreen to a student in 36486
accordance with the school district's policy upon request. 36487

Sec. 3313.717. (A) As used in this section, "automated 36488
external defibrillator" means a specialized defibrillator that is 36489
approved for use as a medical device by the United States food and 36490
drug administration for performing automated external 36491
defibrillation, as defined in section 2305.235 of the Revised 36492
Code. 36493

(B)(1) The board of education of each school district may 36494
require the placement of an automated external defibrillator in 36495

each school under the control of the board. Not later than July 1, 36496
2018, pursuant to section 3313.6023 of the Revised Code, all 36497
persons employed by a school district shall receive training in 36498
the use of an automated external defibrillator in accordance with 36499
that section, except for substitutes, adult education instructors 36500
who are scheduled to work the full-time equivalent of less than 36501
one hundred twenty days per school year, or persons who are 36502
employed on an as-needed, seasonal, or intermittent basis, so long 36503
as the persons are not employed to coach or supervise 36504
interscholastic athletics. 36505

(2) The administrative authority of each chartered nonpublic 36506
school may require the placement of an automated external 36507
defibrillator in each school under the control of the authority. 36508
If an authority requires the placement of an automated external 36509
defibrillator as provided in this section, the authority also 36510
shall require that a sufficient number of the staff persons 36511
assigned to each school under the control of the authority 36512
successfully complete an appropriate training course in the use of 36513
an automated external defibrillator as described in section 36514
3701.85 of the Revised Code. 36515

(C) In regard to the use of an automated external 36516
defibrillator that is placed in a school as specified in this 36517
section, and except in the case of willful or wanton misconduct or 36518
when there is no good faith attempt to activate an emergency 36519
medical services system in accordance with section 3701.85 of the 36520
Revised Code, no person shall be held liable in civil damages for 36521
injury, death, or loss to person or property, or held criminally 36522
liable, for performing automated external defibrillation in good 36523
faith, regardless of whether the person has obtained appropriate 36524
training on how to perform automated external defibrillation or 36525
successfully completed a course in cardiopulmonary resuscitation. 36526

Sec. 3313.751. (A) As used in this section: 36527

(1) "School district" means a city, local, exempted village, 36528
or joint vocational school district. 36529

(2) "Smoke" means to burn any substance containing tobacco, 36530
including a lighted cigarette, cigar, or pipe, or to burn a clove 36531
cigarette. 36532

(3) "Use tobacco" means to chew or maintain any substance 36533
containing tobacco, including smokeless tobacco, in the mouth to 36534
derive the effects of tobacco. 36535

(B) No pupil shall smoke or use tobacco or possess any 36536
substance containing tobacco in any area under the control of a 36537
school district or an educational service center or at any 36538
activity supervised by any school operated by a school district or 36539
an educational service center. 36540

(C) No pupil shall use or possess any substance containing 36541
betel nut in any area under the control of a school district or an 36542
educational service center or at any activity supervised by any 36543
school operated by a school district or an educational service 36544
center. 36545

(D) The board of education of each school district and the 36546
governing board of each educational service center shall adopt a 36547
policy providing for the enforcement of ~~division~~ divisions (B) and 36548
(C) of this section and establishing disciplinary measures for a 36549
violation of ~~division~~ divisions (B) and (C) of this section. 36550

Sec. 3313.813. (A) As used in this section: 36551

(1) "Outdoor education center" means a public or nonprofit 36552
private entity that provides to pupils enrolled in any public or 36553
chartered nonpublic elementary or secondary school an outdoor 36554
educational curriculum that the school considers to be part of its 36555

educational program. 36556

(2) "Outside-school-hours care center" has the meaning 36557
established in 7 C.F.R. 226.2. 36558

(B) The state board of education shall establish standards 36559
for a school lunch program, school breakfast program, child and 36560
adult care food program, special food service program for 36561
children, summer food service program for children, special milk 36562
program for children, food service equipment assistance program, 36563
and commodity distribution program established under the "National 36564
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 36565
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 36566
U.S.C. 1771, as amended. Any board of education of a school 36567
district, nonprofit private school, outdoor education center, 36568
child care institution, outside-school-hours care center, or 36569
summer camp desiring to participate in such a program or required 36570
to participate under this section shall, if eligible to 36571
participate under the "National School Lunch Act," as amended, or 36572
the "Child Nutrition Act of 1966," as amended, make application to 36573
the state board of education for assistance. The board shall 36574
administer the allocation and distribution of all state and 36575
federal funds for these programs. 36576

(C) The state board of education shall require the board of 36577
education of each school district to establish and maintain a 36578
school breakfast, lunch, and summer food service program pursuant 36579
to the "National School Lunch Act" and the "Child Nutrition Act of 36580
1966," as described in divisions (C)(1) to (4) of this section. 36581

(1) The state board shall require the board of education in 36582
each school district to establish a breakfast program in every 36583
school where at least one-fifth of the pupils in the school are 36584
eligible under federal requirements for free breakfasts and to 36585
establish a lunch program in every school where at least one-fifth 36586
of the pupils are eligible for free lunches. The board of 36587

education required to establish a breakfast program under this 36588
division may make a charge in accordance with federal requirements 36589
for each reduced price breakfast or paid breakfast to cover the 36590
cost incurred in providing that meal. 36591

(2) The state board shall require the board of education in 36592
each school district to establish a breakfast program in every 36593
school in which the parents of at least one-half of the children 36594
enrolled in the school have requested that the breakfast program 36595
be established. The board of education required to establish a 36596
program under this division may make a charge in accordance with 36597
federal requirements for each meal to cover all or part of the 36598
costs incurred in establishing such a program. 36599

(3) The state board shall require the board of education in 36600
each school district to establish one of the following for summer 36601
intervention services described in division (D) of section 36602
3301.0711 or provided under section 3313.608 of the Revised Code, 36603
and any other summer intervention program required by law: 36604

(a) An extension of the school breakfast program pursuant to 36605
the "National School Lunch Act" and the "Child Nutrition Act of 36606
1966"; 36607

(b) An extension of the school lunch program pursuant to 36608
those acts; 36609

(c) A summer food service program pursuant to those acts. 36610

(4)(a) If the board of education of a school district 36611
determines that, for financial reasons, it cannot comply with 36612
division (C)(1) or (3) of this section, the district board may 36613
choose not to comply with either or both divisions, except as 36614
provided in ~~division~~ divisions (C)(4)(b) and (c) of this section. 36615
The district board publicly shall communicate to the residents of 36616
the district, in the manner it determines appropriate, its 36617
decision not to comply. 36618

(b) If a district board chooses not to comply with division 36619
(C)(1) of this section, the state board nevertheless shall require 36620
the district board to establish a breakfast program in every 36621
school where at least one-third of the pupils in the school are 36622
eligible under federal requirements for free breakfasts and to 36623
establish a lunch program in every school where at least one-third 36624
of the pupils are eligible for free lunches. The district board 36625
may make a charge in accordance with federal requirements for each 36626
reduced price breakfast or paid breakfast to cover the cost 36627
incurred in providing that meal. 36628

(c) If the board of education of a school district chooses 36629
not to comply with division (C)(3) of this section, the state 36630
board nevertheless shall require the district board to permit an 36631
approved summer food service program sponsor to use school 36632
facilities located in a school building attendance area where at 36633
least one-half of the pupils are eligible for free lunches. 36634

The department of education shall post in a prominent 36635
location on the department's web site a list of approved summer 36636
food service program sponsors that may use school facilities under 36637
this division. 36638

Subject to the provisions of sections 3313.75 and 3313.77 of 36639
the Revised Code, a school district may charge the summer food 36640
service program sponsor a reasonable fee for the use of school 36641
facilities that may include the actual cost of custodial services, 36642
charges for the use of school equipment, and a prorated share of 36643
the utility costs as determined by the district board. A school 36644
district shall require the summer food service program sponsor to 36645
indemnify and hold harmless the district from any potential 36646
liability resulting from the operation of the summer food service 36647
program under this division. For this purpose, the district shall 36648
either add the summer food service program sponsor, as an 36649
additional insured party, to the district's existing liability 36650

insurance policy or require the summer food service program sponsor to submit evidence of a separate liability insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option.

(d) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) or (c) of this section at the time the state board determines that a district is subject to these requirements, the state board shall grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the requirements at the time the state board determines that a district is subject to them.

(D)(1) The state board shall accept the application of any outdoor education center in the state making application for participation in a program pursuant to division (B) of this section.

(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center:

(a) Meets the definition of an outdoor education center;

(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours;

(c) Operates under public or nonprofit private ownership in a single building or complex of buildings.

(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.

(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day. 36682
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(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast. 36686
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Sec. 3313.821. The superintendent of public instruction, in consultation with the governor's executive workforce board, shall establish standards for the operation of business advisory councils established by the board of education of a school district or the governing board of an educational service center under section 3313.82 of the Revised Code. The standards adopted by the state superintendent shall include at least the following requirements: 36693
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(A) Each advisory council and the board of education or governing board that established it shall develop a plan by which the advisory council shall advise the board of at least those matters specified by the board pursuant to section 3313.82 of the Revised Code. 36701
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(B) Each plan developed pursuant to division (A) of this section shall be filed with the department of education. 36706
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(C) Each business advisory council shall meet with its school board at least quarterly. 36708
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(D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of 36710
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each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code.

Sec. 3313.89. Beginning with the 2014-2015 school year, each public high school shall publish or provide, not later than the first day of April of each year, in its newsletter, high school planning guide, regular publication provided to parents and students, or in a prominent location on the school web site, information regarding the online education and career planning tool developed under section 6301.15 of the Revised Code. The information shall include the internet web site address for the planning tool and a link to that web site. The information also shall include a link to the OhioMeansJobs web site.

As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 3313.902. (A) As used in this section:

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.

(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.

(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.

(4) An eligible student's "career pathway training program amount" means the following:

(a) If the student is enrolled in a tier one career pathway

training program, \$4,800;	36741
(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	36742 36743
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	36744 36745
(5) "Eligible institution" means any of the following:	36746
(a) A community college established under Chapter 3354. of the Revised Code;	36747 36748
(b) A technical college established under Chapter 3357. of the Revised Code;	36749 36750
(c) A state community college established under Chapter 3358. of the Revised Code;	36751 36752
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	36753 36754
(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	36755 36756 36757 36758
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	36759 36760 36761 36762
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	36763 36764 36765 36766
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	36767 36768 36769

(10) An eligible student's "work readiness training amount" means the following:

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.

(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750.

(B) The adult diploma pilot program is hereby established to permit an eligible institution to obtain approval from the superintendent of public instruction and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:

(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate.

(2) The program includes career advising and outreach.

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount 36801
for each eligible student enrolled in each approved institution's 36802
approved program of study: 36803
(The student's career pathway training program amount + the 36804
student's work readiness training amount) X 1.2 36805

(2) The Except as provided in division (D)(4) of this 36806
section, the department shall pay the amount calculated for an 36807
eligible student under division (D)(1) of this section to the 36808
approved institution in which the student is enrolled in the 36809
following manner: 36810

(a) Twenty-five per cent of the amount calculated under 36811
division (D)(1) of this section shall be paid to the approved 36812
institution after the student successfully completes the first 36813
third of the approved program of study, as determined by the 36814
department; 36815

(b) Twenty-five per cent of the amount calculated under 36816
division (D)(1) of this section shall be paid to the approved 36817
institution after the student successfully completes the second 36818
third of the approved program of study, as determined by the 36819
department; 36820

(c) Fifty per cent of the amount calculated under division 36821
(D)(1) of this section shall be paid to the approved institution 36822
after the student successfully completes the final third of the 36823
approved program of study, as determined by the department. 36824

(3) Of the amount paid to an approved institution under 36825
division (D)(2) of this section, the institution may use the 36826
amount that is in addition to the student's career pathway 36827
training amount and the student's work readiness training amount 36828
for the associated services of the approved program of study. 36829
These services include counseling, advising, assessment, and other 36830
services as determined or required by the department. 36831

(4) If the superintendent and the chancellor determine that 36832
is it appropriate for an entity other than the department to make 36833
full or partial payments for an eligible student under division 36834
(D)(2) of this section, that entity shall make those payments and 36835
the department shall not make those payments. 36836

(E) The superintendent, in consultation with the chancellor, 36837
shall adopt rules for the implementation of the adult diploma 36838
pilot program, including all of the following: 36839

(1) The requirements for applying for program approval; 36840

(2) The requirements for obtaining a high school diploma 36841
through the program, including the requirement to obtain a passing 36842
score on an assessment that is appropriate for the career pathway 36843
training program that is being completed by the eligible student, 36844
and the date on which these requirements take effect; 36845

(3) The assessment or assessments that may be used to 36846
complete the assessment requirement for each career pathway 36847
training program under division (E)(2) of this section and the 36848
score that must be obtained on each assessment in order to pass 36849
the assessment; 36850

(4) Guidelines regarding the funding of the program under 36851
division (D) of this section, including a method of funding for 36852
students who transfer from one approved institution to another 36853
approved institution prior to completing an approved program of 36854
study; 36855

(5) Circumstances under which an eligible student may be 36856
charged for tuition, supplies, or associated fees while enrolled 36857
in an approved institution's approved program of study; 36858

(6) A requirement that an eligible student may not be charged 36859
for tuition, supplies, or associated fees while enrolled in an 36860
approved institution's approved program of study except in the 36861
circumstances described under division (E)(5) of this section; 36862

(7) The payment of federal funds that are to be used by 36863
approved programs of study at approved institutions. 36864

Sec. 3313.904. The department of education and the department 36865
of job and family services, in consultation with the governor's 36866
office of workforce transformation, shall establish an option for 36867
career-technical education students to participate in 36868
pre-apprenticeship training programs that impart the skills and 36869
knowledge needed for successful participation in a registered 36870
apprenticeship occupation course. 36871

Sec. 3313.978. (A) Annually by the first day of November, the 36872
superintendent of public instruction shall notify the pilot 36873
project school district of the number of initial scholarships that 36874
the state superintendent will be awarding in each of grades 36875
kindergarten through twelve. 36876

The state superintendent shall provide information about the 36877
scholarship program to all students residing in the district, 36878
shall accept applications from any such students until such date 36879
as shall be established by the state superintendent as a deadline 36880
for applications, and shall establish criteria for the selection 36881
of students to receive scholarships from among all those applying 36882
prior to the deadline, which criteria shall give preference to 36883
students from low-income families. The state superintendent shall 36884
notify students of their selection prior to the fifteenth day of 36885
January. 36886

(1) A student receiving a pilot project scholarship may 36887
utilize it at an alternative public school by notifying the 36888
district superintendent, at any time before the beginning of the 36889
school year, of the name of the public school in an adjacent 36890
school district to which the student has been accepted pursuant to 36891
section 3327.06 of the Revised Code. 36892

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:	36893 36894 36895
(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.	36896 36897 36898 36899
(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:	36900 36901 36902
(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;	36903 36904 36905 36906
(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.	36907 36908 36909
(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.	36910 36911 36912 36913
(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.	36914 36915 36916 36917 36918 36919 36920 36921 36922
All students wishing to obtain tutorial assistance grants	36923

shall make application to the state superintendent by the first 36924
day of the school year in which the assistance will be used. The 36925
state superintendent shall award assistance grants in accordance 36926
with criteria the superintendent shall establish. 36927

(C)(1) In the case of basic scholarships for students in 36928
grades kindergarten through eight, the scholarship amount shall 36929
not exceed the lesser of the net tuition charges of the 36930
alternative school the scholarship recipient attends or four 36931
thousand ~~two~~ six hundred fifty dollars ~~in fiscal year 2012 and~~ 36932
~~thereafter.~~ 36933

In the case of basic scholarships for students in grades nine 36934
through twelve, the scholarship amount shall not exceed the lesser 36935
of the net tuition charges of the alternative school the 36936
scholarship recipient attends or ~~five~~ six thousand dollars ~~in~~ 36937
~~fiscal year 2012 and fiscal year 2013, and five thousand seven~~ 36938
~~hundred dollars in fiscal year 2014 and thereafter.~~ 36939

The net tuition and fees charged to a student shall be the 36940
tuition amount specified by the alternative school minus all other 36941
financial aid, discounts, and adjustments received for the 36942
student. In cases where discounts are offered for multiple 36943
students from the same family, and not all students in the same 36944
family are scholarship recipients, the net tuition amount 36945
attributable to the scholarship recipient shall be the lowest net 36946
tuition to which the family is entitled. 36947

(2) The state superintendent shall provide for an increase in 36948
the basic scholarship amount in the case of any student who is a 36949
mainstreamed student with a disability and shall further increase 36950
such amount in the case of any separately educated student with a 36951
disability. Such increases shall take into account the 36952
instruction, related services, and transportation costs of 36953
educating such students. 36954

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars.

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised

Code; 36986

(b) If applicable, the community school in which the student 36987
is enrolled; 36988

(c) The independent contractor engaged to create and maintain 36989
data verification codes. 36990

(2) Upon a request by the department under division (E)(1) of 36991
this section for the data verification code of a student seeking a 36992
scholarship or a request by the student's parent for that code, 36993
the school district or community school shall submit that code to 36994
the department or parent in the manner specified by the 36995
department. If the student has not been assigned a code, because 36996
the student will be entering kindergarten during the school year 36997
for which the scholarship is sought, the district shall assign a 36998
code to that student and submit the code to the department or 36999
parent by a date specified by the department. If the district does 37000
not assign a code to the student by the specified date, the 37001
department shall assign a code to the student. 37002

The department annually shall submit to each school district 37003
the name and data verification code of each student residing in 37004
the district who is entering kindergarten, who has been awarded a 37005
scholarship under the program, and for whom the department has 37006
assigned a code under this division. 37007

(3) The department shall not release any data verification 37008
code that it receives under division (E) of this section to any 37009
person except as provided by law. 37010

(F) Any document relative to the pilot project scholarship 37011
program that the department holds in its files that contains both 37012
a student's name or other personally identifiable information and 37013
the student's data verification code shall not be a public record 37014
under section 149.43 of the Revised Code. 37015

(G)(1) The department annually shall compile the scores 37016

attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program for three or more years;

(e) Students who have participated in the scholarship program for more than one year and less than three years;

(f) Students who have participated in the scholarship program for one year or less;

(g) Economically disadvantaged students.

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of

this section. In reporting student performance data under this 37047
division, the department shall not include any data that is 37048
statistically unreliable or that could result in the 37049
identification of individual students. For this purpose, the 37050
department shall not report performance data for any group that 37051
contains less than ten students. 37052

(4) The department shall provide the parent of each 37053
scholarship student enrolled in a registered private school with 37054
information comparing the student's performance on the assessments 37055
administered pursuant to division (A)(11) of section 3313.976 of 37056
the Revised Code with the average performance of similar students 37057
enrolled in the building operated by the pilot project school 37058
district that the scholarship student would otherwise attend. In 37059
calculating the performance of similar students, the department 37060
shall consider age, grade, race and ethnicity, gender, and 37061
socioeconomic status. 37062

Sec. 3314.016. This section applies to any entity that 37063
sponsors a community school, regardless of whether section 37064
3314.021 or 3314.027 of the Revised Code exempts the entity from 37065
the requirement to be approved for sponsorship under divisions 37066
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 37067
office of Ohio school sponsorship established under section 37068
3314.029 of the Revised Code shall be rated under division (B) of 37069
this section, but divisions (A) and (C) of this section do not 37070
apply to the office. 37071

(A) An entity that sponsors a community school shall be 37072
permitted to enter into contracts under section 3314.03 of the 37073
Revised Code to sponsor additional community schools only if the 37074
entity meets all of the following criteria: 37075

(1) The entity is in compliance with all provisions of this 37076
chapter requiring sponsors of community schools to report data or 37077

information to the department of education. 37078

(2) The entity is not rated as "ineffective" under division 37079
(B)(6) of this section. 37080

(3) Except as set forth in sections 3314.021 and 3314.027 of 37081
the Revised Code, the entity has received approval from and 37082
entered into an agreement with the department of education 37083
pursuant to section 3314.015 of the Revised Code. 37084

(B)(1) Beginning with the 2015-2016 school year, the 37085
department shall develop and implement an evaluation system that 37086
annually rates and assigns an overall rating to each entity that 37087
sponsors a community school. That evaluation system shall be 37088
developed and posted on the department's web site by the fifteenth 37089
day of July of each school year. Any changes to the evaluation 37090
system after that date shall take effect the following year. The 37091
evaluation system shall be based on the following components: 37092

(a) Academic performance of students enrolled in community 37093
schools sponsored by the same entity. The academic performance 37094
component shall be derived from the performance measures 37095
prescribed for the state report cards under section 3302.03 or 37096
3314.017 of the Revised Code, and shall be based on the 37097
performance of the schools for the school year for which the 37098
evaluation is conducted. In addition to the academic performance 37099
for a specific school year, the academic performance component 37100
shall also include year-to-year changes in the overall sponsor 37101
portfolio. For a community school for which no graded performance 37102
measures are applicable or available, the department shall use 37103
nonreport card performance measures specified in the contract 37104
between the community school and the sponsor under division (A)(4) 37105
of section 3314.03 of the Revised Code. 37106

If the department uses a component prescribed under division 37107
(C)(3) of section 3302.03 of the Revised Code to calculate the 37108

academic performance component specified under division (B)(1)(a) 37109
of this section, the department shall weight the progress 37110
component specified under division (C)(3)(c) of section 3302.03 of 37111
the Revised Code at sixty per cent of the total score for the 37112
academic performance component under this section. 37113

(b) Adherence by a sponsor to the quality practices 37114
prescribed by the department under division (B)(3) of this 37115
section. For a sponsor that was rated "effective" or "exemplary" 37116
on its most recent rating, the department may evaluate that 37117
sponsor's adherence to quality practices once over a period of 37118
three years. If the department elects to evaluate a sponsor once 37119
over a period of three years, the most recent rating for a 37120
sponsor's adherence to quality practices shall be used when 37121
determining an annual overall rating conducted under this section. 37122

(c) Compliance with all applicable laws and administrative 37123
rules by an entity that sponsors a community school. 37124

(2) In calculating an academic performance component, the 37125
department shall exclude all community schools that have been in 37126
operation for not more than two full school years and all 37127
community schools described in division (A)(4)(b) of section 37128
3314.35 of the Revised Code. However, the academic performance of 37129
the community schools described in division (A)(4)(b) of section 37130
3314.35 of the Revised Code shall be reported, but shall not be 37131
used as a factor when determining a sponsoring entity's rating 37132
under this section. 37133

(3) The department, in consultation with entities that 37134
sponsor community schools, shall prescribe quality practices for 37135
community school sponsors and develop an instrument to measure 37136
adherence to those quality practices. The quality practices shall 37137
be based on standards developed by the national association of 37138
charter school authorizers or any other nationally organized 37139
community school organization. 37140

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system.

The department shall publish the ratings between the first day of October and the fifteenth day of October.

The department shall provide training on an annual basis regarding the evaluation system prescribed under this section. The training shall, at a minimum, describe methodology, timelines, and data required for the evaluation system. The first training session shall occur not later than ~~thirty days after the effective~~

~~date of this section~~ March 2, 2016. Beginning in 2018, the 37172
training shall be made available to each entity that sponsors a 37173
community school by the fifteenth day of July of each year and 37174
shall include guidance on any changes made to the evaluation 37175
system. 37176

If the department uses a points system to determine component 37177
ratings and overall ratings under this section, the department 37178
shall not assign an automatic overall rating to an entity based 37179
solely on the entity receiving an equivalent score of zero points 37180
on one or more of the individual components prescribed in division 37181
(B)(1)(b) or (c) of this section. An overall rating shall be the 37182
cumulative score of the individual components prescribed under 37183
this section unless the entity receives a score of zero on the 37184
academic performance component prescribed in division (B)(1)(a) of 37185
this section. 37186

(7)(a) Entities with an overall rating of "exemplary" for at 37187
least two consecutive years may take advantage of the following 37188
incentives: 37189

(i) Renewal of the written agreement with the department, not 37190
to exceed ten years, provided that the entity consents to 37191
continued evaluation of adherence to quality practices as 37192
described in division (B)(1)(b) of this section; 37193

(ii) The ability to extend the term of the contract between 37194
the sponsoring entity and the community school beyond the term 37195
described in the written agreement with the department; 37196

(iii) An exemption from the preliminary agreement and 37197
contract adoption and execution deadline requirements prescribed 37198
in division (D) of section 3314.02 of the Revised Code; 37199

(iv) An exemption from the automatic contract expiration 37200
requirement, should a new community school fail to open by the 37201
thirtieth day of September of the calendar year in which the 37202

community school contract is executed; 37203

(v) No limit on the number of community schools the entity 37204
may sponsor; 37205

(vi) No territorial restrictions on sponsorship. 37206

An entity may continue to sponsor any community schools with 37207
which it entered into agreements under division (B)(7)(a)(v) or 37208
(vi) of this section while rated "exemplary," notwithstanding the 37209
fact that the entity later receives a lower overall rating. 37210

(b)(i) Entities that receive an overall rating of 37211
"ineffective" shall be prohibited from sponsoring any new or 37212
additional community schools during the time in which the sponsor 37213
is rated as "ineffective" and shall be subject to a quality 37214
improvement plan based on correcting the deficiencies that led to 37215
the "ineffective" rating, with timelines and benchmarks that have 37216
been established by the department. 37217

(ii) Entities that receive an overall rating of "ineffective" 37218
on their three most recent ratings shall have all sponsorship 37219
authority revoked. Within thirty days after receiving its third 37220
rating of "ineffective," the entity may appeal the revocation of 37221
its sponsorship authority to the superintendent of public 37222
instruction, who shall appoint an independent hearing officer to 37223
conduct a hearing in accordance with Chapter 119. of the Revised 37224
Code. The hearing shall be conducted within thirty days after 37225
receipt of the notice of appeal. Within forty-five days after the 37226
hearing is completed, the state board of education shall determine 37227
whether the revocation is appropriate based on the hearing 37228
conducted by the independent hearing officer, and if determined 37229
appropriate, the revocation shall be confirmed. 37230

(c) Entities that receive an overall rating of "poor" shall 37231
have all sponsorship authority revoked. Within thirty days after 37232
receiving a rating of "poor," the entity may appeal the revocation 37233

of its sponsorship authority to the superintendent of public 37234
instruction, who shall appoint an independent hearing officer to 37235
conduct a hearing in accordance with Chapter 119. of the Revised 37236
Code. The hearing shall be conducted within thirty days after 37237
receipt of the notice of appeal. Within forty-five days after the 37238
hearing is completed, the state board of education shall determine 37239
whether the revocation is appropriate based on the hearing 37240
conducted by the independent hearing officer, and if determined 37241
appropriate, the revocation shall be confirmed. 37242

(d) Notwithstanding division (F)(3) of section 3314.02 of the 37243
Revised Code and the agreement entered into with the department 37244
under section 3314.015 of the Revised Code, an entity that is an 37245
educational service center that receives an overall rating of 37246
"effective" or higher may sponsor a community school regardless of 37247
whether it is located in a county within the service territory of 37248
the service center or in a contiguous county. 37249

(8) For the 2014-2015 school year and each school year 37250
thereafter, student academic performance prescribed under division 37251
(B)(1)(a) of this section shall include student academic 37252
performance data from community schools that primarily serve 37253
students enrolled in a dropout prevention and recovery program. 37254

(C) If the governing authority of a community school enters 37255
into a contract with a sponsor prior to the date on which the 37256
sponsor is prohibited from sponsoring additional schools under 37257
division (A) of this section and the school has not opened for 37258
operation as of that date, that contract shall be void and the 37259
school shall not open until the governing authority secures a new 37260
sponsor by entering into a contract with the new sponsor under 37261
section 3314.03 of the Revised Code. However, the department's 37262
office of Ohio school sponsorship, established under section 37263
3314.029 of the Revised Code, may assume the sponsorship of the 37264
school until the earlier of the expiration of two school years or 37265

until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(b) or (c) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702.

of the Revised Code, if established prior to April 8, 2003;	37296
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	37297 37298
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	37299 37300 37301 37302
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	37303 37304 37305
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	37306 37307 37308 37309
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	37310 37311
(6)(a) Dismissal procedures;	37312
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	37313 37314 37315 37316 37317 37318
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	37319 37320
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the	37321 37322 37323 37324 37325

Revised Code.	37326
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	37327 37328
(a) A detailed description of each facility used for instructional purposes;	37329 37330
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	37331 37332
(c) The annual mortgage principal and interest payments that are paid by the school;	37333 37334
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	37335 37336 37337
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	37338 37339 37340 37341 37342 37343
(11) That the school will comply with the following requirements:	37344 37345
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	37346 37347 37348
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	37349 37350 37351
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	37352 37353 37354 37355

(d) The school will comply with sections 9.90, 9.91, 109.65, 37356
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 37357
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 37358
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 37359
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 37360
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 37361
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 37362
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 37363
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 37364
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 37365
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 37366
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 37367
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 37368
as if it were a school district and will comply with section 37369
3301.0714 of the Revised Code in the manner specified in section 37370
3314.17 of the Revised Code. 37371

(e) The school shall comply with Chapter 102. and section 37372
2921.42 of the Revised Code. 37373

(f) The school will comply with sections 3313.61, 3313.611, 37374
and 3313.614 of the Revised Code, except that for students who 37375
enter ninth grade for the first time before July 1, 2010, the 37376
requirement in sections 3313.61 and 3313.611 of the Revised Code 37377
that a person must successfully complete the curriculum in any 37378
high school prior to receiving a high school diploma may be met by 37379
completing the curriculum adopted by the governing authority of 37380
the community school rather than the curriculum specified in Title 37381
XXXIII of the Revised Code or any rules of the state board of 37382
education. Beginning with students who enter ninth grade for the 37383
first time on or after July 1, 2010, the requirement in sections 37384
3313.61 and 3313.611 of the Revised Code that a person must 37385
successfully complete the curriculum of a high school prior to 37386
receiving a high school diploma shall be met by completing the 37387

requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is

licensed by the department of education under sections 3301.52 to 37420
3301.59 of the Revised Code, the school shall comply with sections 37421
3301.50 to 3301.59 of the Revised Code and the minimum standards 37422
for preschool programs prescribed in rules adopted by the state 37423
board under section 3301.53 of the Revised Code. 37424

(k) The school will comply with sections 3313.6021 and 37425
3313.6023 of the Revised Code as if it were a school district 37426
unless it is either of the following: 37427

(i) An internet- or computer-based community school; 37428

(ii) A community school in which a majority of the enrolled 37429
students are children with disabilities as described in division 37430
(A)(4)(b) of section 3314.35 of the Revised Code. 37431

(12) Arrangements for providing health and other benefits to 37432
employees; 37433

(13) The length of the contract, which shall begin at the 37434
beginning of an academic year. No contract shall exceed five years 37435
unless such contract has been renewed pursuant to division (E) of 37436
this section. 37437

(14) The governing authority of the school, which shall be 37438
responsible for carrying out the provisions of the contract; 37439

(15) A financial plan detailing an estimated school budget 37440
for each year of the period of the contract and specifying the 37441
total estimated per pupil expenditure amount for each such year. 37442

(16) Requirements and procedures regarding the disposition of 37443
employees of the school in the event the contract is terminated or 37444
not renewed pursuant to section 3314.07 of the Revised Code; 37445

(17) Whether the school is to be created by converting all or 37446
part of an existing public school or educational service center 37447
building or is to be a new start-up school, and if it is a 37448
converted public school or service center building, specification 37449

of any duties or responsibilities of an employer that the board of 37450
education or service center governing board that operated the 37451
school or building before conversion is delegating to the 37452
governing authority of the community school with respect to all or 37453
any specified group of employees provided the delegation is not 37454
prohibited by a collective bargaining agreement applicable to such 37455
employees; 37456

(18) Provisions establishing procedures for resolving 37457
disputes or differences of opinion between the sponsor and the 37458
governing authority of the community school; 37459

(19) A provision requiring the governing authority to adopt a 37460
policy regarding the admission of students who reside outside the 37461
district in which the school is located. That policy shall comply 37462
with the admissions procedures specified in sections 3314.06 and 37463
3314.061 of the Revised Code and, at the sole discretion of the 37464
authority, shall do one of the following: 37465

(a) Prohibit the enrollment of students who reside outside 37466
the district in which the school is located; 37467

(b) Permit the enrollment of students who reside in districts 37468
adjacent to the district in which the school is located; 37469

(c) Permit the enrollment of students who reside in any other 37470
district in the state. 37471

(20) A provision recognizing the authority of the department 37472
of education to take over the sponsorship of the school in 37473
accordance with the provisions of division (C) of section 3314.015 37474
of the Revised Code; 37475

(21) A provision recognizing the sponsor's authority to 37476
assume the operation of a school under the conditions specified in 37477
division (B) of section 3314.073 of the Revised Code; 37478

(22) A provision recognizing both of the following: 37479

(a) The authority of public health and safety officials to 37480
inspect the facilities of the school and to order the facilities 37481
closed if those officials find that the facilities are not in 37482
compliance with health and safety laws and regulations; 37483

(b) The authority of the department of education as the 37484
community school oversight body to suspend the operation of the 37485
school under section 3314.072 of the Revised Code if the 37486
department has evidence of conditions or violations of law at the 37487
school that pose an imminent danger to the health and safety of 37488
the school's students and employees and the sponsor refuses to 37489
take such action. 37490

(23) A description of the learning opportunities that will be 37491
offered to students including both classroom-based and 37492
non-classroom-based learning opportunities that is in compliance 37493
with criteria for student participation established by the 37494
department under division (H)(2) of section 3314.08 of the Revised 37495
Code; 37496

(24) The school will comply with sections 3302.04 and 37497
3302.041 of the Revised Code, except that any action required to 37498
be taken by a school district pursuant to those sections shall be 37499
taken by the sponsor of the school. However, the sponsor shall not 37500
be required to take any action described in division (F) of 37501
section 3302.04 of the Revised Code. 37502

(25) Beginning in the 2006-2007 school year, the school will 37503
open for operation not later than the thirtieth day of September 37504
each school year, unless the mission of the school as specified 37505
under division (A)(2) of this section is solely to serve dropouts. 37506
In its initial year of operation, if the school fails to open by 37507
the thirtieth day of September, or within one year after the 37508
adoption of the contract pursuant to division (D) of section 37509
3314.02 of the Revised Code if the mission of the school is solely 37510
to serve dropouts, the contract shall be void. 37511

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;	37512 37513 37514
(27) That the school's attendance and participation policies will be available for public inspection;	37515 37516
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	37517 37518 37519 37520 37521 37522 37523
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	37524 37525 37526
(a) An indication of what blended learning model or models will be used;	37527 37528
(b) A description of how student instructional needs will be determined and documented;	37529 37530
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	37531 37532
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	37533 37534
(e) A statement describing how student progress will be monitored;	37535 37536
(f) A statement describing how private student data will be protected;	37537 37538
(g) A description of the professional development activities that will be offered to teachers.	37539 37540
(30) A provision requiring that all moneys the school's	37541

operator loans to the school, including facilities loans or cash 37542
flow assistance, must be accounted for, documented, and bear 37543
interest at a fair market rate; 37544

(31) A provision requiring that, if the governing authority 37545
contracts with an attorney, accountant, or entity specializing in 37546
audits, the attorney, accountant, or entity shall be independent 37547
from the operator with which the school has contracted. 37548

(B) The community school shall also submit to the sponsor a 37549
comprehensive plan for the school. The plan shall specify the 37550
following: 37551

(1) The process by which the governing authority of the 37552
school will be selected in the future; 37553

(2) The management and administration of the school; 37554

(3) If the community school is a currently existing public 37555
school or educational service center building, alternative 37556
arrangements for current public school students who choose not to 37557
attend the converted school and for teachers who choose not to 37558
teach in the school or building after conversion; 37559

(4) The instructional program and educational philosophy of 37560
the school; 37561

(5) Internal financial controls. 37562

When submitting the plan under this division, the school 37563
shall also submit copies of all policies and procedures regarding 37564
internal financial controls adopted by the governing authority of 37565
the school. 37566

(C) A contract entered into under section 3314.02 of the 37567
Revised Code between a sponsor and the governing authority of a 37568
community school may provide for the community school governing 37569
authority to make payments to the sponsor, which is hereby 37570
authorized to receive such payments as set forth in the contract 37571

between the governing authority and the sponsor. The total amount 37572
of such payments for monitoring, oversight, and technical 37573
assistance of the school shall not exceed three per cent of the 37574
total amount of payments for operating expenses that the school 37575
receives from the state. 37576

(D) The contract shall specify the duties of the sponsor 37577
which shall be in accordance with the written agreement entered 37578
into with the department of education under division (B) of 37579
section 3314.015 of the Revised Code and shall include the 37580
following: 37581

(1) Monitor the community school's compliance with all laws 37582
applicable to the school and with the terms of the contract; 37583

(2) Monitor and evaluate the academic and fiscal performance 37584
and the organization and operation of the community school on at 37585
least an annual basis; 37586

(3) Report on an annual basis the results of the evaluation 37587
conducted under division (D)(2) of this section to the department 37588
of education and to the parents of students enrolled in the 37589
community school; 37590

(4) Provide technical assistance to the community school in 37591
complying with laws applicable to the school and terms of the 37592
contract; 37593

(5) Take steps to intervene in the school's operation to 37594
correct problems in the school's overall performance, declare the 37595
school to be on probationary status pursuant to section 3314.073 37596
of the Revised Code, suspend the operation of the school pursuant 37597
to section 3314.072 of the Revised Code, or terminate the contract 37598
of the school pursuant to section 3314.07 of the Revised Code as 37599
determined necessary by the sponsor; 37600

(6) Have in place a plan of action to be undertaken in the 37601
event the community school experiences financial difficulties or 37602

closes prior to the end of a school year. 37603

(E) Upon the expiration of a contract entered into under this 37604
section, the sponsor of a community school may, with the approval 37605
of the governing authority of the school, renew that contract for 37606
a period of time determined by the sponsor, but not ending earlier 37607
than the end of any school year, if the sponsor finds that the 37608
school's compliance with applicable laws and terms of the contract 37609
and the school's progress in meeting the academic goals prescribed 37610
in the contract have been satisfactory. Any contract that is 37611
renewed under this division remains subject to the provisions of 37612
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 37613

(F) If a community school fails to open for operation within 37614
one year after the contract entered into under this section is 37615
adopted pursuant to division (D) of section 3314.02 of the Revised 37616
Code or permanently closes prior to the expiration of the 37617
contract, the contract shall be void and the school shall not 37618
enter into a contract with any other sponsor. A school shall not 37619
be considered permanently closed because the operations of the 37620
school have been suspended pursuant to section 3314.072 of the 37621
Revised Code. 37622

Sec. 3314.08. (A) As used in this section: 37623

(1)(a) "Category one career-technical education student" 37624
means a student who is receiving the career-technical education 37625
services described in division (A) of section 3317.014 of the 37626
Revised Code. 37627

(b) "Category two career-technical student" means a student 37628
who is receiving the career-technical education services described 37629
in division (B) of section 3317.014 of the Revised Code. 37630

(c) "Category three career-technical student" means a student 37631
who is receiving the career-technical education services described 37632

in division (C) of section 3317.014 of the Revised Code. 37633

(d) "Category four career-technical student" means a student 37634
who is receiving the career-technical education services described 37635
in division (D) of section 3317.014 of the Revised Code. 37636

(e) "Category five career-technical education student" means 37637
a student who is receiving the career-technical education services 37638
described in division (E) of section 3317.014 of the Revised Code. 37639

(2)(a) "Category one limited English proficient student" 37640
means a limited English proficient student described in division 37641
(A) of section 3317.016 of the Revised Code. 37642

(b) "Category two limited English proficient student" means a 37643
limited English proficient student described in division (B) of 37644
section 3317.016 of the Revised Code. 37645

(c) "Category three limited English proficient student" means 37646
a limited English proficient student described in division (C) of 37647
section 3317.016 of the Revised Code. 37648

(3)(a) "Category one special education student" means a 37649
student who is receiving special education services for a 37650
disability specified in division (A) of section 3317.013 of the 37651
Revised Code. 37652

(b) "Category two special education student" means a student 37653
who is receiving special education services for a disability 37654
specified in division (B) of section 3317.013 of the Revised Code. 37655

(c) "Category three special education student" means a 37656
student who is receiving special education services for a 37657
disability specified in division (C) of section 3317.013 of the 37658
Revised Code. 37659

(d) "Category four special education student" means a student 37660
who is receiving special education services for a disability 37661
specified in division (D) of section 3317.013 of the Revised Code. 37662

(e) "Category five special education student" means a student 37663
who is receiving special education services for a disability 37664
specified in division (E) of section 3317.013 of the Revised Code. 37665

(f) "Category six special education student" means a student 37666
who is receiving special education services for a disability 37667
specified in division (F) of section 3317.013 of the Revised Code. 37668

(4) "Formula amount" has the same meaning as in section 37669
3317.02 of the Revised Code. 37670

(5) "IEP" has the same meaning as in section 3323.01 of the 37671
Revised Code. 37672

(6) "Resident district" means the school district in which a 37673
student is entitled to attend school under section 3313.64 or 37674
3313.65 of the Revised Code. 37675

(7) "State education aid" has the same meaning as in section 37676
5751.20 of the Revised Code. 37677

(B) The state board of education shall adopt rules requiring 37678
both of the following: 37679

(1) The board of education of each city, exempted village, 37680
and local school district to annually report the number of 37681
students entitled to attend school in the district who are 37682
enrolled in each grade kindergarten through twelve in a community 37683
school established under this chapter, and for each child, the 37684
community school in which the child is enrolled. 37685

(2) The governing authority of each community school 37686
established under this chapter to annually report all of the 37687
following: 37688

(a) The number of students enrolled in grades one through 37689
twelve and the full-time equivalent number of students enrolled in 37690
kindergarten in the school who are not receiving special education 37691
and related services pursuant to an IEP; 37692

(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	37693 37694 37695 37696
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	37697 37698 37699 37700
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	37701 37702 37703 37704 37705
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	37706 37707 37708 37709 37710 37711 37712 37713
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	37714 37715 37716 37717
(g) The number of students reported under divisions (B)(2)(a) and (b) <u>of this section</u> who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.	37718 37719 37720 37721 37722
(h) For each student, the city, exempted village, or local	37723

school district in which the student is entitled to attend school 37724
under section 3313.64 or 3313.65 of the Revised Code. 37725

(i) The number of students enrolled in a preschool program 37726
operated by the school that is licensed by the department of 37727
education under sections 3301.52 to 3301.59 of the Revised Code 37728
who are not receiving special education and related services 37729
pursuant to an IEP. 37730

A school district board and a community school governing 37731
authority shall include in their respective reports under division 37732
(B) of this section any child admitted in accordance with division 37733
(A)(2) of section 3321.01 of the Revised Code. 37734

A governing authority of a community school shall not include 37735
in its report under divisions (B)(2)(a) to (h) of this section any 37736
student for whom tuition is charged under division (F) of this 37737
section. 37738

(C)(1) Except as provided in division (C)(2) of this section, 37739
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 37740
section, on a full-time equivalency basis, for each student 37741
enrolled in a community school established under this chapter, the 37742
department of education annually shall deduct from the state 37743
education aid of a student's resident district and, if necessary, 37744
from the payment made to the district under sections 321.24 and 37745
323.156 of the Revised Code and pay to the community school the 37746
sum of the following: 37747

(a) An opportunity grant in an amount equal to the formula 37748
amount; 37749

(b) The per pupil amount of targeted assistance funds 37750
calculated under division (A) of section 3317.0217 of the Revised 37751
Code for the student's resident district, as determined by the 37752
department, X 0.25; 37753

(c) Additional state aid for special education and related 37754

services provided under Chapter 3323. of the Revised Code as follows:	37755 37756
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	37757 37758 37759
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	37760 37761 37762
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	37763 37764 37765
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	37766 37767 37768
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	37769 37770 37771
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	37772 37773 37774
(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in fiscal year 2017;	37775 37776 37777
(e) If the student is economically disadvantaged, an additional amount equal to the following:	37778 37779
\$272 X the resident district's economically disadvantaged index	37780 37781
(f) Limited English proficiency funds as follows:	37782
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of	37783 37784

section 3317.016 of the Revised Code;	37785
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	37786 37787 37788
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	37789 37790 37791
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	37792 37793
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	37794 37795 37796
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	37797 37798 37799
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	37800 37801 37802
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	37803 37804 37805
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	37806 37807 37808
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	37809 37810 37811 37812
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet-	37813 37814

or computer-based community school and making payments to such 37815
school under this section, the department shall make the 37816
deductions and payments described in only divisions (C)(1)(a), 37817
(c), and (g) of this section. 37818

No deductions or payments shall be made for a student 37819
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 37820
of this section. 37821

(3)(a) If a community school's costs for a fiscal year for a 37822
student receiving special education and related services pursuant 37823
to an IEP for a disability described in divisions (B) to (F) of 37824
section 3317.013 of the Revised Code exceed the threshold 37825
catastrophic cost for serving the student as specified in division 37826
(B) of section 3317.0214 of the Revised Code, the school may 37827
submit to the superintendent of public instruction documentation, 37828
as prescribed by the superintendent, of all its costs for that 37829
student. Upon submission of documentation for a student of the 37830
type and in the manner prescribed, the department shall pay to the 37831
community school an amount equal to the school's costs for the 37832
student in excess of the threshold catastrophic costs. 37833

(b) The community school shall report under division 37834
(C)(3)(a) of this section, and the department shall pay for, only 37835
the costs of educational expenses and the related services 37836
provided to the student in accordance with the student's 37837
individualized education program. Any legal fees, court costs, or 37838
other costs associated with any cause of action relating to the 37839
student may not be included in the amount. 37840

(4) In any fiscal year, a community school receiving funds 37841
under division (C)(1)(g) of this section shall spend those funds 37842
only for the purposes that the department designates as approved 37843
for career-technical education expenses. Career-technical 37844
education expenses approved by the department shall include only 37845
expenses connected to the delivery of career-technical programming 37846

to career-technical students. The department shall require the 37847
school to report data annually so that the department may monitor 37848
the school's compliance with the requirements regarding the manner 37849
in which funding received under division (C)(1)(g) of this section 37850
may be spent. 37851

(5) Notwithstanding anything to the contrary in section 37852
3313.90 of the Revised Code, except as provided in division (C)(9) 37853
of this section, all funds received under division (C)(1)(g) of 37854
this section shall be spent in the following manner: 37855

(a) At least seventy-five per cent of the funds shall be 37856
spent on curriculum development, purchase, and implementation; 37857
instructional resources and supplies; industry-based program 37858
certification; student assessment, credentialing, and placement; 37859
curriculum specific equipment purchases and leases; 37860
career-technical student organization fees and expenses; home and 37861
agency linkages; work-based learning experiences; professional 37862
development; and other costs directly associated with 37863
career-technical education programs including development of new 37864
programs. 37865

(b) Not more than twenty-five per cent of the funds shall be 37866
used for personnel expenditures. 37867

(6) A community school shall spend the funds it receives 37868
under division (C)(1)(e) of this section in accordance with 37869
section 3317.25 of the Revised Code. 37870

(7) If the sum of the payments computed under divisions 37871
(C)(1) and (8)(a) of this section for the students entitled to 37872
attend school in a particular school district under sections 37873
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 37874
district's state education aid and its payment under sections 37875
321.24 and 323.156 of the Revised Code, the department shall 37876
calculate and apply a proration factor to the payments to all 37877

community schools under that division for the students entitled to attend school in that district. 37878
37879

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following: 37880
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(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20) 37884
37885
37886

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following: 37887
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37889
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37892

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20) 37893
37894
37895

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department. 37896
37897
37898
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(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school. 37901
37902
37903
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(E) A community school may not levy taxes or issue bonds secured by tax revenues. 37906
37907

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a 37939
community school for the period of time beginning on the later of 37940
the date on which the school both has received documentation of 37941
the student's enrollment from a parent and the student has 37942
commenced participation in learning opportunities as defined in 37943
the contract with the sponsor, or thirty days prior to the date on 37944
which the student is entered into the education management 37945
information system established under section 3301.0714 of the 37946
Revised Code. For purposes of applying this division and divisions 37947
(H)(3) and (4) of this section to a community school student, 37948
"learning opportunities" shall be defined in the contract, which 37949
shall describe both classroom-based and non-classroom-based 37950
learning opportunities and shall be in compliance with criteria 37951
and documentation requirements for student participation which 37952
shall be established by the department. Any student's instruction 37953
time in non-classroom-based learning opportunities shall be 37954
certified by an employee of the community school. A student's 37955
enrollment shall be considered to cease on the date on which any 37956
of the following occur: 37957

(a) The community school receives documentation from a parent 37958
terminating enrollment of the student. 37959

(b) The community school is provided documentation of a 37960
student's enrollment in another public or private school. 37961

(c) The community school ceases to offer learning 37962
opportunities to the student pursuant to the terms of the contract 37963
with the sponsor or the operation of any provision of this 37964
chapter. 37965

Except as otherwise specified in this paragraph, beginning in 37966
the 2011-2012 school year, any student who completed the prior 37967
school year in an internet- or computer-based community school 37968
shall be considered to be enrolled in the same school in the 37969
subsequent school year until the student's enrollment has ceased 37970

as specified in division (H)(2) of this section. The department 37971
shall continue subtracting and paying amounts for the student 37972
under division (C) of this section without interruption at the 37973
start of the subsequent school year. However, if the student 37974
without a legitimate excuse fails to participate in the first one 37975
hundred five consecutive hours of learning opportunities offered 37976
to the student in that subsequent school year, the student shall 37977
be considered not to have re-enrolled in the school for that 37978
school year and the department shall recalculate the payments to 37979
the school for that school year to account for the fact that the 37980
student is not enrolled. 37981

(3) The department shall determine each community school 37982
student's percentage of full-time equivalency based on the 37983
percentage of learning opportunities offered by the community 37984
school to that student, reported either as number of hours or 37985
number of days, is of the total learning opportunities offered by 37986
the community school to a student who attends for the school's 37987
entire school year. However, no internet- or computer-based 37988
community school shall be credited for any time a student spends 37989
participating in learning opportunities beyond ten hours within 37990
any period of twenty-four consecutive hours. Whether it reports 37991
hours or days of learning opportunities, each community school 37992
shall offer not less than nine hundred twenty hours of learning 37993
opportunities during the school year. 37994

(4) With respect to the calculation of full-time equivalency 37995
under division (H)(3) of this section, the department shall waive 37996
the number of hours or days of learning opportunities not offered 37997
to a student because the community school was closed during the 37998
school year due to disease epidemic, hazardous weather conditions, 37999
law enforcement emergencies, inoperability of school buses or 38000
other equipment necessary to the school's operation, damage to a 38001
school building, or other temporary circumstances due to utility 38002

failure rendering the school building unfit for school use, so 38003
long as the school was actually open for instruction with students 38004
in attendance during that school year for not less than the 38005
minimum number of hours required by this chapter. The department 38006
shall treat the school as if it were open for instruction with 38007
students in attendance during the hours or days waived under this 38008
division. 38009

(I) The department of education shall reduce the amounts paid 38010
under this section to reflect payments made to colleges under 38011
section 3365.07 of the Revised Code. 38012

(J)(1) No student shall be considered enrolled in any 38013
internet- or computer-based community school or, if applicable to 38014
the student, in any community school that is required to provide 38015
the student with a computer pursuant to division (C) of section 38016
3314.22 of the Revised Code, unless both of the following 38017
conditions are satisfied: 38018

(a) The student possesses or has been provided with all 38019
required hardware and software materials and all such materials 38020
are operational so that the student is capable of fully 38021
participating in the learning opportunities specified in the 38022
contract between the school and the school's sponsor as required 38023
by division (A)(23) of section 3314.03 of the Revised Code; 38024

(b) The school is in compliance with division (A) of section 38025
3314.22 of the Revised Code, relative to such student. 38026

(2) In accordance with policies adopted jointly by the 38027
superintendent of public instruction and the auditor of state, the 38028
department shall reduce the amounts otherwise payable under 38029
division (C) of this section to any community school that includes 38030
in its program the provision of computer hardware and software 38031
materials to any student, if such hardware and software materials 38032
have not been delivered, installed, and activated for each such 38033

student in a timely manner or other educational materials or 38034
services have not been provided according to the contract between 38035
the individual community school and its sponsor. 38036

The superintendent of public instruction and the auditor of 38037
state shall jointly establish a method for auditing any community 38038
school to which this division pertains to ensure compliance with 38039
this section. 38040

The superintendent, auditor of state, and the governor shall 38041
jointly make recommendations to the general assembly for 38042
legislative changes that may be required to assure fiscal and 38043
academic accountability for such schools. 38044

(K)(1) If the department determines that a review of a 38045
community school's enrollment is necessary, such review shall be 38046
completed and written notice of the findings shall be provided to 38047
the governing authority of the community school and its sponsor 38048
within ninety days of the end of the community school's fiscal 38049
year, unless extended for a period not to exceed thirty additional 38050
days for one of the following reasons: 38051

(a) The department and the community school mutually agree to 38052
the extension. 38053

(b) Delays in data submission caused by either a community 38054
school or its sponsor. 38055

(2) If the review results in a finding that additional 38056
funding is owed to the school, such payment shall be made within 38057
thirty days of the written notice. If the review results in a 38058
finding that the community school owes moneys to the state, the 38059
following procedure shall apply: 38060

(a) Within ten business days of the receipt of the notice of 38061
findings, the community school may appeal the department's 38062
determination to the state board of education or its designee. 38063

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of

education. 38095

(4) Any student who has attained the age of twenty-two years, 38096
except for veterans of the armed services whose attendance was 38097
interrupted before completing the recognized twelve-year course of 38098
the public schools by reason of induction or enlistment in the 38099
armed forces and who apply for enrollment in a community school 38100
not later than four years after termination of war or their 38101
honorable discharge. If, however, any such veteran elects to 38102
enroll in special courses organized for veterans for whom tuition 38103
is paid under federal law, or otherwise, the department shall not 38104
subtract from a school district's state aid account and shall not 38105
pay to a community school under division (C) of this section any 38106
amount for that veteran. 38107

Sec. 3314.26. (A) Each internet- or computer-based community 38108
school shall withdraw from the school any student who, for two 38109
consecutive school years of enrollment in the school, has failed 38110
to participate in the spring administration of any assessment 38111
prescribed under section 3301.0710 or 3301.0712 of the Revised 38112
Code for the student's grade level and was not excused from the 38113
assessment pursuant to division (C)(1) or (3) of section 3301.0711 38114
of the Revised Code, regardless of whether a waiver was granted 38115
for the student under division (L)(3) of section 3314.08 of the 38116
Revised Code. The school shall report any such student's data 38117
verification code, as assigned pursuant to section 3301.0714 of 38118
the Revised Code, to the department of education. The department 38119
shall maintain a list of all data verification codes reported 38120
under this division and section 3313.6410 of the Revised Code and 38121
provide that list to each internet- or computer-based community 38122
school and to each school to which section 3313.6410 of the 38123
Revised Code applies. 38124

(B) No internet- or computer-based community school shall 38125

receive any state funds under this chapter for any enrolled 38126
student whose data verification code appears on the list 38127
maintained by the department under division (A) of this section. 38128

Notwithstanding any provision of the Revised Code to the 38129
contrary, the parent of any such student shall pay tuition to the 38130
internet- or computer-based community school in an amount equal to 38131
the state funds the school otherwise would receive for that 38132
student, as determined by the department. An internet- or 38133
computer-based community school may withdraw any student for whom 38134
the parent does not pay tuition as required by this division. 38135

Sec. 3314.29. (A) This section applies to any internet- or 38136
computer-based community school that meets all of the following 38137
conditions: 38138

(1) Serves all of grades kindergarten through twelve; 38139

(2) Has an enrollment of at least two thousand students; 38140

(3) Has a sponsor that was not rated ineffective or poor on 38141
its most recent evaluation under section 3314.016 of the Revised 38142
Code. 38143

(B) Beginning with the 2018-2019 school year, the governing 38144
authority of a community school to which this section applies may 38145
adopt a resolution to divide the school into two or three separate 38146
schools as follows: 38147

(1) If the school is divided into two schools, one school 38148
shall serve grades kindergarten through eight and one school shall 38149
serve grades nine through twelve. 38150

(2) If the school is divided into three schools, one school 38151
shall serve grades kindergarten through five, one school shall 38152
serve grades six through eight, and one school shall serve grades 38153
nine through twelve. 38154

(C) The resolution adopted by the governing authority shall 38155

not be effective unless approved by the school's sponsor. 38156

Following approval of the resolution by the sponsor, and by the 38157

fifteenth day of March prior to the school year in which it will 38158

take effect, the governing authority shall file the resolution 38159

with the department of education. The division of the schools 38160

shall be effective on the first day of July succeeding the date 38161

the resolution is filed with the department. 38162

(D) All of the following shall apply to each new school 38163

created as a result of the resolution authorized by this section 38164

and to the school that is divided as a result of the resolution: 38165

(1) Each school shall have the same governing authority. 38166

(2) The sponsor and governing authority shall enter into a 38167

separate contract under section 3314.03 of the Revised Code for 38168

each school. 38169

(3) No school shall primarily serve students enrolled in a 38170

dropout prevention and recovery program operated by the school. 38171

(4) No school shall be permitted to divide again under this 38172

section. 38173

(5) Notwithstanding anything to the contrary in division 38174

(B)(2) of section 3314.016 of the Revised Code, each school shall 38175

be included in the calculation of the academic performance 38176

component for purposes of rating the schools' sponsor under the 38177

evaluation system prescribed by that section. 38178

(6) Each school shall be subject to the laws contained in 38179

Chapter 3314. of the Revised Code, except as otherwise specified 38180

in this section. 38181

(E) The department shall issue a report card under section 38182

3314.012 of the Revised Code for each new school created as a 38183

result of the resolution authorized by this section and for the 38184

school that is divided as a result of the resolution. For purposes 38185

of the report cards and other reporting requirements under this 38186
chapter, the department shall assign the school that serves the 38187
highest grades the same internal retrieval number previously used 38188
by the school that is divided under this section. The department 38189
shall assign a new internal retrieval number to each other school 38190
resulting from the division. 38191

Notwithstanding division (B) of section 3314.012 of the 38192
Revised Code, the ratings a school receives on its report card for 38193
the first two full school years after the division under this 38194
section shall count toward closure of the school under section 38195
3314.35 of the Revised Code and any other matter that is based on 38196
report card ratings or measures. 38197

Sec. 3316.20. (A)(1) The school district solvency assistance 38198
fund is hereby created in the state treasury, to consist of such 38199
amounts designated for the purposes of the fund by the general 38200
assembly. The fund shall be used to provide assistance and grants 38201
to school districts to enable them to remain solvent and to pay 38202
unforeseeable expenses of a temporary or emergency nature that 38203
they are unable to pay from existing resources. 38204

(2) There is hereby created within the fund an account known 38205
as the school district shared resource account, which shall 38206
consist of money appropriated to it by the general assembly. The 38207
money in the account shall be used solely for solvency assistance 38208
to school districts that have been declared under division (B) of 38209
section 3316.03 of the Revised Code to be in a state of fiscal 38210
emergency. 38211

(3) There is hereby created within the fund an account known 38212
as the catastrophic expenditures account, which shall consist of 38213
money appropriated to the account by the general assembly plus all 38214
investment earnings of the fund. Money in the account shall be 38215
used solely for the following: 38216

(a) Solvency assistance to school districts that have been 38217
declared under division (B) of section 3316.03 of the Revised Code 38218
to be in a state of fiscal emergency, in the event that all money 38219
in the shared resource account is utilized for solvency 38220
assistance; 38221

(b) Grants to school districts under division (C) of this 38222
section. 38223

(B) Solvency assistance payments under division (A)(2) or 38224
(3)(a) of this section shall be made from the fund by the 38225
superintendent of public instruction in accordance with rules 38226
adopted by the director of budget and management, after consulting 38227
with the superintendent, specifying approval criteria and 38228
procedures necessary for administering the fund. 38229

The fund shall be reimbursed for any solvency assistance 38230
amounts paid under division (A)(2) or (3)(a) of this section not 38231
later than the end of the second fiscal year following the fiscal 38232
year in which the solvency assistance payment was made, except 38233
that, upon the approval of the director of budget and management 38234
and the superintendent of public instruction, the fund may be 38235
reimbursed in another fiscal year designated by the director and 38236
superintendent that is not later than the end of the tenth fiscal 38237
year following the fiscal year in which the solvency assistance 38238
payment was made. If not made directly by the school district, 38239
such reimbursement shall be made by the director of budget and 38240
management from the amounts the school district would otherwise 38241
receive pursuant to Chapter 3317. of the Revised Code, or from any 38242
other funds appropriated for the district by the general assembly. 38243
Reimbursements shall be credited to the respective account from 38244
which the solvency assistance paid to the district was deducted. 38245

(C) The superintendent of public instruction may make 38246
recommendations, and the controlling board may grant money from 38247
the catastrophic expenditures account to any school district that 38248

suffers an unforeseen catastrophic event that severely depletes 38249
the district's financial resources. The superintendent shall make 38250
recommendations for the grants in accordance with rules adopted by 38251
the director of budget and management, after consulting with the 38252
superintendent. A school district shall not be required to repay 38253
any grant awarded to the district under this division, unless the 38254
district receives money from this state or a third party, 38255
including an agency of the government of the United States, 38256
specifically for the purpose of compensating the district for 38257
revenue lost or expenses incurred as a result of the unforeseen 38258
catastrophic event. If a school district receives a grant from the 38259
catastrophic expenditures account on the basis of the same 38260
circumstances for which an adjustment or recomputation is 38261
authorized under section 3317.025, ~~3317.026~~, ~~3317.027~~, 3317.028, 38262
3317.0210, or 3317.0211 of the Revised Code, the department of 38263
education shall reduce the adjustment or recomputation by an 38264
amount not to exceed the total amount of the grant, and an amount 38265
equal to the reduction shall be transferred, from the funding 38266
source from which the adjustment or recomputation would be paid, 38267
to the catastrophic expenditures account. Any adjustment or 38268
recomputation under such sections that is in excess of the total 38269
amount of the grant shall be paid to the school district. 38270

Sec. 3317.01. As used in this section, "school district," 38271
unless otherwise specified, means any city, local, exempted 38272
village, joint vocational, or cooperative education school 38273
district and any educational service center. 38274

This chapter shall be administered by the state board of 38275
education. The superintendent of public instruction shall 38276
calculate the amounts payable to each school district and shall 38277
certify the amounts payable to each eligible district to the 38278
treasurer of the district as provided by this chapter. As soon as 38279
possible after such amounts are calculated, the superintendent 38280

shall certify to the treasurer of each school district the 38281
district's adjusted charge-off increase, as defined in section 38282
5705.211 of the Revised Code. Certification of moneys pursuant to 38283
this section shall include the amounts payable to each school 38284
building, at a frequency determined by the superintendent, for 38285
each subgroup of students, as defined in section 3317.40 of the 38286
Revised Code, receiving services, provided for by state funding, 38287
from the district or school. No moneys shall be distributed 38288
pursuant to this chapter without the approval of the controlling 38289
board. 38290

The state board of education shall, in accordance with 38291
appropriations made by the general assembly, meet the financial 38292
obligations of this chapter. 38293

Moneys distributed to school districts pursuant to this 38294
chapter shall be calculated based on the annual enrollment 38295
calculated from the three reports required under sections 3317.03 38296
and 3317.036 of the Revised Code and paid on a fiscal year basis, 38297
beginning with the first day of July and extending through the 38298
thirtieth day of June. In any given fiscal year, prior to school 38299
districts submitting the first report required under section 38300
3317.03 of the Revised Code, enrollment for the districts shall be 38301
calculated based on the third report submitted by the districts 38302
for the previous fiscal year. The moneys appropriated for each 38303
fiscal year shall be distributed periodically to each school 38304
district unless otherwise provided for. The state board, in June 38305
of each year, shall submit to the controlling board the state 38306
board's year-end distributions pursuant to this chapter. 38307

Except as otherwise provided, payments under this chapter 38308
shall be made only to those school districts in which: 38309

(A) The school district, except for any educational service 38310
center and any joint vocational or cooperative education school 38311
district, levies for current operating expenses at least twenty 38312

mills. Levies for joint vocational or cooperative education school 38313
districts or county school financing districts, limited to or to 38314
the extent apportioned to current expenses, shall be included in 38315
this qualification requirement. School district income tax levies 38316
under Chapter 5748. of the Revised Code, limited to or to the 38317
extent apportioned to current operating expenses, shall be 38318
included in this qualification requirement to the extent 38319
determined by the tax commissioner under division ~~(D)~~(C) of 38320
section 3317.021 of the Revised Code. 38321

(B) The school year next preceding the fiscal year for which 38322
such payments are authorized meets the requirement of section 38323
3313.48 of the Revised Code, with regard to the minimum number of 38324
hours school must be open for instruction with pupils in 38325
attendance, for individualized parent-teacher conference and 38326
reporting periods, and for professional meetings of teachers. 38327

A school district shall not be considered to have failed to 38328
comply with this division because schools were open for 38329
instruction but either twelfth grade students were excused from 38330
attendance for up to the equivalent of three school days or only a 38331
portion of the kindergarten students were in attendance for up to 38332
the equivalent of three school days in order to allow for the 38333
gradual orientation to school of such students. 38334

A board of education or governing board of an educational 38335
service center which has not conformed with other law and the 38336
rules pursuant thereto, shall not participate in the distribution 38337
of funds authorized by this chapter, except for good and 38338
sufficient reason established to the satisfaction of the state 38339
board of education and the state controlling board. 38340

All funds allocated to school districts under this chapter, 38341
except those specifically allocated for other purposes, shall be 38342
used to pay current operating expenses only. 38343

Sec. 3317.013. The amounts for the following categories of 38344
special education programs, as these programs are defined for 38345
purposes of Chapter 3323. of the Revised Code, are as follows: 38346

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 38347
~~fiscal year 2017,~~ for each student whose primary or only 38348
identified disability is a speech and language disability, as this 38349
term is defined pursuant to Chapter 3323. of the Revised Code; 38350

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 38351
~~fiscal year 2017,~~ for each student identified as specific learning 38352
disabled or developmentally disabled, as these terms are defined 38353
pursuant to Chapter 3323. of the Revised Code, identified as 38354
having an other health impairment-minor, or identified as a 38355
preschool child who is developmentally delayed; 38356

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 38357
~~fiscal year 2017,~~ for each student identified as hearing disabled 38358
or severe behavior disabled, as these terms are defined pursuant 38359
to Chapter 3323. of the Revised Code; 38360

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 38361
~~fiscal year 2017,~~ for each student identified as vision impaired, 38362
as this term is defined pursuant to Chapter 3323. of the Revised 38363
Code, or as having an other health impairment-major; 38364

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 38365
~~fiscal year 2017,~~ for each student identified as orthopedically 38366
disabled or as having multiple disabilities, as these terms are 38367
defined pursuant to Chapter 3323. of the Revised Code; 38368

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 38369
~~fiscal year 2017,~~ for each student identified as autistic, having 38370
traumatic brain injuries, or as both visually and hearing 38371
impaired, as these terms are defined pursuant to Chapter 3323. of 38372
the Revised Code. 38373

Sec. 3317.014. The career-technical education additional 38374
amount per pupil for each student enrolled in career-technical 38375
education programs approved by the department of education under 38376
section 3317.161 of the Revised Code shall be as follows: 38377

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 38378
~~fiscal year 2017,~~ for each student enrolled in career-technical 38379
education workforce development programs in agricultural and 38380
environmental systems, construction technologies, engineering and 38381
science technologies, finance, health science, information 38382
technology, and manufacturing technologies, each of which shall be 38383
defined by the department in consultation with the governor's 38384
office of workforce transformation; 38385

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 38386
~~fiscal year 2017,~~ for each student enrolled in workforce 38387
development programs in business and administration, hospitality 38388
and tourism, human services, law and public safety, transportation 38389
systems, and arts and communications, each of which shall be 38390
defined by the department in consultation with the governor's 38391
office of workforce transformation; 38392

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 38393
~~fiscal year 2017,~~ for students enrolled in career-based 38394
intervention programs, which shall be defined by the department in 38395
consultation with the governor's office of workforce 38396
transformation; 38397

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 38398
~~fiscal year 2017,~~ for students enrolled in workforce development 38399
programs in education and training, marketing, workforce 38400
development academics, public administration, and career 38401
development, each of which shall be defined by the department of 38402
education in consultation with the governor's office of workforce 38403
transformation; 38404

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 38405
~~fiscal year 2017,~~ for students enrolled in family and consumer 38406
science programs, which shall be defined by the department of 38407
education in consultation with the governor's office of workforce 38408
transformation. 38409

The amount for career-technical education associated 38410
services, as defined by the department, shall be ~~\$236, in fiscal~~ 38411
~~year 2016, or \$245, in fiscal year 2017.~~ 38412

Sec. 3317.017. The department of education shall compute a 38413
school district's state share index as follows: 38414

(A) Calculate the district's valuation index, which equals 38415
the following quotient: 38416

(The district's three-year average valuation / the district's 38417
total ADM) / (the statewide three-year average valuation for 38418
school districts with a total ADM greater than zero / the 38419
statewide total ADM) 38420

(B)(1) Calculate the district's median income index, which 38421
equals the following quotient: 38422

(The district's median Ohio adjusted gross income / the 38423
median of the median Ohio adjusted gross income of all districts 38424
statewide with a total ADM greater than zero) 38425

(2) Calculate the district's income index, which equals the 38426
following sum: 38427

(The district's median income index X 0.5) + {[the three-year 38428
average federal adjusted gross income of the school district's 38429
residents / the district's formula ADM for fiscal year 2017) / 38430
(the three-year average federal adjusted gross income of all 38431
districts statewide with a formula ADM for fiscal year 2017 38432
greater than zero / the statewide formula ADM for fiscal year 38433
2017)] X 0.5} 38434

(C) Determine the district's wealth index as follows:	38435
(1) If the district's income index is less than the	38436
district's valuation index and the district's median income index	38437
is less than or equal to 1.5, then the district's wealth index	38438
shall be equal to [(0.4 X the district's income index) + (0.6 X	38439
the district's valuation index)].	38440
(2) If the district's income index does not meet both of the	38441
conditions described in division (C)(1) of this section, then the	38442
district's wealth index shall be equal to the district's valuation	38443
index.	38444
(D) Determine the district's state share index as follows:	38445
(1) If the district's wealth index is less than or equal to	38446
0.35, then the district's state share index shall be equal to	38447
0.90.	38448
(2) If the district's wealth index is greater than 0.35 but	38449
less than or equal to 0.90, then the district's state share index	38450
shall be equal to {0.40 X [(0.90 - the district's wealth index) /	38451
0.55]} + 0.50.	38452
(3) If the district's wealth index is greater than 0.90 but	38453
less than 1.8, then the district's state share index shall be	38454
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} +	38455
0.05.	38456
(4) If the district's wealth index is greater than or equal	38457
to 1.8, then the district's state share index shall be equal to	38458
0.05.	38459
(E)(1) For each school district for which the tax-exempt	38460
value of the district, as certified under division (A)(4) of	38461
section 3317.021 of the Revised Code, equals or exceeds thirty per	38462
cent of the potential value of the district, the department shall	38463
calculate the difference between the district's tax-exempt value	38464

and thirty per cent of the district's potential value. For this 38465
purpose, the "potential value" of a school district is the 38466
three-year average valuation of the district plus the tax-exempt 38467
value of the district. 38468

(2) For each school district to which division (E)(1) of this 38469
section applies, the department shall adjust the district's 38470
three-year average valuation used in the calculation under 38471
division (A) of this section by subtracting from it the amount 38472
calculated under division (E)(1) of this section. The department 38473
shall not, however, make any adjustments to the statewide 38474
three-year average valuation used in the calculation under 38475
division (A) of this section. 38476

(F)(1) For purposes of division (F) of this section, for 38477
fiscal year 2018 or 2019, an "eligible school district" is a 38478
school district that satisfies all of the following for that 38479
fiscal year: 38480

(a) The total taxable value of public utility personal 38481
property in the district is at least ten per cent of the 38482
district's total taxable value for the tax year immediately 38483
preceding the most recent tax year for which data is available. 38484

(b) The total taxable value of public utility personal 38485
property in the district for the most recent tax year for which 38486
data is available is at least ten per cent less than the total 38487
taxable value of public utility property in the district for the 38488
tax year immediately preceding the most recent tax year for which 38489
data is available. 38490

(c) The total taxable value of power plants in the district 38491
for the most recent tax year for which data is available is at 38492
least ten per cent less than the total taxable value of power 38493
plants in the district for the tax year immediately preceding the 38494
most recent tax year for which data is available. 38495

(2) Notwithstanding divisions (A) to (E) of this section, the 38496
department shall compute each eligible school district's state 38497
share index as follows: 38498

(a) Calculate the district's valuation index in accordance 38499
with division (A) of this section, except that, if the district's 38500
total taxable value for the most recent tax year for which data is 38501
available is less than the district's "three-year average 38502
valuation," the district's "three-year average valuation" shall be 38503
replaced in that calculation with the district's total taxable 38504
value for the most recent tax year for which data is available; 38505

(b) Calculate the district's median income index and income 38506
index in accordance with division (B) of this section; 38507

(c) Determine the district's wealth index in accordance with 38508
division (C) of this section using the district's valuation index, 38509
median income index, and income index as calculated under 38510
divisions (F)(2)(a) and (b) of this section; 38511

(d) Determine the district's state share index in accordance 38512
with division (D) of this section using the district's wealth 38513
index as determined under division (F)(2)(c) of this section. 38514

(G) When performing the calculations required under this 38515
section, the department shall not round to fewer than four decimal 38516
places. 38517

For purposes of these calculations for fiscal years ~~2016~~ 2018 38518
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 38519
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 38520
Ohio adjusted gross income, as that term is defined in section 38521
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 38522
average federal adjusted gross income" means the average of the 38523
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 38524
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 38525
Code; and "tax-exempt value" means the tax-exempt value for tax 38526

year ~~2014~~ 2016. 38527

Sec. 3317.02. As used in this chapter: 38528

(A)(1) "Category one career-technical education ADM" means 38529
the enrollment of students during the school year on a full-time 38530
equivalency basis in career-technical education programs described 38531
in division (A) of section 3317.014 of the Revised Code and 38532
certified under division (B)(11) or (D)(2)(h) of section 3317.03 38533
of the Revised Code. 38534

(2) "Category two career-technical education ADM" means the 38535
enrollment of students during the school year on a full-time 38536
equivalency basis in career-technical education programs described 38537
in division (B) of section 3317.014 of the Revised Code and 38538
certified under division (B)(12) or (D)(2)(i) of section 3317.03 38539
of the Revised Code. 38540

(3) "Category three career-technical education ADM" means the 38541
enrollment of students during the school year on a full-time 38542
equivalency basis in career-technical education programs described 38543
in division (C) of section 3317.014 of the Revised Code and 38544
certified under division (B)(13) or (D)(2)(j) of section 3317.03 38545
of the Revised Code. 38546

(4) "Category four career-technical education ADM" means the 38547
enrollment of students during the school year on a full-time 38548
equivalency basis in career-technical education programs described 38549
in division (D) of section 3317.014 of the Revised Code and 38550
certified under division (B)(14) or (D)(2)(k) of section 3317.03 38551
of the Revised Code. 38552

(5) "Category five career-technical education ADM" means the 38553
enrollment of students during the school year on a full-time 38554
equivalency basis in career-technical education programs described 38555
in division (E) of section 3317.014 of the Revised Code and 38556

certified under division (B)(15) or (D)(2)(l) of section 3317.03 38557
of the Revised Code. 38558

(B)(1) "Category one limited English proficient ADM" means 38559
the full-time equivalent number of limited English proficient 38560
students described in division (A) of section 3317.016 of the 38561
Revised Code and certified under division (B)(16) or (D)(2)(m) of 38562
section 3317.03 of the Revised Code. 38563

(2) "Category two limited English proficient ADM" means the 38564
full-time equivalent number of limited English proficient students 38565
described in division (B) of section 3317.016 of the Revised Code 38566
and certified under division (B)(17) or (D)(2)(n) of section 38567
3317.03 of the Revised Code. 38568

(3) "Category three limited English proficient ADM" means the 38569
full-time equivalent number of limited English proficient students 38570
described in division (C) of section 3317.016 of the Revised Code 38571
and certified under division (B)(18) or (D)(2)(o) of section 38572
3317.03 of the Revised Code. 38573

(C)(1) "Category one special education ADM" means the 38574
full-time equivalent number of children with disabilities 38575
receiving special education services for the disability specified 38576
in division (A) of section 3317.013 of the Revised Code and 38577
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 38578
the Revised Code. 38579

(2) "Category two special education ADM" means the full-time 38580
equivalent number of children with disabilities receiving special 38581
education services for those disabilities specified in division 38582
(B) of section 3317.013 of the Revised Code and certified under 38583
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 38584
Code. 38585

(3) "Category three special education ADM" means the 38586
full-time equivalent number of students receiving special 38587

education services for those disabilities specified in division 38588
(C) of section 3317.013 of the Revised Code, and certified under 38589
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 38590
Code. 38591

(4) "Category four special education ADM" means the full-time 38592
equivalent number of students receiving special education services 38593
for those disabilities specified in division (D) of section 38594
3317.013 of the Revised Code and certified under division (B)(8) 38595
or (D)(2)(e) of section 3317.03 of the Revised Code. 38596

(5) "Category five special education ADM" means the full-time 38597
equivalent number of students receiving special education services 38598
for the disabilities specified in division (E) of section 3317.013 38599
of the Revised Code and certified under division (B)(9) or 38600
(D)(2)(f) of section 3317.03 of the Revised Code. 38601

(6) "Category six special education ADM" means the full-time 38602
equivalent number of students receiving special education services 38603
for the disabilities specified in division (F) of section 3317.013 38604
of the Revised Code and certified under division (B)(10) or 38605
(D)(2)(g) of section 3317.03 of the Revised Code. 38606

(D) "Economically disadvantaged index for a school district" 38607
means the square of the quotient of that district's percentage of 38608
students in its total ADM who are identified as economically 38609
disadvantaged as defined by the department of education, divided 38610
by the percentage of students in the statewide total ADM 38611
identified as economically disadvantaged. For purposes of this 38612
calculation: 38613

(1) For a city, local, or exempted village school district, 38614
the "statewide total ADM" equals the sum of the total ADM for all 38615
city, local, and exempted village school districts combined. 38616

(2) For a joint vocational school district, the "statewide 38617
total ADM" equals the sum of the formula ADM for all joint 38618

vocational school districts combined. 38619

(E)(1) "Formula ADM" means, for a city, local, or exempted 38620
village school district, the enrollment reported under division 38621
(A) of section 3317.03 of the Revised Code, as verified by the 38622
superintendent of public instruction and adjusted if so ordered 38623
under division (K) of that section, and as further adjusted by the 38624
department of education, as follows: 38625

(a) Count only twenty per cent of the number of joint 38626
vocational school district students counted under division (A)(3) 38627
of section 3317.03 of the Revised Code; 38628

(b) Add twenty per cent of the number of students who are 38629
entitled to attend school in the district under section 3313.64 or 38630
3313.65 of the Revised Code and are enrolled in another school 38631
district under a career-technical education compact. 38632

(2) "Formula ADM" means, for a joint vocational school 38633
district, the final number verified by the superintendent of 38634
public instruction, based on the enrollment reported and certified 38635
under division (D) of section 3317.03 of the Revised Code, as 38636
adjusted, if so ordered, under division (K) of that section. 38637

(F) "Formula amount" means ~~\$5,900~~ \$6,010, for fiscal year 38638
~~2016~~ 2018, and ~~\$6,000~~ \$6,020, for fiscal year ~~2017~~ 2019. 38639

(G) "FTE basis" means a count of students based on full-time 38640
equivalency, in accordance with rules adopted by the department of 38641
education pursuant to section 3317.03 of the Revised Code. In 38642
adopting its rules under this division, the department shall 38643
provide for counting any student in category one, two, three, 38644
four, five, or six special education ADM or in category one, two, 38645
three, four, or five career-technical education ADM in the same 38646
proportion the student is counted in formula ADM. 38647

(H) "Internet- or computer-based community school" has the 38648
same meaning as in section 3314.02 of the Revised Code. 38649

(I) "Medically fragile child" means a child to whom all of 38650
the following apply: 38651

(1) The child requires the services of a doctor of medicine 38652
or osteopathic medicine at least once a week due to the 38653
instability of the child's medical condition. 38654

(2) The child requires the services of a registered nurse on 38655
a daily basis. 38656

(3) The child is at risk of institutionalization in a 38657
hospital, skilled nursing facility, or intermediate care facility 38658
for individuals with intellectual disabilities. 38659

(J)(1) A child may be identified as having an "other health 38660
impairment-major" if the child's condition meets the definition of 38661
"other health impaired" established in rules previously adopted by 38662
the state board of education and if either of the following apply: 38663

(a) The child is identified as having a medical condition 38664
that is among those listed by the superintendent of public 38665
instruction as conditions where a substantial majority of cases 38666
fall within the definition of "medically fragile child." 38667

(b) The child is determined by the superintendent of public 38668
instruction to be a medically fragile child. A school district 38669
superintendent may petition the superintendent of public 38670
instruction for a determination that a child is a medically 38671
fragile child. 38672

(2) A child may be identified as having an "other health 38673
impairment-minor" if the child's condition meets the definition of 38674
"other health impaired" established in rules previously adopted by 38675
the state board of education but the child's condition does not 38676
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 38677
or (b) of this section. 38678

(K) "Preschool child with a disability" means a child with a 38679

disability, as defined in section 3323.01 of the Revised Code, who 38680
is at least age three but is not of compulsory school age, as 38681
defined in section 3321.01 of the Revised Code, and who is not 38682
currently enrolled in kindergarten. 38683

(L) "Preschool scholarship ADM" means the number of preschool 38684
children with disabilities certified under division (B)(3)(h) of 38685
section 3317.03 of the Revised Code. 38686

(M) "Related services" includes: 38687

(1) Child study, special education supervisors and 38688
coordinators, speech and hearing services, adaptive physical 38689
development services, occupational or physical therapy, teacher 38690
assistants for children with disabilities whose disabilities are 38691
described in division (B) of section 3317.013 or division (B)(3) 38692
of this section, behavioral intervention, interpreter services, 38693
work study, nursing services, and specialized integrative services 38694
as those terms are defined by the department; 38695

(2) Speech and language services provided to any student with 38696
a disability, including any student whose primary or only 38697
disability is a speech and language disability; 38698

(3) Any related service not specifically covered by other 38699
state funds but specified in federal law, including but not 38700
limited to, audiology and school psychological services; 38701

(4) Any service included in units funded under former 38702
division (O)(1) of section 3317.024 of the Revised Code; 38703

(5) Any other related service needed by children with 38704
disabilities in accordance with their individualized education 38705
programs. 38706

(N) "School district," unless otherwise specified, means 38707
city, local, and exempted village school districts. 38708

(O) "State education aid" has the same meaning as in section 38709

5751.20 of the Revised Code.	38710
(P) "State share index" means the state share index	38711
calculated for a district under section 3317.017 of the Revised	38712
Code.	38713
(Q) "Taxes charged and payable" means the taxes charged and	38714
payable against real and public utility property after making the	38715
reduction required by section 319.301 of the Revised Code, plus	38716
the taxes levied against tangible personal property.	38717
(R)(1) For purposes of section 3317.017 of the Revised Code,	38718
"three-year average valuation" means the average of total taxable	38719
value for tax years 2012 <u>2014</u> , 2013 <u>2015</u> , and 2014 <u>2016</u> .	38720
(2) For purposes of section 3317.018 of the Revised Code,	38721
"three year average valuation" means the following:	38722
(a) For fiscal year 2016, the average of total taxable value	38723
for tax years 2013, 2014, and 2015:	38724
(b) For fiscal year 2017, the average of total taxable value	38725
for tax years 2014, 2015, and 2016.	38726
(3) For purposes of sections 3317.0217, 3317.0218, and	38727
3317.16 of the Revised Code, "three-year average valuation" means	38728
the following:	38729
(a) For fiscal year 2016 <u>2018</u> , the average of total taxable	38730
value for tax years 2012 <u>2014</u> , 2013 <u>2015</u> , and 2014 <u>2016</u> ;	38731
(b) For fiscal year 2017 <u>2019</u> , the average of total taxable	38732
value for tax years 2013 <u>2015</u> , 2014 <u>2016</u> , and 2015 <u>2017</u> .	38733
(S) "Total ADM" means, for a city, local, or exempted village	38734
school district, the enrollment reported under division (A) of	38735
section 3317.03 of the Revised Code, as verified by the	38736
superintendent of public instruction and adjusted if so ordered	38737
under division (K) of that section.	38738
(T) "Total special education ADM" means the sum of categories	38739

one through six special education ADM. 38740

(U) "Total taxable value" means the sum of the amounts 38741
certified for a city, local, exempted village, or joint vocational 38742
school district under divisions (A)(1) and (2) of section 3317.021 38743
of the Revised Code. 38744

Sec. 3317.021. (A) On or before the first day of June of each 38745
year, the tax commissioner shall certify to the department of 38746
education and the office of budget and management the information 38747
described in divisions (A)(1) to (5) of this section for each 38748
city, exempted village, and local school district, and the 38749
information required by divisions (A)(1) and (2) of this section 38750
for each joint vocational school district, and it shall be used, 38751
along with the information certified under division (B) of this 38752
section, in making the computations for the district under this 38753
chapter. 38754

(1) The taxable value of real and public utility real 38755
property in the school district subject to taxation in the 38756
preceding tax year, by class and by county of location. 38757

(2) The taxable value of tangible personal property, 38758
including public utility personal property, subject to taxation by 38759
the district for the preceding tax year. 38760

(3)(a) The total property tax rate and total taxes charged 38761
and payable for the current expenses for the preceding tax year 38762
and the total property tax rate and the total taxes charged and 38763
payable to a joint vocational district for the preceding tax year 38764
that are limited to or to the extent apportioned to current 38765
expenses. 38766

(b) The portion of the amount of taxes charged and payable 38767
reported for each city, local, and exempted village school 38768
district under division (A)(3)(a) of this section attributable to 38769

a joint vocational school district. 38770

(4) The value of all real and public utility real property in 38771
the school district exempted from taxation minus both of the 38772
following: 38773

(a) The value of real and public utility real property in the 38774
district owned by the United States government and used 38775
exclusively for a public purpose; 38776

(b) The value of real and public utility real property in the 38777
district exempted from taxation under Chapter 725. or 1728. or 38778
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 38779
5709.632, 5709.73, or 5709.78 of the Revised Code. 38780

(5) The total federal adjusted gross income of the residents 38781
of the school district, based on tax returns filed by the 38782
residents of the district, for the most recent year for which this 38783
information is available, and the median Ohio adjusted gross 38784
income of the residents of the school district determined on the 38785
basis of tax returns filed for the second preceding tax year by 38786
the residents of the district. 38787

(B) On or before the first day of May each year, the tax 38788
commissioner shall certify to the department of education and the 38789
office of budget and management the total taxable real property 38790
value of railroads and, separately, the total taxable tangible 38791
personal property value of all public utilities for the preceding 38792
tax year, by school district and by county of location. 38793

~~(C) If a public utility has properly and timely filed a 38794
petition for reassessment under section 5727.47 of the Revised 38795
Code with respect to an assessment issued under section 5727.23 of 38796
the Revised Code affecting taxable property apportioned by the tax 38797
commissioner to a school district, the taxable value of public 38798
utility tangible personal property included in the certification 38799
under divisions (A)(2) and (B) of this section for the school 38800~~

~~district shall include only the amount of taxable value on the 38801
basis of which the public utility paid tax for the preceding year 38802
as provided in division (B)(1) or (2) of section 5727.47 of the 38803
Revised Code. 38804~~

~~(D)~~ If on the basis of the information certified under 38805
division (A) of this section, the department determines that any 38806
district fails in any year to meet the qualification requirement 38807
specified in division (A) of section 3317.01 of the Revised Code, 38808
the department shall immediately request the tax commissioner to 38809
determine the extent to which any school district income tax 38810
levied by the district under Chapter 5748. of the Revised Code 38811
shall be included in meeting that requirement. Within five days of 38812
receiving such a request from the department, the tax commissioner 38813
shall make the determination required by this division and report 38814
the quotient obtained under division ~~(D)~~(C)(3) of this section to 38815
the department and the office of budget and management. This 38816
quotient represents the number of mills that the department shall 38817
include in determining whether the district meets the 38818
qualification requirement of division (A) of section 3317.01 of 38819
the Revised Code. 38820

The tax commissioner shall make the determination required by 38821
this division as follows: 38822

(1) Multiply one mill times the total taxable value of the 38823
district as determined in divisions (A)(1) and (2) of this 38824
section; 38825

(2) Estimate the total amount of tax liability for the 38826
current tax year under taxes levied by Chapter 5748. of the 38827
Revised Code that are apportioned to current operating expenses of 38828
the district, excluding any income tax receipts allocated for the 38829
project cost, debt service, or maintenance set-aside associated 38830
with a state-assisted classroom facilities project as authorized 38831
by section 3318.052 of the Revised Code; 38832

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 38833
this section by the product obtained under division ~~(D)~~(C)(1) of 38834
this section. 38835

Sec. 3317.022. (A) The department of education shall compute 38836
and distribute state core foundation funding to each eligible 38837
school district for the fiscal year, using the information 38838
obtained under section 3317.021 of the Revised Code in the 38839
calendar year in which the fiscal year begins, as prescribed in 38840
the following divisions: 38841

(1) An opportunity grant calculated according to the 38842
following formula: 38843

The formula amount X (formula ADM + preschool scholarship 38844
ADM) X the district's state share index 38845

(2) Targeted assistance funds calculated under divisions (A) 38846
and (B) of section 3317.0217 of the Revised Code; 38847

(3) Additional state aid for special education and related 38848
services provided under Chapter 3323. of the Revised Code 38849
calculated as the sum of the following: 38850

(a) The district's category one special education ADM X the 38851
amount specified in division (A) of section 3317.013 of the 38852
Revised Code X the district's state share index; 38853

(b) The district's category two special education ADM X the 38854
amount specified in division (B) of section 3317.013 of the 38855
Revised Code X the district's state share index; 38856

(c) The district's category three special education ADM X the 38857
amount specified in division (C) of section 3317.013 of the 38858
Revised Code X the district's state share index; 38859

(d) The district's category four special education ADM X the 38860
amount specified in division (D) of section 3317.013 of the 38861
Revised Code X the district's state share index; 38862

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds calculated according to the following formula:

~~+(\$184, in fiscal year 2016, or \$193, in fiscal year 2017) X formula ADM for grades kindergarten through three X the district's state share index~~) + ~~+(\$121, in fiscal year 2016, or \$127, in fiscal year 2017) X formula ADM for grades kindergarten through three~~)

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code

(6) Limited English proficiency funds calculated as the sum of the following:

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;

(b) The district's category two limited English proficient	38893
ADM X the amount specified in division (B) of section 3317.016 of	38894
the Revised Code X the district's state share index;	38895
(c) The district's category three limited English proficient	38896
ADM X the amount specified in division (C) of section 3317.016 of	38897
the Revised Code X the district's state share index.	38898
(7)(a) Gifted identification funds calculated according to	38899
the following formula:	38900
\$5.05 X the district's formula ADM	38901
(b) Gifted unit funding calculated under section 3317.051 of	38902
the Revised Code.	38903
(8) Career-technical education funds calculated as the sum of	38904
the following:	38905
(a) The district's category one career-technical education	38906
ADM X the amount specified in division (A) of section 3317.014 of	38907
the Revised Code X the district's state share index;	38908
(b) The district's category two career-technical education	38909
ADM X the amount specified in division (B) of section 3317.014 of	38910
the Revised Code X the district's state share index;	38911
(c) The district's category three career-technical education	38912
ADM X the amount specified in division (C) of section 3317.014 of	38913
the Revised Code X the district's state share index;	38914
(d) The district's category four career-technical education	38915
ADM X the amount specified in division (D) of section 3317.014 of	38916
the Revised Code X the district's state share index;	38917
(e) The district's category five career-technical education	38918
ADM X the amount specified in division (E) of section 3317.014 of	38919
the Revised Code X the district's state share index.	38920
Payment of funds under division (A)(8) of this section is	38921
subject to approval under section 3317.161 of the Revised Code.	38922

(9) Career-technical education associated services funds	38923
calculated according to the following formula:	38924
The district's state share index X the amount for career-technical	38925
education associated services specified in section 3317.014 of the	38926
Revised Code X the sum of categories one through five	38927
career-technical education ADM	38928
(10) Capacity aid funds calculated under section 3317.0218 of	38929
the Revised Code;	38930
(11) A graduation bonus calculated under section 3317.0215 of	38931
the Revised Code;	38932
(12) A third-grade reading bonus calculated under section	38933
3317.0216 of the Revised Code.	38934
(B) In any fiscal year, a school district shall spend for	38935
purposes that the department designates as approved for special	38936
education and related services expenses at least the amount	38937
calculated as follows:	38938
(The formula amount X the total special education ADM) + (the	38939
district's category one special education ADM X the amount	38940
specified in division (A) of section 3317.013 of the Revised Code)	38941
+ (the district's category two special education ADM X the amount	38942
specified in division (B) of section 3317.013 of the Revised Code)	38943
+ (the district's category three special education ADM X the	38944
amount specified in division (C) of section 3317.013 of the	38945
Revised Code) + (the district's category four special education	38946
ADM X the amount specified in division (D) of section 3317.013 of	38947
the Revised Code) + (the district's category five special	38948
education ADM X the amount specified in division (E) of section	38949
3317.013 of the Revised Code) + (the district's category six	38950
special education ADM X the amount specified in division (F) of	38951
section 3317.013 of the Revised Code)	38952
The purposes approved by the department for special education	38953

expenses shall include, but shall not be limited to, 38954
identification of children with disabilities, compliance with 38955
state rules governing the education of children with disabilities 38956
and prescribing the continuum of program options for children with 38957
disabilities, provision of speech language pathology services, and 38958
the portion of the school district's overall administrative and 38959
overhead costs that are attributable to the district's special 38960
education student population. 38961

The scholarships deducted from the school district's account 38962
under sections 3310.41 and 3310.55 of the Revised Code shall be 38963
considered to be an approved special education and related 38964
services expense for the purpose of the school district's 38965
compliance with this division. 38966

(C) In any fiscal year, a school district receiving funds 38967
under division (A)(8) of this section shall spend those funds only 38968
for the purposes that the department designates as approved for 38969
career-technical education expenses. Career-technical education 38970
expenses approved by the department shall include only expenses 38971
connected to the delivery of career-technical programming to 38972
career-technical students. The department shall require the school 38973
district to report data annually so that the department may 38974
monitor the district's compliance with the requirements regarding 38975
the manner in which funding received under division (A)(8) of this 38976
section may be spent. 38977

(D) In any fiscal year, a school district receiving funds 38978
under division (A)(9) of this section, or through a transfer of 38979
funds pursuant to division (I) of section 3317.023 of the Revised 38980
Code, shall spend those funds only for the purposes that the 38981
department designates as approved for career-technical education 38982
associated services expenses, which may include such purposes as 38983
apprenticeship coordinators, coordinators for other 38984
career-technical education services, career-technical evaluation, 38985

and other purposes designated by the department. The department 38986
may deny payment under division (A)(9) of this section to any 38987
district that the department determines is not operating those 38988
services or is using funds paid under division (A)(9) of this 38989
section, or through a transfer of funds pursuant to division (I) 38990
of section 3317.023 of the Revised Code, for other purposes. 38991

(E) All funds received under division (A)(8) of this section 38992
shall be spent in the following manner: 38993

(1) At least seventy-five per cent of the funds shall be 38994
spent on curriculum development, purchase, and implementation; 38995
instructional resources and supplies; industry-based program 38996
certification; student assessment, credentialing, and placement; 38997
curriculum specific equipment purchases and leases; 38998
career-technical student organization fees and expenses; home and 38999
agency linkages; work-based learning experiences; professional 39000
development; and other costs directly associated with 39001
career-technical education programs including development of new 39002
programs. 39003

(2) Not more than twenty-five per cent of the funds shall be 39004
used for personnel expenditures. 39005

(F) A school district shall spend the funds it receives under 39006
division (A)(5) of this section in accordance with section 3317.25 39007
of the Revised Code. 39008

Sec. 3317.024. The following shall be distributed monthly, 39009
quarterly, or annually as may be determined by the state board of 39010
education: 39011

(A) An amount for each island school district and each joint 39012
state school district for the operation of each high school and 39013
each elementary school maintained within such district and for 39014
capital improvements for such schools. Such amounts shall be 39015

determined on the basis of standards adopted by the state board of 39016
education. However, for fiscal years 2012 and 2013, an island 39017
district shall receive the lesser of its actual cost of operation, 39018
as certified to the department of education, or ninety-three per 39019
cent of the amount the district received in state operating 39020
funding for fiscal year 2011. If an island district received no 39021
funding for fiscal year 2011, it shall receive no funding for 39022
either of fiscal year 2012 or 2013. 39023

(B) An amount for each school district required to pay 39024
tuition for a child in an institution maintained by the department 39025
of youth services pursuant to section 3317.082 of the Revised 39026
Code, provided the child was not included in the calculation of 39027
the district's formula ADM, as that term is defined in section 39028
3317.02 of the Revised Code, for the preceding school year. 39029

(C) An amount for the approved cost of transporting eligible 39030
pupils with disabilities attending a special education program 39031
approved by the department of education whom it is impossible or 39032
impractical to transport by regular school bus in the course of 39033
regular route transportation provided by the school district or 39034
educational service center. No district or service center is 39035
eligible to receive a payment under this division for the cost of 39036
transporting any pupil whom it transports by regular school bus 39037
and who is included in the district's transportation ADM. The 39038
state board of education shall establish standards and guidelines 39039
for use by the department of education in determining the approved 39040
cost of such transportation for each district or service center. 39041

(D) An amount to each school district, including each 39042
cooperative education school district, pursuant to section 3313.81 39043
of the Revised Code to assist in providing free lunches to needy 39044
children. The amounts shall be determined on the basis of rules 39045
adopted by the state board of education. 39046

(E)(1) An amount for auxiliary services to each school 39047

district, for each pupil attending a chartered nonpublic 39048
elementary or high school within the district. ~~The that is~~ 39049
affiliated with a religious order, sect, church, or denomination 39050
or has a curriculum or mission that contains religious content, 39051
religious courses, devotional exercises, religious training, or 39052
any other religious activity. 39053

(2) An amount for auxiliary services paid directly to each 39054
chartered nonpublic school not described in division (E)(1) of 39055
this section for each pupil attending the school. 39056

The amount paid under divisions (E)(1) and (2) of this 39057
section shall equal the total amount appropriated for the 39058
implementation of ~~section~~ sections 3317.06 and 3317.062 of the 39059
Revised Code divided by the average daily membership in grades 39060
kindergarten through twelve in chartered nonpublic elementary and 39061
high schools within the state as determined as of the last day of 39062
October of each school year. 39063

(F) An amount for each county board of developmental 39064
disabilities, distributed on the basis of standards adopted by the 39065
state board of education, for the approved cost of transportation 39066
required for children attending special education programs 39067
operated by the county board under section 3323.09 of the Revised 39068
Code; 39069

(G) An amount to each institution defined under section 39070
3317.082 of the Revised Code providing elementary or secondary 39071
education to children other than children receiving special 39072
education under section 3323.091 of the Revised Code. This amount 39073
for any institution in any fiscal year shall equal the total of 39074
all tuition amounts required to be paid to the institution under 39075
division (A)(1) of section 3317.082 of the Revised Code. 39076

The state board of education or any other board of education 39077
or governing board may provide for any resident of a district or 39078

educational service center territory any educational service for 39079
which funds are made available to the board by the United States 39080
under the authority of public law, whether such funds come 39081
directly or indirectly from the United States or any agency or 39082
department thereof or through the state or any agency, department, 39083
or political subdivision thereof. 39084

Sec. 3317.025. On or before the first day of June of each 39085
year, the tax commissioner shall certify the following information 39086
to the department of education and the office of budget and 39087
management, for each school district in which the value of the 39088
property described under division (A) of this section exceeds one 39089
per cent of the taxable value of all real and tangible personal 39090
property in the district or in which is located tangible personal 39091
property designed for use or used in strip mining operations, 39092
whose taxable value exceeds five million dollars, and the taxes 39093
upon which the district is precluded from collecting by virtue of 39094
legal proceedings to determine the value of such property: 39095

(A) The total taxable value of all property in the district 39096
owned by a public utility or railroad that has filed a petition 39097
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 39098
(1898), 11 U.S.C. 205, as amended, and all tangible personal 39099
property in the district designed for use or used in strip mining 39100
operations whose taxable value exceeds five million dollars upon 39101
which have not been paid in full on or before the first day of 39102
April of that calendar year all real and tangible personal 39103
property taxes levied for the preceding calendar year and which 39104
the district was precluded from collecting by virtue of 39105
proceedings under section 205 of said act or by virtue of legal 39106
proceedings to determine the tax liability of such strip mining 39107
equipment; 39108

(B) The percentage of the total operating taxes charged and 39109

payable for school district purposes levied against such valuation 39110
for the preceding calendar year that have not been paid by such 39111
date; 39112

(C) The product obtained by multiplying the value certified 39113
under division (A) of this section by the percentage certified 39114
under division (B) of this section. If the value certified under 39115
division (A) of this section includes taxable property owned by a 39116
public utility or railroad that has filed a petition for 39117
reorganization under the bankruptcy act, the amount used in making 39118
the calculation under this division shall be reduced by one per 39119
cent of the total value of all real and tangible personal property 39120
in the district or the value of the utility's or railroad's 39121
property, whichever is less. 39122

Upon receipt of the certification, the department shall 39123
recompute the payments required under this chapter in the manner 39124
the payments would have been computed if: 39125

(1) The amount certified under division (C) of this section 39126
was not subject to taxation by the district and was not included 39127
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 39128
of section 3317.021 of the Revised Code. 39129

(2) The amount of taxes charged and payable and unpaid and 39130
used to make the computation under division (B) of this section 39131
had not been levied and had not been used in the computation 39132
required by division (B) of section 3317.021 of the Revised Code. 39133
The department shall pay the district that amount in the ensuing 39134
fiscal year in lieu of the amounts computed under this chapter. 39135

If a school district received a grant from the catastrophic 39136
expenditures account pursuant to division (C) of section 3316.20 39137
of the Revised Code on the basis of the same circumstances for 39138
which a recomputation is made under this section, the amount of 39139
the recomputation shall be reduced and transferred in accordance 39140

with division (C) of section 3316.20 of the Revised Code. 39141

Sec. 3317.0212. (A) As used in this section: 39142

(1) "Qualifying riders" means resident students enrolled in 39143
regular education in grades kindergarten to twelve who are 39144
provided school bus service by a school district and who live more 39145
than one mile from the school they attend, including students with 39146
dual enrollment in a joint vocational school district or a 39147
cooperative education school district, and students enrolled in a 39148
community school, STEM school, or nonpublic school. 39149

(2) "Qualifying ridership" means the average number of 39150
qualifying riders who are provided school bus service by a school 39151
district during the first full week of October. 39152

(3) "Rider density" means the total ADM per square mile of a 39153
school district. 39154

(4) "School bus service" means a school district's 39155
transportation of qualifying riders in any of the following types 39156
of vehicles: 39157

(a) School buses owned or leased by the district; 39158

(b) School buses operated by a private contractor hired by 39159
the district; 39160

(c) School buses operated by another school district or 39161
entity with which the district has contracted, either as part of a 39162
consortium for the provision of transportation or otherwise. 39163

(B) Not later than the fifteenth day of October each year, 39164
each city, local, and exempted village school district shall 39165
report to the department of education its qualifying ridership and 39166
any other information requested by the department. Subsequent 39167
adjustments to the reported numbers shall be made only in 39168
accordance with rules adopted by the department. 39169

(C) The department shall calculate the statewide	39170
transportation cost per student as follows:	39171
(1) Determine each city, local, and exempted village school	39172
district's transportation cost per student by dividing the	39173
district's total costs for school bus service in the previous	39174
fiscal year by its qualifying ridership in the previous fiscal	39175
year.	39176
(2) After excluding districts that do not provide school bus	39177
service and the ten districts with the highest transportation	39178
costs per student and the ten districts with the lowest	39179
transportation costs per student, divide the aggregate cost for	39180
school bus service for the remaining districts in the previous	39181
fiscal year by the aggregate qualifying ridership of those	39182
districts in the previous fiscal year.	39183
(D) The department shall calculate the statewide	39184
transportation cost per mile as follows:	39185
(1) Determine each city, local, and exempted village school	39186
district's transportation cost per mile by dividing the district's	39187
total costs for school bus service in the previous fiscal year by	39188
its total number of miles driven for school bus service in the	39189
previous fiscal year.	39190
(2) After excluding districts that do not provide school bus	39191
service and the ten districts with the highest transportation	39192
costs per mile and the ten districts with the lowest	39193
transportation costs per mile, divide the aggregate cost for	39194
school bus service for the remaining districts in the previous	39195
fiscal year by the aggregate miles driven for school bus service	39196
in those districts in the previous fiscal year.	39197
(E) The department shall calculate each city, local, and	39198
exempted village school district's transportation payment as	39199
follows:	39200

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the following:

(a) For fiscal year 2018, the greater of fifty thirty-seven and one-half per cent or the district's state share index, as defined in section 3317.02 of the Revised Code;

(b) For fiscal year 2019, the greater of twenty-five per cent or the district's state share index.

(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(G)(1) For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:

~~[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the~~
district's rider density] / 100

If the result of the calculation for a district under division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount 39231
calculated for the district under division (E)(2) of this section 39232
X 0.55 39233

Sec. 3317.0218. The department of education shall annually 39234
compute capacity aid funds to school districts, as follows: 39235

(A) For each school district, multiply the district's 39236
three-year average valuation by 0.001; 39237

(B) Determine the median amount of all of the amounts 39238
calculated under division (A) of this section; 39239

(C) Calculate each school district's capacity ratio, which 39240
equals the greater of zero or the amount calculated as follows: 39241

(The amount determined under division (B) of this section / the 39242

amount calculated for the district under division (A) of this 39243

section) - 1 39244

If the result of a calculation for a school district under 39245
division (C) of this section is greater than 2.5, the district's 39246
capacity ratio shall be 2.5. 39247

(D) Calculate the capacity aid per pupil amount, which equals 39248
the following quotient: 39249

(The amount determined under division (B) of this section) / (the 39250

average of the formula ADMs of all of the districts for which the 39251

amount calculated under division (A) of this section is less than 39252

the amount determined under division (B) of this section) 39253

(E) Calculate each school district's capacity aid, which 39254
equals the following product: 39255

The capacity aid per pupil amount calculated under division (D) of 39256

this section X the district's formula ADM X ~~(2.75, for fiscal year~~ 39257

~~2016, or 3.5, for fiscal year 2017)~~ 4.0 X the district's capacity 39258

ratio calculated under division (C) of this section 39259

Sec. 3317.06. Moneys paid to school districts under division 39260

(E)(1) of section 3317.024 of the Revised Code shall be used for 39261
the following independent and fully severable purposes: 39262

(A) To purchase such secular textbooks or digital texts as 39263
have been approved by the superintendent of public instruction for 39264
use in public schools in the state and to loan such textbooks or 39265
digital texts to pupils attending nonpublic schools within the 39266
district described in division (E)(1) of section 3317.024 of the 39267
Revised Code or to their parents and to hire clerical personnel to 39268
administer such lending program. Such loans shall be based upon 39269
individual requests submitted by such nonpublic school pupils or 39270
parents. Such requests shall be submitted to the school district 39271
in which the nonpublic school is located. Such individual requests 39272
for the loan of textbooks or digital texts shall, for 39273
administrative convenience, be submitted by the nonpublic school 39274
pupil or the pupil's parent to the nonpublic school, which shall 39275
prepare and submit collective summaries of the individual requests 39276
to the school district. As used in this section: 39277

(1) "Textbook" means any book or book substitute that a pupil 39278
uses as a consumable or nonconsumable text, text substitute, or 39279
text supplement in a particular class or program in the school the 39280
pupil regularly attends. 39281

(2) "Digital text" means a consumable book or book substitute 39282
that a student accesses through the use of a computer or other 39283
electronic medium or that is available through an internet-based 39284
provider of course content, or any other material that contributes 39285
to the learning process through electronic means. 39286

(B) To provide speech and hearing diagnostic services to 39287
pupils attending nonpublic schools within the district described 39288
in division (E)(1) of section 3317.024 of the Revised Code. Such 39289
service shall be provided in the nonpublic school attended by the 39290
pupil receiving the service. 39291

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public

centers, or in mobile units located on or off of the nonpublic 39324
premises. If such services are provided in the public school or in 39325
public centers, transportation to and from such facilities shall 39326
be provided by the school district in which the nonpublic school 39327
is located. 39328

(H) To supply for use by pupils attending nonpublic schools 39329
within the district described in division (E)(1) of section 39330
3317.024 of the Revised Code such standardized tests and scoring 39331
services as are in use in the public schools of the state; 39332

(I) To provide programs for children who attend nonpublic 39333
schools within the district described in division (E)(1) of 39334
section 3317.024 of the Revised Code and are children with 39335
disabilities as defined in section 3323.01 of the Revised Code or 39336
gifted children. Such programs shall be provided in the public 39337
school, in nonpublic schools, in public centers, or in mobile 39338
units located on or off of the nonpublic premises. If such 39339
programs are provided in the public school or in public centers, 39340
transportation to and from such facilities shall be provided by 39341
the school district in which the nonpublic school is located. 39342

(J) To hire clerical personnel to assist in the 39343
administration of programs pursuant to divisions (B), (C), (D), 39344
(E), (F), (G), and (I) of this section and to hire supervisory 39345
personnel to supervise the providing of services and textbooks 39346
pursuant to this section. 39347

(K) To purchase or lease any secular, neutral, and 39348
nonideological computer application software designed to assist 39349
students in performing a single task or multiple related tasks, 39350
device management software, learning management software, 39351
site-licensing, digital video on demand (DVD), wide area 39352
connectivity and related technology as it relates to internet 39353
access, mathematics or science equipment and materials, 39354
instructional materials, and school library materials that are in 39355

general use in the public schools of the state and loan such items 39356
to pupils attending nonpublic schools within the district 39357
described in division (E)(1) of section 3317.024 of the Revised 39358
Code or to their parents, and to hire clerical personnel to 39359
administer the lending program. Only such items that are incapable 39360
of diversion to religious use and that are susceptible of loan to 39361
individual pupils and are furnished for the use of individual 39362
pupils shall be purchased and loaned under this division. As used 39363
in this section, "instructional materials" means prepared learning 39364
materials that are secular, neutral, and nonideological in 39365
character and are of benefit to the instruction of school 39366
children. "Instructional materials" includes media content that a 39367
student may access through the use of a computer or electronic 39368
device. 39369

Mobile applications that are secular, neutral, and 39370
nonideological in character and that are purchased for less than 39371
twenty dollars for instructional use shall be considered to be 39372
consumable and shall be distributed to students without the 39373
expectation that the applications must be returned. 39374

(L) To purchase or lease instructional equipment, including 39375
computer hardware and related equipment in general use in the 39376
public schools of the state, for use by pupils attending nonpublic 39377
schools within the district described in division (E)(1) of 39378
section 3317.024 of the Revised Code and to loan such items to 39379
pupils attending such nonpublic schools within the district or to 39380
their parents, and to hire clerical personnel to administer the 39381
lending program. "Computer hardware and related equipment" 39382
includes desktop computers and workstations; laptop computers, 39383
computer tablets, and other mobile handheld devices; their 39384
operating systems and accessories; and any equipment designed to 39385
make accessible the environment of a classroom to a student, who 39386
is physically unable to attend classroom activities due to 39387

hospitalization or other circumstances, by allowing real-time 39388
interaction with other students both one-on-one and in group 39389
discussion. 39390

(M) To purchase mobile units to be used for the provision of 39391
services pursuant to divisions (E), (F), (G), and (I) of this 39392
section and to pay for necessary repairs and operating costs 39393
associated with these units. 39394

(N) To reimburse costs the district incurred to store the 39395
records of a chartered nonpublic school that closes. 39396
Reimbursements under this division shall be made one time only for 39397
each chartered nonpublic school described in division (E)(1) of 39398
section 3317.024 of the Revised Code that closes. 39399

(O) To purchase life-saving medical or other emergency 39400
equipment for placement in nonpublic schools within the district 39401
described in division (E)(1) of section 3317.024 of the Revised 39402
Code or to maintain such equipment. 39403

(P) To procure and pay for security services from a county 39404
sheriff or a township or municipal police force or from a person 39405
certified through the Ohio peace officer training commission, in 39406
accordance with section 109.78 of the Revised Code, as a special 39407
police, security guard, or as a privately employed person serving 39408
in a police capacity for nonpublic schools in the district 39409
described in division (E)(1) of section 3317.024 of the Revised 39410
Code. 39411

(Q) To provide language and academic support services and 39412
other accommodations for English language learners attending 39413
nonpublic schools within the district described in division (E)(1) 39414
of section 3317.024 of the Revised Code. 39415

Clerical and supervisory personnel hired pursuant to division 39416
(J) of this section shall perform their services in the public 39417
schools, in nonpublic schools, public centers, or mobile units 39418

where the services are provided to the nonpublic school pupil, 39419
except that such personnel may accompany pupils to and from the 39420
service sites when necessary to ensure the safety of the children 39421
receiving the services. 39422

All services provided pursuant to this section may be 39423
provided under contract with educational service centers, the 39424
department of health, city or general health districts, or private 39425
agencies whose personnel are properly licensed by an appropriate 39426
state board or agency. 39427

Transportation of pupils provided pursuant to divisions (E), 39428
(F), (G), and (I) of this section shall be provided by the school 39429
district from its general funds and not from moneys paid to it 39430
under division (E)(1) of section 3317.024 of the Revised Code 39431
unless a special transportation request is submitted by the parent 39432
of the child receiving service pursuant to such divisions. If such 39433
an application is presented to the school district, it may pay for 39434
the transportation from moneys paid to it under division (E)(1) of 39435
section 3317.024 of the Revised Code. 39436

No school district shall provide health or remedial services 39437
to nonpublic school pupils as authorized by this section unless 39438
such services are available to pupils attending the public schools 39439
within the district. 39440

Materials, equipment, computer hardware or software, 39441
textbooks, digital texts, and health and remedial services 39442
provided for the benefit of nonpublic school pupils pursuant to 39443
this section and the admission of pupils to such nonpublic schools 39444
shall be provided without distinction as to race, creed, color, or 39445
national origin of such pupils or of their teachers. 39446

No school district shall provide services, materials, or 39447
equipment that contain religious content for use in religious 39448
courses, devotional exercises, religious training, or any other 39449

religious activity. 39450

As used in this section, "parent" includes a person standing 39451
in loco parentis to a child. 39452

Notwithstanding section 3317.01 of the Revised Code, payments 39453
shall be made under this section to any city, local, or exempted 39454
village school district within which is located one or more 39455
nonpublic elementary or high schools described in division (E)(1) 39456
of section 3317.024 of the Revised Code and any payments made to 39457
school districts under division (E)(1) of section 3317.024 of the 39458
Revised Code for purposes of this section may be disbursed without 39459
submission to and approval of the controlling board. 39460

The allocation of payments for materials, equipment, 39461
textbooks, digital texts, health services, and remedial services 39462
to city, local, and exempted village school districts shall be on 39463
the basis of the state board of education's estimated annual 39464
average daily membership in nonpublic elementary and high schools 39465
located in the district described in division (E)(1) of section 39466
3317.024 of the Revised Code. 39467

Payments made to city, local, and exempted village school 39468
districts under this section shall be equal to specific 39469
appropriations made for the purpose. All interest earned by a 39470
school district on such payments shall be used by the district for 39471
the same purposes and in the same manner as the payments may be 39472
used. 39473

The department of education shall adopt guidelines and 39474
procedures under which such programs and services shall be 39475
provided, under which districts shall be reimbursed for 39476
administrative costs incurred in providing such programs and 39477
services, and under which any unexpended balance of the amounts 39478
appropriated by the general assembly to implement this section may 39479
be transferred to the auxiliary services personnel unemployment 39480

compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 39513
under division (E)(2) of section 3317.024 of the Revised Code 39514
shall be used for one or more of the following purposes: 39515

(1) To purchase secular textbooks or digital texts, as 39516
defined in divisions (A)(1) and (2) of section 3317.06 of the 39517
Revised Code, as have been approved by the superintendent of 39518
public instruction for use in public schools in the state; 39519

(2) To provide the services described in divisions (B), (C), 39520
(D), and (O) of section 3317.06 of the Revised Code; 39521

(3) To provide the services described in divisions (E), (F), 39522
(G), and (I) of section 3317.06 of the Revised Code. If such 39523
services are provided in public schools or in public centers, 39524
transportation to and from such facilities shall be provided by 39525
the nonpublic school. 39526

(4) To supply for use by pupils attending the school such 39527
standardized tests and scoring services as are in use in the 39528
public schools of the state; 39529

(5) To hire clerical personnel to assist in the 39530
administration of divisions (A)(2), (3), and (4) of this section 39531
and to hire supervisory personnel to supervise the providing of 39532
services and textbooks pursuant to this section. These personnel 39533
shall perform their services in the public schools, in nonpublic 39534
schools, public centers, or mobile units where the services are 39535
provided to the nonpublic school pupil, except that such personnel 39536
may accompany pupils to and from the service sites when necessary 39537
to ensure the safety of the children receiving the services. All 39538
services provided pursuant to this section may be provided under 39539
contract with educational service centers, the department of 39540
health, city or general health districts, or private agencies 39541
whose personnel are properly licensed by an appropriate state 39542
board or agency. 39543

<u>(6) To purchase any of the materials described in division</u>	39544
<u>(K) of section 3317.06 of the Revised Code;</u>	39545
<u>(7) To purchase any of the equipment described in division</u>	39546
<u>(L) of section 3317.06 of the Revised Code;</u>	39547
<u>(8) To purchase mobile units to be used for the provision of</u>	39548
<u>services pursuant to division (A)(3) of this section and to pay</u>	39549
<u>for necessary repairs and operating costs associated with these</u>	39550
<u>units;</u>	39551
<u>(9) To purchase the equipment described in division (O) of</u>	39552
<u>section 3317.06 of the Revised Code;</u>	39553
<u>(10) To procure and pay for security services described in</u>	39554
<u>division (P) of section 3317.06 of the Revised Code.</u>	39555
<u>(B) Materials, equipment, computer hardware and software,</u>	39556
<u>textbooks, digital texts, and health and remedial services</u>	39557
<u>provided pursuant to this section and the admission of pupils to</u>	39558
<u>nonpublic schools shall be provided without distinction as to</u>	39559
<u>race, creed, color, or national origin of such pupils or of their</u>	39560
<u>teachers.</u>	39561
<u>(C) The department of education shall adopt guidelines and</u>	39562
<u>procedures regarding both of the following:</u>	39563
<u>(1) The expenditure of moneys under this section;</u>	39564
<u>(2) The audit of nonpublic schools receiving funds under this</u>	39565
<u>section to ensure the appropriate use of funds.</u>	39566
Sec. 3317.16. (A) The department of education shall compute	39567
and distribute state core foundation funding to each joint	39568
vocational school district for the fiscal year as prescribed in	39569
the following divisions:	39570
(1) An opportunity grant calculated according to the	39571
following formula:	39572

(The formula amount X formula ADM) - (0.0005 X the district's
three-year average valuation) 39573
39574

However, no district shall receive an opportunity grant that 39575
is less than 0.05 times the formula amount times formula ADM. 39576

(2) Additional state aid for special education and related 39577
services provided under Chapter 3323. of the Revised Code 39578
calculated as the sum of the following: 39579

(a) The district's category one special education ADM X the 39580
amount specified in division (A) of section 3317.013 of the 39581
Revised Code X the district's state share percentage; 39582

(b) The district's category two special education ADM X the 39583
amount specified in division (B) of section 3317.013 of the 39584
Revised Code X the district's state share percentage; 39585

(c) The district's category three special education ADM X the 39586
amount specified in division (C) of section 3317.013 of the 39587
Revised Code X the district's state share percentage; 39588

(d) The district's category four special education ADM X the 39589
amount specified in division (D) of section 3317.013 of the 39590
Revised Code X the district's state share percentage; 39591

(e) The district's category five special education ADM X the 39592
amount specified in division (E) of section 3317.013 of the 39593
Revised Code X the district's state share percentage; 39594

(f) The district's category six special education ADM X the 39595
amount specified in division (F) of section 3317.013 of the 39596
Revised Code X the district's state share percentage. 39597

(3) Economically disadvantaged funds calculated according to 39598
the following formula: 39599

\$272 X the district's economically disadvantaged index X the 39600
number of students who are economically disadvantaged as certified 39601
under division (D)(2)(p) of section 3317.03 of the Revised Code 39602

(4) Limited English proficiency funds calculated as the sum	39603
of the following:	39604
(a) The district's category one limited English proficient	39605
ADM X the amount specified in division (A) of section 3317.016 of	39606
the Revised Code X the district's state share percentage;	39607
(b) The district's category two limited English proficient	39608
ADM X the amount specified in division (B) of section 3317.016 of	39609
the Revised Code X the district's state share percentage;	39610
(c) The district's category three limited English proficient	39611
ADM X the amount specified in division (C) of section 3317.016 of	39612
the Revised Code X the district's state share percentage;	39613
(5) Career-technical education funds calculated as the sum of	39614
the following:	39615
(a) The district's category one career-technical education	39616
ADM X the amount specified in division (A) of section 3317.014 of	39617
the Revised Code X the district's state share percentage;	39618
(b) The district's category two career-technical education	39619
ADM X the amount specified in division (B) of section 3317.014 of	39620
the Revised Code X the district's state share percentage;	39621
(c) The district's category three career-technical education	39622
ADM X the amount specified in division (C) of section 3317.014 of	39623
the Revised Code X the district's state share percentage;	39624
(d) The district's category four career-technical education	39625
ADM X the amount specified in division (D) of section 3317.014 of	39626
the Revised Code X the district's state share percentage;	39627
(e) The district's category five career-technical education	39628
ADM X the amount specified in division (E) of section 3317.014 of	39629
the Revised Code X the district's state share percentage.	39630
Payment of funds under division (A)(5) of this section is	39631
subject to approval under section 3317.161 of the Revised Code.	39632

(6) Career-technical education associated services funds	39633
calculated under the following formula:	39634
The district's state share percentage X the	39635
amount for career-technical education associated services	39636
specified in section 3317.014 of the Revised Code X the sum of	39637
categories one through five career-technical	39638
education ADM X the district's state share percentage	39639
(7) A graduation bonus calculated according to the following	39640
formula:	39641
The district's graduation rate as reported on its most recent	39642
report card issued by the department under section 3302.033 of the	39643
Revised Code X 0.075 X the formula amount X the number of the	39644
district's students who received high school or honors high school	39645
diplomas as reported by the district to the department, in	39646
accordance with the guidelines adopted under section 3301.0714 of	39647
the Revised Code, for the same school year for which the most	39648
recent report card was issued X the district's state share	39649
percentage	39650
(B)(1) If a joint vocational school district's costs for a	39651
fiscal year for a student in its categories two through six	39652
special education ADM exceed the threshold catastrophic cost for	39653
serving the student, as specified in division (B) of section	39654
3317.0214 of the Revised Code, the district may submit to the	39655
superintendent of public instruction documentation, as prescribed	39656
by the superintendent, of all of its costs for that student. Upon	39657
submission of documentation for a student of the type and in the	39658
manner prescribed, the department shall pay to the district an	39659
amount equal to the sum of the following:	39660
(a) One-half of the district's costs for the student in	39661
excess of the threshold catastrophic cost;	39662
(b) The product of one-half of the district's costs for the	39663
student in excess of the threshold catastrophic cost multiplied by	39664

the district's state share percentage. 39665

(2) The district shall report under division (B)(1) of this 39666
section, and the department shall pay for, only the costs of 39667
educational expenses and the related services provided to the 39668
student in accordance with the student's individualized education 39669
program. Any legal fees, court costs, or other costs associated 39670
with any cause of action relating to the student may not be 39671
included in the amount. 39672

(C)(1) For each student with a disability receiving special 39673
education and related services under an individualized education 39674
program, as defined in section 3323.01 of the Revised Code, at a 39675
joint vocational school district, the resident district or, if the 39676
student is enrolled in a community school, the community school 39677
shall be responsible for the amount of any costs of providing 39678
those special education and related services to that student that 39679
exceed the sum of the amount calculated for those services 39680
attributable to that student under division (A) of this section. 39681

Those excess costs shall be calculated using a formula 39682
approved by the department. 39683

(2) The board of education of the joint vocational school 39684
district may report the excess costs calculated under division 39685
(C)(1) of this section to the department of education. 39686

(3) If the board of education of the joint vocational school 39687
district reports excess costs under division (C)(2) of this 39688
section, the department shall pay the amount of excess cost 39689
calculated under division (C)(2) of this section to the joint 39690
vocational school district and shall deduct that amount as 39691
provided in division (C)(3)(a) or (b) of this section, as 39692
applicable: 39693

(a) If the student is not enrolled in a community school, the 39694
department shall deduct the amount from the account of the 39695

student's resident district pursuant to division (J) of section 3317.023 of the Revised Code. 39696
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(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code. 39698
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(D)~~(1)~~ In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent. 39701
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~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~ 39712
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~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~ 39714
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~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~ 39724
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(E) In any fiscal year, a school district receiving funds 39726

under division (A)(6) of this section, or through a transfer of 39727
funds pursuant to division (I) of section 3317.023 of the Revised 39728
Code, shall spend those funds only for the purposes that the 39729
department designates as approved for career-technical education 39730
associated services expenses, which may include such purposes as 39731
apprenticeship coordinators, coordinators for other 39732
career-technical education services, career-technical evaluation, 39733
and other purposes designated by the department. The department 39734
may deny payment under division (A)(6) of this section to any 39735
district that the department determines is not operating those 39736
services or is using funds paid under division (A)(6) of this 39737
section, or through a transfer of funds pursuant to division (I) 39738
of section 3317.023 of the Revised Code, for other purposes. 39739

(F) A joint vocational school district shall spend the funds 39740
it receives under division (A)(3) of this section in accordance 39741
with section 3317.25 of the Revised Code. 39742

(G) As used in this section: 39743

(1) "Community school" means a community school established 39744
under Chapter 3314. of the Revised Code. 39745

(2) "Resident district" means the city, local, or exempted 39746
village school district in which a student is entitled to attend 39747
school under section 3313.64 or 3313.65 of the Revised Code. 39748

(3) "State share percentage" is equal to the following: 39749

The amount computed under division (A)(1) of this section / 39750
(the formula amount X formula ADM) 39751

Sec. 3317.27. (A) In any fiscal year, if a city, exempted 39752
village, local, or joint vocational school district experiences at 39753
least a fifty per cent decrease in valuation of public utility 39754
personal property, as certified to the department of education 39755
under division (A)(2) of section 3317.021 of the Revised Code, 39756

from the tax year immediately preceding the most recent tax year 39757
for which data is available to the most recent tax year for which 39758
data is available, the department shall develop a payment 39759
structure to recommend to the general assembly that would provide 39760
additional state funds to the district to compensate the district 39761
for a percentage of that decrease in valuation. This payment 39762
structure shall take into consideration the effect the valuation 39763
decrease has on the amount of state foundation aid received by the 39764
district under this chapter and any temporary transitional aid or 39765
payment limitations imposed by the general assembly that apply to 39766
the district. 39767

(B) Annually, the department shall submit to the general 39768
assembly, in accordance with section 101.68 of the Revised Code, 39769
the recommended structure for each district to which division (A) 39770
of this section applies for the current fiscal year. 39771

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 39772
Revised Code: 39773

(A) "Ohio ~~school~~ facilities construction commission" means 39774
the commission created pursuant to section ~~3318.30~~ 123.20 of the 39775
Revised Code. 39776

(B) "Classroom facilities" means rooms in which pupils 39777
regularly assemble in public school buildings to receive 39778
instruction and education and such facilities and building 39779
improvements for the operation and use of such rooms as may be 39780
needed in order to provide a complete educational program, and may 39781
include space within which a child care facility or a community 39782
resource center is housed. "Classroom facilities" includes any 39783
space necessary for the operation of a vocational education 39784
program for secondary students in any school district that 39785
operates such a program. 39786

(C) "Project" means a project to construct or acquire 39787
classroom facilities, or to reconstruct or make additions to 39788
existing classroom facilities, to be used for housing the 39789
applicable school district and its functions. 39790

(D) "School district" means a local, exempted village, or 39791
city school district as such districts are defined in Chapter 39792
3311. of the Revised Code, acting as an agency of state 39793
government, performing essential governmental functions of state 39794
government pursuant to sections 3318.01 to 3318.20 of the Revised 39795
Code. 39796

For purposes of assistance provided under sections 3318.40 to 39797
3318.45 of the Revised Code, the term "school district" as used in 39798
this section and in divisions (A), (C), and (D) of section 3318.03 39799
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 39800
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 39801
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 39802
Code means a joint vocational school district established pursuant 39803
to section 3311.18 of the Revised Code. 39804

(E) "School district board" means the board of education of a 39805
school district. 39806

(F) "Net bonded indebtedness" means the difference between 39807
the sum of the par value of all outstanding and unpaid bonds and 39808
notes which a school district board is obligated to pay and any 39809
amounts the school district is obligated to pay under 39810
lease-purchase agreements entered into under section 3313.375 of 39811
the Revised Code, and the amount held in the sinking fund and 39812
other indebtedness retirement funds for their redemption. Notes 39813
issued for school buses in accordance with section 3327.08 of the 39814
Revised Code, notes issued in anticipation of the collection of 39815
current revenues, and bonds issued to pay final judgments shall 39816
not be considered in calculating the net bonded indebtedness. 39817

"Net bonded indebtedness" does not include indebtedness 39818
arising from the acquisition of land to provide a site for 39819
classroom facilities constructed, acquired, or added to pursuant 39820
to sections 3318.01 to 3318.20 of the Revised Code or the par 39821
value of bonds that have been authorized by the electors and the 39822
proceeds of which will be used by the district to provide any part 39823
of its portion of the basic project cost. 39824

(G) "Board of elections" means the board of elections of the 39825
county containing the most populous portion of the school 39826
district. 39827

(H) "County auditor" means the auditor of the county in which 39828
the greatest value of taxable property of such school district is 39829
located. 39830

(I) "Tax duplicates" means the general tax lists and 39831
duplicates prescribed by sections 319.28 and 319.29 of the Revised 39832
Code. 39833

(J) "Required level of indebtedness" means: 39834

(1) In the case of school districts in the first percentile, 39835
five per cent of the district's valuation for the year preceding 39836
the year in which the controlling board approved the project under 39837
section 3318.04 of the Revised Code. 39838

(2) In the case of school districts ranked in a subsequent 39839
percentile, five per cent of the district's valuation for the year 39840
preceding the year in which the controlling board approved the 39841
project under section 3318.04 of the Revised Code, plus [two 39842
one-hundredths of one per cent multiplied by (the percentile in 39843
which the district ranks for the fiscal year preceding the fiscal 39844
year in which the controlling board approved the district's 39845
project minus one)]. 39846

(K) "Required percentage of the basic project costs" means 39847
one per cent of the basic project costs times the percentile in 39848

which the school district ranks for the fiscal year preceding the 39849
fiscal year in which the controlling board approved the district's 39850
project. 39851

(L) "Basic project cost" means a cost amount determined in 39852
accordance with rules adopted under section 111.15 of the Revised 39853
Code by the Ohio ~~school~~ facilities construction commission. The 39854
basic project cost calculation shall take into consideration the 39855
square footage and cost per square foot necessary for the grade 39856
levels to be housed in the classroom facilities, the variation 39857
across the state in construction and related costs, the cost of 39858
the installation of site utilities and site preparation, the cost 39859
of demolition of all or part of any existing classroom facilities 39860
that are abandoned under the project, the cost of insuring the 39861
project until it is completed, any contingency reserve amount 39862
prescribed by the commission under section 3318.086 of the Revised 39863
Code, and the professional planning, administration, and design 39864
fees that a school district may have to pay to undertake a 39865
classroom facilities project. 39866

For a joint vocational school district that receives 39867
assistance under sections 3318.40 to 3318.45 of the Revised Code, 39868
the basic project cost calculation for a project under those 39869
sections shall also take into account the types of laboratory 39870
spaces and program square footages needed for the vocational 39871
education programs for high school students offered by the school 39872
district. 39873

For a district that opts to divide its entire classroom 39874
facilities needs into segments, as authorized by section 3318.034 39875
of the Revised Code, "basic project cost" means the cost 39876
determined in accordance with this division of a segment. 39877

(M)(1) Except for a joint vocational school district that 39878
receives assistance under sections 3318.40 to 3318.45 of the 39879
Revised Code, a "school district's portion of the basic project 39880

cost" means the amount determined under section 3318.032 of the Revised Code. 39881
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(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code. 39883
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(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility. 39888
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(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers. 39894
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(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates. 39898
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39900

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code. 39901
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(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 39904
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 39908
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Sec. 3318.011. For purposes of providing assistance under 39912
sections 3318.01 to 3318.20 of the Revised Code, the department of 39913
education shall annually do all of the following: 39914

(A) Calculate the adjusted valuation per pupil of each city, 39915
local, and exempted village school district according to the 39916
following formula: 39917

The district's valuation per pupil - 39918
[\$30,000 X (1 - the district's income factor)]. 39919

For purposes of this calculation: 39920

(1) Except for a district with an open enrollment net gain 39921
that is ten per cent or more of its formula ADM, "valuation per 39922
pupil" for a district means its average taxable value, divided by 39923
its formula ADM for the previous fiscal year. "Valuation per 39924
pupil," for a district with an open enrollment net gain that is 39925
ten per cent or more of its formula ADM, means its average taxable 39926
value, divided by the sum of its formula ADM for the previous 39927
fiscal year plus its open enrollment net gain for the previous 39928
fiscal year. 39929

(2) "Average taxable value" means the average of the sum of 39930
the amounts certified for a district under divisions (A)(1) and 39931
(2) of section 3317.021 of the Revised Code in the second, third, 39932
and fourth preceding fiscal years. 39933

(3) "Entitled to attend school" means entitled to attend 39934
school in a city, local, or exempted village school district under 39935
section 3313.64 or 3313.65 of the Revised Code. 39936

(4) "Formula ADM" has the same meaning as in section 3317.02 39937
of the Revised Code. 39938

(5) "Native student" has the same meaning as in section 39939
3313.98 of the Revised Code. 39940

(6) "Open enrollment net gain" for a district means (a) the 39941

number of the students entitled to attend school in another 39942
district but who are enrolled in the schools of the district under 39943
its open enrollment policy minus (b) the number of the district's 39944
native students who are enrolled in the schools of another 39945
district under the other district's open enrollment policy, both 39946
numbers as certified to the department under section 3313.981 of 39947
the Revised Code. If the difference is a negative number, the 39948
district's "open enrollment net gain" is zero. 39949

(7) "Open enrollment policy" means an interdistrict open 39950
enrollment policy adopted under section 3313.98 of the Revised 39951
Code. 39952

(8) "District median income" means the median Ohio adjusted 39953
gross income certified for a school district under section 39954
3317.021 of the Revised Code. 39955

(9) "Statewide median income" means the median district 39956
median income of all city, exempted village, and local school 39957
districts in the state. 39958

(10) "Income factor" for a city, exempted village, or local 39959
school district means the quotient obtained by dividing that 39960
district's median income by the statewide median income. 39961

(B) Calculate for each district the three-year average of the 39962
adjusted valuations per pupil calculated for the district for the 39963
current and two preceding fiscal years; 39964

(C) Rank all such districts in order of adjusted valuation 39965
per pupil from the district with the lowest three-year average 39966
adjusted valuation per pupil to the district with the highest 39967
three-year average adjusted valuation per pupil; 39968

(D) Divide such ranking into percentiles with the first 39969
percentile containing the one per cent of school districts having 39970
the lowest three-year average adjusted valuations per pupil and 39971
the one-hundredth percentile containing the one per cent of school 39972

districts having the highest three-year average adjusted 39973
valuations per pupil; 39974

(E) Determine the school districts that have three-year 39975
average adjusted valuations per pupil that are greater than the 39976
median three-year average adjusted valuation per pupil for all 39977
school districts in the state; 39978

(F) On or before the first day of September, certify the 39979
information described in divisions (A) to (E) of this section to 39980
the Ohio ~~school~~ facilities construction commission. 39981

Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.20 39982
of the Revised Code, the Ohio ~~school~~ facilities construction 39983
commission shall periodically perform an assessment of the 39984
classroom facility needs in the state to identify school districts 39985
in need of additional classroom facilities, or replacement or 39986
reconstruction of existent classroom facilities, and the cost to 39987
each such district of constructing or acquiring such additional 39988
facilities or making such renovations. 39989

(B) Based upon the most recent assessment conducted pursuant 39990
to division (A) of this section, the commission shall conduct 39991
on-site visits to school districts identified as having classroom 39992
facility needs to confirm the findings of the periodic assessment 39993
and further evaluate the classroom facility needs of the district. 39994
The evaluation shall assess the district's need to construct or 39995
acquire new classroom facilities and may include an assessment of 39996
the district's need for building additions or for the 39997
reconstruction of existent buildings in lieu of constructing or 39998
acquiring replacement buildings. 39999

(C)(1) Except as provided in division (C)(2) of this section, 40000
on-site visits performed on or after May 20, 1997, shall be 40001
performed in the order specified in this division. The first round 40002
of on-site visits first succeeding the effective date of this 40003

amendment, May 20, 1997, shall be limited to the school districts 40004
in the first through fifth percentiles, excluding districts that 40005
are ineligible for funding under this chapter pursuant to section 40006
3318.04 of the Revised Code. The second round of on-site visits 40007
shall be limited to the school districts in the first through 40008
tenth percentiles, excluding districts that are ineligible for 40009
funding under this chapter pursuant to section 3318.04 of the 40010
Revised Code. Each succeeding round of on-site visits shall be 40011
limited to the percentiles included in the immediately preceding 40012
round of on-site visits plus the next five percentiles. Except for 40013
the first round of on-site visits, no round of on-site visits 40014
shall commence unless eighty per cent of the districts for which 40015
on-site visits were performed during the immediately preceding 40016
round, have had projects approved under section 3318.04 of the 40017
Revised Code. 40018

(2) Notwithstanding division (C)(1) of this section, the 40019
commission may perform on-site visits for school districts in the 40020
next highest percentile to the percentiles included in the current 40021
round of on-site visits, and then to succeeding percentiles one at 40022
a time, not to exceed the twenty-fifth percentile, if all of the 40023
following apply: 40024

(a) Less than eighty per cent of the districts for which 40025
on-site visits were performed in the current round, and in any 40026
percentiles for which on-site visits were performed in addition to 40027
the current round pursuant to this division, have had projects 40028
approved under section 3318.04 of the Revised Code; 40029

(b) There are funds appropriated for the purpose of sections 40030
3318.01 to 3318.20 of the Revised Code that are not reserved and 40031
encumbered for projects pursuant to section 3318.04 of the Revised 40032
Code; 40033

(c) The commission makes a finding that such available funds 40034
would be more thoroughly utilized if on-site visits were extended 40035

to the next highest percentile. 40036

(D) Notwithstanding divisions (B) and (C) of this section, in 40037
any fiscal year, the commission may limit the number of districts 40038
for which it conducts on-site visits based upon its projections of 40039
the moneys available and moneys necessary to undertake projects 40040
under sections 3318.01 to 3318.20 of the Revised Code for that 40041
year. 40042

Sec. 3318.021. Notwithstanding section 3318.02 of the Revised 40043
Code, the Ohio ~~school~~ facilities construction commission may 40044
conduct on-site visits to any school district whose district board 40045
adopts a resolution certifying to the commission the board's 40046
intent to participate in the school building assistance expedited 40047
local partnership program under section 3318.36 of the Revised 40048
Code. 40049

Sec. 3318.022. Notwithstanding anything to the contrary in 40050
section 3318.02 of the Revised Code, within two years following 40051
the request of the school district, the Ohio ~~school~~ facilities 40052
construction commission shall assess the current conditions of the 40053
classroom facilities needs of any school district that is not yet 40054
eligible for state assistance under Chapter 3318. of the Revised 40055
Code and that requests such an assessment. The assessment made 40056
under this section shall not include a final agreement between the 40057
school district and the commission as to the basic project cost of 40058
the school district's classroom facilities needs. The commission 40059
shall not consider any request for an assessment under this 40060
section that is submitted sooner than ~~the effective date of this~~ 40061
~~section~~ September 14, 2000. 40062

Sec. 3318.024. In the first year of a capital biennium, any 40063
funds appropriated to the Ohio ~~school~~ facilities construction 40064
commission for classroom facilities projects under this chapter in 40065

the previous capital biennium that were not spent or encumbered, 40066
or for which an encumbrance has been canceled under section 40067
3318.05 of the Revised Code, shall be used by the commission only 40068
for projects under sections 3318.01 to 3318.20 of the Revised 40069
Code, subject to appropriation by the general assembly. 40070

In the second year of a capital biennium, any funds 40071
appropriated to the Ohio ~~school~~ facilities construction commission 40072
for classroom facilities projects under this chapter that were not 40073
spent or encumbered in the first year of the biennium and which 40074
are in excess of an amount equal to half of the appropriations for 40075
the capital biennium, or for which an encumbrance has been 40076
canceled under section 3318.05 of the Revised Code, shall be used 40077
by the commission only for projects under sections 3318.01 to 40078
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 40079
3318.40 to 3318.46 of the Revised Code, subject to appropriation 40080
by the general assembly. 40081

Sec. 3318.03. (A) Before conducting an on-site evaluation of 40082
a school district under section 3318.02 of the Revised Code, at 40083
the request of the district board of education, the Ohio ~~school~~ 40084
facilities construction commission shall examine any classroom 40085
facilities needs assessment that has been conducted by the 40086
district and any master plan developed for meeting the facility 40087
needs of the district. 40088

(B) Upon conducting the on-site evaluation under section 40089
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 40090
construction commission shall make a determination of all of the 40091
following: 40092

(1) The needs of the school district for additional classroom 40093
facilities; 40094

(2) The number of classroom facilities to be included in a 40095

project and the basic project cost of constructing, acquiring, 40096
reconstructing, or making additions to each such facility; 40097

(3) The amount of such cost that the school district can 40098
supply from available funds, by the issuance of bonds previously 40099
authorized by the electors of the school district the proceeds of 40100
which can lawfully be used for the project and by the issuance of 40101
bonds under section 3318.05 of the Revised Code; 40102

(4) The remaining amount of such cost that shall be supplied 40103
by the state; 40104

(5) The amount of the state's portion to be encumbered in 40105
accordance with section 3318.11 of the Revised Code in the current 40106
and subsequent fiscal years from funds appropriated for purposes 40107
of sections 3318.01 to 3318.20 of the Revised Code. 40108

(C) The commission shall make a determination in favor of 40109
constructing, acquiring, reconstructing, or making additions to a 40110
classroom facility only upon evidence that the proposed project 40111
conforms to sound educational practice, that it is in keeping with 40112
the orderly process of school district reorganization and 40113
consolidation, and that the actual or projected enrollment in each 40114
classroom facility proposed to be included in the project is at 40115
least three hundred fifty pupils. Exceptions shall be authorized 40116
only in those districts where topography, sparsity of population, 40117
and other factors make larger schools impracticable. 40118

If the school district board determines that an existing 40119
facility has historical value or for other good cause determines 40120
that an existing facility should be renovated in lieu of acquiring 40121
a comparable facility by new construction, the commission may 40122
approve the expenditure of project funds for the renovation of 40123
that facility up to but not exceeding one hundred per cent of the 40124
estimated cost of acquiring a comparable facility by new 40125
construction, as long as the commission determines that the 40126

facility when renovated can be operationally efficient, will be 40127
adequate for the future needs of the district, and will comply 40128
with the other provisions of this division. 40129

(D) Sections 125.81 and 153.04 of the Revised Code shall not 40130
apply to classroom facilities constructed under either sections 40131
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 40132
Code. 40133

Sec. 3318.031. (A) The Ohio ~~school~~ facilities construction 40134
commission shall consider student and staff safety and health when 40135
reviewing design plans for classroom facility construction 40136
projects proposed under this chapter. After consulting with 40137
appropriate education, health, and law enforcement personnel, the 40138
commission may require as a condition of project approval under 40139
either section 3318.03 or division (B)(1) of section 3318.41 of 40140
the Revised Code such changes in the design plans as the 40141
commission believes will advance or improve student and staff 40142
safety and health in the proposed classroom facility. 40143

To carry out its duties under this division, the commission 40144
shall review and, if necessary, amend any construction and design 40145
standards used in its project approval process, including 40146
standards for location and number of exits, standards for lead 40147
safety in classroom facilities constructed before 1978 in which 40148
services are provided to children under six years of age, and 40149
location of restrooms, with a focus on advancing student and staff 40150
safety and health. 40151

(B) When reviewing design standards for classroom facility 40152
construction projects proposed under this chapter, the commission 40153
shall also consider the extent to which the design standards 40154
support the following: 40155

(1) Trends in educational delivery methods, including digital 40156
access and blended learning; 40157

(2) Provision of sufficient space for training new teachers	40158
and promotion of collaboration among teaching candidates,	40159
experienced teachers, and teacher educators;	40160
(3) Provision of adequate space for teacher planning and	40161
collaboration;	40162
(4) Provision of adequate space for parent involvement	40163
activities;	40164
(5) Provision of sufficient space for innovative partnerships	40165
between schools and health and social service agencies.	40166
Sec. 3318.032. (A) Except as otherwise provided in divisions	40167
(C) and (D) of this section, the portion of the basic project cost	40168
supplied by the school district shall be the greater of:	40169
(1) The required percentage of the basic project costs;	40170
(2)(a) For all districts except a district that opts to	40171
divide its entire classroom facilities needs into segments to be	40172
completed separately as authorized by section 3318.034 of the	40173
Revised Code, an amount necessary to raise the school district's	40174
net bonded indebtedness, as of the date the controlling board	40175
approved the project, to within five thousand dollars of the	40176
required level of indebtedness;	40177
(b) For a district that opts to divide its entire classroom	40178
facilities needs into segments to be completed separately as	40179
authorized by section 3318.034 of the Revised Code, an amount	40180
necessary to raise the school district's net bonded indebtedness,	40181
as of the date the controlling board approved the project, to	40182
within five thousand dollars of the following:	40183
The required level of indebtedness X (the basic	40184
project cost of the segment as approved	40185
by the controlling board / the estimated basic	40186
project cost of the district's entire classroom facilities	40187

needs as determined jointly by the staff of the Ohio 40188
~~school~~ facilities construction commission and the district) 40189

(B) The amount of the district's share determined under this 40190
section shall be calculated only as of the date the controlling 40191
board approved the project, and that amount applies throughout the 40192
thirteen-month period permitted under section 3318.05 of the 40193
Revised Code for the district's electors to approve the 40194
propositions described in that section. If the amount reserved and 40195
encumbered for a project is released because the electors do not 40196
approve those propositions within that period, and the school 40197
district later receives the controlling board's approval for the 40198
project, subject to a new project scope and estimated costs under 40199
section 3318.054 of the Revised Code, the district's portion shall 40200
be recalculated in accordance with this section as of the date of 40201
the controlling board's subsequent approval. 40202

(C) At no time shall a school district's portion of the basic 40203
project cost be greater than ninety-five per cent of the total 40204
basic project cost. 40205

(D) If the controlling board approves a project under 40206
sections 3318.01 to 3318.20 of the Revised Code for a school 40207
district that previously received assistance under those sections 40208
or section 3318.37 of the Revised Code within the twenty-year 40209
period prior to the date on which the controlling board approves 40210
the new project, the district's portion of the basic project cost 40211
for the new project shall be the lesser of the following: 40212

(1) The portion calculated under division (A) of this 40213
section; 40214

(2) The greater of the following: 40215

(a) The required percentage of the basic project costs for 40216
the new project; 40217

(b) The percentage of the basic project cost paid by the 40218

district for the previous project. 40219

Sec. 3318.033. (A) As used in this section: 40220

(1) "Formula ADM" has the same meaning as in section 3317.02 40221
of the Revised Code. 40222

(2) "Open enrollment net gain" has the same meaning as in 40223
section 3318.011 of the Revised Code. 40224

(B) This section applies to each school district that meets 40225
the following criteria: 40226

(1) The Ohio ~~school~~ facilities construction commission 40227
certified its conditional approval of the district's project under 40228
sections 3318.01 to 3318.20 of the Revised Code after July 1, 40229
2006, and prior to September 29, 2007, and the project had not 40230
been completed as of September 29, 2007. 40231

(2) Within one year after the date of the commission's 40232
certification of its conditional approval, the district's electors 40233
approved a bond issue to pay the district's portion of the basic 40234
project cost or the district board of education complied with 40235
section 3318.052 of the Revised Code. 40236

(3) In the fiscal year prior to the fiscal year in which the 40237
district's project was conditionally approved, the district had an 40238
open enrollment net gain that was ten per cent or more of its 40239
formula ADM. 40240

(C) For each school district to which this section applies, 40241
the department of education shall recalculate the district's 40242
percentile ranking under section 3318.011 of the Revised Code for 40243
the fiscal year prior to the fiscal year in which the district's 40244
project was conditionally approved and shall report the 40245
recalculated percentile ranking to the commission. For this 40246
purpose, the department shall recalculate every school district's 40247
percentile ranking for that fiscal year using the district's 40248

"valuation per pupil" as that term is defined in section 3318.011 40249
of the Revised Code on and after September 29, 2007. 40250

(D) For each school district to which this section applies, 40251
the commission shall use the recalculated percentile ranking 40252
reported under division (C) of this section to determine the 40253
district's portion of the basic project cost under section 40254
3318.032 of the Revised Code. The commission shall not use the 40255
recalculated percentile ranking for any other purpose, and the 40256
recalculated ranking shall not affect any other district's portion 40257
of the basic project cost under section 3318.032 of the Revised 40258
Code or any district's eligibility for assistance under sections 40259
3318.01 to 3318.20 of the Revised Code. The commission shall 40260
revise the agreement entered into under section 3318.08 of the 40261
Revised Code to reflect the district's new portion of the basic 40262
project cost as determined under this division. 40263

Sec. 3318.034. (A) This section applies to both of the 40264
following: 40265

(1) Any school district that has not executed an agreement 40266
for a project under sections 3318.01 to 3318.20 of the Revised 40267
Code prior to June 24, 2008; 40268

(2) Any school district that is eligible for additional 40269
assistance under sections 3318.01 to 3318.20 of the Revised Code 40270
pursuant to division (B)(2) of section 3318.04 of the Revised 40271
Code. 40272

Notwithstanding any provision of this chapter to the 40273
contrary, with the approval of the Ohio ~~school~~ facilities 40274
construction commission, any school district to which this section 40275
applies may opt to divide the district's entire classroom 40276
facilities needs, as those needs are jointly determined by the 40277
staff of the commission and the school district, into discrete 40278
segments and shall comply with all of the provisions of those 40279

sections unless otherwise provided in this section. 40280

(B) Except as provided in division (C) of this section, each 40281
segment shall comply with both of the following: 40282

(1) The segment shall consist of the new construction of one 40283
or more entire buildings, a stand-alone segment of a building that 40284
serves grades kindergarten through twelve, or the complete 40285
renovation of one or more entire existing buildings, with any 40286
necessary additions to that building. 40287

(2) The segment shall not include any construction of or 40288
renovation or repair to any building that does not complete the 40289
needs of the district with respect to that particular building at 40290
the time the segment is completed. 40291

(C) A district described in division (A)(2) of this section 40292
that has not received the additional assistance authorized under 40293
division (B)(2) of section 3318.04 of the Revised Code may 40294
undertake a segment, with commission approval, for the purpose of 40295
renovating or replacing work performed on a facility under the 40296
district's prior project. The commission may approve that segment 40297
if the commission determines that the renovation or replacement is 40298
necessary to protect the facility. The basic project cost of the 40299
segment shall be allocated between the state and the district in 40300
accordance with section 3318.032 of the Revised Code. However, the 40301
requirements of division (B) of this section shall not apply to a 40302
segment undertaken under this division. 40303

(D) The commission shall conditionally approve and seek 40304
controlling board approval in accordance with division (A) of 40305
section 3318.04 of the Revised Code of each segment. 40306

(E)(1) When undertaking a segment under this section, a 40307
school district may elect to prorate its full maintenance amount 40308
by setting aside for maintenance the amount calculated under 40309
division (E)(2) of this section to maintain the classroom 40310

facilities acquired under the segment, if the district will use 40311
one or more of the alternative methods authorized in sections 40312
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 40313
the entire amount calculated under that division. If the district 40314
so elects, the commission and the district shall include in the 40315
agreement entered into under section 3318.08 of the Revised Code a 40316
statement specifying that the district will use the amount 40317
calculated under that division only to maintain the classroom 40318
facilities acquired under the segment. 40319

(2) The commission shall calculate the amount for a school 40320
district to maintain the classroom facilities acquired under a 40321
segment as follows: 40322

The full maintenance amount X (the school district's portion 40323
of the basic project cost for the segment / the school district's 40324
portion of the basic project cost for the district's entire 40325
classroom facilities needs, as determined jointly by the staff of 40326
the commission and the district) 40327

(3) A school district may elect to prorate its full 40328
maintenance amount for any number of segments, provided the 40329
district will use one or more of the alternative methods 40330
authorized in sections 3318.051, 3318.052, and 3318.084 of the 40331
Revised Code to generate the entire amount calculated under 40332
division (E)(2) of this section to maintain the classroom 40333
facilities acquired under each segment for which it so elects. If 40334
the district cannot use one or more of those alternative methods 40335
to generate the entire amount calculated under that division, the 40336
district shall levy the tax described in division (B) of section 40337
3318.05 of the Revised Code or an extension of that tax under 40338
section 3318.061 of the Revised Code in an amount necessary to 40339
generate the remainder of its full maintenance amount. The 40340
commission shall calculate the remainder of the district's full 40341
maintenance amount as follows: 40342

The full maintenance amount - the sum of the amounts 40343
calculated for the district under division (E)(2) of this section 40344
for each prior segment of the district's project 40345

(4) In no case shall the sum of the amounts calculated for a 40346
school district's maintenance of classroom facilities under 40347
divisions (E)(2) and (3) of this section exceed the amount that 40348
would have been required for maintenance if the district had 40349
elected to undertake its project in its entirety instead of 40350
segmenting the project under this section. 40351

(5) If a school district commenced a segment under this 40352
section prior to September 10, 2012, but has not completed that 40353
segment, and has not levied the tax described in division (B) of 40354
section 3318.05 of the Revised Code or an extension of that tax 40355
under section 3318.061 of the Revised Code, the district may 40356
request approval from the commission to prorate its full 40357
maintenance amount in accordance with divisions (E)(1) to (4) of 40358
this section. If the commission approves the request, the 40359
commission and the district shall amend the agreement entered into 40360
under section 3318.08 of the Revised Code to reflect the change. 40361

(F) If a school district levies the tax described in division 40362
(B) of section 3318.05 of the Revised Code or an extension of that 40363
tax under section 3318.061 of the Revised Code, the tax shall run 40364
for twenty-three years from the date the segment for which the tax 40365
is initially levied is undertaken. The maintenance levy 40366
requirement, as defined in section 3318.18 of the Revised Code, 40367
does not apply to a segment undertaken under division (C) of this 40368
section. 40369

(G) As used in this section, "full maintenance amount" means 40370
the amount of total revenue that a school district likely would 40371
generate by one-half mill of the tax described in division (B) of 40372
section 3318.05 of the Revised Code over the entire 40373
twenty-three-year period required under that section, as 40374

determined by the commission in consultation with the department 40375
of taxation. 40376

Sec. 3318.035. (A) This section applies only if there is a 40377
change in the assessment rates on gas pipelines imposed under 40378
state law. 40379

(B) If at any time division (A) of this section applies and 40380
if the change in assessment rates described in that division 40381
affects a school district's valuation as determined under division 40382
(P) of section 3318.01 of the Revised Code by greater than ten per 40383
cent and if the Ohio ~~school~~ facilities construction commission had 40384
determined the state and school district portion of the basic 40385
project cost of such a district's project under section 3318.36 or 40386
3318.37 of the Revised Code prior to that change in valuation, the 40387
commission shall adjust the state and school district portions of 40388
the basic project cost of the school district's project using the 40389
valuation altered by the change in assessment rates described in 40390
division (A) of this section. 40391

Sec. 3318.036. (A) For purposes of this section: 40392

(1) "Eligible school district" is a city, local, or exempted 40393
village school district that satisfies both of the following 40394
conditions: 40395

(a) The district resulted from one of the following that 40396
became effective between July 1, 2013, and June 30, 2018: 40397

(i) A transfer of all of the territory of one school district 40398
to another school district in accordance with section 3311.22, 40399
3311.231, 3311.24, or 3311.38 of the Revised Code; 40400

(ii) The merger of two or more districts in accordance with 40401
section 3311.25 of the Revised Code; 40402

(iii) The creation of a new local school district from all of 40403

one or more local school districts in accordance with section 40404
3311.26 of the Revised Code; 40405

(iv) The consolidation of two or more school districts under 40406
section 3311.37 of the Revised Code. 40407

(b) The district has demonstrated to the Ohio ~~school~~ 40408
facilities construction commission an efficient use of facility 40409
space, including a reduction in the number of buildings used by 40410
students and administrative staff. 40411

(2) "Basic project cost" and "required percentage of the 40412
basic project cost" have the same meanings as in section 3318.01 40413
of the Revised Code. 40414

(B) Notwithstanding anything to the contrary in this chapter: 40415

(1) If the commission determines that a district is an 40416
eligible school district, the commission shall give that district 40417
first priority for funding for a project under sections 3318.01 to 40418
3318.20 of the Revised Code as such funds become available, 40419
regardless of the district's percentile rank under section 40420
3318.011 of the Revised Code. If the district results from a 40421
transfer, merger, consolidation, or creation of a new local 40422
district that takes effect prior to ~~the effective date of this~~ 40423
~~section~~ April 6, 2017, the district's portion of the basic project 40424
cost shall be the required percentage of the basic project cost 40425
based on the percentile ranking of the district that was 40426
transferred, merged, consolidated, or existed prior to the 40427
creation of the new district that has the lowest three-year 40428
average adjusted valuation per pupil, as calculated under section 40429
3318.011 of the Revised Code, on the date that the transfer, 40430
merger, consolidation, or creation of the new district became 40431
effective. 40432

(2) If an eligible school district is given priority under 40433
division (B)(1) of this section, the commission may reduce that 40434

district's portion of the basic project cost by twenty-five 40435
percentage points from the portion determined under section 40436
3318.032 of the Revised Code or, if the district results from a 40437
transfer, merger, consolidation, or creation of a new local 40438
district that takes effect prior to ~~the effective date of this~~ 40439
~~section~~ April 6, 2017, from the portion determined under division 40440
(B)(1) of this section. At no time, however, shall that district's 40441
portion of the basic project cost be less than five per cent. 40442

(3) If an eligible school district is given priority under 40443
division (B)(1) of this section, the commission may reduce that 40444
district's portion of the basic project cost by ten percentage 40445
points from the portion determined under section 3318.032 of the 40446
Revised Code or, if the district results from a transfer, merger, 40447
consolidation, or creation of a new local district that takes 40448
effect prior to ~~the effective date of this section~~ April 6, 2017, 40449
from the portion determined under division (B)(1) of this section, 40450
if the district's project satisfies the following conditions: 40451

(a) The project involves construction of a building on land 40452
owned by a state institution of higher education, as that term is 40453
defined in section 3345.011 of the Revised Code, and the 40454
commission approves the project. 40455

(b) The district and the state institution of higher 40456
education enter into a written agreement regarding the continued 40457
use of the institution's land by the district, and the commission 40458
approves the agreement. 40459

(c) On the date that the district and the state institution 40460
of higher education enter into the written agreement described in 40461
division (B)(3)(b) of this section, the state institution of 40462
higher education is participating in the college credit plus 40463
program established under Chapter 3365. of the Revised Code. 40464

At no time, however, shall that district's portion of the 40465

basic project cost be less than five per cent. 40466

The reduction of the district's portion of the basic project 40467
cost described in division (B)(3) of this section may be in 40468
addition to a reduction of the district's portion of the basic 40469
project cost under division (B)(2) of this section. 40470

(C) Except as provided in division (B) of this section, a 40471
district's project undertaken pursuant to this section shall be 40472
subject to all other requirements in sections 3318.01 to 3318.20 40473
of the Revised Code. 40474

Sec. 3318.037. (A) For purposes of this section, an "eligible 40475
school district" is a school district that satisfies all of the 40476
following conditions: 40477

(1) The district executed an agreement for a project under 40478
sections 3318.01 to 3318.20 of the Revised Code that was segmented 40479
under section 3318.034 of the Revised Code. 40480

(2) The district has undertaken one or more segments of that 40481
project and has applied to the Ohio facilities construction 40482
commission for funding for a subsequent segment of the project. 40483

(3) Since the original project agreement described in 40484
division (A)(1) of this section was executed, the district has 40485
experienced a decrease in its adjusted valuation per pupil, as 40486
determined annually under section 3318.011 of the Revised Code, 40487
such that, as of the date the district submits its application for 40488
a subsequent segment of the project as described in division 40489
(A)(2) of this section, the district's annual percentile ranking 40490
under that section is lower than its percentile ranking on the 40491
date the district executed the original agreement for the project. 40492

(B) Notwithstanding anything to the contrary in this chapter 40493
or in any rule of the commission, an eligible school district's 40494
portion of the cost for a subsequent segment of its project shall 40495

be the "required percentage of the basic project costs" based on 40496
the district's current percentile ranking for the fiscal year for 40497
which the district seeks funding for the segment. 40498

Upon determining the respective state and district portions 40499
of the basic project cost for the segment pursuant to this 40500
section, the commission and the district shall amend the project 40501
agreement to stipulate those portions, and the commission shall 40502
encumber funds for the segment in accordance with section 3318.11 40503
of the Revised Code. 40504

(C) Nothing in this section shall affect the respective state 40505
and district portions of the basic project cost of segments of a 40506
district's project undertaken prior to the district's application 40507
for funding for a subsequent segment of the project under this 40508
section. 40509

Sec. 3318.04. (A) If the Ohio ~~school~~ facilities construction 40510
commission makes a determination under section 3318.03 of the 40511
Revised Code in favor of constructing, acquiring, reconstructing, 40512
or making additions to a classroom facility, the project shall be 40513
conditionally approved. Such conditional approval shall be 40514
submitted to the controlling board for approval thereof. The 40515
controlling board shall forthwith approve or reject the 40516
commission's determination, conditional approval, the amount of 40517
the state's portion of the basic project cost, and, the amount of 40518
the state's portion to be encumbered in the current fiscal year. 40519
In the event of approval thereof by the controlling board, the 40520
commission shall certify such conditional approval to the school 40521
district board and shall encumber from the total funds 40522
appropriated for the purpose of sections 3318.01 to 3318.20 of the 40523
Revised Code the amount approved under this section to be 40524
encumbered in the current fiscal year. 40525

The basic project cost for a project approved under this 40526

section shall not exceed the cost that would otherwise have to be 40527
incurred if the classroom facilities to be constructed, acquired, 40528
or reconstructed, or the additions to be made to classroom 40529
facilities, under such project meet, but do not exceed, the 40530
specifications for plans and materials for classroom facilities 40531
adopted by the commission. 40532

(B)(1) No school district shall have a project conditionally 40533
approved pursuant to this section if the school district has 40534
already received any assistance for a project funded under any 40535
version of sections 3318.01 to 3318.20 of the Revised Code, and 40536
the prior project was one for which the electors of such district 40537
approved a levy within the last twenty years pursuant to any 40538
version of section 3318.06 of the Revised Code for purposes of 40539
qualifying for the funding of that project, unless the district 40540
demonstrates to the satisfaction of the commission that the 40541
district has experienced since approval of its prior project an 40542
exceptional increase in enrollment significantly above the 40543
district's design capacity under that prior project as determined 40544
by rule of the commission. 40545

(2) Notwithstanding division (B)(1) of this section, any 40546
school district that received assistance under sections 3318.01 to 40547
3318.20 of the Revised Code, as those sections existed prior to 40548
May 20, 1997, may receive additional assistance under those 40549
sections, as they exist on and after May 20, 1997, prior to the 40550
expiration of the period of time required under division (B)(1) of 40551
this section, if the percentile in which the school district is 40552
located, as determined under section 3318.011 of the Revised Code, 40553
is eligible for assistance as prescribed in section 3318.02 of the 40554
Revised Code. 40555

The commission may provide assistance under sections 3318.01 40556
to 3318.20 of the Revised Code pursuant to this division to no 40557
more than five school districts per fiscal year until all eligible 40558

school districts have received the additional assistance 40559
authorized under this division. The commission shall establish 40560
application procedures, deadlines, and priorities for funding 40561
projects under this division. 40562

The commission at its discretion may waive current design 40563
specifications it has adopted for projects under sections 3318.01 40564
to 3318.20 of the Revised Code when assessing an application for 40565
additional assistance under this division for the renovation of 40566
classroom facilities constructed or renovated under a school 40567
district's previous project. If the commission finds that a school 40568
district's existing classroom facilities are adequate to meet all 40569
of the school district's needs, the commission may determine that 40570
no additional state assistance be awarded to a school district 40571
under this division. 40572

In order for a school district to be eligible to receive any 40573
additional assistance under this division, the school district 40574
electors shall extend the school district's existing levy 40575
dedicated for maintenance of classroom facilities under Chapter 40576
3318. of the Revised Code, pursuant to section 3318.061 of the 40577
Revised Code or shall provide equivalent alternative maintenance 40578
funds as specified in division (A)(2) of section 3318.06 of the 40579
Revised Code. 40580

(3) Notwithstanding division (B)(1) of this section, any 40581
school district that has received assistance under sections 40582
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 40583
receive additional assistance if the commission decides in favor 40584
of providing such assistance pursuant to section 3318.042 of the 40585
Revised Code. 40586

(4) Notwithstanding division (B)(1) of this section, any 40587
school district that has opted to divide its entire classroom 40588
facilities needs into segments to be completed separately, as 40589
authorized by section 3318.034 of the Revised Code, and that has 40590

received assistance under sections 3318.01 to 3318.20 of the 40591
Revised Code for one of those segments may receive assistance 40592
under those sections for a subsequent segment. Assistance for any 40593
subsequent segment shall not include any additional work on a 40594
building included in a prior segment unless the district 40595
demonstrates to the satisfaction of the commission that the 40596
district has experienced since the completion of the prior segment 40597
an exceptional increase in enrollment in the grade levels housed 40598
in that building. 40599

Sec. 3318.041. A school district ranked in the first through 40600
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 40601
facilities construction commission a resolution specifying a 40602
proposed project that meets the requirements of this chapter and 40603
the needs of the district, as confirmed through an on-site visit 40604
pursuant to section 3318.02 of the Revised Code. The commission 40605
shall consider such projects for conditional approval pursuant to 40606
section 3318.03 and shall encumber funds pursuant to section 40607
3318.04 of the Revised Code in the order in which such resolutions 40608
are received. 40609

Sec. 3318.042. (A) The board of education of any school 40610
district that is receiving assistance under sections 3318.01 to 40611
3318.20 of the Revised Code after May 20, 1997, or under sections 40612
3318.40 to 3318.45 of the Revised Code, and whose project is still 40613
under construction, may request that the Ohio ~~school~~ facilities 40614
construction commission examine whether the circumstances 40615
prescribed in either division (B)(1) or (2) of this section exist 40616
in the school district. If the commission so finds, the commission 40617
shall review the school district's original assessment and 40618
approved project and consider providing additional assistance to 40619
the school district to correct the prescribed conditions found to 40620
exist in the district. Additional assistance under this section 40621

shall be limited to additions to one or more buildings, remodeling 40622
of one or more buildings, or changes to the infrastructure of one 40623
or more buildings. 40624

(B) Consideration of additional assistance to a school 40625
district under this section is warranted in either of the 40626
following circumstances: 40627

(1) Additional work is needed to correct an oversight or 40628
deficiency not identified or included in the district's initial 40629
assessment. 40630

(2) Other conditions exist that, in the opinion of the 40631
commission, warrant additions or remodeling of the project 40632
facilities or changes to infrastructure associated with the 40633
district's project that were not identified in the initial 40634
assessment and plan. 40635

(C) If the commission decides in favor of providing 40636
additional assistance to any school district under this section, 40637
the school district shall be responsible for paying for its 40638
portion of the cost of the additions, remodeling, or 40639
infrastructure changes pursuant to section 3318.083 of the Revised 40640
Code. If, after making a financial evaluation of the school 40641
district, the commission determines that the school district is 40642
unable without undue hardship, according to the guidelines adopted 40643
by the commission, to fund the school district portion of the 40644
increase, then the state and the school district shall enter into 40645
an agreement whereby the state shall pay the portion of the cost 40646
increase attributable to the school district which is determined 40647
to be in excess of any local resources available to the district 40648
and the district shall thereafter reimburse the state. The 40649
commission shall establish the district's schedule for reimbursing 40650
the state, which shall not extend beyond ten years. The commission 40651
may lengthen the reimbursement schedule of a school district that 40652
has entered into an agreement under this section prior to ~~the~~ 40653

~~effective date of this amendment~~ September 26, 2003, as long as 40654
the total term of that schedule does not extend beyond ten years. 40655
Debt incurred under this section shall not be included in the 40656
calculation of the net indebtedness of the school district under 40657
section 133.06 of the Revised Code. 40658

Sec. 3318.05. The conditional approval of the Ohio ~~school~~ 40659
facilities construction commission for a project shall lapse and 40660
the amount reserved and encumbered for such project shall be 40661
released unless the school district board accepts such conditional 40662
approval within one hundred twenty days following the date of 40663
certification of the conditional approval to the school district 40664
board and the electors of the school district vote favorably on 40665
both of the propositions described in divisions (A) and (B) of 40666
this section within thirteen months of the date of such 40667
certification, except that a school district described in division 40668
(C) of this section does not need to submit the proposition 40669
described in division (B) of this section. The propositions 40670
described in divisions (A) and (B) of this section shall be 40671
combined in a single proposal. If the district board or the 40672
district's electors fail to meet such requirements and the amount 40673
reserved and encumbered for the district's project is released, 40674
the district shall be given first priority for project funding as 40675
such funds become available, subject to section 3318.054 of the 40676
Revised Code. 40677

(A) On the question of issuing bonds of the school district 40678
board, for the school district's portion of the basic project 40679
cost, in an amount equal to the school district's portion of the 40680
basic project cost less the amount of the proceeds of any 40681
securities authorized or to be authorized under division (J) of 40682
section 133.06 of the Revised Code and dedicated by the school 40683
district board to payment of the district's portion of the basic 40684
project cost; and 40685

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general permanent improvements for a continuing period of time and the proceeds of such tax can be used for maintenance, or if a district agrees to the transfers described in section 3318.051 of the Revised Code, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions either:

(1) Earmarking an amount from the proceeds of that permanent improvement tax for maintenance of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section;

(2) Requiring the transfer of money in accordance with section 3318.051 of the Revised Code.

The district board subsequently may rescind the agreement to make the transfers under section 3318.051 of the Revised Code only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors.

(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C)(1) of this section, and transfers of money in accordance with section

3318.051 of the Revised Code shall be deposited into a separate 40717
fund established by the school district for such purpose. 40718

Sec. 3318.051. (A) Any city, exempted village, or local 40719
school district that commences a project under sections 3318.01 to 40720
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 40721
after September 5, 2006, need not levy the tax otherwise required 40722
under division (B) of section 3318.05 of the Revised Code, if the 40723
district board of education adopts a resolution petitioning the 40724
Ohio ~~school~~ facilities construction commission to approve the 40725
transfer of money in accordance with this section and the 40726
commission approves that transfer. If so approved, the commission 40727
and the district board shall enter into an agreement under which 40728
the board, in each of twenty-three consecutive years beginning in 40729
the year in which the board and the commission enter into the 40730
project agreement under section 3318.08 of the Revised Code, shall 40731
transfer into the maintenance fund required by division (D) of 40732
section 3318.05 of the Revised Code not less than an amount equal 40733
to one-half mill for each dollar of the district's valuation 40734
unless and until the agreement to make those transfers is 40735
rescinded by the district board pursuant to division (F) of this 40736
section. 40737

(B) On the first day of July each year, or on an alternative 40738
date prescribed by the commission, the district treasurer shall 40739
certify to the commission and the auditor of state that the amount 40740
required for the year has been transferred. The auditor of state 40741
shall include verification of the transfer as part of any audit of 40742
the district under section 117.11 of the Revised Code. If the 40743
auditor of state finds that less than the required amount has been 40744
deposited into a district's maintenance fund, the auditor of state 40745
shall notify the district board of education in writing of that 40746
fact and require the board to deposit into the fund, within ninety 40747
days after the date of the notice, the amount by which the fund is 40748

deficient for the year. If the district board fails to demonstrate 40749
to the auditor of state's satisfaction that the board has made the 40750
deposit required in the notice, the auditor of state shall notify 40751
the department of education. At that time, the department shall 40752
withhold an amount equal to ten per cent of the district's funds 40753
calculated for the current fiscal year under Chapter 3317. of the 40754
Revised Code until the auditor of state notifies the department 40755
that the auditor of state is satisfied that the board has made the 40756
required transfer. 40757

(C) Money transferred to the maintenance fund shall be used 40758
for the maintenance of the facilities acquired under the 40759
district's project. 40760

(D) The transfers to the maintenance fund under this section 40761
does not affect a district's obligation to establish and maintain 40762
a capital and maintenance fund under section 3315.18 of the 40763
Revised Code. 40764

(E) Any decision by the commission to approve or not approve 40765
the transfer of money under this section is final and not subject 40766
to appeal. The commission shall not be responsible for errors or 40767
miscalculations made in deciding whether to approve a petition to 40768
make transfers under this section. 40769

(F) If the district board determines that it no longer can 40770
continue making the transfers agreed to under this section, the 40771
board may rescind the agreement only so long as the electors of 40772
the district have approved, in accordance with section 3318.063 of 40773
the Revised Code, the levy of a tax for the maintenance of the 40774
classroom facilities acquired under the district's project and 40775
that levy continues to be collected as approved by the electors. 40776
That levy shall be for a number of years that is equal to the 40777
difference between twenty-three years and the number of years that 40778
the district made transfers under this section and shall be at the 40779
rate of not less than one-half mill for each dollar of the 40780

district's valuation. The district board shall continue to make 40781
the transfers agreed to under this section until that levy has 40782
been approved by the electors. 40783

Sec. 3318.052. At any time after the electors of a school 40784
district have approved either or both a property tax levied under 40785
section 5705.21 or 5705.218 of the Revised Code for the purpose of 40786
permanent improvements, including general permanent improvements, 40787
or a school district income tax levied under Chapter 5748. of the 40788
Revised Code, the proceeds of either of which, pursuant to the 40789
ballot measures approved by the electors, are not so restricted 40790
that they cannot be used to pay the costs of a project or 40791
maintaining classroom facilities, the school district board may: 40792

(A) Within one year following the date of the certification 40793
of the conditional approval of the school district's classroom 40794
facilities project by the Ohio ~~school~~ facilities construction 40795
commission, enter into a written agreement with the commission, 40796
which may be part of an agreement entered into under section 40797
3318.08 of the Revised Code, and in which the school district 40798
board covenants and agrees to do one or both of the following: 40799

(1) Apply a specified amount of available proceeds of that 40800
property tax levy, of that school district income tax, or of 40801
securities issued under this section, or of proceeds from any two 40802
or more of those sources, to pay all or part of the district's 40803
portion of the basic project cost of its classroom facilities 40804
project; 40805

(2) Apply available proceeds of either or both a property tax 40806
levied under section 5705.21 or 5705.218 of the Revised Code in 40807
effect for a continuing period of time, or of a school district 40808
income tax levied under Chapter 5748. of the Revised Code in 40809
effect for a continuing period of time to the payment of costs of 40810
maintaining the classroom facilities. 40811

(B) Receive, as a credit against the amount of bonds required 40812
under sections 3318.05 and 3318.06 of the Revised Code, to be 40813
approved by the electors of the district and issued by the 40814
district board for the district's portion of the basic project 40815
cost of its classroom facilities project in order for the district 40816
to receive state assistance for the project, an amount equal to 40817
the specified amount that the district board covenants and agrees 40818
with the commission to apply as set forth in division (A)(1) of 40819
this section; 40820

(C) Receive, as a credit against the amount of the tax levy 40821
required under sections 3318.05 and 3318.06 of the Revised Code, 40822
to be approved by the electors of the district to pay the costs of 40823
maintaining the classroom facilities in order to receive state 40824
assistance for the classroom facilities project, an amount 40825
equivalent to the specified amount of proceeds the school district 40826
board covenants and agrees with the commission to apply as 40827
referred to in division (A)(2) of this section; 40828

(D) Apply proceeds of either or both a school district income 40829
tax levied under Chapter 5748. of the Revised Code that may 40830
lawfully be used to pay the costs of a classroom facilities 40831
project or of a tax levied under section 5705.21 or 5705.218 of 40832
the Revised Code to the payment of debt charges on and financing 40833
costs related to securities issued under this section; 40834

(E) Issue securities to provide moneys to pay all or part of 40835
the district's portion of the basic project cost of its classroom 40836
facilities project in accordance with an agreement entered into 40837
under division (A) of this section. Securities issued under this 40838
section shall be Chapter 133. securities and may be issued as 40839
general obligation securities or issued in anticipation of a 40840
school district income tax or as property tax anticipation notes 40841
under section 133.24 of the Revised Code. The district board's 40842
resolution authorizing the issuance and sale of general obligation 40843

securities under this section shall conform to the applicable 40844
requirements of section 133.22 or 133.23 of the Revised Code. 40845
Securities issued under this section shall have principal payments 40846
during each year after the year of issuance over a period of not 40847
more than twenty-three years and, if so determined by the district 40848
board, during the year of issuance. Securities issued under this 40849
section shall not be included in the calculation of net 40850
indebtedness of the district under section 133.06 of the Revised 40851
Code, including but not limited to the limitation on unvoted 40852
indebtedness specified in division (G) of that section, or under 40853
section 3313.372 of the Revised Code, if the resolution of the 40854
district board authorizing their issuance and sale includes 40855
covenants to appropriate annually from lawfully available proceeds 40856
of a property tax levied under section 5705.21 or 5705.218 of the 40857
Revised Code or of a school district income tax levied under 40858
Chapter 5748. of the Revised Code and to continue to levy and 40859
collect the tax in amounts necessary to pay the debt charges on 40860
and financing costs related to the securities as they become due. 40861
No property tax levied under section 5705.21 or 5705.218 of the 40862
Revised Code and no school district income tax levied under 40863
Chapter 5748. of the Revised Code that is pledged, or that the 40864
school district board has covenanted to levy, collect, and 40865
appropriate annually, to pay the debt charges on and financing 40866
costs related to securities issued under this section shall be 40867
repealed while those securities are outstanding. If such a tax is 40868
reduced by the electors of the district or by the district board 40869
while those securities are outstanding, the school district board 40870
shall continue to levy and collect the tax under the authority of 40871
the original election authorizing the tax at a rate in each year 40872
that the board reasonably estimates will produce an amount in that 40873
year equal to the debt charges on the securities in that year, 40874
except that in the case of a school district income tax that 40875
amount shall be rounded up to the nearest one-fourth of one per 40876

cent. 40877

No state moneys shall be released for a project to which this 40878
section applies until the proceeds of the tax securities issued 40879
under this section that are dedicated for the payment of the 40880
district portion of the basic project cost of its classroom 40881
facilities project are first deposited into the district's project 40882
construction fund. 40883

Sec. 3318.054. (A) If conditional approval of a city, 40884
exempted village, or local school district's project lapses as 40885
provided in section 3318.05 of the Revised Code, or if conditional 40886
approval of a joint vocational school district's project lapses as 40887
provided in division (D) of section 3318.41 of the Revised Code, 40888
because the district's electors have not approved the ballot 40889
measures necessary to generate the district's portion of the basic 40890
project cost, and if the district board desires to seek a new 40891
conditional approval of the project, the district board shall 40892
request that the Ohio ~~school~~ facilities construction commission 40893
set the scope, basic project cost, and school district portion of 40894
the basic project cost prior to resubmitting the ballot measures 40895
to the electors. To do so, the commission shall use the district's 40896
current assessed tax valuation and the district's percentile for 40897
the prior fiscal year. For a district that has entered into an 40898
agreement under section 3318.36 of the Revised Code and desires to 40899
proceed with a project under sections 3318.01 to 3318.20 of the 40900
Revised Code, the district's portion of the basic project cost 40901
shall be the percentage specified in that agreement. The project 40902
scope and basic costs established under this division shall be 40903
valid for thirteen months from the date the commission approves 40904
them. 40905

(B) Upon the commission's approval under division (A) of this 40906
section, the district board may submit the ballot measures to the 40907

district's electors for approval of the project based on the new 40908
project scope and estimated costs. Upon electoral approval of 40909
those measures, the district shall be given first priority for 40910
project funding as such funds become available. 40911

(C) When the commission determines that funds are available 40912
for the district's project, the commission shall do all of the 40913
following: 40914

(1) Determine the school district portion of the basic 40915
project cost under section 3318.032 of the Revised Code, in the 40916
case of a city, exempted village, or local school district, or 40917
under section 3318.42 of the Revised Code, in the case of a joint 40918
vocational school district; 40919

(2) Conditionally approve the project and submit it to the 40920
controlling board for approval pursuant to section 3318.04 of the 40921
Revised Code; 40922

(3) Encumber funds for the project under section 3318.11 of 40923
the Revised Code; 40924

(4) Enter into an agreement with the district board under 40925
section 3318.08 of the Revised Code. 40926

Sec. 3318.06. (A) After receipt of the conditional approval 40927
of the Ohio ~~school~~ facilities construction commission, the school 40928
district board by a majority of all of its members shall, if it 40929
desires to proceed with the project, declare all of the following 40930
by resolution: 40931

(1) That by issuing bonds in an amount equal to the school 40932
district's portion of the basic project cost the district is 40933
unable to provide adequate classroom facilities without assistance 40934
from the state; 40935

(2) Unless the school district board has resolved to transfer 40936
money in accordance with section 3318.051 of the Revised Code or 40937

to apply the proceeds of a property tax or the proceeds of an 40938
income tax, or a combination of proceeds from such taxes, as 40939
authorized under section 3318.052 of the Revised Code, that to 40940
qualify for such state assistance it is necessary to do either of 40941
the following: 40942

(a) Levy a tax outside the ten-mill limitation the proceeds 40943
of which shall be used to pay the cost of maintaining the 40944
classroom facilities included in the project; 40945

(b) Earmark for maintenance of classroom facilities from the 40946
proceeds of an existing permanent improvement tax levied under 40947
section 5705.21 of the Revised Code, if such tax can be used for 40948
maintenance, an amount equivalent to the amount of the additional 40949
tax otherwise required under this section and sections 3318.05 and 40950
3318.08 of the Revised Code. 40951

(3) That the question of any tax levy specified in a 40952
resolution described in division (A)(2)(a) of this section, if 40953
required, shall be submitted to the electors of the school 40954
district at the next general or primary election, if there be a 40955
general or primary election not less than ninety and not more than 40956
one hundred ten days after the day of the adoption of such 40957
resolution or, if not, at a special election to be held at a time 40958
specified in the resolution which shall be not less than ninety 40959
days after the day of the adoption of the resolution and which 40960
shall be in accordance with the requirements of section 3501.01 of 40961
the Revised Code. 40962

Such resolution shall also state that the question of issuing 40963
bonds of the board shall be combined in a single proposal with the 40964
question of such tax levy. More than one election under this 40965
section may be held in any one calendar year. Such resolution 40966
shall specify both of the following: 40967

(a) That the rate which it is necessary to levy shall be at 40968

the rate of not less than one-half mill for each one dollar of 40969
valuation, and that such tax shall be levied for a period of 40970
twenty-three years; 40971

(b) That the proceeds of the tax shall be used to pay the 40972
cost of maintaining the classroom facilities included in the 40973
project. 40974

(B) A copy of a resolution adopted under division (A) of this 40975
section shall after its passage and not less than ninety days 40976
prior to the date set therein for the election be certified to the 40977
county board of elections. 40978

The resolution of the school district board, in addition to 40979
meeting other applicable requirements of section 133.18 of the 40980
Revised Code, shall state that the amount of bonds to be issued 40981
will be an amount equal to the school district's portion of the 40982
basic project cost, and state the maximum maturity of the bonds 40983
which may be any number of years not exceeding the term calculated 40984
under section 133.20 of the Revised Code as determined by the 40985
board. In estimating the amount of bonds to be issued, the board 40986
shall take into consideration the amount of moneys then in the 40987
bond retirement fund and the amount of moneys to be collected for 40988
and disbursed from the bond retirement fund during the remainder 40989
of the year in which the resolution of necessity is adopted. 40990

If the bonds are to be issued in more than one series, the 40991
resolution may state, in addition to the information required to 40992
be stated under division (B)(3) of section 133.18 of the Revised 40993
Code, the number of series, which shall not exceed five, the 40994
principal amount of each series, and the approximate date each 40995
series will be issued, and may provide that no series, or any 40996
portion thereof, may be issued before such date. Upon such a 40997
resolution being certified to the county auditor as required by 40998
division (C) of section 133.18 of the Revised Code, the county 40999
auditor, in calculating, advising, and confirming the estimated 41000

average annual property tax levy under that division, shall also 41001
calculate, advise, and confirm by certification the estimated 41002
average property tax levy for each series of bonds to be issued. 41003

Notice of the election shall include the fact that the tax 41004
levy shall be at the rate of not less than one-half mill for each 41005
one dollar of valuation for a period of twenty-three years, and 41006
that the proceeds of the tax shall be used to pay the cost of 41007
maintaining the classroom facilities included in the project. 41008

If the bonds are to be issued in more than one series, the 41009
board of education, when filing copies of the resolution with the 41010
board of elections as required by division (D) of section 133.18 41011
of the Revised Code, may direct the board of elections to include 41012
in the notice of election the principal amount and approximate 41013
date of each series, the maximum number of years over which the 41014
principal of each series may be paid, the estimated additional 41015
average property tax levy for each series, and the first calendar 41016
year in which the tax is expected to be due for each series, in 41017
addition to the information required to be stated in the notice 41018
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 41019
Code. 41020

(C)(1) Except as otherwise provided in division (C)(2) of 41021
this section, the form of the ballot to be used at such election 41022
shall be: 41023

"A majority affirmative vote is necessary for passage. 41024

Shall bonds be issued by the (here insert name 41025
of school district) school district to pay the local share of 41026
school construction under the State of Ohio Classroom Facilities 41027
Assistance Program in the principal amount of (here 41028
insert principal amount of the bond issue), to be repaid annually 41029
over a maximum period of (here insert the maximum 41030
number of years over which the principal of the bonds may be paid) 41031

years, and an annual levy of property taxes be made outside the 41032
ten-mill limitation, estimated by the county auditor to average 41033
over the repayment period of the bond issue (here 41034
insert the number of mills estimated) mills for each one dollar of 41035
tax valuation, which amounts to (rate expressed in 41036
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 41037
for each one hundred dollars of tax valuation to pay the annual 41038
debt charges on the bonds and to pay debt charges on any notes 41039
issued in anticipation of the bonds?" 41040

and, unless the additional levy 41041
of taxes is not required pursuant 41042
to division (C) of section 41043
3318.05 of the Revised Code, 41044

"Shall an additional levy of taxes be made for a period of 41045
twenty-three years to benefit the (here insert name 41046
of school district) school district, the proceeds of which shall 41047
be used to pay the cost of maintaining the classroom facilities 41048
included in the project at the rate of (here insert the 41049
number of mills, which shall not be less than one-half mill) mills 41050
for each one dollar of valuation? 41051

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 41056
series and the board of education so elects, the form of the 41057
ballot shall be as prescribed in section 3318.062 of the Revised 41058
Code. If the board of education elects the form of the ballot 41059
prescribed in that section, it shall so state in the resolution 41060
adopted under this section. 41061

(D) If it is necessary for the school district to acquire a 41062

site for the classroom facilities to be acquired pursuant to 41063
sections 3318.01 to 3318.20 of the Revised Code, the district 41064
board may propose either to issue bonds of the board or to levy a 41065
tax to pay for the acquisition of such site, and may combine the 41066
question of doing so with the questions specified in division (B) 41067
of this section. Bonds issued under this division for the purpose 41068
of acquiring a site are a general obligation of the school 41069
district and are Chapter 133. securities. 41070

The form of that portion of the ballot to include the 41071
question of either issuing bonds or levying a tax for site 41072
acquisition purposes shall be one of the following: 41073

(1) "Shall bonds be issued by the (here insert 41074
name of the school district) school district to pay costs of 41075
acquiring a site for classroom facilities under the State of Ohio 41076
Classroom Facilities Assistance Program in the principal amount of 41077
..... (here insert principal amount of the bond issue), to be 41078
repaid annually over a maximum period of (here insert 41079
maximum number of years over which the principal of the bonds may 41080
be paid) years, and an annual levy of property taxes be made 41081
outside the ten-mill limitation, estimated by the county auditor 41082
to average over the repayment period of the bond issue 41083
(here insert number of mills) mills for each one dollar of tax 41084
valuation, which amount to (here insert rate expressed 41085
in cents or dollars and cents, such as "thirty-six cents" or 41086
"\$0.36") for each one hundred dollars of valuation to pay the 41087
annual debt charges on the bonds and to pay debt charges on any 41088
notes issued in anticipation of the bonds?" 41089

(2) "Shall an additional levy of taxes outside the ten-mill 41090
limitation be made for the benefit of the (here insert 41091
name of the school district) school district for the purpose of 41092
acquiring a site for classroom facilities in the sum of 41093
(here insert annual amount the levy is to produce) estimated by 41094

the county auditor to average (here insert number of 41095
mills) mills for each one hundred dollars of valuation, for a 41096
period of (here insert number of years the millage is to 41097
be imposed) years?" 41098

Where it is necessary to combine the question of issuing 41099
bonds of the school district and levying a tax as described in 41100
division (B) of this section with the question of issuing bonds of 41101
the school district for acquisition of a site, the question 41102
specified in that division to be voted on shall be "For the Bond 41103
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 41104
Levy." 41105

Where it is necessary to combine the question of issuing 41106
bonds of the school district and levying a tax as described in 41107
division (B) of this section with the question of levying a tax 41108
for the acquisition of a site, the question specified in that 41109
division to be voted on shall be "For the Bond Issue and the Tax 41110
Levies" and "Against the Bond Issue and the Tax Levies." 41111

Where the school district board chooses to combine the 41112
question in division (B) of this section with any of the 41113
additional questions described in divisions (A) to (D) of section 41114
3318.056 of the Revised Code, the question specified in division 41115
(B) of this section to be voted on shall be "For the Bond Issues 41116
and the Tax Levies" and "Against the Bond Issues and the Tax 41117
Levies." 41118

If a majority of those voting upon a proposition hereunder 41119
which includes the question of issuing bonds vote in favor 41120
thereof, and if the agreement provided for by section 3318.08 of 41121
the Revised Code has been entered into, the school district board 41122
may proceed under Chapter 133. of the Revised Code, with the 41123
issuance of bonds or bond anticipation notes in accordance with 41124
the terms of the agreement. 41125

Sec. 3318.061. This section applies only to school districts 41126
eligible to receive additional assistance under division (B)(2) of 41127
section 3318.04 of the Revised Code. 41128

The board of education of a school district in which a tax 41129
described by division (B) of section 3318.05 and levied under 41130
section 3318.06 of the Revised Code is in effect, may adopt a 41131
resolution by vote of a majority of its members to extend the term 41132
of that tax beyond the expiration of that tax as originally 41133
approved under that section. The school district board may include 41134
in the resolution a proposal to extend the term of that tax at the 41135
rate of not less than one-half mill for each dollar of valuation 41136
for a period of twenty-three years from the year in which the 41137
school district board and the Ohio ~~school~~ facilities construction 41138
commission enter into an agreement under division (B)(2) of 41139
section 3318.04 of the Revised Code or in the following year, as 41140
specified in the resolution. Such a resolution may be adopted at 41141
any time before such an agreement is entered into and before the 41142
tax levied pursuant to section 3318.06 of the Revised Code 41143
expires. If the resolution is combined with a resolution to issue 41144
bonds to pay the school district's portion of the basic project 41145
cost, it shall conform with the requirements of divisions (A)(1), 41146
(2), and (3) of section 3318.06 of the Revised Code, except that 41147
the resolution also shall state that the tax levy proposed in the 41148
resolution is an extension of an existing tax levied under that 41149
section. A resolution proposing an extension adopted under this 41150
section does not take effect until it is approved by a majority of 41151
electors voting in favor of the resolution at a general, primary, 41152
or special election as provided in this section. 41153

A tax levy extended under this section is subject to the same 41154
terms and limitations to which the original tax levied under 41155
section 3318.06 of the Revised Code is subject under that section, 41156
except the term of the extension shall be as specified in this 41157

section. 41158

The school district board shall certify a copy of the 41159
resolution adopted under this section to the proper county board 41160
of elections not later than ninety days before the date set in the 41161
resolution as the date of the election at which the question will 41162
be submitted to electors. The notice of the election shall conform 41163
with the requirements of division (A)(3) of section 3318.06 of the 41164
Revised Code, except that the notice also shall state that the 41165
maintenance tax levy is an extension of an existing tax levy. 41166

The form of the ballot shall be as follows: 41167

"Shall the existing tax levied to pay the cost of maintaining 41168
classroom facilities constructed with the proceeds of the 41169
previously issued bonds at the rate of (here insert the 41170
number of mills, which shall not be less than one-half mill) mills 41171
per dollar of tax valuation, be extended until (here 41172
insert the year that is twenty-three years after the year in which 41173
the district and commission will enter into an agreement under 41174
division (B)(2) of section 3318.04 of the Revised Code or the 41175
following year)? 41176

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

41177
41178
" 41179

Section 3318.07 of the Revised Code applies to ballot 41181
questions under this section. 41182

Sec. 3318.07. The board of elections shall certify the result 41183
of the election to the tax commissioner, to the auditor of the 41184
county or counties in which the school district is located, to the 41185
treasurer of the school district board, and to the Ohio ~~school~~ 41186
facilities construction commission. The necessary tax levy for 41187

debt service on the bonds shall be included in the annual tax 41188
budget that is certified to the county budget commission or, if 41189
adoption of the tax budget is waived under section 5705.281 of the 41190
Revised Code, included among the tax rates required to be provided 41191
to the budget commission under that section. 41192

Sec. 3318.08. Except in the case of a joint vocational school 41193
district that receives assistance under sections 3318.40 to 41194
3318.45 of the Revised Code, if the requisite favorable vote on 41195
the election is obtained, or if the school district board has 41196
resolved to apply the proceeds of a property tax levy or the 41197
proceeds of an income tax, or a combination of proceeds from such 41198
taxes, as authorized in section 3318.052 of the Revised Code, the 41199
Ohio ~~school~~ facilities construction commission, upon certification 41200
to it of either the results of the election or the resolution 41201
under section 3318.052 of the Revised Code, shall enter into a 41202
written agreement with the school district board for the 41203
construction and sale of the project. In the case of a joint 41204
vocational school district that receives assistance under sections 41205
3318.40 to 3318.45 of the Revised Code, if the school district 41206
board of education and the school district electors have satisfied 41207
the conditions prescribed in division (D)(1) of section 3318.41 of 41208
the Revised Code, the commission shall enter into an agreement 41209
with the school district board for the construction and sale of 41210
the project. In either case, the agreement shall include, but need 41211
not be limited to, the following provisions: 41212

(A) The sale and issuance of bonds or notes in anticipation 41213
thereof, as soon as practicable after the execution of the 41214
agreement, in an amount equal to the school district's portion of 41215
the basic project cost, including any securities authorized under 41216
division (J) of section 133.06 of the Revised Code and dedicated 41217
by the school district board to payment of the district's portion 41218
of the basic project cost of the project; provided, that if at 41219

that time the county treasurer of each county in which the school 41220
district is located has not commenced the collection of taxes on 41221
the general duplicate of real and public utility property for the 41222
year in which the controlling board approved the project, the 41223
school district board shall authorize the issuance of a first 41224
installment of bond anticipation notes in an amount specified by 41225
the agreement, which amount shall not exceed an amount necessary 41226
to raise the net bonded indebtedness of the school district as of 41227
the date of the controlling board's approval to within five 41228
thousand dollars of the required level of indebtedness for the 41229
preceding year. In the event that a first installment of bond 41230
anticipation notes is issued, the school district board shall, as 41231
soon as practicable after the county treasurer of each county in 41232
which the school district is located has commenced the collection 41233
of taxes on the general duplicate of real and public utility 41234
property for the year in which the controlling board approved the 41235
project, authorize the issuance of a second and final installment 41236
of bond anticipation notes or a first and final issue of bonds. 41237

The combined value of the first and second installment of 41238
bond anticipation notes or the value of the first and final issue 41239
of bonds shall be equal to the school district's portion of the 41240
basic project cost. The proceeds of any such bonds shall be used 41241
first to retire any bond anticipation notes. Otherwise, the 41242
proceeds of such bonds and of any bond anticipation notes, except 41243
the premium and accrued interest thereon, shall be deposited in 41244
the school district's project construction fund. In determining 41245
the amount of net bonded indebtedness for the purpose of fixing 41246
the amount of an issue of either bonds or bond anticipation notes, 41247
gross indebtedness shall be reduced by moneys in the bond 41248
retirement fund only to the extent of the moneys therein on the 41249
first day of the year preceding the year in which the controlling 41250
board approved the project. Should there be a decrease in the tax 41251
valuation of the school district so that the amount of 41252

indebtedness that can be incurred on the tax duplicates for the 41253
year in which the controlling board approved the project is less 41254
than the amount of the first installment of bond anticipation 41255
notes, there shall be paid from the school district's project 41256
construction fund to the school district's bond retirement fund to 41257
be applied against such notes an amount sufficient to cause the 41258
net bonded indebtedness of the school district, as of the first 41259
day of the year following the year in which the controlling board 41260
approved the project, to be within five thousand dollars of the 41261
required level of indebtedness for the year in which the 41262
controlling board approved the project. The maximum amount of 41263
indebtedness to be incurred by any school district board as its 41264
share of the cost of the project is either an amount that will 41265
cause its net bonded indebtedness, as of the first day of the year 41266
following the year in which the controlling board approved the 41267
project, to be within five thousand dollars of the required level 41268
of indebtedness, or an amount equal to the required percentage of 41269
the basic project costs, whichever is greater. All bonds and bond 41270
anticipation notes shall be issued in accordance with Chapter 133. 41271
of the Revised Code, and notes may be renewed as provided in 41272
section 133.22 of the Revised Code. 41273

(B) The transfer of such funds of the school district board 41274
available for the project, together with the proceeds of the sale 41275
of the bonds or notes, except premium, accrued interest, and 41276
interest included in the amount of the issue, to the school 41277
district's project construction fund; 41278

(C) For all school districts except joint vocational school 41279
districts that receive assistance under sections 3318.40 to 41280
3318.45 of the Revised Code, the following provisions as 41281
applicable: 41282

(1) If section 3318.052 of the Revised Code applies, the 41283
earmarking of the proceeds of a tax levied under section 5705.21 41284

of the Revised Code for general permanent improvements or under 41285
section 5705.218 of the Revised Code for the purpose of permanent 41286
improvements, or the proceeds of a school district income tax 41287
levied under Chapter 5748. of the Revised Code, or the proceeds 41288
from a combination of those two taxes, in an amount to pay all or 41289
part of the service charges on bonds issued to pay the school 41290
district portion of the project and an amount equivalent to all or 41291
part of the tax required under division (B) of section 3318.05 of 41292
the Revised Code; 41293

(2) If section 3318.052 of the Revised Code does not apply, 41294
one of the following: 41295

(a) The levy of the tax authorized at the election for the 41296
payment of maintenance costs, as specified in division (B) of 41297
section 3318.05 of the Revised Code; 41298

(b) If the school district electors have approved a 41299
continuing tax for general permanent improvements under section 41300
5705.21 of the Revised Code and that tax can be used for 41301
maintenance, the earmarking of an amount of the proceeds from such 41302
tax for maintenance of classroom facilities as specified in 41303
division (B) of section 3318.05 of the Revised Code; 41304

(c) If, in lieu of the tax otherwise required under division 41305
(B) of section 3318.05 of the Revised Code, the commission has 41306
approved the transfer of money to the maintenance fund in 41307
accordance with section 3318.051 of the Revised Code, a 41308
requirement that the district board comply with the provisions of 41309
that section. The district board may rescind the provision 41310
prescribed under division (C)(2)(c) of this section only so long 41311
as the electors of the district have approved, in accordance with 41312
section 3318.063 of the Revised Code, the levy of a tax for the 41313
maintenance of the classroom facilities acquired under the 41314
district's project and that levy continues to be collected as 41315
approved by the electors. 41316

(D) For joint vocational school districts that receive 41317
assistance under sections 3318.40 to 3318.45 of the Revised Code, 41318
provision for deposit of school district moneys dedicated to 41319
maintenance of the classroom facilities acquired under those 41320
sections as prescribed in section 3318.43 of the Revised Code; 41321

(E) Dedication of any local donated contribution as provided 41322
for under section 3318.084 of the Revised Code, including a 41323
schedule for depositing such moneys applied as an offset of the 41324
district's obligation to levy the tax described in division (B) of 41325
section 3318.05 of the Revised Code as required under division 41326
(D)(2) of section 3318.084 of the Revised Code; 41327

(F) Ownership of or interest in the project during the period 41328
of construction, which shall be divided between the commission and 41329
the school district board in proportion to their respective 41330
contributions to the school district's project construction fund; 41331

(G) Maintenance of the state's interest in the project until 41332
any obligations issued for the project under section 3318.26 of 41333
the Revised Code are no longer outstanding; 41334

(H) The insurance of the project by the school district from 41335
the time there is an insurable interest therein and so long as the 41336
state retains any ownership or interest in the project pursuant to 41337
division (F) of this section, in such amounts and against such 41338
risks as the commission shall require; provided, that the cost of 41339
any required insurance until the project is completed shall be a 41340
part of the basic project cost; 41341

(I) The certification by the director of budget and 41342
management that funds are available and have been set aside to 41343
meet the state's share of the basic project cost as approved by 41344
the controlling board pursuant to either section 3318.04 or 41345
division (B)(1) of section 3318.41 of the Revised Code; 41346

(J) Authorization of the school district board to advertise 41347

for and receive construction bids for the project, for and on 41348
behalf of the commission, and to award contracts in the name of 41349
the state subject to approval by the commission; 41350

(K) Provisions for the disbursement of moneys from the school 41351
district's project account upon issuance by the commission or the 41352
commission's designated representative of vouchers for work done 41353
to be certified to the commission by the treasurer of the school 41354
district board; 41355

(L) Disposal of any balance left in the school district's 41356
project construction fund upon completion of the project; 41357

(M) Limitations upon use of the project or any part of it so 41358
long as any obligations issued to finance the project under 41359
section 3318.26 of the Revised Code are outstanding; 41360

(N) Provision for vesting the state's interest in the project 41361
to the school district board when the obligations issued to 41362
finance the project under section 3318.26 of the Revised Code are 41363
outstanding; 41364

(O) Provision for deposit of an executed copy of the 41365
agreement in the office of the commission; 41366

(P) Provision for termination of the contract and release of 41367
the funds encumbered at the time of the conditional approval, if 41368
the proceeds of the sale of the bonds of the school district board 41369
are not paid into the school district's project construction fund 41370
and if bids for the construction of the project have not been 41371
taken within such period after the execution of the agreement as 41372
may be fixed by the commission; 41373

(Q) Provision for the school district to maintain the project 41374
in accordance with a plan approved by the commission; 41375

(R) Provision that all state funds reserved and encumbered to 41376
pay the state share of the cost of the project and the funds 41377

provided by the school district to pay for its share of the 41378
project cost, including the respective shares of the cost of a 41379
segment if the project is divided into segments, be spent on the 41380
construction and acquisition of the project or segment 41381
simultaneously in proportion to the state's and the school 41382
district's respective shares of that basic project cost as 41383
determined under section 3318.032 of the Revised Code or, if the 41384
district is a joint vocational school district, under section 41385
3318.42 of the Revised Code. However, if the school district 41386
certifies to the commission that expenditure by the school 41387
district is necessary to maintain the federal tax status or 41388
tax-exempt status of notes or bonds issued by the school district 41389
to pay for its share of the project cost or to comply with 41390
applicable temporary investment periods or spending exceptions to 41391
rebate as provided for under federal law in regard to those notes 41392
or bonds, the school district may commit to spend, or spend, a 41393
greater portion of the funds it provides during any specific 41394
period than would otherwise be required under this division. 41395

(S) A provision stipulating that the commission may prohibit 41396
the district from proceeding with any project if the commission 41397
determines that the site is not suitable for construction 41398
purposes. The commission may perform soil tests in its 41399
determination of whether a site is appropriate for construction 41400
purposes. 41401

(T) A provision stipulating that, unless otherwise authorized 41402
by the commission, any contingency reserve portion of the 41403
construction budget prescribed by the commission shall be used 41404
only to pay costs resulting from unforeseen job conditions, to 41405
comply with rulings regarding building and other codes, to pay 41406
costs related to design clarifications or corrections to contract 41407
documents, and to pay the costs of settlements or judgments 41408
related to the project as provided under section 3318.086 of the 41409

Revised Code; 41410

(U) A provision stipulating that for continued release of 41411
project funds the school district board shall comply with sections 41412
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 41413
project and shall notify the department of education and the Ohio 41414
community school association when the board plans to dispose of 41415
facilities by sale under that section; 41416

(V) A provision stipulating that the commission shall not 41417
approve a contract for demolition of a facility until the school 41418
district board has complied with sections 3313.41, 3313.411, and 41419
3313.413 of the Revised Code relative to that facility, unless 41420
demolition of that facility is to clear a site for construction of 41421
a replacement facility included in the district's project; 41422

(W) A requirement for the school district to adhere to a 41423
facilities maintenance plan approved by the commission. 41424

Sec. 3318.081. If the board of education of a school district 41425
authorized to impose a tax pursuant to section 3318.06 of the 41426
Revised Code determines that taxable value of property subject to 41427
the tax has increased to the extent it will not be necessary to 41428
impose such tax for twenty-three years in order to generate an 41429
amount equal to the amount of the project cost supplied by the 41430
state, it may request the county auditor to determine the amount 41431
remaining to be paid and the estimated rate of taxation required 41432
each year to pay such remainder in equal installments over the 41433
maximum number of remaining years the tax may be in effect. The 41434
auditor shall make such determination upon request and certify the 41435
results thereof to the board of education. 41436

Upon receipt of the auditor's determination, the board of 41437
education may request the Ohio ~~school~~ facilities construction 41438
commission to enter into a supplemental agreement under which the 41439
district may pay the remainder of the amount in annual amounts 41440

equal to the quotient obtained by dividing the amount remaining to 41441
be paid by the maximum number of remaining years the tax may be in 41442
effect. If such an agreement is entered into, the commission shall 41443
certify a copy thereof to the county auditor and the tax 41444
authorized by section 3318.06 of the Revised Code thereafter shall 41445
be levied at the rate required to make the annual payments 41446
required by the supplemental agreement rather than the rate 41447
required by such section. 41448

Sec. 3318.082. The board of education of any school district 41449
imposing a tax for the purpose of paying the state pursuant to 41450
section 3318.06 of the Revised Code prior to the effective date of 41451
the amendments to that section by Amended Substitute House Bill 41452
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 41453
into a supplemental agreement with the Ohio ~~school~~ facilities 41454
construction commission under which the proceeds of such tax shall 41455
be distributed in accordance with the requirements of section 41456
3318.06 of the Revised Code, as amended by Amended Substitute 41457
House Bill No. 748 of the 121st general assembly. 41458

Sec. 3318.083. If, after the Ohio ~~school~~ facilities 41459
construction commission and a school district enter into a written 41460
agreement under section 3318.08 of the Revised Code for the 41461
construction of a classroom facilities project, the commission 41462
approves an increase in the basic project cost above the amount 41463
budgeted plus any interest earned and available in the project 41464
construction fund, the state and the school district shall share 41465
the increased cost in proportion to their respective contributions 41466
to the district's project construction fund. 41467

Sec. 3318.084. (A) Notwithstanding anything to the contrary 41468
in Chapter 3318. of the Revised Code, a school district board may 41469
apply any local donated contribution toward any of the following: 41470

(1) The district's portion of the basic project cost of a 41471
project under either sections 3318.01 to 3318.20 or sections 41472
3318.40 to 3318.45 of the Revised Code to reduce the amount of 41473
bonds the district otherwise must issue in order to receive state 41474
assistance under those sections; 41475

(2) If the school district is not a joint vocational school 41476
district proceeding under sections 3318.40 to 3318.45 of the 41477
Revised Code, an offset of all or part of a district's obligation 41478
to levy the tax described in division (B) of section 3318.05 of 41479
the Revised Code, which shall be applied only in the manner 41480
prescribed in division (B) of this section; 41481

(3) If the school district is a joint vocational school 41482
district proceeding under sections 3318.40 to 3318.45 of the 41483
Revised Code, all or part of the amount the school district is 41484
obligated to set aside for maintenance of the classroom facilities 41485
acquired under that project pursuant to section 3318.43 of the 41486
Revised Code. 41487

(B) No school district board shall apply any local donated 41488
contribution under division (A)(2) of this section unless the Ohio 41489
~~school~~ facilities construction commission first approves that 41490
application. 41491

Upon the request of the school district board to apply local 41492
donated contribution under division (A)(2) of this section, the 41493
commission in consultation with the department of taxation shall 41494
determine the amount of total revenue that likely would be 41495
generated by one-half mill of the tax described in division (B) of 41496
section 3318.05 of the Revised Code over the entire 41497
twenty-three-year period required under that section and shall 41498
deduct from that amount any amount of local donated contribution 41499
that the board has committed to apply under division (A)(2) of 41500
this section. The commission then shall determine in consultation 41501
with the department of taxation the rate of tax over twenty-three 41502

years necessary to generate the amount of a one-half mill tax not 41503
offset by the local donated contribution. Notwithstanding anything 41504
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 41505
Revised Code, the rate determined by the commission shall be the 41506
rate for which the district board shall seek elector approval 41507
under those sections to meet its obligation under division (B) of 41508
section 3318.05 of the Revised Code. In the case of a complete 41509
offset of the district's obligation under division (B) of section 41510
3318.05 of the Revised Code, the district shall not be required to 41511
levy the tax otherwise required under that section. At the end of 41512
the twenty-three-year period of the tax required under division 41513
(B) of section 3318.05 of the Revised Code, whether or not the tax 41514
is actually levied, the commission in consultation of the 41515
department of taxation shall recalculate the amount that would 41516
have been generated by the tax if it had been levied at one-half 41517
mill. If the total amount actually generated over that period from 41518
both the tax that was actually levied and any local donated 41519
contribution applied under division (A)(2) of this section is less 41520
than the amount that would have been raised by a one-half mill 41521
tax, the district shall pay any difference. If the total amount 41522
actually raised in such manner is greater than the amount that 41523
would have been raised by a one-half mill tax the difference shall 41524
be zero and no payments shall be made by either the district or 41525
the commission. 41526

(C) As used in this section, "local donated contribution" 41527
means any of the following: 41528

(1) Any moneys irrevocably donated or granted to a school 41529
district board by a source other than the state which the board 41530
has the authority to apply to the school district's project under 41531
sections 3318.01 to 3318.20 of the Revised Code and which the 41532
board has pledged for that purpose by resolution adopted by a 41533
majority of its members; 41534

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The school district, the commission, and the entity providing the local donated contribution under division (C)(4) of this section shall enter into an agreement identifying the classroom facilities to be acquired by the expenditures made by that entity. The agreement shall include, but not be limited to, stipulations that require an audit by the commission of such expenditures made on behalf of the district and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the

actual amount that the commission will credit, at the request of 41567
the district board, toward the district's portion of the basic 41568
project cost, any project cost overruns, or the basic project cost 41569
of future segments if the project has been divided into segments 41570
under section 3318.38 of the Revised Code. The actual amount of 41571
the credit shall not exceed the lesser of the amount specified in 41572
the agreement or the actual cost of the construction or 41573
renovation. 41574

(D) No state moneys shall be released for a project to which 41575
this section applies until: 41576

(1) Any local donated contribution authorized under division 41577
(A)(1) of this section is first deposited into the school 41578
district's project construction fund. 41579

(2) The school district board and the commission have 41580
included a stipulation in their agreement entered into under 41581
section 3318.08 of the Revised Code under which the board will 41582
deposit into a fund approved by the commission according to a 41583
schedule that does not extend beyond the anticipated completion 41584
date of the project the total amount of any local donated 41585
contribution authorized under division (A)(2) or (3) of this 41586
section and dedicated by the board for that purpose. 41587

However, if any local donated contribution as described in 41588
division (C)(4) of this section has been approved under this 41589
section, the state moneys may be released even if the entity 41590
providing that local donated contribution has not spent the moneys 41591
so dedicated as long as the agreement required under that section 41592
has been executed. 41593

Sec. 3318.086. The construction budget for any project under 41594
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 41595
Revised Code shall contain a contingency reserve in an amount 41596
prescribed by the Ohio ~~school~~ facilities construction commission, 41597

which unless otherwise authorized by the commission, shall be used 41598
only to pay costs resulting from unforeseen job conditions, to 41599
comply with rulings regarding building and other codes, to pay 41600
costs related to design clarifications or corrections to contract 41601
documents, and to pay the costs of settlements or judgments 41602
related to the project. 41603

Sec. 3318.091. (A) Promptly after the written agreement 41604
between the school district board and the Ohio ~~school~~ facilities 41605
construction commission has been entered into, the school district 41606
board shall proceed with the issuance of its bonds or notes in 41607
anticipation thereof pursuant to the provision of such agreement 41608
required by division (A) of section 3318.08 of the Revised Code 41609
and the deposit of the proceeds thereof in the school district's 41610
project construction fund pursuant to the provision of such 41611
agreement required by division (B) of section 3318.08 of the 41612
Revised Code, and the school district board, with the approval of 41613
the commission shall employ a qualified professional person or 41614
firm to prepare preliminary plans, working drawings, 41615
specifications, estimates of cost, and such data as the school 41616
district board and the commission consider necessary for the 41617
project. When the preliminary plans and preliminary estimates of 41618
cost have been prepared, and approved by the school district 41619
board, they shall be submitted to the commission for approval, 41620
modification, or rejection. The commission shall ensure that the 41621
plans and materials proposed for use in the project comply with 41622
specifications for plans and materials that shall be established 41623
by the commission. When such preliminary plans and preliminary 41624
estimates of cost and any modifications thereof have been approved 41625
by the commission and the school district board, the school 41626
district board shall cause such qualified professional person or 41627
firm to prepare the working drawings, specifications, and 41628

estimates of cost. 41629

(B) Whenever project plans submitted to the commission for 41630
approval under division (A) of this section propose to locate a 41631
facility on a state route or United States highway or within one 41632
mile of a state route or United States highway, the commission 41633
shall send a copy of the plans to the director of transportation. 41634
The director of transportation shall review the plans to determine 41635
the feasibility of the proposed ingress and egress to the 41636
facility, the traffic circulation pattern on roadways around the 41637
facility, and any improvements that would be necessary to conform 41638
the roadways to provisions of the manual adopted by the department 41639
of transportation pursuant to section 4511.09 of the Revised Code 41640
or state or federal law. The director of transportation shall 41641
provide a written summary of the director's findings to the 41642
commission in a timely manner. The commission shall consider the 41643
findings in deciding whether to approve the plans. 41644

Sec. 3318.10. When such working drawings, specifications, and 41645
estimates of cost have been approved by the school district board 41646
and the Ohio ~~school~~ facilities construction commission, the 41647
treasurer of the school district board shall advertise for 41648
construction bids in accordance with section 3313.46 of the 41649
Revised Code. Such notices shall state that plans and 41650
specifications for the project are on file in the office of the 41651
commission and such other place as may be designated in such 41652
notice, and the time and place when and where bids therefor will 41653
be received. 41654

The form of proposal to be submitted by bidders shall be 41655
supplied by the commission. Bidders may be permitted to bid upon 41656
all the branches of work and materials to be furnished and 41657
supplied, upon any branch thereof, or upon all or any thereof. 41658

When the construction bids for all branches of work and 41659

materials have been tabulated, the commission shall cause to be 41660
prepared a revised estimate of the basic project cost based upon 41661
the lowest responsible bids received. If such revised estimate 41662
exceeds the estimated basic project cost as approved by the 41663
controlling board pursuant to section 3318.04 or division (B)(1) 41664
of section 3318.41 of the Revised Code, no contracts may be 41665
entered into pursuant to this section unless such revised estimate 41666
is approved by the commission and by the controlling board. When 41667
such revised estimate has been prepared, and after such approvals 41668
are given, if necessary, and if the school district board has 41669
caused to be transferred to the project construction fund the 41670
proceeds from the sale of the first or first and final installment 41671
of its bonds or bond anticipation notes pursuant to the provision 41672
of the written agreement required by division (B) of section 41673
3318.08 of the Revised Code, and when the director of budget and 41674
management has certified that there is a balance in the 41675
appropriation, not otherwise obligated to pay precedent 41676
obligations, pursuant to which the state's share of such revised 41677
estimate is required to be paid, the contract for all branches of 41678
work and materials to be furnished and supplied, or for any branch 41679
thereof as determined by the school district board, shall be 41680
awarded by the school district board to the lowest responsible 41681
bidder subject to the approval of the commission. Such award shall 41682
be made within sixty days after the date on which the bids are 41683
opened, and the successful bidder shall enter into a contract 41684
within ten days after the successful bidder is notified of the 41685
award of the contract. 41686

Subject to the approval of the commission, the school 41687
district board may reject all bids and readvertise. Any contract 41688
made under this section shall be made in the name of the state and 41689
executed on its behalf by the president and treasurer of the 41690
school district board. 41691

The provisions of sections 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education, shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Notwithstanding any other requirement of this section, a school district, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

Sec. 3318.11. For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal year shall be determined by the Ohio ~~school~~ facilities construction commission based on the project's estimated construction schedule for that year. In each fiscal year subsequent to the first year in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

Sec. 3318.112. (A) As used in this section, "solar_ready" means capable of accommodating the eventual installation of roof top, solar photovoltaic energy equipment.

(B) The Ohio ~~school~~ facilities construction commission shall adopt rules prescribing standards for solar_ready equipment in school buildings under their jurisdiction. The rules shall include, but not be limited to, standards regarding roof space limitations, shading and obstruction, building orientation, roof

loading capacity, and electric systems. 41722

(C) A school district may seek, and the commission may grant 41723
for good cause shown, a waiver from part or all of the standards 41724
prescribed under division (B) of this section. 41725

Sec. 3318.12. (A) The Ohio ~~school~~ facilities construction 41726
commission shall cause to be transferred to the school district's 41727
project construction fund the necessary amounts from amounts 41728
appropriated by the general assembly and set aside for such 41729
purpose, from time to time as may be necessary to pay obligations 41730
chargeable to such fund when due. All investment earnings of a 41731
school district's project construction fund shall be credited to 41732
the fund. 41733

(B)(1) The treasurer of the school district board shall 41734
disburse funds from the school district's project construction 41735
fund, including investment earnings credited to the fund, only 41736
upon the approval of the commission or the commission's designated 41737
representative. The commission or the commission's designated 41738
representative shall issue vouchers against such fund, in such 41739
amounts, and at such times as required by the contracts for 41740
construction of the project. 41741

(2) Notwithstanding anything to the contrary in division 41742
(B)(1) of this section, the school district board may, by a duly 41743
adopted resolution, choose to use all or part of the investment 41744
earnings of the district's project construction fund that are 41745
attributable to the district's contribution to the fund to pay the 41746
cost of classroom facilities or portions or components of 41747
classroom facilities that are not included in the district's basic 41748
project cost but that are related to the district's project. If 41749
the district board adopts a resolution in favor of using those 41750
investment earnings as authorized under division (B)(2) of this 41751
section, the treasurer shall disburse the amount as designated and 41752

directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective

contributions to the fund. The commission shall use the money 41784
transferred to it under this division for expenditure pursuant to 41785
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 41786
Revised Code. 41787

(D) Pursuant to appropriations of the general assembly, any 41788
moneys transferred to the commission under division (C)(2) or (3) 41789
of this section from a project construction fund for a project 41790
under sections 3318.40 to 3318.45 of the Revised Code may be used 41791
for future expenditures for projects under sections 3318.40 to 41792
3318.45 of the Revised Code, notwithstanding the two per cent 41793
annual limit specified in division (B) of section 3318.40 of the 41794
Revised Code. 41795

Sec. 3318.121. As used in this section, "big-eight school 41796
district" has the same meaning as in section 3314.02 of the 41797
Revised Code. 41798

Notwithstanding any provision to the contrary in section 41799
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 41800
district receiving assistance for a project under this chapter, 41801
that has opted with the approval of the Ohio ~~school~~ facilities 41802
construction commission to divide the project into discrete 41803
segments to be completed sequentially, or otherwise, may, with the 41804
approval of the commission or the commission's designated 41805
representative, and pursuant to a resolution adopted by the school 41806
district board, transfer to a special construction fund investment 41807
earnings credited to the project construction fund that are 41808
attributable to the district's contribution to that fund, if the 41809
school district board and the commission, or its designated 41810
representative, determine that the unspent amount of the 41811
district's contribution to the project construction fund, 41812
including any investment earnings on that contribution that are 41813
not to be transferred to the special construction fund, together 41814

with the principal amount of any additional securities authorized 41815
by the voters of the district to be issued to pay the local share 41816
of the basic project cost of the entire project that have not yet 41817
been issued by the district, are projected at the time of the 41818
transfer to be not less than one hundred ten per cent of the 41819
amount required to provide for the entire remaining local share of 41820
the basic project cost because of reductions in the scope and 41821
estimated cost of the project that have been incorporated in the 41822
district's approved master facilities plan. The money in that 41823
special construction fund, including investment earnings 41824
attributable to money in that fund, shall be used by the district 41825
solely to pay costs of classroom facilities (A) in later segments 41826
of the project that are consistent with the specifications for 41827
plans and materials for classroom facilities adopted by the 41828
commission and those specifications used by the district for 41829
classroom facilities included in one or more prior segments, but 41830
which would cause the cost of the facilities in one or more later 41831
segments to be in excess of the approved budgeted basic project 41832
cost for the segment to be shared by the state and the district in 41833
proportion to the state's and the school district's respective 41834
shares of the basic project cost as determined under section 41835
3318.032 of the Revised Code, or (B) that were included in the 41836
master facilities plan prior to the reduction in scope. All 41837
investment earnings on a district's special construction fund 41838
shall be credited to the fund. After the entire project has been 41839
completed, any investment earnings remaining in the special 41840
construction fund shall be transferred to the district's 41841
maintenance fund required by division (B) of section 3318.05 of 41842
the Revised Code, and used solely for maintaining the classroom 41843
facilities included in the project. 41844

Sec. 3318.13. Notwithstanding any provision of sections 41845
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 41846

all taxable property within a school district for the purpose of 41847
paying the cost of maintaining the classroom facilities included 41848
in the project under the agreement provided in section 3318.08 of 41849
the Revised Code or the supplemental agreement provided in section 41850
3318.081 of the Revised Code shall be included in the budget of 41851
the school district for each year upon the certification to the 41852
county budget commission or commissions of the county or counties 41853
in which said school district is located, by the Ohio ~~school~~ 41854
facilities construction commission of the balance due the state 41855
under said agreement or supplemental agreement. Such certification 41856
shall be made on or before the fifteenth day of July in each year. 41857
Thereafter, the respective county budget commissions shall treat 41858
such certification as an additional item on the tax budget for the 41859
school district as to which such certification has been made and 41860
shall provide for the levy therefor in the manner provided in 41861
sections 5705.27 to 5705.50 of the Revised Code for tax levies 41862
included directly in the budgets of the subdivisions. 41863

The levy of taxes shall be included in the next annual tax 41864
budget that is certified to the county budget commission after the 41865
execution of the agreement for the project. 41866

Sec. 3318.15. There is hereby created the public school 41867
building fund within the state treasury consisting of any moneys 41868
transferred or appropriated to the fund by the general assembly, 41869
moneys paid into or transferred in accordance with section 3318.47 41870
of the Revised Code, and any grants, gifts, or contributions 41871
received by the Ohio ~~school~~ facilities construction commission to 41872
be used for the purposes of the fund. All investment earnings of 41873
the fund shall be credited to the fund. 41874

Moneys transferred or appropriated to the fund by the general 41875
assembly and moneys in the fund from grants, gifts, and 41876
contributions shall be used for the purposes of Chapter 3318. of 41877

the Revised Code as prescribed by the general assembly. 41878

Sec. 3318.16. The Ohio ~~school~~ facilities construction 41879
commission shall have an interest in real property purchased with 41880
moneys in the school district's project construction fund. 41881

Once obligations issued to finance a project under section 41882
3318.26 of the Revised Code are no longer outstanding, any 41883
interest held by the commission shall be transferred to the school 41884
district. 41885

Sec. 3318.18. (A) As used in this section: 41886

(1) "Valuation" of a school district means the sum of the 41887
amounts described in divisions (A)(1) and (2) of section 3317.021 41888
of the Revised Code as most recently certified for the district 41889
before the annual computation is made under division (B) of this 41890
section. 41891

(2) "Valuation per pupil" of a school district means the 41892
district's valuation divided by the district's formula ADM as most 41893
recently calculated under section 3317.03 of the Revised Code 41894
before the annual computation is made under division (B) of this 41895
section. 41896

(3) "Statewide average valuation per pupil" means the total 41897
of the valuations of all school districts divided by the total of 41898
the formula ADMs of all school districts as most recently 41899
calculated under section 3317.03 of the Revised Code before the 41900
annual computation is made under division (C) of this section. 41901

(4) "Maintenance levy requirement" means the tax required to 41902
be levied pursuant to division (C)(2)(a) of section 3318.08 and 41903
division (B) of section 3318.05 of the Revised Code or the 41904
application of proceeds of another levy to paying the costs of 41905
maintaining classroom facilities pursuant to division (A)(2) of 41906
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 41907

or division (D)(2) of section 3318.36 of the Revised Code, or a combination thereof.

(5) "Project agreement" means an agreement between a school district and the Ohio ~~school~~ facilities construction commission under section 3318.08 or division (B)(1) of section 3318.36 of the Revised Code.

(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio ~~school~~ facilities construction commission. On or before the first day of July each year beginning in 2007, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission.

(C)(1) At the time the Ohio ~~school~~ facilities construction commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department of education for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department of education, along with the date on which the maintenance levy requirement terminates as provided in the project agreement between the school district board and the commission.

(2) In the case of a school district that entered into a project agreement after July 1, 1997, but before July 1, 2006, the

commission shall make the computation described in division (C)(1) 41940
of this section on the basis of the district's valuation per pupil 41941
and the statewide average valuation per pupil computed as of 41942
September 1, 2006, and the district's formula ADM reported for 41943
October 2005. 41944

(3) The amount computed for a school district under division 41945
(C)(1) or (2) of this section shall not change for the period 41946
during which payments are made to the district under division (D) 41947
of this section. 41948

(4) A computation need not be made under division (C)(1) or 41949
(2) of this section for a school district that certified a 41950
resolution to the commission under division (D)(3) of section 41951
3318.36 of the Revised Code until the district becomes eligible 41952
for state assistance as provided in that division. 41953

(D) In the fourth quarter of each fiscal year, for each 41954
school district for which a computation has been made under 41955
division (C) of this section, the department of education shall 41956
pay the amount computed to each such school district. Payments 41957
shall be made to a school district each year until and including 41958
the tax year in which the district's maintenance levy requirement 41959
terminates. Payments shall be paid from the half-mill equalization 41960
fund, subject to appropriation by the general assembly. However, 41961
the department shall make no payments under this section to any 41962
district that elects the procedure authorized by section 3318.051 41963
of the Revised Code. 41964

(E) Payments made to a school district under this section 41965
shall be credited to the district's classroom facilities 41966
maintenance fund and shall be used only for the purpose of 41967
maintaining facilities constructed or renovated under the project 41968
agreement. 41969

(F) There is hereby created in the state treasury the 41970

half-mill equalization fund. The fund shall receive transfers 41971
pursuant to section 5727.85 of the Revised Code. The fund shall be 41972
used first to make annual payments under division (D) of this 41973
section. If a balance remains in the fund after such payments are 41974
made in full for a year, the Ohio ~~school~~ facilities construction 41975
commission may request the controlling board to transfer a 41976
reasonable amount from such remaining balance to the public school 41977
building fund created under section 3318.15 of the Revised Code 41978
for the purposes of this chapter. 41979

All investment earnings arising from investment of money in 41980
the half-mill equalization fund shall be credited to the fund. 41981

Sec. 3318.22. (A) The general assembly finds that many school 41982
districts are prevented by their size, tax base, or other 41983
conditions from performing their essential functions as agencies 41984
of state government to provide adequate classroom facilities and 41985
issuing securities under Chapter 133. of the Revised Code at 41986
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 41987
facilities construction commission is invested with the powers and 41988
duties provided in sections 3318.21 to 3318.29 of the Revised Code 41989
in order to provide deserved assistance and materially contribute 41990
to the educational revitalization of such school districts and 41991
result in improving the education and welfare of all the people of 41992
the state. 41993

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 41994
authorize the commission or the issuing authority to incur bonded 41995
indebtedness of the state or any political subdivision of the 41996
state, or to obligate or pledge moneys raised by taxation for the 41997
payment of any bonds or notes issued pursuant to sections 3318.21 41998
to 3318.29 of the Revised Code. 41999

Sec. 3318.25. There is hereby created in the state treasury 42000

the school building program assistance fund. The fund shall 42001
consist of the proceeds of obligations issued for the purposes of 42002
such fund pursuant to section 3318.26 of the Revised Code that are 42003
payable from moneys in the lottery profits education fund created 42004
in section 3770.06 of the Revised Code or pursuant to section 42005
151.03 of the Revised Code. All investment earnings of the fund 42006
shall be credited to the fund. Moneys in the fund shall be used as 42007
directed by the Ohio ~~school~~ facilities construction commission for 42008
the cost to the state of constructing classroom facilities under 42009
Chapter 3318. of the Revised Code as prescribed by the general 42010
assembly. 42011

Sec. 3318.26. (A) The provisions of this section apply only 42012
to obligations issued by the issuing authority prior to December 42013
1, 1999. 42014

(B) Subject to the limitations provided in section 3318.29 of 42015
the Revised Code, the issuing authority, upon the certification by 42016
the Ohio ~~school~~ facilities construction commission to the issuing 42017
authority of the amount of moneys or additional moneys needed in 42018
the school building program assistance fund for the purposes of 42019
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 42020
Revised Code, or needed for capitalized interest, for funding 42021
reserves, and for paying costs and expenses incurred in connection 42022
with the issuance, carrying, securing, paying, redeeming, or 42023
retirement of the obligations or any obligations refunded thereby, 42024
including payment of costs and expenses relating to letters of 42025
credit, lines of credit, insurance, put agreements, standby 42026
purchase agreements, indexing, marketing, remarketing and 42027
administrative arrangements, interest swap or hedging agreements, 42028
and any other credit enhancement, liquidity, remarketing, renewal, 42029
or refunding arrangements, all of which are authorized by this 42030
section, shall issue obligations of the state under this section 42031
in the required amount. The proceeds of such obligations, except 42032

for obligations issued to provide moneys for the school building 42033
program assistance fund shall be deposited by the treasurer of 42034
state in special funds, including reserve funds, as provided in 42035
the bond proceedings. The issuing authority may appoint trustees, 42036
paying agents, and transfer agents and may retain the services of 42037
financial advisors and accounting experts and retain or contract 42038
for the services of marketing, remarketing, indexing, and 42039
administrative agents, other consultants, and independent 42040
contractors, including printing services, as are necessary in the 42041
issuing authority's judgment to carry out this section. The costs 42042
of such services are payable from the school building program 42043
assistance fund or any special fund determined by the issuing 42044
authority. 42045

(C) The holders or owners of such obligations shall have no 42046
right to have moneys raised by taxation obligated or pledged, and 42047
moneys raised by taxation shall not be obligated or pledged, for 42048
the payment of bond service charges. Such holders or owners shall 42049
have no rights to payment of bond service charges from any money 42050
or property received by the commission, treasurer of state, or the 42051
state, or from any other use of the proceeds of the sale of the 42052
obligations, and no such moneys may be used for the payment of 42053
bond service charges, except for accrued interest, capitalized 42054
interest, and reserves funded from proceeds received upon the sale 42055
of the obligations and except as otherwise expressly provided in 42056
the applicable bond proceedings pursuant to written directions by 42057
the treasurer of state. The right of such holders and owners to 42058
payment of bond service charges shall be limited to all or that 42059
portion of the pledged receipts and those special funds pledged 42060
thereto pursuant to the bond proceedings in accordance with this 42061
section, and each such obligation shall bear on its face a 42062
statement to that effect. 42063

(D) Obligations shall be authorized by resolution or order of 42064

the issuing authority and the bond proceedings shall provide for 42065
the purpose thereof and the principal amount or amounts, and shall 42066
provide for or authorize the manner or agency for determining the 42067
principal maturity or maturities, not exceeding the limits 42068
specified in section 3318.29 of the Revised Code, the interest 42069
rate or rates or the maximum interest rate, the date of the 42070
obligations and the dates of payment of interest thereon, their 42071
denomination, and the establishment within or without the state of 42072
a place or places of payment of bond service charges. Sections 42073
9.98 to 9.983 of the Revised Code are applicable to obligations 42074
issued under this section, subject to any applicable limitation 42075
under section 3318.29 of the Revised Code. The purpose of such 42076
obligations may be stated in the bond proceedings in terms 42077
describing the general purpose or purposes to be served. The bond 42078
proceedings shall also provide, subject to the provisions of any 42079
other applicable bond proceedings, for the pledge of all, or such 42080
part as the issuing authority may determine, of the pledged 42081
receipts and the applicable special fund or funds to the payment 42082
of bond service charges, which pledges may be made either prior or 42083
subordinate to other expenses, claims, or payments, and may be 42084
made to secure the obligations on a parity with obligations 42085
theretofore or thereafter issued, if and to the extent provided in 42086
the bond proceedings. The pledged receipts and special funds so 42087
pledged and thereafter received by the state are immediately 42088
subject to the lien of such pledge without any physical delivery 42089
thereof or further act, and the lien of any such pledges is valid 42090
and binding against all parties having claims of any kind against 42091
the state or any governmental agency of the state, irrespective of 42092
whether such parties have notice thereof, and shall create a 42093
perfected security interest for all purposes of Chapter 1309. of 42094
the Revised Code, without the necessity for separation or delivery 42095
of funds or for the filing or recording of the bond proceedings by 42096
which such pledge is created or any certificate, statement or 42097

other document with respect thereto; and the pledge of such 42098
pledged receipts and special funds is effective and the money 42099
therefrom and thereof may be applied to the purposes for which 42100
pledged without necessity for any act of appropriation, except as 42101
required by section 3770.06 of the Revised Code. Every pledge, and 42102
every covenant and agreement made with respect thereto, made in 42103
the bond proceedings may therein be extended to the benefit of the 42104
owners and holders of obligations authorized by this section, and 42105
to any trustee therefor, for the further security of the payment 42106
of the bond service charges. 42107

(E) The bond proceedings may contain additional provisions as 42108
to: 42109

(1) The redemption of obligations prior to maturity at the 42110
option of the issuing authority at such price or prices and under 42111
such terms and conditions as are provided in the bond proceedings; 42112

(2) Other terms of the obligations; 42113

(3) Limitations on the issuance of additional obligations; 42114

(4) The terms of any trust agreement or indenture securing 42115
the obligations or under which the same may be issued; 42116

(5) The deposit, investment and application of special funds, 42117
and the safeguarding of moneys on hand or on deposit, without 42118
regard to Chapter 131., 133., or 135. of the Revised Code, but 42119
subject to any special provisions of sections 3318.21 to 3318.29 42120
of the Revised Code, with respect to particular funds or moneys, 42121
provided that any bank or trust company that acts as depository of 42122
any moneys in the special funds may furnish such indemnifying 42123
bonds or may pledge such securities as required by the issuing 42124
authority; 42125

(6) Any or every provision of the bond proceedings being 42126
binding upon such officer, board, commission, authority, agency, 42127
department, or other person or body as may from time to time have 42128

the authority under law to take such actions as may be necessary 42129
to perform all or any part of the duty required by such provision; 42130

(7) Any provision that may be made in a trust agreement or 42131
indenture; 42132

(8) The lease or sublease of any interest of the school 42133
district or the state in one or more projects as defined in 42134
division (C) of section 3318.01 of the Revised Code, or in one or 42135
more permanent improvements, to or from the issuing authority, as 42136
provided in one or more lease or sublease agreements between the 42137
school or the state and the issuing authority; 42138

(9) Any other or additional agreements with the holders of 42139
the obligations, or the trustee therefor, relating to the 42140
obligations or the security therefor. 42141

(F) The obligations may have the great seal of the state or a 42142
facsimile thereof affixed thereto or printed thereon. The 42143
obligations and any coupons pertaining to obligations shall be 42144
signed or bear the facsimile signature of the issuing authority. 42145
Any obligations or coupons may be executed by the person who, on 42146
the date of execution, is the proper issuing authority although on 42147
the date of such bonds or coupons such person was not the issuing 42148
authority. In case the issuing authority whose signature or a 42149
facsimile of whose signature appears on any such obligation or 42150
coupon ceases to be the issuing authority before delivery thereof, 42151
such signature or facsimile is nevertheless valid and sufficient 42152
for all purposes as if the issuing authority had remained the 42153
issuing authority until such delivery; and in case the seal to be 42154
affixed to obligations has been changed after a facsimile of the 42155
seal has been imprinted on such obligations, such facsimile seal 42156
shall continue to be sufficient as to such obligations and 42157
obligations issued in substitution or exchange therefor. 42158

(G) All obligations are negotiable instruments and securities 42159

under Chapter 1308. of the Revised Code, subject to the provisions 42160
of the bond proceedings as to registration. The obligations may be 42161
issued in coupon or in registered form, or both, as the issuing 42162
authority determines. Provision may be made for the registration 42163
of any obligations with coupons attached thereto as to principal 42164
alone or as to both principal and interest, their exchange for 42165
obligations so registered, and for the conversion or reconversion 42166
into obligations with coupons attached thereto of any obligations 42167
registered as to both principal and interest, and for reasonable 42168
charges for such registration, exchange, conversion, and 42169
reconversion. 42170

(H) Obligations may be sold at public sale or at private 42171
sale, as determined in the bond proceedings. 42172

(I) Pending preparation of definitive obligations, the 42173
issuing authority may issue interim receipts or certificates which 42174
shall be exchanged for such definitive obligations. 42175

(J) In the discretion of the issuing authority, obligations 42176
may be secured additionally by a trust agreement or indenture 42177
between the issuing authority and a corporate trustee which may be 42178
any trust company or bank having a place of business within the 42179
state. Any such agreement or indenture may contain the resolution 42180
or order authorizing the issuance of the obligations, any 42181
provisions that may be contained in any bond proceedings, and 42182
other provisions that are customary or appropriate in an agreement 42183
or indenture of such type, including, but not limited to: 42184

(1) Maintenance of each pledge, trust agreement, indenture, 42185
or other instrument comprising part of the bond proceedings until 42186
the state has fully paid the bond service charges on the 42187
obligations secured thereby, or provision therefor has been made; 42188

(2) In the event of default in any payments required to be 42189
made by the bond proceedings, or any other agreement of the 42190

issuing authority made as a part of the contract under which the 42191
obligations were issued, enforcement of such payments or agreement 42192
by mandamus, the appointment of a receiver, suit in equity, action 42193
at law, or any combination of the foregoing; 42194

(3) The rights and remedies of the holders of obligations and 42195
of the trustee, and provisions for protecting and enforcing them, 42196
including limitations on rights of individual holders of 42197
obligations; 42198

(4) The replacement of any obligations that become mutilated 42199
or are destroyed, lost, or stolen; 42200

(5) Such other provisions as the trustee and the issuing 42201
authority agree upon, including limitations, conditions, or 42202
qualifications relating to any of the foregoing. 42203

(K) Any holder of obligations or a trustee under the bond 42204
proceedings, except to the extent that the holder's or trustee's 42205
rights are restricted by the bond proceedings, may by any suitable 42206
form of legal proceedings, protect and enforce any rights under 42207
the laws of this state or granted by such bond proceedings. Such 42208
rights include the right to compel the performance of all duties 42209
of the issuing authority, the commission, or the director of 42210
budget and management required by sections 3318.21 to 3318.29 of 42211
the Revised Code or the bond proceedings; to enjoin unlawful 42212
activities; and in the event of default with respect to the 42213
payment of any bond service charges on any obligations or in the 42214
performance of any covenant or agreement on the part of the 42215
issuing authority, the commission, or the director of budget and 42216
management in the bond proceedings, to apply to a court having 42217
jurisdiction of the cause to appoint a receiver to receive and 42218
administer the pledged receipts and special funds, other than 42219
those in the custody of the treasurer of state or the commission, 42220
which are pledged to the payment of the bond service charges on 42221
such obligations or which are the subject of the covenant or 42222

agreement, with full power to pay, and to provide for payment of 42223
bond service charges on, such obligations, and with such powers, 42224
subject to the direction of the court, as are accorded receivers 42225
in general equity cases, excluding any power to pledge additional 42226
revenues or receipts or other income or moneys of the issuing 42227
authority or the state or governmental agencies of the state to 42228
the payment of such principal and interest and excluding the power 42229
to take possession of, mortgage, or cause the sale or otherwise 42230
dispose of any permanent improvement. 42231

Each duty of the issuing authority and the issuing 42232
authority's officers and employees, and of each governmental 42233
agency and its officers, members, or employees, undertaken 42234
pursuant to the bond proceedings or any agreement or loan made 42235
under authority of sections 3318.21 to 3318.29 of the Revised 42236
Code, and in every agreement by or with the issuing authority, is 42237
hereby established as a duty of the issuing authority, and of each 42238
such officer, member, or employee having authority to perform such 42239
duty, specifically enjoined by the law resulting from an office, 42240
trust, or station within the meaning of section 2731.01 of the 42241
Revised Code. 42242

The person who is at the time the issuing authority, or the 42243
issuing authority's officers or employees, are not liable in their 42244
personal capacities on any obligations issued by the issuing 42245
authority or any agreements of or with the issuing authority. 42246

(L) Obligations issued under this section are lawful 42247
investments for banks, societies for savings, savings and loan 42248
associations, deposit guarantee associations, trust companies, 42249
trustees, fiduciaries, insurance companies, including domestic for 42250
life and domestic not for life, trustees or other officers having 42251
charge of sinking and bond retirement or other special funds of 42252
political subdivisions and taxing districts of this state, the 42253
commissioners of the sinking fund of the state, the administrator 42254

of workers' compensation, the state teachers retirement system, 42255
the public employees retirement system, the school employees 42256
retirement system, and the Ohio police and fire pension fund, 42257
notwithstanding any other provisions of the Revised Code or rules 42258
adopted pursuant thereto by any governmental agency of the state 42259
with respect to investments by them, and also are acceptable as 42260
security for the deposit of public moneys. 42261

(M) Unless otherwise provided in any applicable bond 42262
proceedings, moneys to the credit of or in the special funds 42263
established by or pursuant to this section may be invested by or 42264
on behalf of the issuing authority only in notes, bonds, or other 42265
obligations of the United States, or of any agency or 42266
instrumentality of the United States, obligations guaranteed as to 42267
principal and interest by the United States, obligations of this 42268
state or any political subdivision of this state, and certificates 42269
of deposit of any national bank located in this state and any 42270
bank, as defined in section 1101.01 of the Revised Code, subject 42271
to inspection by the superintendent of financial institutions. If 42272
the law or the instrument creating a trust pursuant to division 42273
(J) of this section expressly permits investment in direct 42274
obligations of the United States or an agency of the United 42275
States, unless expressly prohibited by the instrument, such moneys 42276
also may be invested in no front end load money market mutual 42277
funds consisting exclusively of obligations of the United States 42278
or an agency of the United States and in repurchase agreements, 42279
including those issued by the fiduciary itself, secured by 42280
obligations of the United States or an agency of the United 42281
States; and in collective investment funds established in 42282
accordance with section 1111.14 of the Revised Code and consisting 42283
exclusively of any such securities, notwithstanding division 42284
(B)(1)(c) of that section. The income from such investments shall 42285
be credited to such funds as the issuing authority determines, and 42286
such investments may be sold at such times as the issuing 42287

authority determines or authorizes. 42288

(N) Provision may be made in the applicable bond proceedings 42289
for the establishment of separate accounts in the bond service 42290
fund and for the application of such accounts only to the 42291
specified bond service charges on obligations pertinent to such 42292
accounts and bond service fund and for other accounts therein 42293
within the general purposes of such fund. Unless otherwise 42294
provided in any applicable bond proceedings, moneys to the credit 42295
of or in the several special funds established pursuant to this 42296
section shall be disbursed on the order of the treasurer of state, 42297
provided that no such order is required for the payment from the 42298
bond service fund when due of bond service charges on obligations. 42299

(O) The issuing authority may pledge all, or such portion as 42300
the issuing authority determines, of the pledged receipts to the 42301
payment of bond service charges on obligations issued under this 42302
section, and for the establishment and maintenance of any 42303
reserves, as provided in the bond proceedings, and make other 42304
provisions therein with respect to pledged receipts as authorized 42305
by this chapter, which provisions shall be controlling 42306
notwithstanding any other provisions of law pertaining thereto. 42307

(P) The issuing authority may covenant in the bond 42308
proceedings, and any such covenants shall be controlling 42309
notwithstanding any other provision of law, that the state and 42310
applicable officers and governmental agencies of the state, 42311
including the general assembly, so long as any obligations are 42312
outstanding, shall: 42313

(1) Maintain statutory authority for and cause to be operated 42314
the state lottery, including the transfers to and from the lottery 42315
profits education fund created in section 3770.06 of the Revised 42316
Code so that the pledged receipts shall be sufficient in amount to 42317
meet bond service charges, and the establishment and maintenance 42318
of any reserves and other requirements provided for in the bond 42319

proceedings; 42320

(2) Take or permit no action, by statute or otherwise, that 42321
would impair the exclusion from gross income for federal income 42322
tax purposes of the interest on any obligations designated by the 42323
bond proceeding as tax-exempt obligations. 42324

(Q) There is hereby created the school building program bond 42325
service fund, which shall be in the custody of the treasurer of 42326
state but shall be separate and apart from and not a part of the 42327
state treasury. All moneys received by or on account of the 42328
issuing authority or state agencies and required by the applicable 42329
bond proceedings, consistent with this section, to be deposited, 42330
transferred, or credited to the school building program bond 42331
service fund, and all other moneys transferred or allocated to or 42332
received for the purposes of the fund, shall be deposited and 42333
credited to such fund and to any separate accounts therein, 42334
subject to applicable provisions of the bond proceedings, but 42335
without necessity for any act of appropriation, except as required 42336
by section 3770.06 of the Revised Code. During the period 42337
beginning with the date of the first issuance of obligations and 42338
continuing during such time as any such obligations are 42339
outstanding, and so long as moneys in the school building program 42340
bond service fund are insufficient to pay all bond service charges 42341
on such obligations becoming due in each year, a sufficient amount 42342
of the moneys from the lottery profits education fund included in 42343
pledged receipts, subject to appropriation for such purpose as 42344
provided in section 3770.06 of the Revised Code, are committed and 42345
shall be paid to the school building program bond service fund in 42346
each year for the purpose of paying the bond service charges 42347
becoming due in that year. The school building program bond 42348
service fund is a trust fund and is hereby pledged to the payment 42349
of bond service charges solely on obligations issued to provide 42350
moneys for the school building program assistance fund to the 42351

extent provided in the applicable bond proceedings, and payment 42352
thereof from such fund shall be made or provided for by the 42353
treasurer of state in accordance with such bond proceedings 42354
without necessity for any act of appropriation except as required 42355
by section 3770.06 of the Revised Code. 42356

(R) The obligations, the transfer thereof, and the income 42357
therefrom, including any profit made on the sale thereof, at all 42358
times shall be free from taxation within the state. 42359

Sec. 3318.311. ~~Not later than six months after September 14,~~ 42360
~~2000, the~~ The Ohio school facilities construction commission shall 42361
establish design specifications for classroom facilities that are 42362
appropriate for joint vocational education programs. The 42363
specifications shall provide standards for appropriate pupil 42364
instruction space but shall not include standards for any 42365
vocational education furnishings or equipment that is not 42366
comparable to, or the vocational education equivalent of, the 42367
furnishings or equipment for which assistance is available to 42368
other school districts under sections 3318.01 to 3318.20 of the 42369
Revised Code. 42370

Beginning September 1, 2003, from time to time the commission 42371
may amend the specifications as determined necessary by the 42372
commission; however, any project under sections 3318.40 to 3318.45 42373
of the Revised Code approved by the commission prior to the most 42374
recent amendment to the specifications shall not be subject to the 42375
provisions of such amendment. 42376

Sec. 3318.351. (A) As used in this section: 42377

(1) "Classroom facilities" has the same meaning as in section 42378
3318.01 of the Revised Code. 42379

(2) "Emergency project" means reconstruction or renovation of 42380
or repair to any classroom facilities made necessary because of 42381

damage due to an act of God. 42382

(3) "Eligible school district" means any school district in 42383
the first through one-hundredth percentiles as determined under 42384
section 3318.011 of the Revised Code. 42385

(B)(1) There is hereby established the school building 42386
emergency assistance program, under which the Ohio ~~school~~ 42387
facilities construction commission shall distribute grants to 42388
eligible school districts from moneys specifically appropriated by 42389
the general assembly for the purposes of this section to assist in 42390
emergency projects. Any assistance under this section shall be 42391
used to pay the cost of only the portion of an emergency project 42392
that is not covered by insurance or other public or private 42393
emergency assistance received by or payable to the school 42394
district. Any damage to classroom facilities caused by age of the 42395
facilities or by lack of timely maintenance to the facilities 42396
shall not constitute damage that is subject to assistance under 42397
this section. 42398

(2) The commission shall establish procedures and deadlines 42399
for eligible school districts to follow in applying for assistance 42400
under this section. The commission shall consider such 42401
applications on a case-by-case basis taking into account the 42402
amount of moneys available under this section. 42403

(3) Every effort shall be made to conform an emergency 42404
project to design specifications adopted by the commission, 42405
including minimum capacity requirements adopted under section 42406
3318.03 of the Revised Code, unless in the judgment of the 42407
commission it is not possible to conform the project to such 42408
specifications. 42409

Sec. 3318.36. (A)(1) As used in this section: 42410

(a) "Ohio ~~school~~ facilities construction commission," 42411

"classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio ~~school~~ facilities construction commission may enter into an agreement with the board of any school district under which the

board may proceed with the new construction or major repairs of a 42444
part of the district's classroom facilities needs, as determined 42445
under sections 3318.01 to 3318.20 of the Revised Code, through the 42446
expenditure of local resources prior to the school district's 42447
eligibility for state assistance under those sections, and may 42448
apply that expenditure toward meeting the school district's 42449
portion of the basic project cost of the total of the district's 42450
classroom facilities needs, as recalculated under division (E) of 42451
this section, when the district becomes eligible for state 42452
assistance under sections 3318.01 to 3318.20 or section 3318.364 42453
of the Revised Code. Any school district that is reasonably 42454
expected to receive assistance under sections 3318.01 to 3318.20 42455
of the Revised Code within two fiscal years from the date the 42456
school district adopts its resolution under division (B) of this 42457
section shall not be eligible to participate in the program 42458
established under this section. 42459

(2) To participate in the program, a school district board 42460
shall first adopt a resolution certifying to the commission the 42461
board's intent to participate in the program. 42462

The resolution shall specify the approximate date that the 42463
board intends to seek elector approval of any bond or tax measures 42464
or to apply other local resources to use to pay the cost of 42465
classroom facilities to be constructed under this section. The 42466
resolution may specify the application of local resources or 42467
elector-approved bond or tax measures after the resolution is 42468
adopted by the board, and in such case the board may proceed with 42469
a discrete portion of its project under this section as soon as 42470
the commission and the controlling board have approved the basic 42471
project cost of the district's classroom facilities needs as 42472
specified in division (D) of this section. The board shall submit 42473
its resolution to the commission not later than ten days after the 42474
date the resolution is adopted by the board. 42475

The commission shall not consider any resolution that is 42476
submitted pursuant to division (B)(2) of this section, as amended 42477
by this amendment, sooner than September 14, 2000. 42478

(3) For purposes of determining when a district that enters 42479
into an agreement under this section becomes eligible for 42480
assistance under sections 3318.01 to 3318.20 of the Revised Code 42481
or priority for assistance under section 3318.364 of the Revised 42482
Code, the commission shall use the district's percentile ranking 42483
determined at the time the district entered into the agreement 42484
under this section, as prescribed by division (A)(2) of this 42485
section. 42486

(4) Any project under this section shall comply with section 42487
3318.03 of the Revised Code and with any specifications for plans 42488
and materials for classroom facilities adopted by the commission 42489
under section 3318.04 of the Revised Code. 42490

(5) If a school district that enters into an agreement under 42491
this section has not begun a project applying local resources as 42492
provided for under that agreement at the time the district is 42493
notified by the commission that it is eligible to receive state 42494
assistance under sections 3318.01 to 3318.20 of the Revised Code, 42495
all assessment and agreement documents entered into under this 42496
section are void. 42497

(6) Only construction of or repairs to classroom facilities 42498
that have been approved by the commission and have been therefore 42499
included as part of a district's basic project cost qualify for 42500
application of local resources under this section. 42501

(C) Based on the results of on-site visits and assessment, 42502
the commission shall determine the basic project cost of the 42503
school district's classroom facilities needs. The commission shall 42504
determine the school district's portion of such basic project 42505
cost, which shall be the greater of: 42506

(1) The required percentage of the basic project costs, 42507
determined based on the school district's percentile ranking; 42508

(2) An amount necessary to raise the school district's net 42509
bonded indebtedness, as of the fiscal year the commission and the 42510
school district enter into the agreement under division (B) of 42511
this section, to within five thousand dollars of the required 42512
level of indebtedness. 42513

(D)(1) When the commission determines the basic project cost 42514
of the classroom facilities needs of a school district and the 42515
school district's portion of that basic project cost under 42516
division (C) of this section, the project shall be conditionally 42517
approved. Such conditional approval shall be submitted to the 42518
controlling board for approval thereof. The controlling board 42519
shall forthwith approve or reject the commission's determination, 42520
conditional approval, and the amount of the state's portion of the 42521
basic project cost; however, no state funds shall be encumbered 42522
under this section. Upon approval by the controlling board, the 42523
school district board may identify a discrete part of its 42524
classroom facilities needs, which shall include only new 42525
construction of or additions or major repairs to a particular 42526
building, to address with local resources. Upon identifying a part 42527
of the school district's basic project cost to address with local 42528
resources, the school district board may allocate any available 42529
school district moneys to pay the cost of that identified part, 42530
including the proceeds of an issuance of bonds if approved by the 42531
electors of the school district. 42532

All local resources utilized under this division shall first 42533
be deposited in the project construction account required under 42534
section 3318.08 of the Revised Code. 42535

(2) Unless the school district board exercises its option 42536
under division (D)(3) of this section, for a school district to 42537
qualify for participation in the program authorized under this 42538

section, one of the following conditions shall be satisfied: 42539

(a) The electors of the school district by a majority vote 42540
shall approve the levy of taxes outside the ten-mill limitation 42541
for a period of twenty-three years at the rate of not less than 42542
one-half mill for each dollar of valuation to be used to pay the 42543
cost of maintaining the classroom facilities included in the basic 42544
project cost as determined by the commission. The form of the 42545
ballot to be used to submit the question whether to approve the 42546
tax required under this division to the electors of the school 42547
district shall be the form for an additional levy of taxes 42548
prescribed in section 3318.361 of the Revised Code, which may be 42549
combined in a single ballot question with the questions prescribed 42550
under section 5705.218 of the Revised Code. 42551

(b) As authorized under division (C) of section 3318.05 of 42552
the Revised Code, the school district board shall earmark from the 42553
proceeds of a permanent improvement tax levied under section 42554
5705.21 of the Revised Code, an amount equivalent to the 42555
additional tax otherwise required under division (D)(2)(a) of this 42556
section for the maintenance of the classroom facilities included 42557
in the basic project cost as determined by the commission. 42558

(c) As authorized under section 3318.051 of the Revised Code, 42559
the school district board shall, if approved by the commission, 42560
annually transfer into the maintenance fund required under section 42561
3318.05 of the Revised Code the amount prescribed in section 42562
3318.051 of the Revised Code in lieu of the tax otherwise required 42563
under division (D)(2)(a) of this section for the maintenance of 42564
the classroom facilities included in the basic project cost as 42565
determined by the commission. 42566

(d) If the school district board has rescinded the agreement 42567
to make transfers under section 3318.051 of the Revised Code, as 42568
provided under division (F) of that section, the electors of the 42569
school district, in accordance with section 3318.063 of the 42570

Revised Code, first shall approve the levy of taxes outside the 42571
ten-mill limitation for the period specified in that section at a 42572
rate of not less than one-half mill for each dollar of valuation. 42573

(e) The school district board shall apply the proceeds of a 42574
tax to leverage bonds as authorized under section 3318.052 of the 42575
Revised Code or dedicate a local donated contribution in the 42576
manner described in division (B) of section 3318.084 of the 42577
Revised Code in an amount equivalent to the additional tax 42578
otherwise required under division (D)(2)(a) of this section for 42579
the maintenance of the classroom facilities included in the basic 42580
project cost as determined by the commission. 42581

(3) A school district board may opt to delay taking any of 42582
the actions described in division (D)(2) of this section until the 42583
school district becomes eligible for state assistance under 42584
sections 3318.01 to 3318.20 of the Revised Code. In order to 42585
exercise this option, the board shall certify to the commission a 42586
resolution indicating the board's intent to do so prior to 42587
entering into an agreement under division (B) of this section. 42588

(4) If pursuant to division (D)(3) of this section a district 42589
board opts to delay levying an additional tax until the district 42590
becomes eligible for state assistance, it shall submit the 42591
question of levying that tax to the district electors as follows: 42592

(a) In accordance with section 3318.06 of the Revised Code if 42593
it will also be necessary pursuant to division (E) of this section 42594
to submit a proposal for approval of a bond issue; 42595

(b) In accordance with section 3318.361 of the Revised Code 42596
if it is not necessary to also submit a proposal for approval of a 42597
bond issue pursuant to division (E) of this section. 42598

(5) No state assistance under sections 3318.01 to 3318.20 of 42599
the Revised Code shall be released until a school district board 42600
that adopts and certifies a resolution under division (D) of this 42601

section also demonstrates to the satisfaction of the commission 42602
compliance with the provisions of division (D)(2) of this section. 42603

Any amount required for maintenance under division (D)(2) of 42604
this section shall be deposited into a separate fund as specified 42605
in division (B) of section 3318.05 of the Revised Code. 42606

(E)(1) If the school district becomes eligible for state 42607
assistance under sections 3318.01 to 3318.20 of the Revised Code 42608
based on its percentile ranking under division (B)(3) of this 42609
section or is offered assistance under section 3318.364 of the 42610
Revised Code, the commission shall conduct a new assessment of the 42611
school district's classroom facilities needs and shall recalculate 42612
the basic project cost based on this new assessment. The basic 42613
project cost recalculated under this division shall include the 42614
amount of expenditures made by the school district board under 42615
division (D)(1) of this section. The commission shall then 42616
recalculate the school district's portion of the new basic project 42617
cost, which shall be the percentage of the original basic project 42618
cost assigned to the school district as its portion under division 42619
(C) of this section. The commission shall deduct the expenditure 42620
of school district moneys made under division (D)(1) of this 42621
section from the school district's portion of the basic project 42622
cost as recalculated under this division. If the amount of school 42623
district resources applied by the school district board to the 42624
school district's portion of the basic project cost under this 42625
section is less than the total amount of such portion as 42626
recalculated under this division, the school district board by a 42627
majority vote of all of its members shall, if it desires to seek 42628
state assistance under sections 3318.01 to 3318.20 of the Revised 42629
Code, adopt a resolution as specified in section 3318.06 of the 42630
Revised Code to submit to the electors of the school district the 42631
question of approval of a bond issue in order to pay any 42632
additional amount of school district portion required for state 42633

assistance. Any tax levy approved under division (D) of this 42634
section satisfies the requirements to levy the additional tax 42635
under section 3318.06 of the Revised Code. 42636

(2) If the amount of school district resources applied by the 42637
school district board to the school district's portion of the 42638
basic project cost under this section is more than the total 42639
amount of such portion as recalculated under this division, within 42640
one year after the school district's portion is recalculated under 42641
division (E)(1) of this section the commission may grant to the 42642
school district the difference between the two calculated 42643
portions, but at no time shall the commission expend any state 42644
funds on a project in an amount greater than the state's portion 42645
of the basic project cost as recalculated under this division. 42646

Any reimbursement under this division shall be only for local 42647
resources the school district has applied toward construction cost 42648
expenditures for the classroom facilities approved by the 42649
commission, which shall not include any financing costs associated 42650
with that construction. 42651

The school district board shall use any moneys reimbursed to 42652
the district under this division to pay off any debt service the 42653
district owes for classroom facilities constructed under its 42654
project under this section before such moneys are applied to any 42655
other purpose. However, the district board first may deposit 42656
moneys reimbursed under this division into the district's general 42657
fund or a permanent improvement fund to replace local resources 42658
the district withdrew from those funds, as long as, and to the 42659
extent that, those local resources were used by the district for 42660
constructing classroom facilities included in the district's basic 42661
project cost. 42662

Sec. 3318.362. This section applies only to a school district 42663
that participates in the school building assistance expedited 42664

local partnership program under section 3318.36 of the Revised Code. 42665
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A school district board that enters into an agreement with the Ohio ~~school~~ facilities construction commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for any number of years not exceeding the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code. 42667
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Sec. 3318.363. (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code. 42681
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(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio ~~school~~ facilities construction commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the 42685
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adjusted valuation per pupil calculated under division (C) of this 42696
section rather than the three-year average adjusted valuation per 42697
pupil, calculated under division (B) of section 3318.011 of the 42698
Revised Code. For such district, the required percentage of the 42699
basic project cost used to determine the state and school district 42700
shares of that cost under division (C) of section 3318.36 of the 42701
Revised Code shall be based on the percentile rank as calculated 42702
under this section rather than as otherwise provided in division 42703
(C)(1) of section 3318.36 of the Revised Code. If the commission 42704
has determined the state and school district portion of the basic 42705
project cost of such a district's project under section 3318.36 of 42706
the Revised Code prior to that decrease in tax valuation, the 42707
commission shall adjust the state and school district shares of 42708
the basic project cost of such project in accordance with this 42709
section. 42710

(C)(1) As used in divisions (C) and (D) of this section, 42711
"total taxable value" and "formula ADM" have the same meanings as 42712
in section 3317.02 of the Revised Code, and "income factor" has 42713
the same meaning as in section 3318.011 of the Revised Code. 42714

(2) The adjusted valuation per pupil for a school district to 42715
which this section applies shall be calculated using the following 42716
formula: 42717

(The district's total taxable value for the tax year 42718
preceding the calendar year in which the current fiscal year 42719
begins / the district's formula ADM for the previous fiscal year) 42720
- [\$30,000 x (1 - the district's income factor)]. 42721

(D) At the request of the Ohio ~~school~~ facilities construction 42722
commission, the department of education shall report a district's 42723
total taxable value for the tax year preceding the calendar year 42724
in which the current fiscal year begins for any district to which 42725
this section applies as that information has been certified to the 42726
department by the tax commissioner pursuant to section 3317.021 of 42727

the Revised Code. 42728

Sec. 3318.364. In any fiscal year, the Ohio ~~school~~ facilities 42729
construction commission may, at its discretion, provide assistance 42730
under sections 3318.01 to 3318.20 of the Revised Code to a school 42731
district that has entered into an expedited local partnership 42732
agreement under section 3318.36 of the Revised Code before the 42733
district is otherwise eligible for that assistance based on its 42734
percentile rank, if the commission determines all of the 42735
following: 42736

(A) The district has made an expenditure of local resources 42737
under its expedited local partnership agreement on a discrete part 42738
of its district-wide project. 42739

(B) The district is ready to complete its district-wide 42740
project or a segment of the project, in accordance with section 42741
3318.034 of the Revised Code. 42742

(C) The district is in compliance with division (D)(2) of 42743
section 3318.36 of the Revised Code. 42744

(D) Sufficient state funds have been appropriated for 42745
classroom facilities projects for the fiscal year to pay the state 42746
share of the district's project or segment after paying the state 42747
share of projects for all of the following: 42748

(1) Districts that previously had their conditional approval 42749
lapse pursuant to section 3318.05 of the Revised Code; 42750

(2) Districts eligible for assistance under division (B)(2) 42751
of section 3318.04 of the Revised Code; 42752

(3) Districts participating in the exceptional needs school 42753
facilities assistance program under section 3318.37 or 3318.371 of 42754
the Revised Code; 42755

(4) Districts participating in the accelerated urban school 42756
building assistance program under section 3318.38 of the Revised 42757

Code. 42758

Assistance under this section shall be offered to eligible 42759
districts in the order of their percentile rankings at the time 42760
they entered into their expedited local partnership agreements, 42761
from lowest to highest percentile. In the event that more than one 42762
district has the same percentile ranking, those districts shall be 42763
offered assistance in the order of the date they entered into 42764
their expedited local partnership agreements, from earliest to 42765
latest date. 42766

As used in this section, "local resources" and "percentile" 42767
have the same meanings as in section 3318.36 of the Revised Code. 42768

Sec. 3318.37. (A)(1) As used in this section: 42769

(a) "Full maintenance amount" has the same meaning as in 42770
section 3318.034 of the Revised Code. 42771

(b) A "school district with an exceptional need for immediate 42772
classroom facilities assistance" means a school district with an 42773
exceptional need for new facilities in order to protect the health 42774
and safety of all or a portion of its students. 42775

(2) No school district that participates in the school 42776
building assistance expedited local partnership program under 42777
section 3318.36 of the Revised Code shall receive assistance under 42778
the program established under this section unless the following 42779
conditions are satisfied: 42780

(a) The district board adopted a resolution certifying its 42781
intent to participate in the school building assistance expedited 42782
local partnership program under section 3318.36 of the Revised 42783
Code prior to September 14, 2000. 42784

(b) The district was selected by the Ohio ~~school~~ facilities 42785
construction commission for participation in the school building 42786
assistance expedited local partnership program under section 42787

3318.36 of the Revised Code in the manner prescribed by the 42788
commission under that section as it existed prior to September 14, 42789
2000. 42790

(B)(1) There is hereby established the exceptional needs 42791
school facilities assistance program. Under the program, the Ohio 42792
~~school~~ facilities construction commission may set aside from the 42793
moneys annually appropriated to it for classroom facilities 42794
assistance projects up to twenty-five per cent for assistance to 42795
school districts with exceptional needs for immediate classroom 42796
facilities assistance. 42797

(2)(a) After consulting with education and construction 42798
experts, the commission shall adopt guidelines for identifying 42799
school districts with an exceptional need for immediate classroom 42800
facilities assistance. 42801

(b) The guidelines shall include application forms and 42802
instructions for school districts to use in applying for 42803
assistance under this section. 42804

(3) The commission shall evaluate the classroom facilities, 42805
and the need for replacement classroom facilities from the 42806
applications received under this section. The commission, 42807
utilizing the guidelines adopted under division (B)(2)(a) of this 42808
section, shall prioritize the school districts to be assessed. 42809

Notwithstanding section 3318.02 of the Revised Code, the 42810
commission may conduct on-site evaluation of the school districts 42811
prioritized under this section and approve and award funds until 42812
such time as all funds set aside under division (B)(1) of this 42813
section have been encumbered. However, the commission need not 42814
conduct the evaluation of facilities if the commission determines 42815
that a district's assessment conducted under section 3318.36 of 42816
the Revised Code is sufficient for purposes of this section. 42817

(4) Notwithstanding division (A) of section 3318.05 of the 42818

Revised Code, the school district's portion of the basic project 42819
cost under this section shall be the "required percentage of the 42820
basic project costs," as defined in division (K) of section 42821
3318.01 of the Revised Code. 42822

(5) Except as otherwise specified in this section, any 42823
project undertaken with assistance under this section shall comply 42824
with all provisions of sections 3318.01 to 3318.20 of the Revised 42825
Code. A school district may receive assistance under sections 42826
3318.01 to 3318.20 of the Revised Code for the remainder of the 42827
district's classroom facilities needs as assessed under this 42828
section when the district is eligible for such assistance pursuant 42829
to section 3318.02 of the Revised Code, but any classroom facility 42830
constructed with assistance under this section shall not be 42831
included in a district's project at that time unless the 42832
commission determines the district has experienced the increased 42833
enrollment specified in division (B)(1) of section 3318.04 of the 42834
Revised Code. 42835

(C) No school district shall receive assistance under this 42836
section for a classroom facility that has been included in the 42837
discrete part of the district's classroom facilities needs 42838
identified and addressed in the district's project pursuant to an 42839
agreement entered into under section 3318.36 of the Revised Code, 42840
unless the district's entire classroom facilities plan consists of 42841
only a single building designed to house grades kindergarten 42842
through twelve. 42843

(D)(1) When undertaking a project under this section, a 42844
school district may elect to prorate its full maintenance amount 42845
by setting aside for maintenance the amount calculated under 42846
division (D)(2) of this section to maintain the classroom 42847
facilities acquired under the project, if the district will use 42848
one or more of the alternative methods authorized in sections 42849
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 42850

the entire amount calculated under that division. If the district
so elects, the commission and the district shall include in the
agreement entered into under section 3318.08 of the Revised Code a
statement specifying that the district will use the amount
calculated under that division only to maintain the classroom
facilities acquired under the project under this section.

(2) The commission shall calculate the amount for a school
district to maintain the classroom facilities acquired under a
project under this section as follows:

The full maintenance amount X (the school district's portion
of the basic project cost under this section / the school
district's portion of the basic project cost for the district's
entire classroom facilities needs, as determined jointly by the
staff of the commission and the district)

(3) A school district may elect to prorate its full
maintenance amount for any number of projects under this section,
provided the district will use one or more of the alternative
methods authorized in sections 3318.051, 3318.052, and 3318.084 of
the Revised Code to generate the entire amount calculated under
division (D)(2) of this section to maintain the classroom
facilities acquired under each project for which it so elects. If
the district cannot use one or more of those alternative methods
to generate the entire amount calculated under that division, the
district shall levy the tax described in division (B) of section
3318.05 of the Revised Code or an extension of that tax under
section 3318.061 of the Revised Code in an amount necessary to
generate the remainder of its full maintenance amount. The
commission shall calculate the remainder of the district's full
maintenance amount as follows:

The full maintenance amount - the sum of the amounts
calculated for the district under division (D)(2) of this section
for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to ~~the effective date of this amendment~~ September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

Sec. 3318.371. The Ohio ~~school~~ facilities construction commission may provide assistance under the exceptional needs school facilities program established by section 3318.37 of the Revised Code to any school district for the purpose of the relocation or replacement of classroom facilities required as a result of any contamination of air, soil, or water that impacts the occupants of the facility.

The commission shall make a determination in accordance with guidelines adopted by the commission regarding eligibility and funding for projects under this section. The commission may contract with an independent environmental consultant to conduct a study to assist the commission in making the determination.

If the federal government or other public or private entity

provides funds for restitution of costs incurred by the state or 42914
school district in the relocation or replacement of the classroom 42915
facilities, the school district shall use such funds in excess of 42916
the school district's share to refund the state for the state's 42917
contribution to the environmental contamination portion of the 42918
project. The school district may apply an amount of such 42919
restitution funds up to an amount equal to the school district's 42920
portion of the project, as defined by the commission, toward 42921
paying its portion of that project to reduce the amount of bonds 42922
the school district otherwise must issue to receive state 42923
assistance under sections 3318.01 to 3318.20 of the Revised Code. 42924

Sec. 3318.38. (A) As used in this section, "big-eight school 42925
district" has the same meaning as in section 3314.02 of the 42926
Revised Code. 42927

(B) There is hereby established the accelerated urban school 42928
building assistance program. Under the program, notwithstanding 42929
section 3318.02 of the Revised Code, any big-eight school district 42930
that has not been approved to receive assistance under sections 42931
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 42932
beginning on that date apply for approval of and be approved for 42933
such assistance. Except as otherwise provided in this section, any 42934
project approved and undertaken pursuant to this section shall 42935
comply with all provisions of sections 3318.01 to 3318.20 of the 42936
Revised Code. 42937

The Ohio ~~school~~ facilities construction commission shall 42938
provide assistance to any big-eight school district eligible for 42939
assistance under this section in the following manner: 42940

(1) Notwithstanding section 3318.02 of the Revised Code: 42941

(a) Not later than June 30, 2002, the commission shall 42942
conduct an on-site visit and shall assess the classroom facilities 42943
needs of each big-eight school district eligible for assistance 42944

under this section; 42945

(b) Beginning July 1, 2002, any big-eight school district 42946
eligible for assistance under this section may apply to the 42947
commission for conditional approval of its project as determined 42948
by the assessment conducted under division (B)(1)(a) of this 42949
section. The commission may conditionally approve that project and 42950
submit it to the controlling board for approval pursuant to 42951
section 3318.04 of the Revised Code. 42952

(2) If the controlling board approves the project of a 42953
big-eight school district eligible for assistance under this 42954
section, the commission and the school district shall enter into 42955
an agreement as prescribed in section 3318.08 of the Revised Code. 42956
Any agreement executed pursuant to this division shall include any 42957
applicable segmentation provisions as approved by the commission 42958
under division (B)(3) of this section. 42959

(3) Notwithstanding any provision to the contrary in sections 42960
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 42961
school district eligible for assistance under this section may 42962
with the approval of the commission opt to divide the project as 42963
approved under division (B)(1)(b) of this section into discrete 42964
segments to be completed sequentially. Any project divided into 42965
segments shall comply with all other provisions of sections 42966
3318.05, 3318.06, and 3318.08 of the Revised Code except as 42967
otherwise specified in this division. 42968

If a project is divided into segments under this division: 42969

(a) The school district need raise only the amount equal to 42970
its proportionate share, as determined under section 3318.032 of 42971
the Revised Code, of each segment at any one time and may seek 42972
voter approval of each segment separately; 42973

(b) The state's proportionate share, as determined under 42974
section 3318.032 of the Revised Code, of only the segment which 42975

has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

(c) The school district's maintenance levy requirement, as defined in section 3318.18 of the Revised Code, shall run for twenty-three years from the date the first segment is undertaken.

(C) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project under this section, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

Sec. 3318.39. (A) The 1:1 school facilities option program is hereby established. Under the program, the Ohio facilities construction commission shall provide state funds to assist eligible school districts in constructing, acquiring, reconstructing, or making additions or repairs to any feature of a classroom facility that meets the design standards of the commission in lieu of that district participating in the classroom facilities assistance program under sections 3318.01 to 3318.20 of the Revised Code, in the case of a city, exempted village, or local school district, or sections 3318.40 to 3318.45 of the

Revised Code, in the case of a joint vocational school district. 43007

For purposes of this program, an eligible school district is 43008
either of the following: 43009

(1) A city, exempted village, or local school district that 43010
has not entered into an agreement for any program under this 43011
chapter, except for emergency assistance under section 3318.351 of 43012
the Revised Code, prior to the effective date of this section. A 43013
district that received partial assistance prior to May 20, 1997, 43014
and can qualify for assistance under division (B)(2) of section 43015
3318.04 of the Revised Code shall not be eligible for assistance 43016
under this section. 43017

(2) A joint vocational school district that has not entered 43018
into an agreement for any program under this chapter prior to the 43019
effective date of this section. 43020

An eligible school district may avail itself of the option 43021
provided under this section only at the time it becomes eligible 43022
for assistance under the classroom facilities assistance program 43023
in accordance with the annual percentile ranking of districts 43024
under section 3318.011 or 3318.42 of the Revised Code. 43025

(B)(1) The commission, at the request of a school district 43026
that meets the criteria set forth in division (A) of this section, 43027
shall assess the current conditions of the classroom facilities of 43028
that school district. Based on the results of the assessment, the 43029
commission shall determine the scope of the entire project, the 43030
basic project cost of the school district's classroom facilities 43031
needs, and the state's portion of the total project if the school 43032
district were to receive assistance under sections 3318.01 to 43033
3318.20 of the Revised Code, in the case of a city, exempted 43034
village, or local school district, or sections 3318.40 to 3318.45 43035
of the Revised Code, in the case of a joint vocational school 43036
district. 43037

(2) A district that opts to receive assistance under this section shall be eligible to receive state funds in the amount of up to the greater of one million dollars or ten per cent of the state's share of the total project cost determined under division (B)(1) of this section. However, a district may choose to receive less than the maximum amount of state funds for which it is eligible under this division. 43038
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(3) A district that opts to receive assistance under this section shall match the amount of state funds it receives on a one-to-one basis. A district may generate the school district funds for its match using any lawful manner. 43045
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(C) The commission shall adopt guidelines and procedures for the administration of the program. The guidelines shall include the following: 43049
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(1) A requirement that, in order to participate in the program, the district's board of education must approve participation by an affirmative vote of not less than four-fifths of the board's full membership; 43052
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(2) The application process for districts; 43056

(3) A requirement that, in order to participate in the program, the district shall provide a share that is at least equal to the amount of the state assistance provided under this section. 43057
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(D) If a district participates in the program established under this section, that district shall not have another project under sections 3318.01 to 3318.20 of the Revised Code, in the case of a city, exempted village, or local school district, or sections 3318.40 to 3318.45 of the Revised Code, in the case of a joint vocational school district, conditionally approved until the expiration of twenty years after the date the district enters into an agreement with the commission for assistance under this section. 43060
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Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised Code:

(a) "Ohio ~~school~~ facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities.

(B) There is hereby established the vocational school facilities assistance program. Under the program, the Ohio ~~school~~ facilities construction commission shall provide assistance to joint vocational school districts for the acquisition of classroom facilities suitable to the vocational education programs of the districts in accordance with sections 3318.40 to 3318.45 of the Revised Code. For purposes of the program, beginning July 1, 2003, the commission annually may set aside up to two per cent of the aggregate amount appropriated to it for classroom facilities assistance projects in the public school building fund, established under section 3318.15 of the Revised Code, and the school building program assistance fund, established under section 3318.25 of the Revised Code.

(C) The commission shall not provide assistance for any distinct part of a project under sections 3318.40 to 3318.45 of the Revised Code that when completed will be used exclusively for an adult education program or exclusively for operation of a driver training school for instruction leading to the issuance of a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation

of a classroom facility as determined by the commission. 43100

(D) The commission shall not provide assistance under 43101
sections 3318.40 to 3318.45 of the Revised Code to acquire 43102
classroom facilities for vocational educational instruction at a 43103
location under the control of a school district that is a member 43104
of a joint vocational school district. Any assistance to acquire 43105
classroom facilities for vocational educational instruction at 43106
such location shall be provided to the school district that is a 43107
member of the joint vocational school district through other 43108
provisions of this chapter when that member school district is 43109
eligible for assistance under those provisions. 43110

(E) By September 1, 2003, the commission shall assess the 43111
classroom facilities needs of at least five joint vocational 43112
school districts, according to the order of priority prescribed in 43113
division (B) of section 3318.42 of the Revised Code, and based on 43114
the results of those assessments shall determine the extent to 43115
which amendments to the specifications adopted under section 43116
3318.311 of the Revised Code are warranted. The commission, 43117
thereafter, may amend the specifications as provided in that 43118
section. 43119

(F) After the commission has conducted the assessments 43120
prescribed in division (E) of this section, the commission shall 43121
establish, by rule adopted in accordance with section 111.15 of 43122
the Revised Code, guidelines for the commission to use in deciding 43123
whether to waive compliance with the design specifications adopted 43124
under section 3318.311 of the Revised Code when determining the 43125
number of facilities and the basic project cost of projects as 43126
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 43127
Code. The guidelines shall address the following situations: 43128

(1) Under what circumstances, if any, particular classroom 43129
facilities are adequate to meet the needs of the school district 43130
even though the facilities do not comply with the specifications 43131

adopted under section 3318.311 of the Revised Code; 43132

(2) Under what circumstances, if any, particular classroom 43133
facilities will be renovated or repaired rather than replaced by 43134
construction of new facilities. 43135

Sec. 3318.41. (A)(1) The Ohio ~~school~~ facilities construction 43136
commission annually shall assess the classroom facilities needs of 43137
the number of joint vocational school districts that the 43138
commission reasonably expects to be able to provide assistance to 43139
in a fiscal year, based on the amount set aside for that fiscal 43140
year under division (B) of section 3318.40 of the Revised Code and 43141
the order of priority prescribed in division (B) of section 43142
3318.42 of the Revised Code, except that in fiscal year 2004 the 43143
commission shall conduct at least the five assessments prescribed 43144
in division (E) of section 3318.40 of the Revised Code. 43145

Upon conducting an assessment of the classroom facilities 43146
needs of a school district, the commission shall make a 43147
determination of all of the following: 43148

(a) The number of classroom facilities to be included in a 43149
project and the basic project cost of acquiring the classroom 43150
facilities included in the project. The number of facilities and 43151
basic project cost shall be determined in accordance with the 43152
specifications adopted under section 3318.311 of the Revised Code 43153
except to the extent that compliance with such specifications is 43154
waived by the commission pursuant to the rule of the commission 43155
adopted under division (F) of section 3318.40 of the Revised Code. 43156

(b) The school district's portion of the basic project cost 43157
as determined under division (C) of section 3318.42 of the Revised 43158
Code; 43159

(c) The remaining portion of the basic project cost that 43160
shall be supplied by the state; 43161

(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code. 43162
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(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code. 43167
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(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year. 43170
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(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any 43184
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rule adopted by the commission to implement this division shall be 43194
tailored to address the classroom facilities needs of joint 43195
vocational school districts. 43196

(C) In addition to generating the amount of the school 43197
district's portion of the basic project cost as determined under 43198
division (C) of section 3318.42 of the Revised Code, in order for 43199
a school district to receive assistance under sections 3318.40 to 43200
3318.45 of the Revised Code, the school district board shall set 43201
aside school district moneys for the maintenance of the classroom 43202
facilities included in the school district's project in the amount 43203
and manner prescribed in section 3318.43 of the Revised Code. 43204

(D)(1) The conditional approval for a project certified under 43205
division (B)(1) of this section shall lapse and the amount 43206
reserved and encumbered for such project shall be released unless 43207
both of the following conditions are satisfied: 43208

(a) Within one hundred twenty days following the date of 43209
certification of the conditional approval to the joint vocational 43210
school district board, the school district board accepts the 43211
conditional approval and certifies to the commission the school 43212
district board's plan to generate the school district's portion of 43213
the basic project cost, as determined under division (C) of 43214
section 3318.42 of the Revised Code, and to set aside moneys for 43215
maintenance of the classroom facilities acquired under the 43216
project, as prescribed in section 3318.43 of the Revised Code. 43217

(b) Within thirteen months following the date of 43218
certification of the conditional approval to the school district 43219
board, the electors of the school district vote favorably on any 43220
ballot measures proposed by the school district board to generate 43221
the school district's portion of the basic project cost. 43222

(2) If the school district board or electors fail to satisfy 43223
the conditions prescribed in division (D)(1) of this section and 43224

the amount reserved and encumbered for the school district's 43225
project is released, the school district shall be given first 43226
priority over other joint vocational school districts for project 43227
funding under sections 3318.40 to 3318.45 of the Revised Code as 43228
such funds become available, subject to section 3318.054 of the 43229
Revised Code. 43230

(E) If the conditions prescribed in division (D)(1) of this 43231
section are satisfied, the commission and the school district 43232
board shall enter into an agreement as prescribed in section 43233
3318.08 of the Revised Code and shall proceed with the development 43234
of plans, cost estimates, designs, drawings, and specifications as 43235
prescribed in section 3318.091 of the Revised Code. 43236

(F) Costs in excess of those approved by the commission under 43237
section 3318.091 of the Revised Code shall be payable only as 43238
provided in sections 3318.042 and 3318.083 of the Revised Code. 43239

(G) Advertisement for bids and the award of contracts for 43240
construction of any project under sections 3318.40 to 3318.45 of 43241
the Revised Code shall be conducted in accordance with section 43242
3318.10 of the Revised Code. 43243

(H) In accordance with division (R) of section 3318.08 of the 43244
Revised Code, the state funds reserved and encumbered and the 43245
funds provided by the school district to pay the basic project 43246
cost of a project under sections 3318.40 to 3318.45 of the Revised 43247
Code shall be spent simultaneously in proportion to the state's 43248
and the school district's respective portions of that basic 43249
project cost. 43250

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 43251
Code apply to projects under sections 3318.40 to 3318.45 of the 43252
Revised Code. 43253

Sec. 3318.42. (A) Not later than the sixty-first day after 43254

March 14, 2003, and subsequently not later than the sixty-first 43255
day after the first day of each ensuing fiscal year, the 43256
department of education shall do all of the following: 43257

(1) Calculate the valuation per pupil of each joint 43258
vocational school district according to the following formula: 43259
The school district's average taxable value divided by the 43260
school district's formula ADM calculated under section 43261
3317.03 of the Revised Code for the previous fiscal year. 43262

For purposes of this calculation: 43263

(a) "Average taxable value" means the average of the amounts 43264
certified for a school district in the second, third, and fourth 43265
preceding tax years under divisions (A)(1) and (2) of section 43266
3317.021 of the Revised Code. 43267

(b) "Formula ADM" has the same meaning as defined in section 43268
3317.02 of the Revised Code. 43269

(2) Calculate for each school district the three-year average 43270
of the valuations per pupil calculated for the school district for 43271
the current and two preceding fiscal years; 43272

(3) Rank all joint vocational school districts in order from 43273
the school district with the lowest three-year average valuation 43274
per pupil to the school district with the highest three-year 43275
average valuation per pupil; 43276

(4) Divide the ranking under division (A)(3) of this section 43277
into percentiles with the first percentile containing the one per 43278
cent of school districts having the lowest three-year average 43279
valuations per pupil and the one-hundredth percentile containing 43280
the one per cent of school districts having the highest three-year 43281
average valuations per pupil; 43282

(5) Certify the information described in divisions (A)(1) to 43283
(4) of this section to the Ohio ~~school~~ facilities construction 43284

commission. 43285

(B) The commission annually shall select school districts for 43286
assistance under sections 3318.40 to 3318.45 of the Revised Code 43287
in the order of the school districts' three-year average 43288
valuations per pupil such that the school district with the lowest 43289
three-year average valuation per pupil shall be given the highest 43290
priority for assistance. 43291

(C) Each joint vocational school district's portion of the 43292
basic project cost of the school district's project under sections 43293
3318.40 to 3318.45 of the Revised Code shall be one per cent times 43294
the percentile in which the district ranks, except that no school 43295
district's portion shall be less than twenty-five per cent or 43296
greater than ninety-five per cent of the basic project cost. 43297

Sec. 3318.421. A project under this section shall proceed in 43298
the manner prescribed in sections 3318.40 to 3318.45 of the 43299
Revised Code except as otherwise specified by this section. 43300

In addition to any joint vocational school districts selected 43301
in accordance with section 3318.40 of the Revised Code, the Ohio 43302
facilities construction commission may select one joint vocational 43303
school district in fiscal year 2018 and one joint vocational 43304
school district in fiscal year 2019 for assistance to do one or 43305
both of the following: 43306

(A) Construct a new complete classroom facility as a 43307
replacement for one or more of the facilities currently operated 43308
by the district; 43309

(B) Renovate the district's existing facilities. 43310

The selection shall be made through a competitive process 43311
that allows any joint vocational school district in this state to 43312
apply for assistance under this section. 43313

The commission shall select for assistance under this section 43314

a district that has a compelling need for new construction and 43315
that demonstrates to the satisfaction of the commission that the 43316
project is necessary for the district to meet the workforce 43317
deficiency or demand in the local community or a local industry. 43318
The commission may consult with other state agencies, public 43319
entities, nonprofit organizations, private corporations, or the 43320
JobsOhio nonprofit corporation formed under section 187.01 of the 43321
Revised Code in making its determination. 43322

Except as provided in this section, the district's portion of 43323
the basic project cost shall be determined in accordance with 43324
division (C) of section 3318.42 of the Revised Code. If the 43325
district's portion of the basic project cost is greater than fifty 43326
per cent, the Ohio facilities construction commission shall 43327
decrease the district's portion so that it is equal to fifty per 43328
cent. At no time, however, shall the state share of the basic 43329
project cost exceed \$26,000,000. 43330

Notwithstanding anything to the contrary in section 3318.40 43331
of the Revised Code, the commission may set aside from funds 43332
appropriated to it for classroom facilities assistance projects 43333
under this chapter an amount each fiscal year adequate for this 43334
section. 43335

Sec. 3318.43. Each year for twenty-three successive years 43336
after the commencement of a joint vocational school district's 43337
project under sections 3318.40 to 3318.45 of the Revised Code, the 43338
board of education of that school district shall deposit into a 43339
separate maintenance account or into the school district's capital 43340
and maintenance fund established under section 3315.18 of the 43341
Revised Code, school district moneys dedicated to maintenance of 43342
the classroom facilities acquired under sections 3318.40 to 43343
3318.45 of the Revised Code in an amount equal to one and one-half 43344
of one per cent of the current insurance value of the classroom 43345

facilities acquired under the project, which value shall be 43346
subject to the approval of the Ohio ~~school~~ facilities construction 43347
commission. 43348

Sec. 3318.46. By rule adopted in accordance with section 43349
111.15 of the Revised Code, the Ohio ~~school~~ facilities 43350
construction commission shall establish a program whereby the 43351
board of education of any joint vocational school district may 43352
enter into an agreement with the commission under which the board 43353
may proceed with the new construction or major repairs of a part 43354
of the school district's classroom facilities needs, as determined 43355
under sections 3318.40 to 3318.45 of the Revised Code, through the 43356
expenditure of local resources prior to the school district's 43357
eligibility for state assistance under sections 3318.40 to 3318.45 43358
of the Revised Code. The program shall be structured in a manner 43359
similar to the program established under section 3318.36 of the 43360
Revised Code. The program shall be operational on July 1, 2004. 43361

Sec. 3318.48. (A) When all of the following have occurred, a 43362
project undertaken by a school district pursuant to this chapter 43363
shall be considered complete and the Ohio ~~school~~ facilities 43364
construction commission shall issue a certificate of completion to 43365
the district board of education: 43366

(1) All facilities to be constructed under the project, as 43367
specified in the project agreement entered into under section 43368
3318.08 of the Revised Code, have been completed and the board has 43369
received a permanent certificate of occupancy for each of those 43370
facilities. 43371

(2) The commission has issued certificates of contract 43372
completion on all prime construction contracts entered into by the 43373
board under section 3318.10 of the Revised Code. 43374

(3) The commission has completed a final accounting of the 43375

district's project construction fund and has determined that all 43376
payments from the fund were made in compliance with all policies 43377
of the commission. 43378

(4) Any litigation concerning the project has been finally 43379
resolved with no chance of appeal. 43380

(5) All construction management services typically provided 43381
by the commission to school districts have been delivered and the 43382
commission has canceled any remaining encumbrance of funds for 43383
those services. 43384

(B) The commission may issue a certificate of completion to a 43385
district board prior to all of the conditions described in 43386
division (A) of this section being satisfied, if the commission 43387
determines that the circumstances preventing the conditions from 43388
being satisfied are so minor in nature that the project should be 43389
considered complete. When issuing a certificate of completion 43390
under this division, the commission may specify any of the 43391
following: 43392

(1) Any construction or work that has yet to be completed and 43393
the manner in which the board shall oversee its completion, which 43394
may include procedures for reporting progress to the commission 43395
and for accounting of expenditures; 43396

(2) Terms and conditions for the resolution of any pending 43397
litigation; 43398

(3) Any remaining responsibilities of the construction 43399
manager regarding the project. 43400

(C) The commission may issue a certificate of completion to a 43401
district board that does not voluntarily participate in the 43402
process of closing out the district's project, if the construction 43403
manager for the project verifies that all facilities to be 43404
constructed under the project, as specified in the project 43405
agreement entered into under section 3318.08 of the Revised Code, 43406

have been completed and the commission determines that those 43407
facilities have been occupied for at least one year. In that case, 43408
all funds due to the commission under division (C) of section 43409
3318.12 of the Revised Code shall be returned to the commission 43410
not later than thirty days after receipt of the certificate of 43411
completion. If the funds due to the commission have not been 43412
returned within sixty days after receipt of the certificate of 43413
completion, the auditor of state shall issue a finding for 43414
recovery against the school district and shall request legal 43415
action under section 117.42 of the Revised Code. 43416

(D) Upon issuance of a certificate of completion under this 43417
section, the commission's ownership of and interest in the 43418
project, as specified in division (F) of section 3318.08 of the 43419
Revised Code, shall cease. This cessation shall not alter or 43420
otherwise affect the state's or commission's interest in the 43421
project or any limitations on the use of the project as specified 43422
in the project agreement pursuant to divisions (G), (M), and (N) 43423
of that section or as specified in section 3318.16 of the Revised 43424
Code. 43425

Sec. 3318.49. (A) The corrective action program is hereby 43426
established to provide funding for the correction of work, in 43427
connection with a project funded under sections 3318.01 to 3318.20 43428
or sections 3318.40 to 3318.45 of the Revised Code, that is found 43429
after occupancy of the facility to be defective or to have been 43430
omitted. 43431

(B) The Ohio ~~school~~ facilities construction commission may 43432
provide funding under this section only if the school district 43433
notifies the executive director of the commission of the defective 43434
or omitted work within five years after occupancy of the facility 43435
for which the district seeks the funding. 43436

(C) The commission shall establish procedures and deadlines 43437

for school districts to follow in applying for assistance under 43438
this section. The procedures shall include definitions of 43439
"defective" and "omitted," and shall require that remediation 43440
efforts focus first on engaging the respective contractors that 43441
designed and constructed the areas that have design or 43442
construction-related issues. The commission shall consider 43443
applications on a case-by-case basis, taking into account the 43444
amount of money appropriated and available for purposes of this 43445
section. 43446

(D) The commission may provide funding assistance necessary 43447
to take corrective measures after evaluating the defective or 43448
omitted work. 43449

(1) If the work to be corrected or remediated is part of a 43450
project not yet completed, the commission may amend the project 43451
agreement to increase the project budget and use corrective action 43452
funding to provide the state portion of the amendment. If the work 43453
to be corrected or remediated is part of a completed project and 43454
funds were retained or transferred pursuant to division (C) of 43455
section 3318.12 of the Revised Code, the commission may enter into 43456
a new agreement to address the corrective action. 43457

(2) Whether or not the project is completed, the district 43458
shall contribute a portion of the cost of the corrective action, 43459
to be determined in accordance with section 3318.032 of the 43460
Revised Code or, if the district is a joint vocational school 43461
district, section 3318.42 of the Revised Code. A district that is 43462
unable to provide its portion so that remediation can proceed may 43463
apply to the commission for additional assistance under section 43464
3318.042 of the Revised Code. 43465

(E) The commission shall assess responsibility for the 43466
defective or omitted work and seek cost recovery from responsible 43467
parties, if applicable. Any recovery of the expense of remediation 43468
shall be applied first to the district portion of the cost of the 43469

corrective action. Any remaining funds shall be applied to the 43470
state portion and deposited into the school building program 43471
assistance fund established under section 3318.25 of the Revised 43472
Code. 43473

Sec. 3318.50. (A) As used in this section and in section 43474
3318.52 of the Revised Code, "classroom facilities" means 43475
buildings, land, grounds, equipment, and furnishings used by a 43476
community school in furtherance of its mission and contract 43477
entered into by the school's governing authority under Chapter 43478
3314. of the Revised Code. 43479

(B) There is hereby established the community school 43480
classroom facilities loan guarantee program. Under the program, 43481
the Ohio ~~school~~ facilities construction commission may guarantee 43482
for up to fifteen years up to eighty-five per cent of the sum of 43483
the principal and interest on a loan made to the governing 43484
authority of a community school established under Chapter 3314. of 43485
the Revised Code for the sole purpose of assisting the governing 43486
authority in acquiring, improving, or replacing classroom 43487
facilities for the community school by lease, purchase, remodeling 43488
of existing facilities, or any other means including new 43489
construction. 43490

The commission shall not make any loan guarantee under this 43491
section unless the commission has determined both that the 43492
applicant is creditworthy and that the classroom facilities that 43493
have been acquired, improved, or replaced under the loan meet 43494
applicable health and safety standards established by law for 43495
school buildings or those facilities that will be acquired, 43496
improved, or replaced under the loan will meet such standards. 43497

The commission shall not guarantee any loan under this 43498
section unless the loan is obtained from a financial institution 43499
regulated by the United States or this state. 43500

(C) At no time shall the commission exceed an aggregate 43501
liability of ten million dollars to repay loans guaranteed under 43502
this section. 43503

(D) Any payment made to a lending institution as a result of 43504
default on a loan guaranteed under this section shall be made from 43505
moneys in the community school classroom facilities loan guarantee 43506
fund established under section 3318.52 of the Revised Code. 43507

(E) The commission may assess a fee of up to five hundred 43508
dollars for each loan guaranteed under this section. 43509

(F) Not later than ninety days after September 5, 2001, the 43510
commission shall adopt rules that prescribe loan standards and 43511
procedures consistent with this section that are designed to 43512
protect the state's interest in any loan guaranteed by this 43513
section and to ensure that the state has a reasonable chance of 43514
recovering any payments made by the state in the event of a 43515
default on any such loan. 43516

Sec. 3318.60. (A) As used in this section and section 3318.61 43517
of the Revised Code: 43518

(1) "Acquisition of classroom facilities" means constructing, 43519
reconstructing, repairing, or making additions to classroom 43520
facilities. 43521

(2) "Ohio ~~school~~ facilities construction commission" and 43522
"classroom facilities" have the same meanings as in section 43523
3318.01 of the Revised Code. 43524

(B) There is hereby established the college-preparatory 43525
boarding school facilities program. Under the program, the Ohio 43526
~~school~~ facilities construction commission shall provide assistance 43527
to the boards of trustees of college-preparatory boarding schools 43528
established under Chapter 3328. of the Revised Code for the 43529
acquisition of classroom facilities. 43530

(C) The program shall comply with sections 3318.01 to 3318.20 43531
of the Revised Code, except as follows: 43532

(1) The commission, in consultation with the board of 43533
trustees of a college-preparatory boarding school, shall determine 43534
the basic project cost based on all campus facilities needed for 43535
the school's programs and operations and shall take into account 43536
any unique spaces or square footages needed for such facilities 43537
when calculating the basic project cost. Regardless of the 43538
inclusion of nonclassroom facilities in the calculation of the 43539
basic project cost, state funds provided under the program shall 43540
be used only to pay for the acquisition of classroom facilities 43541
that do not exceed the construction and design standards 43542
established by the commission. 43543

(2) To be eligible for assistance under the program, the 43544
board of trustees of a college-preparatory boarding school shall 43545
secure at least twenty million dollars of private money to satisfy 43546
its share of the basic project cost. Funds provided by the board 43547
may be used for any type of facility. 43548

(3) A college-preparatory boarding school shall not be 43549
included in the ranking required by section 3318.011 of the 43550
Revised Code. The commission shall initiate procedures for the 43551
school's project when the contract required by section 3328.12 of 43552
the Revised Code has been executed. 43553

(4) No requirement related to the issuance of bonds or 43554
securities or the levying of taxes by a school district shall 43555
apply to a college-preparatory boarding school or its board of 43556
trustees. 43557

(5) The agreement entered into by the commission with the 43558
board of trustees of a college-preparatory boarding school under 43559
section 3318.08 of the Revised Code shall provide for termination 43560
of the contract and release of the funds encumbered at the time of 43561

the project's conditional approval, if the board fails to secure 43562
the amount specified in division (C)(2) of this section within 43563
such period after the execution of the agreement as may be fixed 43564
by the commission. 43565

(D) Within the ninety-day period immediately following ~~the~~ 43566
~~effective date of this section~~ September 29, 2011, the commission 43567
shall adopt rules necessary for the implementation and 43568
administration of the program. 43569

Sec. 3318.61. (A) In lieu of participating in the 43570
college-preparatory boarding school facilities program under 43571
section 3318.60 of the Revised Code, if the board of trustees of a 43572
college-preparatory boarding school established under Chapter 43573
3328. of the Revised Code has leased, purchased, or otherwise 43574
acquired a site for the school, the board of trustees may request 43575
approval from the Ohio ~~school~~ facilities construction commission 43576
for the board of trustees and the commission to enter into an 43577
agreement with a person or entity for the development of the site, 43578
under which agreement all of the following shall occur: 43579

(1) The board of trustees will lease the site and any 43580
facilities located on that site to the person or entity for the 43581
purpose of enabling the person or entity to provide the campus 43582
facilities needed for the school's programs and operations by 43583
constructing new facilities on the site; reconstructing, 43584
repairing, or making additions to the existing facilities on the 43585
site; or both. 43586

(2) The person or entity will lease the site and any new or 43587
existing facilities located on that site back to the board of 43588
trustees for use by the school. 43589

(3) The commission will pay the board of trustees state funds 43590
for the cost of acquisition of classroom facilities on the site 43591
and the board of trustees will use those funds to make rent 43592

payments on the lease provided by the person or entity. As agreed 43593
to by the commission and the board of trustees, the commission may 43594
pay the state funds to the board of trustees in periodic 43595
installments or as one lump sum in an amount equal to the 43596
outstanding balance on the lease for classroom facilities. 43597

(B) The commission shall approve the request of the board of 43598
trustees under division (A) of this section only if the following 43599
conditions are satisfied: 43600

(1) The person or entity that would be party to the agreement 43601
submits to the board of trustees and the commission a plan for 43602
developing the site that includes the following: 43603

(a) Provision for installation of site utilities that meet 43604
the requirements of all applicable laws; 43605

(b) A description of the facilities that will be constructed, 43606
reconstructed, repaired, or added to and their total square 43607
footage; 43608

(c) A description of how the facilities will enable the board 43609
of trustees to provide the educational program described in 43610
section 3328.22 of the Revised Code; 43611

(d) Provision for securing property and liability insurance 43612
for the facilities; 43613

(e) A description of how the development of the site will be 43614
financed by the person or entity; 43615

(f) The length of the lease that the person or entity will 43616
offer the board of trustees, which shall not exceed forty years, 43617
and the monthly rent that will be owed to the person or entity for 43618
that lease. 43619

(2) The commission determines that the plan submitted under 43620
division (B)(1) of this section is satisfactory and will meet the 43621
needs of the students enrolled in the school and that the 43622

classroom facilities described in the plan do not exceed the 43623
construction and design standards established by the commission. 43624

(3) The person or entity that would be party to the agreement 43625
has demonstrated financial responsibility to the satisfaction of 43626
the commission. 43627

(4) The commission, in consultation with the board of 43628
trustees, determines that it is in the best interest of the school 43629
for the board of trustees and the commission to enter into the 43630
agreement. 43631

(C) Upon approval of the commission, the board of trustees 43632
and the commission may enter into an agreement with the person or 43633
entity for development of the site in accordance with this 43634
section. The agreement shall include the following: 43635

(1) A requirement that development of the site begin not 43636
later than eighteen months after the agreement is executed and 43637
proceed according to a schedule specified in the agreement; 43638

(2) A stipulation that failure of the person or entity 43639
developing the site to comply with the schedule shall be grounds 43640
for termination of the agreement; 43641

(3) A provision specifying which party to the agreement owns 43642
the facilities located on the site if the school closes prior to 43643
the expiration of the agreement and a provision indicating the 43644
period of time after the school's closure, if any, during which 43645
rent payments will continue to be paid to the person or entity 43646
developing the site. 43647

Sec. 3318.62. Any agreement between the Ohio ~~school~~ 43648
facilities construction commission and the board of trustees of a 43649
college-preparatory boarding school to provide facilities 43650
assistance under section 3318.60 or 3318.61 of the Revised Code 43651
shall include the following stipulations: 43652

(A) If the school ceases its operations, the school's board of trustees may permit the classroom facilities to be used for only an alternative public purpose, including, but not limited to, primary, secondary, vocational, or higher education services.

(B) If the school ceases its operations due to either the failure of the school's operator to comply with any of the requirements of the contract prescribed under section 3328.12 of the Revised Code or the default by the school's board of trustees on an underlying leasehold or mortgage agreement, the school's board of trustees shall return to the commission the unamortized portion of the state funds provided to the board of trustees under this chapter, based on a straight-line depreciation over the first eighteen years of occupancy. However, if, within twenty-four months after the school's cessation from operation, the classroom facilities of a college-preparatory boarding school are used for an alternative public purpose as prescribed by division (A) of this section, no return of funds by the board of trustees under this division shall be required.

Sec. 3318.70. (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) The Ohio ~~school~~ facilities construction commission shall establish guidelines for assisting STEM schools in the acquisition

of classroom facilities. 43683

(C) Upon receipt of a written proposal by the governing body 43684
of a STEM school, the commission, subject to approval of the 43685
controlling board, shall provide funding to assist that STEM 43686
school in the acquisition of classroom facilities. The proposal of 43687
the governing body shall be submitted in a form and in the manner 43688
prescribed by the commission. The proposal shall indicate both the 43689
total amount of funding requested from the commission and the 43690
amount of other funding pledged for the acquisition of the 43691
classroom facilities, the latter of which shall not be less than 43692
the total amount of funding requested from the commission. Once 43693
the commission determines a proposal meets its established 43694
guidelines and if the controlling board approves that funding, the 43695
commission shall enter into an agreement with the governing body 43696
for the acquisition of the classroom facilities and shall 43697
encumber, in accordance with section 3318.11 of the Revised Code, 43698
the approved funding from the amounts appropriated to the 43699
commission for classroom facilities assistance projects. The 43700
agreement shall include a stipulation of the ownership of the 43701
classroom facilities in the event the STEM school permanently 43702
closes at any time. 43703

(D) In the case of the governing body of a group of STEM 43704
schools, as prescribed by section 3326.031 of the Revised Code, 43705
the governing body shall submit a proposal for each school under 43706
its direction separately, and the commission shall consider each 43707
proposal separately. 43708

Sec. 3318.71. (A) As used in this section: 43709

(1) "Acquisition of classroom facilities" has the same 43710
meaning as in section 3318.40 of the Revised Code. 43711

(2) "Classroom facilities" has the same meaning as in section 43712
3318.01 of the Revised Code. 43713

(3) "Qualifying partnership" means a group of city, exempted village, or local school districts that are part of a career-technical education compact and have entered into an agreement for joint or cooperative establishment and operation of a science, technology, engineering, and mathematics education program under section 3313.842 of the Revised Code. The aggregate territory of the school districts composing a qualifying partnership shall be located in two adjacent counties, each having a population greater than forty thousand, but less than fifty thousand, and at least one of which borders another state.

(B) The Ohio ~~school~~ facilities construction commission shall establish guidelines for assisting a qualifying partnership in the acquisition of classroom facilities to be used for a joint science, technology, engineering, and mathematics education program.

(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines, and if the controlling board approves that funding, the commission shall enter into an agreement with the qualifying partnership for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the

commission for classroom facilities assistance projects. The 43746
agreement shall include a stipulation of the ownership of the 43747
classroom facilities in the event the qualifying partnership 43748
ceases to exist. 43749

(D) A qualifying partnership may levy taxes and issue bonds 43750
under section 5705.2112 or 5705.2113 of the Revised Code to use 43751
for all or part of the funding pledged for the acquisition of 43752
classroom facilities under division (C) of this section. If a 43753
qualifying partnership chooses to levy taxes or issue bonds for 43754
this purpose, it shall select one of the districts that is a 43755
member of the qualifying partnership to be the fiscal agent of the 43756
qualifying partnership for purposes of those sections. 43757

Sec. 3319.088. As used in this section, "educational 43758
assistant" means any nonteaching employee in a school district who 43759
directly assists a teacher as defined in section 3319.09 of the 43760
Revised Code, by performing duties for which a license issued 43761
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 43762
required. 43763

(A) The state board of education shall issue educational aide 43764
permits and educational paraprofessional licenses for educational 43765
assistants and shall adopt rules for the issuance and renewal of 43766
such permits and licenses which shall be consistent with the 43767
provisions of this section. Educational aide permits and 43768
educational paraprofessional licenses may be of several types and 43769
the rules shall prescribe the minimum qualifications of education, 43770
health, and character for the service to be authorized under each 43771
type. The prescribed minimum qualifications may require special 43772
training or educational courses designed to qualify a person to 43773
perform effectively the duties authorized under an educational 43774
aide permit or educational paraprofessional license. 43775

(B)(1) Any application for a permit or license, or a renewal 43776

or duplicate of a permit or license, under this section shall be 43777
accompanied by the payment of a fee in the amount established 43778
under division (A) of section 3319.51 of the Revised Code. Any 43779
fees received under this division shall be paid into the state 43780
treasury to the credit of the state board of education licensure 43781
fund established under division (B) of section 3319.51 of the 43782
Revised Code. 43783

(2) Any person applying for or holding a permit or license 43784
pursuant to this section is subject to sections 3123.41 to 3123.50 43785
of the Revised Code and any applicable rules adopted under section 43786
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 43787
the Revised Code. 43788

(C) Educational assistants shall at all times while in the 43789
performance of their duties be under the supervision and direction 43790
of a teacher as defined in section 3319.09 of the Revised Code. 43791
Educational assistants may assist a teacher to whom assigned in 43792
the supervision of pupils, in assisting with instructional tasks, 43793
and in the performance of duties which, in the judgment of the 43794
teacher to whom the assistant is assigned, may be performed by a 43795
person not licensed pursuant to sections 3319.22 to 3319.30 of the 43796
Revised Code and for which a teaching license, issued pursuant to 43797
sections 3319.22 to 3319.30 of the Revised Code is not required. 43798
The duties of an educational assistant shall not include the 43799
assignment of grades to pupils. The duties of an educational 43800
assistant need not be performed in the physical presence of the 43801
teacher to whom assigned, but the activity of an educational 43802
assistant shall at all times be under the direction of the teacher 43803
to whom assigned. The assignment of an educational assistant need 43804
not be limited to assisting a single teacher. In the event an 43805
educational assistant is assigned to assist more than one teacher 43806
the assignments shall be clearly delineated and so arranged that 43807
the educational assistant shall never be subject to simultaneous 43808

supervision or direction by more than one teacher. 43809

Educational assistants assigned to supervise children shall, 43810
when the teacher to whom assigned is not physically present, 43811
maintain the degree of control and discipline that would be 43812
maintained by the teacher. 43813

Educational assistants may not be used in place of classroom 43814
teachers or other employees and any payment of compensation by 43815
boards of education to educational assistants for such services is 43816
prohibited. The ratio between the number of licensed teachers and 43817
the pupils in a school district may not be decreased by 43818
utilization of educational assistants and no grouping, or other 43819
organization of pupils, for utilization of educational assistants 43820
shall be established which is inconsistent with sound educational 43821
practices and procedures. A school district may employ up to one 43822
full time equivalent educational assistant for each six full time 43823
equivalent licensed employees of the district. Educational 43824
assistants shall not be counted as licensed employees for purposes 43825
of state support in the school foundation program and no grouping 43826
or regrouping of pupils with educational assistants may be counted 43827
as a class or unit for school foundation program purposes. Neither 43828
special courses required by the regulations of the state board of 43829
education, prescribing minimum qualifications of education for an 43830
educational assistant, nor years of service as an educational 43831
assistant shall be counted in any way toward qualifying for a 43832
teacher license, for a teacher contract of any type, or for 43833
determining placement on a salary schedule in a school district as 43834
a teacher. 43835

(D) Educational assistants employed by a board of education 43836
shall have all rights, benefits, and legal protection available to 43837
other nonteaching employees in the school district, except that 43838
provisions of Chapter 124. of the Revised Code shall not apply to 43839
any person employed as an educational assistant, and shall be 43840

members of the school employees retirement system. Educational 43841
assistants shall be compensated according to a salary plan adopted 43842
annually by the board. 43843

Except as provided in this section nonteaching employees 43844
shall not serve as educational assistants without first obtaining 43845
an appropriate educational aide permit or educational 43846
paraprofessional license from the state board of education. A 43847
nonteaching employee who is the holder of a valid educational aide 43848
permit or educational paraprofessional license shall neither 43849
render nor be required to render services inconsistent with the 43850
type of services authorized by the permit or license held. No 43851
person shall receive compensation from a board of education for 43852
services rendered as an educational assistant in violation of this 43853
provision. 43854

Nonteaching employees whose functions are solely 43855
secretarial-clerical and who do not perform any other duties as 43856
educational assistants, even though they assist a teacher and work 43857
under the direction of a teacher shall not be required to hold a 43858
permit or license issued pursuant to this section. Students 43859
preparing to become licensed teachers or educational assistants 43860
shall not be required to hold an educational aide permit or 43861
paraprofessional license for such periods of time as such students 43862
are assigned, as part of their training program, to work with a 43863
teacher in a school district. Such students shall not be 43864
compensated for such services. 43865

Following the determination of the assignment and general job 43866
description of an educational assistant and subject to supervision 43867
by the teacher's immediate administrative officer, a teacher to 43868
whom an educational assistant is assigned shall make all final 43869
determinations of the duties to be assigned to such assistant. 43870
Teachers shall not be required to hold a license designated for 43871
being a supervisor or administrator in order to perform the 43872

necessary supervision of educational assistants. 43873

(E) No person who is, or who has been employed as an 43874
educational assistant shall divulge, except to the teacher to whom 43875
assigned, or the administrator of the school in the absence of the 43876
teacher to whom assigned, or when required to testify in a court 43877
or proceedings, any personal information concerning any pupil in 43878
the school district which was obtained or obtainable by the 43879
educational assistant while so employed. Violation of this 43880
provision is grounds for disciplinary action or dismissal, or 43881
both. 43882

(F) Notwithstanding anything to the contrary in this section, 43883
the superintendent of a school district may allow an employee who 43884
does not hold a permit or license issued under this section to 43885
work as a substitute for an educational assistant who is absent on 43886
account of illness or on a leave of absence, or to fill a 43887
temporary position created by an emergency, provided that the 43888
superintendent believes the employee's application materials 43889
indicate that the employee is qualified to obtain a permit or 43890
license under this section. 43891

An employee shall begin work as a substitute under this 43892
division not earlier than on the date on which the employee files 43893
an application with the state board for a permit or license under 43894
this section. An employee shall cease working as a substitute 43895
under this division on the earliest of the following: 43896

(1) The date on which the employee files a valid permit or 43897
license issued under this section with the superintendent; 43898

(2) The date on which the employee is denied a permit or 43899
license under this section; 43900

(3) Sixty days following the date on which the employee began 43901
work as a substitute under this division. 43902

The superintendent shall ensure that an employee assigned to 43903

work as a substitute under division (F) of this section has 43904
undergone a criminal records check in accordance with section 43905
3319.391 of the Revised Code. 43906

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 43907
Code, this section applies to any person who is employed under a 43908
teacher license issued under this chapter, or under a professional 43909
or permanent teacher's certificate issued under former section 43910
3319.222 of the Revised Code, and who spends at least fifty per 43911
cent of the time employed providing student instruction. However, 43912
this section does not apply to any person who is employed as a 43913
substitute teacher or as an instructor of adult education. 43914
43915

(A) Not later than July 1, 2013, the board of education of 43916
each school district, in consultation with teachers employed by 43917
the board, shall adopt a standards-based teacher evaluation policy 43918
that conforms with the framework for evaluation of teachers 43919
developed under section 3319.112 of the Revised Code. The policy 43920
shall become operative at the expiration of any collective 43921
bargaining agreement covering teachers employed by the board that 43922
is in effect on September 29, 2011, and shall be included in any 43923
renewal or extension of such an agreement. 43924

(B) When using measures of student academic growth as a 43925
component of a teacher's evaluation, those measures shall include 43926
the value-added progress dimension prescribed by section 3302.021 43927
of the Revised Code or an alternative student academic progress 43928
measure if adopted under division (C)(1)(e) of section 3302.03 of 43929
the Revised Code. For teachers of grade levels and subjects for 43930
which the value-added progress dimension or alternative student 43931
academic progress measure is not applicable, the board shall 43932
administer assessments on the list developed under division (B)(2) 43933
of section 3319.112 of the Revised Code. 43934

(C)(1) The board shall conduct an evaluation of each teacher 43935
employed by the board at least once each school year, except as 43936
provided in division (C)(2) of this section. The evaluation shall 43937
be completed by the first day of May and the teacher shall receive 43938
a written report of the results of the evaluation by the tenth day 43939
of May. 43940

(2)(a) The board may evaluate each teacher who received a 43941
rating of accomplished on the teacher's most recent evaluation 43942
conducted under this section once every three school years, so 43943
long as the teacher's student academic growth measure, for the 43944
most recent school year for which data is available, is average or 43945
higher, as determined by the department of education. 43946

(b) The board may evaluate each teacher who received a rating 43947
of skilled on the teacher's most recent evaluation conducted under 43948
this section once every two years, so long as the teacher's 43949
student academic growth measure, for the most recent school year 43950
for which data is available, is average or higher, as determined 43951
by the department of education. 43952

(c) For each teacher who is evaluated pursuant to division 43953
(C)(2) of this section, the evaluation shall be completed by the 43954
first day of May of the applicable school year, and the teacher 43955
shall receive a written report of the results of the evaluation by 43956
the tenth day of May of that school year. 43957

(d) Beginning with the 2014-2015 school year, the board may 43958
elect not to conduct an evaluation of a teacher who meets one of 43959
the following requirements: 43960

(i) The teacher was on leave from the school district for 43961
fifty per cent or more of the school year, as calculated by the 43962
board. 43963

(ii) The teacher has submitted notice of retirement and that 43964
notice has been accepted by the board not later than the first day 43965

of December of the school year in which the evaluation is 43966
otherwise scheduled to be conducted. 43967

~~(e) Beginning with the 2017-2018 school year, the board may 43968
elect not to conduct an evaluation of a teacher who is 43969
participating in the teacher residency program established under 43970
section 3319.223 of the Revised Code for the year during which 43971
that teacher takes, for the first time, at least half of the 43972
performance based assessment prescribed by the state board of 43973
education for resident educators. 43974~~

(3) In any year that a teacher is not formally evaluated 43975
pursuant to division (C) of this section as a result of receiving 43976
a rating of accomplished or skilled on the teacher's most recent 43977
evaluation, an individual qualified to evaluate a teacher under 43978
division (D) of this section shall conduct at least one 43979
observation of the teacher and hold at least one conference with 43980
the teacher. 43981

(D) Each evaluation conducted pursuant to this section shall 43982
be conducted by one or more of the following persons who hold a 43983
credential established by the department of education for being an 43984
evaluator: 43985

(1) A person who is under contract with the board pursuant to 43986
section 3319.01 or 3319.02 of the Revised Code and holds a license 43987
designated for being a superintendent, assistant superintendent, 43988
or principal issued under section 3319.22 of the Revised Code; 43989

(2) A person who is under contract with the board pursuant to 43990
section 3319.02 of the Revised Code and holds a license designated 43991
for being a vocational director, administrative specialist, or 43992
supervisor in any educational area issued under section 3319.22 of 43993
the Revised Code; 43994

(3) A person designated to conduct evaluations under an 43995
agreement entered into by the board, including an agreement 43996

providing for peer review entered into by the board and 43997
representatives of teachers employed by the board; 43998

(4) A person who is employed by an entity contracted by the 43999
board to conduct evaluations and who holds a license designated 44000
for being a superintendent, assistant superintendent, principal, 44001
vocational director, administrative specialist, or supervisor in 44002
any educational area issued under section 3319.22 of the Revised 44003
Code or is qualified to conduct evaluations. 44004

(E) Notwithstanding division (A)(3) of section 3319.112 of 44005
the Revised Code: 44006

(1) The board shall require at least three formal 44007
observations of each teacher who is under consideration for 44008
nonrenewal and with whom the board has entered into a limited 44009
contract or an extended limited contract under section 3319.11 of 44010
the Revised Code. 44011

(2) The board may elect, by adoption of a resolution, to 44012
require only one formal observation of a teacher who received a 44013
rating of accomplished on the teacher's most recent evaluation 44014
conducted under this section, provided the teacher completes a 44015
project that has been approved by the board to demonstrate the 44016
teacher's continued growth and practice at the accomplished level. 44017

(F) The board shall include in its evaluation policy 44018
procedures for using the evaluation results for retention and 44019
promotion decisions and for removal of poorly performing teachers. 44020
Seniority shall not be the basis for a decision to retain a 44021
teacher, except when making a decision between teachers who have 44022
comparable evaluations. 44023

(G) For purposes of section 3333.0411 of the Revised Code, 44024
the board annually shall report to the department of education the 44025
number of teachers for whom an evaluation was conducted under this 44026
section and the number of teachers assigned each rating prescribed 44027

under division (B)(1) of section 3319.112 of the Revised Code, 44028
aggregated by the teacher preparation programs from which and the 44029
years in which the teachers graduated. The department shall 44030
establish guidelines for reporting the information required by 44031
this division. The guidelines shall not permit or require that the 44032
name of, or any other personally identifiable information about, 44033
any teacher be reported under this division. 44034

(H) Notwithstanding any provision to the contrary in Chapter 44035
4117. of the Revised Code, the requirements of this section 44036
prevail over any conflicting provisions of a collective bargaining 44037
agreement entered into on or after September 24, 2012. 44038

Sec. 3319.22. (A)(1) The state board of education shall issue 44039
the following educator licenses: 44040

(a) A resident educator license, which shall be valid for 44041
four years and shall be renewable ~~for reasons specified by rules~~ 44042
~~adopted by the state board pursuant to division (A)(3) of this~~ 44043
~~section. The state board, on a case by case basis, may extend the~~ 44044
~~license's duration as necessary to enable the license holder to~~ 44045
~~complete the Ohio teacher residency program established under~~ 44046
~~section 3319.223 of the Revised Code;~~ 44047

(b) A professional educator license, which shall be valid for 44048
five years and shall be renewable; 44049

(c) A senior professional educator license, which shall be 44050
valid for five years and shall be renewable; 44051

(d) A lead professional educator license, which shall be 44052
valid for five years and shall be renewable. 44053

(2) The state board may issue any additional educator 44054
licenses of categories, types, and levels the board elects to 44055
provide. 44056

(3) The state board shall adopt rules establishing the 44057

standards and requirements for obtaining each educator license 44058
issued under this section. ~~The rules shall also include the~~ 44059
~~reasons for which a resident educator license may be renewed under~~ 44060
~~division (A)(1)(a) of this section.~~ 44061

(B) The rules adopted under this section shall require at 44062
least the following standards and qualifications for the educator 44063
licenses described in division (A)(1) of this section: 44064

(1) An applicant for a resident educator license shall hold 44065
at least a bachelor's degree from an accredited teacher 44066
preparation program or be a participant in the teach for America 44067
program and meet the qualifications required under section 44068
3319.227 of the Revised Code. 44069

(2) An applicant for a professional educator license shall: 44070

(a) Hold at least a bachelor's degree from an institution of 44071
higher education accredited by a regional accrediting 44072
organization; 44073

(b) Have ~~successfully completed the Ohio teacher residency~~ 44074
~~program established under section 3319.223 of the Revised Code, if~~ 44075
~~the applicant's current or most recently issued license is~~ 44076
previously held a resident educator license issued under this 44077
section or an alternative resident educator license issued under 44078
section 3319.26 of the Revised Code. 44079

(3) An applicant for a senior professional educator license 44080
shall: 44081

(a) Hold at least a master's degree from an institution of 44082
higher education accredited by a regional accrediting 44083
organization; 44084

(b) Have previously held a professional educator license 44085
issued under this section or section 3319.222 or under former 44086
section 3319.22 of the Revised Code; 44087

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. 44088
44089
44090
44091

(4) An applicant for a lead professional educator license shall: 44092
44093

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 44094
44095
44096

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 44097
44098
44099
44100

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 44101
44102
44103

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 44104
44105
44106
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 44109
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44111
44112

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 44113
44114
44115
44116
44117

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the

committees incorporate the professional development standards 44150
adopted by the state board of education pursuant to section 44151
3319.61 of the Revised Code into their review of coursework that 44152
is appropriate for license renewal. The rules shall establish a 44153
procedure by which a teacher may appeal the decision of a local 44154
professional development committee. 44155

(2) In any school district in which there is no exclusive 44156
representative established under Chapter 4117. of the Revised 44157
Code, the professional development committees shall be established 44158
as described in division (F)(2) of this section. 44159

Not later than the effective date of the rules adopted under 44160
this section, the board of education of each school district shall 44161
establish the structure for one or more local professional 44162
development committees to be operated by such school district. The 44163
committee structure so established by a district board shall 44164
remain in effect unless within thirty days prior to an anniversary 44165
of the date upon which the current committee structure was 44166
established, the board provides notice to all affected district 44167
employees that the committee structure is to be modified. 44168
Professional development committees may have a district-level or 44169
building-level scope of operations, and may be established with 44170
regard to particular grade or age levels for which an educator 44171
license is designated. 44172

Each professional development committee shall consist of at 44173
least three classroom teachers employed by the district, one 44174
principal employed by the district, and one other employee of the 44175
district appointed by the district superintendent. For committees 44176
with a building-level scope, the teacher and principal members 44177
shall be assigned to that building, and the teacher members shall 44178
be elected by majority vote of the classroom teachers assigned to 44179
that building. For committees with a district-level scope, the 44180
teacher members shall be elected by majority vote of the classroom 44181

teachers of the district, and the principal member shall be 44182
elected by a majority vote of the principals of the district, 44183
unless there are two or fewer principals employed by the district, 44184
in which case the one or two principals employed shall serve on 44185
the committee. If a committee has a particular grade or age level 44186
scope, the teacher members shall be licensed to teach such grade 44187
or age levels, and shall be elected by majority vote of the 44188
classroom teachers holding such a license and the principal shall 44189
be elected by all principals serving in buildings where any such 44190
teachers serve. The district superintendent shall appoint a 44191
replacement to fill any vacancy that occurs on a professional 44192
development committee, except in the case of vacancies among the 44193
elected classroom teacher members, which shall be filled by vote 44194
of the remaining members of the committee so selected. 44195

Terms of office on professional development committees shall 44196
be prescribed by the district board establishing the committees. 44197
The conduct of elections for members of professional development 44198
committees shall be prescribed by the district board establishing 44199
the committees. A professional development committee may include 44200
additional members, except that the majority of members on each 44201
such committee shall be classroom teachers employed by the 44202
district. Any member appointed to fill a vacancy occurring prior 44203
to the expiration date of the term for which a predecessor was 44204
appointed shall hold office as a member for the remainder of that 44205
term. 44206

The initial meeting of any professional development 44207
committee, upon election and appointment of all committee members, 44208
shall be called by a member designated by the district 44209
superintendent. At this initial meeting, the committee shall 44210
select a chairperson and such other officers the committee deems 44211
necessary, and shall adopt rules for the conduct of its meetings. 44212
Thereafter, the committee shall meet at the call of the 44213

chairperson or upon the filing of a petition with the district 44214
superintendent signed by a majority of the committee members 44215
calling for the committee to meet. 44216

(3) In the case of a school district in which an exclusive 44217
representative has been established pursuant to Chapter 4117. of 44218
the Revised Code, professional development committees shall be 44219
established in accordance with any collective bargaining agreement 44220
in effect in the district that includes provisions for such 44221
committees. 44222

If the collective bargaining agreement does not specify a 44223
different method for the selection of teacher members of the 44224
committees, the exclusive representative of the district's 44225
teachers shall select the teacher members. 44226

If the collective bargaining agreement does not specify a 44227
different structure for the committees, the board of education of 44228
the school district shall establish the structure, including the 44229
number of committees and the number of teacher and administrative 44230
members on each committee; the specific administrative members to 44231
be part of each committee; whether the scope of the committees 44232
will be district levels, building levels, or by type of grade or 44233
age levels for which educator licenses are designated; the lengths 44234
of terms for members; the manner of filling vacancies on the 44235
committees; and the frequency and time and place of meetings. 44236
However, in all cases, except as provided in division (F)(4) of 44237
this section, there shall be a majority of teacher members of any 44238
professional development committee, there shall be at least five 44239
total members of any professional development committee, and the 44240
exclusive representative shall designate replacement members in 44241
the case of vacancies among teacher members, unless the collective 44242
bargaining agreement specifies a different method of selecting 44243
such replacements. 44244

(4) Whenever an administrator's coursework plan is being 44245

discussed or voted upon, the local professional development 44246
committee shall, at the request of one of its administrative 44247
members, cause a majority of the committee to consist of 44248
administrative members by reducing the number of teacher members 44249
voting on the plan. 44250

(G)(1) The department of education, educational service 44251
centers, county boards of developmental disabilities, regional 44252
professional development centers, special education regional 44253
resource centers, college and university departments of education, 44254
head start programs, and the Ohio education computer network may 44255
establish local professional development committees to determine 44256
whether the coursework proposed by their employees who are 44257
licensed or certificated under this section or section 3319.222 of 44258
the Revised Code, or under the former version of either section as 44259
it existed prior to October 16, 2009, meet the requirements of the 44260
rules adopted under this section. They may establish local 44261
professional development committees on their own or in 44262
collaboration with a school district or other agency having 44263
authority to establish them. 44264

Local professional development committees established by 44265
county boards of developmental disabilities shall be structured in 44266
a manner comparable to the structures prescribed for school 44267
districts in divisions (F)(2) and (3) of this section, as shall 44268
the committees established by any other entity specified in 44269
division (G)(1) of this section that provides educational services 44270
by employing or contracting for services of classroom teachers 44271
licensed or certificated under this section or section 3319.222 of 44272
the Revised Code, or under the former version of either section as 44273
it existed prior to October 16, 2009. All other entities specified 44274
in division (G)(1) of this section shall structure their 44275
committees in accordance with guidelines which shall be issued by 44276
the state board. 44277

(2) Any public agency that is not specified in division 44278
(G)(1) of this section but provides educational services and 44279
employs or contracts for services of classroom teachers licensed 44280
or certificated under this section or section 3319.222 of the 44281
Revised Code, or under the former version of either section as it 44282
existed prior to October 16, 2009, may establish a local 44283
professional development committee, subject to the approval of the 44284
department of education. The committee shall be structured in 44285
accordance with guidelines issued by the state board. 44286

(H) Not later than July 1, 2016, the state board, in 44287
accordance with Chapter 119. of the Revised Code, shall adopt 44288
rules pursuant to division (A)(3) of this section that do both of 44289
the following: 44290

(1) Exempt consistently high-performing teachers from the 44291
requirement to complete any additional coursework for the renewal 44292
of an educator license issued under this section or section 44293
3319.26 of the Revised Code. The rules also shall specify that 44294
such teachers are exempt from any requirements prescribed by 44295
professional development committees established under divisions 44296
(F) and (G) of this section. 44297

(2) For purposes of division (H)(1) of this section, the 44298
state board shall define the term "consistently high-performing 44299
teacher. 44300

Sec. 3319.227. (A) Notwithstanding any other provision of the 44301
Revised Code or any rule adopted by the state board of education 44302
to the contrary, the state board shall issue a resident educator 44303
license under section 3319.22 of the Revised Code to each person 44304
who is assigned to teach in this state as a participant in the 44305
teach for America program and who satisfies the following 44306
conditions for the duration of the program: 44307

(1) Holds a bachelor's degree from an accredited institution 44308

of higher education;	44309
(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;	44310 44311
(3) Has passed an examination prescribed by the state board in the subject area to be taught;	44312 44313
(4) Has successfully completed the summer training institute operated by teach for America;	44314 44315
(5) Remains an active member of the teach for America two-year support program.	44316 44317
(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section.	44318 44319 44320 44321 44322 44323
(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A)(1) to (4) of this section. The state board shall credit an applicant under this division as having completed two years of the teacher residency program under section 3319.223 of the Revised Code.	44324 44325 44326 44327 44328 44329 44330 44331 44332 44333
(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an	44334 44335 44336 44337 44338 44339

equivalent amount of coursework. Nothing in this division shall 44340
require any teach for America participant to complete a master's 44341
degree as a condition of holding a license issued under this 44342
section. 44343

(E) The state board shall revoke a resident educator license 44344
issued to a participant in the teach for America program who is 44345
assigned to teach in this state if the participant resigns or is 44346
dismissed from the program prior to completion of the two-year 44347
teach for America support program. 44348

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 44349
section 3319.229 of the Revised Code by this act, the state board 44350
of education shall accept applications for new, and for renewal 44351
of, professional career-technical teaching licenses through June 44352
30, 2018, and issue them on the basis of the applications received 44353
by that date in accordance with the rules described in that former 44354
section. Except as otherwise provided in divisions (A)(2) and (3) 44355
of this section, beginning July 1, 2018, the state board shall 44356
issue career-technical workforce development educator licenses 44357
only under this section. 44358

(2) An individual who, on July 1, 2018, holds a professional 44359
career-technical teaching license issued under the rules described 44360
in former section 3319.229 of the Revised Code, may continue to 44361
renew that license in accordance with those rules for the 44362
remainder of the individual's teaching career. However, nothing in 44363
this division shall be construed to prohibit the individual from 44364
applying to the state board for a career-technical workforce 44365
development educator license under this section. 44366

(3) An individual who, on July 1, 2018, holds an alternative 44367
resident educator license for teaching career-technical education 44368
issued under section 3319.26 of the Revised Code may, upon the 44369
expiration of the license, apply for a professional 44370

career-technical teaching license issued under the rules described 44371
in former section 3319.229 of the Revised Code. Such an individual 44372
may continue to renew the professional license in accordance with 44373
those rules for the remainder of the individual's teaching career. 44374
However, nothing in this division shall be construed to prohibit 44375
the individual from applying to the state board for a 44376
career-technical workforce development educator license under this 44377
section. 44378

(B) The state board, in collaboration with the chancellor of 44379
higher education, shall adopt rules establishing standards and 44380
requirements for obtaining a two-year initial career-technical 44381
workforce development educator license and a five-year advanced 44382
career-technical workforce development educator license. Each 44383
license shall be valid for teaching career-technical education or 44384
workforce development programs in grades four through twelve. The 44385
rules shall require applicants for either license to have a high 44386
school diploma. 44387

(C)(1) The state board shall issue an initial 44388
career-technical workforce development educator license to an 44389
applicant upon request from the superintendent of a school 44390
district that has agreed to employ the applicant. In making the 44391
request, the superintendent shall provide documentation, in 44392
accordance with procedures prescribed by the department of 44393
education, showing that the applicant has at least five years of 44394
work experience, or the equivalent, in the subject area in which 44395
the applicant will teach. The license shall be valid for teaching 44396
only in the requesting district. The superintendent also shall 44397
provide documentation, in accordance with procedures prescribed by 44398
the department, that the applicant is enrolled in a 44399
career-technical workforce development educator preparation 44400
program offered by an institution of higher education that meets 44401
all of the following criteria: 44402

<u>(a) Is approved by the chancellor of higher education to</u>	44403
<u>provide instruction in teaching methods and principles;</u>	44404
<u>(b) Provides classroom support to the license holder;</u>	44405
<u>(c) Includes at least three semester hours of coursework in</u>	44406
<u>the teaching of reading in the subject area;</u>	44407
<u>(d) Is aligned with career-technical education and workforce</u>	44408
<u>development competencies developed by the department;</u>	44409
<u>(e) Uses a summative performance-based assessment developed</u>	44410
<u>by the program and aligned to the competencies described in</u>	44411
<u>division (C)(1)(d) of this section to evaluate the license</u>	44412
<u>holder's knowledge and skills.</u>	44413
<u>(2) As a condition of continuing to hold the initial</u>	44414
<u>career-technical workforce development license, the holder of the</u>	44415
<u>license shall be participating in a career-technical workforce</u>	44416
<u>development educator preparation program described in division</u>	44417
<u>(C)(1) of this section.</u>	44418
<u>(3) The state board shall renew an initial career-technical</u>	44419
<u>workforce development educator license if the supervisor of the</u>	44420
<u>program described in division (C)(1) of this section and the</u>	44421
<u>superintendent of the employing school district indicate that the</u>	44422
<u>applicant is making sufficient progress in both the program and</u>	44423
<u>the teaching position.</u>	44424
<u>(D) The state board shall issue an advanced career-technical</u>	44425
<u>workforce development educator license to an applicant who has</u>	44426
<u>successfully completed the program described in division (C)(1) of</u>	44427
<u>this section, as indicated by the supervisor of the program, and</u>	44428
<u>who demonstrates mastery of the applicable career-technical</u>	44429
<u>education and workforce development competencies described in</u>	44430
<u>division (C)(1)(d) of this section in the teaching position, as</u>	44431
<u>indicated by the superintendent of the employing school district.</u>	44432

(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.

Sec. 3319.26. (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades kindergarten to twelve, or the equivalent, in a designated subject area or in the area of intervention specialist, as defined by rule of the state board. The rules shall also include the reasons for which an alternative resident educator license may be renewed under division (D) of this section.

(B) The superintendent of public instruction and the chancellor of ~~the Ohio board of regents~~ higher education jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology.

(C) The rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license, but they shall not require applicants to have completed a major or coursework in the subject area for which application is being made:

(1) Hold a minimum of a baccalaureate degree;

(2) Successfully complete the pedagogical training institute described in division (B) of this section or a summer training institute provided to participants of a teacher preparation program that is operated by a nonprofit organization and has been

approved by the chancellor. The chancellor shall approve any such 44464
program that requires participants to hold a bachelor's degree; 44465
have a cumulative undergraduate grade point average of at least 44466
2.5 out of 4.0, or its equivalent; and successfully complete the 44467
program's summer training institute. 44468

(3) Pass an examination in the subject area for which 44469
application is being made. 44470

(D) An alternative resident educator license shall be valid 44471
for four years and shall be renewable for reasons specified by 44472
rules adopted by the state board pursuant to division (A) of this 44473
section. ~~The state board, on a case by case basis, may extend the~~ 44474
~~license's duration as necessary to enable the license holder to~~ 44475
~~complete the Ohio teacher residency program established under~~ 44476
~~section 3319.223 of the Revised Code.~~ 44477

(E) The rules shall require the holder of an alternative 44478
resident educator license, as a condition of continuing to hold 44479
the license, to do ~~all~~ both of the following: 44480

(1) ~~Participate in the Ohio teacher residency program;~~ 44481

~~(2)~~ Show satisfactory progress in taking and successfully 44482
completing one of the following: 44483

(a) At least twelve additional semester hours, or the 44484
equivalent, of college coursework in the principles and practices 44485
of teaching in such topics as student development and learning, 44486
pupil assessment procedures, curriculum development, classroom 44487
management, and teaching methodology; 44488

(b) Professional development provided by a teacher 44489
preparation program that has been approved by the chancellor under 44490
division (C)(2) of this section. 44491

~~(3)~~(2) Take an assessment of professional knowledge in the 44492
second year of teaching under the license. 44493

(F) The rules shall provide for the granting of a 44494
professional educator license to a holder of an alternative 44495
resident educator license upon successfully completing all of the 44496
following: 44497

(1) Four years of teaching under the alternative license; 44498

(2) The additional college coursework or professional 44499
development described in division (E)~~(2)~~(1) of this section; 44500

(3) The assessment of professional knowledge described in 44501
division (E)~~(3)~~(2) of this section. The standards for successfully 44502
completing this assessment and the manner of conducting the 44503
assessment shall be the same as for any other individual who is 44504
required to take the assessment pursuant to rules adopted by the 44505
state board under section 3319.22 of the Revised Code. 44506

~~(4) The Ohio teacher residency program;~~ 44507

~~(5)~~ All other requirements for a professional educator 44508
license adopted by the state board under section 3319.22 of the 44509
Revised Code. 44510

(G) A person who is assigned to teach in this state as a 44511
participant in the teach for America program or who has completed 44512
two years of teaching in another state as a participant in that 44513
program shall be eligible for a license only under section 44514
3319.227 of the Revised Code and shall not be eligible for a 44515
license under this section. 44516

Sec. 3319.271. (A) The superintendent of public instruction 44517
shall appoint three incorporators who are knowledgeable about the 44518
administration of public schools and about the operation of 44519
nonprofit corporations in Ohio. 44520

(B) The incorporators shall do whatever is necessary and 44521
proper to set up a nonprofit corporation under Chapter 1702. of 44522
the Revised Code. The articles of incorporation, in addition to 44523

meeting the requirements of section 1702.04 of the Revised Code, 44524
shall set forth the following provisions: 44525

(1) That the nonprofit corporation is to create and implement 44526
a pilot program that provides an alternative path for individuals 44527
to receive training and development in the administration of 44528
primary and secondary education and leadership, that will enable 44529
these individuals to earn a degree in public school 44530
administration, that will enable these individuals to obtain 44531
licenses in public school administration, and that promotes the 44532
placement of these individuals in public schools that have a 44533
poverty percentage greater than fifty per cent; 44534

(2) That the board of directors are to establish criteria for 44535
program costs, participant selection, and continued participation, 44536
and metrics to document and measure pilot program activities; 44537

(3) That the name of the nonprofit corporation is "bright new 44538
leaders for Ohio schools;" 44539

(4) That the board of directors is to consist of the 44540
following eleven directors: 44541

(a) The governor or the governor's designee; 44542

(b) The superintendent of public instruction, or the 44543
superintendent's designee; 44544

(c) The chancellor of higher education, or the chancellor's 44545
designee; 44546

(d) Four individuals to represent major business enterprises 44547
in Ohio; 44548

(e) Two individuals appointed by the speaker of the house of 44549
representatives, one of whom shall be an active duty or retired 44550
military officer; 44551

(f) Two individuals appointed by the president of the senate, 44552
one of whom shall be a current or retired teacher or principal . 44553

The dean of the Ohio state university fisher college of 44554
business and the dean of the Ohio state university college of 44555
education and human ecology are to serve as ex-officio nonvoting 44556
members of the board. 44557

The individuals on the board who represent major business 44558
enterprises in Ohio are to be appointed by a statewide 44559
organization selected by the governor. The organization is to be 44560
nonpartisan and consist of chief executive officers of major 44561
corporations organized in Ohio. 44562

(5) That the board is to elect a chairperson from among its 44563
members, and is to appoint a president of the corporation; 44564

(6) That the president of the corporation, subject to the 44565
approval of the board, is to enter into a contract with the Ohio 44566
state university fisher college of business. Under the contract, 44567
the college is to provide oversight to the corporation and is to 44568
provide the corporation with office space, and with office 44569
furniture and equipment, as is necessary for the corporation 44570
successfully to fulfill its duties. 44571

(7) That the overhead expenses of the corporation are not to 44572
exceed fifteen per cent of the annual budget of the corporation; 44573

(8) That the president is to apply for, and is to receive and 44574
accept, grants, gifts, bequests, and contributions from private 44575
sources; 44576

(9) That the corporation is to submit an annual report to the 44577
general assembly and governor beginning December 31, 2013; 44578

~~(10) That state financial support for the corporation shall 44579
cease on June 30, 2018. 44580~~

Sec. 3319.291. (A) The state board of education shall require 44581
each of the following persons, at the times prescribed by division 44582
(A) of this section, to undergo a criminal records check, unless 44583

the person has undergone a records check under this section or a former version of this section less than five years prior to that time. 44584
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(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the time that application is made; 44587
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(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made; 44591
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(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.222 of the Revised Code upon a date prescribed by the state board; 44594
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(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter. 44597
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(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person. 44602
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(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of 44612
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fingerprints and written permission that authorizes the 44615
superintendent of public instruction to forward the fingerprints 44616
to the bureau of criminal identification and investigation so that 44617
bureau may forward the fingerprints to the federal bureau of 44618
investigation for purposes of obtaining any criminal records that 44619
the federal bureau maintains on the person: 44620

(a) Under this section or any former version of this section, 44621
the state board or the superintendent of public instruction 44622
previously requested the superintendent of the bureau of criminal 44623
identification and investigation to determine whether the bureau 44624
has any information, gathered pursuant to division (A) of section 44625
109.57 of the Revised Code, on the person. 44626

(b) The person presents proof that the person has been a 44627
resident of this state for the five-year period immediately prior 44628
to the date upon which the person becomes subject to a criminal 44629
records check under this section. 44630

(C) Except as provided in division (D) of this section, prior 44631
to issuing or renewing any certificate, license, or permit for a 44632
person described in division (A)(1) or (2) of this section who is 44633
subject to a criminal records check and in the case of a person 44634
described in division (A)(3) or (4) of this section who is subject 44635
to a criminal records check, the state board or the superintendent 44636
of public instruction shall do one of the following: 44637

(1) If the person is required to submit fingerprints and 44638
written permission under division (B)(1) of this section, request 44639
the superintendent of the bureau of criminal identification and 44640
investigation to determine whether the bureau has any information, 44641
gathered pursuant to division (A) of section 109.57 of the Revised 44642
Code, pertaining to the person and to obtain any criminal records 44643
that the federal bureau of investigation has on the person. 44644

(2) If the person is required to submit fingerprints and 44645

written permission under division (B)(2) of this section, request 44646
the superintendent of the bureau of criminal identification and 44647
investigation to obtain any criminal records that the federal 44648
bureau of investigation has on the person. 44649

(D) The state board or the superintendent of public 44650
instruction may choose not to request any information about a 44651
person required by division (C) of this section if the person 44652
provides proof that a criminal records check that satisfies the 44653
requirements of that division was conducted on the person as a 44654
condition of employment pursuant to section 3319.39 of the Revised 44655
Code within the immediately preceding year. The state board or the 44656
superintendent of public instruction may accept a certified copy 44657
of records that were issued by the bureau of criminal 44658
identification and investigation and that are presented by the 44659
person in lieu of requesting that information under division (C) 44660
of this section if the records were issued by the bureau within 44661
the immediately preceding year. 44662

(E)(1) If a person described in division (A)(3) or (4) of 44663
this section who is subject to a criminal records check fails to 44664
submit fingerprints and written permission by the date specified 44665
in the applicable division, and the state board or the 44666
superintendent of public instruction does not apply division (D) 44667
of this section to the person, or if a person who is subject to 44668
division (G) of this section fails to submit fingerprints and 44669
written permission by the date prescribed under that division, the 44670
superintendent shall prepare a written notice stating that if the 44671
person does not submit the fingerprints and written permission 44672
within fifteen days after the date the notice was mailed, the 44673
person's application will be rejected or the person's professional 44674
or permanent teaching certificate or license will be inactivated. 44675
The superintendent shall send the notification by regular mail to 44676
the person's last known residence address or last known place of 44677

employment, as indicated in the department of education's records, 44678
or both. 44679

If the person fails to submit the fingerprints and written 44680
permission within fifteen days after the date the notice was 44681
mailed, the superintendent of public instruction, on behalf of the 44682
state board, shall issue a written order rejecting the application 44683
or inactivating the person's professional or permanent teaching 44684
certificate or license. The rejection or inactivation shall remain 44685
in effect until the person submits the fingerprints and written 44686
permission. The superintendent shall send the order by regular 44687
mail to the person's last known residence address or last known 44688
place of employment, as indicated in the department's records, or 44689
both. The order shall state the reason for the rejection or 44690
inactivation and shall explain that the rejection or inactivation 44691
remains in effect until the person ~~complies with division (B) of~~ 44692
~~this section~~ submits the fingerprints and written permission. 44693

The rejection or inactivation of a professional or permanent 44694
teaching certificate or license under division (E)(1) of this 44695
section does not constitute a suspension or revocation of the 44696
certificate or license by the state board under section 3319.31 of 44697
the Revised Code and the state board and the superintendent of 44698
public instruction need not provide the person with an opportunity 44699
for a hearing with respect to the rejection or inactivation. 44700

(2) If a person whose professional or permanent teaching 44701
certificate or license has been rejected or inactivated under 44702
division (E)(1) of this section submits fingerprints and written 44703
permission as required by division (B) or (G) of this section, the 44704
superintendent of public instruction, on behalf of the state 44705
board, shall issue a written order issuing or reactivating the 44706
certificate or license. The superintendent shall send the order to 44707
the person by regular mail. 44708

(F) Notwithstanding divisions (A) to (C) of this section, if 44709

a person holds more than one certificate, license, or permit 44710
described in division (A)(1) of this section, the following shall 44711
apply: 44712

(1) If the certificates, licenses, or permits are of 44713
different durations, the person shall be subject to divisions (A) 44714
to (C) of this section only when applying for renewal of the 44715
certificate, license, or permit that is of the longest duration. 44716
Prior to renewing any certificate, license, or permit with a 44717
shorter duration, the state board or the superintendent of public 44718
instruction shall determine whether the department of education 44719
has received any information about the person pursuant to section 44720
109.5721 of the Revised Code, but the person shall not be subject 44721
to divisions (A) to (C) of this section as long as the person's 44722
certificate, license, or permit with the longest duration is 44723
valid. 44724

(2) If the certificates, licenses, or permits are of the same 44725
duration but do not expire in the same year, the person shall 44726
designate one of the certificates, licenses, or permits as the 44727
person's primary certificate, license, or permit and shall notify 44728
the department of that designation. The person shall be subject to 44729
divisions (A) to (C) of this section only when applying for 44730
renewal of the person's primary certificate, license, or permit. 44731
Prior to renewing any certificate, license, or permit that is not 44732
the person's primary certificate, license, or permit, the state 44733
board or the superintendent of public instruction shall determine 44734
whether the department has received any information about the 44735
person pursuant to section 109.5721 of the Revised Code, but the 44736
person shall not be subject to divisions (A) to (C) of this 44737
section as long as the person's primary certificate, license, or 44738
permit is valid. 44739

(3) If the certificates, licenses, or permits are of the same 44740
duration and expire in the same year and the person applies for 44741

renewal of the certificates, licenses, or permits at the same 44742
time, the state board or the superintendent of public instruction 44743
shall request only one criminal records check of the person under 44744
division (C) of this section. 44745

(G) If the department is unable to enroll a person who has 44746
submitted an application for licensure, or to whom the state board 44747
has issued a license, in the retained applicant fingerprint 44748
database established under section 109.5721 of the Revised Code 44749
because the person has not satisfied the requirements for 44750
enrollment, the department shall require the person to satisfy the 44751
requirements for enrollment, including requiring the person to 44752
submit, by a date prescribed by the department, one complete set 44753
of fingerprints and written permission that authorizes the 44754
superintendent of public instruction to forward the fingerprints 44755
to the bureau of criminal identification and investigation for the 44756
purpose of enrolling the person in the database. If the person 44757
fails to comply by the prescribed date, the department shall 44758
reject the application or shall take action to inactivate the 44759
person's license in accordance with division (E) of this section. 44760

Sec. 3319.36. (A) No treasurer of a board of education or 44761
educational service center shall draw a check for the payment of a 44762
teacher for services until the teacher files with the treasurer 44763
both of the following: 44764

(1) Such reports as are required by the state board of 44765
education, the school district board of education, or the 44766
superintendent of schools; 44767

(2) Except for a teacher who is engaged pursuant to section 44768
3319.301 of the Revised Code, a written statement from the city, 44769
exempted village, or local school district superintendent or the 44770
educational service center superintendent that the teacher has 44771
filed with the treasurer a legal educator license, or true copy of 44772

it, to teach the subjects or grades taught, with the dates of its 44773
validity. The state board of education shall prescribe the record 44774
and administration for such filing of educator licenses in 44775
educational service centers. 44776

(B) Notwithstanding division (A) of this section, the 44777
treasurer may pay ~~either~~ any of the following: 44778

(1) Any teacher for services rendered during the first two 44779
months of the teacher's initial employment with the school 44780
district or educational service center, provided such teacher is 44781
the holder of a bachelor's degree or higher and has filed with the 44782
state board of education an application for the issuance of an 44783
educator license described in division (A)(1) of section 3319.22 44784
of the Revised Code. 44785

(2) Any substitute teacher for services rendered while 44786
conditionally employed under section 3319.101 of the Revised Code. 44787

(3) Any employee for services rendered under division (F) of 44788
section 3319.088 of the Revised Code. 44789

(C) Upon notice to the treasurer given by the state board of 44790
education or any superintendent having jurisdiction that reports 44791
required of a teacher have not been made, the treasurer shall 44792
withhold the salary of the teacher until the required reports are 44793
completed and furnished. 44794

Sec. 3319.61. (A) The educator standards board, in 44795
consultation with the chancellor of higher education, shall do all 44796
of the following: 44797

(1) Develop state standards for teachers and principals that 44798
reflect what teachers and principals are expected to know and be 44799
able to do at all stages of their careers. These standards shall 44800
be aligned with the statewide academic content standards for 44801
students adopted pursuant to section 3301.079 of the Revised Code, 44802

be primarily based on educator performance instead of years of 44803
experience or certain courses completed, and rely on 44804
evidence-based factors. These standards shall also be aligned with 44805
the operating standards adopted under division (D)(3) of section 44806
3301.07 of the Revised Code. 44807

(a) The standards for teachers shall reflect the following 44808
additional criteria: 44809

(i) Alignment with the interstate new teacher assessment and 44810
support consortium standards; 44811

(ii) Differentiation among novice, experienced, and advanced 44812
teachers; 44813

(iii) Reliance on competencies that can be measured; 44814

(iv) Reliance on content knowledge, teaching skills, 44815
discipline-specific teaching methods, and requirements for 44816
professional development; 44817

(v) Alignment with a career-long system of professional 44818
development and evaluation that ensures teachers receive the 44819
support and training needed to achieve the teaching standards as 44820
well as reliable feedback about how well they meet the standards; 44821

(vi) The standards under section 3301.079 of the Revised 44822
Code, including standards on collaborative learning environments 44823
and interdisciplinary, project-based, real-world learning and 44824
differentiated instruction; 44825

(vii) The Ohio leadership framework. 44826

(b) The standards for principals shall be aligned with the 44827
interstate school leaders licensing consortium standards. 44828

(2) Develop standards for school district superintendents 44829
that reflect what superintendents are expected to know and be able 44830
to do at all stages of their careers. The standards shall reflect 44831
knowledge of systems theory and effective management principles 44832

and be aligned with the buckeye association of school 44833
administrators standards and the operating standards developed 44834
under division (D)(3) of section 3301.07 of the Revised Code. 44835

(3) Develop standards for school district treasurers and 44836
business managers that reflect what treasurers and business 44837
managers are expected to know and be able to do at all stages of 44838
their careers. The standards shall reflect knowledge of systems 44839
theory and effective management principles and be aligned with the 44840
association of school business officials international standards 44841
and the operating standards developed under division (D)(3) of 44842
section 3301.07 of the Revised Code. 44843

(4) Develop standards for the renewal of licenses under 44844
sections 3301.074 and 3319.22 of the Revised Code; 44845

(5) Develop standards for educator professional development; 44846

(6) Investigate and make recommendations for the creation, 44847
expansion, and implementation of school building and school 44848
district leadership academies; 44849

(7) Develop standards for school counselors that reflect what 44850
school counselors are expected to know and be able to do at all 44851
stages of their careers. The standards shall reflect knowledge of 44852
academic, personal, and social counseling for students and 44853
effective principles to implement an effective school counseling 44854
program. The standards also shall reflect Ohio-specific knowledge 44855
of career counseling for students and education options that 44856
provide flexibility for earning credit, such as earning units of 44857
high school credit using the methods adopted by the state board of 44858
education under division (J) of section 3313.603 of the Revised 44859
Code and earning college credit through the college credit plus 44860
program established under Chapter 3365. of the Revised Code. The 44861
standards shall align with the American school counselor 44862
association's professional standards and the operating standards 44863

developed under division (D)(3) of section 3301.07 of the Revised Code. 44864
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The superintendent of public instruction, the chancellor of higher education, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section. 44866
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(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students. 44870
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(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups. 44879
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(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following: 44883
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(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed; 44886
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(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership 44892
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that will provide learning opportunities for all children to 44895
succeed. 44896

(E) The standards for educator professional development 44897
developed under division (A)(5) of this section shall include the 44898
following: 44899

(1) Standards for the inclusion of local professional 44900
development committees established under section 3319.22 of the 44901
Revised Code in the planning and design of professional 44902
development; 44903

(2) Standards that address the crucial link between academic 44904
achievement and mental health issues. 44905

(F) The educator standards board shall also perform the 44906
following functions: 44907

(1) Monitor compliance with the standards developed under 44908
division (A) of this section and make recommendations to the state 44909
board of education for appropriate corrective action if such 44910
standards are not met; 44911

(2) Research, develop, and recommend policies on the 44912
professions of teaching and school administration; 44913

(3) Recommend policies to close the achievement gap between 44914
students of different subgroups; 44915

(4) Define a "master teacher" in a manner that can be used 44916
uniformly by all school districts; 44917

(5) Adopt criteria that a candidate for a lead professional 44918
educator license under section 3319.22 of the Revised Code who 44919
does not hold a valid certificate issued by the national board for 44920
professional teaching standards must meet to be considered a lead 44921
teacher for purposes of division (B)(4)(d) of that section. It is 44922
the intent of the general assembly that the educator standards 44923
board shall adopt multiple, equal-weighted criteria to use in 44924

determining whether a person is a lead teacher. The criteria shall 44925
be in addition to the other standards and qualifications 44926
prescribed in division (B)(4) of section 3319.22 of the Revised 44927
Code. The criteria may include, but shall not be limited to, 44928
completion of educational levels beyond a master's degree or other 44929
professional development courses or demonstration of a leadership 44930
role in the teacher's school building or district. The board shall 44931
determine the number of criteria that a teacher shall satisfy to 44932
be recognized as a lead teacher, which shall not be the total 44933
number of criteria adopted by the board. 44934

(6) Develop model teacher and principal evaluation 44935
instruments and processes. The models shall be based on the 44936
standards developed under division (A) of this section. 44937

(7) Develop a method of measuring the academic improvement 44938
made by individual students during a one-year period and make 44939
recommendations for incorporating the measurement as one of 44940
multiple evaluation criteria into ~~each~~ both of the following: 44941

(a) Eligibility for a professional educator license, senior 44942
professional educator license, lead professional educator license, 44943
or principal license issued under section 3319.22 of the Revised 44944
Code; 44945

~~(b) The Ohio teacher residency program established under 44946
section 3319.223 of the Revised Code; 44947~~

~~(c) The model teacher and principal evaluation instruments 44948
and processes developed under division (F)(6) of this section. 44949~~

(G) The educator standards board shall submit recommendations 44950
of standards developed under division (A) of this section to the 44951
state board of education not later than September 1, 2010. The 44952
state board of education shall review those recommendations at the 44953
state board's regular meeting that next succeeds the date that the 44954
recommendations are submitted to the state board. At that meeting, 44955

the state board of education shall vote to either adopt standards 44956
based on those recommendations or request that the educator 44957
standards board reconsider its recommendations. The state board of 44958
education shall articulate reasons for requesting reconsideration 44959
of the recommendations but shall not direct the content of the 44960
recommendations. The educator standards board shall reconsider its 44961
recommendations if the state board of education so requests, may 44962
revise the recommendations, and shall resubmit the 44963
recommendations, whether revised or not, to the state board not 44964
later than two weeks prior to the state board's regular meeting 44965
that next succeeds the meeting at which the state board requested 44966
reconsideration of the initial recommendations. The state board of 44967
education shall review the recommendations as resubmitted by the 44968
educator standards board at the state board's regular meeting that 44969
next succeeds the meeting at which the state board requested 44970
reconsideration of the initial recommendations and may adopt the 44971
standards as resubmitted or, if the resubmitted standards have not 44972
addressed the state board's concerns, the state board may modify 44973
the standards prior to adopting them. The final responsibility to 44974
determine whether to adopt standards as described in division (A) 44975
of this section and the content of those standards, if adopted, 44976
belongs solely to the state board of education. 44977

Sec. 3321.19. (A) As used in this section and section 44978
3321.191 of the Revised Code, "habitual truant" has the same 44979
meaning as in section 2151.011 of the Revised Code. 44980

(B) When a board of education of any city, exempted village, 44981
local, joint vocational, or cooperative education school district 44982
or the governing board of any educational service center 44983
determines that a student in its district has been truant and the 44984
parent, guardian, or other person having care of the child has 44985
failed to cause the student's attendance at school, the board may 44986
require the parent, guardian, or other person having care of the 44987

child pursuant to division (B) of this section to attend an 44988
educational program established pursuant to rules adopted by the 44989
state board of education for the purpose of encouraging parental 44990
involvement in compelling the attendance of the child at school. 44991

No parent, guardian, or other person having care of a child 44992
shall fail without good cause to attend an educational program 44993
described in this division if the parent, guardian, or other 44994
person has been served notice pursuant to division (C) of this 44995
section. 44996

(C) On the request of the superintendent of schools, the 44997
superintendent of any educational service center, the board of 44998
education of any city, exempted village, local, joint vocational, 44999
or cooperative education school district, or the governing board 45000
of any educational service center or when it otherwise comes to 45001
the notice of the attendance officer or other appropriate officer 45002
of the school district, the attendance officer or other 45003
appropriate officer shall examine into any case of supposed 45004
truancy within the district and shall warn the child, if found 45005
truant, and the child's parent, guardian, or other person having 45006
care of the child, in writing, of the legal consequences of being 45007
truant. When any child of compulsory school age, in violation of 45008
law, is not attending school, the attendance or other appropriate 45009
officer shall notify the parent, guardian, or other person having 45010
care of that child of the fact, and require the parent, guardian, 45011
or other person to cause the child to attend school immediately. 45012
The parent, guardian, or other person having care of the child 45013
shall cause the child's attendance at school. Upon the failure of 45014
the parent, guardian, or other person having care of the child to 45015
do so, the attendance officer or other appropriate officer, if so 45016
directed by the superintendent, the district board, or the 45017
educational service center governing board, shall send notice 45018
requiring the attendance of that parent, guardian, or other person 45019

at a parental education program established pursuant to division 45020
(B) of this section and, subject to divisions (D) and (E) of this 45021
section, may file a complaint against the parent, guardian, or 45022
other person having care of the child in any court of competent 45023
jurisdiction. 45024

(D)(1) Upon the failure of the parent, guardian, or other 45025
person having care of the child to cause the child's attendance at 45026
school, if the child is considered an habitual truant, the board 45027
of education of the school district or the governing board of the 45028
educational service center, ~~within ten days,~~ subject to division 45029
(E) of this section, shall assign the student to an absence 45030
intervention team as described in division (C) of section 3321.191 45031
of the Revised Code. 45032

(2) The attendance officer shall file a complaint in the 45033
juvenile court of the county in which the child has a residence or 45034
legal settlement or in which the child is supposed to attend 45035
school jointly against the child and the parent, guardian, or 45036
other person having care of the child, in accordance with the 45037
timelines and conditions set forth in division (B) of section 45038
3321.16 of the Revised Code. A complaint filed in the juvenile 45039
court under this division shall allege that the child is an unruly 45040
child for being an habitual truant and that the parent, guardian, 45041
or other person having care of the child has violated section 45042
3321.38 of the Revised Code. 45043

(E) A school district with a chronic absenteeism percentage 45044
that is less than five per cent, as displayed on the district's 45045
most recent report card issued under section 3302.03 of the 45046
Revised Code, and the school buildings within that district, shall 45047
be exempt from the requirement to assign habitually truant 45048
students to an absence intervention team for the following school 45049
year and shall instead take any appropriate action as an 45050
intervention strategy contained in the policy developed by the 45051

district board pursuant to divisions (A) and (B) of section 45052
3321.191 of the Revised Code. In the event that those intervention 45053
strategies fail, within sixty-one days after their implementation, 45054
the attendance officer shall file a complaint, provided that the 45055
conditions described in division (B) of section 3321.16 of the 45056
Revised Code are satisfied. 45057

Sec. 3323.022. The rules of the state board of education for 45058
staffing ratios for programs with preschool children with 45059
disabilities shall require the following: 45060

(A) A full-time staff member shall be provided when there are 45061
eight full-day or sixteen half-day preschool children eligible for 45062
special education enrolled in a center-based preschool special 45063
education program. 45064

(B) Staff ratios of one teacher for every eight children 45065
shall be maintained at all times for a program with a center-based 45066
teacher, and a second adult shall be present when there are nine 45067
or more children, including nondisabled children enrolled in a 45068
class session. 45069

~~Sec. 3323.052. (A) Not later than November 28, 2011, the The 45070~~
department of education shall develop a document that compares a 45071
parent's and child's rights under this chapter and 20 U.S.C. 1400 45072
et seq. with the parent's and child's rights under the Jon 45073
Peterson special needs scholarship program, established in 45074
sections 3310.51 to 3310.64 of the Revised Code, including the 45075
~~deadline for application for a scholarship or renewal of a 45076~~
~~scholarship and notice of that application to the child's school 45077~~
~~district, prescribed in division (C) of section 3310.52 of the 45078~~
Revised Code, and the provisions of divisions (A) and (B) of 45079
section 3310.53 of the Revised Code. The department shall revise 45080
that document as necessary to reflect any pertinent changes in 45081

state or federal statutory law, rule, or regulation ~~enacted or~~ 45082
~~adopted after the initial document is developed.~~ 45083

(B) The department and each school district shall ensure that 45084
the document prescribed in division (A) of this section is 45085
included in, appended to, or otherwise distributed in conjunction 45086
with the notice required under 20 U.S.C. 1415(d), and any 45087
provision of the Code of Federal Regulations implementing that 45088
requirement, in the manner and at all the times specified for such 45089
notice in federal law or regulation. 45090

(C) In addition to the requirement prescribed by division (B) 45091
of this section, each time a child's school district completes an 45092
evaluation for a child with a disability or undertakes the 45093
development, review, or revision of the child's IEP, the district 45094
shall notify the child's parent, by letter or electronic means, 45095
about both the autism scholarship program, under section 3310.41 45096
of the Revised Code, and the Jon Peterson special needs 45097
scholarship program, under sections 3310.51 to 3310.64 of the 45098
Revised Code. The notice shall include the following statement: 45099

"Your child may be eligible for a scholarship under the 45100
Autism Scholarship Program or the Jon Peterson Special Needs 45101
Scholarship Program to attend a special education program that 45102
implements the child's individualized education program and that 45103
is operated by an alternative public provider or by a registered 45104
private provider." 45105

The notice shall include the telephone number of the office 45106
of the department responsible for administering the scholarship 45107
programs and the specific location of scholarship information on 45108
the department's web site. 45109

(D) As used in this section, a "child's school district" 45110
means the school district in which the child is entitled to attend 45111
school under section 3313.64 or 3313.65 of the Revised Code. 45112

Sec. 3323.14. (A) Where a child who is a school resident of 45113
one school district receives special education from another 45114
district and the per capita cost to the educating district for 45115
that child exceeds the sum of the amount received by the educating 45116
district for that child under division (A) of section 3317.08 of 45117
the Revised Code and the amount received by the district from the 45118
state board of education for that child, then the board of 45119
education of the district of residence shall pay to the board of 45120
the school district that is providing the special education such 45121
excess cost as is determined by using a formula approved by the 45122
department of education and agreed upon in contracts entered into 45123
by the boards of the districts concerned at the time the district 45124
providing such special education accepts the child for enrollment. 45125
The department shall certify the amount of the payments under 45126
Chapter 3317. of the Revised Code for such pupils with 45127
disabilities for each school year ending on the thirtieth day of 45128
July. 45129

(B) In the case of a child described in division (A) of this 45130
section who has been placed in a home, as defined in section 45131
3313.64 of the Revised Code, pursuant to the order of a court and 45132
who is not subject to section 3323.141 of the Revised Code, the 45133
district providing the child with special education and related 45134
services may charge to the child's district of residence the 45135
excess cost determined by formula approved by the department, 45136
regardless of whether the district of residence has entered into a 45137
contract with the district providing the services. If the district 45138
providing the services chooses to charge excess costs, the 45139
district may report the amount calculated under this division to 45140
the department. 45141

(C) If a district providing special education for a child 45142
reports an amount for the excess cost of those services, as 45143
authorized and calculated under division (A) or (B) of this 45144

section, the department shall pay that amount of excess cost to 45145
the district providing the services and shall deduct that amount 45146
from the child's district of residence in accordance with division 45147
(K) of section 3317.023 of the Revised Code. 45148

(D) If a district providing special education to a child to 45149
whom division (C)(4) of section 3313.64 of the Revised Code 45150
applies chooses to receive a tuition payment for that child under 45151
that division, that district shall not receive any payments under 45152
this section. 45153

Sec. 3326.01. (A) As used in this chapter: 45154

(1) "STEM" is an abbreviation of "science, technology, 45155
engineering, and mathematics." 45156

(2) "STEAM" is an abbreviation of "science, technology, 45157
engineering, arts, and mathematics." 45158

(B)(1) A science, technology, engineering, arts, and 45159
mathematics school shall be considered a type of science, 45160
technology, engineering, and mathematics school. 45161

(2) A STEAM school equivalent shall be considered to be a 45162
type of STEM school equivalent. 45163

(3) A STEAM program of excellence shall be considered to be a 45164
type of STEM program of excellence. 45165

(C)(1) Any reference to a STEM school or science, technology, 45166
engineering, and mathematics school in the Revised Code shall be 45167
considered to include a STEAM school, unless the context 45168
specifically indicates a different meaning or intent. All 45169
provisions of the Revised Code applicable to a STEM school shall 45170
apply to a STEAM school in the same manner, except as otherwise 45171
provided in this chapter. 45172

(2) Any reference to a STEM school equivalent in the Revised 45173
Code shall be considered to include a STEAM school equivalent, 45174

unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single

governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, upon a proposal from the governing body, the committee may authorize one or more additional schools to operate as part of that group.

The STEM committee may approve one or more STEM schools to serve only students identified as gifted under Chapter 3324. of the Revised Code.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

(1) A city, exempted village, local, or joint vocational school district or an educational service center;

(2) Higher education entities;

(3) Business organizations.

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(2) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;

(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of

grades kindergarten through twelve, with the goal to prepare those 45236
students for college, the workforce, and citizenship, and that 45237
does all of the following: 45238

(a) Emphasizes the role of science, technology, engineering, 45239
and mathematics in promoting innovation and economic progress; 45240

(b) Incorporates scientific inquiry and technological design; 45241

(c) Includes the arts and humanities~~+~~. If the proposal is for 45242
a STEAM school, it also shall include evidence that the curriculum 45243
will integrate arts and design into the study of science, 45244
technology, engineering, and mathematics to foster creative 45245
thinking, problem-solving, and new approaches to scientific 45246
invention. 45247

(d) Emphasizes personalized learning and teamwork skills. 45248

(4) Evidence that each school will attract school leaders who 45249
support the curriculum principles of division (C)(3) of this 45250
section; 45251

(5) A description of how each school's curriculum will be 45252
developed and approved in accordance with section 3326.09 of the 45253
Revised Code; 45254

(6) Evidence that each school will utilize an established 45255
capacity to capture and share knowledge for best practices and 45256
innovative professional development with the Ohio STEM learning 45257
network, or its successor; 45258

(7) Evidence that each school will operate in collaboration 45259
with a partnership that includes institutions of higher education 45260
and businesses~~+~~. If the proposal is for a STEAM school, it also 45261
shall include evidence that this partnership will include arts 45262
organizations. 45263

(8) Assurances that each school has received commitments of 45264
sustained and verifiable fiscal and in-kind support from regional 45265

education and business entities⁺. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a community school or chartered nonpublic school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

(1) Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations⁺. If the proposal is for a STEAM school equivalent, it also shall include evidence that this partnership includes arts organizations.

(2) Assurances that the school submitting the proposal will operate in compliance with this section and the provisions of the proposal as accepted by the committee;	45296 45297 45298
(3) Evidence that the school submitting the proposal will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:	45299 45300 45301 45302 45303
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	45304 45305
(b) Incorporates scientific inquiry and technological design;	45306
(c) Includes the arts and humanities ⁺ . <u>If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.</u>	45307 45308 45309 45310 45311 45312
(d) Emphasizes personalized learning and teamwork skills.	45313
(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;	45314 45315 45316
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	45317 45318 45319
(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	45320 45321 45322
(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. <u>If</u>	45323 45324 45325

the proposal is for a STEAM school equivalent, it also shall 45326
include assurances that the school has received commitments of 45327
sustained and verifiable fiscal and in-kind support from arts 45328
organizations. 45329

(C)(1) A community school or chartered nonpublic school that 45330
is designated as a STEM school equivalent under this section shall 45331
not be subject to the requirements of Chapter 3326. of the Revised 45332
Code, except that the school shall be subject to the requirements 45333
of this section and to the curriculum requirements of section 45334
3326.09 of the Revised Code. 45335

Nothing in this section, however, shall relieve a community 45336
school of the applicable requirements of Chapter 3314. of the 45337
Revised Code. Nor shall anything in this section relieve a 45338
chartered nonpublic school of any provisions of law outside of 45339
this chapter that are applicable to chartered nonpublic schools. 45340

(2) A community school or chartered nonpublic school that is 45341
designated as a STEM school equivalent under this section shall 45342
not be eligible for operating funding under sections 3326.31 to 45343
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 45344

(3) A community school or chartered nonpublic school that is 45345
designated as a STEM school equivalent under this section may 45346
apply for any of the grants and additional funds described in 45347
section 3326.38 of the Revised Code for which the school is 45348
eligible. 45349

(D) If a community school or chartered nonpublic school that 45350
is designated as a STEM school equivalent under this section 45351
intends to close or intends to no longer be designated as a STEM 45352
school equivalent, it shall notify the STEM committee of that 45353
fact. 45354

(E) If a community school or chartered nonpublic school that 45355
is designated as a STEM school equivalent wishes to be designated 45356

as a STEAM school equivalent, it may change its existing proposal 45357
to include the items required under divisions (B)(1), (B)(3)(c), 45358
and (B)(7) of this section and submit the revised proposal to the 45359
STEM committee for approval. 45360

Sec. 3326.04. (A) The STEM committee shall award grants to 45361
support the operation of STEM programs of excellence to serve 45362
students in any of grades kindergarten through ~~eight~~ twelve 45363
through a request for proposals. 45364

(B) Proposals may be submitted by any of the following: 45365

(1) The board of education of a city, exempted village, or 45366
local school district; 45367

(2) The governing authority of a community school established 45368
under Chapter 3314. of the Revised Code; 45369

(3) The governing authority of a chartered nonpublic school. 45370

(C) Each proposal shall demonstrate to the satisfaction of 45371
the STEM committee that the program meets at least the following 45372
standards: 45373

(1) Unless the program is designed to serve only students 45374
identified as gifted under Chapter 3324. of the Revised Code, the 45375
program will serve all students enrolled in the district or school 45376
in the grades for which the program is designed. 45377

(2) The program will offer a rigorous and diverse curriculum 45378
that is based on scientific inquiry and technological design, that 45379
emphasizes personalized learning and teamwork skills, and that 45380
will expose students to advanced scientific concepts within and 45381
outside the classroom. If the proposal is for a STEAM program of 45382
excellence, it also shall include evidence that the curriculum 45383
will integrate arts and design into the curriculum to foster 45384
creative thinking, problem-solving, and new approaches to 45385
scientific invention. 45386

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.09. Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school equivalent, and a

member of the public with expertise in the application of science, 45417
technology, engineering, or mathematics. In the case of a STEAM 45418
school or a STEAM school equivalent, the team also shall include 45419
an expert in the integration of arts and design into the STEM 45420
fields. 45421

Sec. 3326.10. Each science, technology, engineering, and 45422
mathematics school shall adopt admission procedures that specify 45423
the following: 45424

(A)(1) Admission shall be open to individuals entitled and 45425
eligible to attend school pursuant to section 3313.64 or 3313.65 45426
of the Revised Code in a school district in the state. 45427

(2)(a) Admission may be open on a tuition basis to 45428
individuals who are not residents of this state. The school shall 45429
not receive state funds under sections 3326.33 to 3326.51 of the 45430
Revised Code for any student who is not a resident of this state. 45431

(b) The school shall charge tuition for a student who is not 45432
a resident of this state in an amount ~~equal to the amount~~ 45433
~~calculated by the department of education under~~ determined by the 45434
school in accordance with section 3326.101 of the Revised Code. 45435

(B) There will be no discrimination in the admission of 45436
students to the school on the basis of race, creed, color, 45437
disability, or sex. 45438

(C) The school will comply with all federal and state laws 45439
regarding the education of students with disabilities. 45440

(D) Unless the school serves only students identified as 45441
gifted under Chapter 3324. of the Revised Code, the school will 45442
not limit admission to students on the basis of intellectual 45443
ability, measures of achievement or aptitude, or athletic or 45444
artistic ability. 45445

(E) The school will assert its best effort to attract a 45446

diverse student body that reflects the community, and the school 45447
will recruit students from disadvantaged and underrepresented 45448
groups. 45449

Sec. 3326.101. For each student who is not a resident of this 45450
state and is enrolled in a science, technology, engineering, and 45451
mathematics school under division (A)(2) of section 3326.10 of the 45452
Revised Code, the ~~department of education~~ school shall ~~calculate~~ 45453
determine the amount ~~that the school would have received for that~~ 45454
~~student under section 3326.33 of the Revised Code if that student~~ 45455
~~were a resident of this state. The department shall not pay that~~ 45456
~~amount to the school, but the school shall to charge that amount~~ 45457
to the student as tuition. This amount shall be not less than the 45458
minimum amount paid to the school for a student under section 45459
3326.33 of the Revised Code. 45460

Sec. 3326.11. Each science, technology, engineering, and 45461
mathematics school established under this chapter and its 45462
governing body shall comply with sections 9.90, 9.91, 109.65, 45463
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 45464
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 45465
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 45466
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 45467
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 45468
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 45469
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 45470
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 45471
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 45472
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 45473
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 45474
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 45475
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 45476
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 45477

3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 45478
Revised Code as if it were a school district. 45479

Sec. 3326.33. For each student enrolled in a science, 45480
technology, engineering, and mathematics school established under 45481
this chapter, on a full-time equivalency basis, the department of 45482
education annually shall deduct from the state education aid of a 45483
student's resident school district and, if necessary, from the 45484
payment made to the district under sections 321.24 and 323.156 of 45485
the Revised Code and pay to the school the sum of the following: 45486

(A) An opportunity grant in an amount equal to the formula 45487
amount; 45488

(B) The per pupil amount of targeted assistance funds 45489
calculated under division (A) of section 3317.0217 of the Revised 45490
Code for the student's resident district, as determined by the 45491
department, X 0.25; 45492

(C) Additional state aid for special education and related 45493
services provided under Chapter 3323. of the Revised Code as 45494
follows: 45495

(1) If the student is a category one special education 45496
student, the amount specified in division (A) of section 3317.013 45497
of the Revised Code; 45498

(2) If the student is a category two special education 45499
student, the amount specified in division (B) of section 3317.013 45500
of the Revised Code; 45501

(3) If the student is a category three special education 45502
student, the amount specified in division (C) of section 3317.013 45503
of the Revised Code; 45504

(4) If the student is a category four special education 45505
student, the amount specified in division (D) of section 3317.013 45506

of the Revised Code;	45507
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	45508 45509 45510
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	45511 45512 45513
(D) If the student is in kindergarten through third grade, \$305, in fiscal year 2016, or \$320, in fiscal year 2017;	45514 45515
(E) If the student is economically disadvantaged, an amount equal to the following:	45516 45517
\$272 X the resident district's economically disadvantaged index	45518
(F) Limited English proficiency funds, as follows:	45519
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	45520 45521 45522
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	45523 45524 45525
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	45526 45527 45528
(G) Career-technical education funds as follows:	45529
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	45530 45531 45532
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	45533 45534 45535

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 45536
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(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 45539
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(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 45542
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Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code. 45545
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Sec. 3326.41. (A) For purposes of this section: 45548

(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 45549
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(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 45551
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(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code. 45553
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(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school both of the following: 45561
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45564

(1) A graduation bonus calculated according to the following 45565

formula: 45566
The school's four-year adjusted cohort graduation rate on its most 45567
recent report card issued by the department under section 3302.03 45568
of the Revised Code X 0.075 X the formula amount X the number of 45569
the school's graduates reported to the department, in accordance 45570
with the guidelines adopted under section 3301.0714 of the Revised 45571
Code, for the same school year for which the most recent report 45572
card was issued 45573

(2) A third-grade reading bonus calculated according to the 45574
following formula: 45575

The school's third-grade reading proficiency percentage X 0.075 X 45576
the formula amount X the number of the school's students scoring 45577
at a proficient level or higher on the third-grade English 45578
language arts assessment prescribed under division (A)(1)(a) of 45579
section 3301.0710 of the Revised Code for the immediately 45580
preceding school year 45581

Sec. 3327.08. Boards of education of city school districts, 45582
local school districts, exempted village school districts, 45583
cooperative education school districts, and joint vocational 45584
school districts and governing boards of educational service 45585
centers may purchase on individual contract school buses and other 45586
equipment used in transporting children to and from school and to 45587
other functions as authorized by the boards, or the boards, at 45588
their discretion, may purchase the buses and equipment through any 45589
system of centralized purchasing established by the state 45590
department of education for that purpose, provided that state 45591
subsidy payments shall be based on the amount of the lowest price 45592
available to the boards by either method of purchase. No board 45593
shall be deprived of any form of state assistance in the purchase 45594
of buses and equipment by reason of purchases of buses and 45595
equipment on an individual contract. 45596

The purchase of school buses shall be made only after 45597
competitive bidding in accordance with section 3313.46 of the 45598
Revised Code. All bids shall state that the buses, prior to 45599
delivery, will comply with the safety rules of the department of 45600
public safety adopted pursuant to section 4511.76 of the Revised 45601
Code and all other pertinent provisions of law. 45602

At no time shall bid bonds be required for the purchase of 45603
school buses, unless the district board or educational service 45604
center governing board requests that bid bonds be part of the 45605
competitive bidding process for a specified purchase. 45606

Sec. 3332.071. A college or school that holds a certificate 45607
of registration under this chapter shall pay any fee required by 45608
the state board of career colleges and schools for a new student 45609
disclosure course fee. No college or school shall charge a student 45610
for the fee paid under this section, either directly or through 45611
any increase in fees or tuition charged to a student to pay the 45612
disclosure course fee. 45613

Sec. 3333.048. (A) Not later than one year after October 16, 45614
2009, the chancellor of higher education and the superintendent of 45615
public instruction jointly shall do the following: 45616

(1) In accordance with Chapter 119. of the Revised Code, 45617
establish metrics and educator preparation programs for the 45618
preparation of educators and other school personnel and the 45619
institutions of higher education that are engaged in their 45620
preparation. The metrics and educator preparation programs shall 45621
be aligned with the standards and qualifications for educator 45622
licenses adopted by the state board of education under section 45623
3319.22 of the Revised Code ~~and the requirements of the Ohio 45624~~
~~teacher residency program established under section 3319.223 of 45625~~
~~the Revised Code.~~ The metrics and educator preparation programs 45626

also shall ensure that educators and other school personnel are 45627
adequately prepared to use the value-added progress dimension 45628
prescribed by section 3302.021 of the Revised Code or the 45629
alternative student academic progress measure if adopted under 45630
division (C)(1)(e) of section 3302.03 of the Revised Code. 45631

(2) Provide for the inspection of institutions of higher 45632
education desiring to prepare educators and other school 45633
personnel. 45634

(B) Not later than one year after October 16, 2009, the 45635
chancellor shall approve institutions of higher education engaged 45636
in the preparation of educators and other school personnel that 45637
maintain satisfactory training procedures and records of 45638
performance, as determined by the chancellor. 45639

(C) If the metrics established under division (A)(1) of this 45640
section require an institution of higher education that prepares 45641
teachers to satisfy the standards of an independent accreditation 45642
organization, the chancellor shall permit each institution to 45643
satisfy the standards of any applicable national educator 45644
preparation accrediting agency recognized by the United States 45645
department of education. 45646

(D) The metrics and educator preparation programs established 45647
under division (A)(1) of this section may require an institution 45648
of higher education, as a condition of approval by the chancellor, 45649
to make changes in the curricula of its preparation programs for 45650
educators and other school personnel. 45651

Notwithstanding division (E) of section 119.03 and division 45652
(A)(1) of section 119.04 of the Revised Code, any metrics, 45653
educator preparation programs, rules, and regulations, or any 45654
amendment or rescission of such metrics, educator preparation 45655
programs, rules, and regulations, adopted under this section that 45656
necessitate institutions offering preparation programs for 45657

educators and other school personnel approved by the chancellor to 45658
revise the curricula of those programs shall not be effective for 45659
at least one year after the first day of January next succeeding 45660
the publication of the said change. 45661

Each institution shall allocate money from its existing 45662
revenue sources to pay the cost of making the curricular changes. 45663

(E) The chancellor shall notify the state board of the 45664
metrics and educator preparation programs established under 45665
division (A)(1) of this section and the institutions of higher 45666
education approved under division (B) of this section. The state 45667
board shall publish the metrics, educator preparation programs, 45668
and approved institutions with the standards and qualifications 45669
for each type of educator license. 45670

(F) The graduates of educator preparation programs approved 45671
by the chancellor shall be licensed by the state board in 45672
accordance with the standards and qualifications adopted under 45673
section 3319.22 of the Revised Code. 45674

Sec. 3333.0414. (A) In accordance with Chapter 119. of the 45675
Revised Code, the chancellor of higher education shall adopt rules 45676
that require education preparation programs approved under section 45677
3333.048 of the Revised Code to include instruction in opioid and 45678
other substance abuse prevention. The instruction shall be for all 45679
educator and other school personnel preparation programs for all 45680
content areas and grade levels. 45681

(B) Instruction shall include all of the following: 45682

(1) Information on the magnitude of opioid and other 45683
substance abuse; 45684

(2) The role educators and other school personnel can play in 45685
educating students about the adverse effects of opioid and other 45686
substance abuse; 45687

(3) Resources available to teach students about the consequences of opioid and substance abuse; 45688
45689

(4) Resources available to help fight and treat opioid abuse. 45690

Sec. 3333.0415. Beginning in 2018, the chancellor of higher education, in collaboration with the department of education, shall prepare an annual report regarding the progress the state is making in increasing the percentage of adults in the state with a college degree, industry certificate, or other postsecondary credential to sixty-five per cent by the year 2025. The chancellor shall submit an electronic copy of the report to the governor, the president and minority leader of the senate, and speaker and minority leader of the house of representatives. 45691
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Sec. 3333.051. (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's degree programs. 45700
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The chancellor may approve programs under this section that demonstrate all of the following: 45706
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(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program; 45708
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(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation; 45712
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(3) Supporting data that identifies the specific workforce need the program will address; 45716
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(4) The absence of a bachelor's degree program that meets the 45718
workforce need addressed by the proposed program that is offered 45719
by a state university or private college or university; 45720

(5) Willingness of an industry partner to offer 45721
workplace-based learning and employment opportunities to students 45722
enrolled in the proposed program. 45723

(B) Before approving a program under this section, the 45724
chancellor shall consult with the governor's office of workforce 45725
transformation, the inter-university council of Ohio, the Ohio 45726
association of community colleges, and the association of 45727
independent colleges and universities of Ohio, or any successor to 45728
those organizations. 45729

(C) As used in this section: 45730

(1) "Applied bachelor's degree" means a bachelor's degree 45731
that is both of the following: 45732

(a) Specifically designed for an individual who holds an 45733
associate of applied science degree, or its equivalent, in order 45734
to maximize application of the individual's technical course 45735
credits toward the bachelor's degree; 45736

(b) Based on curriculum that incorporates both theoretical 45737
and applied knowledge and skills in a specific technical field. 45738

(2) "Private college or university" means a nonprofit 45739
institution that holds a certificate of authorization pursuant to 45740
Chapter 1713. of the Revised Code. 45741

(3) "State university" has the same meaning as in section 45742
3345.011 of the Revised Code. 45743

Sec. 3333.052. The chancellor of higher education shall 45744
conduct a study of applied bachelor's degree programs approved and 45745
offered under section 3333.051 of the Revised Code to determine 45746
the effects of the programs on fulfilling the needs of students 45747

and local industry. 45748

The chancellor shall complete the study not later than 45749
December 31, 2020, and conduct and complete a second study as 45750
prescribed by this section not later than December 31, 2022. The 45751
chancellor shall submit each study to the general assembly, in 45752
accordance with section 101.68 of the Revised Code, and to the 45753
governor. 45754

As used in this section, "applied bachelor's degree" has the 45755
same meaning as in section 3333.051 of the Revised Code. 45756

Sec. 3333.121. There is hereby established in the state 45757
treasury the state ~~need-based~~ financial aid reconciliation fund, 45758
which shall consist of refunds of ~~instructional grant payments~~ 45759
~~made pursuant to section 3333.12 of the Revised Code and refunds~~ 45760
~~of state need based financial aid payments made pursuant to~~ 45761
~~section 3333.122 of the Revised Code~~ state financial aid payments 45762
originally disbursed by the department of higher education for 45763
programs that the department is responsible for administering. 45764
Revenues credited to the fund shall be used by the chancellor of 45765
higher education to pay to higher education institutions any 45766
outstanding obligations ~~from the prior year owed for the Ohio~~ 45767
~~instructional grant program and the Ohio college opportunity grant~~ 45768
~~program~~ state financial aid programs that are identified through 45769
the annual reconciliation and financial audit or through other 45770
means. Any amount in the fund that is in excess of the amount 45771
certified to the director of budget and management by the 45772
chancellor of higher education as necessary to reconcile ~~prior~~ 45773
~~year~~ payments under the program shall be transferred to the 45774
general revenue fund. 45775

Sec. 3333.122. (A) The chancellor of higher education shall 45776
adopt rules to carry out this section and as authorized under 45777

section 3333.123 of the Revised Code. The rules shall include 45778
definitions of the terms "resident," "expected family 45779
contribution," "full-time student," "three-quarters-time student," 45780
"half-time student," "one-quarter-time student," "state cost of 45781
attendance," and "accredited" for the purpose of those sections. 45782

(B) Only an Ohio resident who meets both of the following is 45783
eligible for a grant awarded under this section: 45784

(1) The resident has an expected family contribution of two 45785
thousand one hundred ninety or less; 45786

(2) The resident enrolls in one of the following: 45787

(a) An undergraduate program, or a nursing diploma program 45788
approved by the board of nursing under section 4723.06 of the 45789
Revised Code, at a state-assisted state institution of higher 45790
education, as defined in section 3345.12 of the Revised Code, that 45791
meets the requirements of Title VI of the Civil Rights Act of 45792
1964; 45793

(b) An undergraduate program, or a nursing diploma program 45794
approved by the board of nursing under section 4723.06 of the 45795
Revised Code, at a private, nonprofit institution in this state 45796
holding a certificate of authorization pursuant to Chapter 1713. 45797
of the Revised Code; 45798

(c) An undergraduate program, or a nursing diploma program 45799
approved by the board of nursing under section 4723.06 of the 45800
Revised Code, at a career college in this state that holds a 45801
certificate of registration from the state board of career 45802
colleges and schools under Chapter 3332. of the Revised Code or at 45803
a private institution exempt from regulation under Chapter 3332. 45804
of the Revised Code as prescribed in section 3333.046 of the 45805
Revised Code, if the program has a certificate of authorization 45806
pursuant to Chapter 1713. of the Revised Code. 45807

(d) A comprehensive transition and postsecondary program that 45808
is certified by the United States department of education. For 45809
purposes of this section, a "comprehensive transition and 45810
postsecondary program" means a degree, certificate, or non-degree 45811
program that is designed to support persons with intellectual 45812
disabilities who are receiving academic, career, technical, and 45813
independent living instruction at an institution of higher 45814
education in order to prepare for gainful employment as defined in 45815
20 U.S.C. 1140. 45816

(C)(1) The chancellor shall establish and administer a 45817
needs-based financial aid grants program based on the United 45818
States department of education's method of determining financial 45819
need. The program shall be known as the Ohio college opportunity 45820
grant program. The general assembly shall support the needs-based 45821
financial aid program by such sums and in such manner as it may 45822
provide, but the chancellor also may receive funds from other 45823
sources to support the program. If, for any academic year, the 45824
amounts available for support of the program are inadequate to 45825
provide grants to all eligible students, the chancellor shall do 45826
one of the following: 45827

(a) Give preference in the payment of grants based upon 45828
expected family contribution, beginning with the lowest expected 45829
family contribution category and proceeding upward by category to 45830
the highest expected family contribution category; 45831

(b) Proportionately reduce the amount of each grant to be 45832
awarded for the academic year under this section; 45833

(c) Use an alternate formula for such grants that addresses 45834
the shortage of available funds and has been submitted to and 45835
approved by the controlling board. 45836

(2) The needs-based financial aid grant shall be paid to the 45837
eligible student through the institution in which the student is 45838

enrolled, except that no needs-based financial aid grant shall be 45839
paid to any person serving a term of imprisonment. Applications 45840
for the grants shall be made as prescribed by the chancellor, and 45841
such applications may be made in conjunction with and upon the 45842
basis of information provided in conjunction with student 45843
assistance programs funded by agencies of the United States 45844
government or from financial resources of the institution of 45845
higher education. The institution shall certify that the student 45846
applicant meets the requirements set forth in division (B) of this 45847
section. Needs-based financial aid grants shall be provided to an 45848
eligible student only as long as the student is making appropriate 45849
progress toward a nursing diploma ~~or~~, an associate or bachelor's 45850
degree, or completion of a comprehensive transition and 45851
postsecondary program. No student shall be eligible to receive a 45852
grant for more than ten semesters, fifteen quarters, or the 45853
equivalent of five academic years. A grant made to an eligible 45854
student on the basis of less than full-time enrollment shall be 45855
based on the number of credit hours for which the student is 45856
enrolled and shall be computed in accordance with a formula 45857
adopted by rule issued by the chancellor. No student shall receive 45858
more than one grant on the basis of less than full-time 45859
enrollment. 45860

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 45861
(5) of this section, no grant awarded under this section shall 45862
exceed the total state cost of attendance. 45863

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 45864
this section, the amount of a grant awarded to a student under 45865
this section shall equal the student's remaining state cost of 45866
attendance after the student's Pell grant and expected family 45867
contribution are applied to the instructional and general charges 45868
for the undergraduate or comprehensive transition and 45869
postsecondary program. However, for students enrolled in a state 45870

university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a

religious profession unless such course of study leads to an 45903
accredited bachelor of arts, bachelor of science, associate of 45904
arts, or associate of science degree. 45905

(F)(1) Except as provided in division (F)(2) of this section, 45906
no grant shall be made to any student for enrollment during a 45907
fiscal year in an institution with a cohort default rate 45908
determined by the United States secretary of education pursuant to 45909
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 45910
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 45911
preceding the fiscal year, equal to or greater than thirty per 45912
cent for each of the preceding two fiscal years. 45913

(2) Division (F)(1) of this section does not apply in the 45914
case of either of the following: 45915

(a) The institution pursuant to federal law appeals its loss 45916
of eligibility for federal financial aid and the United States 45917
secretary of education determines its cohort default rate after 45918
recalculation is lower than the rate specified in division (F)(1) 45919
of this section or the secretary determines due to mitigating 45920
circumstances that the institution may continue to participate in 45921
federal financial aid programs. The chancellor shall adopt rules 45922
requiring any such appellant to provide information to the 45923
chancellor regarding an appeal. 45924

(b) Any student who has previously received a grant pursuant 45925
to any provision of this section, including prior to the section's 45926
amendment by H.B. 1 of the 128th general assembly, effective July 45927
17, 2009, and who meets all other eligibility requirements of this 45928
section. 45929

(3) The chancellor shall adopt rules for the notification of 45930
all institutions whose students will be ineligible to participate 45931
in the grant program pursuant to division (F)(1) of this section. 45932

(4) A student's attendance at any institution whose students 45933

are ineligible for grants due to division (F)(1) of this section 45934
shall not affect that student's eligibility to receive a grant 45935
when enrolled in another institution. 45936

(G) Institutions of higher education that enroll students 45937
receiving needs-based financial aid grants under this section 45938
shall report to the chancellor all students who have received such 45939
needs-based financial aid grants but are no longer eligible for 45940
all or part of those grants and shall refund any moneys due the 45941
state within thirty days after the beginning of the quarter or 45942
term immediately following the quarter or term in which the 45943
student was no longer eligible to receive all or part of the 45944
student's grant. There shall be an interest charge of one per cent 45945
per month on all moneys due and payable after such thirty-day 45946
period. The chancellor shall immediately notify the office of 45947
budget and management and the legislative service commission of 45948
all refunds so received. 45949

Sec. 3333.166. (A) As used in this section: 45950

(1) "For-profit private college" means a career college in 45951
this state that holds a certificate of registration from the 45952
chancellor of higher education under Chapter 3332. of the Revised 45953
Code or a private institution exempt from regulation under Chapter 45954
3332. of the Revised Code as prescribed in section 3333.046 of the 45955
Revised Code. 45956

(2) "State institution of higher education" has the same 45957
meaning as in section 3345.011 of the Revised Code. 45958

(B) The chancellor shall prepare a transferability strategy 45959
plan that defines criteria, policies, procedures, and timelines 45960
that would enable students to transfer agreed upon courses 45961
completed through a for-profit private college to a state 45962
institution of higher education without unnecessary duplication or 45963
institutional barriers. Where applicable, the policies and 45964

procedures in the strategy plan shall build upon the articulation 45965
agreement and transfer initiative course equivalency system 45966
required by section 3333.16 of the Revised Code. 45967

(C) The chancellor shall convene the necessary stakeholders 45968
to assist in the preparation of the strategy plan. The chancellor 45969
shall complete and deliver to the governor, president and minority 45970
leader of the senate, and speaker and minority leader of the house 45971
of representatives an interim strategy plan on or before July 1, 45972
2018, and the final strategy plan on or before January 1, 2019. 45973

Sec. 3333.31. (A) For state subsidy and tuition surcharge 45974
purposes, status as a resident of Ohio shall be defined by the 45975
chancellor of higher education by rule promulgated pursuant to 45976
Chapter 119. of the Revised Code. No adjudication as to the status 45977
of any person under such rule, however, shall be required to be 45978
made pursuant to Chapter 119. of the Revised Code. The term 45979
"resident" for these purposes shall not be equated with the 45980
definition of that term as it is employed elsewhere under the laws 45981
of this state and other states, and shall not carry with it any of 45982
the legal connotations appurtenant thereto. Rather, except as 45983
provided in divisions (B), (C), and (E) of this section, for such 45984
purposes, the rule promulgated under this section shall have the 45985
objective of excluding from treatment as residents those who are 45986
present in the state primarily for the purpose of attending a 45987
state-supported or state-assisted institution of higher education, 45988
and may prescribe presumptive rules, rebuttable or conclusive, as 45989
to such purpose based upon the source or sources of support of the 45990
student, residence prior to first enrollment, evidence of 45991
intention to remain in the state after completion of studies, or 45992
such other factors as the chancellor deems relevant. 45993

(B) The rules of the chancellor for determining student 45994
residency shall grant residency status to a veteran and to the 45995

veteran's spouse and any dependent of the veteran, if both of the 45996
following conditions are met: 45997

(1) The veteran either: 45998

(a) Served one or more years on active military duty and was 45999
honorably discharged or received a medical discharge that was 46000
related to the military service; 46001

(b) Was killed while serving on active military duty or has 46002
been declared to be missing in action or a prisoner of war. 46003

(2) If the veteran seeks residency status for tuition 46004
surcharge purposes, the veteran has established domicile in this 46005
state as of the first day of a term of enrollment in an 46006
institution of higher education. If the spouse or a dependent of 46007
the veteran seeks residency status for tuition surcharge purposes, 46008
the veteran and the spouse or dependent seeking residency status 46009
have established domicile in this state as of the first day of a 46010
term of enrollment in an institution of higher education, except 46011
that if the veteran was killed while serving on active military 46012
duty, has been declared to be missing in action or a prisoner of 46013
war, or is deceased after discharge, only the spouse or dependent 46014
seeking residency status shall be required to have established 46015
domicile in accordance with this division. 46016

(C) The rules of the chancellor for determining student 46017
residency shall grant residency status to both of the following: 46018

(1) A veteran who is the recipient of federal veterans' 46019
benefits under the "All-Volunteer Force Educational Assistance 46020
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 46021
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 46022
successor program, if the veteran meets all of the following 46023
criteria: 46024

(a) The veteran served at least ninety days on active duty. 46025

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code. 46026
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(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education. 46028
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(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria: 46030
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(a) The person enrolls in a state institution of higher education. 46035
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(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 46037
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In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the veteran's period of active duty veteran who transferred the benefits must have been served at least ninety days on active duty or the service member who transferred the benefits must be on active duty. 46039
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(D) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 46045
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Documentation of full-time employment and domicile shall include both of the following documents: 46052
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(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's 46054
46055

representative certifying that the parent or spouse of the student 46056
is employed full-time in Ohio; 46057

(2) A copy of the lease under which the parent or spouse is 46058
the lessee and occupant of rented residential property in the 46059
state, a copy of the closing statement on residential real 46060
property of which the parent or spouse is the owner and occupant 46061
in this state or, if the parent or spouse is not the lessee or 46062
owner of the residence in which the parent or spouse has 46063
established domicile, a letter from the owner of the residence 46064
certifying that the parent or spouse resides at that residence. 46065

Residency officers may also evaluate, in accordance with the 46066
chancellor's rule, requests for immediate residency status from 46067
dependent students whose parents are not living and whose domicile 46068
follows that of a legal guardian who has accepted full-time 46069
employment and established domicile in the state for reasons other 46070
than gaining the benefit of favorable tuition rates. 46071

(E)(1) The rules of the chancellor for determining student 46072
residency shall grant residency status to a person who, while a 46073
resident of this state for state subsidy and tuition surcharge 46074
purposes, graduated from a high school in this state or completed 46075
the final year of instruction at home as authorized under section 46076
3321.04 of the Revised Code, if the person enrolls in an 46077
institution of higher education and establishes domicile in this 46078
state, regardless of the student's residence prior to that 46079
enrollment. 46080

(2) The rules of the chancellor for determining student 46081
residency shall not grant residency status to an alien if the 46082
alien is not also an immigrant or a nonimmigrant. 46083

(F) As used in this section: 46084

(1) "Dependent," "domicile," "institution of higher 46085
education," and "residency officer" have the meanings ascribed in 46086

the chancellor's rules adopted under this section. 46087

(2) "Alien" means a person who is not a United States citizen 46088
or a United States national. 46089

(3) "Immigrant" means an alien who has been granted the right 46090
by the United States bureau of citizenship and immigration 46091
services to reside permanently in the United States and to work 46092
without restrictions in the United States. 46093

(4) "Nonimmigrant" means an alien who has been granted the 46094
right by the United States bureau of citizenship and immigration 46095
services to reside temporarily in the United States. 46096

(5) "Veteran" means any person who has completed service in 46097
the uniformed services, as defined in section 3511.01 of the 46098
Revised Code. 46099

(6) "Service member" has the same meaning as in section 46100
5903.01 of the Revised Code. 46101

Sec. 3333.39. The chancellor of higher education and the 46102
superintendent of public instruction shall establish and 46103
administer the teach Ohio program to promote and encourage 46104
citizens of this state to consider teaching as a profession. The 46105
program shall include all of the following: 46106

(A) A statewide program administered by a nonprofit 46107
corporation that has been in existence for at least fifteen years 46108
with demonstrated results in encouraging high school students from 46109
economically disadvantaged groups to enter the teaching 46110
profession. The chancellor and superintendent jointly shall select 46111
the nonprofit corporation. 46112

(B) The Ohio teaching fellows program established under 46113
sections 3333.391 and 3333.392 of the Revised Code; 46114

~~(C) The Ohio teacher residency program established under 46115~~
~~section 3319.223 of the Revised Code;~~ 46116

(D) Alternative licensure procedures established under section 3319.26 of the Revised Code;	46117 46118
(E) (D) Any other program as identified by the chancellor and the superintendent.	46119 46120
<u>Sec. 3333.45.</u> (A) For purposes of this section, "eligible institution of higher education" means any of the following:	46121 46122
<u>(1) A regionally accredited private, nonprofit institution of higher education that is created by the governors of several states. At least one of the governors of these states shall also be a member of the institution's board of trustees.</u>	46123 46124 46125 46126
<u>(2) A state institution of higher education, as that term is defined in section 3345.011 of the Revised Code;</u>	46127 46128
<u>(3) A private, nonprofit institution of higher education that has received a certificate of authorization under Chapter 1713. of the Revised Code.</u>	46129 46130 46131
<u>(B) The chancellor of higher education may recognize or endorse an eligible institution of higher education for the purpose of providing competency-based education programs.</u>	46132 46133 46134
<u>(C) In recognizing or endorsing an eligible institution of higher education described in division (A)(1) of this section, the chancellor may specify all of the following:</u>	46135 46136 46137
<u>(1) The eligibility of students enrolled in the institution for state student financial aid programs;</u>	46138 46139
<u>(2) Any articulation and transfer policies of the chancellor that apply to the institution;</u>	46140 46141
<u>(3) The reporting requirements for the institution.</u>	46142
<u>(D) In recognizing or endorsing any eligible institution of higher education, the chancellor may:</u>	46143 46144
<u>(1) Recognize competency-based education as an important</u>	46145

component of this state's higher education system; 46146

(2) Eliminate any unnecessary barriers to the delivery of 46147
competency-based education; 46148

(3) Facilitate opportunities to share best practices on the 46149
delivery of competency-based education with any eligible 46150
institution of higher education; 46151

(4) Establish any other requirements that the chancellor 46152
determines are in the best interest of this state. 46153

(E) The chancellor shall not provide any public operating or 46154
capital assistance to an eligible institution of higher education 46155
described in division (A)(1) of this section for the purpose of 46156
providing competency-based education in this state. 46157

Sec. 3333.91. ~~Not later than December 31, 2014, the~~ The 46158
governor's office of workforce transformation, in collaboration 46159
with the chancellor of higher education, the superintendent of 46160
public instruction, and the department of job and family services, 46161
shall develop and submit to the appropriate federal agency a 46162
single, state unified plan required under the "Workforce 46163
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 46164
shall include the information required for the adult basic and 46165
literacy education program administered by the United States 46166
secretary of education, ~~and~~ and the "Carl D. Perkins Vocational and 46167
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 46168
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 46169
~~as amended.~~ Following the plan's initial submission to the 46170
appropriate federal agency, the governor's office of workforce 46171
transformation may update it as necessary. If the plan is updated, 46172
the governor's office of workforce transformation shall submit the 46173
updated plan to the appropriate federal agency. 46174

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs web 46175

site" has the same meaning as in section 6301.01 of the Revised Code. 46176
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(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an adult basic and literacy education funded training or education program shall create an account with the OhioMeansJobs web site at the twelfth week of the program. 46178
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(2) ~~Beginning January 1, 2016, each~~ Each participant in an Ohio technical center funded training or education program shall create an account with the OhioMeansJobs web site at the time of enrollment in the program. 46182
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(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available. 46186
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Sec. 3333.94. (A) As used in this section: 46192

(1) "In-demand job" means a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code. 46193
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(2) "Ohio technical center" means a center that provides adult technical education services and is recognized by the chancellor of higher education. 46196
46197
46198

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 46199
46200

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of both credit and non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical 46201
46202
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centers that align with in-demand jobs in the state. 46205

When awarding funds from the OhioMeansJobs workforce 46206
development revolving loan fund established under section 6301.14 46207
of the Revised Code, the chancellor shall give preference to 46208
certificate programs that support adult learners and are included 46209
in the inventory. 46210

Sec. 3333.951. (A) As used in this section, "state 46211
institution of higher education" has the same meaning as in 46212
section 3345.011 of the Revised Code. 46213

(B) Each state institution of higher education that is 46214
co-located with another state institution of higher education 46215
annually shall review best practices and shared services in order 46216
to improve academic and other services and reduce costs for 46217
students. Each state institution shall report its findings to the 46218
efficiency advisory committee established under section 3333.95 of 46219
the Revised Code. The committee shall include the information 46220
reported under this section in the committee's annual report. 46221

(C) Each state institution of higher education annually shall 46222
report to the efficiency advisory committee on its efforts to 46223
reduce textbook costs to students. 46224

(D) Each state institution of higher education shall conduct 46225
a study to determine the current cost of textbooks for students 46226
enrolled in the institution, and shall submit the study to the 46227
chancellor of higher education annually by a date prescribed by 46228
the chancellor. 46229

Sec. 3345.025. The board of trustees of each state 46230
institution of higher education as defined in section 3345.011 of 46231
the Revised Code shall adopt a textbook selection policy for 46232
faculty to follow in selecting and assigning textbooks and other 46233
instructional materials for use in courses offered by the 46234

institution. The policy shall include faculty responsibilities and 46235
actions faculty may take in selecting and assigning textbooks and 46236
other instructional materials. 46237

Sec. 3345.061. (A) Ohio's two-year institutions of higher 46238
education are respected points of entry for students embarking on 46239
post-secondary careers and courses completed at those institutions 46240
are transferable to state universities in accordance with 46241
articulation and transfer agreements developed under sections 46242
3333.16, 3333.161, and 3333.162 of the Revised Code. 46243

(B) Beginning with undergraduate students who commence 46244
undergraduate studies in the 2014-2015 academic year, no state 46245
university listed in section 3345.011 of the Revised Code, except 46246
Central state university, Shawnee state university, and Youngstown 46247
state university, shall receive any state operating subsidies for 46248
any academic remedial or developmental courses for undergraduate 46249
students, including courses prescribed in division (C) of section 46250
3313.603 of the Revised Code, offered at its main campus, except 46251
as provided in divisions (B)(1) to (4) of this section. 46252

(1) In the 2014-2015 and 2015-2016 academic years, a state 46253
university may receive state operating subsidies for academic 46254
remedial or developmental courses completed at the main campus for 46255
not more than three per cent of the total undergraduate credit 46256
hours provided by the university at its main campus. 46257

(2) In the 2016-2017 academic year, a state university may 46258
receive state operating subsidies for academic remedial or 46259
developmental courses completed at the main campus for not more 46260
than fifteen per cent of the first-year students who have 46261
graduated from high school within the previous twelve months and 46262
who are enrolled in the university at its main campus, as 46263
calculated on a full-time-equivalent basis. 46264

(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the main campus of a state university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to

any applicable articulation and transfer agreements the university 46297
has entered into in accordance with policies and procedures 46298
adopted under section 3333.16, 3333.161, or 3333.162 of the 46299
Revised Code. 46300

(E) The chancellor of higher education shall do all of the 46301
following: 46302

(1) Withhold state operating subsidies for academic remedial 46303
or developmental courses provided by a main campus of a state 46304
university as required in order to conform to divisions (B) and 46305
(C) of this section; 46306

(2) Adopt uniform statewide standards for academic remedial 46307
and developmental courses offered by all state institutions of 46308
higher education; 46309

(3) Encourage and assist in the design and establishment of 46310
academic remedial and developmental courses by institutions of 46311
higher education; 46312

(4) Define "academic year" for purposes of this section and 46313
section 3345.06 of the Revised Code; 46314

(5) Encourage and assist in the development of articulation 46315
and transfer agreements between state universities and other 46316
institutions of higher education in accordance with policies and 46317
procedures adopted under sections 3333.16, 3333.161, and 3333.162 46318
of the Revised Code. 46319

(F) Not later than December 31, 2012, the presidents, or 46320
equivalent position, of all state institutions of higher 46321
education, or their designees, jointly shall establish uniform 46322
statewide standards in mathematics, science, reading, and writing 46323
each student enrolled in a state institution of higher education 46324
must meet to be considered in remediation-free status. The 46325
presidents also shall establish assessments, if they deem 46326
necessary, to determine if a student meets the standards adopted 46327

under this division. Each institution is responsible for assessing 46328
the needs of its enrolled students in the manner adopted by the 46329
presidents. The board of trustees or managing authority of each 46330
state institution of higher education shall adopt the 46331
remediation-free status standard, and any related assessments, 46332
into the institution's policies. 46333

The chancellor shall assist in coordinating the work of the 46334
presidents under this division. The chancellor shall monitor the 46335
standards in mathematics, science, reading, and writing 46336
established under division (F) of this section to ensure that the 46337
standards adequately demonstrate a student's remediation-free 46338
status. 46339

(G) Each year, not later than a date established by the 46340
chancellor, each state institution of higher education shall 46341
report to the governor, the general assembly, the chancellor, and 46342
the superintendent of public instruction all of the following for 46343
the prior academic year: 46344

(1) The institution's aggregate costs for providing academic 46345
remedial or developmental courses; 46346

(2) The amount of those costs disaggregated according to the 46347
city, local, or exempted village school districts from which the 46348
students taking those courses received their high school diplomas; 46349

(3) Any other information with respect to academic remedial 46350
and developmental courses that the chancellor considers 46351
appropriate. 46352

(H) Not later than December 31, 2011, and the thirty-first 46353
day of each December thereafter, the chancellor and the 46354
superintendent of public instruction shall issue a report 46355
recommending policies and strategies for reducing the need for 46356
academic remediation and developmental courses at state 46357
institutions of higher education. 46358

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or

otherwise dispose of, in whole or in part and upon such terms as 46390
the board of trustees may direct, any and all rights to, interests 46391
in, or income from any such discoveries, inventions, or patents 46392
which the college or university owns or may acquire. Such 46393
dispositions may be to any individual, firm, association, 46394
corporation, or governmental agency, or to any faculty member, 46395
employee, or student of the college or university as the board of 46396
trustees may direct. Any and all income or proceeds derived or 46397
retained from such dispositions shall be applied to the general or 46398
special use of the college or university as determined by the 46399
board of trustees of such college or university. 46400

(D)(1) Notwithstanding any provision of the Revised Code to 46401
the contrary, including but not limited to sections 102.03, 46402
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 46403
trustees of any state college or university ~~may~~ shall adopt rules 46404
in accordance with section 111.15 of the Revised Code that set 46405
forth circumstances under which an employee of the college or 46406
university may solicit or accept, and under which a person may 46407
give or promise to give to such an employee, a financial interest 46408
in any firm, corporation, or other association to which the board 46409
has assigned, licensed, transferred, or sold the college or 46410
university's interests in its intellectual property, including 46411
discoveries or inventions made or created by that employee or in 46412
patents issued to that employee. 46413

(2) Rules established under division (D)(1) of this section 46414
shall include the following: 46415

(a) A requirement that each college or university employee 46416
disclose to the college or university board of trustees any 46417
financial interest the employee holds in a firm, corporation, or 46418
other association as described in division (D)(1) of this section; 46419

(b) A requirement that all disclosures made under division 46420
(D)(2)(a) of this section are reviewed by officials designated by 46421

the college or university board of trustees. The officials 46422
designated under this division shall determine the information 46423
that shall be disclosed and safeguards that shall be applied in 46424
order to manage, reduce, or eliminate any actual or potential 46425
conflict of interest. 46426

(c) A requirement that in implementing division (D) of this 46427
section all members of the college or university board of trustees 46428
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 46429
of the Revised Code. 46430

(d) Guidelines to ensure that any financial interest held by 46431
any employee of the college or university does not result in 46432
misuse of the students, employees, or resources of the college or 46433
university for the benefit of the firm, corporation, or other 46434
association in which such interest is held or does not otherwise 46435
interfere with the duties and responsibilities of the employee who 46436
holds such an interest. 46437

(3) Rules established under division (D)(1) of this section 46438
may include other provisions at the discretion of the college or 46439
university board of trustees. 46440

(E) Notwithstanding division (D) of this section, the Ohio 46441
ethics commission retains authority to provide assistance to a 46442
college or university board of trustees in the implementation of 46443
division (D)(2) of this section and to address any matter that is 46444
outside the scope of the exception to division (B) of this section 46445
as set forth in division (D) of this section or as set forth in 46446
rules established under division (D) of this section. 46447

Sec. 3345.35. Not later than ~~January 1, 2016~~ December 31, 46448
2017, and by the first day of ~~January~~ September of every fifth 46449
year thereafter, the board of trustees of each state institution 46450
of higher education, as defined in section 3345.011 of the Revised 46451
Code, shall evaluate all courses and programs the institution 46452

offers based on enrollment and ~~student performance in each course~~ 46453
~~or program~~ duplication of its courses and programs with those of 46454
other state institutions of higher education within a geographic 46455
region, as determined by the chancellor of higher education. For 46456
courses and programs with low enrollment, as defined by the 46457
chancellor ~~of higher education~~, the board of trustees shall 46458
provide a summary of recommended actions, including consideration 46459
of collaboration with other state institutions of higher 46460
education. For duplicative programs, as defined by the chancellor, 46461
the board of trustees shall evaluate the benefits of collaboration 46462
with other institutions of higher education, ~~based on geographic~~ 46463
~~region,~~ to deliver the course program. 46464

Each board of trustees shall submit its findings under this 46465
section to the chancellor not later than thirty days after the 46466
completion of the evaluations or as part of submitting the annual 46467
efficiency report required pursuant to section 3333.95 of the 46468
Revised Code. For the findings required to be submitted by 46469
December 31, 2017, a board of trustees may submit the additional 46470
information required under this section as amended by this act, as 46471
an addendum to the findings the board submitted prior to January 46472
1, 2016, under former law. 46473

Sec. 3345.45. (A) On or before January 1, 1994, the 46474
chancellor of higher education jointly with all state 46475
universities, as defined in section 3345.011 of the Revised Code, 46476
shall develop standards for instructional workloads for full-time 46477
and part-time faculty in keeping with the universities' missions 46478
and with special emphasis on the undergraduate learning 46479
experience. The standards shall contain clear guidelines for 46480
institutions to determine a range of acceptable undergraduate 46481
teaching by faculty. 46482

(B) On or before June 30, 1994, the board of trustees of each 46483

state university shall take formal action to adopt a faculty workload policy consistent with the standards developed under this section. Notwithstanding section 4117.08 of the Revised Code, the policies adopted under this section are not appropriate subjects for collective bargaining. Notwithstanding division (A) of section 4117.10 of the Revised Code, any policy adopted under this section by a board of trustees prevails over any conflicting provisions of any collective bargaining agreement between an employees organization and that board of trustees.

(C)(1) The board of trustees of each state university shall review the university's policy on faculty tenure and update that policy to promote excellence in instruction, research, service, or commercialization, or any combination thereof.

(2) Beginning on July 1, 2018, as a condition for a state university to receive any state funds for research that are allocated to the department of higher education under the appropriation line items referred to as either "research incentive third frontier fund" or "research incentive third frontier-tax," the chancellor shall require the university to include multiple pathways for faculty tenure, one of which may be a commercialization pathway, in its policy.

Sec. 3345.57. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher

education establishes a leave donation program under this section, 46515
the institution shall adopt rules in accordance with Chapter 119. 46516
of the Revised Code to provide for the administration of the 46517
program. These rules shall include, but not be limited to, 46518
provisions that identify the circumstances under which leave may 46519
be donated and that specify the amount, types, and value of leave 46520
that may be donated. 46521

Sec. 3345.59. (A) As used in this section: 46522

(1) "Information technology center" means a center 46523
established under section 3301.075 of the Revised Code. 46524

(2) "State institution of higher education" and "state 46525
university" have the same meanings as in section 3345.011 of the 46526
Revised Code. 46527

(B) Not later than June 30, 2018, all state institutions of 46528
higher education that are located in the same region of the state, 46529
as defined by the chancellor of higher education, shall enter into 46530
an agreement providing for the creation of a compact. Under that 46531
agreement, the compact shall do all of the following: 46532

(1) Examine whether unnecessary duplication of academic 46533
programming exists; 46534

(2) Develop strategies to address the workforce education 46535
needs of the region; 46536

(3) Enhance the sharing of resources between institutions to 46537
align educational pathways and to increase access within the 46538
region. For these purposes, the compact shall do all of the 46539
following: 46540

(a) Provide and share resources and programming to improve 46541
academic performance and opportunities to address the workforce 46542
needs of the region; 46543

(b) Identify, develop, and implement shared curriculum and 46544

resources to promote educational pathways that minimize the time 46545
required to earn a degree. This may include, but is not limited 46546
to, curriculum delivered using open educational resources and 46547
online formats. 46548

(c) Analyze operational costs and implement cost-effective 46549
procedures that support greater access and opportunities for 46550
students in the region. 46551

(4) Reduce operational and administrative costs to provide 46552
more learning opportunities and collaboration in the region; 46553

(5) Enhance career counseling and experiential learning 46554
opportunities for students; 46555

(6) Expand alternative education delivery models such as 46556
competency-based and project-based learning; 46557

(7) Develop a strategy to increase collaboration and pathways 46558
with information technology centers, adult basic and literacy 46559
education programs, and school districts in the region; 46560

(8) Develop strategies to enhance the sharing of resources 46561
between institutions to improve and expand the capacity and 46562
capability for research and development; 46563

(9) Identify and implement the best use of university 46564
regional campuses to reflect the goals described in division (B) 46565
of this section. 46566

(C) Nothing in this section shall prohibit a state 46567
institution of higher education from entering into multiple 46568
agreements under division (B) of this section. Additionally, there 46569
is no limit to the number, or the number of each type, of state 46570
institutions of higher education that may enter into an agreement 46571
under that division. 46572

(D) In addition to any agreement entered into pursuant to 46573
division (B) of this section, each state institution of higher 46574

education that is designated a land grant college under the 46575
federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the 46576
"Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any 46577
subsequent act of congress, also shall to enter into an agreement 46578
providing for the creation of a compact that enhances 46579
collaboration between state institutions designated as land grant 46580
colleges. 46581

(E) Each state institution of higher education shall include 46582
in its annual efficiency report to the chancellor the efficiencies 46583
produced as a result of each compact to which the institution 46584
belongs. 46585

Sec. 3347.091. (A) Real property or buildings a university 46586
housing commission identifies as a property site for development 46587
or redevelopment under section 3347.09 of the Revised Code may be 46588
situated within or outside of the political subdivision in which 46589
the administrative offices of the university identified with the 46590
commission are principally located. 46591

(B) If located entirely outside of the political subdivision, 46592
but not less than thirty-three per cent of the property site's 46593
boundary is contiguous, continuously or otherwise, to other 46594
university-owned or leased property, then all of the following 46595
apply: 46596

(1) The uses specified in section 3347.09 of the Revised Code 46597
are unconditionally permitted on the property site. 46598

(2) The property site may be developed to accommodate 46599
population and structural densities exhibited in any other 46600
developed real property and buildings owned or leased by the 46601
university or commission for the purposes provided in section 46602
3347.09 of the Revised Code. 46603

(3) None of the following may be enforced, to the extent they 46604

prohibit, condition, limit, or impair either the development of a 46605
property site in accordance with this section or the housing or 46606
structural types or dimensions proposed for such purposes: 46607

(a) Land use laws enacted by a municipality, township, city, 46608
or county; 46609

(b) Subdivision regulations; 46610

(c) Any other similar lawfully binding provision. 46611

(C) Nothing in this section shall be construed to impair or 46612
prohibit a commission or university from acquiring title to real 46613
property or buildings leased or proposed to be leased in 46614
accordance with this section. 46615

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the 46616
Revised Code: 46617

(A) "Community college district" means a political 46618
subdivision of the state and a body corporate with all the powers 46619
of a corporation, comprised of the territory of one or more 46620
contiguous counties having together a total population of not less 46621
than seventy-five thousand preceding the establishment of such 46622
district, and organized for the purpose of establishing, owning, 46623
and operating a community college within the territory of such 46624
district. 46625

(B) "Contiguous counties" means counties so located that each 46626
such county shares at least one boundary in common with at least 46627
one other such county in the group of counties referred to as 46628
being "contiguous." 46629

(C) "Community college" means a public institution of 46630
education beyond the high school organized for the principal 46631
purpose of providing for the people of the community college 46632
district wherein such college is situated the instructional 46633
programs defined in this section as "arts and sciences" and 46634

"technical," or either, and may include the "adult-education" 46635
program as defined in this section. Except for applied bachelor's 46636
degree programs ~~offered~~ approved by the chancellor of higher 46637
education under section ~~3354.071~~ 3333.051 of the Revised Code, 46638
instructional programs shall not exceed two years in duration. 46639

A university maintained and operated by a municipality 46640
located in a county having a total population equal to the 46641
requirement for a community college district as set forth in 46642
division (A) of section 3354.01 of the Revised Code and is found 46643
by the chancellor of higher education to offer instructional 46644
programs which are needed in the community and which are 46645
equivalent to those required of community colleges shall be, for 46646
the purposes of receiving state or federal financial aid only, 46647
considered a community college and shall receive the same state 46648
financial assistance granted to community colleges but only in 46649
respect to students enrolled in their first and second year of 46650
post high school education in the kinds of instructional programs 46651
offered by the municipal university. 46652

(D) "Arts and sciences program" means both of the following: 46653

(1) A curricular program of two years or less duration, 46654
provided within a community college, planned and intended to 46655
enable students to gain academic credit for courses generally 46656
comparable to courses offered in the first two years in accredited 46657
colleges and universities in the state, and designed either to 46658
enable students to transfer to such colleges and universities for 46659
the purpose of earning baccalaureate degrees or to enable students 46660
to terminate academic study after two years with a proportionate 46661
recognition of academic achievement. 46662

(2) ~~A~~ An applied bachelor's degree program approved and 46663
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 46664

(E) "Adult-education program" means the dissemination of post 46665

high school educational service and knowledge, by a community 46666
college, for the occupational, cultural, or general educational 46667
benefit of adult persons, such educational service and knowledge 46668
not being offered for the primary purpose of enabling such persons 46669
to obtain academic credit or other formal academic recognition. 46670

(F) "Charter amendment" means a change in the official plan 46671
of a community college for the purpose of acquiring additional 46672
lands or structures, disposing of or transferring lands or 46673
structures, erection of structures, or creating or abolishing of 46674
one or more academic departments corresponding to generally 46675
recognized fields of academic study. 46676

(G) "Technical program" means a post high school curricular 46677
program of two years or less duration, provided within a community 46678
college, planned and intended to enable students to gain academic 46679
credit for courses designed to prepare such students to meet the 46680
occupational requirements of the community. 46681

(H) "Operating costs" means all expenses for all purposes of 46682
the community college district except expenditures for permanent 46683
improvements having an estimated life of usefulness of five years 46684
or more as certified by the fiscal officer of the community 46685
college district. 46686

(I) "Applied bachelor's degree" has the same meaning as in 46687
section 3333.051 of the Revised Code. 46688

Sec. 3354.09. The board of trustees of a community college 46689
district may: 46690

(A) Own and operate a community college, pursuant to an 46691
official plan prepared and approved in accordance with section 46692
3354.07 of the Revised Code, or enter into a contract with a 46693
generally accredited public university or college for operation of 46694
such community college by such university or college pursuant to 46695

an official plan prepared and approved in accordance with section 46696
3354.07 of the Revised Code; 46697

(B) Hold, encumber, control, acquire by donation, purchase, 46698
or condemnation, construct, own, lease, use, and sell real and 46699
personal property as is necessary for the conduct of the program 46700
of the community college on whatever terms and for whatever 46701
consideration may be appropriate for the purpose of the college; 46702

(C) Accept gifts, grants, bequests, and devises absolutely or 46703
in trust for support of the college during the existence of the 46704
college; 46705

(D) Appoint the administrative officers, faculty, and staff, 46706
necessary and proper for such community college, and fix their 46707
compensation except in instances in which the board of trustees 46708
has delegated such powers to a college or university operating 46709
such community college pursuant to a contract entered into by the 46710
board of trustees of the district; 46711

(E) Provide for a community college necessary lands, 46712
buildings or other structures, equipment, means, and appliances; 46713

(F) Develop and adopt, pursuant to the official plan, the 46714
curricular programs identified in section 3354.01 of the Revised 46715
Code as arts and sciences programs and technical programs, or 46716
either. Such programs may include adult-education programs. 46717

(G) Except as provided in sections 3333.17 and 3333.32 of the 46718
Revised Code, establish schedules of fees and tuition for students 46719
who are residents of the district, residents of Ohio but not of 46720
the district, and students who are nonresidents of Ohio. The 46721
establishment of rules governing the determination of residence 46722
shall be subject to approval of the ~~Ohio board of regents~~ 46723
chancellor of higher education. Students who are nonresidents of 46724
Ohio shall be required to pay higher rates of fees and tuition 46725
than the rates required of students who are residents of Ohio but 46726

not of the district, and students who are residents of the 46727
district shall pay a smaller tuition and fee rate than the rate 46728
for either category of nonresident students. 46729

(H) Authorize, approve, ratify, or confirm any agreement 46730
relating to any such community college with the United States 46731
government, acting through any agency of such government 46732
designated or created to aid in the financing of such projects, or 46733
with any person or agency offering grants in aid in financing such 46734
educational facilities or the operation of such facilities except 46735
as prohibited in division (K) of this section. 46736

Such agreement may include a provision for repayment of 46737
advances, grants, or loans made to any community college district 46738
from funds which may become available to it. 46739

When the United States government or its agent makes a grant 46740
of money to any community college district to aid in paying the 46741
cost of any projects of such district, or enters into an agreement 46742
with the community college district for the making of any such 46743
grant of money, the amount thereof is deemed appropriated for such 46744
purpose by the community college district and is deemed in process 46745
of collection within the meaning of section 5705.41 of the Revised 46746
Code. 46747

(I) Grant appropriate certificates of achievement or degrees 46748
to students successfully completing the community college 46749
programs; 46750

(J) Prescribe rules for the effective operation of a 46751
community college and exercise such other powers as are necessary 46752
for the efficient management of such college; 46753

(K) Receive and expend gifts or grants from the state for the 46754
payment of operating costs, for the acquisition, construction, or 46755
improvement of buildings or other structures, or for the 46756
acquisition or use of land. In no event shall state gifts or 46757

grants be expended for the support of adult-education programs. 46758
Gifts or grants from the state for operating costs shall not in 46759
any biennium exceed the amount recommended by the ~~Ohio board of~~ 46760
~~regents~~ chancellor to the governor as provided in Chapter 3333. of 46761
the Revised Code. Such gifts or grants shall be distributed to 46762
such districts in equal quarter-annual payments, unless otherwise 46763
provided or authorized in any act appropriating moneys for such 46764
purposes, on or before the last day of February, May, August, and 46765
November in each year. 46766

(L) Retain consultants in the fields of education, planning, 46767
architecture, law, engineering, or other fields of professional 46768
skill; 46769

(M) Purchase: 46770

(1) A policy or policies of insurance insuring the district 46771
against loss of or damage to property, whether real, personal, or 46772
mixed, which is owned by the district or leased by it as lessee or 46773
which is in the process of construction by or for the district; 46774

(2) A policy or policies of fidelity insurance in such 46775
amounts and covering such trustees, officers, and employees of the 46776
district as it considers necessary or desirable; 46777

(3) A policy or policies of liability insurance from an 46778
insurer or insurers licensed to do business in this state insuring 46779
its members, officers, and employees against all civil liability 46780
arising from an act or omission by the member, officer, or 46781
employee when the member, officer, or employee is not acting 46782
manifestly outside the scope of employment or official 46783
responsibilities with the institution, with malicious purpose or 46784
bad faith, or in a wanton or reckless manner, or may otherwise 46785
provide for the indemnification of such persons against such 46786
liability. All or any portion of the cost, premium, or charge for 46787
such a policy or policies or indemnification payment may be paid 46788

from any funds under the institution's control. The policy or 46789
policies of liability insurance or the indemnification policy of 46790
the institution may cover any risks including, but not limited to, 46791
damages resulting from injury to property or person, professional 46792
liability, and other special risks, including legal fees and 46793
expenses incurred in the defense or settlement of claims for such 46794
damages. 46795

(4) A policy or policies of insurance insuring the district 46796
against any liabilities to which it may be subject on account of 46797
damage or injury to persons or property, including liability for 46798
wrongful death. 46799

(N) Designate one or more employees of the institution as 46800
state university law enforcement officers, to serve and have 46801
duties as prescribed in section 3345.04 of the Revised Code. 46802

Any instrument by which real property is acquired pursuant to 46803
this section shall identify the agency of the state that has the 46804
use and benefit of the real property as specified in section 46805
5301.012 of the Revised Code. 46806

Sec. 3357.01. As used in this chapter: 46807

(A) "Technical college" means an institution of education 46808
beyond the high school, including an institution of higher 46809
education, organized for the principal purpose of providing for 46810
the residents of the technical college district, wherein such 46811
college is situated, any one or more of the instructional programs 46812
defined in this section as "technical college," or 46813
"adult-education technical programs," normally not exceeding two 46814
years' duration and not leading to a baccalaureate degree, except 46815
as provided in section 3333.051 of the Revised Code. 46816

(B) "Technical college district" means a political 46817
subdivision of the state and a body corporate with all the powers 46818

of a corporation, comprised of the territory of a city school 46819
district or a county, or two or more contiguous school districts 46820
or counties, which meets the standards prescribed by the ~~Ohio~~ 46821
~~board of regents~~ chancellor of higher education pursuant to 46822
section 3357.02 of the Revised Code, and which is organized for 46823
the purpose of establishing, owning, and operating one or more 46824
technical colleges within the territory of such district. 46825

(C) "Contiguous school districts or counties" means school 46826
districts or counties so located that each such school district or 46827
county shares at least one boundary or a portion thereof in common 46828
with at least one other such school district or county in the 46829
group of school districts or counties referred to as being 46830
"contiguous." 46831

(D) "Technical college program" means a post high school 46832
curricular program provided within a technical college, planned 46833
and intended to qualify students, after satisfactory completion of 46834
such a program normally two years in duration, to pursue careers 46835
in which they provide immediate technical assistance to 46836
professional or managerial persons generally required to hold 46837
baccalaureate or higher academic degrees in technical or 46838
professional fields. The technical and professional fields 46839
referred to in this section include, but are not limited to, 46840
engineering and physical, medical, or other sciences. 46841

(E) "Adult-education technical program" means the 46842
dissemination of post high school technical education service and 46843
knowledge, for the occupational, or general educational benefit of 46844
adult persons. 46845

(F) "Charter amendment" means a change in the official plan 46846
of a technical college for the purpose of acquiring additional 46847
lands or structures, disposing of or transferring lands or 46848
structures, erecting structures, creating or abolishing technical 46849
college or adult education technical curricular programs. 46850

(G) "Baccalaureate-oriented associate degree program" means a 46851
curricular program of not more than two years' duration that is 46852
planned and intended to enable students to gain academic credit 46853
for courses comparable to first- and second-year courses offered 46854
by accredited colleges and universities. The purpose of 46855
baccalaureate-oriented associate degree coursework in technical 46856
colleges is to enable students to transfer to colleges and 46857
universities and earn baccalaureate degrees or to enable students 46858
to terminate academic study after two years with a proportionate 46859
recognition of academic achievement through receipt of an 46860
associate degree. 46861

(H) "Applied bachelor's degree" has the same meaning as in 46862
section 3333.051 of the Revised Code. 46863

Sec. 3357.09. The board of trustees of a technical college 46864
district may: 46865

(A) Own and operate a technical college, pursuant to an 46866
official plan prepared and approved in accordance with section 46867
3357.07 of the Revised Code; 46868

(B) Hold, encumber, control, acquire by donation, purchase, 46869
or condemnation, construct, own, lease, use, and sell, real and 46870
personal property as necessary for the conduct of the program of 46871
the technical college on whatever terms and for whatever 46872
consideration may be appropriate for the purposes of the 46873
institution; 46874

(C) Accept gifts, grants, bequests, and devises absolutely or 46875
in trust for support of the technical college; 46876

(D) Appoint the president, faculty, and such other employees 46877
as necessary and proper for such technical college, and fix their 46878
compensation; 46879

(E) Provide for a technical college necessary lands, 46880

buildings or other structures, equipment, means, and appliances; 46881

(F) Develop and adopt, pursuant to the official plan, any one 46882
or more of the curricular programs identified in section 3357.01 46883
of the Revised Code as technical-college programs, or 46884
adult-education technical programs, and applied bachelor's degree 46885
programs under section 3333.051 of the Revised Code; 46886

(G) Except as provided in sections 3333.17 and 3333.32 of the 46887
Revised Code, establish schedules of fees and tuition for: 46888
students who are residents of the district; students who are 46889
residents of Ohio but not of the district; students who are 46890
nonresidents of Ohio. The establishment of rules governing the 46891
determination of residence shall be subject to approval of the 46892
~~Ohio board of regents~~ chancellor of higher education. Students who 46893
are nonresidents of Ohio shall be required to pay higher rates of 46894
fees and tuition than the rates required of students who are 46895
residents of Ohio but not of the district, and students who are 46896
residents of the district shall pay smaller tuition and fee rates 46897
than the rates for either of the above categories of nonresident 46898
students, except that students who are residents of Ohio but not 46899
of the district shall be required to pay higher fees and tuition 46900
than students who are residents of the district only when a 46901
district tax levy has been adopted and is in effect under the 46902
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 46903
Code. 46904

(H) Authorize, approve, ratify, or confirm, with approval of 46905
the ~~Ohio board of regents~~ chancellor, any agreement with the 46906
United States government, acting through any agency designated to 46907
aid in the financing of technical college projects, or with any 46908
person, organization, or agency offering grants-in-aid for 46909
technical college facilities or operation; 46910

(I) Receive assistance for the cost of equipment and for the 46911
operation of such technical colleges from moneys appropriated for 46912

technical education or for matching of Title VIII of the "National 46913
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 46914
Moneys shall be distributed by the ~~Ohio board of regents~~ 46915
chancellor in accordance with rules which the board shall 46916
establish governing its allocations to technical colleges 46917
chartered under section 3357.07 of the Revised Code. 46918

(J) Grant appropriate associate degrees to students 46919
successfully completing the technical college programs, 46920
appropriate applied bachelor's degrees to students successfully 46921
completing applied bachelor's degree programs, and certificates of 46922
achievement to those students who complete other programs; 46923

(K) Prescribe rules for the effective operation of a 46924
technical college, and exercise such other powers as are necessary 46925
for the efficient management of such college; 46926

(L) Enter into contracts and conduct technical college 46927
programs or technical courses outside the technical college 46928
district; 46929

(M) Enter into contracts with the board of education of any 46930
local, exempted village, or city school district or the governing 46931
board of any educational service center to permit the school 46932
district or service center to use the facilities of the technical 46933
college district; 46934

(N) Designate one or more employees of the institution as 46935
state university law enforcement officers, to serve and have 46936
duties as prescribed in section 3345.04 of the Revised Code; 46937

(O) Subject to the approval of the ~~Ohio board of regents~~ 46938
chancellor, offer technical college programs or technical courses 46939
for credit at locations outside the technical college district. 46940
For purposes of computing state aid, students enrolled in such 46941
courses shall be deemed to be students enrolled in programs and 46942
courses at off-campus locations in the district. 46943

(P) Purchase a policy or policies of liability insurance from 46944
an insurer or insurers licensed to do business in this state 46945
insuring its members, officers, and employees against all civil 46946
liability arising from an act or omission by the member, officer, 46947
or employee, when the member, officer, or employee is not acting 46948
manifestly outside the scope of the member's, officer's, or 46949
employee's employment or official responsibilities with the 46950
institution, with malicious purpose or bad faith, or in a wanton 46951
or reckless manner, or may otherwise provide for the 46952
indemnification of such persons against such liability. All or any 46953
portion of the cost, premium, or charge for such a policy or 46954
policies or indemnification payment may be paid from any funds 46955
under the institution's control. The policy or policies of 46956
liability insurance or the indemnification policy of the 46957
institution may cover any risks including, but not limited to, 46958
damages resulting from injury to property or person, professional 46959
liability, and other special risks, including legal fees and 46960
expenses incurred in the defense or settlement of claims for such 46961
damages. 46962

Any instrument by which real property is acquired pursuant to 46963
this section shall identify the agency of the state that has the 46964
use and benefit of the real property as specified in section 46965
5301.012 of the Revised Code. 46966

Sec. 3357.19. The ~~Ohio board of regents~~ chancellor of higher 46967
education shall: 46968

(A) Promulgate rules, regulations, and standards in 46969
conformity with Chapter 119. of the Revised Code relative to the 46970
qualifications of teaching personnel in technical colleges, and 46971
require conformity to all such rules, regulations, and standards 46972
as a condition upon the issuance of a charter to any technical 46973
college and upon the continued operation of such colleges; 46974

(B) Promulgate rules, regulations, and standards relative to 46975
the quality and content of instructional courses in technical 46976
colleges, and relative to the awarding of certificates of 46977
achievement or ~~associate~~ degrees to students in such colleges, and 46978
require conformity to all such rules, regulations, and standards 46979
as a condition upon the issuance of a charter to any technical 46980
college and upon the continued operation of such college; 46981

(C) Conduct studies and examinations of the operation and 46982
facilities of technical colleges, and require reports from such 46983
colleges, from time to time as the ~~board~~ chancellor deems 46984
necessary, and revoke or suspend pursuant to Chapter 119. of the 46985
Revised Code, the charter of any technical college found to be in 46986
substantial violation of law, of rules, regulations, or standards 46987
of the ~~board~~ chancellor, or of the approved official plan of such 46988
college; 46989

(D) Employ such professional, administrative, clerical, or 46990
secretarial personnel as may be found necessary to assist the 46991
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 46992
duties; 46993

(E) Perform biennial examinations of the budget requirements 46994
of the technical colleges in the state, and present 46995
recommendations to the governor with respect to such budget 46996
requirements; 46997

(F) Perform research studies relative to technical college 46998
education. 46999

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 47000
Revised Code: 47001

(A) "State community college district" means a political 47002
subdivision composed of the territory of a county, or of two or 47003
more contiguous counties, in either case having a total population 47004

of at least one hundred fifty thousand, and organized for the 47005
purpose of establishing, owning, and operating a state community 47006
college within the district or a political subdivision created 47007
pursuant to division (A) of section 3358.02 of the Revised Code. 47008

(B) "State community college" means a two-year institution, 47009
offering a baccalaureate-oriented program, technical education 47010
program, or an adult continuing education program. The extent to 47011
which the college offers baccalaureate-oriented and technical 47012
programs shall be determined in its charter. However, a state 47013
community college may offer applied bachelor's degree programs 47014
pursuant to section 3333.051 of the Revised Code. 47015

(C) "Baccalaureate-oriented program" means a curricular 47016
program of not more than two years' duration that is planned and 47017
intended to enable students to gain academic credit for courses 47018
comparable to first- and second-year courses offered by accredited 47019
colleges and universities. The purpose of baccalaureate-oriented 47020
coursework in state community colleges is to enable students to 47021
transfer to colleges and universities and earn baccalaureate 47022
degrees or to enable students to terminate academic study after 47023
two years with a proportionate recognition of academic achievement 47024
through receipt of an associate degree. 47025

(D) "Technical education program" means a post high school 47026
program of not more than two years' duration that is planned and 47027
intended to prepare students to pursue employment or improve 47028
technical knowledge in careers generally but not exclusively at 47029
the semiprofessional level. Technical education programs include, 47030
but are not limited to, programs in the technologies of business, 47031
engineering, health, natural science, and public service and are 47032
programs which, after two years of academic study, result in 47033
proportionate recognition of academic achievement through receipt 47034
of an associate degree. 47035

(E) "Adult continuing education program" means the offering 47036

of short courses, seminars, workshops, exhibits, performances, and 47037
other educational activities for the general educational or 47038
occupational benefit of adults. 47039

(F) "Applied bachelor's degree" has the same meaning as in 47040
section 3333.051 of the Revised Code. 47041

Sec. 3358.051. (A) Notwithstanding section 3358.05 or any 47042
other provision of the Revised Code to the contrary, on the 47043
effective date of this section, the chancellor of higher education 47044
may designate the technical college organized under Chapter 3357. 47045
of the Revised Code that is known as Rhodes state college as a 47046
state community college. If the chancellor makes such a 47047
designation, the initial board of trustees of the state community 47048
college shall be appointed in accordance with section 3358.03 of 47049
the Revised Code, with the members of the board of trustees of 47050
Rhodes state college, as it exists on the effective date of the 47051
chancellor's designation under division (A) of this section, 47052
serving the balance of their existing terms in accordance with 47053
section 3358.03 of the Revised Code. 47054

(B) Within ninety days after the appointment of the initial 47055
board of trustees of Rhodes state college under division (A) of 47056
this section, that board shall enter into an agreement with the 47057
chancellor that designates the county or counties to be included 47058
in the state community college's district. The agreement shall be 47059
entered into by the chancellor on behalf of the state community 47060
college district and is binding upon the college district and its 47061
board of trustees. 47062

(C) The county auditor and treasurer of each county that 47063
collects tax levies for the technical college known as Rhodes 47064
state college, on the effective date of the chancellor's 47065
designation under division (A) of this section, shall take any 47066
action necessary to cease collection of those tax levies. 47067

(D) Nothing in this section shall be construed to affect the rights of holders or owners of bonds or notes issued pursuant to section 3357.11 of the Revised Code until the bonds or notes are returned or provisions therefor made.

Sec. 3358.08. The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.

(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;

(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;

(G) Grant appropriate ~~associate~~ degrees to students successfully completing the state community college's programs, and certificates of achievement to students who complete other

programs;	47098
(H) Prescribe policies for the effective operation of the state community college and exercise such other powers as are necessary for the efficient management of the college;	47099 47100 47101
(I) Enter into contracts with neighboring colleges and universities for the conduct of state community college programs or technical courses outside the state community college district;	47102 47103 47104
(J) Purchase:	47105
(1) A policy or policies of insurance insuring the district against loss or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district;	47106 47107 47108 47109
(2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as the board may consider necessary or desirable;	47110 47111 47112
(3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution's control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and	47113 47114 47115 47116 47117 47118 47119 47120 47121 47122 47123 47124 47125 47126 47127 47128

expenses incurred in the defense or settlement claims of such 47129
damages. 47130

(4) A policy or policies of insurance insuring the district 47131
against any liabilities to which it may be subject on account of 47132
damage or injury to persons or property, including liability for 47133
wrongful death. 47134

Any instrument by which real property is acquired pursuant to 47135
this section shall identify the agency of the state that has the 47136
use and benefit of the real property as specified in section 47137
5301.012 of the Revised Code. 47138

Sec. 3365.01. As used in this chapter: 47139

(A) "Articulated credit" means post-secondary credit that is 47140
reflected on the official record of a student at an institution of 47141
higher education only upon enrollment at that institution after 47142
graduation from a secondary school. 47143

(B) "Default ceiling amount" means one of the following 47144
amounts, whichever is applicable: 47145

(1) For a participant enrolled in a college operating on a 47146
semester schedule, the amount calculated according to the 47147
following formula: 47148

$((0.83 \times \text{formula amount}) / 30)$ 47149
47150

X number of enrolled credit hours 47151

(2) For a participant enrolled in a college operating on a 47152
quarter schedule, the amount calculated according to the following 47153
formula: 47154

$((0.83 \times \text{formula amount}) / 45)$ 47155
47156

X number of enrolled credit hours 47157

(C) "Default floor amount" means twenty-five per cent of the 47158
default ceiling amount. 47159

(D) "Eligible out-of-state college" means any institution of 47160
higher education that is located outside of Ohio and is approved 47161
by the chancellor of ~~the Ohio board of regents~~ higher education to 47162
participate in the college credit plus program. 47163

(E) "Fee" means any course-related fee and any other fee 47164
imposed by the college, but not included in tuition, for 47165
participation in the program established by this chapter. 47166

(F) "Formula amount" has the same meaning as in section 47167
3317.02 of the Revised Code. 47168

(G) "Governing entity" means a board of education of a school 47169
district, a governing authority of a community school established 47170
under Chapter 3314., a governing body of a STEM school established 47171
under Chapter 3326., or a board of trustees of a 47172
college-preparatory boarding school established under Chapter 47173
3328. of the Revised Code. 47174

(H) "Home-instructed participant" means a student who has 47175
been excused from the compulsory attendance law for the purpose of 47176
home instruction under section 3321.04 of the Revised Code, and is 47177
participating in the program established by this chapter. 47178

(I) "Maximum per participant charge amount" means one of the 47179
following amounts, whichever is applicable: 47180

(1) For a participant enrolled in a college operating on a 47181
semester schedule, the amount calculated according to the 47182
following formula: 47183

$$\begin{aligned} & ((\text{formula amount} / 30) && 47184 \\ & \times \text{number of enrolled credit hours}) && 47185 \end{aligned}$$

(2) For a participant enrolled in a college operating on a 47186
quarter schedule, the amount calculated according to the following 47187

formula:	47188
((formula amount / 45)	47189
X number of enrolled credit hours)	47190
(J) "Nonpublic secondary school" means a chartered school for	47191
which minimum standards are prescribed by the state board of	47192
education pursuant to division (D) of section 3301.07 of the	47193
Revised Code.	47194
(K) "Number of enrolled credit hours" means the number of	47195
credit hours for a course in which a participant is enrolled	47196
during the previous term after the date on which a withdrawal from	47197
a course would have negatively affected the participant's	47198
transcripted grade, as prescribed by the college's established	47199
withdrawal policy.	47200
(L) "Parent" has the same meaning as in section 3313.64 of	47201
the Revised Code.	47202
(M) "Participant" means any student enrolled in a college	47203
under the program established by this chapter.	47204
(N) "Partnering college" means a college with which a public	47205
or nonpublic secondary school has entered into an agreement in	47206
order to offer the program established by this chapter.	47207
(O) "Partnering secondary school" means a public or nonpublic	47208
secondary school with which a college has entered into an	47209
agreement in order to offer the program established by this	47210
chapter.	47211
(P) "Private college" means any of the following:	47212
(1) A nonprofit institution holding a certificate of	47213
authorization pursuant to Chapter 1713. of the Revised Code;	47214
(2) An institution holding a certificate of registration from	47215
the state board of career colleges and schools and program	47216
authorization for an associate or bachelor's degree program issued	47217

under section 3332.05 of the Revised Code;	47218
(3) A private institution exempt from regulation under	47219
Chapter 3332. of the Revised Code as prescribed in section	47220
3333.046 of the Revised Code.	47221
(Q) "Public college" means a "state institution of higher	47222
education" in section 3345.011 of the Revised Code, excluding the	47223
northeast Ohio medical university.	47224
(R) "Public secondary school" means a school serving grades	47225
nine through twelve in a city, local, or exempted village school	47226
district, a joint vocational school district, a community school	47227
established under Chapter 3314., a STEM school established under	47228
Chapter 3326., or a college-preparatory boarding school	47229
established under Chapter 3328. of the Revised Code.	47230
(S) "School year" has the same meaning as in section 3313.62	47231
of the Revised Code.	47232
(T) "Secondary grade" means any of grades nine through	47233
twelve.	47234
(U) <u>"Standard rate" means the amount per credit hour assessed</u>	47235
<u>by the college for an in-state student who is enrolled in an</u>	47236
<u>undergraduate course at that college, but who is not participating</u>	47237
<u>in the college credit plus program, as prescribed by the college's</u>	47238
<u>established tuition policy.</u>	47239
(V) "Transcripted credit" means post-secondary credit that is	47240
conferred by an institution of higher education and is reflected	47241
on a student's official record at that institution upon completion	47242
of a course.	47243
Sec. 3365.02. (A) There is hereby established the college	47244
credit plus program under which, beginning with the 2015-2016	47245
school year, a secondary grade student who is a resident of this	47246
state may enroll at a college, on a full- or part-time basis, and	47247

complete nonsectarian, nonremedial courses for high school and 47248
college credit. The program shall govern arrangements in which a 47249
secondary grade student enrolls in a college and, upon successful 47250
completion of coursework taken under the program, receives 47251
transcripted credit from the college. The following are not 47252
governed by the college credit plus program: 47253

(1) An agreement governing an early college high school 47254
program ~~that, provided the program meets any of the exemption~~ 47255
~~criteria under the definition set forth in division (E)(F)(2) of~~ 47256
section 3313.6013 of the Revised Code and is approved by the 47257
superintendent of public instruction and the chancellor of higher 47258
education; 47259

(2) An advanced placement course or international 47260
baccalaureate diploma course, as described in divisions (A)(2) and 47261
(3) of section 3313.6013 of the Revised Code; 47262

(3) A career-technical education program that is approved by 47263
the department of education under section 3317.161 of the Revised 47264
Code and grants articulated credit to students participating in 47265
that program. However, any portion of an approved program that 47266
results in the conferral of transcripted credit upon the 47267
completion of the course shall be governed by the college credit 47268
plus program. 47269

(B) Any student enrolled in a public or nonpublic secondary 47270
school in the student's ninth, tenth, eleventh, or twelfth grade; 47271
any student enrolled in a nonchartered nonpublic secondary school 47272
in the student's ninth, tenth, eleventh, or twelfth grade; and any 47273
student who has been excused from the compulsory attendance law 47274
for the purpose of home instruction under section 3321.04 of the 47275
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 47276
twelfth grade student, may participate in the program, if the 47277
student meets the applicable eligibility criteria in section 47278

3365.03 of the Revised Code. If a nonchartered nonpublic secondary 47279
school student chooses to participate in the program, that student 47280
shall be subject to the same requirements as a home-instructed 47281
student who chooses to participate in the program under this 47282
chapter. 47283

(C) All public secondary schools and all public colleges 47284
shall participate in the program and are subject to the 47285
requirements of this chapter. Any nonpublic secondary school or 47286
private college that chooses to participate in the program shall 47287
also be subject to the requirements of this chapter. 47288

(D) The chancellor, in accordance with Chapter 119. of the 47289
Revised Code and in consultation with the state superintendent of 47290
~~public instruction~~, shall adopt rules governing the program. 47291

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 47292
secondary school during the student's ninth, tenth, eleventh, or 47293
twelfth grade school year; a student enrolled in a nonchartered 47294
nonpublic secondary school in the student's ninth, tenth, 47295
eleventh, or twelfth grade school year; or a student who has been 47296
excused from the compulsory attendance law for the purpose of home 47297
instruction under section 3321.04 of the Revised Code and is the 47298
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 47299
may apply to and enroll in a college under the college credit plus 47300
program. 47301

(1) In order for a public secondary school student to 47302
participate in the program, all of the following criteria shall be 47303
met: 47304

(a) The student or the student's parent shall inform the 47305
principal, or equivalent, of the student's school by the first day 47306
of April of the student's intent to participate in the program 47307
during the following school year. Any student who fails to provide 47308
the notification by the required date may not participate in the 47309

program during the following school year without the written 47310
consent of the principal, or equivalent. If a student seeks 47311
consent from the principal after failing to provide notification 47312
by the required date, the principal shall notify the department of 47313
education of the student's intent to participate within ten days 47314
of the date on which the student seeks consent. If the principal 47315
does not provide written consent, the student may appeal the 47316
principal's decision to the ~~state board of education~~ governing 47317
entity of the school, except for a student who is enrolled in a 47318
school district, who may appeal the decision to the district 47319
superintendent. Not later than thirty days after the notification 47320
of the appeal, the ~~state board~~ district superintendent or 47321
governing entity shall hear the appeal and shall make a decision 47322
to either grant or deny that student's participation in the 47323
program. The decision of the district superintendent or governing 47324
entity shall be final. 47325

(b) The student shall ~~both~~: 47326

(i) Apply to a public or a participating private college, or 47327
an eligible out-of-state college participating in the program, in 47328
accordance with the college's established procedures for 47329
admission, pursuant to section 3365.05 of the Revised Code; 47330

(ii) As a condition of eligibility, be remediation-free, in 47331
accordance with one of the assessments established under division 47332
(F) of section 3345.061 of the Revised Code. However, a student 47333
who scores within one standard error of measurement below the 47334
remediation-free threshold for one of those assessments shall be 47335
considered to have met this requirement if the student also 47336
either: 47337

(I) Has a cumulative high school grade point average of at 47338
least 3.0. If the student is seeking to participate under section 47339
3365.033 of the Revised Code, the student must have an equivalent 47340
cumulative grade point average in the applicable grade levels. 47341

(II) Receives a recommendation from a school counselor, 47342
principal, or career-technical program advisor. 47343

(iii) Meet the college's and relevant academic program's 47344
established standards for admission, enrollment, and ~~for~~ course 47345
placement, including course-specific capacity limitations, 47346
pursuant to section 3365.05 of the Revised Code. 47347

(c) The student shall elect at the time of enrollment to 47348
participate under either division (A) or (B) of section 3365.06 of 47349
the Revised Code for each course under the program. 47350

(d) The student and the student's parent shall sign a form, 47351
provided by the school, stating that they have received the 47352
counseling required under division (B) of section 3365.04 of the 47353
Revised Code and that they understand the responsibilities they 47354
must assume in the program. 47355

(2) In order for a nonpublic secondary school student, a 47356
nonchartered nonpublic secondary school student, or a 47357
home-instructed student to participate in the program, both of the 47358
following criteria shall be met: 47359

(a) The student shall meet the criteria in divisions 47360
(A)(1)(b) and (c) of this section. 47361

(b)(i) If the student is enrolled in a nonpublic secondary 47362
school, that student shall send to the department of education a 47363
copy of the student's acceptance from a college and an 47364
application. The application shall be made on forms provided by 47365
the state board of education and shall include information about 47366
the student's proposed participation, including the school year in 47367
which the student wishes to participate; and the semesters or 47368
terms the student wishes to enroll during such year. The 47369
department shall mark each application with the date and time of 47370
receipt. 47371

(ii) If the student is enrolled in a nonchartered nonpublic 47372

secondary school or is home-instructed, the parent or guardian of 47373
that student shall notify the department by the first day of April 47374
prior to the school year in which the student wishes to 47375
participate. 47376

(B) Except as provided for in division (C) of this section 47377
and in sections 3365.031 and 3365.032 of the Revised Code: 47378

(1) No public secondary school shall prohibit a student 47379
enrolled in that school from participating in the program if that 47380
student meets all of the criteria in division (A)(1) of this 47381
section. 47382

(2) No participating nonpublic secondary school shall 47383
prohibit a student enrolled in that school from participating in 47384
the program if the student meets all of the criteria in division 47385
(A)(2) of this section and, if the student is enrolled under 47386
division (B) of section 3365.06 of the Revised Code, the student 47387
is awarded funding from the department in accordance with rules 47388
adopted by the chancellor of ~~the Ohio board of regents~~ higher 47389
education, in consultation with the superintendent of public 47390
instruction, pursuant to section 3365.071 of the Revised Code. 47391

(C) For purposes of this section, during the period of an 47392
expulsion imposed by a public secondary school, a student is 47393
ineligible to apply to enroll in a college under this section, 47394
unless the student is admitted to another public secondary or 47395
participating nonpublic secondary school. If a student is enrolled 47396
in a college under this section at the time the student is 47397
expelled, the student's status for the remainder of the college 47398
term in which the expulsion is imposed shall be determined under 47399
section 3365.032 of the Revised Code. 47400

(D) Upon a student's graduation from high school, 47401
participation in the college credit plus program shall not affect 47402
the student's eligibility at any public college for scholarships 47403

or for other benefits or opportunities that are available to 47404
first-time college students and are awarded by that college, 47405
regardless of the number of credit hours that the student 47406
completed under the program. 47407

Sec. 3365.04. Each public and participating nonpublic 47408
secondary school shall do all of the following with respect to the 47409
college credit plus program: 47410

(A) Provide information about the program prior to the first 47411
day of ~~March~~ February of each year to all students enrolled in 47412
grades six through eleven; 47413

(B) Provide counseling services to students in grades six 47414
through eleven and to their parents before the students 47415
participate in the program under this chapter to ensure that 47416
students and parents are fully aware of the possible consequences 47417
and benefits of participation. Counseling information shall 47418
include: 47419

(1) Program eligibility; 47420

(2) The process for granting academic credits; 47421

(3) Any necessary financial arrangements for tuition, 47422
textbooks, and fees; 47423

(4) Criteria for any transportation aid; 47424

(5) Available support services; 47425

(6) Scheduling; 47426

(7) Communicating the possible consequences and benefits of 47427
participation, including all of the following: 47428

(a) The consequences of failing or not completing a course 47429
under the program, including the effect on the student's ability 47430
to complete the secondary school's graduation requirements; 47431

(b) The effect of the grade attained in a course under the 47432

program being included in the student's grade point average, as 47433
applicable; 47434

(c) The benefits to the student for successfully completing a 47435
course under the program, including the ability to reduce the 47436
overall costs of, and the amount of time required for, a college 47437
education. 47438

(8) The academic and social responsibilities of students and 47439
parents under the program; 47440

(9) Information about and encouragement to use the counseling 47441
services of the college in which the student intends to enroll; 47442

(10) The standard packet of information for the program 47443
developed by the chancellor of ~~the Ohio board of regents~~ higher 47444
education pursuant to section 3365.15 of the Revised Code; 47445

For a participating nonpublic secondary school, counseling 47446
information shall also include an explanation that funding may be 47447
limited and that not all students who wish to participate may be 47448
able to do so. 47449

(C) Promote the program on the school's web site, including 47450
the details of the school's current agreements with partnering 47451
colleges; 47452

(D) Schedule at least one informational session per school 47453
year to allow each partnering college that is located within 47454
thirty miles of the school to meet with interested students and 47455
parents. The session shall include the benefits and consequences 47456
of participation and shall outline any changes or additions to the 47457
requirements of the program. If there are no partnering colleges 47458
located within thirty miles of the school, the school shall 47459
coordinate with the closest partnering college to offer an 47460
informational session. 47461

(E) Implement a policy for the awarding of grades and the 47462

calculation of class standing for courses taken under division 47463
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 47464
adopted under this division shall be equivalent to the school's 47465
policy for courses taken under the advanced standing programs 47466
described in divisions (A)(2) and (3) of section 3313.6013 of the 47467
Revised Code or for other courses designated as honors courses by 47468
the school. If the policy includes awarding a weighted grade or 47469
enhancing a student's class standing for these courses, the policy 47470
adopted under this section shall also provide for these procedures 47471
to be applied to courses taken under the college credit plus 47472
program. 47473

(F) Develop model course pathways, pursuant to section 47474
3365.13 of the Revised Code, and publish the course pathways among 47475
the school's official list of course offerings for the program. 47476

(G) Annually collect, report, and track specified data 47477
related to the program according to data reporting guidelines 47478
adopted by the chancellor and the superintendent of public 47479
instruction pursuant to section 3365.15 of the Revised Code. 47480

Sec. 3365.05. Each public and participating private college 47481
shall do all of the following with respect to the college credit 47482
plus program: 47483

(A) Apply established standards and procedures for admission 47484
to the college and for course placement for participants. When 47485
determining admission and course placement, the college shall do 47486
all of the following: 47487

(1) Determine whether each student who applies to participate 47488
at that college meets the remediation-free threshold, or the 47489
alternative criteria, prescribed by division (A)(1)(b)(ii) of 47490
section 3365.03 of the Revised Code. 47491

Beginning with the 2018 summer academic session, if, as part 47492

of the college's established admissions process and for purposes 47493
of determining student eligibility, the college requires a student 47494
to take the ACT or SAT, the college shall either: 47495

(a) Administer the accuplacer test as an alternative to the 47496
ACT or SAT to students and align the results of the accuplacer to 47497
the ACT or SAT. For this purpose, the accuplacer shall be 47498
administered at no cost to the student. 47499

(b) Continue to require the ACT or SAT for students. For this 47500
purpose, the college shall develop a process for reimbursing 47501
students who take the ACT or SAT and are eligible for free or 47502
reduced price lunches under the "National School Lunch Act," 60 47503
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 47504
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 47505
for the full cost of the assessment. If a student also qualifies 47506
for a fee waiver for the ACT or SAT, the student shall first apply 47507
the waiver when taking the assessment. A student shall receive 47508
reimbursement for the ACT or SAT only once for purposes of the 47509
student's participation in the college credit plus program. 47510

(2) Consider all available student data that may be an 47511
indicator of college readiness, including grade point average and 47512
end-of-course examination scores, if applicable; 47513

~~(2)~~(3) Give priority to its current students regarding 47514
enrollment in courses. However, once a participant has been 47515
accepted into a course, the college shall not displace the 47516
participant for another student. 47517

~~(3)~~(4) Adhere to any capacity limitations that the college 47518
has established for specified courses. 47519

(B) Send written notice to a the participant, the 47520
participant's parent, and the participant's secondary school, and 47521
~~the superintendent of public instruction,~~ not later than fourteen 47522
calendar days prior to the first day of classes for that term, of 47523

the participant's admission to the college and to specified 47524
courses under the program. 47525

(C) Provide both of the following, not later than twenty-one 47526
calendar days after the first day of classes for that term, to 47527
each participant, ~~and the participant's secondary school, and the~~ 47528
~~superintendent of public instruction:~~ 47529

(1) The courses and hours of enrollment of the participant; 47530

(2) The option elected by the participant under division (A) 47531
or (B) of section 3365.06 of the Revised Code for each course. 47532

The college shall also provide to each partnering school a 47533
roster of participants from that school that are enrolled in the 47534
college and a list of course assignments for each participant. 47535

(D) Promote the program on the college's web site, including 47536
the details of the college's current agreements with partnering 47537
secondary schools. 47538

(E) Coordinate with each partnering secondary school that is 47539
located within thirty miles of the college to present at least one 47540
informational session per school year for interested students and 47541
parents. The session shall include the benefits and consequences 47542
of participation and shall outline any changes or additions to the 47543
requirements of the program. If there are no partnering schools 47544
located within thirty miles of the college, the college shall 47545
coordinate with the closest partnering school to offer an 47546
informational session. 47547

(F) Assign an academic advisor that is employed by the 47548
college to each participant enrolled in that college. Prior to the 47549
date on which a withdrawal from a course would negatively affect a 47550
participant's transcribed grade, as prescribed by the college's 47551
established withdrawal policy, the college shall ensure that the 47552
academic advisor and the participant meet at least once to discuss 47553
the program and the courses in which the participant is enrolled. 47554

(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the ~~following~~ options: prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The participant may elect to receive only college credit 47585
for the course. Except as provided in section 3365.032 of the 47586
Revised Code, if the participant successfully completes the 47587
course, the college shall award the participant full credit for 47588
the course, but the governing entity of a public secondary school 47589
or the governing body of a participating nonpublic secondary 47590
school shall not award the high school credit. 47591

(2) The participant may elect to receive both high school 47592
credit and college credit for the course. Except as provided in 47593
section 3365.032 of the Revised Code, if the participant 47594
successfully completes the course, the college shall award the 47595
participant full credit for the course and the governing entity of 47596
a public school or the governing body of a participating nonpublic 47597
school shall award the participant high school credit. 47598

(B) ~~The~~ If a course is eligible for funding under rules 47599
adopted pursuant to division (C)(1) of this section, the 47600
participant may elect at the time of enrollment for ~~each~~ the 47601
course to have the college reimbursed under section 3365.07 of the 47602
Revised Code. Except as provided in section 3365.032 of the 47603
Revised Code, if the participant successfully completes the 47604
course, the college shall award the participant full credit for 47605
the course and the governing entity of a public school or the 47606
governing body of a participating nonpublic school shall award the 47607
participant high school credit. If the participant elects to have 47608
the college reimbursed under this division, the department shall 47609
reimburse the college for the number of enrolled credit hours in 47610
accordance with section 3365.07 of the Revised Code. 47611

(C)(1) The chancellor of higher education, in consultation 47612
with the superintendent of public instruction, shall adopt rules 47613
specifying which courses are eligible for funding under section 47614
3365.07 of the Revised Code. 47615

The rules shall address at least the following: 47616

(a) Whether courses must be taken in a specified sequence; 47617

(b) Whether to restrict funding and limit eligibility to 47618
certain types of courses, including (i) courses that are included 47619
in the statewide articulation and transfer system, established by 47620
the chancellor pursuant to section 3333.161 of the Revised Code; 47621
(ii) courses that may be applied to multiple degree pathways or 47622
are applicable to in-demand jobs; or (iii) other types of courses; 47623

(c) Whether courses with private instruction, as defined by 47624
the chancellor, are eligible for funding. 47625

The rules also shall specify the school year for which 47626
implementation of the rules adopted pursuant to this division 47627
shall first apply. 47628

(2) In developing the rules, the chancellor, in consultation 47629
with the state superintendent, shall establish a process to 47630
receive input from public and nonpublic secondary schools, public 47631
and private colleges, and other interested parties. 47632

(D) When determining a school district's enrollment under 47633
section 3317.03 of the Revised Code, the time a participant is 47634
attending courses under division (A) of this section shall be 47635
considered as time the participant is not attending or enrolled in 47636
school anywhere, and the time a participant is attending courses 47637
under division (B) of this section shall be considered as time the 47638
participant is attending or enrolled in the district's schools. 47639

Sec. 3365.07. The department of education shall calculate and 47640
pay state funds to colleges for participants in the college credit 47641
plus program under division (B) of section 3365.06 of the Revised 47642
Code pursuant to this section. For a nonpublic secondary school 47643
participant, a nonchartered nonpublic secondary school 47644
participant, or a home-instructed participant, the department 47645
shall pay state funds pursuant to this section only if that 47646

participant is awarded funding according to rules adopted by the 47647
chancellor of higher education, in consultation with the 47648
superintendent of public instruction, pursuant to section 3365.071 47649
of the Revised Code. The program shall be the sole mechanism by 47650
which state funds are paid to colleges for students to earn 47651
transcripted credit for college courses while enrolled in both a 47652
secondary school and a college, with the exception of state funds 47653
paid to colleges according to an agreement described in division 47654
(A)(1) of section 3365.02 of the Revised Code. 47655

(A) For each public or nonpublic secondary school participant 47656
enrolled in a public college: 47657

(1) If no agreement has been entered into under division 47658
(A)(2) of this section, both of the following shall apply: 47659

(a) The department shall pay to the college the applicable 47660
amount as follows: 47661

(i) For a participant enrolled in a college course delivered 47662
on the college campus, at another location operated by the 47663
college, or online, the lesser of the default ceiling amount or 47664
the college's standard rate; 47665

(ii) For a participant enrolled in a college course delivered 47666
at the participant's secondary school but taught by college 47667
faculty, the lesser of fifty per cent of the default ceiling 47668
amount or the college's standard rate; 47669

(iii) For a participant enrolled in a college course 47670
delivered at the participant's secondary school and taught by a 47671
high school teacher who has met the credential requirements 47672
established for purposes of the program in rules adopted by the 47673
chancellor, the default floor amount. 47674

(b) The participant's secondary school shall pay for 47675
textbooks, and the college shall waive payment of all other fees 47676

related to participation in the program. 47677

(2) The governing entity of a participant's secondary school 47678
and the college may enter into an agreement to establish an 47679
alternative payment structure for tuition, textbooks, and fees. 47680
Under such an agreement, payments for each participant made by the 47681
department shall be not less than the default floor amount, unless 47682
approved by the chancellor, and not more than either the default 47683
ceiling amount or the college's standard rate, whichever is less. 47684
The chancellor ~~shall~~ may approve an agreement that includes a 47685
payment below the default floor amount, as long as the provisions 47686
of the agreement comply with all other requirements of this 47687
chapter to ensure program quality. If no agreement is entered into 47688
under division (A)(2) of this section, both of the following shall 47689
apply: 47690

(a) The department shall pay to the college the applicable 47691
default amounts prescribed by division (A)(1)(a) of this section, 47692
depending upon the method of delivery and instruction. 47693

(b) In accordance with division (A)(1)(b) of this section, 47694
the participant's secondary school shall pay for textbooks, and 47695
the college shall waive payment of all other fees related to 47696
participation in the program. 47697

(3) No participant that is enrolled in a public college shall 47698
be charged for any tuition, textbooks, or other fees related to 47699
participation in the program. 47700

(B) For each public secondary school participant enrolled in 47701
a private college: 47702

(1) If no agreement has been entered into under division 47703
(B)(2) of this section, the department shall pay to the college 47704
the applicable amount calculated in the same manner as in division 47705
(A)(1)(a) of this section. 47706

(2) The governing entity of a participant's secondary school 47707

and the college may enter into an agreement to establish an 47708
alternative payment structure for tuition, textbooks, and fees. 47709
Under such an agreement, payments shall be not less than the 47710
default floor amount, unless approved by the chancellor, and not 47711
more than either the default ceiling amount or the college's
standard rate, whichever is less. 47712
47713

If an agreement is entered into under division (B)(2) of this 47714
section, both of the following shall apply: 47715

(a) The department shall make a payment to the college for 47716
each participant that is equal to the default floor amount, unless 47717
approved by the chancellor to pay an amount below the default 47718
floor amount. The chancellor ~~shall~~ may approve an agreement that 47719
includes a payment below the default floor amount, as long as the 47720
provisions of the agreement comply with all other requirements of 47721
this chapter to ensure program quality. 47722

(b) Payment for costs for the participant that exceed the 47723
amount paid by the department pursuant to division (B)(2)(a) of 47724
this section shall be negotiated by the school and the college. 47725
The agreement may include a stipulation permitting the charging of 47726
a participant. 47727

However, under no circumstances shall: 47728

(i) Payments for a participant made by the department under 47729
division (B)(2) of this section exceed the lesser of the default 47730
ceiling amount or the college's standard rate; 47731

(ii) The amount charged to a participant under division 47732
(B)(2) of this section exceed the difference between the maximum 47733
per participant charge amount and the default floor amount; 47734

(iii) The sum of the payments made by the department for a 47735
participant and the amount charged to that participant under 47736
division (B)(2) of this section exceed the following amounts, as 47737
applicable: 47738

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;	47739 47740 47741
(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;	47742 47743 47744
(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.	47745 47746 47747 47748 47749
(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.	47750 47751 47752 47753
(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.	47754 47755 47756 47757 47758 47759 47760
However, under no circumstances shall:	47761
(1) The payments for a participant made by the department under this division exceed <u>the lesser of</u> the default ceiling amount <u>or the college's standard rate</u> .	47762 47763 47764
(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to	47765 47766 47767 47768 47769

3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) ~~Each January and July, or as soon as possible thereafter,~~ The department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. Except in cases involving incomplete participant information or a dispute of participant information, payments shall be made by the last day of January for participants who were enrolled during the fall term and by the last day of July for participants who were enrolled during the spring term. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants

under this section shall be deducted from the school foundation 47802
payments made to the participant's school district or, if the 47803
participant is enrolled in a community school, a STEM school, or a 47804
college-preparatory boarding school, from the payments made to 47805
that school under section 3314.08, 3326.33, or 3328.34 of the 47806
Revised Code. If the participant is enrolled in a joint vocational 47807
school district, a portion of the amount shall be deducted from 47808
the payments to the joint vocational school district and a portion 47809
shall be deducted from the payments to the participant's city, 47810
local, or exempted village school district in accordance with the 47811
full-time equivalency of the student's enrollment in each 47812
district. Amounts deducted under division (F)(1) of this section 47813
shall be calculated in accordance with rules adopted by the 47814
chancellor, in consultation with the state superintendent, 47815
pursuant to division (B) of section 3365.071 of the Revised Code. 47816

(2) Payments made for nonpublic secondary school 47817
participants, nonchartered nonpublic secondary school 47818
participants, and home-instructed participants under this section 47819
shall be deducted from moneys appropriated by the general assembly 47820
for such purpose. Payments shall be allocated and distributed in 47821
accordance with rules adopted by the chancellor, in consultation 47822
with the state superintendent, pursuant to division (A) of section 47823
3365.071 of the Revised Code. 47824

(G) Any public college that enrolls a student under division 47825
(B) of section 3365.06 of the Revised Code may include that 47826
student in the calculation used to determine its state share of 47827
instruction funds appropriated to the department of higher 47828
education by the general assembly. 47829

Sec. 3365.091. (A) The chancellor of higher education, in 47830
consultation with the superintendent of public instruction, shall 47831
adopt rules specifying the conditions under which an 47832

underperforming participant may continue to participate in the 47833
college credit plus program. 47834

The rules shall address at least the following: 47835

(1) The definition of an "underperforming participant"; 47836

(2) Any additional conditions that participants with repeated 47837
underperformance must satisfy; 47838

(3) The timeframe for notifying an underperforming 47839
participant who is determined to be ineligible for participation 47840
of such ineligibility; 47841

(4) Mechanisms available to assist underperforming 47842
participants; 47843

(5) The role of school guidance counselors and college 47844
academic advisers in assisting underperforming participants; 47845

(6) If an underperforming participant is determined to be 47846
ineligible for participation, any consequences that such 47847
ineligibility may have on the student's ability to complete the 47848
secondary school's graduation requirements. 47849

The rules also shall specify the school year for which 47850
implementation of the rules adopted pursuant to division (A) of 47851
this section shall first apply. 47852

(B) In developing the rules pursuant to division (A) of this 47853
section, the chancellor, in consultation with the state 47854
superintendent, shall establish a process to receive input from 47855
public and nonpublic secondary schools, public and private 47856
colleges, and other interested parties. 47857

Sec. 3365.10. (A) Any public or participating nonpublic 47858
secondary school or any public or participating private college, 47859
~~including a secondary school and an associated college operating~~ 47860
~~an early college high school program,~~ may apply to the chancellor 47861

of ~~the Ohio board of regents~~ higher education and the 47862
superintendent of public instruction for a waiver from the 47863
requirements of the college credit plus program. The chancellor 47864
and the superintendent may grant a waiver under this section for 47865
an agreement ~~governing an early college high school program~~ or for 47866
a proposed agreement between a public or participating nonpublic 47867
secondary school and a public or participating private or 47868
out-of-state college, only if the agreement does both of the 47869
following: 47870

(1) Includes innovative programming proposed to exclusively 47871
address the needs of underrepresented student subgroups; 47872

(2) Meets all criteria set forth in rules adopted by the 47873
chancellor and the superintendent pursuant to division (C) of this 47874
section. 47875

(B) Any waiver granted under this section shall apply only to 47876
the agreement for which the waiver is granted and shall not apply 47877
to any other agreement that the school or college enters into 47878
under this chapter. 47879

(C) The chancellor and the superintendent of public 47880
instruction shall jointly adopt rules, in accordance with Chapter 47881
119. of the Revised Code, regarding the granting of waivers under 47882
this section. 47883

~~(D) As used in this section, "associated college" and "early 47884
college high school program" have the same meanings as in section 47885
3313.6013 of the Revised Code. 47886~~

Sec. 3365.12. (A) All courses offered under the college 47887
credit plus program shall be the same courses that are included in 47888
the partnering college's course catalogue for college-level, 47889
nonremedial courses and shall apply to at least one degree or 47890
professional certification at the partnering college. 47891

(B)(1) High school credit awarded for courses successfully 47892
completed under this chapter shall count toward the graduation 47893
requirements and subject area requirements of the public secondary 47894
school or participating nonpublic secondary school. If a course 47895
comparable to one a participant completed at a college is offered 47896
by the school, the governing entity or governing body shall award 47897
comparable credit for the course completed at the college. If no 47898
comparable course is offered by the school, the governing entity 47899
or governing body shall grant an appropriate number of elective 47900
credits to the participant. 47901

(2) If there is a dispute between a participant's school and 47902
a participant regarding high school credits granted for a course, 47903
the participant may appeal the decision to the ~~state board~~ 47904
department of education. The ~~state board's~~ department's decision 47905
regarding any high school credits granted under this section is 47906
final. 47907

(C) Evidence of successful completion of each course and the 47908
high school credits awarded by the school shall be included in the 47909
student's record. The record shall indicate that the credits were 47910
earned as a participant under this chapter and shall include the 47911
name of the college at which the credits were earned. 47912

Sec. 3503.16. (A) Except as otherwise provided in division 47913
~~(D)~~(E) of section 111.44 of the Revised Code, whenever a 47914
registered elector changes the place of residence of that 47915
registered elector from one precinct to another within a county or 47916
from one county to another, or has a change of name, that 47917
registered elector shall report the change by delivering a change 47918
of residence or change of name form, whichever is appropriate, as 47919
prescribed by the secretary of state under section 3503.14 of the 47920
Revised Code to the state or local office of a designated agency, 47921
a public high school or vocational school, a public library, the 47922

office of the county treasurer, the office of the secretary of 47923
state, any office of the registrar or deputy registrar of motor 47924
vehicles, or any office of a board of elections in person or by a 47925
third person. Any voter registration, change of address, or change 47926
of name application, returned by mail, may be sent only to the 47927
secretary of state or the board of elections. 47928

A registered elector also may update the registration of that 47929
registered elector by filing a change of residence or change of 47930
name form on the day of a special, primary, or general election at 47931
the polling place in the precinct in which that registered elector 47932
resides or at the board of elections or at another site designated 47933
by the board. 47934

(B)(1)(a) Any registered elector who moves within a precinct 47935
on or prior to the day of a general, primary, or special election 47936
and has not filed a notice of change of residence with the board 47937
of elections may vote in that election by going to that registered 47938
elector's assigned polling place, completing and signing a notice 47939
of change of residence, showing identification in the form of a 47940
current and valid photo identification, a military identification, 47941
or a copy of a current utility bill, bank statement, government 47942
check, paycheck, or other government document, other than a notice 47943
of voter registration mailed by a board of elections under section 47944
3503.19 of the Revised Code, that shows the name and current 47945
address of the elector, and casting a ballot. 47946

(b) Any registered elector who changes the name of that 47947
registered elector and remains within a precinct on or prior to 47948
the day of a general, primary, or special election and has not 47949
filed a notice of change of name with the board of elections may 47950
vote in that election by going to that registered elector's 47951
assigned polling place, completing and signing a notice of a 47952
change of name, and casting a provisional ballot under section 47953

3505.181 of the Revised Code. If the registered elector provides 47954
to the precinct election officials proof of a legal name change, 47955
such as a marriage license or court order that includes the 47956
elector's current and prior names, the elector may complete and 47957
sign a notice of change of name and cast a regular ballot. 47958

(2) Any registered elector who moves from one precinct to 47959
another within a county or moves from one precinct to another and 47960
changes the name of that registered elector on or prior to the day 47961
of a general, primary, or special election and has not filed a 47962
notice of change of residence or change of name, whichever is 47963
appropriate, with the board of elections may vote in that election 47964
if that registered elector complies with division (G) of this 47965
section or does all of the following: 47966

(a) Appears at anytime during regular business hours on or 47967
after the twenty-eighth day prior to the election in which that 47968
registered elector wishes to vote or, if the election is held on 47969
the day of a presidential primary election, the twenty-fifth day 47970
prior to the election, through noon of the Saturday prior to the 47971
election at the office of the board of elections, appears at any 47972
time during regular business hours on the Monday prior to the 47973
election at the office of the board of elections, or appears on 47974
the day of the election at either of the following locations: 47975

(i) The polling place for the precinct in which that 47976
registered elector resides; 47977

(ii) The office of the board of elections or, if pursuant to 47978
division (C) of section 3501.10 of the Revised Code the board has 47979
designated another location in the county at which registered 47980
electors may vote, at that other location instead of the office of 47981
the board of elections. 47982

(b) Completes and signs, under penalty of election 47983
falsification, the written affirmation on the provisional ballot 47984

envelope, which shall serve as a notice of change of residence or 47985
change of name, whichever is appropriate; 47986

(c) Votes a provisional ballot under section 3505.181 of the 47987
Revised Code at the polling place, at the office of the board of 47988
elections, or, if pursuant to division (C) of section 3501.10 of 47989
the Revised Code the board has designated another location in the 47990
county at which registered electors may vote, at that other 47991
location instead of the office of the board of elections, 47992
whichever is appropriate, using the address to which that 47993
registered elector has moved or the name of that registered 47994
elector as changed, whichever is appropriate; 47995

(d) Completes and signs, under penalty of election 47996
falsification, a statement attesting that that registered elector 47997
moved or had a change of name, whichever is appropriate, on or 47998
prior to the day of the election, has voted a provisional ballot 47999
at the polling place for the precinct in which that registered 48000
elector resides, at the office of the board of elections, or, if 48001
pursuant to division (C) of section 3501.10 of the Revised Code 48002
the board has designated another location in the county at which 48003
registered electors may vote, at that other location instead of 48004
the office of the board of elections, whichever is appropriate, 48005
and will not vote or attempt to vote at any other location for 48006
that particular election. 48007

(C) Any registered elector who moves from one county to 48008
another county within the state on or prior to the day of a 48009
general, primary, or special election and has not registered to 48010
vote in the county to which that registered elector moved may vote 48011
in that election if that registered elector complies with division 48012
(G) of this section or does all of the following: 48013

(1) Appears at any time during regular business hours on or 48014
after the twenty-eighth day prior to the election in which that 48015
registered elector wishes to vote or, if the election is held on 48016

the day of a presidential primary election, the twenty-fifth day 48017
prior to the election, through noon of the Saturday prior to the 48018
election at the office of the board of elections or, if pursuant 48019
to division (C) of section 3501.10 of the Revised Code the board 48020
has designated another location in the county at which registered 48021
electors may vote, at that other location instead of the office of 48022
the board of elections, appears during regular business hours on 48023
the Monday prior to the election at the office of the board of 48024
elections or, if pursuant to division (C) of section 3501.10 of 48025
the Revised Code the board has designated another location in the 48026
county at which registered electors may vote, at that other 48027
location instead of the office of the board of elections, or 48028
appears on the day of the election at the office of the board of 48029
elections or, if pursuant to division (C) of section 3501.10 of 48030
the Revised Code the board has designated another location in the 48031
county at which registered electors may vote, at that other 48032
location instead of the office of the board of elections; 48033

(2) Completes and signs, under penalty of election 48034
falsification, the written affirmation on the provisional ballot 48035
envelope, which shall serve as a notice of change of residence; 48036

(3) Votes a provisional ballot under section 3505.181 of the 48037
Revised Code at the office of the board of elections or, if 48038
pursuant to division (C) of section 3501.10 of the Revised Code 48039
the board has designated another location in the county at which 48040
registered electors may vote, at that other location instead of 48041
the office of the board of elections, using the address to which 48042
that registered elector has moved; 48043

(4) Completes and signs, under penalty of election 48044
falsification, a statement attesting that that registered elector 48045
has moved from one county to another county within the state on or 48046
prior to the day of the election, has voted at the office of the 48047
board of elections or, if pursuant to division (C) of section 48048

3501.10 of the Revised Code the board has designated another 48049
location in the county at which registered electors may vote, at 48050
that other location instead of the office of the board of 48051
elections, and will not vote or attempt to vote at any other 48052
location for that particular election. 48053

(D) A person who votes by absent voter's ballots pursuant to 48054
division (G) of this section shall not make written application 48055
for the ballots pursuant to Chapter 3509. of the Revised Code. 48056
Ballots cast pursuant to division (G) of this section shall be set 48057
aside in a special envelope and counted during the official 48058
canvass of votes in the manner provided for in sections 3505.32 48059
and 3509.06 of the Revised Code insofar as that manner is 48060
applicable. The board shall examine the pollbooks to verify that 48061
no ballot was cast at the polls or by absent voter's ballots under 48062
Chapter 3509. or 3511. of the Revised Code by an elector who has 48063
voted by absent voter's ballots pursuant to division (G) of this 48064
section. Any ballot determined to be insufficient for any of the 48065
reasons stated above or stated in section 3509.07 of the Revised 48066
Code shall not be counted. 48067

Subject to division (C) of section 3501.10 of the Revised 48068
Code, a board of elections may lease or otherwise acquire a site 48069
different from the office of the board at which registered 48070
electors may vote pursuant to division (B) or (C) of this section. 48071

(E) Upon receiving a notice of change of residence or change 48072
of name, the board of elections shall immediately send the 48073
registrant an acknowledgment notice. If the change of residence or 48074
change of name notice is valid, the board shall update the voter's 48075
registration as appropriate. If that form is incomplete, the board 48076
shall inform the registrant in the acknowledgment notice specified 48077
in this division of the information necessary to complete or 48078
update that registrant's registration. 48079

(F) Change of residence and change of name forms shall be 48080

available at each polling place, and when these forms are 48081
completed, noting changes of residence or name, as appropriate, 48082
they shall be filed with election officials at the polling place. 48083
Election officials shall return completed forms, together with the 48084
pollbooks and tally sheets, to the board of elections. 48085

The board of elections shall provide change of residence and 48086
change of name forms to the probate court and court of common 48087
pleas. The court shall provide the forms to any person eighteen 48088
years of age or older who has a change of name by order of the 48089
court or who applies for a marriage license. The court shall 48090
forward all completed forms to the board of elections within five 48091
days after receiving them. 48092

(G) A registered elector who otherwise would qualify to vote 48093
under division (B) or (C) of this section but is unable to appear 48094
at the office of the board of elections or, if pursuant to 48095
division (C) of section 3501.10 of the Revised Code the board has 48096
designated another location in the county at which registered 48097
electors may vote, at that other location, on account of personal 48098
illness, physical disability, or infirmity, may vote on the day of 48099
the election if that registered elector does all of the following: 48100

(1) Makes a written application that includes all of the 48101
information required under section 3509.03 of the Revised Code to 48102
the appropriate board for an absent voter's ballot on or after the 48103
twenty-seventh day prior to the election in which the registered 48104
elector wishes to vote through noon of the Saturday prior to that 48105
election and requests that the absent voter's ballot be sent to 48106
the address to which the registered elector has moved if the 48107
registered elector has moved, or to the address of that registered 48108
elector who has not moved but has had a change of name; 48109

(2) Declares that the registered elector has moved or had a 48110
change of name, whichever is appropriate, and otherwise is 48111
qualified to vote under the circumstances described in division 48112

(B) or (C) of this section, whichever is appropriate, but that the registered elector is unable to appear at the board of elections because of personal illness, physical disability, or infirmity;

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board of elections, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

Sec. 3506.01. As used in this chapter and Chapters 3501., 3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 3523., and 3599. of the Revised Code:

(A) "Marking device" means an apparatus operated by a voter to record the voter's choices through the ~~piercing or~~ marking of ballots enabling them to be examined and counted by automatic tabulating equipment.

(B) "Ballot" means the official election presentation of offices and candidates, including write-in candidates, and of questions and issues, and the means by which votes are recorded.

(C) "Automatic tabulating equipment" means a machine or electronic device, or interconnected or interrelated machines or electronic devices, that will automatically examine and count votes recorded on ballots. Automatic tabulating equipment may

allow for the voter's selections to be indicated by marks made on 48143
a paper record by an electronic marking device. 48144

(D) "Central counting station" means a location, or one of a 48145
number of locations, designated by the board of elections for the 48146
automatic examining, sorting, or counting of ballots. 48147

(E) "Voting machines" means mechanical or electronic 48148
equipment for the direct recording and tabulation of votes. 48149

(F) "Direct recording electronic voting machine" means a 48150
voting machine that records votes by means of a ballot display 48151
provided with mechanical or electro-optical components that can be 48152
actuated by the voter, that processes the data by means of a 48153
computer program, and that records voting data and ballot images 48154
in internal or external memory components. A "direct recording 48155
electronic voting machine" produces a tabulation of the voting 48156
data stored in a removable memory component and in printed copy. 48157
"Direct recording electronic voting machine" does not include a 48158
voting machine that captures votes by means of a ballot display 48159
but that transfers those votes onto an optical scan ballot or 48160
other paper record for tabulation. 48161

(G) "Help America Vote Act of 2002" means the "Help America 48162
Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 48163

(H) "Voter verified paper audit trail" means a physical paper 48164
printout on which the voter's ballot choices, as registered by a 48165
direct recording electronic voting machine, are recorded. The 48166
voter shall be permitted to visually or audibly inspect the 48167
contents of the physical paper printout. The physical paper 48168
printout shall be securely retained at the polling place until the 48169
close of the polls on the day of the election; the secretary of 48170
state shall adopt rules under Chapter 119. of the Revised Code 48171
specifying the manner of storing the physical paper printout at 48172
the polling place. After the physical paper printout is produced, 48173

but before the voter's ballot is recorded, the voter shall have an 48174
opportunity to accept or reject the contents of the printout as 48175
matching the voter's ballot choices. If a voter rejects the 48176
contents of the physical paper printout, the system that produces 48177
the voter verified paper audit trail shall invalidate the printout 48178
and permit the voter to recast the voter's ballot. On and after 48179
the first federal election that occurs after January 1, 2006, 48180
unless required sooner by the Help America Vote Act of 2002, any 48181
system that produces a voter verified paper audit trail shall be 48182
accessible to disabled voters, including visually impaired voters, 48183
in the same manner as the direct recording electronic voting 48184
machine that produces it. 48185

Sec. 3506.06. No marking device shall be approved by the 48186
board of voting machine examiners or certified by the secretary of 48187
state, or be purchased, rented, or otherwise acquired, or used, 48188
unless it fulfills the following requirements: 48189

(A) It shall permit and require voting in absolute secrecy, 48190
and shall be so constructed that no person can see or know for 48191
whom any other elector has voted or is voting, except an elector 48192
who is assisting a voter as prescribed by section 3505.24 of the 48193
Revised Code. 48194

(B) It shall permit each elector to vote at any election for 48195
all persons and offices for whom and for which the elector is 48196
lawfully entitled to vote, whether or not the name of any such 48197
person appears on a ballot as a candidate; to vote for as many 48198
persons for an office as the elector is entitled to vote for; and 48199
to vote for or against any question upon which the elector is 48200
entitled to vote. 48201

(C) It shall permit each elector to write in the names of 48202
persons for whom the elector desires to vote, whose names do not 48203
appear upon the ballot, if such write-in candidates are permitted 48204

by law. 48205

(D) It shall permit each elector, at all presidential 48206
elections, by one ~~punch or~~ mark to vote for candidates of one 48207
party for president, vice president, and presidential electors. 48208

(E) It shall be durably constructed of material of good 48209
quality in a neat and workerlike manner, and in form that shall 48210
make it safely transportable. 48211

(F) It shall be so constructed that a voter may readily learn 48212
the method of operating it and may expeditiously cast the voter's 48213
vote for all candidates of the voter's choice. 48214

(G) It shall not provide to a voter any type of receipt or 48215
voter confirmation that the voter legally may retain after leaving 48216
the polling place. 48217

Sec. 3506.07. No automatic tabulating equipment shall be 48218
approved by the board of voting machine examiners or certified by 48219
the secretary of state, or be purchased, rented, or otherwise 48220
acquired, or used, unless it has been or is capable of being 48221
manufactured for use and distribution beyond a prototype and can 48222
be set by election officials, to examine ballots and to count 48223
votes accurately for each candidate, question, and issue, 48224
excluding any ballots ~~punched or~~ marked contrary to the 48225
instructions printed on such ballots, provided that such equipment 48226
shall not be required to count write-in votes or the votes on any 48227
ballots that have been voted other than at the regular polling 48228
place on election day. 48229

Sec. 3513.02. ~~(A)(1) If, in any odd-numbered year, no valid~~ 48230
~~declaration of candidacy~~ person is filed for nomination certified 48231
as a candidate for the nomination of a political party for 48232
~~election to any of the offices~~ an office to be voted for at the a 48233
general election ~~to be held in such year,~~ or if the number of 48234

persons ~~filing such declarations of candidacy for nominations~~ 48235
~~certified~~ as candidates ~~for the nomination~~ of ~~one~~ that political 48236
party for ~~election to such offices~~ that office does not exceed, ~~as~~ 48237
~~to any such office,~~ the number of candidates ~~which such~~ that 48238
political party is entitled to nominate as its candidates for 48239
~~election to such~~ that office, then no primary election shall be 48240
held for the purpose of nominating party candidates of ~~such~~ that 48241
party for ~~election to offices to be voted for at such general~~ 48242
~~election and no primary ballots shall be provided for such party~~ 48243
that office. If, however, the only office for which there are more 48244
~~valid declarations of candidacy filed~~ certified candidates than 48245
the number to be nominated by a political party, ~~is the office of~~ 48246
councilperson in a ward, a primary election shall be held for ~~such~~ 48247
that party for that office only in the ward or wards in which 48248
there is a contest, and only the names of the candidates for the 48249
office of councilperson in ~~such~~ that ward shall appear on the 48250
primary ballot of ~~such~~ that political party. 48251

The (2) If the number of persons certified as candidates for 48252
the nomination of a political party for an office does not exceed 48253
the number of candidates the political party is entitled to 48254
nominate as its candidates for that office, then the election 48255
officials whose duty it would have been to ~~provide for and conduct~~ 48256
~~the holding of such primary election, declare the results thereof,~~ 48257
~~and~~ issue certificates of nomination to the persons entitled 48258
~~thereto if such~~ nominated at the primary election ~~had been held~~ 48259
shall declare each of ~~such~~ those persons to be nominated as of the 48260
date of the ~~ninetieth~~ sixty-fifth day before the primary election, 48261
issue appropriate certificates of nomination to each of them, and 48262
certify their names to the proper election officials, in order 48263
that their names may be printed on the official ballots provided 48264
for use in the succeeding general election in the same manner as 48265
though ~~such~~ the primary election had been held and ~~such~~ those 48266
persons had been nominated at ~~such~~ the election. 48267

(B) If the number of persons certified as candidates for the nomination of a political party for an office exceeds the number of candidates the political party is entitled to nominate as its candidates for that office and one or more candidates die, withdraw, or are disqualified before the day of the primary election, such that the number of candidates no longer exceeds the number of candidates that the political party is entitled to nominate as its candidates for that office, and the vacancy or vacancies are not filled under division (F) of section 3513.052 of the Revised Code, then all of the following apply:

(1) No primary election shall be held for the purpose of nominating party candidates of that party for that office.

(2) If the ballots for that election have already been prepared and primary election is to be held for that party for the purpose of nominating or electing candidates for other offices, the board of elections shall not remove the names of the candidates from the ballots. The board of elections shall post a notice at each polling place on the day of the election that no primary is being held for the purpose of nominating party candidates of that party for that office and that votes for those candidates will be void and will not be counted. The board also shall enclose a copy of that notice with each absent voter's ballot given or mailed after all but one candidate has died, withdrawn, or been disqualified. Any votes for those candidates are void and shall not be counted.

(3) The election officials whose duty it would have been to issue certificates of nomination to the persons nominated at the primary election shall declare the remaining candidate or candidates to be nominated as of the date of the primary election, issue appropriate certificates of nomination to each of them, and certify their names to the proper election officials, in order that their names may be printed on the official ballots provided

for use in the succeeding general election in the same manner as 48300
though the primary election had been held and those persons had 48301
been nominated at that election. 48302

Sec. 3513.30. (A)(1) ~~If only one valid declaration of~~ 48303
~~candidacy is filed for nomination~~ the number of persons certified 48304
~~as a candidate~~ candidates for the nomination of a political party 48305
for an office does not exceed the number of candidates that 48306
political party is entitled to nominate as its candidates for that 48307
office and ~~that candidate dies~~ one or more candidates die, 48308
withdraw, or are disqualified prior to the tenth day before the 48309
primary election, both of the following may occur: 48310

(a) The political party whose candidate ~~died, withdrew, or~~ 48311
~~was disqualified~~ may fill the vacancy so created as provided in 48312
division (A)(2) of this section. 48313

(b) Any major political party other than the one whose 48314
candidate ~~died, withdrew, or was disqualified~~ may select a 48315
candidate as provided in division (A)(2) of this section under 48316
either of the following circumstances: 48317

(i) ~~No person has filed a valid declaration of candidacy for~~ 48318
~~nomination~~ is certified as ~~that party's~~ a candidate at the primary 48319
~~election~~ for that party's nomination for that office. 48320

(ii) ~~Only one person has filed a valid declaration of~~ 48321
~~candidacy for nomination~~ The number of persons certified as ~~that~~ 48322
~~party's candidate at the primary election~~ candidates for that 48323
party's nomination for that office does not exceed the number of 48324
candidates that political party is entitled to nominate as its 48325
candidates for that office, that person has one or more candidates 48326
have withdrawn, died, or been disqualified under section 3513.052 48327
of the Revised Code, and the vacancy or vacancies so created ~~has~~ 48328
have not been filled. 48329

(2) A vacancy may be filled under division (A)(1)(a) and a selection may be made under division (A)(1)(b) of this section by the appropriate committee of the political party in the same manner as provided in divisions (A) to (E) of section 3513.31 of the Revised Code for the filling of similar vacancies created by withdrawals or disqualifications under section 3513.052 of the Revised Code after the primary election, except that the certification required under that section may not be filed with the secretary of state, or with a board of the most populous county of a district, or with the board of a county in which the major portion of the population of a subdivision is located, later than four p.m. of the tenth day before the day of such primary election, or with any other board later than four p.m. of the fifth day before the day of such primary election.

(3) If ~~only one valid declaration of candidacy is filed for nomination~~ the number of persons certified as a candidate candidates for the nomination of a political party for an office does not exceed the number of candidates that political party is entitled to nominate as its candidates for that office and ~~that candidate dies~~ one or more candidates die, withdraw, or are disqualified on or after the tenth day before the day of the primary election, ~~that~~ each such candidate is considered to have received the nomination of that candidate's political party at that primary election, and, for purposes of filling the vacancy so created, that candidate's death, withdrawal, or disqualification shall be treated as if ~~that candidate died~~ it occurred on the day after the day of the primary election.

(B) Any ~~person filing a declaration of candidacy~~ candidate for the nomination of a political party for an office may withdraw as such candidate at any time prior to the primary election. The withdrawal shall be effected and the statement of withdrawal shall be filed in accordance with the procedures prescribed in division

(D) of this section for the withdrawal of persons nominated in a primary election or by nominating petition.

(C) A person who is the first choice for president of the United States by a candidate for delegate or alternate to a national convention of a political party may withdraw consent for the selection of the person as such first choice no later than four p.m. of the fortieth day before the day of the presidential primary election. Withdrawal of consent shall be for the entire slate of candidates for delegates and alternates who named such person as their presidential first choice and shall constitute withdrawal from the primary election by such delegates and alternates. The withdrawal shall be made in writing and delivered to the secretary of state. If the withdrawal is delivered to the secretary of state on or before the seventieth day before the day of the primary election, the boards of elections shall remove both the name of the withdrawn first choice and the names of such withdrawn candidates from the ballots according to the directions of the secretary of state. If the withdrawal is delivered to the secretary of state after the seventieth day before the day of the primary election, the board of elections shall not remove the name of the withdrawn first choice and the names of the withdrawn candidates from the ballots. The board of elections shall post a notice at each polling location on the day of the primary election, and shall enclose with each absent voter's ballot given or mailed after the candidate withdraws, a notice that votes for the withdrawn first choice or the withdrawn candidates will be void and will not be counted. If such names are not removed from all ballots before the day of the election, the votes for the withdrawn first choice or the withdrawn candidates are void and shall not be counted.

(D) Any person nominated in a primary election or by nominating petition as a candidate for election at the next

general election may withdraw as such candidate at any time prior 48394
to the general election. Such withdrawal may be effected by the 48395
filing of a written statement by such candidate announcing the 48396
candidate's withdrawal and requesting that the candidate's name 48397
not be printed on the ballots. If such candidate's declaration of 48398
candidacy or nominating petition was filed with the secretary of 48399
state, the candidate's statement of withdrawal shall be addressed 48400
to and filed with the secretary of state. If such candidate's 48401
declaration of candidacy or nominating petition was filed with a 48402
board of elections, the candidate's statement of withdrawal shall 48403
be addressed to and filed with such board. 48404

(E) When a person withdraws under division (B) or (D) of this 48405
section on or before the seventieth day before the day of the 48406
primary election or the general election, the board of elections 48407
shall remove the name of the withdrawn candidate from the ballots 48408
according to the directions of the secretary of state. When a 48409
person withdraws under division (B) or (D) of this section after 48410
the seventieth day before the day of the primary election or the 48411
general election, the board of elections shall not remove the name 48412
of the withdrawn candidate from the ballots. The board of 48413
elections shall post a notice at each polling place on the day of 48414
the election, and shall enclose with each absent voter's ballot 48415
given or mailed after the candidate withdraws, a notice that votes 48416
for the withdrawn candidate will be void and will not be counted. 48417
If the name is not removed from all ballots before the day of the 48418
election, the votes for the withdrawn candidate are void and shall 48419
not be counted. 48420

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 48421
Revised Code and except as otherwise provided in division (B)(2) 48422
of this section, if only one person has filed a valid declaration 48423
of candidacy for nomination as the candidate of a political party 48424
for the office of representative to congress and that person 48425

withdraws as a candidate or dies at any time before the primary 48426
election, a special election shall be held under division (B)(1) 48427
of this section as soon as reasonably practicable to nominate the 48428
following: 48429

(1) That party's candidate for congress; 48430

(2) The candidate for congress of any other major political 48431
party under either of the following circumstances: 48432

(a) No person has filed a valid declaration of candidacy for 48433
nomination as that party's candidate at the primary election. 48434

(b) Only one person has filed a valid declaration of 48435
candidacy for nomination as that party's candidate at the primary 48436
election, that person has withdrawn or died, and the vacancy so 48437
created has not been filled. 48438

(B) The (1) Except as otherwise provided in division (B)(2) 48439
of this section, the boards of elections of all the counties 48440
contained in whole or in part within the congressional district 48441
for which a special election is being held under this section 48442
shall, ~~as soon as reasonably practicable,~~ conduct the special 48443
election on a date designated by the secretary of state and give 48444
notice of the time and places of holding the election as provided 48445
in section 3501.03 of the Revised Code. The election shall be held 48446
and conducted and returns of it made as in the case of a primary 48447
election, except that the secretary of state shall designate the 48448
deadline to file a declaration of candidacy or a declaration of 48449
intent to be a write-in candidate for the election. 48450

(2) If, for each nomination to be made at the special 48451
election to be held under division (B)(1) of this section, only 48452
one person has filed a valid declaration of candidacy or no person 48453
has filed a valid declaration of candidacy, then no special 48454
election shall be held. If no special election is held, then for 48455
each nomination for which only one person has filed a valid 48456

declaration of candidacy, the board of elections of the most 48457
populous county of the congressional district shall certify the 48458
person's name to the secretary of state, the secretary of state 48459
shall issue a certificate of nomination to the person, and the 48460
person's name shall appear on the ballot as that party's candidate 48461
at the general election. 48462

(C) The state shall pay all costs of any special election 48463
held under this section. 48464

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 48465
Revised Code, if a person nominated in a primary election or 48466
nominated by petition under section 3517.012 of the Revised Code 48467
as a party candidate for the office of representative to congress 48468
for election at the next general election withdraws as such 48469
candidate prior to the ninetieth day before the day of such 48470
general election, or dies prior to the ninetieth day before the 48471
day of such general election, the vacancy in the party nomination 48472
so created shall be filled ~~by a special election held in~~ 48473
accordance with division (B)(1) of this section as soon as 48474
reasonably practicable. 48475

(B) The (1) Except as otherwise provided in division (B)(2) 48476
of this section, the boards of elections of all the counties 48477
contained in whole or in part within the congressional district in 48478
which a vacancy occurs as described in division (A) of this 48479
section shall, ~~as soon as reasonably practicable,~~ conduct the 48480
special election on a date designated by the secretary of state 48481
and give notice of the time and places of holding such election as 48482
provided in section 3501.03 of the Revised Code. Such election 48483
shall be held and conducted and returns thereof made as in the 48484
case of a primary election, except that the secretary of state 48485
shall designate the deadline to file a declaration of candidacy or 48486
a declaration of intent to be a write-in candidate for the 48487

election. 48488

(2) If only one person has filed a valid declaration of 48489
candidacy for the special election to be held under division 48490
(B)(1) of this section, or if no person has filed a valid 48491
declaration of candidacy, then no special election shall be held. 48492
If one person has filed a valid declaration of candidacy, the 48493
board of elections of the most populous county of the 48494
congressional district shall certify the person's name to the 48495
secretary of state, the secretary of state shall issue a 48496
certificate of nomination to the person, and the person's name 48497
shall appear on the ballot as that party's candidate at the 48498
general election. 48499

(C) The state shall pay all costs of any special election 48500
held pursuant to this section. 48501

Sec. 3517.17. (A)~~(1)~~ At the beginning of each calendar 48502
quarter, after the costs of audits are deducted under division 48503
(B)(1) of section 3517.16 of the Revised Code, the tax 48504
commissioner shall ~~divide~~ distribute any remaining moneys that 48505
have accrued in the Ohio political party fund during the previous 48506
quarter ~~equally among all qualified political parties in the~~ 48507
~~following manner. Of the public moneys to which a party is~~ 48508
~~entitled:~~ 48509

~~(1) One half shall be paid to the treasurer of the state~~ 48510
~~executive committee of the party.~~ Along with the distribution, 48511
the commissioner shall provide a list of amounts to be allocated 48512
to each county executive committee, which shall be determined by 48513
multiplying one-half of the total distribution by the ratio that 48514
the number of checkoffs in each county bears to the total number 48515
of checkoffs. 48516

~~(2) One half shall be distributed~~ Upon receiving a 48517
distribution of funds under division (A)(1) of this section, the 48518

treasurer of the state executive committee of the party shall 48519
distribute, from one-half of the received distribution of funds, 48520
an amount to the treasurer of each county executive committee of 48521
the various counties in accordance with the ~~ratio that the number~~ 48522
~~of checkoffs in each county bears to the total number of~~ 48523
~~checkoffs, as determined~~ list provided by the ~~tax~~ commissioner. 48524

Each party treasurer receiving public moneys from the Ohio 48525
political party fund shall deposit those moneys into the party's 48526
restricted fund created under section 3517.1012 of the Revised 48527
Code, shall expend and maintain those moneys subject to the 48528
requirements of that section and section 3517.18 of the Revised 48529
Code, and shall file deposit and disbursement statements as 48530
required by division (B) of section 3517.1012 of the Revised Code. 48531
The auditor of state shall annually audit the deposit and 48532
disbursement statements of the state committee of a political 48533
party that is eligible to receive public moneys collected during 48534
the previous year, to ascertain that all moneys in the party's 48535
restricted fund are expended in accordance with law. The auditor 48536
of state shall audit the deposit and disbursement statements of 48537
each county committee of such a political party to ascertain that 48538
all moneys in the party's restricted fund are expended in 48539
accordance with law at the time of the public office audit of that 48540
county under Chapter 117. of the Revised Code. 48541

(B) Only major political parties, as defined in section 48542
3501.01 of the Revised Code, may apply for public moneys from the 48543
Ohio political party fund. At the end of each even-numbered 48544
calendar year, the secretary of state shall announce the names of 48545
all such political parties, indicating that they may apply to 48546
receive such moneys during the ensuing two years. Any political 48547
party named at this time may, not later than the last day of 48548
January of the ensuing odd-numbered year, make application with 48549
the tax commissioner to receive public moneys. A political party 48550

that fails to make a timely application shall not receive public 48551
moneys during that two-year period. The tax commissioner shall 48552
prescribe an appropriate application form. Moneys from the fund 48553
shall be provided during the appropriate two-year period to each 48554
political party that makes a timely application in accordance with 48555
this division. 48556

Sec. 3701.021. (A) The director of health shall adopt, in 48557
accordance with Chapter 119. of the Revised Code, such rules as 48558
are necessary to carry out sections 3701.021 to 3701.0210 of the 48559
Revised Code, including, but not limited to, rules to establish 48560
the following: 48561

(1) Medical and financial eligibility requirements for the 48562
program for medically handicapped children; 48563

(2) ~~Eligibility~~ Subject to division (C) of this section, 48564
eligibility requirements for providers ~~of~~ who provide goods and 48565
services for the program for medically handicapped children; 48566

(3) Procedures to be followed by the department of health in 48567
disqualifying providers for violating requirements adopted under 48568
division (A)(2) of this section; 48569

(4) Procedures to be used by the department regarding 48570
application for diagnostic services under division (B) of section 48571
3701.023 of the Revised Code and payment for those services under 48572
division (E) of that section; 48573

(5) Standards for the provision of service coordination by 48574
the department of health and city and general health districts; 48575

(6) Procedures for the department to use to determine the 48576
amount to be paid annually by each county for services for 48577
medically handicapped children and to allow counties to retain 48578
funds under divisions (A)(2) and (3) of section 3701.024 of the 48579
Revised Code; 48580

(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	48581 48582 48583
(8) Criteria for payment of approved providers who provide <u>goods and services</u> for medically handicapped children;	48584 48585
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	48586 48587 48588
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	48589 48590 48591
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	48592 48593 48594
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	48595 48596
(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.	48597 48598 48599 48600 48601
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.	48602 48603 48604 48605
<u>(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for medically handicapped children that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in</u>	48606 48607 48608 48609 48610

the program for medically handicapped children. 48611

Sec. 3701.12. (A) As used in this section: 48612

(1) "Third party" means any person or government entity other 48613
than the department of health or a program administered by the 48614
department. 48615

(2) "Third party benefits" means any and all benefits paid by 48616
a third party to or on behalf of an individual or the individual's 48617
parent or guardian for goods or services the individual has 48618
received from the department of health or a grantee or contractor 48619
of the department. 48620

(B) Except as provided in division (C) of this section, the 48621
department of health shall not, on or after January 1, 2018, pay 48622
for goods or services that are payable through third party 48623
benefits. 48624

(C) The prohibition in division (B) of this section does not 48625
apply when expressly contrary to another provision of the Revised 48626
Code or when, as determined by the director of health, department 48627
of health funds are required to mitigate the spread of infectious 48628
disease or are needed for exceptional circumstances. 48629

Sec. 3701.144. (A) As used in this section, "cost sharing" 48630
has the same meaning as in section 3923.85 of the Revised Code. 48631

(B) The department of health shall administer the state's 48632
participation in the national breast and cervical cancer early 48633
detection program (NBCCEDP), which shall be known as the Ohio 48634
breast and cervical cancer project. The project shall be 48635
administered in accordance with Title XV of the "Public Health 48636
Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP 48637
grant agreement with the United States centers for disease control 48638
and prevention. 48639

(C) In administering the project, the department shall set 48640
eligibility requirements for services provided through the project 48641
as follows: 48642

(1) The woman must have countable family income not exceeding 48643
two hundred fifty per cent of the federal poverty line. 48644

(2) One of the following must be the case: 48645

(a) The woman is not covered by health insurance. 48646

(b) The woman is covered by health insurance that does not 48647
include the screening or diagnostic services the woman seeks 48648
through the project. 48649

(c) The woman is covered by health insurance that imposes 48650
cost sharing for the screening or diagnostic services the woman 48651
seeks through the project that exceeds the limit specified by the 48652
director of health in rules adopted under division (D) of this 48653
section. 48654

(3) In the case of a woman seeking cervical cancer screening 48655
and diagnostic services through the project, the woman must be at 48656
least twenty-one and less than sixty-five years of age. 48657

(4) In the case of a woman seeking breast cancer screening 48658
and diagnostic services through the project, either of the 48659
following must be the case: 48660

(a) The woman is at least forty and less than sixty-five 48661
years of age. 48662

(b) The woman is at least twenty-five and less than forty 48663
years of age and has been determined by a physician to need breast 48664
cancer screening and diagnostic services due to the results of a 48665
clinical breast examination, the woman's family history, or other 48666
factors. 48667

(D) The director shall adopt rules for purposes of division 48668
(C)(2)(c) of this section specifying the cost sharing limit for 48669

each screening and diagnostic service that may be obtained through 48670
the project. The director may adopt other rules as necessary to 48671
implement this section. The rules shall be adopted in accordance 48672
with Chapter 119. of the Revised Code. 48673

Sec. 3701.243. (A) Except as provided in this section or 48674
section 3701.248 of the Revised Code, no person or agency of state 48675
or local government that acquires the information while providing 48676
any health care service or while in the employ of a health care 48677
facility or health care provider shall disclose or compel another 48678
to disclose any of the following: 48679

(1) The identity of any individual on whom an HIV test is 48680
performed; 48681

(2) The results of an HIV test in a form that identifies the 48682
individual tested; 48683

(3) The identity of any individual diagnosed as having AIDS 48684
or an AIDS-related condition. 48685

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 48686
(F) of this section, the results of an HIV test or the identity of 48687
an individual on whom an HIV test is performed or who is diagnosed 48688
as having AIDS or an AIDS-related condition may be disclosed only 48689
to the following: 48690

(a) The individual who was tested or the individual's legal 48691
guardian, and the individual's spouse or any sexual partner; 48692

(b) A person to whom disclosure is authorized by a written 48693
release, executed by the individual tested or by the individual's 48694
legal guardian and specifying to whom disclosure of the test 48695
results or diagnosis is authorized and the time period during 48696
which the release is to be effective; 48697

(c) ~~The individual's~~ Any physician who treats the individual; 48698

(d) The department of health or a health commissioner to 48699

which reports are made under section 3701.24 of the Revised Code; 48700

(e) A health care facility or provider that procures, 48701
processes, distributes, or uses a human body part from a deceased 48702
individual, donated for a purpose specified in Chapter 2108. of 48703
the Revised Code, and that needs medical information about the 48704
deceased individual to ensure that the body part is medically 48705
acceptable for its intended purpose; 48706

(f) Health care facility staff committees or accreditation or 48707
oversight review organizations conducting program monitoring, 48708
program evaluation, or service reviews; 48709

(g) A health care provider, emergency medical services 48710
worker, or peace officer who sustained a significant exposure to 48711
the body fluids of another individual, if that individual was 48712
tested pursuant to division (E)(6) of section 3701.242 of the 48713
Revised Code, except that the identity of the individual tested 48714
shall not be revealed; 48715

(h) To law enforcement authorities pursuant to a search 48716
warrant or a subpoena issued by or at the request of a grand jury, 48717
a prosecuting attorney, a city director of law or similar chief 48718
legal officer of a municipal corporation, or a village solicitor, 48719
in connection with a criminal investigation or prosecution. 48720

(2) The results of an HIV test or a diagnosis of AIDS or an 48721
AIDS-related condition may be disclosed to a health care provider, 48722
or an authorized agent or employee of a health care facility or a 48723
health care provider, if the provider, agent, or employee has a 48724
medical need to know the information and is participating in the 48725
diagnosis, care, or treatment of the individual on whom the test 48726
was performed or who has been diagnosed as having AIDS or an 48727
AIDS-related condition. 48728

This division does not impose a standard of disclosure 48729
different from the standard for disclosure of all other specific 48730

information about a patient to health care providers and 48731
facilities. Disclosure may not be requested or made solely for the 48732
purpose of identifying an individual who has a positive HIV test 48733
result or has been diagnosed as having AIDS or an AIDS-related 48734
condition in order to refuse to treat the individual. Referral of 48735
an individual to another health care provider or facility based on 48736
reasonable professional judgment does not constitute refusal to 48737
treat the individual. 48738

(3) Not later than ninety days after November 1, 1989, each 48739
health care facility in this state shall establish a protocol to 48740
be followed by employees and individuals affiliated with the 48741
facility in making disclosures authorized by division (B)(2) of 48742
this section. A person employed by or affiliated with a health 48743
care facility who determines in accordance with the protocol 48744
established by the facility that a disclosure is authorized by 48745
division (B)(2) of this section is immune from liability to any 48746
person in a civil action for damages for injury, death, or loss to 48747
person or property resulting from the disclosure. 48748

(C)(1) Any person or government agency may seek access to or 48749
authority to disclose the HIV test records of an individual in 48750
accordance with the following provisions: 48751

(a) The person or government agency shall bring an action in 48752
a court of common pleas requesting disclosure of or authority to 48753
disclose the results of an HIV test of a specific individual, who 48754
shall be identified in the complaint by a pseudonym but whose name 48755
shall be communicated to the court confidentially, pursuant to a 48756
court order restricting the use of the name. The court shall 48757
provide the individual with notice and an opportunity to 48758
participate in the proceedings if the individual is not named as a 48759
party. Proceedings shall be conducted in chambers unless the 48760
individual agrees to a hearing in open court. 48761

(b) The court may issue an order granting the plaintiff 48762

access to or authority to disclose the test results only if the 48763
court finds by clear and convincing evidence that the plaintiff 48764
has demonstrated a compelling need for disclosure of the 48765
information that cannot be accommodated by other means. In 48766
assessing compelling need, the court shall weigh the need for 48767
disclosure against the privacy right of the individual tested and 48768
against any disservice to the public interest that might result 48769
from the disclosure, such as discrimination against the individual 48770
or the deterrence of others from being tested. 48771

(c) If the court issues an order, it shall guard against 48772
unauthorized disclosure by specifying the persons who may have 48773
access to the information, the purposes for which the information 48774
shall be used, and prohibitions against future disclosure. 48775

(2) A person or government agency that considers it necessary 48776
to disclose the results of an HIV test of a specific individual in 48777
an action in which it is a party may seek authority for the 48778
disclosure by filing an in camera motion with the court in which 48779
the action is being heard. In hearing the motion, the court shall 48780
employ procedures for confidentiality similar to those specified 48781
in division (C)(1) of this section. The court shall grant the 48782
motion only if it finds by clear and convincing evidence that a 48783
compelling need for the disclosure has been demonstrated. 48784

(3) Except for an order issued in a criminal prosecution or 48785
an order under division (C)(1) or (2) of this section granting 48786
disclosure of the result of an HIV test of a specific individual, 48787
a court shall not compel a blood bank, hospital blood center, or 48788
blood collection facility to disclose the result of HIV tests 48789
performed on the blood of voluntary donors in a way that reveals 48790
the identity of any donor. 48791

(4) In a civil action in which the plaintiff seeks to recover 48792
damages from an individual defendant based on an allegation that 48793
the plaintiff contracted the HIV virus as a result of actions of 48794

the defendant, the prohibitions against disclosure in this section 48795
do not bar discovery of the results of any HIV test given to the 48796
defendant or any diagnosis that the defendant suffers from AIDS or 48797
an AIDS-related condition. 48798

(D) The results of an HIV test or the identity of an 48799
individual on whom an HIV test is performed or who is diagnosed as 48800
having AIDS or an AIDS-related condition may be disclosed to a 48801
federal, state, or local government agency, or the official 48802
representative of such an agency, for purposes of the medicaid 48803
program, the medicare program, or any other public assistance 48804
program. 48805

(E) Any disclosure pursuant to this section shall be in 48806
writing and accompanied by a written statement that includes the 48807
following or substantially similar language: "This information has 48808
been disclosed to you from confidential records protected from 48809
disclosure by state law. You shall make no further disclosure of 48810
this information without the specific, written, and informed 48811
release of the individual to whom it pertains, or as otherwise 48812
permitted by state law. A general authorization for the release of 48813
medical or other information is not sufficient for the purpose of 48814
the release of HIV test results or diagnoses." 48815

(F) An individual who knows that the individual has received 48816
a positive result on an HIV test or has been diagnosed as having 48817
AIDS or an AIDS-related condition shall disclose this information 48818
to any other person with whom the individual intends to make 48819
common use of a hypodermic needle or engage in sexual conduct as 48820
defined in section 2907.01 of the Revised Code. An individual's 48821
compliance with this division does not prohibit a prosecution of 48822
the individual for a violation of division (B) of section 2903.11 48823
of the Revised Code. 48824

(G) Nothing in this section prohibits the introduction of 48825
evidence concerning an HIV test of a specific individual in a 48826

criminal proceeding. 48827

Sec. 3701.601. There is hereby created in the state treasury 48828
the breast and cervical cancer project income tax contribution 48829
fund, which shall consist of money contributed to it under section 48830
5747.113 of the Revised Code and of contributions made directly to 48831
it. Any person may contribute directly to the fund in addition to 48832
or independently of the income tax refund contribution system 48833
established in section 5747.113 of the Revised Code. 48834

The director of health shall distribute the contributed funds 48835
to the Ohio breast and cervical cancer project ~~funded by the~~ 48836
~~national breast and cervical cancer early detection program~~ 48837
~~established under the "Breast and Cervical Cancer Mortality~~ 48838
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 48839
administered under section 3701.144 of the Revised Code. The 48840
contributed funds shall be used specifically for the provision of 48841
breast and cervical cancer screening, diagnostic, and outreach 48842
services to uninsured and under-insured women who meet the 48843
eligibility requirements specified in that section. The breast and 48844
cervical cancer project, through its regional agencies, shall 48845
~~first~~ use the contributed funds to pay for services provided 48846
directly by personnel of local departments of health, federally 48847
qualified health centers as defined by section 3701.047 of the 48848
Revised Code, or other community health centers. ~~If contributed~~ 48849
~~funds remain after a regional agency pays for all screening,~~ 48850
~~diagnostic, and outreach services provided by local departments of~~ 48851
~~health, federally qualified health centers, or other community~~ 48852
~~health centers, the regional agency may use contributed funds to~~ 48853
~~pay for services provided by other providers.~~ 48854

Sec. 3701.611. (A) Not later than six months after ~~the~~ 48855
~~effective date of this section~~ April 6, 2017, the department of 48856
health and the department of developmental disabilities shall 48857

create a central intake and referral system for the state's part C 48858
early intervention services program and all home visiting programs 48859
operating in this state. The system shall comply with all 48860
regulations governing the part C early intervention program for 48861
infants and toddlers with disabilities that are promulgated under 48862
the "Individuals with Disabilities Education Act of 1997," 20 48863
U.S.C. 1400, as amended. Through a competitive bidding process, 48864
the department of health and department of developmental 48865
disabilities may select one or more persons or government entities 48866
to operate the system. 48867

(B) If the department of health and department of 48868
developmental disabilities choose to select one or more system 48869
operators as described in division (A) of this section, a contract 48870
with any system operator shall require that the system do both of 48871
the following: 48872

(1) Serve as a single point of entry for access, assessment, 48873
and referral of families to appropriate home visiting services and 48874
part C early intervention services based on each family's location 48875
of residence; 48876

(2) Use a standardized form or other mechanism to assess for 48877
each family member's risk factors and social determinants of 48878
health, as well as ensure that the family is referred to the 48879
appropriate home visiting or part C early intervention program or 48880
service. 48881

(C) The standardized form or other mechanism described in 48882
division (B)(2) of this section shall be agreed to by the home 48883
visiting consortium created under section 3701.612 of the Revised 48884
Code and the early intervention services advisory council created 48885
under section 5123.0422 of the Revised Code. 48886

~~If the Ohio home visiting consortium created under section 48887
3701.612 of the Revised Code has recommended a standardized form 48888~~

~~or other mechanism for this purpose, the contract may require the use of that form or other mechanism.~~ 48889
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(D) A contract entered into under division (B) of this section shall require a system operator to issue an annual report to the department of health and department of developmental disabilities that includes data regarding referrals made by the central intake and referral system, costs associated with the referrals, and the quality of services received by families who were referred to services through the system. The report shall be distributed to the home visiting consortium created under section 3701.612 of the Revised Code and the early intervention services advisory council created under section 5123.0422 of the Revised Code. 48891
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(E) The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section. 48902
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(F) Nothing in this section is intended to do any of the following: 48907
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(1) Prohibit the department of health or department of developmental disabilities from using alternative promotional materials or names for the central intake and referral system; 48909
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(2) Require the use of help me grow program promotional materials or names; 48912
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(3) Prohibit providers, central coordinators, the department of health, the department of developmental disabilities, or stakeholders from using the help me grow name for promotional materials for both the home visiting and part C early intervention services components. 48914
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Sec. 3701.65. (A) There is hereby created in the state 48919
treasury the "choose life" fund. The fund shall consist of the 48920
contributions that are paid to the registrar of motor vehicles by 48921
applicants who voluntarily elect to obtain "choose life" license 48922
plates pursuant to section 4503.91 of the Revised Code and any 48923
money returned to the fund under division (E)(1)(d) of this 48924
section. All investment earnings of the fund shall be credited to 48925
the fund. 48926

(B)(1) At least annually, the director of health shall 48927
distribute the money in the fund to any private, nonprofit 48928
organization that is eligible to receive funds under this section 48929
and that applies for funding under division (C) of this section. 48930

(2) The director shall allocate the funds to each county in 48931
proportion to the number of "choose life" license plates issued 48932
during the preceding year to vehicles registered in each county. 48933
The director shall distribute funds allocated for a county as 48934
follows: 48935

(a) To one or more eligible organizations located within the 48936
county; 48937

(b) If no eligible organization located within the county 48938
applies for funding, to one or more eligible organizations located 48939
in contiguous counties; 48940

(c) If no eligible organization located within the county or 48941
a contiguous county applies for funding, to one or more eligible 48942
organizations within any other county. 48943

(3) The director shall ensure that any funds allocated for a 48944
county are distributed equally among eligible organizations that 48945
apply for funding within the county. 48946

(C) Any organization seeking funds under this section 48947
annually shall apply for distribution of the funds based on the 48948

county in which the organization is located. An organization also 48949
may apply for funding in a county in which it is not located if it 48950
demonstrates that it provides services for pregnant women residing 48951
in that county. The director shall develop an application form and 48952
may determine the schedule and procedures that an organization 48953
shall follow when annually applying for funds. The application 48954
shall inform the applicant of the conditions for receiving and 48955
using funds under division (E) of this section. The application 48956
shall require evidence that the organization meets all of the 48957
following requirements: 48958

(1) Is a private, nonprofit organization; 48959

(2) Is committed to counseling pregnant women about the 48960
option of adoption; 48961

(3) Provides services within the state to pregnant women who 48962
are planning to place their children for adoption, including 48963
counseling and meeting the material needs of the women; 48964

(4) Does not charge women for any services received; 48965

(5) Is not involved or associated with any abortion 48966
activities, including counseling for or referrals to abortion 48967
clinics, providing medical abortion-related procedures, or 48968
pro-abortion advertising; 48969

(6) Does not discriminate in its provision of any services on 48970
the basis of race, religion, color, age, marital status, national 48971
origin, handicap, gender, or age; 48972

(7) If the organization is applying for funding in a county 48973
in which it is not located, provides services for pregnant women 48974
residing in that county. 48975

(D) The director shall not distribute funds to an 48976
organization that does not provide verifiable evidence of the 48977
requirements specified in the application under division (C) of 48978

this section and shall not provide additional funds to any 48979
organization that fails to comply with division (E) of this 48980
section in regard to its previous receipt of funds under this 48981
section. 48982

(E)(1) An organization receiving funds under this section 48983
shall do all of the following: 48984

(a) Use not more than sixty per cent of the funds distributed 48985
to it for the material needs of pregnant women who are planning to 48986
place their children for adoption or for infants awaiting 48987
placement with adoptive parents, including clothing, housing, 48988
medical care, food, utilities, and transportation; 48989

(b) Use not more than forty per cent of the funds distributed 48990
to it for counseling, training, or advertising; 48991

(c) Not use any of the funds distributed to it for 48992
administrative expenses, legal expenses, or capital expenditures; 48993

(d) Annually return to the fund created under division (A) of 48994
this section any unused money that exceeds ten per cent of the 48995
money distributed to the organization. 48996

(2) The organization annually shall submit to the director an 48997
audited financial statement verifying its compliance with division 48998
(E)(1) of this section. 48999

(F) The director, in accordance with Chapter 119. of the 49000
Revised Code, shall adopt rules to implement this section. 49001

It is not the intent of the general assembly that the 49002
department create a new position within the department to 49003
implement and administer this section. It is the intent of the 49004
general assembly that the implementation and administration of 49005
this section be accomplished by existing department personnel. 49006

(G) If funds that have been allocated to a county for any 49007
previous year have not been distributed to one or more eligible 49008

organizations, the director may distribute those funds in 49009
accordance with this section. 49010

Sec. 3701.83. There is hereby created in the state treasury 49011
the general operations fund. Moneys in the fund shall be used for 49012
the purposes specified in sections 3701.04, 3701.344, 3702.20, 49013
~~3710.15,~~ 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 49014
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 49015
3749.07, 4736.06, 4747.04, and 4769.09 of the Revised Code. 49016

Sec. 3701.881. (A) As used in this section: 49017

(1) "Applicant" means a person who is under final 49018
consideration for employment with a home health agency in a 49019
full-time, part-time, or temporary position that involves 49020
providing direct care to an individual or is referred to a home 49021
health agency by an employment service for such a position. 49022

(2) "Community-based long-term care provider" means a 49023
provider as defined in section 173.39 of the Revised Code. 49024

(3) "Community-based long-term care subcontractor" means a 49025
subcontractor as defined in section 173.38 of the Revised Code. 49026

(4) "Criminal records check" has the same meaning as in 49027
section 109.572 of the Revised Code. 49028

(5) "Direct care" means any of the following: 49029

(a) Any service identified in divisions (A)(8)(a) to (f) of 49030
this section that is provided in a patient's place of residence 49031
used as the patient's home; 49032

(b) Any activity that requires the person performing the 49033
activity to be routinely alone with a patient or to routinely have 49034
access to a patient's personal property or financial documents 49035
regarding a patient; 49036

(c) For each home health agency individually, any other 49037

routine service or activity that the chief administrator of the 49038
home health agency designates as direct care. 49039

(6) "Disqualifying offense" means any of the offenses listed 49040
or described in divisions (A)(3)(a) to (e) of section 109.572 of 49041
the Revised Code. 49042

(7) "Employee" means a person employed by a home health 49043
agency in a full-time, part-time, or temporary position that 49044
involves providing direct care to an individual and a person who 49045
works in such a position due to being referred to a home health 49046
agency by an employment service. 49047

(8) "Home health agency" means a person or government entity, 49048
other than a nursing home, residential care facility, hospice care 49049
program, or pediatric respite care program, that has the primary 49050
function of providing any of the following services to a patient 49051
at a place of residence used as the patient's home: 49052

(a) Skilled nursing care; 49053

(b) Physical therapy; 49054

(c) Speech-language pathology; 49055

(d) Occupational therapy; 49056

(e) Medical social services; 49057

(f) Home health aide services. 49058

(9) "Home health aide services" means any of the following 49059
services provided by an employee of a home health agency: 49060

(a) Hands-on bathing or assistance with a tub bath or shower; 49061

(b) Assistance with dressing, ambulation, and toileting; 49062

(c) Catheter care but not insertion; 49063

(d) Meal preparation and feeding. 49064

(10) "Hospice care program" and "pediatric respite care 49065

program" have the same meanings as in section 3712.01 of the Revised Code.

(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry 49096
established under section 3721.32 of the Revised Code a statement 49097
detailing findings by the director of health that the applicant or 49098
employee abused, neglected, or ~~abused~~ exploited a long-term care 49099
facility or residential care facility resident or misappropriated 49100
property of such a resident; 49101

(c) That the applicant or employee is included in one or more 49102
of the databases, if any, specified in rules adopted under this 49103
section and the rules prohibit the home health agency from 49104
employing an applicant or continuing to employ an employee 49105
included in such a database in a position that involves providing 49106
direct care to an individual. 49107

(2) After the applicant or employee is provided, pursuant to 49108
division (E)(2)(a) of this section, a copy of the form prescribed 49109
pursuant to division (C)(1) of section 109.572 of the Revised Code 49110
and the standard impression sheet prescribed pursuant to division 49111
(C)(2) of that section, the applicant or employee fails to 49112
complete the form or provide the applicant's or employee's 49113
fingerprint impressions on the standard impression sheet. 49114

(3) Except as provided in rules adopted under this section, 49115
the applicant or employee is found by a criminal records check 49116
required by this section to have been convicted of, pleaded guilty 49117
to, or been found eligible for intervention in lieu of conviction 49118
for a disqualifying offense. 49119

(C) Except as provided by division (F) of this section, the 49120
chief administrator of a home health agency shall inform each 49121
applicant of both of the following at the time of the applicant's 49122
initial application for employment or referral to the home health 49123
agency by an employment service for a position that involves 49124
providing direct care to an individual: 49125

(1) That a review of the databases listed in division (D) of 49126

this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 49158
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 49161
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 49163
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(7) Any other database, if any, specified in rules adopted under this section. 49165
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(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of 49167
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investigation in a criminal records check, the chief administrator 49190
shall request that the superintendent obtain information from the 49191
federal bureau of investigation as a part of the criminal records 49192
check. Even if an applicant or employee for whom a criminal 49193
records check request is required by this section presents proof 49194
that the applicant or employee has been a resident of this state 49195
for that five-year period, the chief administrator may request 49196
that the superintendent include information from the federal 49197
bureau of investigation in the criminal records check. 49198

(2) The chief administrator shall do all of the following: 49199

(a) Provide to each applicant and employee for whom a 49200
criminal records check request is required by this section a copy 49201
of the form prescribed pursuant to division (C)(1) of section 49202
109.572 of the Revised Code and a standard impression sheet 49203
prescribed pursuant to division (C)(2) of that section; 49204

(b) Obtain the completed form and standard impression sheet 49205
from each applicant and employee; 49206

(c) Forward the completed form and standard impression sheet 49207
to the superintendent at the time the chief administrator requests 49208
the criminal records check. 49209

(3) A home health agency shall pay to the bureau of criminal 49210
identification and investigation the fee prescribed pursuant to 49211
division (C)(3) of section 109.572 of the Revised Code for each 49212
criminal records check the agency requests under this section. A 49213
home health agency may charge an applicant a fee not exceeding the 49214
amount the agency pays to the bureau under this section if both of 49215
the following apply: 49216

(a) The home health agency notifies the applicant at the time 49217
of initial application for employment of the amount of the fee and 49218
that, unless the fee is paid, the applicant will not be considered 49219
for employment. 49220

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section. 49221
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(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply: 49223
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(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee. 49229
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(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following: 49233
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(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 49238
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 49240
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 49243
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division 49250
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(E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any

request for information from the federal bureau of investigation, 49283
are not obtained within the period ending sixty days after the 49284
date the request for the criminal records check is made. 49285
Regardless of when the results of the criminal records check are 49286
obtained, if the results indicate that the applicant has been 49287
convicted of, pleaded guilty to, or been found eligible for 49288
intervention in lieu of conviction for a disqualifying offense, 49289
the home health agency shall terminate the applicant's employment 49290
unless circumstances specified in rules adopted under this section 49291
that permit the agency to employ the applicant exist and the 49292
agency chooses to employ the applicant. Termination of employment 49293
under this division shall be considered just cause for discharge 49294
for purposes of division (D)(2) of section 4141.29 of the Revised 49295
Code if the applicant makes any attempt to deceive the home health 49296
agency about the applicant's criminal record. 49297

(H) The report of any criminal records check conducted by the 49298
bureau of criminal identification and investigation in accordance 49299
with section 109.572 of the Revised Code and pursuant to a request 49300
made under this section is not a public record for the purposes of 49301
section 149.43 of the Revised Code and shall not be made available 49302
to any person other than the following: 49303

(1) The applicant or employee who is the subject of the 49304
criminal records check or the applicant's or employee's 49305
representative; 49306

(2) The home health agency requesting the criminal records 49307
check or its representative; 49308

(3) The administrator of any other facility, agency, or 49309
program that provides direct care to individuals that is owned or 49310
operated by the same entity that owns or operates the home health 49311
agency that requested the criminal records check; 49312

(4) The employment service that requested the criminal 49313

records check;	49314
(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;	49315 49316 49317
(6) The director of aging or the director's designee if either of the following apply:	49318 49319
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor;	49320 49321 49322 49323
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.	49324 49325 49326 49327 49328
(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply:	49329 49330 49331
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;	49332 49333 49334
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.	49335 49336 49337 49338
(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	49339 49340
(a) A denial of employment of the applicant or employee;	49341
(b) Employment or unemployment benefits of the applicant or employee;	49342 49343

(c) A civil or criminal action regarding the medicaid program. 49344
49345

(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 49346
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 49351
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 49357
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 49362
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 49369
49370

(1) The rules may do the following: 49371

(a) Require employees to undergo database reviews and criminal records checks under this section; 49372
49373

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section 3701.881 of the Revised Code.

(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted

industry sector as identified by the governor's office of 49404
workforce transformation. 49405

(C) The director of job and family services shall review the 49406
criteria for any program that provides occupational training, 49407
adult education, or career pathway assistance through a grant or 49408
other source of funding to determine whether an employee of a home 49409
health agency may participate in the program, and, to the extent 49410
possible, make any necessary changes to the criteria to allow a 49411
home health agency employee to participate in the program. 49412

Sec. 3702.304. (A)(1) The director of health may grant a 49413
variance from the written transfer agreement requirement of 49414
section 3702.303 of the Revised Code if the ambulatory surgical 49415
facility submits to the director a complete variance application, 49416
prescribed by the director, and the director determines after 49417
reviewing the application that the facility is capable of 49418
achieving the purpose of a written transfer agreement in the 49419
absence of one. The director's determination is final. 49420

(2) Not later than sixty days after receiving a variance 49421
application from an ambulatory surgical facility, the director 49422
shall grant or deny the variance. A variance application that has 49423
not been approved within sixty days is considered denied. 49424

(B) A variance application is complete for purposes of 49425
division (A)(1) of this section if it contains or includes as 49426
attachments all of the following: 49427

(1) A statement explaining why application of the requirement 49428
would cause the facility undue hardship and why the variance will 49429
not jeopardize the health and safety of any patient; 49430

(2) A letter, contract, or memorandum of understanding signed 49431
by the facility and one or more consulting physicians who have 49432
admitting privileges at a minimum of one local hospital, 49433

memorializing the physician or physicians' agreement to provide 49434
back-up coverage when medical care beyond the level the facility 49435
can provide is necessary; 49436

(3) For each consulting physician described in division 49437
(B)(2) of this section: 49438

(a) A signed statement in which the physician attests that 49439
the physician is familiar with the facility and its operations, 49440
and agrees to provide notice to the facility of any changes in the 49441
physician's ability to provide back-up coverage; 49442

(b) The estimated travel time from the physician's main 49443
residence or office to each local hospital where the physician has 49444
admitting privileges; 49445

(c) Written verification that the facility has a record of 49446
the name, telephone numbers, and practice specialties of the 49447
physician; 49448

(d) Written verification from the state medical board that 49449
the physician possesses a valid ~~certificate~~ license to practice 49450
medicine and surgery or osteopathic medicine and surgery issued 49451
under Chapter 4731. of the Revised Code; 49452

(e) Documented verification that each hospital at which the 49453
physician has admitting privileges has been informed in writing by 49454
the physician that the physician is a consulting physician for the 49455
ambulatory surgical facility and has agreed to provide back-up 49456
coverage for the facility when medical care beyond the care the 49457
facility can provide is necessary. 49458

(4) A copy of the facility's operating procedures or 49459
protocols that, at a minimum, do all of the following: 49460

(a) Address how back-up coverage by consulting physicians is 49461
to occur, including how back-up coverage is to occur when 49462
consulting physicians are temporarily unavailable; 49463

(b) Specify that each consulting physician is required to 49464
notify the facility, without delay, when the physician is unable 49465
to expeditiously admit patients to a local hospital and provide 49466
for continuity of patient care; 49467

(c) Specify that a patient's medical record maintained by the 49468
facility must be transferred contemporaneously with the patient 49469
when the patient is transferred from the facility to a hospital. 49470

(5) Any other information the director considers necessary. 49471

(C) The director's decision to grant, refuse, or rescind a 49472
variance is final. 49473

(D) The director shall consider each application for a 49474
variance independently without regard to any decision the director 49475
may have made on a prior occasion to grant or deny a variance to 49476
that ambulatory surgical facility or any other facility. 49477

Sec. 3702.307. An ambulatory surgical facility shall notify 49478
the director of health when any of the following occurs: 49479

(A) The facility modifies any provision of its most recent 49480
written transfer agreement filed with the director under section 49481
3702.303 of the Revised Code. Notification under these 49482
circumstances shall occur not later than the business day after 49483
the modification is finalized. As used in this division, "business 49484
day" means a day of the week excluding Saturday, Sunday, and a 49485
legal holiday as defined in section 1.14 of the Revised Code. 49486

(B) The facility modifies its operating procedures or 49487
protocols described in division (B)(4) of section 3702.304 of the 49488
Revised Code. Notification under these circumstances shall occur 49489
not later than forty-eight hours after the modification is made. 49490

(C) The ambulatory surgical facility becomes aware of an 49491
event, including disciplinary action by the state medical board 49492
pursuant to section 4731.22 of the Revised Code, that may affect a 49493

consulting physician's ~~certificate~~ license to practice medicine 49494
and surgery or osteopathic medicine and surgery or the physician's 49495
ability to admit patients to a hospital identified in a variance 49496
application, as described in division (B)(3)(e) of section 49497
3702.304 of the Revised Code. Notification under these 49498
circumstances shall occur not later than one week after the 49499
facility becomes aware of the event's occurrence. 49500

Sec. 3702.52. The director of health shall administer a state 49501
certificate of need program in accordance with sections 3702.51 to 49502
3702.62 of the Revised Code and rules adopted under those 49503
sections. 49504

(A) The director shall issue rulings on whether a particular 49505
proposed project is a reviewable activity. The director shall 49506
issue a ruling not later than forty-five days after receiving a 49507
request for a ruling accompanied by the information needed to make 49508
the ruling. If the director does not issue a ruling in that time, 49509
the project shall be considered to have been ruled not a 49510
reviewable activity. 49511

(B)(1) Each application for a certificate of need shall be 49512
submitted to the director on forms and in the manner prescribed by 49513
the director. Each application shall include a plan for obligating 49514
the capital expenditures or implementing the proposed project on a 49515
timely basis in accordance with section 3702.524 of the Revised 49516
Code. Each application shall also include all other information 49517
required by rules adopted under division (B) of section 3702.57 of 49518
the Revised Code. 49519

(2) Each application shall be accompanied by the application 49520
fee established in rules adopted under division (G) of section 49521
3702.57 of the Revised Code. Application fees received by the 49522
director under this division shall be deposited into the state 49523
treasury to the credit of the certificate of need fund, which is 49524

hereby created. The director shall use the fund only to pay the 49525
costs of administering sections 3702.11 to 3702.20, 3702.30, and 49526
3702.51 to 3702.62 of the Revised Code and rules adopted under 49527
those sections. An application fee is nonrefundable unless the 49528
director determines that the application cannot be accepted. 49529

(3) The director shall review applications for certificates 49530
of need. As part of a review, the director shall determine whether 49531
an application is complete. The director shall not consider an 49532
application to be complete unless the application meets all 49533
criteria for a complete application specified in rules adopted 49534
under section 3702.57 of the Revised Code. The director shall mail 49535
to the applicant a written notice that the application is 49536
complete, or a written request for additional information, not 49537
later than thirty days after receiving an application or a 49538
response to an earlier request for information. Except as provided 49539
in section 3702.522 of the Revised Code, the director shall not 49540
make more than two requests for additional information. The 49541
director's determination that an application is not complete is 49542
final and not subject to appeal. 49543

(4) Except as necessary to comply with a subpoena issued 49544
under division (F) of this section, after a notice of completeness 49545
has been received, no person shall make revisions to information 49546
that was submitted to the director before the director mailed the 49547
notice of completeness or knowingly discuss in person or by 49548
telephone the merits of the application with the director. A 49549
person may supplement an application after a notice of 49550
completeness has been received by submitting clarifying 49551
information to the director. 49552

(C) All of the following apply to the process of granting or 49553
denying a certificate of need: 49554

(1) If the project proposed in a certificate of need 49555
application meets all of the applicable certificate of need 49556

criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant a certificate of need for all or part of the project that is the subject of the application by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness.

(5) Except as otherwise provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall 49588
specify as the maximum capital expenditure the certificate holder 49589
may obligate under the certificate a figure equal to one hundred 49590
ten per cent of the approved project cost. 49591

(9) In granting a certificate of need, the director may grant 49592
the certificate with conditions that must be met by the holder of 49593
the certificate. 49594

(D) When a certificate of need is granted for a project under 49595
which beds are to be relocated, upon completion of the project for 49596
which the certificate of need was granted a number of beds equal 49597
to the number of beds relocated shall cease to be operated in the 49598
long-term care facility from which they are relocated, except that 49599
the beds may continue to be operated for not more than fifteen 49600
days to allow relocation of residents to the facility to which the 49601
beds have been relocated. Notwithstanding section 3721.03 of the 49602
Revised Code, if the relocated beds are in a home licensed under 49603
Chapter 3721. of the Revised Code, the facility's license is 49604
automatically reduced by the number of beds relocated effective 49605
fifteen days after the beds are relocated. If the beds are in a 49606
facility that is certified as a skilled nursing facility or 49607
nursing facility under Title XVIII or XIX of the "Social Security 49608
Act," the certification for the beds shall be surrendered. If the 49609
beds are registered under section 3701.07 of the Revised Code as 49610
skilled nursing beds or long-term care beds, the director shall 49611
remove the beds from registration not later than fifteen days 49612
after the beds are relocated. 49613

(E) During the period beginning with the granting of a 49614
certificate of need and ending five years after implementation of 49615
the reviewable activity for which the certificate was granted, the 49616
director shall monitor the activities of the person granted the 49617
certificate to determine whether the reviewable activity is 49618
conducted in substantial accordance with the certificate. A 49619

reviewable activity shall not be determined to be not in 49620
substantial accordance with the certificate of need solely because 49621
of a either of the following: 49622

(1) A decrease in bed capacity; 49623

(2) A change in the owner or operator of the facility unless 49624
any of the circumstances specified in division (B) of section 49625
3702.59 of the Revised Code apply to the new owner or operator. 49626

(F) When reviewing applications for certificates of need, 49627
considering appeals under section 3702.60 of the Revised Code, or 49628
monitoring activities of persons granted certificates of need, the 49629
director may issue and enforce, in the manner provided in section 49630
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 49631
compel a person to testify and produce documents relevant to 49632
review of the application, consideration of the appeal, or 49633
monitoring of the activities. In addition, the director or the 49634
director's designee may visit the sites where the activities are 49635
or will be conducted. 49636

(G) The director may withdraw certificates of need. 49637

(H) All long-term care facilities shall submit to the 49638
director, upon request, any information prescribed by rules 49639
adopted under division (H) of section 3702.57 of the Revised Code 49640
that is necessary to conduct reviews of certificate of need 49641
applications and to develop criteria for reviews. 49642

(I) Any decision to grant or deny a certificate of need shall 49643
consider the special needs and circumstances resulting from moral 49644
and ethical values and the free exercise of religious rights of 49645
long-term care facilities administered by religious organizations, 49646
and the special needs and circumstances of inner city and rural 49647
communities. 49648

Sec. 3702.72. (A) A primary care physician who will not have 49649

an outstanding obligation for medical service to the federal 49650
government, a state, or other entity at the time of participation 49651
in the physician loan repayment program and meets one of the 49652
following requirements may apply for participation in the 49653
physician loan repayment program: 49654

(1) The primary care physician is enrolled in the final year 49655
of an accredited program required for board certification in a 49656
primary care specialty. 49657

(2) The primary care physician is enrolled in the final year 49658
of a fellowship program in a primary care specialty. 49659

(3) The primary care physician holds a valid ~~certificate~~ 49660
license to practice medicine and surgery or osteopathic medicine 49661
and surgery issued under Chapter 4731. of the Revised Code. 49662

(B) An application for participation in the physician loan 49663
repayment program shall be submitted to the director of health on 49664
a form that the director shall prescribe. The information required 49665
to be submitted with an application includes the following: 49666

(1) The applicant's name, permanent address or address at 49667
which the applicant is currently residing if different from the 49668
permanent address, and telephone number; 49669

(2) The applicant's primary care specialty or specialties; 49670

(3) The medical school or osteopathic medical school the 49671
applicant attended, the dates of attendance, and verification of 49672
attendance; 49673

(4) The facility or institution where the applicant's medical 49674
residency program was completed or is being performed, and, if 49675
completed, the date of completion; 49676

(5) If applicable, the facility or institution where the 49677
applicant's fellowship was completed or is being performed, and, 49678
if completed, the date of completion; 49679

(6) A summary and verification of the educational expenses	49680
for which the applicant seeks reimbursement under the program;	49681
(7) Verification of the applicant's authorization under	49682
Chapter 4731. of the Revised Code to practice medicine and surgery	49683
or osteopathic medicine and surgery;	49684
(8) Verification of the applicant's United States citizenship	49685
or status as a legal alien.	49686
Sec. 3704.01. As used in this chapter:	49687
(A) "Administrator" means the administrator of the United	49688
States environmental protection agency or the chief executive of	49689
any successor federal agency responsible for implementation of the	49690
federal Clean Air Act.	49691
(B) "Air contaminant" means particulate matter, dust, fumes,	49692
gas, mist, radionuclides, smoke, vapor, or odorous substances, or	49693
any combination thereof, but does not mean emissions from	49694
agricultural production activities, as defined in section 929.01	49695
of the Revised Code, that are consistent with generally accepted	49696
agricultural practices, were established prior to adjacent	49697
nonagricultural activities, have no substantial, adverse effect on	49698
the public health, safety, or welfare, do not result from the	49699
negligent or other improper operations of any such agricultural	49700
activities, and would not be required to obtain a Title V permit.	49701
For the purposes of this chapter, agricultural production	49702
activities do not include the installation and operation of	49703
off-farm facilities for the storage or processing of agricultural	49704
products, including, but not limited to, alfalfa dehydrating	49705
facilities, rendering plants, and feed and grain mills, elevators,	49706
and terminals.	49707
(C) "Air contaminant source" means each separate operation or	49708
activity that results or may result in the emission of any air	49709

contaminant. 49710

(D) "Air pollution" means the presence in the ambient air of 49711
one or more air contaminants or any combination thereof in 49712
sufficient quantity and of such characteristics and duration as is 49713
or threatens to be injurious to human health or welfare, plant or 49714
animal life, or property, or as unreasonably interferes with the 49715
comfortable enjoyment of life or property. 49716

(E) "Ambient air" means that portion of the atmosphere 49717
outside of buildings and other enclosures, stacks, or ducts that 49718
surrounds human, plant, or animal life or property. 49719

(F) "Best available technology" means any combination of work 49720
practices, raw material specifications, throughput limitations, 49721
source design characteristics, an evaluation of the annualized 49722
cost per ton of pollutant removed, and air pollution control 49723
devices that have been previously demonstrated to the director of 49724
environmental protection to operate satisfactorily in this state 49725
or other states with similar air quality on substantially similar 49726
air pollution sources. 49727

(G) "Change within a permitted facility" means, within the 49728
context of the Title V permit program established under section 49729
3704.036 of the Revised Code, a change that is limited by a 49730
federally enforceable provision of an applicable Title V permit 49731
and that does not include physical, production, or other changes 49732
that are neither addressed nor limited by the federally 49733
enforceable portion of a Title V permit unless the change would 49734
result in a violation of a federally enforceable requirement or a 49735
modification under Title I of the federal Clean Air Act or would 49736
be subject to any requirements under Title IV of that act. 49737

(H) "Emit" or "emission" means the release into the ambient 49738
air of an air contaminant. 49739

(I) "Emission limitation" and "emission standard" mean a 49740

requirement that limits the quantity, rate, or concentration of 49741
emissions of air contaminants, including any requirement relating 49742
to the operation or maintenance of an air contaminant source. 49743

(J) "Facility," for the purposes of the Title V permit 49744
program established under section 3704.036 of the Revised Code, 49745
means all of the emitting activities that are located on 49746
contiguous or adjacent properties that are under the control of 49747
the same person or persons or are under common control and that 49748
are in the same major group as described in the standard 49749
Industrial Classification Manual, 1987. 49750

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 49751
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 49752
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 49753
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 49754
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 49755
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 49756
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 49757
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 49758
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 49759
that have been or may hereafter be adopted, or any supplements to 49760
those acts and laws of the United States that have been or may 49761
hereafter be enacted in substitution therefor, together with any 49762
regulations that have been or may hereafter be adopted by the 49763
administrator by virtue of and in accordance with those acts and 49764
laws. Reference to a particular title or section of the federal 49765
Clean Air Act includes any amendments that have been or may 49766
hereafter be enacted in substitution therefor and any regulations 49767
pertaining to the title or section that have been or may hereafter 49768
be adopted by the administrator by virtue of and in accordance 49769
with the federal Clean Air Act. 49770

(L) "Hazardous air pollutant" means any pollutant listed 49771
under section 112(b) of the federal Clean Air Act. 49772

(M) "Implementation plan" means a program for the prevention 49773
and abatement of air pollution in the state that has been 49774
promulgated or approved by the administrator pursuant to the 49775
federal Clean Air Act. 49776

(N) "Local air pollution control authority" includes all of 49777
the following unless terminated by the political subdivisions 49778
represented thereby: 49779

(1) All of the following agencies representing the following 49780
political subdivisions, as those agencies existed on ~~the effective~~ 49781
~~date of this section~~ July 1, 1993: 49782

(a) The Akron regional air quality management district 49783
representing Medina, Summit, and Portage counties; 49784

(b) The Canton city health department representing Stark 49785
county; 49786

(c) The Hamilton county department of environmental services, 49787
southwest Ohio air quality agency representing Butler, Warren, 49788
Hamilton, and Clermont counties; 49789

(d) The city of Cleveland division of the environment 49790
representing ~~the city of Cleveland~~ Cuyahoga county; 49791

(e) The regional air pollution control agency representing 49792
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 49793

(f) The Lake county general health district representing Lake 49794
and Geauga counties; 49795

(g) The Portsmouth city health department representing Brown, 49796
Adams, Scioto, and Lawrence counties; 49797

(h) ~~The north Ohio valley air authority representing Carroll,~~ 49798
~~Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;~~ 49799

(i) The city of Toledo division of pollution control 49800
representing Lucas county and the city of Rossford in Wood county; 49801

~~(j)~~(i) The Mahoning-Trumbull air pollution control agency, 49802
city of Youngstown, representing Trumbull and Mahoning counties. 49803

(2) Any successor to an existing local air pollution control 49804
authority listed in divisions (N)(1)(a) to ~~(j)~~(i) of this section 49805
that results from a change in the political subdivisions 49806
comprising the local air pollution control authority through the 49807
withdrawal of a political subdivision from membership in the local 49808
air pollution control authority or the inclusion of an additional 49809
political subdivision in the membership of the local air pollution 49810
control authority; 49811

(3) Any new local air pollution control authority established 49812
on or after ~~the effective date of this section~~ July 1, 1993, by 49813
one or more political subdivisions of this state for the purposes 49814
of exercising the powers reserved to political subdivisions of 49815
this state under division (A) of section 3704.11 of the Revised 49816
Code. 49817

(O) "Person" means the federal government or any agency 49818
thereof, the state or any agency thereof, any political 49819
subdivision or any agency thereof, or any public or private 49820
corporation, individual, partnership, or other entity. 49821

(P) "Research and development sources" means sources whose 49822
activities are conducted for nonprofit scientific or educational 49823
purposes; sources whose activities are conducted to test more 49824
efficient production processes or methods for preventing or 49825
reducing adverse environmental impacts, provided that the 49826
activities do not include the production of an intermediate or 49827
final product for sale or exchange for commercial profit, except 49828
in a de minimis manner; a research or laboratory source the 49829
primary purpose of which is to conduct research and development 49830
into new processes and products, that is operated under the close 49831
supervision of technically trained personnel, and that is not 49832
engaged in the manufacture of products for sale or exchange for 49833

commercial profit, except in a de minimis manner; the temporary 49834
use of normal production sources in a research and development 49835
mode to test the technical or commercial viability of alternative 49836
raw materials or production processes, provided that the use does 49837
not include the production of an intermediate or final product for 49838
sale or exchange for commercial profit, except in a de minimis 49839
manner; the experimental firing of any fuel or combination of 49840
fuels in a boiler, heater, furnace, or dryer for the purpose of 49841
conducting research and development of more efficient combustion 49842
or more effective prevention or control of air pollutant 49843
emissions, provided that, during those periods of research and 49844
development, the heat generated is not used for normal production 49845
purposes or for producing a product for sale or exchange for 49846
commercial profit, except in a de minimis manner; and such other 49847
similar sources as the director may prescribe by rule. 49848

(Q) "Responsible official" means one of the following, as 49849
applicable: 49850

(1) For a corporation: a president, secretary, treasurer, or 49851
vice-president of the corporation in charge of a principal 49852
business function, any other person who performs similar policy or 49853
decision-making functions for the corporation, or a duly 49854
authorized representative of any such person if the representative 49855
is responsible for the overall operation of one or more 49856
manufacturing, production, or operating facilities applying for or 49857
subject to a Title V permit and if one of the following applies: 49858

(a) The facilities employ more than two hundred fifty 49859
individuals or have gross annual sales or expenditures exceeding 49860
twenty-five million dollars, in second quarter 1980 dollars; 49861

(b) The delegation of authority to the representative is 49862
approved in advance by the director. 49863

(2) For a partnership or sole proprietorship: a general 49864

partner or the proprietor, respectively. 49865

(3) For the federal government or any agency thereof, the 49866
state or any agency thereof, a political subdivision or any agency 49867
thereof, or any other public agency, either a principal executive 49868
officer or authorized elected official. For the purposes of this 49869
division, a principal executive officer of a federal agency 49870
includes the chief executive officer having responsibility for the 49871
overall operation of a principal geographic unit of the agency. 49872

(4) For affected sources, both of the following: 49873

(a) The designated representative insofar as actions, 49874
standards, requirements, or prohibitions under Title IV of the 49875
federal Clean Air Act or regulations adopted under it are 49876
concerned; 49877

(b) The designated representative for any other purposes 49878
under 40 C.F.R. part 70. 49879

(R) "Small business stationary source" means any building, 49880
structure, facility, or installation that emits any federally 49881
regulated air pollutant and is owned or operated by a person who 49882
employs one hundred or fewer individuals; is a small business 49883
concern as defined in the "Small Business Act," 72 Stat. 384 49884
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 49885
source as defined in section 302(j) of the federal Clean Air Act; 49886
does not emit fifty tons or more per year of any federally 49887
regulated air pollutant or any hazardous air pollutant; and emits 49888
less than seventy-five tons per year of all federally regulated 49889
air pollutants. 49890

(S) "Title V permit" means an operating permit required to be 49891
issued by the state under section 502 of the federal Clean Air Act 49892
and issued under section 3704.036 of the Revised Code and rules 49893
adopted under it. 49894

(T) For the purposes of the Title V permit program 49895

established under this chapter and rules adopted under it, all 49896
terms defined in 40 C.F.R. part 70 have the same meaning as in 49897
that part. 49898

Sec. 3704.035. (A) There is hereby created in the state 49899
treasury the Title V clean air fund. Except as otherwise provided 49900
in division (K) of section 3745.11 of the Revised Code, all moneys 49901
collected under division (B) of that section, and any gifts, 49902
grants, or contributions received by the director of environmental 49903
protection for the purposes of the fund, shall be credited to the 49904
fund. 49905

The director shall expend all moneys credited to the fund 49906
solely to administer and enforce the Title V program pursuant to 49907
the federal Clean Air Act, this chapter, and rules adopted under 49908
it, except as costs relating to enforcement are limited by the 49909
federal Clean Air Act. The director shall establish separate and 49910
distinct accounting for all such moneys. 49911

(B) There is hereby created in the state treasury the 49912
non-Title V clean air fund. All money collected under section 49913
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 49914
3745.11 of the Revised Code shall be credited to the fund. In 49915
addition, any gifts, grants, or contributions received by the 49916
director for the purposes of the fund shall be credited to the 49917
fund. 49918

The director shall expend money in the fund exclusively to 49919
pay the cost of administering and enforcing the laws of this state 49920
pertaining to the prevention, control, and abatement of air 49921
pollution, the prevention, control, and abatement of asbestos, 49922
rules adopted under those laws, and terms and conditions of 49923
permits, variances, and orders issued under those laws, and 49924
asbestos abatement licensure and certification issued under those 49925
laws. However, the director shall not expend money credited to the 49926

fund for the administration and enforcement of the Title V permit 49927
program established under this chapter and rules adopted under it 49928
or motor vehicle inspection and maintenance programs established 49929
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 49930
of the Revised Code. 49931

(C) The director shall report biennially to the general 49932
assembly the amounts of fees and other moneys credited to the 49933
funds under this section and the amounts expended from them for 49934
each of the various air pollution control programs. 49935

Sec. 3704.111. (A) Not later than October 1, 1993, the 49936
director of environmental protection shall enter into a delegation 49937
agreement with each local air pollution control authority listed 49938
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 49939
Revised Code under which the local air pollution control authority 49940
agrees to perform on behalf of the environmental protection agency 49941
air pollution control regulatory services within the political 49942
subdivision represented by the local air pollution control 49943
authority. The director may enter into such a delegation agreement 49944
with a local air pollution control authority established on or 49945
after the effective date of this section, subject to the condition 49946
established in division (B) of this section. Each delegation 49947
agreement shall be self-renewing on an annual basis on the first 49948
day of October of each year. The terms of each such delegation 49949
agreement shall remain unchanged from year to year unless they are 49950
amended by mutual agreement of the director and the local air 49951
pollution control authority. 49952

(B) The director may conduct a periodic performance 49953
evaluation of the air pollution control program operated by each 49954
local air pollution control authority. Based upon the findings of 49955
such a performance evaluation, the director may terminate or 49956
refuse to renew the delegation agreement with a local air 49957

pollution control authority if ~~he~~ the director determines that the 49958
local air pollution control authority is not adequately performing 49959
its obligations under the agreement. 49960

(C) The director may enter into contracts for payments to 49961
local air pollution control authorities from moneys credited to 49962
the clean air fund created in section 3704.035 of the Revised 49963
Code, subject to the limitation specified in that section, and any 49964
other moneys appropriated by the general assembly for that 49965
purpose. The director shall distribute the moneys available for 49966
making payments to the local air pollution control authorities 49967
pursuant to such contracts equitably among the local air pollution 49968
control authorities based upon the amount of local funding and the 49969
workload of each local air pollution control authority, including, 49970
without limitation, population served, number of air permits 49971
issued for both new and existing sources, land area, and number of 49972
air contaminant sources. The director biennially shall review the 49973
workload of each local air pollution control authority and shall 49974
determine the percentage of the moneys available for the purpose 49975
of making payments under the contracts. In determining the 49976
percentage of those moneys that is to be so distributed, the 49977
director shall consider the recommendations of the local air 49978
pollution control authorities. 49979

(D) The director may modify a contract between the director 49980
and a local air pollution control authority to authorize the local 49981
air pollution control authority to perform air pollution control 49982
activities outside the geographic boundaries of that local air 49983
pollution control authority. 49984

Sec. 3705.07. (A) The local registrar of vital statistics 49985
shall number consecutively ~~the birth,~~ each fetal death, and death 49986
~~certificates in three separate series, beginning with "number one"~~ 49987
~~for the first birth, the first fetal death, and the first death~~ 49988

~~registered in each calendar year certificate printed on paper that~~ 49989
~~the local registrar receives from the electronic death~~ 49990
~~registration system (EDRS) maintained by the department of health.~~ 49991
The number assigned to each certificate shall be the one provided 49992
by EDRS. Such local registrar shall sign the local registrar's 49993
name in attest to the date of filing in the local office. The 49994
local registrar shall make a complete and accurate copy of each 49995
~~birth, fetal death, and death certificate registered printed on~~ 49996
~~paper that is filed.~~ Each paper copy shall be filed and 49997
~~permanently~~ preserved as the local record ~~of such birth, fetal~~ 49998
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 49999
~~and 3705.124 of the Revised Code until the electronic information~~ 50000
~~regarding the event has been completed and made available in EDRS~~ 50001
~~and EDRS is capable of issuing a complete and accurate electronic~~ 50002
~~copy of the certificate.~~ The local record may be a ~~typewritten,~~ 50003
photographic, electronic, or other reproduction. ~~On or before the~~ 50004
~~tenth day of each month, the~~ The local registrar shall transmit to 50005
the state office of vital statistics all original ~~birth, fetal~~ 50006
~~death, and~~ and ~~death, and military service~~ certificates received, ~~and~~ 50007
~~all social security numbers obtained under section 3705.09,~~ 50008
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 50009
~~month using the state transmittal schedule specified by the~~ 50010
~~department of health.~~ The local registrar shall immediately notify 50011
the health commissioner with jurisdiction in the registration 50012
district of the receipt of a death certificate attesting that 50013
death resulted from a communicable disease. 50014

The office of vital statistics shall carefully examine the 50015
records and certificates received from local registrars of vital 50016
statistics and shall secure any further information that may be 50017
necessary to make each record and certificate complete and 50018
satisfactory. It shall arrange and preserve the records and 50019
certificates, or reproductions of them produced pursuant to 50020
section 3705.03 of the Revised Code, in a systematic manner and 50021

shall maintain a permanent index of all births, fetal deaths, and 50022
deaths registered, which shall show the name of the child or 50023
deceased person, place and date of birth or death, and number of 50024
the ~~record or certificate, and the volume in which it is~~ 50025
~~contained.~~ 50026

(B)(1) The office of vital statistics shall make available to 50027
the division of child support in the department of job and family 50028
services all social security numbers that ~~were furnished to a~~ 50029
~~local registrar of vital statistics~~ accompany a birth certificate 50030
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 50031
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 50032
~~transmitted to the office under division (A) of this section or~~ 50033
that accompany a death certificate registered under section 50034
3705.16 of the Revised Code. 50035

(2) The office of vital statistics also shall make available 50036
to the division of child support in the department of job and 50037
family services any other information recorded in the birth record 50038
that may enable the division to use the social security numbers 50039
provided under division (B)(1) of this section to obtain the 50040
location of the father of the child whose birth certificate was 50041
accompanied by the social security number or to otherwise enforce 50042
a child support order pertaining to that child or any other child. 50043

Sec. 3705.08. (A) The director of health, by rule, shall 50044
prescribe the form of records and certificates required by this 50045
chapter. Records and certificates shall include the items and 50046
information prescribed by the director, including the items 50047
recommended by the national center for health statistics of the 50048
United States department of health and human services, subject to 50049
approval of and modification by the director. 50050

(B) All birth certificates shall include a statement setting 50051
forth the names of the child's parents ~~and a line for the mother's~~ 50052

and the father's signature. 50053

(C) All death certificates shall include, in the medical 50054
certification portion of the certificate, a space to indicate, if 50055
the deceased individual is female and the manner of death is 50056
determined to be a suspicious or violent death, whether any of the 50057
following conditions apply to the individual: 50058

(1) Not pregnant within the past year; 50059

(2) Pregnant at the time of death; 50060

(3) Not pregnant, but had been pregnant within forty-two days 50061
prior to the time of death; 50062

(4) Not pregnant, but had been pregnant within forty-three 50063
days to one year prior to the time of death; 50064

(5) Unknown whether pregnant within the past year. 50065

(D)(1) The director shall prescribe electronic methods, and 50066
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 50067
~~blanks~~ for obtaining registration of births, deaths, and other 50068
vital statistics in each registration district, and for preserving 50069
the records of the office of vital statistics, and no forms or 50070
blanks shall be used other than those prescribed by the director. 50071

(2) All birth, fetal death, and death records and 50072
certificates shall be ~~signed~~ certified. Except as provided in 50073
division (G) of section 3705.09, section 3705.12, 3705.121, 50074
3705.122, or 3705.124, division (D) of section 3705.15, or section 50075
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 50076
~~certificate shall be signed by the person required to sign the~~ 50077
~~certificate~~ certificate requiring signature may be electronically 50078
certified by the person in charge of the institution or that 50079
person's designee. A death certificate may be electronically 50080
certified by the individual who attests to the facts of death. 50081

(3) All vital records shall contain the date received for 50082

~~registration filing.~~ 50083

(4) Information and signatures required in certificates, 50084
records, or reports authorized by this chapter may be filed and 50085
registered by photographic, electronic, or other means as 50086
prescribed by the director. 50087

Sec. 3705.09. (A) A birth certificate for each live birth in 50088
this state shall be filed in the registration district in which it 50089
occurs within ten calendar days after such birth and shall be 50090
registered if it has been completed and filed in accordance with 50091
this section. 50092

(B) When a birth occurs in or en route to an institution, the 50093
person in charge of the institution or a designated representative 50094
shall obtain the personal data, prepare the certificate, ~~secure~~ 50095
~~the signatures required,~~ and file complete and certify the facts 50096
of birth on the certificate within ten calendar days ~~with the~~ 50097
~~local registrar of vital statistics.~~ The physician or certified 50098
nurse-midwife in attendance shall ~~provide the medical information~~ 50099
~~required by the certificate and certify to the facts of birth~~ 50100
~~within seventy two hours after the birth~~ be listed on the birth 50101
record. 50102

(C) When a birth occurs outside an institution, the birth 50103
certificate shall be prepared and filed by one of the following in 50104
the indicated order of priority: 50105

(1) The physician or certified nurse-midwife in attendance at 50106
or immediately after the birth; 50107

(2) Any other person in attendance at or immediately after 50108
the birth; 50109

(3) The father; 50110

(4) The mother; 50111

(5) The person in charge of the premises where the birth 50112

occurred. 50113

(D) Either of the parents of the child or other informant 50114
shall attest to the accuracy of the personal data entered on the 50115
birth certificate in time to permit the filing of the certificate 50116
within the ten days prescribed in this section. 50117

(E) When a birth occurs in a moving conveyance within the 50118
United States and the child is first removed from the conveyance 50119
in this state, the birth shall be registered in this state and the 50120
place where it is first removed shall be considered the place of 50121
birth. When a birth occurs on a moving conveyance while in 50122
international waters or air space or in a foreign country or its 50123
air space and the child is first removed from the conveyance in 50124
this state, the birth shall be registered in this state but the 50125
record shall show the actual place of birth insofar as can be 50126
determined. 50127

(F)(1) If the mother of a child was married at the time of 50128
either conception or birth or between conception and birth, the 50129
child shall be registered in the surname designated by the mother, 50130
and the name of the husband shall be entered on the certificate as 50131
the father of the child. The presumption of paternity shall be in 50132
accordance with section 3111.03 of the Revised Code. 50133

(2) If the mother was not married at the time of conception 50134
or birth or between conception and birth, the child shall be 50135
registered by the surname designated by the mother. The name of 50136
the father of such child shall also be inserted on the birth 50137
certificate if both the mother and the father sign an 50138
acknowledgement of paternity affidavit before the birth record has 50139
been sent to the local registrar. If the father is not named on 50140
the birth certificate pursuant to division (F)(1) or (2) of this 50141
section, no other information about the father shall be entered on 50142
the record. 50143

(G) When a man is presumed, found, or declared to be the father of a child, according to section 2105.26, sections 3111.01 to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 of the Revised Code, or the father has acknowledged the child as his child in an acknowledgment of paternity, and the acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, and documentary evidence of such fact is submitted to the department of health in such form as the director may require, a new birth record shall be issued by the department which shall have the same overall appearance as the record which would have been issued under this section if a marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

~~The department shall then promptly forward a copy of the new birth record to the local registrar of vital statistics of the district in which the birth occurred, and such local registrar shall file a copy of such new birth record along with and in the same manner as the other copies of birth records in such local registrar's possession. All copies of the original birth record in the possession of the local registrar or the probate court, as well as any and all index references to it, shall be destroyed. Such new birth record, as well as any certified or exact copy of it, when properly authenticated by a duly authorized person shall be prima facie evidence in all courts and places of the facts stated in it.~~

~~(H) When a woman who is a legal resident of this state has given birth to a child in a foreign country that does not have a system of registration of vital statistics, a birth record may be filed in the office of vital statistics on evidence satisfactory to the director of health.~~

~~(I)~~(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. ~~The local registrar of vital statistics shall transmit the social security numbers to the state office of vital statistics in accordance with section 3705.07 of the Revised Code.~~ No social security number obtained under this division shall be used for any purpose other than child support enforcement.

Sec. 3705.10. Any birth certificate submitted for filing eleven or more days after the birth occurred constitutes a delayed birth registration. A delayed birth certificate may be filed in accordance with rules which shall be adopted by the director of health. The rules shall include, but not be limited to, all of the following requirements for each delayed birth certificate filed on or after July 1, 1990:

(A) The certificate shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353,

42 U.S.C.A. 405, as amended, finds good cause for not requiring 50208
that the numbers be furnished with the certificate. 50209

(B) The parents' social security numbers shall not be 50210
recorded on the certificate. 50211

~~(C) The local registrar of vital statistics shall transmit 50212
the social security numbers to the state office of vital 50213
statistics in accordance with section 3705.07 of the Revised Code. 50214~~

~~(D) No social security number obtained under this section 50215
shall be used for any purpose other than child support 50216
enforcement. 50217~~

Sec. 3706.05. The Ohio air quality development authority may 50218
at any time issue revenue bonds and notes of the state in such 50219
principal amount as, in the opinion of the authority, are 50220
necessary for the purpose of paying any part of the cost of one or 50221
more air quality projects or parts thereof, including one or more 50222
payments pursuant to a commodity contract entered into in 50223
connection with the acquisition or construction of air quality 50224
facilities. The authority may at any time issue renewal notes, 50225
issue bonds to pay such notes and whenever it deems refunding 50226
expedient, refund any bonds by the issuance of air quality revenue 50227
refunding bonds of the state, whether the bonds to be refunded 50228
have or have not matured, and issue bonds partly to refund bonds 50229
then outstanding, and partly for any other authorized purpose. The 50230
refunding bonds shall be sold and the proceeds applied to the 50231
purchase, redemption, or payment of the bonds to be refunded. 50232
Except as may otherwise be expressly provided by the authority, 50233
every issue of its bonds or notes shall be ~~general~~ obligations of 50234
the authority payable solely out of the revenues of the authority 50235
that are pledged for such payment, without preference or priority 50236
of the first bonds issued, subject only to any agreements with the 50237
holders of particular bonds or notes pledging any particular 50238

revenues. Such pledge shall be valid and binding from the time the 50239
pledge is made and the revenues so pledged and thereafter received 50240
by the authority shall immediately be subject to the lien of such 50241
pledge without any physical delivery thereof or further act, and 50242
the lien of any such pledge is valid and binding as against all 50243
parties having claims of any kind in tort, contract, or otherwise 50244
against the authority, irrespective of whether such parties have 50245
notice thereof. Neither the resolution nor any trust agreement by 50246
which a pledge is created need be filed or recorded except in the 50247
records of the authority. 50248

Whether or not the bonds or notes are of such form and 50249
character as to be negotiable instruments, the bonds or notes 50250
shall have all the qualities and incidents of negotiable 50251
instruments, subject only to the provisions of the bonds or notes 50252
for registration. 50253

The bonds and notes shall be authorized by resolution of the 50254
authority, shall bear such date or dates, and shall mature at such 50255
time or times, in the case of any such note or any renewals 50256
thereof not exceeding five years from the date of issue of such 50257
original note and in the case of any such bond not exceeding forty 50258
years from the date of issue, as such resolution or resolutions 50259
may provide. The bonds and notes shall bear interest at such rate 50260
or rates, be in such denominations, be in such form, either coupon 50261
or registered, carry such registration privileges, be payable in 50262
such medium of payment, at such place or places, and be subject to 50263
such terms of redemption as the authority may authorize. The bonds 50264
and notes of the authority may be sold by the authority, at public 50265
or private sale, at or at not less than such price or prices as 50266
the authority determines. The bonds and notes shall be executed by 50267
the chairperson and vice-chairperson of the authority, either or 50268
both of whom may use a facsimile signature, the official seal of 50269
the authority or a facsimile thereof shall be affixed thereto or 50270

printed thereon and attested, manually or by facsimile signature, 50271
by the secretary-treasurer of the authority, and any coupons 50272
attached thereto shall bear the signature or facsimile signature 50273
of the chairperson of the authority. In case any officer whose 50274
signature, or a facsimile of whose signature, appears on any 50275
bonds, notes or coupons ceases to be such officer before delivery 50276
of bonds or notes, such signature or facsimile shall nevertheless 50277
be sufficient for all purposes the same as if the officer had 50278
remained in office until such delivery, and in case the seal of 50279
the authority has been changed after a facsimile has been 50280
imprinted on such bonds or notes, such facsimile seal will 50281
continue to be sufficient for all purposes. 50282

Any resolution or resolutions authorizing any bonds or notes 50283
or any issue thereof may contain provisions, subject to such 50284
agreements with bondholders or noteholders as may then exist, 50285
which provisions shall be a part of the contract with the holders 50286
thereof, as to: the pledging of all or any part of the revenues of 50287
the authority to secure the payment of the bonds or notes or of 50288
any issue thereof; the use and disposition of revenues of the 50289
authority; a covenant to fix, alter, and collect rentals and other 50290
charges so that pledged revenues will be sufficient to pay costs 50291
of operation, maintenance, and repairs, pay principal of and 50292
interest on bonds or notes secured by the pledge of such revenues, 50293
and provide such reserves as may be required by the applicable 50294
resolution or trust agreement; the setting aside of reserve funds, 50295
sinking funds, or replacement and improvement funds and the 50296
regulation and disposition thereof; the crediting of the proceeds 50297
of the sale of bonds or notes to and among the funds referred to 50298
or provided for in the resolution authorizing the issuance of the 50299
bonds or notes; the use, lease, sale, or other disposition of any 50300
air quality project or any other assets of the authority; 50301
limitations on the purpose to which the proceeds of sale of bonds 50302
or notes may be applied and the pledging of such proceeds to 50303

secure the payment of the bonds or notes or of any issue thereof; 50304
as to notes issued in anticipation of the issuance of bonds, the 50305
agreement of the authority to do all things necessary for the 50306
authorization, issuance, and sale of such bonds in such amounts as 50307
may be necessary for the timely retirement of such notes; 50308
limitations on the issuance of additional bonds or notes; the 50309
terms upon which additional bonds or notes may be issued and 50310
secured; the refunding of outstanding bonds or notes; the 50311
procedure, if any, by which the terms of any contract with 50312
bondholders or noteholders may be amended or abrogated, the amount 50313
of bonds or notes the holders of which must consent thereto, and 50314
the manner in which such consent may be given; limitations on the 50315
amount of moneys to be expended by the authority for operating, 50316
administrative, or other expenses of the authority; securing any 50317
bonds or notes by a trust agreement in accordance with section 50318
3706.07 of the Revised Code; any other matters, of like or 50319
different character, that in any way affect the security or 50320
protection of the bonds or notes. 50321

Neither the members of the authority nor any person executing 50322
the bonds or notes shall be liable personally on the bonds or 50323
notes or be subject to any personal liability or accountability by 50324
reason of the issuance thereof. 50325

Sec. 3706.27. (A) There is hereby created in the state 50326
treasury the advanced energy research and development fund to 50327
provide grants for advanced energy projects. There is hereby 50328
created in the state treasury the advanced energy research and 50329
development taxable fund to provide loans for advanced energy 50330
projects. 50331

(B)(1) The advanced energy research and development fund and 50332
the advanced energy research and development taxable fund shall 50333
consist of the proceeds of obligations that were issued prior to 50334

the effective date of this amendment under section 166.08 of the Revised Code. Money shall be credited to the respective funds in the proportion that the executive director of the Ohio air quality development authority, with the affirmative vote of a majority of the members of the authority, determines appropriate.

(2) Any investment earnings from the money in the advanced energy research and development fund and in the advanced energy research and development taxable fund shall be credited to those funds, respectively. Any repayment of loans made from money in the advanced energy research and development taxable fund shall be credited to the alternative fuel transportation fund created in section 122.075 of the Revised Code.

(C) The director of budget and management shall establish and maintain records or accounts for or within these funds in such a manner as to show the ~~amount~~ amounts credited to the funds ~~pursuant to section 166.08 of the Revised Code~~ and that the amounts so credited have been expended for the purposes set forth in Section 2p or 13 of Article VIII, Ohio Constitution, and sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former section 3706.26 of the Revised Code.

Sec. 3707.58. (A) As used in this section:

(1) "Youth athlete" means an individual who wishes to practice for or compete in athletic activities organized by a youth sports organization;

(2) "Youth sports organization" has the same meaning as in section 3707.51 of the Revised Code.

(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section may hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete,

physicians, pediatric cardiologists, athletic trainers, and any 50365
other persons regarding the symptoms and warning signs of sudden 50366
cardiac arrest for all ages of youth athletes. 50367

(C) No youth athlete shall participate in an athletic 50368
activity organized by a youth sports organization until the youth 50369
athlete has submitted to a designated official of the youth sports 50370
organization a form signed by the youth athlete and the parent, 50371
guardian, or other person having care or charge of the youth 50372
athlete stating that the youth athlete and the parent, guardian, 50373
or other person having care or charge of the youth athlete have 50374
received and reviewed a copy of the information developed by the 50375
departments of health and education and posted on their respective 50376
internet web sites as required by section 3707.59 of the Revised 50377
Code. A completed form shall be submitted each calendar year ~~for~~ 50378
to each youth sports organization that organizes an athletic 50379
activity in which the youth athlete participates. 50380

(D) No individual shall coach an athletic activity organized 50381
by a youth sports organization unless the individual has 50382
completed, on an annual basis, the sudden cardiac arrest training 50383
course approved by the department of health under division (C) of 50384
section 3707.59 of the Revised Code. 50385

(E)(1) A youth athlete shall not be allowed to participate in 50386
an athletic activity organized by a youth sports organization if 50387
either of the following is the case: 50388

(a) The youth athlete's biological parent, biological 50389
sibling, or biological child has previously experienced sudden 50390
cardiac arrest, and the youth athlete has not been evaluated and 50391
cleared for participation in an athletic activity organized by a 50392
youth sports organization by a physician authorized under Chapter 50393
4731. of the Revised Code to practice medicine and surgery or 50394
osteopathic medicine and surgery. 50395

(b) The youth athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E)(3) of this section after exhibiting syncope or fainting.

(2) A youth athlete shall be removed by the youth athlete's coach from participation in an athletic activity organized by a youth sports organization if the youth athlete exhibits syncope or fainting.

(3) If a youth athlete is not allowed to participate in or is removed from participation in an athletic activity organized by a youth sports organization under division (E)(1) or (2) of this section, the youth athlete shall not be allowed to return to participation until the youth athlete is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) and (b) of this section may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.

(F) A youth sports organization that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or

performing duties under this section, unless the act or omission
constitutes willful or wanton misconduct. 50427
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(2) This section does not eliminate, limit, or reduce any
other immunity or defense that a public entity, public official,
or public employee may be entitled to under Chapter 2744. or any
other provision of the Revised Code or under the common law of
this state. 50429
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Sec. 3710.01. As used in this chapter: 50434

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite,
anthophyllite, and actinolite-tremolite as determined using the
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E,
Section 1, Polarized Light Microscopy (PLM). 50435
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(B) "Asbestos hazard abatement activity" means any activity
involving the removal, renovation, enclosure, repair, or
encapsulation of reasonably related friable asbestos-containing
materials in an amount greater than fifty linear feet or fifty
square feet. "Asbestos hazard abatement activity" also includes
any such activity involving such asbestos-containing materials in
an amount of fifty linear or fifty square feet or less if, when
combined with any other reasonably related activity in terms of
time and location of the activity, the total amount is in an
amount greater than fifty linear or fifty square feet. 50442
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(C) "Asbestos hazard abatement contractor" means a business
entity or public entity that engages in or intends to engage in
asbestos hazard abatement activities and that employs or
supervises one or more asbestos hazard abatement specialists for
asbestos hazard abatement activities. "Asbestos hazard abatement
contractor" does not mean an employee of an asbestos hazard 50452
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abatement contractor, a general contractor who subcontracts to an 50458
asbestos hazard abatement contractor an asbestos hazard abatement 50459
activity, or any individual who engages in asbestos hazard 50460
abatement activity in the individual's own home. 50461

(D) "Asbestos hazard abatement project" means one or more 50462
asbestos hazard abatement activities that are conducted by one 50463
asbestos hazard abatement contractor and that are reasonably 50464
related to each other. 50465

(E) "Asbestos hazard abatement specialist" means a person 50466
with responsibility for the oversight or supervision of asbestos 50467
hazard abatement activities, including asbestos hazard abatement 50468
project managers, hazard abatement project supervisors and 50469
foremen, and employees of school districts or other governmental 50470
or public entities who coordinate or directly supervise or oversee 50471
asbestos hazard abatement activities performed by school district, 50472
governmental, or other public employees in school district, 50473
governmental, or other public buildings. 50474

(F) "Asbestos hazard evaluation specialist" means a person 50475
responsible for the identification, detection, and assessment of 50476
asbestos-containing materials, the determination of appropriate 50477
response actions, or the preparation of asbestos management plans 50478
for the purpose of protecting the public health from the hazards 50479
associated with exposure to asbestos, including the performance of 50480
air and bulk sampling. This category of specialists includes 50481
management planners, health professionals, industrial hygienists, 50482
private consultants, or other individuals involved in asbestos 50483
risk identification or assessment or regulatory activities. 50484

(G) "Business entity" means a partnership, firm, association, 50485
corporation, sole proprietorship, or other business concern. 50486

(H) "Public entity" means the state or any of its political 50487
subdivisions or any agency or instrumentality of either. 50488

(I) "License" means a document issued by the ~~department of~~ 50489
~~health~~ director of environmental protection to a business entity 50490
or public entity affirming that the entity has met the 50491
requirements set forth in this chapter to engage in asbestos 50492
hazard abatement activities as an asbestos hazard abatement 50493
contractor. 50494

(J) "Certificate" means: 50495

(1) A document issued by the ~~department~~ director to an 50496
individual affirming that the individual has successfully 50497
completed the training and other requirements set forth in this 50498
chapter to qualify as an asbestos hazard abatement specialist, an 50499
asbestos hazard evaluation specialist, an asbestos hazard 50500
abatement worker, an asbestos hazard abatement project designer, 50501
an asbestos hazard abatement air-monitoring technician, an 50502
approved asbestos hazard training provider, or other category of 50503
asbestos hazard specialist that the director establishes by rule; 50504
or 50505

(2) A document issued by a training institution in accordance 50506
with rules adopted by the director affirming that an individual 50507
has successfully completed the instruction required in all 50508
categories as provided in sections 3710.07 and 3710.10 of the 50509
Revised Code. 50510

(K) "Person" means any individual, business entity, 50511
governmental body, or other public or private entity. 50512

(L) "Encapsulate" means to coat, bind, or resurface walls, 50513
ceilings, pipes, or other structures ~~to prevent friable asbestos~~ 50514
for asbestos-containing materials with suitable products to 50515
prevent friable asbestos from becoming airborne. 50516

(M) "Friable asbestos-containing material" means ~~any material~~ 50517
~~that contains more than one per cent asbestos by weight and that~~ 50518
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~ 50519

~~hand pressure friable asbestos material as defined in rules~~ 50520
~~adopted under Chapter 3704. of the Revised Code.~~ 50521

(N) "Enclosure" means the permanent confinement of friable 50522
asbestos-containing materials with an airtight barrier in an area 50523
not used as an air plenum. 50524

(O) "Renovation" means ~~the removal or stripping of friable~~ 50525
~~asbestos-containing materials used on any pipe, duct, boiler,~~ 50526
~~tank, reactor, turbine, furnace, or load supporting member~~ 50527
altering a facility or one or more facility components in any way, 50528
including the stripping or removal of friable asbestos-containing 50529
material from a facility component. 50530

(P) "Asbestos hazard abatement worker" means the person 50531
responsible in a nonsupervisory capacity for the performance of an 50532
asbestos hazard abatement activity. 50533

(Q) "Asbestos hazard abatement project designer" means the 50534
person responsible for the determination of the workscope, work 50535
sequence, or performance standards for an asbestos hazard 50536
abatement activity, including preparation of specifications, 50537
plans, and contract documents. 50538

(R) ~~"Director" means the director of health or the director's~~ 50539
~~authorized representative.~~ 50540

~~(S)~~ "Clearance air sampling" means an air sampling performed 50541
after the completion of any asbestos hazard abatement activity and 50542
prior to the reoccupation of the contained work area by the public 50543
and conducted for the purpose of protecting the public from the 50544
health hazards associated with exposure to friable 50545
asbestos-containing material. 50546

~~(T)~~(S) "Asbestos hazard abatement air-monitoring technician" 50547
means the person who is responsible for environmental monitoring 50548
or work area clearance air sampling, including air monitoring 50549
performed to determine completion of response actions under the 50550

rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does not mean an industrial hygienist or industrial hygienist in training, certified by the American board of industrial hygiene.

Sec. 3710.02. (A) In accordance with Chapter 119. of the Revised Code, the director of ~~health~~ environmental protection shall, as the director determines necessary, adopt rules to carry out this chapter. The rules shall include all of the following:

(1) Criteria and procedures for the certification of asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement workers, asbestos hazard abatement project designers, and asbestos hazard abatement air-monitoring technicians by the director ~~of health~~;

(2) Criteria and procedures for the director to examine the records of licensees, certificate holders, and asbestos hazard abatement training schools;

(3) Procedures and criteria in addition to those provided in this chapter for the approval of courses for asbestos hazard training;

(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;

(5) Levels of asbestos exposure or other circumstances constituting ~~a public~~ an environmental health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;

(6) Employee training standards, work practices that reduce

the risk of contamination and recontamination of the environment, 50581
record-keeping requirements, action levels, project clearance 50582
levels, and other requirements that asbestos hazard abatement 50583
contractors, asbestos hazard abatement specialists, asbestos 50584
hazard evaluation specialists, asbestos hazard abatement project 50585
designers, asbestos hazard abatement air-monitoring technicians, 50586
asbestos hazard abatement workers, and other persons involved with 50587
asbestos hazard abatement activities must follow for the 50588
prevention of hazard to the public; 50589

(7) Worker protection equipment and practices and other 50590
health and safety standards for employees and agents of public 50591
entities coming in contact with asbestos through asbestos hazard 50592
abatement activity; 50593

(8) Standards of acceptable conduct for licensees and 50594
certificate holders engaged in asbestos hazard abatement or 50595
evaluation activities and acts and omissions that constitute 50596
grounds for the suspension or revocation of a license or 50597
certificate, or the denial of an application or renewal of a 50598
license or certificate in addition to those otherwise provided in 50599
this chapter; 50600

(9) Training requirements for asbestos hazard abatement 50601
project designers and asbestos hazard abatement air-monitoring 50602
technicians; 50603

(10)(a) Subject to the condition specified in division 50604
(A)(10)(b) of this section, a standard requiring that the amount 50605
of asbestos contained in the air in areas accessible to the public 50606
in buildings that are owned, operated, or leased by a public 50607
entity be not more than ten thousand asbestos fibers longer than 50608
five microns per cubic meter of air calculated as an eight-hour 50609
time-weighted average, which is measured during periods of normal 50610
building occupancy, and a requirement that measurement of airborne 50611
asbestos be made by either or both of the following methods, 50612

provided that results derived by use of the method described in 50613
division (A)(10)(a)(i) of this section supersede results derived 50614
by use of the method described in division (A)(10)(a)(ii) of this 50615
section if both methods are used and the methods yield conflicting 50616
results concerning the presence of fibers in the tested air that 50617
may not be asbestos: 50618

(i) Transmission electron microscopy in the manner described 50619
in the measurement protocol established by the United States 50620
environmental protection agency as set forth in 40 C.F.R. 763; 50621

(ii) Optical phase contrast microscopy in the manner 50622
described in the measurement protocol established by the United 50623
States occupational safety and health administration as set forth 50624
in 29 C.F.R. 1910. 50625

(b) The director periodically shall review the standard 50626
required by division (A)(10)(a) of this section and determine 50627
whether and how it should be amended and how it shall be used in 50628
conjunction with visual and physical assessment of 50629
asbestos-containing materials located in buildings that are owned, 50630
operated, or leased by a public entity to determine appropriate 50631
and cost-effective response actions to such asbestos-containing 50632
materials and shall amend the standard if it determines that such 50633
action is necessary. 50634

(11) Other rules that the director determines necessary for 50635
the implementation of this chapter and to protect the public 50636
health from the hazards associated with exposure to asbestos. 50637

(B) The director shall do all of the following: 50638

(1) Administer and enforce this chapter and the rules adopted 50639
pursuant thereto; 50640

(2) Develop comprehensive programs and policies for the 50641
control and prevention of nonoccupational exposure of the public 50642
to friable asbestos-containing materials; 50643

(3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules adopted pursuant thereto;

(4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the director as the director determines necessary to determine compliance with this chapter and the rules adopted pursuant thereto;

(5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules adopted pursuant thereto;

(6) Collect and disseminate health education information relating to safe management of asbestos hazards;

(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any of the director's functions;

(8) As the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where ~~a public~~ an environmental health emergency involving asbestos may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this chapter;

(9) Conduct an on-site audit of each asbestos hazard training provider approved pursuant to this chapter, at least once biennially, during an actual course conducted by the provider within the state;

(10) Cooperate and assist in investigations, as such relate 50675
to this chapter, conducted by local law enforcement agencies, ~~the~~ 50676
~~Ohio environmental protection agency~~, the United States 50677
occupational safety and health administration, and other local, 50678
state, and federal agencies. 50679

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 50680
contractor's license, a business entity or public entity shall 50681
meet the requirements of this section. 50682

(B) Each employee or agent of the business entity or public 50683
entity applying for a license who will come in contact with 50684
asbestos or will be responsible for an asbestos hazard abatement 50685
project shall: 50686

(1) Be familiar with all applicable state and federal 50687
standards for asbestos hazard abatement projects; 50688

(2) Have successfully completed the course of instruction on 50689
asbestos hazard abatement activities, for their particular 50690
certification, approved by the ~~department of health~~ Ohio 50691
environmental protection agency pursuant to section 3710.10 of the 50692
Revised Code, have passed an examination approved by the 50693
~~department~~ agency, and demonstrate to the ~~department~~ agency that 50694
the employee or agent is capable of complying with all applicable 50695
standards of this state, the United States environmental 50696
protection agency, and the United States occupational safety and 50697
health administration. 50698

(C) A business entity or public entity applying for an 50699
asbestos hazard abatement contractor's license shall, in addition 50700
to the other requirements of this section, provide at least one 50701
asbestos hazard abatement specialist, certified pursuant to this 50702
chapter and the rules adopted under it, for each asbestos hazard 50703
abatement project, and demonstrate to the satisfaction of the 50704
~~department~~ Ohio environmental protection agency that the 50705

applicant: 50706

(1) Has access to at least one asbestos disposal site 50707
approved by the ~~Ohio environmental protection~~ agency that is 50708
sufficient for the deposit of all asbestos waste that the 50709
applicant will generate during the term of the license; 50710

(2) Is sufficiently qualified to safely remove asbestos, 50711
demonstrated by reliability as an asbestos hazard abatement 50712
contractor, possesses a work program that prevents the 50713
contamination or recontamination of the environment and protects 50714
the public health from the hazards of exposure to asbestos, 50715
possesses evidence of certification of each individual employee or 50716
agent who will be responsible for others who may come in contact 50717
with friable asbestos-containing materials, possesses evidence of 50718
training of workers required by section 3710.07 of the Revised 50719
Code, and has prior successful experience in asbestos hazard 50720
abatement projects or equivalent qualifications as determined in 50721
accordance with rules adopted by the director of ~~health~~ 50722
environmental protection; 50723

(3) Possesses a worker protection program consistent with 50724
requirements established by the director if the contractor is a 50725
public entity, and a worker protection program consistent with the 50726
requirements of the United States occupational safety and health 50727
administration if the contractor is a business entity; 50728

(4) Is registered as a business entity with the secretary of 50729
state. 50730

(D) No applicant for licensure as an asbestos hazard 50731
abatement contractor, in order to meet the requirements of this 50732
chapter, shall list an employee of another contractor. 50733

(E) The business entity or public entity shall meet any other 50734
standards that the director, by rule, sets. 50735

(F) Nothing in this chapter or the rules adopted pursuant 50736

thereto relating to asbestos hazard abatement project designers 50737
shall be interpreted as authorizing or permitting an individual 50738
who is certified as an asbestos hazard abatement project designer 50739
to perform the services of a registered architect or professional 50740
engineer unless that person is registered under Chapter 4703. or 50741
4733. of the Revised Code to perform such services. 50742

Sec. 3710.05. (A) Except as otherwise provided in this 50743
chapter, no person shall engage in any asbestos hazard abatement 50744
activities in this state unless licensed or certified pursuant to 50745
this chapter. 50746

(B) To apply for licensure as an asbestos abatement 50747
contractor or certification as an asbestos hazard abatement 50748
specialist, an asbestos hazard evaluation specialist, an asbestos 50749
hazard abatement project designer, or an asbestos hazard abatement 50750
air-monitoring technician, a person shall do all of the following: 50751

(1) Submit a completed application to the ~~department~~ director 50752
of ~~health~~ environmental protection, on a form provided by the 50753
~~department~~ agency; 50754

(2) Pay the requisite fee as provided in division (D) of this 50755
section; 50756

(3) Submit any other information the director ~~of health~~ by 50757
rule requires. 50758

(C) The application form for a business entity or public 50759
entity applying for an asbestos hazard abatement contractor's 50760
license shall include all of the following: 50761

(1) A description of the protective clothing and respirators 50762
that the public entity will use to comply with rules adopted by 50763
the director and that the business entity will use to comply with 50764
requirements of the United States occupational safety and health 50765
administration; 50766

(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	50767 50768 50769 50770 50771
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	50772 50773
(4) A description of the site decontamination procedures that the business entity or public entity will use;	50774 50775
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	50776 50777
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	50778 50779
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	50780 50781 50782 50783
(8) A description of the final clean-up procedures that the business entity or public entity will use;	50784 50785
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	50786 50787
(10) The federal tax identification number of the business entity or the public entity.	50788 50789
(D) The fees to be charged to each public entity, <u>except for the agency</u> , and <u>each</u> business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	50790 50791 50792 50793 50794 50795
(1) Seven hundred fifty dollars for asbestos hazard abatement	50796

contractors;	50797
(2) Two hundred dollars for asbestos hazard abatement project	50798
designers;	50799
(3) Fifty dollars for asbestos hazard abatement workers;	50800
(4) Two hundred dollars for asbestos hazard abatement	50801
specialists;	50802
(5) Two hundred dollars for asbestos hazard evaluation	50803
specialists; and	50804
(6) Nine hundred dollars for approval or renewal of asbestos	50805
hazard training providers.	50806
(E) Notwithstanding division (A) of this section, no business	50807
entity which engages in asbestos hazard abatement activities	50808
solely at its own place of business is required to be licensed as	50809
an asbestos hazard abatement contractor provided that the business	50810
entity is required to and does comply with all applicable	50811
standards of the United States environmental protection agency and	50812
the United States occupational safety and health administration	50813
and provided further that all persons employed by the business	50814
entity on the activity meet the requirements of this chapter.	50815
Sec. 3710.051. No person shall enter into an agreement to	50816
perform any aspect of an asbestos hazard abatement project unless	50817
the agreement is written and contains at least all of the	50818
following:	50819
(A) A requirement that all persons working on the project are	50820
licensed or certified by the department of health <u>director of</u>	50821
<u>environmental protection</u> as required by this chapter;	50822
(B) A requirement that all project clearance levels and	50823
sampling be in accordance with rules adopted by the director of	50824
health ;	50825

(C) A requirement that all clearance air-monitoring be 50826
conducted by asbestos hazard abatement air-monitoring technicians 50827
or asbestos hazard evaluation specialists certified by the 50828
~~department~~ director. 50829

Sec. 3710.06. (A) Within fifteen business days after 50830
receiving an application, the ~~department of health~~ director of 50831
environmental protection shall acknowledge receipt of the 50832
application and notify the applicant of any deficiency in the 50833
application. Within sixty calendar days after receiving a 50834
completed application, including all additional information 50835
requested by the ~~department~~ director, the ~~department~~ director 50836
shall issue a license or certificate or deny the application. The 50837
~~department~~ director shall issue only one license or certificate 50838
that is in effect at one time to a business entity and its 50839
principal officers and a public entity and its principal officers. 50840

(B)(1) The ~~department~~ director shall deny an application if 50841
it determines that the applicant has not demonstrated the ability 50842
to comply fully with all applicable federal and state requirements 50843
and all requirements, procedures, and standards established by the 50844
~~director of health~~ in this chapter, Chapter 3704. of the Revised 50845
Code, or rules adopted under those chapters, as those chapters and 50846
rules pertain to asbestos. 50847

(2) The ~~department~~ director shall deny any application for an 50848
asbestos hazard abatement contractor's license if the applicant or 50849
an officer or employee of the applicant has been convicted of a 50850
felony under any state or federal law designed to protect the 50851
environment. 50852

(3) The ~~department~~ director shall send all denials of an 50853
application by certified mail to the applicant. If the ~~department~~ 50854
director receives a timely request for a hearing from the 50855
applicant on the proposed denial of an application, as provided in 50856

~~division (D) of section 3710.13 of the Revised Code, the~~ 50857
~~department director~~ shall hold a hearing in accordance with 50858
Chapter 119. of the Revised Code, as provided in division (A) of 50859
section 3710.13 of the Revised Code. 50860

(C) In an emergency that results from a sudden, unexpected 50861
event that is not a planned asbestos hazard abatement project, the 50862
~~department director~~ may waive the requirements for a license or 50863
certificate. For the purposes of this division, "emergency" 50864
includes operations necessitated by nonroutine failures of 50865
equipment or by actions of fire and emergency medical personnel 50866
pursuant to duties within their official capacities. Any person 50867
who performs an asbestos hazard abatement activity under emergency 50868
conditions shall notify the director within three days after 50869
performance thereof. 50870

(D) Each license or certificate issued under this chapter 50871
expires one year after the date of issue, but each licensee or 50872
certificate holder may apply to the ~~department~~ environmental 50873
protection agency for the extension of the holder's license or 50874
certificate under the standard renewal procedures of Chapter 4745. 50875
of the Revised Code. 50876

To qualify for renewal of a license or certificate issued 50877
under this chapter, each licensee or certificate holder shall send 50878
the appropriate renewal fee set forth in division (D) of section 50879
3710.05 of the Revised Code or as adopted by rule by the director 50880
pursuant to division (A)(4) of section 3710.02 of the Revised 50881
Code. 50882

Certificate holders also shall successfully complete an 50883
annual renewal course approved by the ~~department~~ agency pursuant 50884
to section 3710.10 of the Revised Code. 50885

(E) The ~~department~~ director may charge a fee in addition to 50886
those specified in division (D) of section 3710.05 of the Revised 50887

Code or in rules adopted by the director pursuant to division 50888
(A)(4) of section 3710.02 of the Revised Code if the licensee or 50889
certificate holder applies for renewal after the expiration 50890
thereof or requests a reissuance of any license or certificate, 50891
provided that no such fee shall exceed the original fees by more 50892
than fifty per cent. 50893

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 50894
abatement project, an asbestos hazard abatement contractor shall 50895
do all of the following: 50896

(1) Prepare a written respiratory protection program as 50897
defined by the director of ~~health~~ environmental protection 50898
pursuant to rule, and make the program available to the ~~department~~ 50899
~~of health~~ environmental protection agency, and workers at the job 50900
site if the contractor is a public entity or prepare a written 50901
respiratory protection program, consistent with 29 C.F.R. 1910.134 50902
and make the program available to the ~~department~~ agency, and 50903
workers at the job site if the contractor is a business entity; 50904

(2) Ensure that each worker who will be involved in any 50905
asbestos hazard abatement project has been examined within the 50906
preceding year and has been declared by a physician to be 50907
physically capable of working while wearing a respirator; 50908

(3) Ensure that each of the contractor's employees or agents 50909
who will come in contact with asbestos-containing materials or 50910
will be responsible for an asbestos hazard abatement project 50911
receives the appropriate certification or licensure required by 50912
this chapter and the following training: 50913

(a) An initial course approved by the ~~department~~ agency 50914
pursuant to section 3710.10 of the Revised Code, completed before 50915
engaging in any asbestos hazard abatement project; and 50916

(b) An annual review course approved by the ~~department~~ agency 50917

pursuant to section 3710.10 of the Revised Code. 50918

(B) After obtaining or renewing a license, an asbestos hazard 50919
abatement contractor shall notify the ~~department~~ agency, on a form 50920
approved by the director ~~of health~~, at least ten days before 50921
beginning each asbestos hazard abatement project conducted during 50922
the term of the contractor's license. 50923

(C) In addition to any other fee imposed under this chapter, 50924
an asbestos hazard abatement contractor shall pay, at the time of 50925
providing notice under division (B) of this section, the 50926
~~department~~ agency a fee of sixty-five dollars for each asbestos 50927
hazard abatement project conducted. 50928

Sec. 3710.08. (A) An asbestos hazard abatement contractor 50929
engaging in any asbestos hazard abatement project shall, during 50930
the course of the project: 50931

(1) Conduct each project in a manner that is in compliance 50932
with the requirements the director of environmental protection 50933
adopts pursuant to section 3704.03 of the Revised Code and the 50934
asbestos requirements of the United States occupational safety and 50935
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 50936

(2) Comply with all applicable rules adopted by the director 50937
of ~~health~~ environmental protection pursuant to ~~section~~ sections 50938
3704.03 and 3710.02 of the Revised Code. 50939

(B) An asbestos hazard abatement contractor that is a public 50940
entity shall: 50941

(1) Provide workers with protective clothing and equipment 50942
and ensure that the workers involved in any asbestos hazard 50943
abatement project use the items properly. Protective clothing and 50944
equipment shall include: 50945

(a) Respirators approved by the national institute of 50946
occupational safety and health. These respirators shall be fit 50947

tested in accordance with requirements of the United States 50948
occupational safety and health administration set forth in 29 50949
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 50950
asbestos hazard abatement contractor shall provide the employee 50951
with a powered air purifying respirator, in which case, the 50952
testing requirements of division (B)(1)(a) of this section do not 50953
apply. 50954

(b) Items required by the director ~~of health~~ by rule as 50955
provided in division (A)(7) of section 3710.02 of the Revised 50956
Code. 50957

(2) Comply with all applicable standards of conduct and 50958
requirements adopted by the director ~~of health~~ pursuant to section 50959
3710.02 of the Revised Code. 50960

(C) An asbestos hazard abatement specialist engaging in any 50961
asbestos hazard abatement project shall, during the course of the 50962
project: 50963

(1) Conduct each project in a manner that will meet 50964
decontamination procedures, project containment procedures, and 50965
asbestos fiber dispersal methods as provided in division (A)(6) of 50966
section 3710.02 of the Revised Code; 50967

(2) Ensure that workers utilize, handle, remove, and dispose 50968
of the disposable clothing provided by abatement contractors in a 50969
manner that will prevent contamination or recontamination of the 50970
environment and protect the public health from the hazards of 50971
exposure to asbestos; 50972

(3) Ensure that workers utilize protective clothing and 50973
equipment and comply with the applicable health and safety 50974
standards set forth in division (A) of section 3710.08 of the 50975
Revised Code; 50976

(4) Ensure that there is no smoking, eating, or drinking in 50977
the work area; 50978

(5) Comply with all applicable standards of conduct and requirements adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(F) The ~~department~~ director may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the ~~department~~ director in writing and demonstrates to the satisfaction of the ~~department~~ director that the proposed alternative procedure provides equivalent worker protection.

Sec. 3710.09. (A) As a means of protecting the public, each asbestos hazard abatement contractor licensed under this chapter shall maintain records of all asbestos hazard abatement projects which the contractor performs and make these records available to the ~~department of health~~ the director of environmental protection upon request. The licensee shall maintain the records for at least thirty years.

(B) The records required by this section shall include all of

the following:	51010
(1) The name, social security number, and address of the person who supervised the asbestos hazard abatement project;	51011 51012
(2) The names and social security numbers of all workers at the job site;	51013 51014
(3) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed;	51015 51016 51017
(4) The starting and completion dates of each asbestos hazard abatement project;	51018 51019
(5) A summary of the procedures that were used to comply with all applicable federal, state, and local standards;	51020 51021
(6) The name and address of each asbestos disposal site where the waste containing asbestos was deposited;	51022 51023
(7) Any other information that the director of health , by rule, requires.	51024 51025
Sec. 3710.10. (A) No person other than the department of health <u>director of environmental protection</u> shall conduct or offer to conduct any initial or review training course or examination required by this chapter unless that person is approved to sponsor the courses and examinations under this section. In conducting any such course or examination, the department <u>director</u> and the approved person shall administer the courses and examinations according to the United States environmental protection agency "Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, and the rules of the director of health adopted pursuant to division (A)(3) of section 3710.02 of the Revised Code. A person may apply for approval or renewal of a course on the health and safety aspects of asbestos hazard abatement activities which meets the requirements of division (A)(3) of section 3710.07 of the	51026 51027 51028 51029 51030 51031 51032 51033 51034 51035 51036 51037 51038 51039

Revised Code by submitting a written application on forms provided 51040
by the ~~department~~ director. 51041

(B) In order to obtain or renew ~~department~~ approval, a person 51042
sponsoring a course shall substantially satisfy all of the 51043
following criteria: 51044

(1) Provide courses of instruction and examinations that meet 51045
the requirements of division (A) of this section; 51046

(2) Ensure that instruction is given or supervised by 51047
personnel with sufficient education and experience as determined 51048
in rules adopted by the director; 51049

(3) Maintain lists of students trained and the dates on which 51050
training occurred for at least twenty years, and make this 51051
information available to the ~~department~~ director upon request. 51052

(C) In order to obtain or renew ~~department~~ approval, a person 51053
sponsoring an initial course or a review course annually shall 51054
apply to the ~~department~~ director for approval. In applying, the 51055
person shall submit the fee set forth in division (D) of section 51056
3710.05 of the Revised Code along with any increase in fee adopted 51057
pursuant to division (A)(4) of section 3710.02 of the Revised 51058
Code. 51059

(D)(1) The ~~department~~ director shall act or acknowledge 51060
receipt of an application within ten working days after receiving 51061
the application. 51062

(2) The ~~department~~ director shall act on the application 51063
within ninety days after it is complete. 51064

(3) The ~~department~~ director shall grant contingent approval 51065
of an application if the ~~department~~ director determines the course 51066
substantially satisfies or will substantially satisfy the criteria 51067
in this chapter and the rules adopted by the director. 51068

(4) The ~~department~~ director may deny or revoke approval of a 51069

course if the ~~department~~ director determines the course does not 51070
or will not substantially satisfy the criteria in this chapter or 51071
the rules adopted by the director. 51072

(5) The ~~department~~ director shall grant final approval of a 51073
course only after an on-site audit by the ~~department~~ director 51074
which reveals that the course substantially satisfies the criteria 51075
in this chapter and the rules adopted by the director. Course 51076
approvals expire one year from the date of final approval under 51077
division (D)(5) of this section. 51078

(E) Each course approval issued under this section expires 51079
one year after the date of issue, but a person who received 51080
approval may apply to the ~~department~~ director for renewal under 51081
the standard renewal procedures of Chapter 4745. of the Revised 51082
Code. The fee prescribed in section 3710.05 of the Revised Code 51083
must accompany the application. 51084

Sec. 3710.11. Persons licensed, certified, or otherwise 51085
approved under the laws of another state to perform functions 51086
substantially similar to those of an asbestos hazard abatement 51087
contractor, asbestos hazard abatement specialist, asbestos hazard 51088
evaluation specialist, asbestos hazard abatement project designer, 51089
or asbestos hazard abatement air-monitoring technician, may apply 51090
to the director of ~~health~~ environmental protection for licensure 51091
or certification. The director shall license or certify persons 51092
under this section upon a determination that the standards for 51093
certification, licensure, or approval in the other state are at 51094
least substantially equivalent to those established by this 51095
chapter and the rules adopted thereunder. The director may require 51096
an examination before licensure or certification under this 51097
section. 51098

Persons certified or licensed under this section are subject 51099
to the same duties and requirements for renewal as other persons 51100

certified or licensed pursuant to this chapter and the rules 51101
adopted thereunder. 51102

Sec. 3710.12. Subject to ~~the hearing provisions of this~~ 51103
~~chapter section 3710.13 of the Revised Code, the department of~~ 51104
~~health~~ director of environmental protection may deny, suspend, or 51105
revoke any license or certificate, or renewal thereof, if the 51106
licensee or certificate holder: 51107

(A) Fraudulently or deceptively obtains or attempts to obtain 51108
a license or certificate; 51109

(B) Fails at any time to meet the qualifications for a 51110
license or certificate; 51111

(C) Is violating or threatening to violate any provisions of 51112
any of the following: 51113

(1) This chapter, Chapters 3704. and 3745. of the Revised 51114
Code, or the rules of the director ~~of health~~ adopted pursuant 51115
~~thereto~~ to those chapters, as those chapters and rules pertain to 51116
asbestos; 51117

(2) The "National Emission Standard for Hazardous Air 51118
Pollutants" regulations of the United States environmental 51119
protection agency as the regulations pertain to asbestos; 51120

(3) The regulations of the United States occupational safety 51121
and health administration as the regulations pertain to asbestos. 51122

Sec. 3710.13. (A) ~~Except as otherwise provided in Chapter~~ 51123
~~119. of the Revised Code or this section, before~~ Before the 51124
~~department of health~~ director of environmental protection takes 51125
any action under section 3710.12 of the Revised Code, ~~it~~ the 51126
director shall give the license applicant, licensee, or 51127
certificate holder against whom action is contemplated an 51128
opportunity for a hearing. 51129

Except as otherwise provided in this section, the ~~department~~ 51130
director shall give notice and hold the hearing in accordance with 51131
Chapter 119. of the Revised Code. 51132

(B) The ~~department~~ director, without notice or hearing and in 51133
accordance with rules adopted by the director ~~of health~~, may issue 51134
an order requiring any action necessary to meet ~~a public~~ an 51135
environmental health emergency involving asbestos. Any person to 51136
whom an order is directed shall immediately comply with the order. 51137
Upon application to the director ~~of health~~, the person shall be 51138
afforded a hearing as soon as possible, but no more than twenty 51139
days after receipt of the application by the director. 51140

(C) If the director determines, pursuant to division (B) of 51141
this section, that ~~a public~~ an environmental health emergency 51142
involving asbestos exists, the director may order, without a 51143
hearing, the denial, suspension, or revocation of any license or 51144
certificate issued under this chapter of the parties involved, 51145
provided that an opportunity for a hearing is provided to the 51146
affected party as soon as reasonably possible. 51147

~~(D) All proceedings under this chapter are subject to Chapter~~ 51148
~~119. of the Revised Code, except that:~~ 51149

~~(1) Upon the request of a licensee or certificate holder, the~~ 51150
~~location of an adjudicatory hearing is the county seat of the~~ 51151
~~county in which the licensee or certificate holder conducts~~ 51152
~~business.~~ 51153

~~(2) The director shall notify, by certified mail or personal~~ 51154
~~delivery, a licensee or certificate holder that the licensee or~~ 51155
~~certificate holder is entitled to a hearing if the licensee or~~ 51156
~~certificate holder requests it, in writing, within ten days of the~~ 51157
~~time that the licensee or certificate holder receives the notice.~~ 51158
~~If the licensee or certificate holder requests such a hearing, the~~ 51159
~~director shall set the hearing date no later than ten days after~~ 51160

~~the director receives the request.~~ 51161

~~(3) The director shall not apply for or receive a
postponement or continuation of an adjudication hearing. If a
licensee or certificate holder requests a postponement or
continuation of an adjudication hearing, the director only shall
grant the request if the licensee or certificate holder
demonstrates extreme hardship in complying with the hearing date.
If the director grants a postponement or continuation on the
grounds of extreme hardship, the director shall include in the
record of the case, the nature and cause of the extreme hardship.~~ 51162
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~~(4) In lieu of an adjudicatory hearing required by this
chapter, a licensee or certificate holder, by no later than the
date set for a hearing pursuant to division (A)(3) of this
section, may by written request to the director, request that the
matter be resolved by the licensee or certificate holder
submitting documents, papers, and other written evidence to the
director to support the licensee's or certificate holder's claim.~~ 51171
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~~(5) If the director appoints a referee or an examiner to
conduct a hearing, all of the following apply:~~ 51178
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~~(a) The examiner or referee shall serve, by certified mail
and within three business days of the conclusion of the hearing, a
copy of the written adjudication report and the referee's or
examiner's recommendations, on the director and the affected
licensee or certificate holder or the licensee's or certificate
holder's attorney or other representative of record.~~ 51180
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~~(b) The licensee or certificate holder, within three business
days of receipt of the report under division (D)(5)(a) of this
section, may file with the director written objections to the
report and recommendations.~~ 51186
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~~(c) The director shall consider any objections received under
division (D)(5)(b) of this section prior to approving, modifying,~~ 51190
51191

~~or disapproving the report and recommendations. Within six 51192
business days of receiving the report under division (D)(5)(a) of 51193
this section, the director shall serve the director's order, by 51194
certified mail, on the affected licensee or certificate holder or 51195
the licensee's or certificate holder's attorney or other 51196
representative of record. 51197~~

~~(6) If the director conducts an adjudicatory hearing under 51198
this chapter, the director shall serve the director's decision, by 51199
certified mail and within three business days of the conclusion of 51200
the hearing, on the affected licensee or certificate holder or the 51201
licensee's or certificate holder's attorney or other 51202
representative of record. 51203~~

~~(7) If no hearing is held, the director shall issue an order, 51204
by certified mail and within three business days of the last date 51205
possible for a hearing, based upon the record available to the 51206
director, to the affected licensee or certificate holder or the 51207
licensee's or certificate holder's attorney or other 51208
representative of record. 51209~~

~~(8) A licensee or certificate holder shall file a notice of 51210
appeal to an adverse adjudication decision within fifteen days 51211
after receipt of the director's order. 51212~~

Sec. 3710.14. (A) At the request of the director of health 51213
environmental protection, the attorney general may commence a 51214
civil action for civil penalties and injunctions, in a court of 51215
common pleas, against any person who has violated, is violating, 51216
or is threatening to violate this chapter, any rule adopted under 51217
this chapter, or any license or certificate issued under this 51218
chapter. 51219

(B) The court of common pleas in which an action for 51220
injunctive relief is filed has jurisdiction to, and shall grant, 51221
preliminary and permanent injunctive relief upon a showing that 51222

the person against whom the action is brought has violated, is 51223
violating, or is threatening to violate any provision of this 51224
~~chapter~~ chapter, any rule adopted under this chapter, or any 51225
license or certificate issued under this chapter. 51226

(C) Upon a finding of a violation, the court shall assess a 51227
civil penalty of not more than five thousand dollars against the 51228
person. 51229

(D) Each day a violation continues is a separate violation 51230
under this section. 51231

(E) The remedies provided in Chapter 3710. of the Revised 51232
Code are in addition to remedies otherwise available under any 51233
federal, state, or local law. 51234

Sec. 3710.15. All civil and criminal penalties ordered 51235
pursuant to this chapter and paid as provided in the chapter, and 51236
all fees and other moneys collected pursuant to the chapter, shall 51237
be deposited in the ~~general operations~~ non-title V clean air fund 51238
created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall~~ 51239
~~be used for the sole purpose of administering and enforcing this~~ 51240
~~chapter and the rules adopted under it.~~ 51241

Sec. 3710.17. (A) Where any person is certified or licensed 51242
by the ~~department of health~~ director of environmental protection 51243
to engage in asbestos hazard abatement or evaluation activity 51244
pursuant to this chapter, the liability of that person when 51245
performing such activity in accordance with procedures established 51246
pursuant to state or federal law for an injury to any individual 51247
or property caused or related to this activity shall be limited to 51248
acts or omissions of the person during the course of performing 51249
the activity which can be shown, based on a preponderance of the 51250
evidence, to have been negligent. For the purposes of this 51251
section, the demonstration that acts or omissions of a person 51252

performing asbestos hazard abatement or evaluation activities were 51253
in accordance with generally accepted practice and with procedures 51254
established by state or federal law at the time the abatement or 51255
evaluation activity was performed creates a rebuttable presumption 51256
that the acts or omissions were not negligent. 51257

(B) Where any person contracts with a certified asbestos 51258
hazard abatement specialist, asbestos hazard evaluation 51259
specialist, or other category of asbestos hazard specialist 51260
established by the director of health, or a licensed asbestos 51261
hazard abatement contractor, the liability of that person for 51262
asbestos-related injuries caused by the person's contractee in the 51263
performance of asbestos hazard abatement or evaluation activities 51264
shall be limited to those asbestos-related injuries arising from 51265
acts which the person knew or could reasonably have been expected 51266
to know were not in accordance with generally accepted practice or 51267
with procedures established by state or federal law at the time 51268
the abatement activity took place. 51269

(C) Notwithstanding any other provisions of the Revised Code 51270
or rules of a court to the contrary, this section governs all 51271
claims for asbestos-related injuries arising from asbestos hazard 51272
abatement or evaluation activities. 51273

Sec. 3710.19. On receipt of a notice pursuant to section 51274
3123.43 of the Revised Code, the ~~department of health~~ director of 51275
environmental protection shall comply with sections 3123.41 to 51276
3123.50 of the Revised Code and any applicable rules adopted under 51277
section 3123.63 of the Revised Code with respect to a license or 51278
certificate issued pursuant to this chapter. 51279

Sec. 3710.99. (A) At the request of the director of ~~health~~ 51280
environmental protection, a prosecuting attorney, city director of 51281
law, or similar chief legal officer may commence a criminal 51282

action, in a court of this state, against any person who violates 51283
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 51284
any rule adopted under this chapter, any license or certificate 51285
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 51286
this chapter. 51287

(B) Upon conviction, the person is subject to: 51288

(1) A fine of at least ten thousand dollars but not more than 51289
twenty-five thousand dollars or imprisonment at least one year but 51290
not more than two years, or both, for a first offense; or 51291

(2) A fine of at least twenty thousand dollars but not more 51292
than forty thousand dollars or imprisonment of at least two years 51293
but not more than four years or both for a second or subsequent 51294
offense. 51295

Sec. 3713.04. (A) In accordance with Chapter 119. of the 51296
Revised Code, the superintendent of industrial compliance shall: 51297

(1) Adopt rules pertaining to the definition, name, and 51298
description of materials necessary to carry out this chapter; 51299

(2) Determine the testing standards, fees, and charges to be 51300
paid for making any test or analysis required pursuant to section 51301
3713.08 of the Revised Code. 51302

(B) In accordance with Chapter 119. of the Revised Code, the 51303
superintendent may adopt rules regarding the following: 51304

(1) Establishing an initial application fee or an annual 51305
registration renewal fee not more than fifty per cent higher than 51306
the fees set forth in section 4713.05 of the Revised Code; 51307

(2) Establishing standards, on a reciprocal basis, for the 51308
acceptance of labels and laboratory analyses from other states 51309
where the labeling requirements and laboratory analysis standards 51310
are substantially equal to the requirements of this state, 51311
provided the other state extends similar reciprocity to labels and 51312

laboratory analysis conducted under this chapter; 51313

(3) Any other rules necessary to administer and carry out 51314
this chapter. 51315

(C) The superintendent may do any of the following: 51316

(1) Issue administrative orders, conduct hearings, and take 51317
all actions necessary under the authority of Chapter 119. of the 51318
Revised Code for the administration of this chapter. The authority 51319
granted under this division shall include the authority to 51320
suspend, revoke, or deny registration under this chapter. 51321

(2) Establish and maintain facilities within the department 51322
of commerce to make tests and analysis of materials used in the 51323
manufacture of bedding and stuffed toys. The superintendent also 51324
may designate established laboratories ~~in various sections of the~~ 51325
~~state~~ that are qualified to make these tests. These laboratories 51326
may be used for making any test or analysis of materials used in 51327
the manufacture of bedding and stuffed toys. If the superintendent 51328
exercises this authority, the superintendent shall adopt rules to 51329
determine the fees and charges to be paid for making the tests or 51330
analyses authorized under this section. 51331

(3) Exercise such other powers and duties as are necessary to 51332
carry out the purpose and intent of this chapter. 51333

Sec. 3715.041. (A)(1) As used in this section, "food 51334
processing establishment" has the same meaning as in section 51335
3715.021 of the Revised Code. 51336

(2) A person that operates a food processing establishment 51337
shall register the establishment annually with the director of 51338
agriculture. The person shall submit an application for 51339
registration or renewal on a form prescribed and provided by the 51340
director. Except as provided in division (G) of this section, an 51341
application for registration or renewal shall be accompanied by a 51342

registration fee in an amount established in rules adopted under 51343
this section. If a person files an application for registration on 51344
or after the first day of August of any year, the fee shall be 51345
one-half of the annual registration fee. 51346

(B)(1) The director shall inspect the food processing 51347
establishment for which an application for initial registration 51348
has been submitted. If, upon inspection, the director finds that 51349
the establishment is in compliance with this chapter and Chapter 51350
911., 913., 915., or 925. of the Revised Code, as applicable, or 51351
applicable rules adopted under those chapters, the director shall 51352
issue a certificate of registration to the food processing 51353
establishment. A food processing establishment registration 51354
expires on the thirty-first day of January and is valid until that 51355
date unless it is suspended or revoked under this section. 51356

(2) A person that is operating a food processing 51357
establishment ~~on the effective date of this section~~ shall apply to 51358
the director for a certificate of registration ~~not later than~~ 51359
~~ninety days after the effective date of this section~~ not later 51360
than a date specified by the director in rules adopted under this 51361
section. If an application is not filed with the director or 51362
postmarked on or before ~~ninety days after the effective date of~~ 51363
~~this section~~ that date, the director shall assess a late fee in an 51364
amount established in rules adopted under this section. 51365

(C)(1) A food processing establishment registration may be 51366
renewed by the director. A person seeking registration renewal 51367
shall submit an application for renewal to the director not later 51368
than the thirty-first day of January. The director shall issue a 51369
renewed certificate of registration on receipt of a complete 51370
renewal application except as provided in division (C)(2) of this 51371
section. 51372

(2) If a renewal application is not filed with the director 51373
or postmarked on or before the thirty-first day of January, the 51374

director shall assess a late fee in an amount established in rules 51375
adopted under this section. The director shall not renew the 51376
registration until the applicant pays the late fee. 51377

(D) A copy of the food processing establishment registration 51378
certificate shall be conspicuously displayed in an area of the 51379
establishment to which customers of the establishment have access. 51380

(E)(1) The director or the director's designee may issue an 51381
order suspending or revoking a food processing establishment 51382
registration upon determining that the registration holder is in 51383
violation of this chapter or Chapter 911., 913., 915., or 925. of 51384
the Revised Code, as applicable, or applicable rules adopted under 51385
those chapters. Except as provided in division (E)(2) of this 51386
section, a registration shall not be suspended or revoked until 51387
the registration holder is provided an opportunity to appeal the 51388
suspension or revocation in accordance with Chapter 119. of the 51389
Revised Code. 51390

(2) If the director determines that a food processing 51391
establishment presents an immediate danger to the public health, 51392
the director may issue an order immediately suspending the 51393
establishment's registration without affording the registration 51394
holder an opportunity for a hearing. The director then shall 51395
afford the registration holder a hearing in accordance with 51396
Chapter 119. of the Revised Code not later than ten days after the 51397
date of suspension. 51398

(3) If the director finds that a person is operating a food 51399
processing establishment without registering the establishment 51400
under this section, the director shall issue a letter of warning 51401
to the person giving the person ten days to register the 51402
establishment. If the person fails to register the establishment 51403
within that ten-day time period, the director may assess a civil 51404
penalty against the person. If the director assesses a civil 51405
penalty, the director shall do so as follows: 51406

(a) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars; 51407
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(b) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars; 51411
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(c) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars. 51415
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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following: 51419
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(1) The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration; 51421
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(2) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal; 51424
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~~(2)~~(3) The amount of the late fee that is required in division (B)(2) of this section; 51427
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~~(3)~~(4) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section; 51429
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~~(4)~~(5) Any other procedures and requirements that are necessary to administer and enforce this section. 51432
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(G) The following are not required to pay any registration fee that is otherwise required in this section: 51434
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(1) ~~Home bakeries~~ Bakeries registered under section 911.02 of 51436

the Revised Code;	51437
(2) Canneries licensed under section 913.02 of the Revised Code;	51438 51439
(3) Soft drink plants licensed under section 913.23 of the Revised Code;	51440 51441
(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;	51442 51443
(5) Persons licensed under section 915.15 of the Revised Code;	51444 51445
(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.	51446 51447
(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.	51448 51449 51450
<u>Sec. 3715.08. (A) As used in this section:</u>	51451
<u>(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u>	51452 51453
<u>(2) "Prescriber" means any of the following:</u>	51454
<u>(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;</u>	51455 51456 51457 51458
<u>(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	51459 51460 51461
<u>(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.</u>	51462 51463 51464 51465

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 51466
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(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and make the record available to employees of the board of nursing or state medical board on their request. 51469
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If the prescriber is not a qualifying practitioner and the patient's choice is treatment with a controlled substance containing buprenorphine and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to a qualifying practitioner. If the patient's choice is methadone treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to a community addiction services provider licensed under section 5119.391 of the Revised Code. In either case, the prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the practitioner or provider to whom the patient was referred and specifying when the referral was made. 51478
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Sec. 3719.04. (A) A licensed manufacturer or wholesaler of controlled substances person identified in division (B)(1)(a) of section 4729.52 of the Revised Code who holds a category III license under that section may sell at wholesale controlled substances to any of the following persons and subject to the 51492
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following conditions: 51497

(1) To ~~a licensed manufacturer or wholesaler of controlled substances~~ another person who holds a category III license under section 4729.50 of the Revised Code, or a terminal distributor of dangerous drugs having a category III license under section 4729.54 of the Revised Code; 51498
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(2) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of official duties; 51503
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(3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service; 51507
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(4) To a person in a foreign country, if the federal drug abuse control laws are complied with. 51515
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(B) An official written order for any schedule II controlled substances shall be signed in triplicate by the person giving the order or by the person's authorized agent. The original shall be presented to the person who sells or dispenses the schedule II controlled substances named in the order and, if that person accepts the order, each party to the transaction shall preserve the party's copy of the order for a period of three years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of Chapter 3719. of the Revised Code. Compliance with the federal drug abuse control laws, respecting the requirements governing the use of a special 51517
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official written order constitutes compliance with this division. 51528

Sec. 3719.07. (A) As used in this section, "description" 51529
means the dosage form, strength, and quantity, and the brand name, 51530
if any, or the generic name, of a drug or controlled substance. 51531

(B)(1) Every licensed health professional authorized to 51532
prescribe drugs shall keep a record of all controlled substances 51533
received and a record of all controlled substances administered, 51534
dispensed, or used other than by prescription. Every other person, 51535
except a pharmacist, or a manufacturer, or wholesaler, or other 51536
person licensed under section 4729.52 of the Revised Code, who is 51537
authorized to purchase and use controlled substances shall keep a 51538
record of all controlled substances purchased and used other than 51539
by prescription. The records shall be kept in accordance with 51540
division (C)(1) of this section. 51541

(2) Manufacturers ~~and~~, wholesalers, and other persons 51542
licensed under section 4729.52 of the Revised Code shall keep 51543
records of all controlled substances compounded, mixed, 51544
cultivated, grown, or by any other process produced or prepared by 51545
them, and of all controlled substances received or sold by them. 51546
The records shall be kept in accordance with division (C)(2) of 51547
this section. 51548

(3) Every category III terminal distributor of dangerous 51549
drugs shall keep records of all controlled substances received or 51550
sold. The records shall be kept in accordance with division (C)(3) 51551
of this section. 51552

(4) Every person who sells or purchases for resale schedule V 51553
controlled substances exempted by section 3719.15 of the Revised 51554
Code shall keep a record showing the quantities and kinds thereof 51555
received or sold. The records shall be kept in accordance with 51556
divisions (C)(1), (2), and (3) of this section. 51557

(C)(1) The records required by divisions (B)(1) and (4) of this section shall contain the following: 51558
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(a) The description of all controlled substances received, the name and address of the person from whom received, and the date of receipt; 51560
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(b) The description of controlled substances administered, dispensed, purchased, sold, or used; the date of administering, dispensing, purchasing, selling, or using; the name and address of the person to whom, or for whose use, or the owner and species of the animal for which the controlled substance was administered, dispensed, purchased, sold, or used. 51563
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(2) The records required by divisions (B)(2) and (4) of this section shall contain the following: 51569
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(a) The description of all controlled substances produced or prepared, the name and address of the person from whom received, and the date of receipt; 51571
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(b) The description of controlled substances sold, the name and address of each person to whom a controlled substance is sold, the amount of the controlled substance sold to each person, and the date it was sold. 51574
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(3) The records required by divisions (B)(3) and (4) of this section shall contain the following: 51578
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(a) The description of controlled substances received, the name and address of the person from whom controlled substances are received, and the date of receipt; 51580
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(b) The name and place of residence of each person to whom controlled substances, including those otherwise exempted by section 3719.15 of the Revised Code, are sold, the description of the controlled substances sold to each person, and the date the controlled substances are sold to each person. 51583
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(D) Every record required by this section shall be kept for a 51588
period of three years. 51589

The keeping of a record required by or under the federal drug 51590
abuse control laws, containing substantially the same information 51591
as specified in this section, constitutes compliance with this 51592
section. 51593

Every person who purchases for resale or who sells controlled 51594
substance preparations exempted by section 3719.15 of the Revised 51595
Code shall keep the record required by or under the federal drug 51596
abuse control laws. 51597

Sec. 3719.08. (A) ~~Whenever~~ As used in this division, 51598
"repackager" and "outsourcing facility" have the same meanings as 51599
in section 4729.01 of the Revised Code. 51600

Whenever a manufacturer sells a controlled substance, and 51601
whenever a wholesaler, repackager, or outsourcing facility sells a 51602
controlled substance in a package the wholesaler, repackager, or 51603
outsourcing facility has prepared, the manufacturer or the 51604
wholesaler, repackager, or outsourcing facility, as the case may 51605
be, shall securely affix to each package in which the controlled 51606
substance is contained a label showing in legible English the name 51607
and address of the vendor and the quantity, kind, and form of 51608
controlled substance contained therein. No person, except a 51609
pharmacist for the purpose of dispensing a controlled substance 51610
upon a prescription shall alter, deface, or remove any label so 51611
affixed. 51612

(B) Except as provided in division (C) of this section, when 51613
a pharmacist dispenses any controlled substance on a prescription 51614
for use by a patient, or supplies a controlled substance to a 51615
licensed health professional authorized to prescribe drugs for use 51616
by the professional in personally furnishing patients with 51617
controlled substances, the pharmacist shall affix to the container 51618

in which the controlled substance is dispensed or supplied a label 51619
showing the following: 51620

(1) The name and address of the pharmacy dispensing or 51621
supplying the controlled substance; 51622

(2) The name of the patient for whom the controlled substance 51623
is prescribed and, if the patient is an animal, the name of the 51624
owner and the species of the animal; 51625

(3) The name of the prescriber; 51626

(4) All directions for use stated on the prescription or 51627
provided by the prescriber; 51628

(5) The date on which the controlled substance was dispensed 51629
or supplied; 51630

(6) The name, quantity, and strength of the controlled 51631
substance and, if applicable, the name of the distributor or 51632
manufacturer. 51633

(C) The requirements of division (B) of this section do not 51634
apply when a controlled substance is prescribed or supplied for 51635
administration to an ultimate user who is institutionalized. 51636

(D) A licensed health professional authorized to prescribe 51637
drugs who personally furnishes a controlled substance to a patient 51638
shall comply with division (A) of section 4729.291 of the Revised 51639
Code with respect to labeling and packaging of the controlled 51640
substance. 51641

(E) No person shall alter, deface, or remove any label 51642
affixed pursuant to this section as long as any of the original 51643
contents remain. 51644

(F) Every label for a schedule II, III, or IV controlled 51645
substance shall contain the following warning: 51646

"Caution: federal law prohibits the transfer of this drug to 51647
any person other than the patient for whom it was prescribed." 51648

Sec. 3721.02. (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B)(1) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. A nursing home does not need to be inspected before the director increases the nursing home's licensed capacity if the beds being added to the nursing home are placed in resident rooms that were inspected, as part of the most recent previous inspection of the nursing home, for the same number of residents proposed to be placed in a room after the capacity increase. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its

residential care facility license. The director may delegate the 51681
director's authority and duties under this chapter to any 51682
division, bureau, agency, or official of the department of health. 51683

(2)(a) If, prior to issuance of a license, a home submits a 51684
request for an expedited licensing inspection and the request is 51685
submitted in a manner and form approved by the director, the 51686
director shall commence an inspection of the home not later than 51687
ten business days after receiving the request. 51688

(b) On request, submitted in a manner and form approved by 51689
the director, the director may review plans for a building that is 51690
to be used as a home for compliance with applicable state and 51691
local building and safety codes. 51692

(c) The director may charge a fee for an expedited licensing 51693
inspection or a plan review that is adequate to cover the expense 51694
of expediting the inspection or reviewing the plans. The fee shall 51695
be deposited in the state treasury to the credit of the general 51696
operations fund created in section 3701.83 of the Revised Code and 51697
used solely for expediting inspections and reviewing plans. 51698

(C) A single facility may be licensed both as a nursing home 51699
pursuant to this chapter and as a residential facility pursuant to 51700
section 5119.34 of the Revised Code if the director determines 51701
that the part or unit to be licensed as a nursing home can be 51702
maintained separate and discrete from the part or unit to be 51703
licensed as a residential facility. 51704

(D) In determining the number of residents in a home for the 51705
purpose of licensing, the director shall consider all the 51706
individuals for whom the home provides accommodations as one group 51707
unless one of the following is the case: 51708

(1) The home is a home for the aging, in which case all the 51709
individuals in the part or unit licensed as a nursing home shall 51710
be considered as one group, and all the individuals in the part or 51711

unit licensed as a rest home shall be considered as another group. 51712

(2) The home is both a nursing home and a residential 51713
facility. In that case, all the individuals in the part or unit 51714
licensed as a nursing home shall be considered as one group, and 51715
all the individuals in the part or unit licensed as an adult care 51716
facility shall be considered as another group. 51717

(3) The home maintains, in addition to a nursing home or 51718
residential care facility, a separate and discrete part or unit 51719
that provides accommodations to individuals who do not require or 51720
receive skilled nursing care and do not receive personal care 51721
services from the home, in which case the individuals in the 51722
separate and discrete part or unit shall not be considered in 51723
determining the number of residents in the home if the separate 51724
and discrete part or unit is in compliance with the Ohio basic 51725
building code established by the board of building standards under 51726
Chapters 3781. and 3791. of the Revised Code and the home permits 51727
the director, on request, to inspect the separate and discrete 51728
part or unit and speak with the individuals residing there, if 51729
they consent, to determine whether the separate and discrete part 51730
or unit meets the requirements of this division. 51731

(E)(1) The director of health shall charge the following 51732
application fee and annual renewal licensing and inspection fee 51733
for each fifty persons or part thereof of a home's licensed 51734
capacity: 51735

(a) For state fiscal year 2010, two hundred twenty dollars; 51736

(b) For state fiscal year 2011, two hundred seventy dollars; 51737

(c) For each state fiscal year thereafter, three hundred 51738
twenty dollars. 51739

(2) All fees collected by the director for the issuance or 51740
renewal of licenses shall be deposited into the state treasury to 51741
the credit of the general operations fund created in section 51742

3701.83 of the Revised Code for use only in administering and 51743
enforcing this chapter and rules adopted under it. 51744

(F)(1) Except as otherwise provided in this section, the 51745
results of an inspection or investigation of a home that is 51746
conducted under this section, including any statement of 51747
deficiencies and all findings and deficiencies cited in the 51748
statement on the basis of the inspection or investigation, shall 51749
be used solely to determine the home's compliance with this 51750
chapter or another chapter of the Revised Code in any action or 51751
proceeding other than an action commenced under division (I) of 51752
section 3721.17 of the Revised Code. Those results of an 51753
inspection or investigation, that statement of deficiencies, and 51754
the findings and deficiencies cited in that statement shall not be 51755
used in either of the following: 51756

(a) Any court or in any action or proceeding that is pending 51757
in any court and are not admissible in evidence in any action or 51758
proceeding unless that action or proceeding is an appeal of an 51759
action by the department of health under this chapter or is an 51760
action by any department or agency of the state to enforce this 51761
chapter or another chapter of the Revised Code; 51762

(b) An advertisement, unless the advertisement includes all 51763
of the following: 51764

(i) The date the inspection or investigation was conducted; 51765

(ii) A statement that the director of health inspects all 51766
homes at least once every fifteen months; 51767

(iii) If a finding or deficiency cited in the statement of 51768
deficiencies has been substantially corrected, a statement that 51769
the finding or deficiency has been substantially corrected and the 51770
date that the finding or deficiency was substantially corrected; 51771

(iv) The number of findings and deficiencies cited in the 51772
statement of deficiencies on the basis of the inspection or 51773

investigation;	51774
(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;	51775 51776 51777 51778 51779
(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.	51780 51781 51782
(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.	51783 51784 51785 51786
Sec. 3721.031. (A) The director of health may investigate any complaint the director receives concerning a home.	51787 51788
(1) Except as required by court order, as necessary for the administration or enforcement of any statute relating to homes, or as provided in division (C) of this section, the director and any employee of the department of health shall not release any of the following information without the permission of the individual or of the individual's legal representative:	51789 51790 51791 51792 51793 51794
(a) The identity of any patient or resident;	51795
(b) The identity of any individual who submits a complaint about a home;	51796 51797
(c) The identity of any individual who provides the director with information about a home and has requested confidentiality;	51798 51799
(d) Any information that reasonably would tend to disclose the identity of any individual described in division (A)(1)(a) to (c) of this section.	51800 51801 51802

(2) An agency or individual to whom the director is required, 51803
by court order or for the administration or enforcement of a 51804
statute relating to homes, to release information described in 51805
division (A)(1) of this section shall not release the information 51806
without the permission of the individual who would be or would 51807
reasonably tend to be identified, or of the individual's legal 51808
representative, unless the agency or individual is required to 51809
release it by division (C) of this section, by court order, or for 51810
the administration or enforcement of a statute relating to homes. 51811

(B) Except as provided in division (C) of this section, any 51812
record that identifies an individual described in division 51813
(A)(1)(a) to (c) of this section or that reasonably would tend to 51814
identify such an individual is not a public record for the 51815
purposes of section 149.43 of the Revised Code, and is not subject 51816
to inspection and copying under section 1347.08 of the Revised 51817
Code. 51818

(C)(1) If the director, or an agency or individual to whom 51819
the director is required by court order or for administration or 51820
enforcement of a statute relating to homes to release information 51821
described in division (A)(1) of this section, uses information in 51822
any administrative or judicial proceeding against a home that 51823
reasonably would tend to identify an individual described in 51824
division (A)(1)(a) to (c) of this section, the director, agency, 51825
or individual shall disclose that information to the home. 51826
However, the director, agency, or individual shall not disclose 51827
information that directly identifies an individual described in 51828
divisions (A)(1)(a) to (c) of this section, unless the individual 51829
is to testify in the proceedings. 51830

(2)(a) On the request of the director of aging or the 51831
director's designee and subject to division (C)(2)(b) of this 51832
section, the director of health may release to the department of 51833
aging the identity of a patient or resident of a home who receives 51834

assisted living services pursuant to sections 173.54 to 173.548 of 51835
the Revised Code. 51836

(b) The department of aging shall not use information 51837
obtained under division (C)(2)(a) for any purpose other than 51838
monitoring the well-being of patients or residents who receive 51839
assisted living services. 51840

(D) No person shall knowingly register a false complaint 51841
about a home with the director, or knowingly swear or affirm the 51842
truth of a false complaint, when the complaint is made for the 51843
purpose of incriminating another. 51844

(E) An individual who in good faith submits a complaint under 51845
this section or any other provision of the Revised Code regarding 51846
a violation of this chapter, or participates in any investigation, 51847
administrative proceeding, or judicial proceeding resulting from 51848
the complaint, has the full protection against retaliatory action 51849
provided by sections 4113.51 to 4113.53 of the Revised Code. 51850

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 51851
Revised Code: 51852

(A) "Long-term care facility" means either of the following: 51853

(1) A nursing home as defined in section 3721.01 of the 51854
Revised Code; 51855

(2) A facility or part of a facility that is certified as a 51856
skilled nursing facility or a nursing facility under Title XVIII 51857
or XIX of the "Social Security Act." 51858

(B) "Residential care facility" has the same meaning as in 51859
section 3721.01 of the Revised Code. 51860

(C) "Abuse" means ~~knowingly causing physical harm or~~ 51861
~~recklessly causing serious physical harm to a resident by physical~~ 51862
~~contact with the resident or by use of physical or chemical~~ 51863
~~restraint, medication, or isolation as punishment, for staff~~ 51864

~~convenience, excessively, as a substitute for treatment, or in~~ 51865
~~amounts that preclude habilitation and treatment any of the~~ 51866
following: 51867

(1) Physical abuse; 51868

(2) Psychological abuse; 51869

(3) Sexual abuse. 51870

(D) "Neglect" means recklessly failing to provide a resident 51871
with any treatment, care, goods, or service necessary to maintain 51872
the health or safety of the resident when the failure results in 51873
serious physical harm to the resident. "Neglect" does not include 51874
allowing a resident, at the resident's option, to receive only 51875
treatment by spiritual means through prayer in accordance with the 51876
tenets of a recognized religious denomination. 51877

(E) "Exploitation" means taking advantage of a resident, 51878
regardless of whether the action was for personal gain, whether 51879
the resident knew of the action, or whether the resident was 51880
harmed. 51881

(F) "Misappropriation" means depriving, defrauding, or 51882
otherwise obtaining the real or personal property of a resident by 51883
any means prohibited by the Revised Code, including violations of 51884
Chapter 2911. or 2913. of the Revised Code. 51885

~~(F)~~(G) "Resident" includes a resident, patient, former 51886
resident or patient, or deceased resident or patient of a 51887
long-term care facility or a residential care facility. 51888

(H) "Physical abuse" means knowingly causing physical harm or 51889
recklessly causing serious physical harm to a resident through 51890
either of the following: 51891

(1) Physical contact with the resident; 51892

(2) The use of physical restraint, chemical restraint, 51893
medication that does not constitute a chemical restraint, or 51894

isolation, if the restraint, medication, or isolation is 51895
excessive, for punishment, for staff convenience, a substitute for 51896
treatment, or in an amount that precludes habilitation and 51897
treatment. 51898

(I) "Psychological abuse" means knowingly or recklessly 51899
causing psychological harm to a resident, whether verbally or by 51900
action. 51901

(J) "Sexual abuse" means sexual conduct or sexual contact 51902
with a resident, as those terms are defined in section 2907.01 of 51903
the Revised Code. 51904

~~(G)~~(K) "Physical restraint" has the same meaning as in 51905
section 3721.10 of the Revised Code. 51906

~~(H)~~(L) "Chemical restraint" has the same meaning as in 51907
section 3721.10 of the Revised Code. 51908

~~(I)~~(M) "Nursing and nursing-related services" means the 51909
personal care services and other services not constituting skilled 51910
nursing care that are specified in rules the director of health 51911
shall adopt in accordance with Chapter 119. of the Revised Code. 51912

~~(J)~~(N) "Personal care services" has the same meaning as in 51913
section 3721.01 of the Revised Code. 51914

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 51915
section, "nurse aide" means an individual who provides nursing and 51916
nursing-related services to residents in a long-term care 51917
facility, either as a member of the staff of the facility for 51918
monetary compensation or as a volunteer without monetary 51919
compensation. 51920

(2) "Nurse aide" does not include either of the following: 51921

(a) A licensed health professional practicing within the 51922
scope of the professional's license; 51923

(b) An individual providing nursing and nursing-related 51924

services in a religious nonmedical health care institution, if the 51925
individual has been trained in the principles of nonmedical care 51926
and is recognized by the institution as being competent in the 51927
administration of care within the religious tenets practiced by 51928
the residents of the institution. 51929

~~(L)~~(P) "Licensed health professional" means all of the 51930
following: 51931

(1) An occupational therapist or occupational therapy 51932
assistant licensed under Chapter 4755. of the Revised Code; 51933

(2) A physical therapist or physical therapy assistant 51934
licensed under Chapter 4755. of the Revised Code; 51935

(3) A physician authorized under Chapter 4731. of the Revised 51936
Code to practice medicine and surgery, osteopathic medicine and 51937
surgery, or ~~pediatry~~ podiatric medicine and surgery; 51938

(4) A physician assistant authorized under Chapter 4730. of 51939
the Revised Code to practice as a physician assistant; 51940

(5) A registered nurse or licensed practical nurse licensed 51941
under Chapter 4723. of the Revised Code; 51942

(6) A social worker or independent social worker licensed 51943
under Chapter 4757. of the Revised Code or a social work assistant 51944
registered under that chapter; 51945

(7) A speech-language pathologist or audiologist licensed 51946
under Chapter 4753. of the Revised Code; 51947

(8) A dentist or dental hygienist licensed under Chapter 51948
4715. of the Revised Code; 51949

(9) An optometrist licensed under Chapter 4725. of the 51950
Revised Code; 51951

(10) A pharmacist licensed under Chapter 4729. of the Revised 51952
Code; 51953

(11) A psychologist licensed under Chapter 4732. of the Revised Code;	51954 51955
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	51956 51957
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	51958 51959
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code;	51960 51961 51962
(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	51963 51964 51965
(M) (O) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	51966 51967 51968 51969 51970 51971 51972 51973
(N) (R) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.	51974 51975 51976
(O) (S) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services.	51977 51978 51979
Sec. 3721.22. (A) (1) <u>No licensed health professional person identified in division (P)(1) to (12), (14), or (15) of section 3721.21 of the Revised Code</u> who knows or suspects that a resident has been abused or , neglected, <u>or exploited</u> , or that a resident's	51980 51981 51982 51983

property has been misappropriated, by any individual used by a 51984
long-term care facility or residential care facility to provide 51985
services to residents, shall fail to report that knowledge or 51986
suspicion to the ~~director of health~~ facility. 51987

(2) No nursing home administrator licensed or temporarily 51988
licensed under Chapter 4751. of the Revised Code, and no 51989
administrator of a residential care facility, who knows or 51990
suspects that a resident has been abused, neglected, or exploited, 51991
or that a resident's property has been misappropriated, by any 51992
individual used by a long-term care facility or residential care 51993
facility to provide services to residents, shall fail to report 51994
that knowledge or suspicion to the director of health. 51995

(B) Any person, including a resident, who knows or suspects 51996
that a resident has been abused ~~or~~, neglected, or exploited, or 51997
that a resident's property has been misappropriated, by any 51998
individual used by a long-term care facility or residential care 51999
facility to provide services to residents, may report that 52000
knowledge or suspicion to the director of health. 52001

(C) Any person who in good faith reports suspected abuse, 52002
neglect, exploitation, or misappropriation to a facility or the 52003
director of health, provides information during an investigation 52004
of suspected abuse, neglect, exploitation, or misappropriation 52005
conducted by the director, or participates in a hearing conducted 52006
under section 3721.23 of the Revised Code is not subject to 52007
criminal prosecution, liable in damages in a tort or other civil 52008
action, or subject to professional disciplinary action because of 52009
injury or loss to person or property allegedly arising from the 52010
making of the report, provision of information, or participation 52011
in the hearing. 52012

(D) If the director has reason to believe that a violation of 52013
division (A) of this section has occurred, the director may report 52014
the suspected violation to the appropriate professional licensing 52015

authority and to the attorney general, county prosecutor, or other 52016
appropriate law enforcement official. 52017

(E) No person shall knowingly make a false allegation of 52018
abuse ~~or~~, neglect, or exploitation of a resident or 52019
misappropriation of a resident's property, or knowingly swear or 52020
affirm the truth of a false allegation, when the allegation is 52021
made for the purpose of incriminating another. 52022

Sec. 3721.23. (A) The director of health shall receive, 52023
review, and investigate allegations of abuse ~~or~~, neglect, or 52024
exploitation of a resident or misappropriation of the property of 52025
a resident by any individual used by a long-term care facility or 52026
residential care facility to provide services to residents. 52027

(B) The director shall make findings regarding alleged abuse, 52028
neglect, exploitation, or misappropriation of property after doing 52029
both of the following: 52030

(1) Investigating the allegation and determining that there 52031
is a reasonable basis for it; 52032

(2) Giving notice to the individual named in the allegation 52033
and affording the individual a reasonable opportunity for a 52034
hearing. 52035

Notice to the person named in an allegation shall be given 52036
and the hearing shall be conducted pursuant to rules adopted by 52037
the director under section 3721.26 of the Revised Code. For 52038
purposes of conducting a hearing under this section, the director 52039
may issue subpoenas compelling attendance of witnesses or 52040
production of documents. The subpoenas shall be served in the same 52041
manner as subpoenas and subpoenas duces tecum issued for a trial 52042
of a civil action in a court of common pleas. If a person who is 52043
served a subpoena fails to attend a hearing or to produce 52044
documents, or refuses to be sworn or to answer any questions, the 52045

director may apply to the common pleas court of the county in 52046
which the person resides, or the county in which the long-term 52047
care facility or residential care facility is located, for a 52048
contempt order, as in the case of a failure of a person who is 52049
served a subpoena issued by the court to attend or to produce 52050
documents or a refusal of such person to testify. 52051

(C)(1) If the director finds that an individual used by a 52052
long-term care facility or residential care facility has abused, 52053
neglected, or ~~abused~~ exploited a resident or misappropriated 52054
property of a resident, the director shall ~~notify~~ do both of the 52055
following: 52056

(a) Notify the individual, the facility using the individual, 52057
~~and~~ the attorney general, county prosecutor, or other appropriate 52058
law enforcement official. ~~The director also shall do the~~ 52059
~~following:~~ 52060

~~(a) If the individual is used by a long term care facility as~~ 52061
~~a nurse aide, the director shall, in accordance with section~~ 52062
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 52063
~~established under that section a statement detailing the findings~~ 52064
~~pertaining to the individual.~~ 52065

~~(b) If the individual is a licensed health professional used~~ 52066
~~by a long term care facility or residential care facility to~~ 52067
~~provide services to residents, the director shall notify, and, if~~ 52068
~~applicable, the appropriate professional licensing authority~~ 52069
~~established under Title XLVII of the Revised Code.~~ 52070

~~(c) If the individual is used by a long term care facility~~ 52071
~~and is neither a nurse aide nor a licensed health professional, or~~ 52072
~~is used by a residential care facility and is not a licensed~~ 52073
~~health professional, the director shall, in;~~ 52074

(b) In accordance with section 3721.32 of the Revised Code, 52075
include in the nurse aide registry established under that section 52076

a statement detailing the findings pertaining to the individual. 52077

(2) ~~A nurse aide or other~~ An individual about whom a 52078
statement is required by this division to be included in the nurse 52079
aide registry may provide the director with a statement disputing 52080
the director's findings and explaining the circumstances of the 52081
allegation. The statement shall be included in the nurse aide 52082
registry with the director's findings. 52083

(D)(1) If the director finds that alleged abuse, neglect, or 52084
~~abuse~~ exploitation of a resident or misappropriation of property 52085
of a resident cannot be substantiated, the director shall notify 52086
the individual and expunge all files and records of the 52087
investigation and the hearing by doing all of the following: 52088

(a) Removing and destroying the files and records, originals 52089
and copies, and deleting all index references; 52090

(b) Reporting to the individual the nature and extent of any 52091
information about the individual transmitted to any other person 52092
or government entity by the director of health; 52093

(c) Otherwise ensuring that any examination of files and 52094
records in question show no record whatever with respect to the 52095
individual. 52096

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of 52097
this section, the director includes in the nurse aide registry a 52098
statement of a finding of neglect, the individual found to have 52099
neglected a resident may, not earlier than one year after the date 52100
of the finding, petition the director to rescind the finding and 52101
remove the statement and any accompanying information from the 52102
nurse aide registry. The director shall consider the petition. If, 52103
in the judgment of the director, the neglect was a singular 52104
occurrence and the employment and personal history of the 52105
individual does not evidence abuse, exploitation, or any other 52106
incident of neglect of residents, the director shall notify the 52107

individual and remove the statement and any accompanying 52108
information from the nurse aide registry. The director shall 52109
expunge all files and records of the investigation and the 52110
hearing, except the petition for rescission of the finding of 52111
neglect and the director's notice that the rescission has been 52112
approved. 52113

(b) A petition for rescission of a finding of neglect and the 52114
director's notice that the rescission has been approved are not 52115
public records for the purposes of section 149.43 of the Revised 52116
Code. 52117

(3) When files and records have been expunged under division 52118
(D)(1) or (2) of this section, all rights and privileges are 52119
restored, and the individual, the director, and any other person 52120
or government entity may properly reply to an inquiry that no such 52121
record exists as to the matter expunged. 52122

Sec. 3721.24. (A) No person or government entity shall 52123
retaliate against an employee or another individual used by the 52124
person or government entity to perform any work or services who, 52125
in good faith, makes or causes to be made a report of suspected 52126
abuse ~~or~~, neglect, or exploitation of a resident or 52127
misappropriation of the property of a resident; indicates an 52128
intention to make such a report; provides information during an 52129
investigation of suspected abuse, neglect, exploitation, or 52130
misappropriation conducted by the director of health; or 52131
participates in a hearing conducted under section 3721.23 of the 52132
Revised Code or in any other administrative or judicial 52133
proceedings pertaining to the suspected abuse, neglect, 52134
exploitation, or misappropriation. For purposes of this division, 52135
retaliatory actions include discharging, demoting, or transferring 52136
the employee or other person, preparing a negative work 52137
performance evaluation of the employee or other person, reducing 52138

the benefits, pay, or work privileges of the employee or other 52139
person, and any other action intended to retaliate against the 52140
employee or other person. 52141

(B)(1) No person or government entity shall retaliate against 52142
a resident who reports or causes to be reported suspected abuse, 52143
neglect, exploitation, or misappropriation; indicates an intention 52144
to make such a report; provides information during an 52145
investigation of alleged abuse, neglect, exploitation, or 52146
misappropriation conducted by the director; or participates in a 52147
hearing under section 3721.23 of the Revised Code or in any other 52148
administrative or judicial proceeding pertaining to the suspected 52149
abuse, neglect, exploitation, or misappropriation; or on whose 52150
behalf any other person or government entity takes any of those 52151
actions. ~~For~~ 52152

(2) No person or government entity shall retaliate against a 52153
resident whose family member, guardian, sponsor, or personal 52154
representative reports or causes to be reported suspected abuse, 52155
neglect, exploitation, or misappropriation; indicates an intention 52156
to make such a report; provides information during an 52157
investigation of alleged abuse, neglect, exploitation, or 52158
misappropriation conducted by the director; or participates in a 52159
hearing under section 3721.23 of the Revised Code or in any other 52160
administrative or judicial proceeding pertaining to the suspected 52161
abuse, neglect, exploitation, or misappropriation; or on whose 52162
behalf any other person or government entity takes any of those 52163
actions. 52164

(3) For purposes of this division divisions (B)(1) and (2) of 52165
this section, retaliatory actions include abuse, verbal threats or 52166
other harsh language, change of room assignment, withholding of 52167
services, failure to provide care in a timely manner, and any 52168
other action intended to retaliate against the resident. 52169

(C) Any person has a cause of action against a person or 52170

government entity for harm resulting from violation of division 52171
(A) or (B) of this section. If it finds that a violation has 52172
occurred, the court may award damages and order injunctive relief. 52173
The court may award court costs and reasonable attorney's fees to 52174
the prevailing party. 52175

Sec. 3721.25. (A)(1) Except as required by court order, as 52176
necessary for the administration or enforcement of any statute or 52177
rule relating to long-term care facilities or residential care 52178
facilities, or as provided in division (D) of this section, the 52179
director of health shall not disclose any of the following without 52180
the consent of the individual or the individual's legal 52181
representative: 52182

(a) The name of an individual who reports suspected abuse ~~or~~, 52183
neglect, or exploitation of a resident or misappropriation of a 52184
resident's property to the facility or director; 52185

(b) The name of an individual who provides information during 52186
an investigation of suspected abuse, neglect, exploitation, or 52187
misappropriation conducted by the director; 52188

(c) Any information that would tend to disclose the identity 52189
of an individual described in division (A)(1)(a) or (b) of this 52190
section. 52191

(2) An agency or individual to whom the director is required, 52192
by court order or for the administration or enforcement of a 52193
statute relating to long-term care facilities or residential care 52194
facilities, to release information described in division (A)(1) of 52195
this section shall not release the information without the 52196
permission of the individual who would be or would reasonably tend 52197
to be identified, or of the individual's legal representative, 52198
unless the agency or individual is required to release it by 52199
division (D) of this section, by court order, or for the 52200
administration or enforcement of a statute relating to long-term 52201

care facilities or residential care facilities. 52202

(B) Except as provided in division (D) of this section, any 52203
record that identifies an individual described in division 52204
(A)(1)(a) or (b) of this section, or that would tend to disclose 52205
the identity of such an individual, is not a public record for the 52206
purposes of section 149.43 of the Revised Code, and is not subject 52207
to inspection or copying under section 1347.08 of the Revised 52208
Code. 52209

(C) Except as provided in division (B) of this section and 52210
division (D) of section 3721.23 of the Revised Code, the records 52211
of a hearing conducted under section 3721.23 of the Revised Code 52212
are public records for the purposes of section 149.43 of the 52213
Revised Code and are subject to inspection and copying under 52214
section 1347.08 of the Revised Code. 52215

(D) If the director, or an agency or individual to whom the 52216
director is required by court order or for administration or 52217
enforcement of a statute relating to long-term care facilities or 52218
residential care facilities to release information described in 52219
division (A)(1) of this section, uses information in any 52220
administrative or judicial proceeding against a long-term care 52221
facility or residential care facility that reasonably would tend 52222
to identify an individual described in division (A)(1)(a) or (b) 52223
of this section, the director, agency, or individual shall 52224
disclose that information to the facility. However, the director, 52225
agency, or individual shall not disclose information that directly 52226
identifies an individual described in division (A)(1)(a) or (b) of 52227
this section, unless the individual is to testify in the 52228
proceedings. 52229

Sec. 3721.32. (A) The director of health shall establish a 52230
state nurse aide registry listing all individuals who have done 52231
any of the following: 52232

(1) Were used by a long-term care facility as nurse aides on 52233
a full-time, temporary, per diem, or other basis at any time 52234
during the period commencing July 1, 1989, and ending January 1, 52235
1990, and successfully completed, not later than October 1, 1990, 52236
a competency evaluation program approved by the director under 52237
division (A) of section 3721.31 of the Revised Code or conducted 52238
by the director under division (C) of that section; 52239

(2) Successfully completed a training and competency 52240
evaluation program approved by the director under division (A) of 52241
section 3721.31 of the Revised Code or met the conditions 52242
specified in division (F) of section 3721.28 of the Revised Code, 52243
and, if the training and competency evaluation program or the 52244
training, instruction, or education the individual completed in 52245
meeting the conditions specified in division (F) of section 52246
3721.28 of the Revised Code was conducted in or by a long-term 52247
care facility, or if the director so required pursuant to division 52248
(E) of section 3721.31 of the Revised Code, has successfully 52249
completed a competency evaluation program conducted by the 52250
director; 52251

(3) Successfully completed a training and competency 52252
evaluation program conducted by the director under division (C) of 52253
section 3721.31 of the Revised Code; 52254

(4) Successfully completed, prior to July 1, 1989, a program 52255
that the director has determined under division (B)(3) of section 52256
3721.28 of the Revised Code included a competency evaluation 52257
component no less stringent than the competency evaluation 52258
programs approved or conducted by the director under section 52259
3721.31 of the Revised Code, and was otherwise comparable to the 52260
training and competency evaluation program being approved by the 52261
director under section 3721.31 of the Revised Code; 52262

(5) Are listed in a nurse aide registry maintained by another 52263
state that certifies that its program for training and evaluation 52264

of competency of nurse aides complies with Titles XVIII and XIX of 52265
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 52266
as amended, or regulations adopted thereunder; 52267

(6) Were found competent, as provided in division (B)(5) of 52268
section 3721.28 of the Revised Code, prior to July 1, 1989, after 52269
the completion of a course of nurse aide training of at least one 52270
hundred hours' duration; 52271

(7) Are enrolled in a prelicensure program of nursing 52272
education approved by the board of nursing or by an agency of 52273
another state that regulates nursing education, have provided the 52274
long-term care facility with a certificate from the program 52275
indicating that the individual has successfully completed the 52276
courses that teach basic nursing skills including infection 52277
control, safety and emergency procedures, and personal care, and 52278
have successfully completed a competency evaluation program 52279
conducted by the director under division (A) of section 3721.31 of 52280
the Revised Code; 52281

(8) Have the equivalent of twelve months or more of full-time 52282
employment in the five years preceding listing in the registry as 52283
a hospital aide or orderly and have successfully completed a 52284
competency evaluation program conducted by the director under 52285
division (C) of section 3721.31 of the Revised Code. 52286

(B) ~~The~~ In addition to the list of individuals required by 52287
division (A) of this section, the registry shall include both of 52288
the following: 52289

(1) The statement required by section 3721.23 of the Revised 52290
Code detailing findings by the director under that section 52291
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 52292
or misappropriation of resident property; 52293

(2) Any statement provided by an individual under section 52294
3721.23 of the Revised Code disputing the director's findings. 52295

Whenever an inquiry is received as to the information 52296
contained in the registry concerning an individual about whom a 52297
statement required by section 3721.23 of the Revised Code is 52298
included in the registry, the director shall disclose the 52299
statement or a summary of the statement together with any 52300
statement provided by the individual under section 3721.23 or a 52301
clear and accurate summary of that statement. 52302

(C) The director may by rule specify additional information 52303
that must be provided to the registry by long-term care facilities 52304
and persons or government agencies conducting approved competency 52305
evaluation programs and training and competency evaluation 52306
programs. 52307

(D) Information contained in the registry is a public record 52308
for the purposes of section 149.43 of the Revised Code, and is 52309
subject to inspection and copying under section 1347.08 of the 52310
Revised Code. 52311

Sec. 3727.45. The director of health may apply to the court 52312
of common pleas of the county in which a hospital is located for a 52313
temporary or permanent injunction restraining the hospital from 52314
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 52315
3727.42 of the Revised Code. 52316

Sec. 3727.54. (A) At least once ~~a year~~ every two years, the 52317
hospital-wide nursing care committee convened pursuant to section 52318
3727.51 of the Revised Code shall do both of the following: 52319

~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing 52320
plan in effect at the time of the review does all of the 52321
following: 52322

~~(1)(a)~~ Affects inpatient care outcomes; 52323

~~(2)(b)~~ Affects clinical management; 52324

~~(3)(c)~~ Facilitates a delivery system that provides, on a 52325
cost-effective basis, quality nursing care consistent with 52326
acceptable and prevailing standards of safe nursing care and 52327
~~evidenced-based~~ evidence-based guidelines established by national 52328
nursing organizations. 52329

~~(B)(2)~~ Make recommendations, based on the ~~most-recent~~ review 52330
conducted under division (A)(1) of this section, regarding how the 52331
~~most-current~~ nursing services staffing plan should be revised, if 52332
at all. 52333

(B) Beginning in 2018, a hospital shall submit to the 52334
department of health, by March 1 of each even-numbered year, a 52335
copy of the hospital's nursing services staffing plan in effect at 52336
that time. 52337

Sec. 3729.08. (A) The licenser of the health district in 52338
which a recreational vehicle park, recreation camp, combined 52339
park-camp, or temporary park-camp is or is to be located, in 52340
accordance with Chapter 119. of the Revised Code, may refuse to 52341
grant, may suspend, or may revoke any license granted to any 52342
person for failure to comply with this chapter or with any rule 52343
adopted by the director of health under section 3729.02 of the 52344
Revised Code. 52345

(B) If a recreational vehicle park or combined park-camp 52346
operator is found to have used the park or park-camp as a chronic 52347
nuisance in violation of division (B) of section 3729.14 of the 52348
Revised Code, the licenser shall immediately revoke any license 52349
held by the park or park-camp operator upon receipt of information 52350
provided by the local board of health in accordance with division 52351
(D) of that section. 52352

Sec. 3729.14. (A) As used in this section: 52353

(1) "Chronic nuisance property" means a property on which 52354

three or more nuisance activities have occurred during any consecutive six-month period. 52355
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(2) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 52357
52358

(3) "Nuisance activity" includes all of the following: 52359

(a) A felony drug abuse offense as defined in section 2925.01 of the Revised Code; 52360
52361

(b) A felony sex offense as defined in section 2967.28 of the Revised Code; 52362
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(c) A felony offense of violence; 52364

(d) A felony or a specification an element of which includes the possession or use of a deadly weapon, including an explosive or a firearm. 52365
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(4) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 52368
52369

(5) "Person associated with the property" includes a camp operator; camp employee; camp official; camp agent; campsite user; any other person licensed under Chapter 3729. of the Revised Code; any person occupying a campsite including a tenant or invitee; or any person present on the property of a recreational park camp or combined park-camp with the permission of the camp operator or other person licensed under Chapter 3729. of the Revised Code or the consent of any campsite user, tenant, or invitee. 52370
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(6) "Property" means the property of a recreational vehicle park or a combined park-camp, including all lots, buildings, or campsites, whether contained on one or multiple parcels of real property. 52378
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(B) No person shall use or operate a recreational vehicle park or combined park-camp as a chronic nuisance. No camp operator shall let a park or park-camp be so used, or knowingly permit a 52382
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person who has entered into a campsite use agreement with the 52385
operator to engage in such conduct in the park or park-camp. 52386

(C) If a local board of health of the health district in 52387
which a recreational vehicle park or combined park-camp is located 52388
finds that persons associated with the property of the park or 52389
park-camp have engaged in a nuisance activity on the park or 52390
park-camp property two or more times in any consecutive six-month 52391
period, the local board of health shall send notice to the camp 52392
operator specifying the conduct that constitutes the nuisance 52393
activity. The notice shall be sent to the camp operator by 52394
certified mail. The notice shall inform the operator that if one 52395
or more nuisance activities occurs on the property within the 52396
consecutive six-month period beginning on the date of the first 52397
nuisance activity, the property will be declared a chronic 52398
nuisance as described in division (A) of this section and the camp 52399
operator's license will be revoked. 52400

If subsequent to the mailing of the notice, the local board 52401
of health learns of an additional nuisance activity on the 52402
recreational vehicle park or combined park-camp property during a 52403
consecutive six-month period beginning on the date the notice was 52404
mailed to the park operator, the board shall immediately report to 52405
the licensing authority that the property is a chronic nuisance. 52406
Upon receipt of such information, the licensing authority shall 52407
revoke the camp operator's license in accordance with section 52408
3729.08 of the Revised Code. 52409

(D) This section does not limit any recourse permitted 52410
elsewhere in the Revised Code or at common law for conduct that 52411
violates this section. 52412

Sec. 3734.02. (A) The director of environmental protection, 52413
in accordance with Chapter 119. of the Revised Code, shall adopt 52414
and may amend, suspend, or rescind rules having uniform 52415

application throughout the state governing solid waste facilities 52416
and the inspections of and issuance of permits and licenses for 52417
all solid waste facilities in order to ensure that the facilities 52418
will be located, maintained, and operated, and will undergo 52419
closure and post-closure care, in a sanitary manner so as not to 52420
create a nuisance, cause or contribute to water pollution, create 52421
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 52422
257.3-8, as amended. The rules may include, without limitation, 52423
financial assurance requirements for closure and post-closure care 52424
and corrective action and requirements for taking corrective 52425
action in the event of the surface or subsurface discharge or 52426
migration of explosive gases or leachate from a solid waste 52427
facility, or of ground water contamination resulting from the 52428
transfer or disposal of solid wastes at a facility, beyond the 52429
boundaries of any area within a facility that is operating or is 52430
undergoing closure or post-closure care where solid wastes were 52431
disposed of or are being disposed of. The rules shall not concern 52432
or relate to personnel policies, salaries, wages, fringe benefits, 52433
or other conditions of employment of employees of persons owning 52434
or operating solid waste facilities. The director, in accordance 52435
with Chapter 119. of the Revised Code, shall adopt and may amend, 52436
suspend, or rescind rules governing the issuance, modification, 52437
revocation, suspension, or denial of variances from the director's 52438
solid waste rules, including, without limitation, rules adopted 52439
under this chapter governing the management of scrap tires. 52440

Variances shall be issued, modified, revoked, suspended, or 52441
rescinded in accordance with this division, rules adopted under 52442
it, and Chapter 3745. of the Revised Code. The director may order 52443
the person to whom a variance is issued to take such action within 52444
such time as the director may determine to be appropriate and 52445
reasonable to prevent the creation of a nuisance or a hazard to 52446
the public health or safety or the environment. Applications for 52447
variances shall contain such detail plans, specifications, and 52448

information regarding objectives, procedures, controls, and other 52449
pertinent data as the director may require. The director shall 52450
grant a variance only if the applicant demonstrates to the 52451
director's satisfaction that construction and operation of the 52452
solid waste facility in the manner allowed by the variance and any 52453
terms or conditions imposed as part of the variance will not 52454
create a nuisance or a hazard to the public health or safety or 52455
the environment. In granting any variance, the director shall 52456
state the specific provision or provisions whose terms are to be 52457
varied and also shall state specific terms or conditions imposed 52458
upon the applicant in place of the provision or provisions. 52459

The director may hold a public hearing on an application for 52460
a variance or renewal of a variance at a location in the county 52461
where the operations that are the subject of the application for 52462
the variance are conducted. The director shall give not less than 52463
twenty days' notice of the hearing to the applicant by certified 52464
mail or by another type of mail accompanied by a receipt and shall 52465
publish at least one notice of the hearing in a newspaper with 52466
general circulation in the county where the hearing is to be held. 52467
The director shall make available for public inspection at the 52468
principal office of the environmental protection agency a current 52469
list of pending applications for variances and a current schedule 52470
of pending variance hearings. The director shall make a complete 52471
stenographic record of testimony and other evidence submitted at 52472
the hearing. 52473

Within ten days after the hearing, the director shall make a 52474
written determination to issue, renew, or deny the variance and 52475
shall enter the determination and the basis for it into the record 52476
of the hearing. The director shall issue, renew, or deny an 52477
application for a variance or renewal of a variance within six 52478
months of the date upon which the director receives a complete 52479
application with all pertinent information and data required. No 52480

variance shall be issued, revoked, modified, or denied until the 52481
director has considered the relative interests of the applicant, 52482
other persons and property affected by the variance, and the 52483
general public. Any variance granted under this division shall be 52484
for a period specified by the director and may be renewed from 52485
time to time on such terms and for such periods as the director 52486
determines to be appropriate. No application shall be denied and 52487
no variance shall be revoked or modified without a written order 52488
stating the findings upon which the denial, revocation, or 52489
modification is based. A copy of the order shall be sent to the 52490
applicant or variance holder by certified mail or by another type 52491
of mail accompanied by a receipt. 52492

(B) The director shall prescribe and furnish the forms 52493
necessary to administer and enforce this chapter. The director may 52494
cooperate with and enter into agreements with other state, local, 52495
or federal agencies to carry out the purposes of this chapter. The 52496
director may exercise all incidental powers necessary to carry out 52497
the purposes of this chapter. 52498

(C) Except as provided in this division and divisions (N)(2) 52499
and (3) of this section, no person shall establish a new solid 52500
waste facility or infectious waste treatment facility, or modify 52501
an existing solid waste facility or infectious waste treatment 52502
facility, without submitting an application for a permit with 52503
accompanying detail plans, specifications, and information 52504
regarding the facility and method of operation and receiving a 52505
permit issued by the director, except that no permit shall be 52506
required under this division to install or operate a solid waste 52507
facility for sewage sludge treatment or disposal when the 52508
treatment or disposal is authorized by a current permit issued 52509
under Chapter 3704. or 6111. of the Revised Code. 52510

No person shall continue to operate a solid waste facility 52511
for which the director ~~has denied a permit for which an~~ 52512

~~application was required under division (A)(3) of section 3734.05~~ 52513
~~of the Revised Code, or for which the director has disapproved~~ 52514
~~plans and specifications required to be filed by an order issued~~ 52515
~~under division (A)(5)(3) of that section 3734.05 of the Revised~~ 52516
~~Code, after the date prescribed for commencement of closure of the~~ 52517
~~facility in the order issued under division (A)(6)(4) of that~~ 52518
~~section 3734.05 of the Revised Code denying the permit application~~ 52519
~~or approval.~~ 52520

On and after the effective date of the rules adopted under 52521
division (A) of this section and division (D) of section 3734.12 52522
of the Revised Code governing solid waste transfer facilities, no 52523
person shall establish a new, or modify an existing, solid waste 52524
transfer facility without first submitting an application for a 52525
permit with accompanying engineering detail plans, specifications, 52526
and information regarding the facility and its method of operation 52527
to the director and receiving a permit issued by the director. 52528

No person shall establish a new compost facility or continue 52529
to operate an existing compost facility that accepts exclusively 52530
source separated yard wastes without submitting a completed 52531
registration for the facility to the director in accordance with 52532
rules adopted under divisions (A) and (N)(3) of this section. 52533

This division does not apply to a generator of infectious 52534
wastes that does any of the following: 52535

(1) Treats, by methods, techniques, and practices established 52536
by rules adopted under division (B)(2)(a) of section 3734.021 of 52537
the Revised Code, any of the following: 52538

(a) Infectious wastes that are generated on any premises that 52539
are owned or operated by the generator; 52540

(b) Infectious wastes that are generated by a generator who 52541
has staff privileges at a hospital as defined in section 3727.01 52542
of the Revised Code; 52543

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code. 52544
52545
52546

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 52547
52548
52549

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 52550
52551

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 52552
52553

(b) Chapter 918. of the Revised Code; 52554

(c) Chapter 953. of the Revised Code. 52555

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code. 52556
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(E)(1) As used in this division: 52573

(a) "On-site facility" means a facility that stores, treats, 52574
or disposes of hazardous waste that is generated on the premises 52575
of the facility. 52576

(b) "Off-site facility" means a facility that stores, treats, 52577
or disposes of hazardous waste that is generated off the premises 52578
of the facility and includes such a facility that is also an 52579
on-site facility. 52580

(c) "Satellite facility" means any of the following: 52581

(i) An on-site facility that also receives hazardous waste 52582
from other premises owned by the same person who generates the 52583
waste on the facility premises; 52584

(ii) An off-site facility operated so that all of the 52585
hazardous waste it receives is generated on one or more premises 52586
owned by the person who owns the facility; 52587

(iii) An on-site facility that also receives hazardous waste 52588
that is transported uninterruptedly and directly to the facility 52589
through a pipeline from a generator who is not the owner of the 52590
facility. 52591

(2) Except as provided in division (E)(3) of this section, no 52592
person shall establish or operate a hazardous waste facility, or 52593
use a solid waste facility for the storage, treatment, or disposal 52594
of any hazardous waste, without a hazardous waste facility 52595
installation and operation permit issued in accordance with 52596
section 3734.05 of the Revised Code and subject to the payment of 52597
an application fee not to exceed one thousand five hundred 52598
dollars, payable upon application for a hazardous waste facility 52599
installation and operation permit and upon application for a 52600
renewal permit issued under division (H) of section 3734.05 of the 52601
Revised Code, to be credited to the hazardous waste facility 52602
management fund created in section 3734.18 of the Revised Code. 52603
The term of a hazardous waste facility installation and operation 52604

permit shall not exceed ten years. 52605

In addition to the application fee, there is hereby levied an 52606
annual permit fee to be paid by the permit holder upon the 52607
anniversaries of the date of issuance of the hazardous waste 52608
facility installation and operation permit and of any subsequent 52609
renewal permits and to be credited to the hazardous waste facility 52610
management fund. Annual permit fees totaling forty thousand 52611
dollars or more for any one facility may be paid on a quarterly 52612
basis with the first quarterly payment each year being due on the 52613
anniversary of the date of issuance of the hazardous waste 52614
facility installation and operation permit and of any subsequent 52615
renewal permits. The annual permit fee shall be determined for 52616
each permit holder by the director in accordance with the 52617
following schedule: 52618

TYPE OF BASIC				52619
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	52620
Storage facility using: 52621				
Containers	On-site, off-site, and			52622
	satellite		\$ 500	52623
Tanks	On-site, off-site, and			52624
	satellite		500	52625
Waste pile	On-site, off-site, and			52626
	satellite		3,000	52627
Surface impoundment	On-site and satellite		8,000	52628
	Off-site		10,000	52629
Disposal facility using: 52630				
Deep well injection	On-site and satellite		15,000	52631
	Off-site		25,000	52632
Landfill	On-site and satellite		25,000	52633
	Off-site		40,000	52634
Land application	On-site and satellite		2,500	52635
	Off-site		5,000	52636

Surface impoundment	On-site and satellite	10,000	52637
	Off-site	20,000	52638
Treatment facility using:			52639
Tanks	On-site, off-site, and		52640
	satellite	700	52641
Surface impoundment	On-site and satellite	8,000	52642
	Off-site	10,000	52643
Incinerator	On-site and satellite	5,000	52644
	Off-site	10,000	52645
Other forms			52646
of treatment	On-site, off-site, and		52647
	satellite	1,000	52648

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment

of a part of the appropriate fee indicated by the schedule that 52669
bears the same relationship to the total fee that the number of 52670
days remaining until the next anniversary date at which payment of 52671
the annual permit fee is due bears to three hundred sixty-five. 52672

The director, by rules adopted in accordance with Chapters 52673
119. and 3745. of the Revised Code, shall prescribe procedures for 52674
collecting the annual permit fee established by this division and 52675
may prescribe other requirements necessary to carry out this 52676
division. 52677

(3) The prohibition against establishing or operating a 52678
hazardous waste facility without a hazardous waste facility 52679
installation and operation permit does not apply to either of the 52680
following: 52681

(a) A facility that is operating in accordance with a permit 52682
renewal issued under division (H) of section 3734.05 of the 52683
Revised Code, a revision issued under division (I) of that section 52684
as it existed prior to August 20, 1996, or a modification issued 52685
by the director under division (I) of that section on and after 52686
August 20, 1996; 52687

(b) Except as provided in division (J) of section 3734.05 of 52688
the Revised Code, a facility that will operate or is operating in 52689
accordance with a permit by rule, or that is not subject to permit 52690
requirements, under rules adopted by the director. In accordance 52691
with Chapter 119. of the Revised Code, the director shall adopt, 52692
and subsequently may amend, suspend, or rescind, rules for the 52693
purposes of division (E)(3)(b) of this section. Any rules so 52694
adopted shall be consistent with and equivalent to regulations 52695
pertaining to interim status adopted under the "Resource 52696
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 52697
6921, as amended, except as otherwise provided in this chapter. 52698

If a modification is requested or proposed for a facility 52699

described in division (E)(3)(a) or (b) of this section, division 52700
(I)(7) of section 3734.05 of the Revised Code applies. 52701

(F) No person shall store, treat, or dispose of hazardous 52702
waste identified or listed under this chapter and rules adopted 52703
under it, regardless of whether generated on or off the premises 52704
where the waste is stored, treated, or disposed of, or transport 52705
or cause to be transported any hazardous waste identified or 52706
listed under this chapter and rules adopted under it to any other 52707
premises, except at or to any of the following: 52708

(1) A hazardous waste facility operating under a permit 52709
issued in accordance with this chapter; 52710

(2) A facility in another state operating under a license or 52711
permit issued in accordance with the "Resource Conservation and 52712
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 52713
amended; 52714

(3) A facility in another nation operating in accordance with 52715
the laws of that nation; 52716

(4) A facility holding a permit issued pursuant to Title I of 52717
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 52718
Stat. 1052, 33 U.S.C.A. 1401, as amended; 52719

(5) A hazardous waste facility as described in division 52720
(E)(3)(a) or (b) of this section. 52721

(G) The director, by order, may exempt any person generating, 52722
collecting, storing, treating, disposing of, or transporting solid 52723
wastes, infectious wastes, or hazardous waste, or processing solid 52724
wastes that consist of scrap tires, in such quantities or under 52725
such circumstances that, in the determination of the director, are 52726
unlikely to adversely affect the public health or safety or the 52727
environment from any requirement to obtain a registration 52728
certificate, permit, or license or comply with the manifest system 52729
or other requirements of this chapter. Such an exemption shall be 52730

consistent with and equivalent to any regulations adopted by the 52731
administrator of the United States environmental protection agency 52732
under the "Resource Conservation and Recovery Act of 1976," 90 52733
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 52734
provided in this chapter. 52735

(H) No person shall engage in filling, grading, excavating, 52736
building, drilling, or mining on land where a hazardous waste 52737
facility, or a solid waste facility, was operated without prior 52738
authorization from the director, who shall establish the procedure 52739
for granting such authorization by rules adopted in accordance 52740
with Chapter 119. of the Revised Code. 52741

A public utility that has main or distribution lines above or 52742
below the land surface located on an easement or right-of-way 52743
across land where a solid waste facility was operated may engage 52744
in any such activity within the easement or right-of-way without 52745
prior authorization from the director for purposes of performing 52746
emergency repair or emergency replacement of its lines; of the 52747
poles, towers, foundations, or other structures supporting or 52748
sustaining any such lines; or of the appurtenances to those 52749
structures, necessary to restore or maintain existing public 52750
utility service. A public utility may enter upon any such easement 52751
or right-of-way without prior authorization from the director for 52752
purposes of performing necessary or routine maintenance of those 52753
portions of its existing lines; of the existing poles, towers, 52754
foundations, or other structures sustaining or supporting its 52755
lines; or of the appurtenances to any such supporting or 52756
sustaining structure, located on or above the land surface on any 52757
such easement or right-of-way. Within twenty-four hours after 52758
commencing any such emergency repair, replacement, or maintenance 52759
work, the public utility shall notify the director or the 52760
director's authorized representative of those activities and shall 52761
provide such information regarding those activities as the 52762

director or the director's representative may request. Upon 52763
completion of the emergency repair, replacement, or maintenance 52764
activities, the public utility shall restore any land of the solid 52765
waste facility disturbed by those activities to the condition 52766
existing prior to the commencement of those activities. 52767

(I) No owner or operator of a hazardous waste facility, in 52768
the operation of the facility, shall cause, permit, or allow the 52769
emission therefrom of any particulate matter, dust, fumes, gas, 52770
mist, smoke, vapor, or odorous substance that, in the opinion of 52771
the director, unreasonably interferes with the comfortable 52772
enjoyment of life or property by persons living or working in the 52773
vicinity of the facility, or that is injurious to public health. 52774
Any such action is hereby declared to be a public nuisance. 52775

(J) Notwithstanding any other provision of this chapter, in 52776
the event the director finds an imminent and substantial danger to 52777
public health or safety or the environment that creates an 52778
emergency situation requiring the immediate treatment, storage, or 52779
disposal of hazardous waste, the director may issue a temporary 52780
emergency permit to allow the treatment, storage, or disposal of 52781
the hazardous waste at a facility that is not otherwise authorized 52782
by a hazardous waste facility installation and operation permit to 52783
treat, store, or dispose of the waste. The emergency permit shall 52784
not exceed ninety days in duration and shall not be renewed. The 52785
director shall adopt, and may amend, suspend, or rescind, rules in 52786
accordance with Chapter 119. of the Revised Code governing the 52787
issuance, modification, revocation, and denial of emergency 52788
permits. 52789

(K) Except for infectious wastes generated by a person who 52790
produces fewer than fifty pounds of infectious wastes at a 52791
premises during any one month, no owner or operator of a sanitary 52792
landfill shall knowingly accept for disposal, or dispose of, any 52793
infectious wastes that have not been treated to render them 52794

noninfectious. 52795

(L) The director, in accordance with Chapter 119. of the 52796
Revised Code, shall adopt, and may amend, suspend, or rescind, 52797
rules having uniform application throughout the state establishing 52798
a training and certification program that shall be required for 52799
employees of boards of health who are responsible for enforcing 52800
the solid waste and infectious waste provisions of this chapter 52801
and rules adopted under them and for persons who are responsible 52802
for the operation of solid waste facilities or infectious waste 52803
treatment facilities. The rules shall provide all of the 52804
following, without limitation: 52805

(1) The program shall be administered by the director and 52806
shall consist of a course on new solid waste and infectious waste 52807
technologies, enforcement procedures, and rules; 52808

(2) The course shall be offered on an annual basis; 52809

(3) Those persons who are required to take the course under 52810
division (L) of this section shall do so triennially; 52811

(4) Persons who successfully complete the course shall be 52812
certified by the director; 52813

(5) Certification shall be required for all employees of 52814
boards of health who are responsible for enforcing the solid waste 52815
or infectious waste provisions of this chapter and rules adopted 52816
under them and for all persons who are responsible for the 52817
operation of solid waste facilities or infectious waste treatment 52818
facilities; 52819

(6)(a) All employees of a board of health who, on the 52820
effective date of the rules adopted under this division, are 52821
responsible for enforcing the solid waste or infectious waste 52822
provisions of this chapter and the rules adopted under them shall 52823
complete the course and be certified by the director not later 52824
than January 1, 1995; 52825

(b) All employees of a board of health who, after the 52826
effective date of the rules adopted under division (L) of this 52827
section, become responsible for enforcing the solid waste or 52828
infectious waste provisions of this chapter and rules adopted 52829
under them and who do not hold a current and valid certification 52830
from the director at that time shall complete the course and be 52831
certified by the director within two years after becoming 52832
responsible for performing those activities. 52833

No person shall fail to obtain the certification required 52834
under this division. 52835

(M) The director shall not issue a permit under section 52836
3734.05 of the Revised Code to establish a solid waste facility, 52837
or to modify a solid waste facility operating on December 21, 52838
1988, in a manner that expands the disposal capacity or geographic 52839
area covered by the facility, that is or is to be located within 52840
the boundaries of a state park established or dedicated under 52841
Chapter 1546. of the Revised Code, a state park purchase area 52842
established under section 1546.06 of the Revised Code, any unit of 52843
the national park system, or any property that lies within the 52844
boundaries of a national park or recreation area, but that has not 52845
been acquired or is not administered by the secretary of the 52846
United States department of the interior, located in this state, 52847
or any candidate area located in this state and identified for 52848
potential inclusion in the national park system in the edition of 52849
the "national park system plan" submitted under paragraph (b) of 52850
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 52851
U.S.C.A. 1a-5, as amended, current at the time of filing of the 52852
application for the permit, unless the facility or proposed 52853
facility is or is to be used exclusively for the disposal of solid 52854
wastes generated within the park or recreation area and the 52855
director determines that the facility or proposed facility will 52856
not degrade any of the natural or cultural resources of the park 52857

or recreation area. The director shall not issue a variance under 52858
division (A) of this section and rules adopted under it, or issue 52859
an exemption order under division (G) of this section, that would 52860
authorize any such establishment or expansion of a solid waste 52861
facility within the boundaries of any such park or recreation 52862
area, state park purchase area, or candidate area, other than a 52863
solid waste facility exclusively for the disposal of solid wastes 52864
generated within the park or recreation area when the director 52865
determines that the facility will not degrade any of the natural 52866
or cultural resources of the park or recreation area. 52867

(N)(1) The rules adopted under division (A) of this section, 52868
other than those governing variances, do not apply to scrap tire 52869
collection, storage, monocell, monofill, and recovery facilities. 52870
Those facilities are subject to and governed by rules adopted 52871
under sections 3734.70 to 3734.73 of the Revised Code, as 52872
applicable. 52873

(2) Division (C) of this section does not apply to scrap tire 52874
collection, storage, monocell, monofill, and recovery facilities. 52875
The establishment and modification of those facilities are subject 52876
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 52877
Code, as applicable. 52878

(3) The director may adopt, amend, suspend, or rescind rules 52879
under division (A) of this section creating an alternative system 52880
for authorizing the establishment, operation, or modification of a 52881
solid waste compost facility in lieu of the requirement that a 52882
person seeking to establish, operate, or modify a solid waste 52883
compost facility apply for and receive a permit under division (C) 52884
of this section and section 3734.05 of the Revised Code and a 52885
license under division (A)(1) of that section. The rules may 52886
include requirements governing, without limitation, the 52887
classification of solid waste compost facilities, the submittal of 52888
operating records for solid waste compost facilities, and the 52889

creation of a registration or notification system in lieu of the 52890
issuance of permits and licenses for solid waste compost 52891
facilities. The rules shall specify the applicability of divisions 52892
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 52893
Code to a solid waste compost facility. 52894

(O)(1) As used in this division, "secondary aluminum waste" 52895
means waste material or byproducts, when disposed of, containing 52896
aluminum generated from secondary aluminum smelting operations and 52897
consisting of dross, salt cake, baghouse dust associated with 52898
aluminum recycling furnace operations, or dry-milled wastes. 52899

(2) The owner or operator of a sanitary landfill shall not 52900
dispose of municipal solid waste that has been commingled with 52901
secondary aluminum waste. 52902

(3) The owner or operator of a sanitary landfill may dispose 52903
of secondary aluminum waste, but only in a monocell or monofill 52904
that has been permitted for that purpose in accordance with this 52905
chapter and rules adopted under it. 52906

(P)(1) As used in divisions (P) and (Q) of this section: 52907

(a) "Natural background" means two picocuries per gram or the 52908
actual number of picocuries per gram as measured at an individual 52909
solid waste facility, subject to verification by the director of 52910
health. 52911

(b) "Drilling operation" includes a production operation as 52912
defined in section 1509.01 of the Revised Code. 52913

(2) The owner or operator of a solid waste facility shall not 52914
accept for transfer or disposal technologically enhanced naturally 52915
occurring radioactive material if that material contains or is 52916
contaminated with radium-226, radium-228, or any combination of 52917
radium-226 and radium-228 at concentrations equal to or greater 52918
than five picocuries per gram above natural background. 52919

(3) The owner or operator of a solid waste facility may 52920
receive and process for purposes other than transfer or disposal 52921
technologically enhanced naturally occurring radioactive material 52922
that contains or is contaminated with radium-226, radium-228, or 52923
any combination of radium-226 and radium-228 at concentrations 52924
equal to or greater than five picocuries per gram above natural 52925
background, provided that the owner or operator has obtained and 52926
maintains all other necessary authorizations, including any 52927
authorization required by rules adopted by the director of health 52928
under section 3748.04 of the Revised Code. 52929

(4) The director of environmental protection may adopt rules 52930
in accordance with Chapter 119. of the Revised Code governing the 52931
receipt, acceptance, processing, handling, management, and 52932
disposal by solid waste facilities of material that contains or is 52933
contaminated with radioactive material, including, without 52934
limitation, technologically enhanced naturally occurring 52935
radioactive material that contains or is contaminated with 52936
radium-226, radium-228, or any combination of radium-226 and 52937
radium-228 at concentrations less than five picocuries per gram 52938
above natural background. Rules adopted by the director may 52939
include at a minimum both of the following: 52940

(a) Requirements in accordance with which the owner or 52941
operator of a solid waste facility must monitor leachate and 52942
ground water for radium-226, radium-228, and other radionuclides; 52943

(b) Requirements in accordance with which the owner or 52944
operator of a solid waste facility must develop procedures to 52945
ensure that technologically enhanced naturally occurring 52946
radioactive material accepted at the facility neither contains nor 52947
is contaminated with radium-226, radium-228, or any combination of 52948
radium-226 and radium-228 at concentrations equal to or greater 52949
than five picocuries per gram above natural background. 52950

(Q) Notwithstanding any other provision of this section, the 52951

owner or operator of a solid waste facility shall not receive, 52952
accept, process, handle, manage, or dispose of technologically 52953
enhanced naturally occurring radioactive material associated with 52954
drilling operations without first obtaining representative 52955
analytical results to determine compliance with divisions (P)(2) 52956
and (3) of this section and rules adopted under it. 52957

Sec. 3734.041. (A) The owner or operator holding a license 52958
issued under division (A) of section 3734.05 of the Revised Code 52959
for a sanitary landfill that is so situated that a residence or 52960
other occupied structure off the premises of the landfill is 52961
located within one thousand feet horizontal distance from the 52962
exterior boundary of the landfill, and the owner or operator of 52963
any closed landfill that is so situated and for which a license 52964
was issued under division (A) of section 3734.05 of the Revised 52965
Code, or the subsequent owner, lessee, or other person who has 52966
control of the land on which the closed landfill is located, 52967
shall, within sixty days after the effective date of the rules 52968
adopted under division (F) of this section, submit an explosive 52969
gas monitoring plan for the landfill or closed landfill to the 52970
director of environmental protection for approval for compliance 52971
with those rules. After approval of the plan, the owner ~~or,~~ 52972
~~operator of the landfill, or, in the instance of a closed~~ 52973
~~landfill, the owner or operator of the closed landfill, or the,~~ 52974
subsequent owner, lessee, or other person ~~who has control of the~~ 52975
~~land on which the closed landfill is located~~ shall conduct 52976
monitoring of explosive gas levels at the landfill or closed 52977
landfill, and submit written reports of the results of the 52978
monitoring to the director and the board of health of the health 52979
district in which the landfill is located in accordance with the 52980
approved plan and the schedule for implementation contained in the 52981
approved plan. 52982

No person shall violate or fail to perform a duty imposed by 52983

a plan approved under this section. 52984

(B) Division (A) of this section does not apply to a sanitary 52985
landfill or closed sanitary landfill that exclusively disposes, or 52986
disposed, of solid wastes generated on the premises where the 52987
landfill or closed landfill is located; to a sanitary landfill or 52988
closed sanitary landfill that exclusively disposes, or disposed, 52989
of solid wastes generated on one or more premises owned by the 52990
person who owns the landfill or closed landfill; or to a sanitary 52991
landfill or closed sanitary landfill owned or operated by a person 52992
other than the generator of the wastes that exclusively disposes, 52993
or disposed, of nonputrescible solid wastes or nonputrescible 52994
wastes generated by a single generator at one or more premises 52995
owned by the generator. 52996

(C) ~~When~~ As used in this division and division (D) of this 52997
section, "responsible party" includes the owner or operator of a 52998
solid waste disposal facility; any current or former owner of a 52999
closed solid waste disposal facility; any person who was 53000
responsible for the operations of a closed solid waste disposal 53001
facility; any lessee or other person who has control of the 53002
property on which a closed solid waste disposal facility is 53003
located; a receiver appointed pursuant to Chapter 2735. of the 53004
Revised Code with respect to a solid waste disposal facility or 53005
closed solid waste disposal facility; and a trustee in bankruptcy. 53006

Notwithstanding division (B) of this section, if the director 53007
determines that, due to the types of wastes disposed of, the 53008
engineering design, the hydrogeological setting, the period of 53009
time since the commencement of operation, ~~and~~ the proximity of 53010
residential or other occupied structures located off the premises 53011
of ~~the landfill~~ a solid waste disposal facility to the exterior 53012
boundaries, ~~of~~ or information related to concentrations of 53013
explosive gas at or surrounding a sanitary landfill licensed under 53014
division (A) of section 3734.05 of the Revised Code facility or 53015

closed sanitary landfill for which a license was issued under that 53016
~~division facility~~, the potential exists for the formation and 53017
subsurface migration of explosive gases in such quantities and 53018
under such conditions as to ~~endanger~~ threaten human health or 53019
safety or the environment, the director ~~shall~~ may issue to the 53020
~~owner or operator of the sanitary landfill, or, in the instance of~~ 53021
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 53022
~~landfill, or the subsequent owner, lessee, or other person who has~~ 53023
~~control of the property on which the closed landfill is located,~~ 53024
any responsible party an order directing ~~such owner~~ the 53025
responsible party to prepare, ~~obtain approval of, and implement an~~ 53026
and submit a new or revised explosive gas monitoring and reporting 53027
plan, in accordance with division (A) of that complies with 53028
division (A) of this section and provides for the adequate 53029
evaluation of explosive gas generation at and migration from the 53030
solid waste disposal facility or closed solid waste disposal 53031
facility. A plan so submitted shall be approved in accordance with 53032
division (A) of this section. After approval of the plan, the 53033
responsible party shall conduct monitoring of explosive gas levels 53034
at the facility or closed facility and submit written reports of 53035
the results of the monitoring in accordance with the plan approved 53036
under this section. For the purposes of this division and division 53037
(D) of this section, explosive gases shall be considered to 53038
~~endanger~~ threaten human health or safety or the environment if 53039
concentrations of methane generated by ~~the landfill~~ a facility in 53040
~~landfill~~ occupied structures, ~~excluding gas control or recovery~~ 53041
~~system components,~~ exceed twenty-five per cent of the lower 53042
explosive limit or if concentrations of methane generated by the 53043
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 53044
lower explosive limit. As used in this division, "lower explosive 53045
limit" means the lowest per cent by volume of methane that will 53046
produce a flame in air at twenty-five degrees centigrade and 53047
atmospheric pressure. 53048

(D) If a report submitted pursuant to a plan approved under 53049
division (A) of this section indicates that the formation of 53050
explosive gases at, and migration of explosive gases from, a 53051
~~sanitary landfill solid waste disposal facility~~ or closed ~~sanitary~~ 53052
~~landfill solid waste disposal facility~~ threatens human health or 53053
safety or the environment, the director or his authorized 53054
representative ~~shall promptly~~ may conduct an evaluation of the 53055
levels of explosive gases on the premises of the ~~landfill facility~~ 53056
and in occupied structures located in proximity to the boundaries 53057
of the ~~landfill facility~~ to determine whether the formation of 53058
explosive gases at, and migration of those gases from, the 53059
~~landfill facility~~ or closed ~~landfill facility~~ constitutes such a 53060
threat. In addition, the director or the director's authorized 53061
representative, on their own initiative, may conduct an evaluation 53062
in accordance with division (G) of this section. Based upon the 53063
findings of the an evaluation, ~~or of an evaluation conducted by~~ 53064
~~the director, or his authorized representative, on his own~~ 53065
~~initiative,~~ the director ~~shall~~ may issue an order under division 53066
(A) or (B) of section 3734.13 of the Revised Code, as the director 53067
considers necessary or appropriate, directing ~~the owner or~~ 53068
~~operator of the landfill, or, in the instance of a closed~~ 53069
~~landfill, the owner or operator of the landfill, or the subsequent~~ 53070
~~owner, lessee, or other person who has control of the land on~~ 53071
~~which the closed landfill is located,~~ any responsible party to 53072
perform such measures as the director considers necessary or 53073
appropriate, to abate or minimize the formation of explosive gases 53074
or their migration off the premises of the ~~landfill facility,~~ to 53075
abate or remedy any conditions caused by the formation and 53076
migration of such gases that ~~endanger~~ threaten human health or 53077
safety or the environment and to take such actions as the director 53078
finds necessary or appropriate to prevent recurrence of the 53079
migration of explosive gases or decrease their concentration to 53080
levels set forth in division (C) of this section. 53081

After the issuance of an order under this division, the 53082
director shall inspect the ~~landfill at least once each week, or~~ 53083
facility at such ~~other~~ intervals as the director or ~~his~~ an 53084
authorized representative of the director considers necessary or 53085
appropriate, to ascertain compliance with the order until such 53086
time as the director determines that full compliance with those 53087
terms and conditions has been achieved. 53088

If a report submitted pursuant to a plan approved under 53089
division (A) of this section indicates that the formation of 53090
explosive gases at, and migration of explosive gases from, a 53091
~~landfill~~ solid waste disposal facility that is subject to an order 53092
issued under division (D) of this section has recurred in such 53093
quantities or under such conditions as to threaten human health or 53094
safety or the environment, or if the director determines from an 53095
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 53096
~~operator of the landfill, or, in the instance of a closed~~ 53097
~~landfill, the owner or operator of the landfill, or the subsequent~~ 53098
~~owner, lessee, or other person who has control of the land on~~ 53099
~~which the closed landfill is located,~~ responsible party has 53100
violated or is violating a term or condition of the order or that 53101
measures in addition to those prescribed by the order are 53102
necessary or appropriate under the circumstances, the director 53103
shall take such actions under division (A), (B), or (C) of section 53104
3734.13 of the Revised Code as ~~he~~ the director considers necessary 53105
or appropriate to protect human health or safety or the 53106
environment. 53107

(E) The director shall conduct random inspections of licensed 53108
and closed sanitary landfills for explosive gas levels and to 53109
monitor the accuracy of the reports submitted pursuant to plans 53110
approved under division (A) of this section. 53111

(F) The director shall adopt rules under Chapter 119. of the 53112
Revised Code prescribing standards for conducting the explosive 53113

gas monitoring required by division (A) of this section including, 53114
without limitation, standards governing the numbers, locations, 53115
and design and construction of monitoring wells; quality control 53116
procedures to be followed by persons conducting those evaluations 53117
to ensure the accuracy of the monitoring; the frequency for 53118
sampling the monitoring wells, which shall be at least quarterly, 53119
except as otherwise provided in this division; and the frequency 53120
of reporting monitoring results to the director and board of 53121
health. The rules shall require that, in the instance of closed 53122
sanitary landfills, explosive gas monitoring be conducted for the 53123
period of twenty years after closure or for such other period as 53124
the director considers necessary or appropriate. Such explosive 53125
gas monitoring shall be conducted quarterly during each of the 53126
five years immediately following closure of the landfills and 53127
semiannually thereafter. If such semiannual sampling shows that 53128
the methane limits set in division (C) of this section are 53129
exceeded, sampling may be resumed at a frequency determined by the 53130
director. 53131

(G) The director or the director's authorized representative 53132
may enter upon a solid waste disposal facility or a closed solid 53133
waste disposal facility to conduct an evaluation of the 53134
concentration of explosive gas generated at or migrating from the 53135
facility. The owner or operator of a solid waste disposal facility 53136
or closed solid waste disposal facility shall allow the director 53137
or representative to conduct such an evaluation of the facility, 53138
any structures within the boundary of the facility, and any 53139
occupied structures in close proximity to the boundary of the 53140
facility that are owned or controlled by the owner or operator. 53141

(H) The remedy provided by division (D) of this section is 53142
cumulative and concurrent with any other remedy provided in this 53143
chapter or Chapter 3704. of the Revised Code, and the existence or 53144
exercise of one remedy does not prevent the exercise of any other. 53145

Sec. 3734.05. (A)(1) Except as provided in divisions (A)~~(4)~~,
~~(8)~~,(6) and ~~(9)~~(7) of this section, no person shall operate or
maintain a solid waste facility without a license issued under
this division by the board of health of the health district in
which the facility is located or by the director of environmental
protection when the health district in which the facility is
located is not on the approved list under section 3734.08 of the
Revised Code.

During the month of December, but before the first day of
January of the next year, every person proposing to continue to
operate an existing solid waste facility shall procure a license
under this division to operate the facility for that year from the
board of health of the health district in which the facility is
located or, if the health district is not on the approved list
under section 3734.08 of the Revised Code, from the director. The
application for such a license shall be submitted to the board of
health or to the director, as appropriate, on or before the last
day of September of the year preceding that for which the license
is sought. In addition to the application fee prescribed in
division (A)(2) of this section, a person who submits an
application after that date shall pay an additional ten per cent
of the amount of the application fee for each week that the
application is late. Late payment fees accompanying an application
submitted to the board of health shall be credited to the special
fund of the health district created in division (B) of section
3734.06 of the Revised Code, and late payment fees accompanying an
application submitted to the director shall be credited to the
general revenue fund. A person who has received a license, upon
sale or disposition of a solid waste facility, and upon consent of
the board of health and the director, may have the license
transferred to another person. The board of health or the director
may include such terms and conditions in a license or revision to

a license as are appropriate to ensure compliance with this 53178
chapter and rules adopted under it. The terms and conditions may 53179
establish the authorized maximum daily waste receipts for the 53180
facility. Limitations on maximum daily waste receipts shall be 53181
specified in cubic yards of volume for the purpose of regulating 53182
the design, construction, and operation of solid waste facilities. 53183
Terms and conditions included in a license or revision to a 53184
license by a board of health shall be consistent with, and pertain 53185
only to the subjects addressed in, the rules adopted under 53186
division (A) of section 3734.02 and division (D) of section 53187
3734.12 of the Revised Code. 53188

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 53189
~~(9)(7)~~ of this section, each person proposing to open a new solid 53190
waste facility or to modify an existing solid waste facility shall 53191
submit an application for a permit with accompanying detail plans 53192
and specifications to the environmental protection agency for 53193
required approval under the rules adopted by the director pursuant 53194
to division (A) of section 3734.02 of the Revised Code and 53195
applicable rules adopted under division (D) of section 3734.12 of 53196
the Revised Code at least two hundred seventy days before proposed 53197
operation of the facility and shall concurrently make application 53198
for the issuance of a license under division (A)(1) of this 53199
section with the board of health of the health district in which 53200
the proposed facility is to be located. 53201

(b) On and after the effective date of the rules adopted 53202
under division (A) of section 3734.02 of the Revised Code and 53203
division (D) of section 3734.12 of the Revised Code governing 53204
solid waste transfer facilities, each person proposing to open a 53205
new solid waste transfer facility or to modify an existing solid 53206
waste transfer facility shall submit an application for a permit 53207
with accompanying engineering detail plans, specifications, and 53208
information regarding the facility and its method of operation to 53209

the environmental protection agency for required approval under 53210
those rules at least two hundred seventy days before commencing 53211
proposed operation of the facility and concurrently shall make 53212
application for the issuance of a license under division (A)(1) of 53213
this section with the board of health of the health district in 53214
which the facility is located or proposed. 53215

(c) Each application for a permit under division (A)(2)(a) or 53216
(b) of this section shall be accompanied by a nonrefundable 53217
application fee of four hundred dollars that shall be credited to 53218
the general revenue fund. Each application for an annual license 53219
under division (A)(1) or (2) of this section shall be accompanied 53220
by a nonrefundable application fee of one hundred dollars. If the 53221
application for an annual license is submitted to a board of 53222
health on the approved list under section 3734.08 of the Revised 53223
Code, the application fee shall be credited to the special fund of 53224
the health district created in division (B) of section 3734.06 of 53225
the Revised Code. If the application for an annual license is 53226
submitted to the director, the application fee shall be credited 53227
to the general revenue fund. If a permit or license is issued, the 53228
amount of the application fee paid shall be deducted from the 53229
amount of the permit fee due under division (Q) of section 3745.11 53230
of the Revised Code or the amount of the license fee due under 53231
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 53232
Revised Code. 53233

(d) As used in divisions (A)(2)(d), (e), and (f) of this 53234
section, "modify" means any of the following: 53235

(i) Any increase of more than ten per cent in the total 53236
capacity of a solid waste facility; 53237

(ii) Any expansion of the limits of solid waste placement at 53238
a solid waste facility; 53239

(iii) Any increase in the depth of excavation at a solid 53240

waste facility; 53241

(iv) Any change in the technique of waste receipt or type of 53242
waste received at a solid waste facility that may endanger human 53243
health, as determined by the director by rules adopted in 53244
accordance with Chapter 119. of the Revised Code. 53245

Not later than forty-five days after submitting an 53246
application under division (A)(2)(a) or (b) of this section for a 53247
permit to open a new or modify an existing solid waste facility, 53248
the applicant, in conjunction with an officer or employee of the 53249
environmental protection agency, shall hold a public meeting on 53250
the application within the county in which the new or modified 53251
solid waste facility is or is proposed to be located or within a 53252
contiguous county. Not less than thirty days before holding the 53253
public meeting on the application, the applicant shall publish 53254
notice of the meeting in each newspaper of general circulation 53255
that is published in the county in which the facility is or is 53256
proposed to be located. If no newspaper of general circulation is 53257
published in the county, the applicant shall publish the notice in 53258
a newspaper of general circulation in the county. The notice shall 53259
contain the date, time, and location of the public meeting and a 53260
general description of the proposed new or modified facility. Not 53261
later than five days after publishing the notice, the applicant 53262
shall send by certified mail a copy of the notice and the date the 53263
notice was published to the director and the legislative authority 53264
of each municipal corporation, township, and county, and to the 53265
chief executive officer of each municipal corporation, in which 53266
the facility is or is proposed to be located. At the public 53267
meeting, the applicant shall provide information and describe the 53268
application and respond to comments or questions concerning the 53269
application, and the officer or employee of the agency shall 53270
describe the permit application process. At the public meeting, 53271
any person may submit written or oral comments on or objections to 53272

the application. Not more than thirty days after the public 53273
meeting, the applicant shall provide the director with a copy of a 53274
transcript of the full meeting, copies of any exhibits, displays, 53275
or other materials presented by the applicant at the meeting, and 53276
the original copy of any written comments submitted at the 53277
meeting. 53278

(e) Except as provided in division (A)(2)(f) of this section, 53279
prior to taking an action, other than a proposed or final denial, 53280
upon an application submitted under division (A)(2)(a) of this 53281
section for a permit to open a new or modify an existing solid 53282
waste facility, the director shall hold a public information 53283
session and a public hearing on the application within the county 53284
in which the new or modified solid waste facility is or is 53285
proposed to be located or within a contiguous county. If the 53286
application is for a permit to open a new solid waste facility, 53287
the director shall hold the hearing not less than fourteen days 53288
after the information session. If the application is for a permit 53289
to modify an existing solid waste facility, the director may hold 53290
both the information session and the hearing on the same day 53291
unless any individual affected by the application requests in 53292
writing that the information session and the hearing not be held 53293
on the same day, in which case the director shall hold the hearing 53294
not less than fourteen days after the information session. The 53295
director shall publish notice of the public information session or 53296
public hearing not less than thirty days before holding the 53297
information session or hearing, as applicable. The notice shall be 53298
published in each newspaper of general circulation that is 53299
published in the county in which the facility is or is proposed to 53300
be located. If no newspaper of general circulation is published in 53301
the county, the director shall publish the notice in a newspaper 53302
of general circulation in the county. The notice shall contain the 53303
date, time, and location of the information session or hearing, as 53304
applicable, and a general description of the proposed new or 53305

modified facility. At the public information session, an officer 53306
or employee of the environmental protection agency shall describe 53307
the status of the permit application and be available to respond 53308
to comments or questions concerning the application. At the public 53309
hearing, any person may submit written or oral comments on or 53310
objections to the approval of the application. The applicant, or a 53311
representative of the applicant who has knowledge of the location, 53312
construction, and operation of the facility, shall attend the 53313
information session and public hearing to respond to comments or 53314
questions concerning the facility directed to the applicant or 53315
representative by the officer or employee of the environmental 53316
protection agency presiding at the information session and 53317
hearing. 53318

(f) The solid waste management policy committee of a county 53319
or joint solid waste management district may adopt a resolution 53320
requesting expeditious consideration of a specific application 53321
submitted under division (A)(2)(a) of this section for a permit to 53322
modify an existing solid waste facility within the district. The 53323
resolution shall make the finding that expedited consideration of 53324
the application without the public information session and public 53325
hearing under division (A)(2)(e) of this section is in the public 53326
interest and will not endanger human health, as determined by the 53327
director by rules adopted in accordance with Chapter 119. of the 53328
Revised Code. Upon receiving such a resolution, the director, at 53329
the director's discretion, may issue a final action upon the 53330
application without holding a public information session or public 53331
hearing pursuant to division (A)(2)(e) of this section. 53332

(3) ~~Except as provided in division (A)(10) of this section,~~ 53333
~~and unless the owner or operator of any solid waste facility,~~ 53334
~~other than a solid waste transfer facility or a compost facility~~ 53335
~~that accepts exclusively source separated yard wastes, that~~ 53336
~~commenced operation on or before July 1, 1968, has obtained an~~ 53337

~~exemption from the requirements of division (A)(3) of this section 53338
in accordance with division (G) of section 3734.02 of the Revised 53339
Code, the owner or operator shall submit to the director an 53340
application for a permit with accompanying engineering detail 53341
plans, specifications, and information regarding the facility and 53342
its method of operation for approval under rules adopted under 53343
division (A) of section 3734.02 of the Revised Code and applicable 53344
rules adopted under division (D) of section 3734.12 of the Revised 53345
Code in accordance with the following schedule: 53346~~

~~(a) Not later than September 24, 1988, if the facility is 53347
located in the city of Garfield Heights or Parma in Cuyahoga 53348
county; 53349~~

~~(b) Not later than December 24, 1988, if the facility is 53350
located in Delaware, Greene, Guernsey, Hamilton, Madison, 53351
Mahoning, Ottawa, or Vinton county; 53352~~

~~(c) Not later than March 24, 1989, if the facility is located 53353
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 53354
Washington county, or is located in the city of Brooklyn or 53355
Cuyahoga Heights in Cuyahoga county; 53356~~

~~(d) Not later than June 24, 1989, if the facility is located 53357
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 53358
Summit county or is located in Cuyahoga county outside the cities 53359
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 53360~~

~~(e) Not later than September 24, 1989, if the facility is 53361
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 53362
county; 53363~~

~~(f) Not later than December 24, 1989, if the facility is 53364
located in a county not listed in divisions (A)(3)(a) to (e) of 53365
this section; 53366~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this 53367
section, not later than December 31, 1990, if the facility is a 53368~~

~~solid waste facility owned by a generator of solid wastes when the~~ 53369
~~solid waste facility exclusively disposes of solid wastes~~ 53370
~~generated at one or more premises owned by the generator~~ 53371
~~regardless of whether the facility is located on a premises where~~ 53372
~~the wastes are generated and if the facility disposes of more than~~ 53373
~~one hundred thousand tons of solid wastes per year, provided that~~ 53374
~~any such facility shall be subject to division (A)(5) of this~~ 53375
~~section.~~ 53376

~~(4) Except as provided in divisions (A)(8), (9), and (10) of~~ 53377
~~this section, unless the owner or operator of any solid waste~~ 53378
~~facility for which a permit was issued after July 1, 1968, but~~ 53379
~~before January 1, 1980, has obtained an exemption from the~~ 53380
~~requirements of division (A)(4) of this section under division (G)~~ 53381
~~of section 3734.02 of the Revised Code, the owner or operator~~ 53382
~~shall submit to the director an application for a permit with~~ 53383
~~accompanying engineering detail plans, specifications, and~~ 53384
~~information regarding the facility and its method of operation for~~ 53385
~~approval under those rules.~~ 53386

~~(5) The director may issue an order in accordance with~~ 53387
~~Chapter 3745. of the Revised Code to the owner or operator of a~~ 53388
~~solid waste facility requiring the person to submit to the~~ 53389
~~director updated engineering detail plans, specifications, and~~ 53390
~~information regarding the facility and its method of operation for~~ 53391
~~approval under rules adopted under division (A) of section 3734.02~~ 53392
~~of the Revised Code and applicable rules adopted under division~~ 53393
~~(D) of section 3734.12 of the Revised Code if, in the director's~~ 53394
~~judgment, conditions at the facility constitute a substantial~~ 53395
~~threat to public health or safety or are causing or contributing~~ 53396
~~to or threatening to cause or contribute to air or water pollution~~ 53397
~~or soil contamination. Any person who receives such an order shall~~ 53398
~~submit the updated engineering detail plans, specifications, and~~ 53399
~~information to the director within one hundred eighty days after~~ 53400

the effective date of the order. 53401

~~(6)(4)~~ The director shall act upon an ~~application submitted~~ 53402
~~under division (A)(3) or (4) of this section and~~ any updated 53403
engineering plans, specifications, and information submitted under 53404
division (A)~~(5)(3)~~ of this section within one hundred eighty days 53405
after receiving them. If the director ~~denies any such permit~~ 53406
~~application, the~~ issues an order denying the application or 53407
disapproving the plans, specifications, and information submitted 53408
under division (A)(3) of this section, the order shall include all 53409
of the following requirements that: 53410

(a) That the owner or operator submit a plan for closure and 53411
post-closure care of the facility to the director for approval 53412
within six months after issuance of the order~~;~~i 53413

(b) That the owner or operator cease accepting solid wastes 53414
for disposal or transfer at the facility~~;~~i and 53415

(c) The owner or operator commence closure of the facility 53416
not later than one year after issuance of the order. ~~If~~ 53417

If the director determines that closure of the facility 53418
within that one-year period would result in the unavailability of 53419
sufficient solid waste management facility capacity within the 53420
county or joint solid waste management district in which the 53421
facility is located to dispose of or transfer the solid waste 53422
generated within the district, the director in the order of ~~denial~~ 53423
~~or~~ disapproval may postpone commencement of closure of the 53424
facility for such period of time as the director finds necessary 53425
for the board of county commissioners or directors of the district 53426
to secure access to or for there to be constructed within the 53427
district sufficient solid waste management facility capacity to 53428
meet the needs of the district, provided that the director shall 53429
certify in the director's order that postponing the date for 53430
commencement of closure will not endanger ground water or any 53431

property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage. 53432
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If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a facility under division (A)~~(6)~~(4) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed. 53435
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~~(7)~~(5) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution, or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition. 53441
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~~(8)~~(6) Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division. 53454
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~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 53464
apply to scrap tire collection, storage, monocell, monofill, and 53465
recovery facilities. The approval of plans and specifications, as 53466
applicable, and the issuance of registration certificates, 53467
permits, and licenses for those facilities are subject to sections 53468
3734.75 to 3734.78 of the Revised Code, as applicable, and section 53469
3734.81 of the Revised Code. 53470

~~(10) Divisions (A)(3) and (4) of this section do not apply to 53471
a solid waste incinerator that was placed into operation on or 53472
before October 12, 1994, and that is not authorized to accept and 53473
treat infectious wastes pursuant to division (B) of this section. 53474~~

(B)(1) No person shall operate or maintain an infectious 53475
waste treatment facility without a license issued by the board of 53476
health of the health district in which the facility is located or 53477
by the director when the health district in which the facility is 53478
located is not on the approved list under section 3734.08 of the 53479
Revised Code. 53480

(2)(a) During the month of December, but before the first day 53481
of January of the next year, every person proposing to continue to 53482
operate an existing infectious waste treatment facility shall 53483
procure a license to operate the facility for that year from the 53484
board of health of the health district in which the facility is 53485
located or, if the health district is not on the approved list 53486
under section 3734.08 of the Revised Code, from the director. The 53487
application for such a license shall be submitted to the board of 53488
health or to the director, as appropriate, on or before the last 53489
day of September of the year preceding that for which the license 53490
is sought. In addition to the application fee prescribed in 53491
division (B)(2)(c) of this section, a person who submits an 53492
application after that date shall pay an additional ten per cent 53493
of the amount of the application fee for each week that the 53494
application is late. Late payment fees accompanying an application 53495

submitted to the board of health shall be credited to the special 53496
infectious waste fund of the health district created in division 53497
(C) of section 3734.06 of the Revised Code, and late payment fees 53498
accompanying an application submitted to the director shall be 53499
credited to the general revenue fund. A person who has received a 53500
license, upon sale or disposition of an infectious waste treatment 53501
facility and upon consent of the board of health and the director, 53502
may have the license transferred to another person. The board of 53503
health or the director may include such terms and conditions in a 53504
license or revision to a license as are appropriate to ensure 53505
compliance with the infectious waste provisions of this chapter 53506
and rules adopted under them. 53507

(b) Each person proposing to open a new infectious waste 53508
treatment facility or to modify an existing infectious waste 53509
treatment facility shall submit an application for a permit with 53510
accompanying detail plans and specifications to the environmental 53511
protection agency for required approval under the rules adopted by 53512
the director pursuant to section 3734.021 of the Revised Code two 53513
hundred seventy days before proposed operation of the facility and 53514
concurrently shall make application for a license with the board 53515
of health of the health district in which the facility is or is 53516
proposed to be located. Not later than ninety days after receiving 53517
a complete application under division (B)(2)(b) of this section 53518
for a permit to open a new infectious waste treatment facility or 53519
modify an existing infectious waste treatment facility to expand 53520
its treatment capacity, or receiving a complete application under 53521
division (A)(2)(a) of this section for a permit to open a new 53522
solid waste incineration facility, or modify an existing solid 53523
waste incineration facility to also treat infectious wastes or to 53524
increase its infectious waste treatment capacity, that pertains to 53525
a facility for which a notation authorizing infectious waste 53526
treatment is included or proposed to be included in the solid 53527
waste incineration facility's license pursuant to division (B)(3) 53528

of this section, the director shall hold a public hearing on the application within the county in which the new or modified infectious waste or solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application

fee shall be credited to the general revenue fund. If a permit or 53562
license is issued, the amount of the application fee paid shall be 53563
deducted from the amount of the permit fee due under division (Q) 53564
of section 3745.11 of the Revised Code or the amount of the 53565
license fee due under division (C) of section 3734.06 of the 53566
Revised Code. 53567

(d) The director may issue an order in accordance with 53568
Chapter 3745. of the Revised Code to the owner or operator of an 53569
infectious waste treatment facility requiring the person to submit 53570
to the director updated engineering detail plans, specifications, 53571
and information regarding the facility and its method of operation 53572
for approval under rules adopted under section 3734.021 of the 53573
Revised Code if, in the director's judgment, conditions at the 53574
facility constitute a substantial threat to public health or 53575
safety or are causing or contributing to or threatening to cause 53576
or contribute to air or water pollution or soil contamination. Any 53577
person who receives such an order shall submit the updated 53578
engineering detail plans, specifications, and information to the 53579
director within one hundred eighty days after the effective date 53580
of the order. 53581

(e) The director shall act on any updated engineering plans, 53582
specifications, and information submitted under division (B)(2)(d) 53583
of this section within one hundred eighty days after receiving 53584
them. If the director disapproves any such updated engineering 53585
plans, specifications, and information, the director shall include 53586
in the order disapproving the plans the requirement that the owner 53587
or operator cease accepting infectious wastes for treatment at the 53588
facility. 53589

(3) Division (B) of this section does not apply to a 53590
generator of infectious wastes that meets any of the following 53591
conditions: 53592

(a) Treats, by methods, techniques, and practices established 53593

by rules adopted under division (B)(2)(a) of section 3734.021 of 53594
the Revised Code, any of the following wastes: 53595

(i) Infectious wastes that are generated on any premises that 53596
are owned or operated by the generator; 53597

(ii) Infectious wastes that are generated by a generator who 53598
has staff privileges at a hospital as defined in section 3727.01 53599
of the Revised Code; 53600

(iii) Infectious wastes that are generated in providing care 53601
to a patient by an emergency medical services organization as 53602
defined in section 4765.01 of the Revised Code. 53603

(b) Holds a license or renewal of a license to operate a 53604
crematory facility issued under Chapter 4717. and a permit issued 53605
under Chapter 3704. of the Revised Code; 53606

(c) Treats or disposes of dead animals or parts thereof, or 53607
the blood of animals, and is subject to any of the following: 53608

(i) Inspection under the "Federal Meat Inspection Act," 81 53609
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 53610

(ii) Chapter 918. of the Revised Code; 53611

(iii) Chapter 953. of the Revised Code. 53612

Nothing in division (B) of this section requires a facility 53613
that holds a license issued under division (A) of this section as 53614
a solid waste facility and that also treats infectious wastes by 53615
the same method, technique, or process to obtain a license under 53616
division (B) of this section as an infectious waste treatment 53617
facility. However, the solid waste facility license for the 53618
facility shall include the notation that the facility also treats 53619
infectious wastes. 53620

The director shall not issue a permit to open a new solid 53621
waste incineration facility unless the proposed facility complies 53622
with the requirements for the location of new infectious waste 53623

incineration facilities established in rules adopted under 53624
division (B)(2)(b) of section 3734.021 of the Revised Code. 53625

(C) Except for a facility or activity described in division 53626
(E)(3) of section 3734.02 of the Revised Code, a person who 53627
proposes to establish or operate a hazardous waste facility shall 53628
submit a complete application for a hazardous waste facility 53629
installation and operation permit and accompanying detail plans, 53630
specifications, and such information as the director may require 53631
to the environmental protection agency at least one hundred eighty 53632
days before the proposed beginning of operation of the facility. 53633
The applicant shall notify by certified mail the legislative 53634
authority of each municipal corporation, township, and county in 53635
which the facility is proposed to be located of the submission of 53636
the application within ten days after the submission or at such 53637
earlier time as the director may establish by rule. If the 53638
application is for a proposed new hazardous waste disposal or 53639
thermal treatment facility, the applicant also shall give actual 53640
notice of the general design and purpose of the facility to the 53641
legislative authority of each municipal corporation, township, and 53642
county in which the facility is proposed to be located at least 53643
ninety days before the permit application is submitted to the 53644
environmental protection agency. 53645

In accordance with rules adopted under section 3734.12 of the 53646
Revised Code, prior to the submission of a complete application 53647
for a hazardous waste facility installation and operation permit, 53648
the applicant shall hold at least one meeting in the township or 53649
municipal corporation in which the facility is proposed to be 53650
located, whichever is geographically closer to the proposed 53651
location of the facility. The meeting shall be open to the public 53652
and shall be held to inform the community of the proposed 53653
hazardous waste management activities and to solicit questions 53654
from the community concerning the activities. 53655

(D)(1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following: 53687
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(i) Fires or explosions from treatment, storage, or disposal methods; 53689
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(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility; 53691
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(iii) Adverse impact on the public health and safety. 53693

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them; 53694
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(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the 53697
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attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the

national park system, or any property that lies within the 53749
boundaries of a national park or recreation area, but that has not 53750
been acquired or is not administered by the secretary of the 53751
United States department of the interior, located in this state, 53752
or any candidate area located in this state identified for 53753
potential inclusion in the national park system in the edition of 53754
the "national park system plan" submitted under paragraph (b) of 53755
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 53756
U.S.C.A. 1a-5, as amended, current at the time of filing of the 53757
application for the permit, unless the facility will be used 53758
exclusively for the storage of hazardous waste generated within 53759
the park or recreation area in conjunction with the operation of 53760
the park or recreation area. Division (D)(2)(h) of this section 53761
does not apply to the facility of any applicant for modification 53762
of a permit unless the modification application proposes to 53763
increase the land area included in the facility or to increase the 53764
quantity of hazardous waste that will be treated, stored, or 53765
disposed of at the facility. 53766

(3) Not later than one hundred eighty days after the end of 53767
the public comment period, the director, without prior hearing, 53768
shall issue or deny the permit in accordance with Chapter 3745. of 53769
the Revised Code. If the director approves an application for a 53770
hazardous waste facility installation and operation permit, the 53771
director shall issue the permit, upon such terms and conditions as 53772
the director finds are necessary to ensure the construction and 53773
operation of the hazardous waste facility in accordance with the 53774
standards of this section. 53775

(E) No political subdivision of this state shall require any 53776
additional zoning or other approval, consent, permit, certificate, 53777
or condition for the construction or operation of a hazardous 53778
waste facility authorized by a hazardous waste facility 53779
installation and operation permit issued pursuant to this chapter, 53780

nor shall any political subdivision adopt or enforce any law, 53781
ordinance, or rule that in any way alters, impairs, or limits the 53782
authority granted in the permit. 53783

(F) The director may issue a single hazardous waste facility 53784
installation and operation permit to a person who operates two or 53785
more adjoining facilities where hazardous waste is stored, 53786
treated, or disposed of if the application includes detail plans, 53787
specifications, and information on all facilities. For the 53788
purposes of this section, "adjoining" means sharing a common 53789
boundary, separated only by a public road, or in such proximity 53790
that the director determines that the issuance of a single permit 53791
will not create a hazard to the public health or safety or the 53792
environment. 53793

(G) No person shall falsify or fail to keep or submit any 53794
plans, specifications, data, reports, records, manifests, or other 53795
information required to be kept or submitted to the director by 53796
this chapter or the rules adopted under it. 53797

(H)(1) Each person who holds an installation and operation 53798
permit issued under this section and who wishes to obtain a permit 53799
renewal shall submit a completed application for an installation 53800
and operation permit renewal and any necessary accompanying 53801
general plans, detail plans, specifications, and such information 53802
as the director may require to the director no later than one 53803
hundred eighty days prior to the expiration date of the existing 53804
permit or upon a later date prior to the expiration of the 53805
existing permit if the permittee can demonstrate good cause for 53806
the late submittal. The director shall consider the application 53807
and accompanying information, inspection reports of the facility, 53808
results of performance tests, a report regarding the facility's 53809
compliance or noncompliance with the terms and conditions of its 53810
permit and rules adopted by the director under this chapter, and 53811
such other information as is relevant to the operation of the 53812

facility and shall issue a draft renewal permit or a notice of 53813
intent to deny the renewal permit. The director, in accordance 53814
with rules adopted under this section or with rules adopted to 53815
implement Chapter 3745. of the Revised Code, shall give public 53816
notice of the application and draft renewal permit or notice of 53817
intent to deny the renewal permit, provide for the opportunity for 53818
public comments within a specified time period, schedule a public 53819
meeting in the county in which the facility is located if 53820
significant interest is shown, and give public notice of the 53821
public meeting. 53822

(2) Within sixty days after the public meeting or close of 53823
the public comment period, the director, without prior hearing, 53824
shall issue or deny the renewal permit in accordance with Chapter 53825
3745. of the Revised Code. The director shall not issue a renewal 53826
permit unless the director determines that the facility under the 53827
existing permit has a history of compliance with this chapter, 53828
rules adopted under it, the existing permit, or orders entered to 53829
enforce such requirements that demonstrates sufficient 53830
reliability, expertise, and competency to operate the facility 53831
henceforth under this chapter, rules adopted under it, and the 53832
renewal permit. If the director approves an application for a 53833
renewal permit, the director shall issue the permit subject to the 53834
payment of the annual permit fee required under division (E) of 53835
section 3734.02 of the Revised Code and upon such terms and 53836
conditions as the director finds are reasonable to ensure that 53837
continued operation, maintenance, closure, and post-closure care 53838
of the hazardous waste facility are in accordance with the rules 53839
adopted under section 3734.12 of the Revised Code. 53840

(3) An installation and operation permit renewal application 53841
submitted to the director that also contains or would constitute 53842
an application for a modification shall be acted upon by the 53843
director in accordance with division (I) of this section in the 53844

same manner as an application for a modification. In approving or 53845
disapproving the renewal portion of a permit renewal application 53846
containing an application for a modification, the director shall 53847
apply the criteria established under division (H)(2) of this 53848
section. 53849

(4) An application for renewal or modification of a permit 53850
that does not contain an application for a modification as 53851
described in divisions (I)(3)(a) to (d) of this section shall not 53852
be subject to division (D)(2) of this section. 53853

(I)(1) As used in this section, "modification" means a change 53854
or alteration to a hazardous waste facility or its operations that 53855
is inconsistent with or not authorized by its existing permit or 53856
authorization to operate. Modifications shall be classified as 53857
Class 1, 2, or 3 modifications in accordance with rules adopted 53858
under division (K) of this section. Modifications classified as 53859
Class 3 modifications, in accordance with rules adopted under that 53860
division, shall be further classified by the director as either 53861
Class 3 modifications that are to be approved or disapproved by 53862
the director under divisions (I)(3)(a) to (d) of this section or 53863
as Class 3 modifications that are to be approved or disapproved by 53864
the director under division (I)(5) of this section. Not later than 53865
thirty days after receiving a request for a modification under 53866
division (I)(4) of this section that is not listed in Appendix I 53867
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 53868
section, the director shall classify the modification and shall 53869
notify the owner or operator of the facility requesting the 53870
modification of the classification. Notwithstanding any other law 53871
to the contrary, a modification that involves the transfer of a 53872
hazardous waste facility installation and operation permit to a 53873
new owner or operator for any off-site facility as defined in 53874
section 3734.41 of the Revised Code shall be classified as a Class 53875
3 modification. The transfer of a hazardous waste facility 53876

installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management

unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types

listed or characterized as reactive or explosive, in rules adopted 53939
under section 3734.12 of the Revised Code, or any acute hazardous 53940
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 53941
previously authorized to treat, store, or dispose of those types 53942
of wastes by the facility's permit unless the requested authority 53943
is limited to wastes that no longer exhibit characteristics 53944
meeting the criteria for listing or characterization as reactive 53945
or explosive wastes, or for listing as acute hazardous waste, but 53946
still are required to carry those waste codes as established in 53947
rules adopted under section 3734.12 of the Revised Code because of 53948
the requirements established in 40 C.F.R. 261(a) and (e), as 53949
amended, that is, the "mixture," "derived-from," or "contained-in" 53950
regulations. 53951

(4) A written request for a modification from the permittee 53952
shall be submitted to the director and shall contain such 53953
information as is necessary to support the request. Requests for 53954
modifications shall be acted upon by the director in accordance 53955
with this section and rules adopted under it. 53956

(5) Class 1 modification applications that require prior 53957
approval of the director, as provided in division (I)(1) of this 53958
section or as determined in accordance with rules adopted under 53959
division (K) of this section, Class 2 modification applications, 53960
and Class 3 modification applications that are not described in 53961
divisions (I)(3)(a) to (d) of this section shall be approved or 53962
disapproved by the director in accordance with rules adopted under 53963
division (K) of this section. The board of county commissioners of 53964
the county, the board of township trustees of the township, and 53965
the city manager or mayor of the municipal corporation in which a 53966
hazardous waste facility is located shall receive notification of 53967
any application for a modification for that facility and shall be 53968
considered as interested persons with respect to the director's 53969
consideration of the application. 53970

As used in division (I) of this section: 53971

(a) "Owner" means the person who owns a majority or 53972
controlling interest in a facility. 53973

(b) "Operator" means the person who is responsible for the 53974
overall operation of a facility. 53975

The director shall approve or disapprove an application for a 53976
Class 1 modification that requires the director's approval within 53977
sixty days after receiving the request for modification. The 53978
director shall approve or disapprove an application for a Class 2 53979
modification within three hundred days after receiving the request 53980
for modification. The director shall approve or disapprove an 53981
application for a Class 3 modification within three hundred 53982
sixty-five days after receiving the request for modification. 53983

(6) The approval or disapproval by the director of a Class 1 53984
modification application is not a final action that is appealable 53985
under Chapter 3745. of the Revised Code. The approval or 53986
disapproval by the director of a Class 2 modification or a Class 3 53987
modification is a final action that is appealable under that 53988
chapter. In approving or disapproving a request for a 53989
modification, the director shall consider all comments pertaining 53990
to the request that are received during the public comment period 53991
and the public meetings. The administrative record for appeal of a 53992
final action by the director in approving or disapproving a 53993
request for a modification shall include all comments received 53994
during the public comment period relating to the request for 53995
modification, written materials submitted at the public meetings 53996
relating to the request, and any other documents related to the 53997
director's action. 53998

(7) Notwithstanding any other provision of law to the 53999
contrary, a change or alteration to a hazardous waste facility 54000
described in division (E)(3)(a) or (b) of section 3734.02 of the 54001

Revised Code, or its operations, is a modification for the 54002
purposes of this section. An application for a modification at 54003
such a facility shall be submitted, classified, and approved or 54004
disapproved in accordance with divisions (I)(1) to (6) of this 54005
section in the same manner as a modification to a hazardous waste 54006
facility installation and operation permit. 54007

(J)(1) Except as provided in division (J)(2) of this section, 54008
an owner or operator of a hazardous waste facility that is 54009
operating in accordance with a permit by rule under rules adopted 54010
by the director under division (E)(3)(b) of section 3734.02 of the 54011
Revised Code shall submit either a hazardous waste facility 54012
installation and operation permit application for the facility or 54013
a modification application, whichever is required under division 54014
(J)(1)(a) or (b) of this section, within one hundred eighty days 54015
after the director has requested the application or upon a later 54016
date if the owner or operator demonstrates to the director good 54017
cause for the late submittal. 54018

(a) If the owner or operator does not have a hazardous waste 54019
facility installation and operation permit for any hazardous waste 54020
treatment, storage, or disposal activities at the facility, the 54021
owner or operator shall submit an application for such a permit to 54022
the director for the activities authorized by the permit by rule. 54023
Notwithstanding any other provision of law to the contrary, the 54024
director shall approve or disapprove the application for the 54025
permit in accordance with the procedures governing the approval or 54026
disapproval of permit renewals under division (H) of this section. 54027

(b) If the owner or operator has a hazardous waste facility 54028
installation and operation permit for hazardous waste treatment, 54029
storage, or disposal activities at the facility other than those 54030
authorized by the permit by rule, the owner or operator shall 54031
submit to the director a request for modification in accordance 54032
with division (I) of this section. Notwithstanding any other 54033

provision of law to the contrary, the director shall approve or 54034
disapprove the modification application in accordance with 54035
division (I)(5) of this section. 54036

(2) The owner or operator of a boiler or industrial furnace 54037
that is conducting thermal treatment activities in accordance with 54038
a permit by rule under rules adopted by the director under 54039
division (E)(3)(b) of section 3734.02 of the Revised Code shall 54040
submit a hazardous waste facility installation and operation 54041
permit application if the owner or operator does not have such a 54042
permit for any hazardous waste treatment, storage, or disposal 54043
activities at the facility or, if the owner or operator has such a 54044
permit for hazardous waste treatment, storage, or disposal 54045
activities at the facility other than thermal treatment activities 54046
authorized by the permit by rule, a modification application to 54047
add those activities authorized by the permit by rule, whichever 54048
is applicable, within one hundred eighty days after the director 54049
has requested the submission of the application or upon a later 54050
date if the owner or operator demonstrates to the director good 54051
cause for the late submittal. The application shall be accompanied 54052
by information necessary to support the request. The director 54053
shall approve or disapprove an application for a hazardous waste 54054
facility installation and operation permit in accordance with 54055
division (D) of this section and approve or disapprove an 54056
application for a modification in accordance with division (I)(3) 54057
of this section, except that the director shall not disapprove an 54058
application for the thermal treatment activities on the basis of 54059
the criteria set forth in division (D)(2)(g) or (h) of this 54060
section. 54061

(3) As used in division (J) of this section: 54062

(a) "Modification application" means a request for a 54063
modification submitted in accordance with division (I) of this 54064
section. 54065

(b) "Thermal treatment," "boiler," and "industrial furnace" 54066
have the same meanings as in rules adopted under section 3734.12 54067
of the Revised Code. 54068

(K) The director shall adopt, and may amend, suspend, or 54069
rescind, rules in accordance with Chapter 119. of the Revised Code 54070
in order to implement divisions (H) and (I) of this section. 54071
Except when in actual conflict with this section, rules governing 54072
the classification of and procedures for the modification of 54073
hazardous waste facility installation and operation permits shall 54074
be substantively and procedurally identical to the regulations 54075
governing hazardous waste facility permitting and permit 54076
modifications adopted under the "Resource Conservation and 54077
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 54078
amended. 54079

Sec. 3734.06. (A)(1) Except as provided in divisions (A)(2), 54080
(3), (4), and (5) of this section and in section 3734.82 of the 54081
Revised Code, the annual fee for a solid waste facility license 54082
shall be in accordance with the following schedule: 54083

AUTHORIZED MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
100 or less	\$ 5,000	54087
101 to 200	12,500	54088
201 to 500	30,000	54089
501 or more	60,000	54090

For the purpose of determining the applicable license fee 54091
under divisions (A)(1), (2), and (3) of this section, the 54092
authorized maximum daily waste receipt shall be the maximum amount 54093
of wastes the facility is authorized to receive daily that is 54094
established in the permit for the facility, and any modifications 54095
to that permit, issued under division (A)(2) ~~or (3)~~ of section 54096

3734.05 of the Revised Code; the annual license for the facility, 54097
and any revisions to that license, issued under division (A)(1) of 54098
section 3734.05 of the Revised Code; the approved operating plan 54099
or operational report for which submission and approval are 54100
required by rules adopted by the director of environmental 54101
protection under section 3734.02 of the Revised Code; or an order 54102
issued by the director as authorized by rule; ~~or the updated~~ 54103
~~engineering plans, specifications, and facility and operation~~ 54104
~~information approved under division (A)(4) of section 3734.05 of~~ 54105
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 54106
so established, the annual license fee is sixty thousand dollars 54107
under division (A)(1) of this section and thirty thousand dollars 54108
under divisions (A)(2) and (3) of this section. 54109

The authorized maximum daily waste receipt set forth in any 54110
such document shall be stated in terms of cubic yards of volume 54111
for the purpose of regulating the design, construction, and 54112
operation of a solid waste facility. For the purpose of 54113
determining applicable license fees under this section, the 54114
authorized maximum daily waste receipt so stated shall be 54115
converted from cubic yards to tons as the unit of measurement 54116
based upon a conversion factor of three cubic yards per ton for 54117
compacted wastes generally and one cubic yard per ton for baled 54118
wastes. 54119

(2) The annual license fee for a facility that is an 54120
incinerator facility is one-half the amount shown in division 54121
(A)(1) of this section. When a municipal corporation, county, or 54122
township owns and operates more than one incinerator within its 54123
boundaries, the municipal corporation, county, or township shall 54124
pay one fee for the licenses for all of its incinerators. The fee 54125
shall be determined on the basis of the aggregate maximum daily 54126
waste receipt for all the incinerators owned and operated by the 54127
municipal corporation, county, or township in an amount that is 54128

one-half the amount shown in division (A)(1) of this section. 54129

(3) The annual fee for a solid waste compost facility license 54130
shall be in accordance with the following schedule: 54131

AUTHORIZED MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
12 or less	\$ 300	54135
13 to 25	600	54136
26 to 50	1,200	54137
51 to 75	1,800	54138
76 to 100	2,500	54139
101 to 150	3,750	54140
151 to 200	5,000	54141
201 to 250	6,250	54142
251 to 300	7,500	54143
301 to 400	10,000	54144
401 to 500	12,500	54145
501 or more	30,000	54146

(4) The annual license fee for a solid waste facility, 54147
regardless of its authorized maximum daily waste receipt, is five 54148
thousand dollars for a facility meeting either of the following 54149
qualifications: 54150

(a) The facility is owned by a generator of solid wastes when 54151
the solid waste facility exclusively disposes of solid wastes 54152
generated at one or more premises owned by the generator 54153
regardless of whether the facility is located on a premises where 54154
the wastes are generated. 54155

(b) The facility exclusively disposes of wastes that are 54156
generated from the combustion of coal, or from the combustion of 54157
primarily coal in combination with scrap tires, that is not 54158
combined in any way with garbage at one or more premises owned by 54159
the generator. 54160

(5) The annual license fee for a facility that is a transfer facility is seven hundred fifty dollars. 54161
54162

(6) The same fees shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the solid waste provisions of this chapter and rules adopted under them, excluding the provisions governing scrap tires. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license. 54163
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(B) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (A)(1), (2), (3), and (4) of this section or the entire amount of any such fee that is less than two thousand five hundred dollars. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the solid waste provisions of this chapter and the rules adopted under them, excluding the provisions governing scrap tires. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund. The board of health shall retain the entire amount of each fee collected under division (A)(5) of this section, which moneys shall be paid into the special fund of the health district. 54173
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the annual fee for an infectious waste treatment facility license shall be in accordance with the following schedule: 54189
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54191

MAXIMUM

ANNUAL

54192

DAILY WASTE	LICENSE	54193
RECEIPT (TONS)	FEE	54194
100 or less	\$ 5,000	54195
101 to 200	12,500	54196
201 to 500	30,000	54197
501 or more	60,000	54198

For the purpose of determining the applicable license fee 54199
under divisions (C)(1) and (2) of this section, the maximum daily 54200
waste receipt shall be the maximum amount of infectious wastes the 54201
facility is authorized to receive daily that is established in the 54202
permit for the facility, and any modifications to that permit, 54203
issued under division (B)(2)(b) of section 3734.05 of the Revised 54204
Code; or the annual license for the facility, and any revisions to 54205
that license, issued under division (B)(2)(a) of section 3734.05 54206
of the Revised Code. If no maximum daily waste receipt is so 54207
established, the annual license fee is sixty thousand dollars 54208
under division (C)(1) of this section and thirty thousand dollars 54209
under division (C)(2) of this section. 54210

(2) The annual license fee for an infectious waste treatment 54211
facility that is an incinerator is one-half the amount shown in 54212
division (C)(1) of this section. 54213

(3) Fees levied under divisions (C)(1) and (2) of this 54214
section shall apply to private operators and to the state and its 54215
political subdivisions and shall be paid within thirty days after 54216
issuance of a license. The fee includes the cost of licensing, all 54217
inspections, and other costs associated with the administration of 54218
the infectious waste provisions of this chapter and rules adopted 54219
under them. Each such license shall specify that it is conditioned 54220
upon payment of the applicable fee to the board of health or the 54221
director, as appropriate, within thirty days after issuance of the 54222
license. 54223

(4) The board of health shall retain two thousand five 54224

hundred dollars of each license fee collected by the board under 54225
divisions (C)(1) and (2) of this section. The moneys retained 54226
shall be paid into a special infectious waste fund, which is 54227
hereby created in each health district, and used solely to 54228
administer and enforce the infectious waste provisions of this 54229
chapter and the rules adopted under them. The remainder of each 54230
license fee collected by the board shall be transmitted to the 54231
director within forty-five days after receipt of the fee. The 54232
director shall transmit these moneys to the treasurer of state to 54233
be credited to the general revenue fund. 54234

Sec. 3734.15. (A) No person shall transport hazardous waste 54235
anywhere in this state unless the person has first ~~registered~~ 54236
filed an annual registration statement with, and ~~obtained a~~ 54237
uniform permit from the public utilities commission paid an annual 54238
registration fee to, the United States department of 54239
transportation in accordance with Chapter 4921. of the Revised 54240
Code 49 C.F.R. 107.601 to 107.620. 54241

For the purposes of this section, "registered transporter" 54242
means any person who ~~is registered~~ has filed an annual 54243
registration statement with and has received a uniform permit from 54244
the public utilities commission pursuant to Chapter 4921. of the 54245
Revised Code, and paid an annual registration fee to, the United 54246
States department of transportation in accordance with 49 C.F.R. 54247
107.601 to 107.620. 54248

(B) A registered transporter of hazardous waste shall be 54249
responsible for the safe delivery of any hazardous waste that the 54250
registered transporter transports from such time as the registered 54251
transporter obtains the waste until the registered transporter 54252
delivers it to a treatment, storage, or disposal facility 54253
specified in division (F) of section 3734.02 of the Revised Code, 54254
as recorded on the manifest required in division (B) of section 54255

3734.12 of the Revised Code. Any registered transporter who 54256
violates this chapter or any rule adopted under the chapter while 54257
transporting hazardous waste shall be liable for any damage or 54258
injury caused by the violation and for the costs of rectifying the 54259
violation and conditions caused by the violation. 54260

(C) No person who generates hazardous waste shall cause the 54261
waste to be transported by any person who is not a registered 54262
transporter. No person shall accept for treatment, storage, or 54263
disposal any hazardous waste from an unregistered transporter. Any 54264
person who is requested to accept such waste for treatment, 54265
storage, or disposal shall notify the director, the board of 54266
health in the person's location, and the public utilities 54267
commission of the request. 54268

If a generator causes an unregistered transporter to 54269
transport the hazardous waste, the generator of the waste, the 54270
transporter, and any person who accepts the waste for treatment, 54271
storage, or disposal shall be jointly and severally liable for any 54272
damage or injury caused by the handling of the waste and for the 54273
costs of rectifying their violation and conditions caused by their 54274
violation. 54275

Sec. 3734.42. (A)(1) Every applicant for a permit shall file 54276
a disclosure statement, on a form developed by the attorney 54277
general, with the director of environmental protection and the 54278
attorney general at the same time the applicant files an 54279
application for the permit with the director. 54280

(2) Any individual required to be listed in the disclosure 54281
statement shall be fingerprinted for identification and 54282
investigation purposes in accordance with procedures established 54283
by the attorney general. An individual required to be 54284
fingerprinted under this section shall not be required to be 54285
fingerprinted more than once under this section. 54286

(3) The attorney general, within one hundred eighty days 54287
after receipt of the disclosure statement from an applicant for a 54288
permit, shall prepare and transmit to the director an 54289
investigative report on the applicant, based in part upon the 54290
disclosure statement, except that this deadline may be extended 54291
for a reasonable period of time, for good cause, by the director 54292
or the attorney general. In preparing this report, the attorney 54293
general may request and receive criminal history information from 54294
the federal bureau of investigation and any other law enforcement 54295
agency or organization. The attorney general may provide such 54296
confidentiality regarding the information received from a law 54297
enforcement agency as may be imposed by that agency as a condition 54298
for providing that information to the attorney general. 54299

(4) The review of the application by the director shall 54300
include a review of the disclosure statement and investigative 54301
report. 54302

(B) All applicants and permittees shall provide any 54303
assistance or information requested by the director or the 54304
attorney general and shall cooperate in any inquiry or 54305
investigation conducted by the attorney general and any inquiry, 54306
investigation, or hearing conducted by the director. If, upon 54307
issuance of a formal request to answer any inquiry or produce 54308
information, evidence, or testimony, any applicant or permittee, 54309
any officer, director, or partner of any business concern, or any 54310
key employee of the applicant or permittee refuses to comply, the 54311
permit of the applicant or permittee may be denied or revoked by 54312
the director. 54313

(C) The attorney general may charge and collect such fees 54314
from applicants and permittees as are necessary to cover the costs 54315
of administering and enforcing the investigative procedures 54316
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 54317
attorney general shall transmit moneys collected under this 54318

division to the treasurer of state to be credited to the solid and hazardous waste background investigations fund, which is hereby created in the state treasury. Moneys in the fund shall be used solely for paying the attorney general's costs of administering and enforcing the investigative procedures authorized in sections 3734.41 to 3734.47 of the Revised Code.

(D) An appropriate applicant, a permittee, or a prospective owner shall submit to the attorney general, on a form provided by the attorney general, the following information within the periods specified:

(1) Information required to be included in the disclosure statement for any new officer, director, partner, or key employee, to be submitted within ninety days from the addition of the officer, director, partner, or key employee;

(2) Information required to be included in a disclosure statement regarding the addition of any new business concern to be submitted within ninety days from the addition of the new business concern.

(E)(1) The attorney general shall enter in the database established under section 109.5721 of the Revised Code the name, the fingerprints, and other relevant information concerning each officer, director, partner, or key employee of an applicant, permittee, or prospective owner.

(2) For purposes of section 109.5721 of the Revised Code, annually on a date assigned by the attorney general, an applicant, permittee, or prospective owner shall provide the attorney general with a list of both of the following:

(a) Each officer, director, partner, or key employee of the applicant, permittee, or prospective owner and the person's address and social security number;

(b) Any officer, director, partner, or key employee of the

applicant, permittee, or prospective owner who has left a position 54350
previously held with the applicant, permittee, or prospective 54351
owner during the previous one-year period and the person's social 54352
security number. 54353

(3) Annually, the attorney general shall update the database 54354
established under section 109.5721 of the Revised Code to reflect 54355
the information provided by an applicant, permittee, or 54356
prospective owner under divisions (E)(2)(a) and (b) of this 54357
section. 54358

(4) Notwithstanding division (C) of this section, the 54359
attorney general shall charge and collect fees from an applicant, 54360
permittee, or prospective owner that is required to submit 54361
information under this division in accordance with rules adopted 54362
under section 109.5721 of the Revised Code. The fees shall not 54363
exceed fees that are charged to any other person who is charged 54364
fees for purposes of the database established under that section 54365
and who is not an officer, director, partner, or key employee of 54366
an applicant, permittee, or prospective owner under this section. 54367

(F)(1) Every ~~three~~ five years, the attorney general shall 54368
request from the federal bureau of investigation any information 54369
regarding a criminal conviction with respect to each officer, 54370
director, partner, or key employee of an applicant, permittee, or 54371
prospective owner. The attorney general may take any actions 54372
necessary for purposes of this division, including, as necessary, 54373
requesting the submission of any necessary documents authorizing 54374
the release of information. 54375

(2) Every ~~three~~ five years, an applicant, permittee, or 54376
prospective owner shall submit an affidavit listing all of the 54377
following regarding a business concern required to be listed in 54378
the applicant's, permittee's, or prospective owner's disclosure 54379
statement: 54380

(a) Any administrative enforcement order issued to the 54381
business concern in connection with any violation of any federal 54382
or state environmental protection laws, rules, or regulations 54383
during the previous ~~three-year~~ five-year period; 54384

(b) Any civil action in which the business concern was 54385
determined to be liable or was the subject of injunctive relief or 54386
another type of civil relief in connection with any violation of 54387
any federal or state environmental protection laws, rules, or 54388
regulations during the previous ~~three-year~~ five-year period; 54389

(c) Any criminal conviction for a violation of any federal or 54390
state environmental protection laws, rules, or regulations that 54391
has been committed knowingly or recklessly by the business concern 54392
during the previous ~~three-year~~ five-year period. 54393

(G) With respect to an applicant, permittee, or prospective 54394
owner, the attorney general shall notify the director of 54395
environmental protection of any crime ascertained under division 54396
(E) or (F) of this section that is a disqualifying crime under 54397
section 3734.44 of the Revised Code. The attorney general shall 54398
provide the notification not later than thirty days after the 54399
crime was ascertained. 54400

(H) The failure to provide information under this section may 54401
constitute the basis for the revocation of a permit or license, 54402
the denial of a permit or license application, the denial of a 54403
renewal of a permit or license, or the disapproval of a change in 54404
ownership as described in division (I) of this section. Prior to a 54405
denial, revocation, or disapproval, the director shall notify the 54406
applicant, permittee, or prospective owner of the director's 54407
intention to do so. The director shall give the applicant, 54408
permittee, or prospective owner fourteen days from the date of the 54409
notice to explain why the information was not provided. The 54410
director shall consider the explanation when determining whether 54411
to revoke the permit or license, deny the permit or license 54412

application or renewal, or disapprove the change in ownership. 54413

Nothing in this section affects the rights of the director or 54414
the attorney general granted under sections 3734.40 to 3734.47 of 54415
the Revised Code to request information from a person at any other 54416
time. 54417

(I)(1) Whenever there is a change in ownership of any 54418
operating off-site solid waste facility, any operating off-site 54419
infectious waste facility, or any operating off-site hazardous 54420
waste facility, the prospective owner shall file a disclosure 54421
statement with the attorney general and the director at least one 54422
hundred eighty days prior to the proposed change in ownership. In 54423
addition, whenever there is a change in ownership of any operating 54424
on-site solid waste facility, any operating on-site infectious 54425
waste facility, or any operating on-site hazardous waste facility 54426
and the prospective owner intends to operate the facility as an 54427
off-site facility by accepting wastes other than wastes generated 54428
by the facility owner, the prospective owner shall file a 54429
disclosure statement with the attorney general and the director. 54430
The prospective owner shall file the disclosure statement at least 54431
one hundred eighty days prior to the proposed change in ownership. 54432

Upon receipt of the disclosure statement, the attorney 54433
general shall prepare an investigative report and transmit it to 54434
the director. The director shall review the disclosure statement 54435
and investigative report to determine whether the statement or 54436
report contains information that if submitted with a permit 54437
application would require a denial of the permit pursuant to 54438
section 3734.44 of the Revised Code. If the director determines 54439
that the statement or report contains such information, the 54440
director shall disapprove the change in ownership. 54441

(2) If the parties to a change in ownership decide to proceed 54442
with the change prior to the action of the director on the 54443
disclosure statement and investigative report, the parties shall 54444

include in all contracts or other documents reflecting the change 54445
in ownership language expressly making the change in ownership 54446
subject to the approval of the director and expressly negating the 54447
change if it is disapproved by the director pursuant to division 54448
(I)(1) of this section. 54449

(3) As used in this section, "change in ownership" includes a 54450
change of the individuals or entities who own a solid waste 54451
facility, infectious waste facility, or hazardous waste facility. 54452
"Change in ownership" does not include a legal change in a 54453
business concern's name when its ownership otherwise remains the 54454
same. "Change in ownership" also does not include a personal name 54455
change of officers, directors, partners, or key employees 54456
contained in a disclosure statement. 54457

Sec. 3734.57. (A) The following fees are hereby levied on the 54458
transfer or disposal of solid wastes in this state: 54459

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 54460
cents of the proceeds of which shall be deposited in the state 54461
treasury to the credit of the hazardous waste facility management 54462
fund created in section 3734.18 of the Revised Code and seventy 54463
cents of the proceeds of which shall be deposited in the state 54464
treasury to the credit of the hazardous waste clean-up fund 54465
created in section 3734.28 of the Revised Code; 54466

(2) An additional seventy-five cents per ton through June 30, 54467
~~2018~~ 2020, the proceeds of which shall be deposited in the state 54468
treasury to the credit of the waste management fund created in 54469
section 3734.061 of the Revised Code. 54470

(3) An additional two dollars and eighty-five cents per ton 54471
through June 30, ~~2018~~ 2020, the proceeds of which shall be 54472
deposited in the state treasury to the credit of the environmental 54473
protection fund created in section 3745.015 of the Revised Code; 54474

(4) An additional twenty-five cents per ton through June 30, 54475
~~2018~~ 2020, the proceeds of which shall be deposited in the state 54476
treasury to the credit of the soil and water conservation district 54477
assistance fund created in section 940.15 of the Revised Code. 54478

In the case of solid wastes that are taken to a solid waste 54479
transfer facility located in this state prior to being transported 54480
for disposal at a solid waste disposal facility located in this 54481
state or outside of this state, the fees levied under this 54482
division shall be collected by the owner or operator of the 54483
transfer facility as a trustee for the state. The amount of fees 54484
required to be collected under this division at such a transfer 54485
facility shall equal the total tonnage of solid wastes received at 54486
the facility multiplied by the fees levied under this division. In 54487
the case of solid wastes that are not taken to a solid waste 54488
transfer facility located in this state prior to being transported 54489
to a solid waste disposal facility, the fees shall be collected by 54490
the owner or operator of the solid waste disposal facility as a 54491
trustee for the state. The amount of fees required to be collected 54492
under this division at such a disposal facility shall equal the 54493
total tonnage of solid wastes received at the facility that was 54494
not previously taken to a solid waste transfer facility located in 54495
this state multiplied by the fees levied under this division. Fees 54496
levied under this division do not apply to materials separated 54497
from a mixed waste stream for recycling by a generator or 54498
materials removed from the solid waste stream through recycling, 54499
as "recycling" is defined in rules adopted under section 3734.02 54500
of the Revised Code. 54501

The owner or operator of a solid waste transfer facility or 54502
disposal facility, as applicable, shall prepare and file with the 54503
director of environmental protection each month a return 54504
indicating the total tonnage of solid wastes received at the 54505
facility during that month and the total amount of the fees 54506

required to be collected under this division during that month. In 54507
addition, the owner or operator of a solid waste disposal facility 54508
shall indicate on the return the total tonnage of solid wastes 54509
received from transfer facilities located in this state during 54510
that month for which the fees were required to be collected by the 54511
transfer facilities. The monthly returns shall be filed on a form 54512
prescribed by the director. Not later than thirty days after the 54513
last day of the month to which a return applies, the owner or 54514
operator shall mail to the director the return for that month 54515
together with the fees required to be collected under this 54516
division during that month as indicated on the return or may 54517
submit the return and fees electronically in a manner approved by 54518
the director. If the return is filed and the amount of the fees 54519
due is paid in a timely manner as required in this division, the 54520
owner or operator may retain a discount of three-fourths of one 54521
per cent of the total amount of the fees that are required to be 54522
paid as indicated on the return. 54523

The owner or operator may request an extension of not more 54524
than thirty days for filing the return and remitting the fees, 54525
provided that the owner or operator has submitted such a request 54526
in writing to the director together with a detailed description of 54527
why the extension is requested, the director has received the 54528
request not later than the day on which the return is required to 54529
be filed, and the director has approved the request. If the fees 54530
are not remitted within thirty days after the last day of the 54531
month to which the return applies or are not remitted by the last 54532
day of an extension approved by the director, the owner or 54533
operator shall not retain the three-fourths of one per cent 54534
discount and shall pay an additional ten per cent of the amount of 54535
the fees for each month that they are late. For purposes of 54536
calculating the late fee, the first month in which fees are late 54537
begins on the first day after the deadline has passed for timely 54538
submitting the return and fees, and one additional month shall be 54539

counted every thirty days thereafter. 54540

The owner or operator of a solid waste facility may request a 54541
refund or credit of fees levied under this division and remitted 54542
to the director that have not been paid to the owner or operator. 54543
Such a request shall be made only if the fees have not been 54544
collected by the owner or operator, have become a debt that has 54545
become worthless or uncollectable for a period of six months or 54546
more, and may be claimed as a deduction, including a deduction 54547
claimed if the owner or operator keeps accounts on an accrual 54548
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 54549
U.S.C. 166, as amended, and regulations adopted under it. Prior to 54550
making a request for a refund or credit, an owner or operator 54551
shall make reasonable efforts to collect the applicable fees. A 54552
request for a refund or credit shall not include any costs 54553
resulting from those efforts to collect unpaid fees. 54554

A request for a refund or credit of fees shall be made in 54555
writing, on a form prescribed by the director, and shall be 54556
supported by evidence that may be required in rules adopted by the 54557
director under this chapter. After reviewing the request, and if 54558
the request and evidence submitted with the request indicate that 54559
a refund or credit is warranted, the director shall grant a refund 54560
to the owner or operator or shall permit a credit to be taken by 54561
the owner or operator on a subsequent monthly return submitted by 54562
the owner or operator. The amount of a refund or credit shall not 54563
exceed an amount that is equal to ninety days' worth of fees owed 54564
to an owner or operator by a particular debtor of the owner or 54565
operator. A refund or credit shall not be granted by the director 54566
to an owner or operator more than once in any twelve-month period 54567
for fees owed to the owner or operator by a particular debtor. 54568

If, after receiving a refund or credit from the director, an 54569
owner or operator receives payment of all or part of the fees, the 54570
owner or operator shall remit the fees with the next monthly 54571

return submitted to the director together with a written 54572
explanation of the reason for the submittal. 54573

For purposes of computing the fees levied under this division 54574
or division (B) of this section, any solid waste transfer or 54575
disposal facility that does not use scales as a means of 54576
determining gate receipts shall use a conversion factor of three 54577
cubic yards per ton of solid waste or one cubic yard per ton for 54578
baled waste, as applicable. 54579

The fees levied under this division and divisions (B) and (C) 54580
of this section are in addition to all other applicable fees and 54581
taxes and shall be paid by the customer or a political subdivision 54582
to the owner or operator of a solid waste transfer or disposal 54583
facility. In the alternative, the fees shall be paid by a customer 54584
or political subdivision to a transporter of waste who 54585
subsequently transfers the fees to the owner or operator of such a 54586
facility. The fees shall be paid notwithstanding the existence of 54587
any provision in a contract that the customer or a political 54588
subdivision may have with the owner or operator or with a 54589
transporter of waste to the facility that would not require or 54590
allow such payment regardless of whether the contract was entered 54591
prior to or after October 16, 2009. For those purposes, "customer" 54592
means a person who contracts with, or utilizes the solid waste 54593
services of, the owner or operator of a solid waste transfer or 54594
disposal facility or a transporter of solid waste to such a 54595
facility. 54596

(B) For the purposes specified in division (G) of this 54597
section, the solid waste management policy committee of a county 54598
or joint solid waste management district may levy fees upon the 54599
following activities: 54600

(1) The disposal at a solid waste disposal facility located 54601
in the district of solid wastes generated within the district; 54602

(2) The disposal at a solid waste disposal facility within 54603
the district of solid wastes generated outside the boundaries of 54604
the district, but inside this state; 54605

(3) The disposal at a solid waste disposal facility within 54606
the district of solid wastes generated outside the boundaries of 54607
this state. 54608

The solid waste management plan of the county or joint 54609
district approved under section 3734.521 or 3734.55 of the Revised 54610
Code and any amendments to it, or the resolution adopted under 54611
this division, as appropriate, shall establish the rates of the 54612
fees levied under divisions (B)(1), (2), and (3) of this section, 54613
if any, and shall specify whether the fees are levied on the basis 54614
of tons or cubic yards as the unit of measurement. A solid waste 54615
management district that levies fees under this division on the 54616
basis of cubic yards shall do so in accordance with division (A) 54617
of this section. 54618

The fee levied under division (B)(1) of this section shall be 54619
not less than one dollar per ton nor more than two dollars per 54620
ton, the fee levied under division (B)(2) of this section shall be 54621
not less than two dollars per ton nor more than four dollars per 54622
ton, and the fee levied under division (B)(3) of this section 54623
shall be not more than the fee levied under division (B)(1) of 54624
this section. 54625

Prior to the approval of the solid waste management plan of a 54626
district under section 3734.55 of the Revised Code, the solid 54627
waste management policy committee of a district may levy fees 54628
under this division by adopting a resolution establishing the 54629
proposed amount of the fees. Upon adopting the resolution, the 54630
committee shall deliver a copy of the resolution to the board of 54631
county commissioners of each county forming the district and to 54632
the legislative authority of each municipal corporation and 54633
township under the jurisdiction of the district and shall prepare 54634

and publish the resolution and a notice of the time and location 54635
where a public hearing on the fees will be held. Upon adopting the 54636
resolution, the committee shall deliver written notice of the 54637
adoption of the resolution; of the amount of the proposed fees; 54638
and of the date, time, and location of the public hearing to the 54639
director and to the fifty industrial, commercial, or institutional 54640
generators of solid wastes within the district that generate the 54641
largest quantities of solid wastes, as determined by the 54642
committee, and to their local trade associations. The committee 54643
shall make good faith efforts to identify those generators within 54644
the district and their local trade associations, but the 54645
nonprovision of notice under this division to a particular 54646
generator or local trade association does not invalidate the 54647
proceedings under this division. The publication shall occur at 54648
least thirty days before the hearing. After the hearing, the 54649
committee may make such revisions to the proposed fees as it 54650
considers appropriate and thereafter, by resolution, shall adopt 54651
the revised fee schedule. Upon adopting the revised fee schedule, 54652
the committee shall deliver a copy of the resolution doing so to 54653
the board of county commissioners of each county forming the 54654
district and to the legislative authority of each municipal 54655
corporation and township under the jurisdiction of the district. 54656
Within sixty days after the delivery of a copy of the resolution 54657
adopting the proposed revised fees by the policy committee, each 54658
such board and legislative authority, by ordinance or resolution, 54659
shall approve or disapprove the revised fees and deliver a copy of 54660
the ordinance or resolution to the committee. If any such board or 54661
legislative authority fails to adopt and deliver to the policy 54662
committee an ordinance or resolution approving or disapproving the 54663
revised fees within sixty days after the policy committee 54664
delivered its resolution adopting the proposed revised fees, it 54665
shall be conclusively presumed that the board or legislative 54666
authority has approved the proposed revised fees. The committee 54667

shall determine if the resolution has been ratified in the same 54668
manner in which it determines if a draft solid waste management 54669
plan has been ratified under division (B) of section 3734.55 of 54670
the Revised Code. 54671

The committee may amend the schedule of fees levied pursuant 54672
to a resolution adopted and ratified under this division by 54673
adopting a resolution establishing the proposed amount of the 54674
amended fees. The committee may repeal the fees levied pursuant to 54675
such a resolution by adopting a resolution proposing to repeal 54676
them. Upon adopting such a resolution, the committee shall proceed 54677
to obtain ratification of the resolution in accordance with this 54678
division. 54679

Not later than fourteen days after declaring the new fees to 54680
be ratified or the fees to be repealed under this division, the 54681
committee shall notify by certified mail the owner or operator of 54682
each solid waste disposal facility that is required to collect the 54683
fees of the ratification and the amount of the fees or of the 54684
repeal of the fees. Collection of any fees shall commence or 54685
collection of repealed fees shall cease on the first day of the 54686
second month following the month in which notification is sent to 54687
the owner or operator. 54688

Fees levied under this division also may be established, 54689
amended, or repealed by a solid waste management policy committee 54690
through the adoption of a new district solid waste management 54691
plan, the adoption of an amended plan, or the amendment of the 54692
plan or amended plan in accordance with sections 3734.55 and 54693
3734.56 of the Revised Code or the adoption or amendment of a 54694
district plan in connection with a change in district composition 54695
under section 3734.521 of the Revised Code. 54696

Not later than fourteen days after the director issues an 54697
order approving a district's solid waste management plan, amended 54698
plan, or amendment to a plan or amended plan that establishes, 54699

amends, or repeals a schedule of fees levied by the district, the 54700
committee shall notify by certified mail the owner or operator of 54701
each solid waste disposal facility that is required to collect the 54702
fees of the approval of the plan or amended plan, or the amendment 54703
to the plan, as appropriate, and the amount of the fees, if any. 54704
In the case of an initial or amended plan approved under section 54705
3734.521 of the Revised Code in connection with a change in 54706
district composition, other than one involving the withdrawal of a 54707
county from a joint district, the committee, within fourteen days 54708
after the change takes effect pursuant to division (G) of that 54709
section, shall notify by certified mail the owner or operator of 54710
each solid waste disposal facility that is required to collect the 54711
fees that the change has taken effect and of the amount of the 54712
fees, if any. Collection of any fees shall commence or collection 54713
of repealed fees shall cease on the first day of the second month 54714
following the month in which notification is sent to the owner or 54715
operator. 54716

If, in the case of a change in district composition involving 54717
the withdrawal of a county from a joint district, the director 54718
completes the actions required under division (G)(1) or (3) of 54719
section 3734.521 of the Revised Code, as appropriate, forty-five 54720
days or more before the beginning of a calendar year, the policy 54721
committee of each of the districts resulting from the change that 54722
obtained the director's approval of an initial or amended plan in 54723
connection with the change, within fourteen days after the 54724
director's completion of the required actions, shall notify by 54725
certified mail the owner or operator of each solid waste disposal 54726
facility that is required to collect the district's fees that the 54727
change is to take effect on the first day of January immediately 54728
following the issuance of the notice and of the amount of the fees 54729
or amended fees levied under divisions (B)(1) to (3) of this 54730
section pursuant to the district's initial or amended plan as so 54731
approved or, if appropriate, the repeal of the district's fees by 54732

that initial or amended plan. Collection of any fees set forth in 54733
such a plan or amended plan shall commence on the first day of 54734
January immediately following the issuance of the notice. If such 54735
an initial or amended plan repeals a schedule of fees, collection 54736
of the fees shall cease on that first day of January. 54737

If, in the case of a change in district composition involving 54738
the withdrawal of a county from a joint district, the director 54739
completes the actions required under division (G)(1) or (3) of 54740
section 3734.521 of the Revised Code, as appropriate, less than 54741
forty-five days before the beginning of a calendar year, the 54742
director, on behalf of each of the districts resulting from the 54743
change that obtained the director's approval of an initial or 54744
amended plan in connection with the change proceedings, shall 54745
notify by certified mail the owner or operator of each solid waste 54746
disposal facility that is required to collect the district's fees 54747
that the change is to take effect on the first day of January 54748
immediately following the mailing of the notice and of the amount 54749
of the fees or amended fees levied under divisions (B)(1) to (3) 54750
of this section pursuant to the district's initial or amended plan 54751
as so approved or, if appropriate, the repeal of the district's 54752
fees by that initial or amended plan. Collection of any fees set 54753
forth in such a plan or amended plan shall commence on the first 54754
day of the second month following the month in which notification 54755
is sent to the owner or operator. If such an initial or amended 54756
plan repeals a schedule of fees, collection of the fees shall 54757
cease on the first day of the second month following the month in 54758
which notification is sent to the owner or operator. 54759

If the schedule of fees that a solid waste management 54760
district is levying under divisions (B)(1) to (3) of this section 54761
is amended or repealed, the fees in effect immediately prior to 54762
the amendment or repeal shall continue to be collected until 54763
collection of the amended fees commences or collection of the 54764

repealed fees ceases, as applicable, as specified in this 54765
division. In the case of a change in district composition, money 54766
so received from the collection of the fees of the former 54767
districts shall be divided among the resulting districts in 54768
accordance with division (B) of section 343.012 of the Revised 54769
Code and the agreements entered into under division (B) of section 54770
343.01 of the Revised Code to establish the former and resulting 54771
districts and any amendments to those agreements. 54772

For the purposes of the provisions of division (B) of this 54773
section establishing the times when newly established or amended 54774
fees levied by a district are required to commence and the 54775
collection of fees that have been amended or repealed is required 54776
to cease, "fees" or "schedule of fees" includes, in addition to 54777
fees levied under divisions (B)(1) to (3) of this section, those 54778
levied under section 3734.573 or 3734.574 of the Revised Code. 54779

(C) For the purposes of defraying the added costs to a 54780
municipal corporation or township of maintaining roads and other 54781
public facilities and of providing emergency and other public 54782
services, and compensating a municipal corporation or township for 54783
reductions in real property tax revenues due to reductions in real 54784
property valuations resulting from the location and operation of a 54785
solid waste disposal facility within the municipal corporation or 54786
township, a municipal corporation or township in which such a 54787
solid waste disposal facility is located may levy a fee of not 54788
more than twenty-five cents per ton on the disposal of solid 54789
wastes at a solid waste disposal facility located within the 54790
boundaries of the municipal corporation or township regardless of 54791
where the wastes were generated. 54792

The legislative authority of a municipal corporation or 54793
township may levy fees under this division by enacting an 54794
ordinance or adopting a resolution establishing the amount of the 54795
fees. Upon so doing the legislative authority shall mail a 54796

certified copy of the ordinance or resolution to the board of 54797
county commissioners or directors of the county or joint solid 54798
waste management district in which the municipal corporation or 54799
township is located or, if a regional solid waste management 54800
authority has been formed under section 343.011 of the Revised 54801
Code, to the board of trustees of that regional authority, the 54802
owner or operator of each solid waste disposal facility in the 54803
municipal corporation or township that is required to collect the 54804
fee by the ordinance or resolution, and the director of 54805
environmental protection. Although the fees levied under this 54806
division are levied on the basis of tons as the unit of 54807
measurement, the legislative authority, in its ordinance or 54808
resolution levying the fees under this division, may direct that 54809
the fees be levied on the basis of cubic yards as the unit of 54810
measurement based upon a conversion factor of three cubic yards 54811
per ton generally or one cubic yard per ton for baled wastes. 54812

Not later than five days after enacting an ordinance or 54813
adopting a resolution under this division, the legislative 54814
authority shall so notify by certified mail the owner or operator 54815
of each solid waste disposal facility that is required to collect 54816
the fee. Collection of any fee levied on or after March 24, 1992, 54817
shall commence on the first day of the second month following the 54818
month in which notification is sent to the owner or operator. 54819

(D)(1) The fees levied under divisions (A), (B), and (C) of 54820
this section do not apply to the disposal of solid wastes that: 54821

(a) Are disposed of at a facility owned by the generator of 54822
the wastes when the solid waste facility exclusively disposes of 54823
solid wastes generated at one or more premises owned by the 54824
generator regardless of whether the facility is located on a 54825
premises where the wastes are generated; 54826

(b) Are generated from the combustion of coal, or from the 54827
combustion of primarily coal, regardless of whether the disposal 54828

facility is located on the premises where the wastes are 54829
generated; 54830

(c) Are asbestos or asbestos-containing materials or products 54831
disposed of at a construction and demolition debris facility that 54832
is licensed under Chapter 3714. of the Revised Code or at a solid 54833
waste facility that is licensed under this chapter. 54834

(2) Except as provided in section 3734.571 of the Revised 54835
Code, any fees levied under division (B)(1) of this section apply 54836
to solid wastes originating outside the boundaries of a county or 54837
joint district that are covered by an agreement for the joint use 54838
of solid waste facilities entered into under section 343.02 of the 54839
Revised Code by the board of county commissioners or board of 54840
directors of the county or joint district where the wastes are 54841
generated and disposed of. 54842

(3) When solid wastes, other than solid wastes that consist 54843
of scrap tires, are burned in a disposal facility that is an 54844
incinerator or energy recovery facility, the fees levied under 54845
divisions (A), (B), and (C) of this section shall be levied upon 54846
the disposal of the fly ash and bottom ash remaining after burning 54847
of the solid wastes and shall be collected by the owner or 54848
operator of the sanitary landfill where the ash is disposed of. 54849

(4) When solid wastes are delivered to a solid waste transfer 54850
facility, the fees levied under divisions (B) and (C) of this 54851
section shall be levied upon the disposal of solid wastes 54852
transported off the premises of the transfer facility for disposal 54853
and shall be collected by the owner or operator of the solid waste 54854
disposal facility where the wastes are disposed of. 54855

(5) The fees levied under divisions (A), (B), and (C) of this 54856
section do not apply to sewage sludge that is generated by a waste 54857
water treatment facility holding a national pollutant discharge 54858
elimination system permit and that is disposed of through 54859

incineration, land application, or composting or at another 54860
resource recovery or disposal facility that is not a landfill. 54861

(6) The fees levied under divisions (A), (B), and (C) of this 54862
section do not apply to solid wastes delivered to a solid waste 54863
composting facility for processing. When any unprocessed solid 54864
waste or compost product is transported off the premises of a 54865
composting facility and disposed of at a landfill, the fees levied 54866
under divisions (A), (B), and (C) of this section shall be 54867
collected by the owner or operator of the landfill where the 54868
unprocessed waste or compost product is disposed of. 54869

(7) When solid wastes that consist of scrap tires are 54870
processed at a scrap tire recovery facility, the fees levied under 54871
divisions (A), (B), and (C) of this section shall be levied upon 54872
the disposal of the fly ash and bottom ash or other solid wastes 54873
remaining after the processing of the scrap tires and shall be 54874
collected by the owner or operator of the solid waste disposal 54875
facility where the ash or other solid wastes are disposed of. 54876

(8) The director of environmental protection may issue an 54877
order exempting from the fees levied under this section solid 54878
wastes, including, but not limited to, scrap tires, that are 54879
generated, transferred, or disposed of as a result of a contract 54880
providing for the expenditure of public funds entered into by the 54881
administrator or regional administrator of the United States 54882
environmental protection agency, the director of environmental 54883
protection, or the director of administrative services on behalf 54884
of the director of environmental protection for the purpose of 54885
remediating conditions at a hazardous waste facility, solid waste 54886
facility, or other location at which the administrator or regional 54887
administrator or the director of environmental protection has 54888
reason to believe that there is a substantial threat to public 54889
health or safety or the environment or that the conditions are 54890
causing or contributing to air or water pollution or soil 54891

contamination. An order issued by the director of environmental 54892
protection under division (D)(8) of this section shall include a 54893
determination that the amount of the fees not received by a solid 54894
waste management district as a result of the order will not 54895
adversely impact the implementation and financing of the 54896
district's approved solid waste management plan and any approved 54897
amendments to the plan. Such an order is a final action of the 54898
director of environmental protection. 54899

(E) The fees levied under divisions (B) and (C) of this 54900
section shall be collected by the owner or operator of the solid 54901
waste disposal facility where the wastes are disposed of as a 54902
trustee for the county or joint district and municipal corporation 54903
or township where the wastes are disposed of. Moneys from the fees 54904
levied under division (B) of this section shall be forwarded to 54905
the board of county commissioners or board of directors of the 54906
district in accordance with rules adopted under division (H) of 54907
this section. Moneys from the fees levied under division (C) of 54908
this section shall be forwarded to the treasurer or such other 54909
officer of the municipal corporation as, by virtue of the charter, 54910
has the duties of the treasurer or to the fiscal officer of the 54911
township, as appropriate, in accordance with those rules. 54912

(F) Moneys received by the treasurer or other officer of the 54913
municipal corporation under division (E) of this section shall be 54914
paid into the general fund of the municipal corporation. Moneys 54915
received by the fiscal officer of the township under that division 54916
shall be paid into the general fund of the township. The treasurer 54917
or other officer of the municipal corporation or the township 54918
fiscal officer, as appropriate, shall maintain separate records of 54919
the moneys received from the fees levied under division (C) of 54920
this section. 54921

(G) Moneys received by the board of county commissioners or 54922
board of directors under division (E) of this section or section 54923

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 54924
shall be paid to the county treasurer, or other official acting in 54925
a similar capacity under a county charter, in a county district or 54926
to the county treasurer or other official designated by the board 54927
of directors in a joint district and kept in a separate and 54928
distinct fund to the credit of the district. If a regional solid 54929
waste management authority has been formed under section 343.011 54930
of the Revised Code, moneys received by the board of trustees of 54931
that regional authority under division (E) of this section shall 54932
be kept by the board in a separate and distinct fund to the credit 54933
of the district. Moneys in the special fund of the county or joint 54934
district arising from the fees levied under division (B) of this 54935
section and the fee levied under division (A) of section 3734.573 54936
of the Revised Code shall be expended by the board of county 54937
commissioners or directors of the district in accordance with the 54938
district's solid waste management plan or amended plan approved 54939
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 54940
exclusively for the following purposes: 54941

(1) Preparation of the solid waste management plan of the 54942
district under section 3734.54 of the Revised Code, monitoring 54943
implementation of the plan, and conducting the periodic review and 54944
amendment of the plan required by section 3734.56 of the Revised 54945
Code by the solid waste management policy committee; 54946

(2) Implementation of the approved solid waste management 54947
plan or amended plan of the district, including, without 54948
limitation, the development and implementation of solid waste 54949
recycling or reduction programs; 54950

(3) Providing financial assistance to boards of health within 54951
the district, if solid waste facilities are located within the 54952
district, for enforcement of this chapter and rules, orders, and 54953
terms and conditions of permits, licenses, and variances adopted 54954
or issued under it, other than the hazardous waste provisions of 54955

this chapter and rules adopted and orders and terms and conditions	54956
of permits issued under those provisions;	54957
(4) Providing financial assistance to each county within the	54958
district to defray the added costs of maintaining roads and other	54959
public facilities and of providing emergency and other public	54960
services resulting from the location and operation of a solid	54961
waste facility within the county under the district's approved	54962
solid waste management plan or amended plan;	54963
(5) Pursuant to contracts entered into with boards of health	54964
within the district, if solid waste facilities contained in the	54965
district's approved plan or amended plan are located within the	54966
district, for paying the costs incurred by those boards of health	54967
for collecting and analyzing samples from public or private water	54968
wells on lands adjacent to those facilities;	54969
(6) Developing and implementing a program for the inspection	54970
of solid wastes generated outside the boundaries of this state	54971
that are disposed of at solid waste facilities included in the	54972
district's approved solid waste management plan or amended plan;	54973
(7) Providing financial assistance to boards of health within	54974
the district for the enforcement of section 3734.03 of the Revised	54975
Code or to local law enforcement agencies having jurisdiction	54976
within the district for enforcing anti-littering laws and	54977
ordinances;	54978
(8) Providing financial assistance to boards of health of	54979
health districts within the district that are on the approved list	54980
under section 3734.08 of the Revised Code to defray the costs to	54981
the health districts for the participation of their employees	54982
responsible for enforcement of the solid waste provisions of this	54983
chapter and rules adopted and orders and terms and conditions of	54984
permits, licenses, and variances issued under those provisions in	54985
the training and certification program as required by rules	54986

adopted under division (L) of section 3734.02 of the Revised Code; 54987

(9) Providing financial assistance to individual municipal 54988
corporations and townships within the district to defray their 54989
added costs of maintaining roads and other public facilities and 54990
of providing emergency and other public services resulting from 54991
the location and operation within their boundaries of a 54992
composting, energy or resource recovery, incineration, or 54993
recycling facility that either is owned by the district or is 54994
furnishing solid waste management facility or recycling services 54995
to the district pursuant to a contract or agreement with the board 54996
of county commissioners or directors of the district; 54997

(10) Payment of any expenses that are agreed to, awarded, or 54998
ordered to be paid under section 3734.35 of the Revised Code and 54999
of any administrative costs incurred pursuant to that section. In 55000
the case of a joint solid waste management district, if the board 55001
of county commissioners of one of the counties in the district is 55002
negotiating on behalf of affected communities, as defined in that 55003
section, in that county, the board shall obtain the approval of 55004
the board of directors of the district in order to expend moneys 55005
for administrative costs incurred. 55006

Prior to the approval of the district's solid waste 55007
management plan under section 3734.55 of the Revised Code, moneys 55008
in the special fund of the district arising from the fees shall be 55009
expended for those purposes in the manner prescribed by the solid 55010
waste management policy committee by resolution. 55011

Notwithstanding division (G)(6) of this section as it existed 55012
prior to October 29, 1993, or any provision in a district's solid 55013
waste management plan prepared in accordance with division 55014
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 55015
prior to that date, any moneys arising from the fees levied under 55016
division (B)(3) of this section prior to January 1, 1994, may be 55017
expended for any of the purposes authorized in divisions (G)(1) to 55018

(10) of this section. 55019

(H) The director shall adopt rules in accordance with Chapter 55020
119. of the Revised Code prescribing procedures for collecting and 55021
forwarding the fees levied under divisions (B) and (C) of this 55022
section to the boards of county commissioners or directors of 55023
county or joint solid waste management districts and to the 55024
treasurers or other officers of municipal corporations and the 55025
fiscal officers of townships. The rules also shall prescribe the 55026
dates for forwarding the fees to the boards and officials and may 55027
prescribe any other requirements the director considers necessary 55028
or appropriate to implement and administer divisions (A), (B), and 55029
(C) of this section. 55030

Sec. 3734.578. Fees applicable to solid waste under this 55031
chapter do not apply to solid waste that the director of 55032
environmental protection approves for use as alternative daily 55033
cover in accordance with rules adopted under section 3734.02 of 55034
the Revised Code and that is used as alternative daily cover in 55035
accordance with those rules. 55036

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 55037
facility license issued under section 3734.81 of the Revised Code 55038
shall be in accordance with the following schedule: 55039

Daily Design	Annual	55040
Input Capacity	License	55041
(Tons)	Fee	55042
1 or less	\$ 100	55043
2 to 25	500	55044
26 to 50	1,000	55045
51 to 100	1,500	55046
101 to 200	2,500	55047
201 to 500	3,500	55048

501 or more 5,500 55049

For the purpose of determining the applicable license fee 55050
under this division, the daily design input capacity shall be the 55051
quantity of scrap tires the facility is designed to process daily 55052
as set forth in the registration certificate or permit for the 55053
facility, and any modifications to the permit, if applicable, 55054
issued under section 3734.78 of the Revised Code. 55055

(B) The annual fee for a scrap tire monocell or monofill 55056
facility license shall be in accordance with the following 55057
schedule: 55058

Authorized Maximum	Annual	
Daily Waste Receipt	License	
(Tons)	Fee	
100 or less	\$ 5,000	55062
101 to 200	12,500	55063
201 to 500	30,000	55064
501 or more	60,000	55065

For the purpose of determining the applicable license fee 55066
under this division, the authorized maximum daily waste receipt 55067
shall be the maximum amount of scrap tires the facility is 55068
authorized to receive daily that is established in the permit for 55069
the facility, and any modification to that permit, issued under 55070
section 3734.77 of the Revised Code. 55071

(C)(1) Except as otherwise provided in division (C)(2) of 55072
this section, the annual fee for a scrap tire storage facility 55073
license shall equal one thousand dollars times the number of acres 55074
on which scrap tires are to be stored at the facility during the 55075
license year, as set forth on the application for the annual 55076
license, except that the total annual license fee for any such 55077
facility shall not exceed three thousand dollars. 55078

(2) The annual fee for a scrap tire storage facility license 55079
for a storage facility that is owned or operated by a motor 55080

vehicle salvage dealer licensed under Chapter 4738. of the Revised 55081
Code is one hundred dollars. 55082

(D)(1) Except as otherwise provided in division (D)(2) of 55083
this section, the annual fee for a scrap tire collection facility 55084
license is two hundred dollars. 55085

(2) The annual fee for a scrap tire collection facility 55086
license for a collection facility that is owned or operated by a 55087
motor vehicle salvage dealer licensed under Chapter 4738. of the 55088
Revised Code is fifty dollars. 55089

(E) Except as otherwise provided in divisions (C)(2) and 55090
(D)(2) of this section, the same fees apply to private operators 55091
and to the state and its political subdivisions and shall be paid 55092
within thirty days after the issuance of a license. The fees 55093
include the cost of licensing, all inspections, and other costs 55094
associated with the administration of the scrap tire provisions of 55095
this chapter and rules adopted under them. Each license shall 55096
specify that it is conditioned upon payment of the applicable fee 55097
to the board of health or the director of environmental 55098
protection, as appropriate, within thirty days after the issuance 55099
of the license. 55100

(F) The board of health shall retain fifteen thousand dollars 55101
of each license fee collected by the board under division (B) of 55102
this section, or the entire amount of any such fee that is less 55103
than fifteen thousand dollars, and the entire amount of each 55104
license fee collected by the board under divisions (A), (C), and 55105
(D) of this section. The moneys retained shall be paid into a 55106
special fund, which is hereby created in each health district, and 55107
used solely to administer and enforce the scrap tire provisions of 55108
this chapter and rules adopted under them. The remainder, if any, 55109
of each license fee collected by the board under division (B) of 55110
this section shall be transmitted to the director within 55111
forty-five days after receipt of the fee. 55112

(G) The director shall transmit the moneys received by the 55113
director from license fees collected under division (B) of this 55114
section to the treasurer of state to be credited to the scrap tire 55115
management fund, which is hereby created in the state treasury. 55116
The fund shall consist of all federal moneys received by the 55117
environmental protection agency for the scrap tire management 55118
program; all grants, gifts, and contributions made to the director 55119
for that program; and all other moneys that may be provided by law 55120
for that program. The director shall use moneys in the fund as 55121
follows: 55122

(1) Expend amounts determined necessary by the director to 55123
implement, administer, and enforce the scrap tire provisions of 55124
this chapter and rules adopted under them; 55125

(2) During each fiscal year, if the director of environmental 55126
protection determines it to be appropriate and advisable, request 55127
the director of budget and management to, and the director of 55128
budget and management ~~shall~~ may, transfer up to one million 55129
dollars to the scrap tire grant fund created in section 3734.822 55130
of the Revised Code for supporting market development activities 55131
for scrap tires and synthetic rubber from tire manufacturing 55132
processes and tire recycling processes. In addition, during a 55133
fiscal year, the director of environmental protection may request 55134
the director of budget and management to, and the director of 55135
budget and management shall, transfer up to an additional five 55136
hundred thousand dollars to the scrap tire grant fund for scrap 55137
tire amnesty events and scrap tire cleanup events. 55138

(3) After the expenditures and transfers are made under 55139
divisions (G)(1) and (2) of this section, expend the balance of 55140
the money in the scrap tire management fund remaining in each 55141
fiscal year to conduct removal actions under section 3734.85 of 55142
the Revised Code and to provide grants to boards of health under 55143
section 3734.042 of the Revised Code. 55144

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 55145
defray the cost of administering and enforcing the scrap tire 55146
provisions of this chapter, rules adopted under those provisions, 55147
and terms and conditions of orders, variances, and licenses issued 55148
under those provisions; to abate accumulations of scrap tires; to 55149
make grants supporting market development activities for scrap 55150
tires and synthetic rubber from tire manufacturing processes and 55151
tire recycling processes and to support scrap tire amnesty and 55152
cleanup events; to make loans to promote the recycling or recovery 55153
of energy from scrap tires; and to defray the costs of 55154
administering and enforcing sections 3734.90 to 3734.9014 of the 55155
Revised Code, a fee of fifty cents per tire is hereby levied on 55156
the sale of tires. The proceeds of the fee shall be deposited in 55157
the state treasury to the credit of the scrap tire management fund 55158
created in section 3734.82 of the Revised Code. The fee is levied 55159
from the first day of the calendar month that begins next after 55160
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 55161

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 55162
2020, there is hereby levied an additional fee of fifty cents per 55163
tire on the sale of tires the proceeds of which shall be deposited 55164
in the state treasury to the credit of the soil and water 55165
conservation district assistance fund created in section 940.15 of 55166
the Revised Code. 55167

(B) Only one sale of the same article shall be used in 55168
computing the amount of the fee due. 55169

Sec. 3734.9011. (A) No wholesale distributor or other person 55170
shall sell tires to a retail dealer within this state, and no 55171
retail dealer or other person shall import or otherwise acquire 55172
tires for sale at retail within this state from a person who is 55173
not a registered wholesale distributor, without having a 55174
registration therefor. 55175

(B) Each wholesale distributor and each retail dealer 55176
required to be registered under division (A) of this section shall 55177
apply for registration ~~on or before the date that is two months~~ 55178
~~after the effective date of this section,~~ or on or before the 55179
first day of doing business that ~~required~~ requires the 55180
registration. The application shall be filed with the tax 55181
commissioner~~,~~ in a form and providing such information as 55182
prescribed by the commissioner. The commissioner shall assign an 55183
account number to each registration and shall so notify the 55184
registrant. ~~The~~ An unrevoked registration shall remain in effect 55185
until canceled by the wholesale distributor or retail dealer upon 55186
the cessation of business. 55187

(C) The tax commissioner shall not accept a registration 55188
under division (B) of this section or may suspend or revoke the 55189
registration of a wholesale distributor or retail dealer if the 55190
wholesale distributor or retail dealer has failed to file any 55191
returns, submit any information, or pay any outstanding taxes, 55192
charges, or fees as required for any tax, charge, or fee 55193
administered by the commissioner, to the extent that the 55194
commissioner is aware of such failure at the time of the 55195
application. 55196

Sec. 3735.31. A metropolitan housing authority created under 55197
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 55198
corporate and politic. Nothing in this chapter shall limit the 55199
authority of a metropolitan housing authority, or a nonprofit 55200
corporation formed by a metropolitan housing authority to carry 55201
out its functions, to compete for and perform federal housing 55202
contracts or grants within or outside this state. To clear, plan, 55203
and rebuild slum areas within the district in which the authority 55204
is created, to provide safe and sanitary housing accommodations to 55205
families of low income within that district, or to accomplish any 55206
combination of the foregoing purposes, the authority may do any of 55207

the following: 55208

(A) Sue and be sued; have a seal; have corporate succession; 55209
receive grants from state, federal, or other governments, or from 55210
private sources; conduct investigations into housing and living 55211
conditions; enter any buildings or property in order to conduct 55212
its investigations; conduct examinations, subpoena, and require 55213
the attendance of witnesses and the production of books and 55214
papers; issue commissions for the examination of witnesses who are 55215
out of the state or unable to attend before the authority or 55216
excused from attendance; and in connection with these powers, any 55217
member of the authority may administer oaths, take affidavits, and 55218
issue subpoenas; 55219

(B) Determine what areas constitute slum areas, and prepare 55220
plans for housing or other projects in those areas; purchase, 55221
lease, sell, exchange, transfer, assign, or mortgage any property, 55222
real or personal, or any interest in that property, or acquire the 55223
same by gift, bequest, or eminent domain; own, hold, clear, and 55224
improve property; provide and set aside housing projects, or 55225
dwelling units comprising portions of housing projects, designed 55226
especially for the use of families, the head of which or the 55227
spouse of which is sixty-five years of age or older; engage in, or 55228
contract for, the construction, reconstruction, alteration, or 55229
repair, or both, of any housing project or part of any housing 55230
project; include in any contract let in connection with a project, 55231
stipulations requiring that the contractor and any subcontractors 55232
comply with requirements as to minimum wages and maximum hours of 55233
labor, and comply with any conditions that the federal government 55234
has attached to its financial aid of the project; lease or 55235
operate, or both, any project, and establish or revise schedules 55236
of rents for any projects or part of any project; arrange with the 55237
county or municipal corporations, or both, for the planning and 55238
replanning of streets, alleys, and other public places or 55239

facilities in connection with any area or project; borrow money 55240
upon its notes, debentures, or other evidences of indebtedness, 55241
and secure the same by mortgages upon property held or to be held 55242
by it, or by pledge of its revenues, or in any other manner; 55243
invest any funds held in reserves or sinking funds or not required 55244
for immediate disbursements; enter into a shared service agreement 55245
with another metropolitan housing authority; execute contracts and 55246
all other instruments necessary or convenient to the exercise of 55247
the powers granted in this section; make, amend, and repeal bylaws 55248
and rules to carry into effect its powers and purposes; 55249

(C) Borrow money or accept grants or other financial 55250
assistance from the federal government for or in aid of any 55251
housing project within its territorial limits; take over or lease 55252
or manage any housing project or undertaking constructed or owned 55253
by the federal government; comply with any conditions and enter 55254
into any mortgages, trust indentures, leases, or agreements that 55255
are necessary, convenient, or desirable; 55256

(D) Subject to section 3735.311 of the Revised Code, employ a 55257
police force to protect the lives and property of the residents of 55258
housing projects within the district, to preserve the peace in the 55259
housing projects, and to enforce the laws, ordinances, and 55260
regulations of this state and its political subdivisions in the 55261
housing projects and, when authorized by law, outside the limits 55262
of the housing projects. 55263

(E) Enter into an agreement with a county, municipal 55264
corporation, or township in whose jurisdiction the metropolitan 55265
housing authority is located that permits metropolitan housing 55266
authority police officers employed under division (D) of this 55267
section to exercise full arrest powers as provided in section 55268
2935.03 of the Revised Code, perform any police function, exercise 55269
any police power, or render any police service within specified 55270
areas of the county, municipal corporation, or township for the 55271

purpose of preserving the peace and enforcing all laws of the 55272
state, ordinances of the municipal corporation, or regulations of 55273
the township. 55274

Sec. 3735.33. Any two or more metropolitan housing 55275
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 55276
of the Revised Code, may join or cooperate with one another in the 55277
exercise, either jointly or otherwise, of any or all of their 55278
powers relative to the purpose of financing as provided in 55279
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive,~~ of the Revised 55280
Code. The moneys received from such joint or cooperative financing 55281
may be used for planning, undertaking, owning, constructing, 55282
operating, or contracting with respect to a housing project or 55283
projects located within the area of operation of any one or more 55284
of the authorities. An authority may by resolution prescribe and 55285
authorize any other authority or authorities, joining or 55286
cooperating with it, to act on its behalf with respect to any or 55287
all powers relative to the purpose of financing, as its agent or 55288
otherwise, in the name of the authority or authorities so joining 55289
or cooperating, or in its own name. 55290

Any two or more metropolitan housing authorities created 55291
under sections 3735.27 to 3735.50 of the Revised Code may enter 55292
into a shared service agreement. 55293

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 55294
3735.40 to 3735.50 of the Revised Code: 55295

(A) "Federal government" includes the United States, the 55296
federal works administrator, or any other agency or 55297
instrumentality, corporate or otherwise, of the United States. 55298

(B) "Slum" has the meaning defined in section 1.08 of the 55299
Revised Code. 55300

(C) "Housing project" or "project" means any of the following 55301

works or undertakings: 55302

(1) Demolish, clear, or remove buildings from any slum area. 55303
Such work or undertaking may embrace the adaptation of such area 55304
to public purposes, including parks or other recreational or 55305
community purposes. 55306

(2) Provide decent, safe, and sanitary urban or rural 55307
dwellings, apartments, or other living accommodations for persons 55308
of low income. ~~Such work or undertaking may include~~ 55309

(3) Provide for buildings, land, equipment, facilities, and 55310
other real or personal property for necessary, convenient, or 55311
desirable appurtenances, streets, sewers, water service, parks, 55312
site preparation, gardening, administrative, community, health, 55313
recreational, educational, welfare, commercial, residential, or 55314
other purposes. 55315

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 55316
project" also may be applied to the planning of the buildings and 55317
improvements, the acquisition of property, the demolition of 55318
existing structures, the construction, reconstruction, alteration, 55319
and repair of the improvements, and all other work in connection 55320
therewith. 55321

(D) "Families of low income" means persons or families who 55322
lack the amount of income which is necessary, as determined by the 55323
metropolitan housing authority undertaking the housing project, to 55324
enable them, without financial assistance, to live in decent, 55325
safe, and sanitary dwellings, without overcrowding. 55326

(E) "Families" means families consisting of two or more 55327
persons, a single person who has attained the age at which an 55328
individual may elect to receive an old age benefit under Title II 55329
of the "Social Security Act" or is under disability as defined in 55330
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 55331
amended, or the remaining member of a tenant family. 55332

(F) "Families" also means a single person discharged by the head of a hospital pursuant to section 5122.21 of the Revised Code after March 10, 1964.

Sec. 3735.41. Except as otherwise provided in section 3735.43 of the Revised Code, in the operation or management of housing projects a metropolitan housing authority shall observe the following with respect to rentals and tenant selection:

(A)(1) It shall not ~~accept~~ provide a federally derived rent subsidy to any person as a tenant in for any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual net income less such deductions and exemptions therefrom as are authorized by law or the regulations established by the public housing administration which that equals or exceeds the amount ~~which that~~ the authority determines to be necessary ~~in order~~ to enable such persons to ~~secure~~ do both of the following:

(a) Secure safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority ~~and to provide;~~

(b) Provide an adequate standard of living for themselves.

(2) As used in this division, "aggregate annual net income" means the aggregate annual income less the deductions and exemptions from that income authorized by law or regulations established by the United States department of housing and urban development.

(B) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines, pursuant to division (A) of this section, to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of

living. 55363

(C) It may use a federally derived rent subsidy to rent or 55364
lease to a tenant a dwelling consisting of the number of rooms, 55365
but no greater number, which it considers necessary to provide 55366
safe and sanitary accommodations to the proposed occupants 55367
thereof, without overcrowding. 55368

Sections 3735.27 to 3735.50 of the Revised Code do not limit 55369
the power of an authority to vest in a bondholder the right, in 55370
the event of a default by such authority, to take possession of a 55371
housing project or cause the appointment of a receiver thereof or 55372
acquire title thereto through foreclosure proceedings, free from 55373
all the restrictions imposed by such sections. 55374

Sec. 3735.66. The legislative authorities of municipal 55375
corporations and counties may survey the housing within their 55376
jurisdictions and, after the survey, may adopt resolutions 55377
describing the boundaries of community reinvestment areas which 55378
contain the conditions required for the finding under division (B) 55379
of section 3735.65 of the Revised Code. The findings resulting 55380
from the survey shall be incorporated in the resolution describing 55381
the boundaries of an area. The legislative authority may stipulate 55382
in the resolution that only new structures or remodeling 55383
classified as to use as commercial, industrial, or residential, or 55384
some combination thereof, and otherwise satisfying the 55385
requirements of section 3735.67 of the Revised Code are eligible 55386
for exemption from taxation under that section. If the resolution 55387
does not include such a stipulation, all new structures and 55388
remodeling satisfying the requirements of section 3735.67 of the 55389
Revised Code are eligible for exemption from taxation regardless 55390
of classification. Whether or not the resolution includes such a 55391
stipulation, the classification of the structures or remodeling 55392
eligible for exemption in the area shall at all times be 55393

consistent with zoning restrictions applicable to the area. For 55394
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 55395
whether a structure or remodeling composed of multiple units is 55396
classified as commercial or residential shall be determined by 55397
resolution or ordinance of the legislative authority or, in the 55398
absence of such a determination, by the classification of the use 55399
of the structure or remodeling under the applicable zoning 55400
regulations. 55401

If construction or remodeling classified as residential is 55402
eligible for exemption from taxation, the resolution shall specify 55403
a percentage, not to exceed one hundred per cent, of the assessed 55404
valuation of such property to be exempted. The percentage 55405
specified shall apply to all residential construction or 55406
remodeling for which exemption is granted. 55407

The resolution adopted pursuant to this section shall be 55408
published in a newspaper of general circulation in the municipal 55409
corporation, if the resolution is adopted by the legislative 55410
authority of a municipal corporation, or in a newspaper of general 55411
circulation in the county, if the resolution is adopted by the 55412
legislative authority of the county, once a week for two 55413
consecutive weeks or as provided in section 7.16 of the Revised 55414
Code, immediately following its adoption. 55415

Each legislative authority adopting a resolution pursuant to 55416
this section shall designate a housing officer. In addition, each 55417
such legislative authority, not later than ~~fifteen~~ sixty days 55418
after the adoption of the resolution, shall petition the director 55419
of development services for the director to confirm the findings 55420
described in the resolution. The petition shall be accompanied by 55421
a copy of the resolution and by a map of the community 55422
reinvestment area in sufficient detail to denote the specific 55423
boundaries of the area and to indicate zoning restrictions 55424
applicable to the area. The director shall determine whether the 55425

findings contained in the resolution are valid, and whether the 55426
classification of structures or remodeling eligible for exemption 55427
under the resolution is consistent with zoning restrictions 55428
applicable to the area as indicated on the map. Within thirty days 55429
of receiving the petition, the director shall forward the 55430
director's determination to the legislative authority. The 55431
legislative authority or housing officer shall not grant any 55432
exemption from taxation under section 3735.67 of the Revised Code 55433
until the director forwards the director's determination to the 55434
legislative authority. The director shall assign to each community 55435
reinvestment area a unique designation by which the area shall be 55436
identified for purposes of sections 3735.65 to 3735.70 of the 55437
Revised Code. 55438

If zoning restrictions in any part of a community 55439
reinvestment area are changed at any time after the legislative 55440
authority petitions the director under this section, the 55441
legislative authority shall notify the director and shall submit a 55442
map of the area indicating the new zoning restrictions in the 55443
area. 55444

Sec. 3735.661. (A) For the purpose of determining the "first 55445
two amendments" referenced in division (B) of Section 3 of Am. 55446
Sub. S.B. 19 of the 120th general assembly, an amendment means any 55447
modification to an ordinance or resolution adopted under section 55448
3735.66 of the Revised Code that does any of the following: 55449

(1) Expands the geographic size of a community reinvestment 55450
area; 55451

(2) Increases a property's or category of property's exempted 55452
percentage of assessed valuation, notwithstanding the requirements 55453
of section 3735.66 of the Revised Code as that section existed on 55454
July 21, 1994. Division (A)(2) of this section does not authorize 55455
a municipal corporation or county to increase a property's or 55456

category of property's exempted percentage of assessed valuation pursuant to that section.	55457 55458
(3) Increases the term of any tax exemption or category of tax exemptions, <u>except as provided in division (B)(6) of this section;</u>	55459 55460 55461
(4) Extends the duration of a community reinvestment area;	55462
(5) Changes eligibility requirements for receiving tax exemptions.	55463 55464
(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:	55465 55466 55467 55468 55469
(1) Restricts the availability of tax exemptions, including any of the following:	55470 55471
(a) Removes area from or decreases the geographic size of a community reinvestment area;	55472 55473
(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.	55474 55475 55476 55477 55478 55479 55480
(c) Decreases the term of any tax exemption or category of exemption;	55481 55482
(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	55483 55484
(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after	55485 55486

which the area may be terminated;	55487
(3) Recognizes or confirms a previously granted tax exemption;	55488
(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	55490
(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;	55492
(6) <u>Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly.</u>	55499
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Sec. 3735.672. (A) On or before the thirty-first day of March each year, a legislative authority that has entered into an agreement with a party under section 3735.671 of the Revised Code shall submit to the director of development services and the board of education of each school district of which a municipal corporation or township to which such an agreement applies is a part a report on all such agreements in effect during the preceding calendar year. The report shall include the following information:	55509
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(1) The designation, assigned by the director of development services, of each community reinvestment area within the municipal corporation or county, and the total population of each area according to the most recent data available;

(2) The number of agreements and the number of full-time employees subject to those agreements within each area, each according to the most recent data available and identified and categorized by the appropriate standard industrial code, and the rate of unemployment in the municipal corporation or county in which the area is located for each year since the area was certified;

(3) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the legislative authority shall include the amount of taxes exempted under the agreement.

(4) The number of agreements receiving compliance reviews by the tax incentive review council in the municipal corporation or county during the calendar year for which the report is submitted, including all of the following information:

(a) The number of agreements the terms of which the party has complied with, indicating separately for each such agreement the value of the real property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the party attributable to these employees;

(b) The number of agreements the terms of which a party has failed to comply with, indicating separately for each such agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the enterprise attributable to these employees;

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority, and the number of such recommendations that have not been followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.

(5) The number of parties subject to agreements that expanded within each area, including the number of new employees hired and existing employees retained by that party, and the number of new parties subject to agreements that established within each area, including the number of new employees hired by each party;

(6) For each agreement in effect during any part of the preceding year, the number of employees employed by the party at the property that is the subject of the agreement immediately prior to formal approval of the agreement, the number of employees employed by the party at that property on the thirty-first day of December of the preceding year, the payroll of the party for the preceding year, the amount of taxes paid on real property that was exempted under the agreement, and the amount of such taxes that were not paid because of the exemption.

(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:

(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with

that division, the municipal corporation or county shall not enter 55580
into any agreements under section 3735.671 of the Revised Code 55581
until the municipal corporation or county has complied with 55582
division (A) of this section. 55583

(2) On the first day of each ensuing calendar month until the 55584
municipal corporation or county complies with that division, the 55585
director of development services shall either order the proper 55586
county auditor to deduct from the next succeeding payment of taxes 55587
to the municipal corporation or county under section 321.31, 55588
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 55589
five hundred dollars for each calendar month the municipal 55590
corporation or county fails to comply with that division, or order 55591
the county auditor to deduct such an amount from the next 55592
succeeding payment to the municipal corporation or county from the 55593
undivided local government fund under section 5747.51 of the 55594
Revised Code. At the time such a payment is made, the county 55595
auditor shall comply with the director's order by issuing a 55596
warrant, drawn on the fund from which such money would have been 55597
paid, to the director of development services, who shall deposit 55598
the warrant into the state community reinvestment area program 55599
administration fund created in division (C) of this section. 55600

(C) The director, by rule, shall establish the state's 55601
application fee for applications submitted to a municipal 55602
corporation or county to enter into an agreement under section 55603
3735.671 of the Revised Code. In establishing the amount of the 55604
fee, the director shall consider the state's cost of administering 55605
the community reinvestment area program, including the cost of 55606
reviewing the reports required under division (A) of this section. 55607
The director may change the amount of the fee at such times and in 55608
such increments as the director considers necessary. Any municipal 55609
corporation or county that receives an application shall collect 55610
the application fee and remit the fee for deposit in the state 55611

treasury to the credit of the ~~business assistance~~ tax incentives 55612
operating fund created in section 122.174 of the Revised Code. 55613

Sec. 3737.21. (A) The director of the department of commerce 55614
shall appoint, from names submitted to the director by the state 55615
fire council, a state fire marshal, who shall serve at the 55616
pleasure of the director and shall possess the following 55617
qualifications: 55618

(1) A degree from an accredited college or university with 55619
specialized study in either the field of fire protection or fire 55620
protection engineering, or the equivalent qualifications 55621
determined from training, experience, and duties in a fire 55622
service; 55623

(2) Five years of recent, progressively more responsible 55624
experience in fire inspection, fire code enforcement, fire 55625
investigation, fire protection engineering, teaching of fire 55626
safety engineering, or fire fighting. 55627

(B) When a vacancy occurs in the position of state fire 55628
marshal, the director shall notify the state fire council. ~~The~~ 55629
~~council shall communicate the fact of the vacancy by regular mail~~ 55630
~~to all fire chiefs and fire protection engineers known to the~~ 55631
~~council, or whose identity may be ascertained by the council by~~ 55632
~~the exercise of due diligence. The council, no earlier than thirty~~ 55633
~~days after mailing the notification, shall compile a list of all~~ 55634
~~applicants for the position of fire marshal who are qualified~~ 55635
~~under this section.~~ The council shall submit the names of at least 55636
three persons on the list for the position of state fire marshal 55637
who are qualified under this section to the director. The director 55638
shall appoint the state fire marshal from the list of at least 55639
three names or may request the council to submit additional names. 55640

Sec. 3742.01. As used in this chapter: 55641

(A) "Board of health" means the board of health of a city or 55642
general health district or the authority having the duties of a 55643
board of health under section 3709.05 of the Revised Code. 55644

(B) "Child care facility" means each area of any of the 55645
following in which child care, as defined in section 5104.01 of 55646
the Revised Code, is provided to children under six years of age: 55647

(1) A child day-care center, type A family day-care home, or 55648
type B family day-care home as defined in section 5104.01 of the 55649
Revised Code; 55650

(2) A preschool program or school child program as defined in 55651
section 3301.52 of the Revised Code. 55652

(C) "Clearance examination" means an examination to determine 55653
whether the lead hazards in a residential unit, child care 55654
facility, or school have been sufficiently controlled. A clearance 55655
examination includes a visual assessment, collection, and analysis 55656
of environmental samples. 55657

(D) "Clearance technician" means a person, other than a 55658
licensed lead inspector or licensed lead risk assessor, who 55659
performs a clearance examination. 55660

(E) "Clinical laboratory" means a facility for the 55661
biological, microbiological, serological, chemical, 55662
immunohematological, hematological, biophysical, cytological, 55663
pathological, or other examination of substances derived from the 55664
human body for the purpose of providing information for the 55665
diagnosis, prevention, or treatment of any disease, or in the 55666
assessment or impairment of the health of human beings. "Clinical 55667
laboratory" does not include a facility that only collects or 55668
prepares specimens, or serves as a mailing service, and does not 55669
perform testing. 55670

(F) "Encapsulation" means the coating and sealing of surfaces 55671
with durable surface coating specifically formulated to be 55672

elastic, able to withstand sharp and blunt impacts, long-lasting, 55673
and resilient, while also resistant to cracking, peeling, algae, 55674
fungus, and ultraviolet light, so as to prevent any part of 55675
lead-containing paint from becoming part of house dust or 55676
otherwise accessible to children. 55677

(G) "Enclosure" means the resurfacing or covering of surfaces 55678
with durable materials such as wallboard or paneling, and the 55679
sealing or caulking of edges and joints, so as to prevent or 55680
control chalking, flaking, peeling, scaling, or loose 55681
lead-containing substances from becoming part of house dust or 55682
otherwise accessible to children. 55683

(H) "Environmental lead analytical laboratory" means a 55684
facility that analyzes air, dust, soil, water, paint, film, or 55685
other substances, other than substances derived from the human 55686
body, for the presence and concentration of lead. 55687

(I) "HEPA" means the designation given to a product, device, 55688
or system that has been equipped with a high-efficiency 55689
particulate air filter, which is a filter capable of removing 55690
particles of 0.3 microns or larger from air at 99.97 per cent or 55691
greater efficiency. 55692

(J) "Interim controls" means a set of measures designed to 55693
reduce temporarily human exposure or likely human exposure to lead 55694
hazards. Interim controls include specialized cleaning, repairs, 55695
painting, temporary containment, ongoing lead hazard maintenance 55696
activities, and the establishment and operation of management and 55697
resident education programs. 55698

(K)(1) "Lead abatement" means a measure or set of measures 55699
designed for the single purpose of permanently eliminating lead 55700
hazards. "Lead abatement" includes all of the following: 55701

(a) Removal of lead-based paint and lead-contaminated dust; 55702

(b) Permanent enclosure or encapsulation of lead-based paint; 55703

(c) Replacement of surfaces or fixtures painted with lead-based paint;	55704 55705
(d) Removal or permanent covering of lead-contaminated soil;	55706
(e) Preparation, cleanup, and disposal activities associated with lead abatement.	55707 55708
(2) "Lead abatement" does not include any of the following:	55709
(a) Preventive treatments <u>Residential rental unit lead-safe maintenance practices</u> performed pursuant to section <u>sections</u> 3742.41 and 3742.42 of the Revised Code;	55710 55711 55712
(b) Implementation of interim controls;	55713
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	55714 55715
(i) It is a freestanding single-family home used as the property owner's private residence.	55716 55717
(ii) No child under six years of age who has lead poisoning resides in the unit.	55718 55719
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	55720 55721 55722 55723 55724
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	55725 55726 55727
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	55728 55729 55730
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of	55731 55732

lead abatement. 55733

(P) "Lead-based paint" means any paint or other similar 55734
surface-coating substance containing lead at or in excess of the 55735
level that is hazardous to human health, as that level is 55736
established in rules adopted under section ~~3742.50~~ 3742.45 of the 55737
Revised Code. 55738

(Q) "Lead-contaminated dust" means dust that contains an area 55739
or mass concentration of lead at or in excess of the level that is 55740
hazardous to human health, as that level is established in rules 55741
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 55742

(R) "Lead-contaminated soil" means soil that contains lead at 55743
or in excess of the level that is hazardous to human health, as 55744
that level is established in rules adopted under section ~~3742.50~~ 55745
3742.45 of the Revised Code. 55746

(S) "Lead ~~hazard~~ free" means no lead-based paint is present 55747
in any area referenced in division (B) of section 3742.42 of the 55748
Revised Code. 55749

(~~T~~) (U) "Lead hazard" means material that is likely to cause lead 55750
exposure and endanger an individual's health as determined by the 55751
director of health in rules adopted under section ~~3742.50~~ 3742.45 55752
of the Revised Code. "Lead hazard" includes lead-based paint, 55753
lead-contaminated dust, lead-contaminated soil, and 55754
lead-contaminated water pipes. 55755

~~(T)~~ (U) "Lead inspection" means a surface-by-surface 55756
investigation to determine the presence of lead-based paint. The 55757
inspection shall use a sampling or testing technique approved by 55758
the director in rules adopted under section 3742.03 of the Revised 55759
Code. A licensed lead inspector or laboratory approved under 55760
section 3742.09 of the Revised Code shall certify in writing the 55761
precise results of the inspection. 55762

~~(U)~~ (V) "Lead inspector" means any individual who conducts a 55763

lead inspection, provides professional advice regarding a lead 55764
inspection, or prepares a report explaining the results of a lead 55765
inspection. 55766

~~(V)~~(W) "Lead poisoning" means the level of lead in human 55767
blood that is hazardous to human health, as specified in rules 55768
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 55769

~~(W)~~(X) "Lead risk assessment" means an on-site investigation 55770
to determine and report the existence, nature, severity, and 55771
location of lead hazards in a residential unit, child care 55772
facility, or school, including information gathering from the 55773
unit, facility, or school's current owner's knowledge regarding 55774
the age and painting history of the unit, facility, or school and 55775
occupancy by children under six years of age, visual inspection, 55776
limited wipe sampling or other environmental sampling techniques, 55777
and any other activity as may be appropriate. 55778

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible 55779
for developing a written inspection, risk assessment, and analysis 55780
plan; conducting inspections for lead hazards in a residential 55781
unit, child care facility, or school; interpreting results of 55782
inspections and risk assessments; identifying hazard control 55783
strategies to reduce or eliminate lead exposures; and completing a 55784
risk assessment report. 55785

~~(Y)~~ "~~Lead safe renovation~~" ~~means the supervision or~~ 55786
~~performance of services for the general improvement of all or part~~ 55787
~~of an existing structure, including a residential unit, child care~~ 55788
~~facility, or school, when the services are supervised or performed~~ 55789
~~by a lead safe renovator.~~ 55790

(Z) "~~Lead safe renovator~~" ~~means a person who has successfully~~ 55791
~~completed a training program in lead safe renovation approved~~ 55792
~~under section 3742.47 of the Revised Code.~~ "Lead-safe residential 55793
rental unit" means a residential rental unit that has undergone 55794

the residential rental unit lead-safe maintenance practices 55795
described in section 3742.42 of the Revised Code, including 55796
post-maintenance dust sampling or are registered pursuant to 55797
division (D) of section 3742.41 of the Revised Code. 55798

(AA) "Manager" means a person, who may be the same person as 55799
the owner, responsible for the daily operation of a residential 55800
unit, child care facility, or school. 55801

(BB) "Permanent" means an expected design life of at least 55802
twenty years. 55803

(CC) "Replacement" means an activity that entails removing 55804
components such as windows, doors, and trim that have lead hazards 55805
on their surfaces and installing components free of lead hazards. 55806

(DD) "Residential unit" means a dwelling or any part of a 55807
building being used as an individual's private residence. 55808
"Residential unit" includes a residential rental unit. 55809

(EE) ~~"School"~~ "Residential rental unit" means a rental 55810
property containing a dwelling or any part of a building being 55811
used as an individual's private residence. 55812

(FF) "School" means a public or nonpublic school in which 55813
children under six years of age receive education. 55814

Sec. 3742.02. (A) No person shall do any of the following: 55815

(1) Violate any provision of this chapter or the rules 55816
adopted pursuant to it; 55817

(2) Apply or cause to be applied any lead-based paint on or 55818
inside a residential unit, child care facility, or school, unless 55819
the director of health has determined by rule under section 55820
~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute 55821
exists; 55822

(3) Interfere with an investigation conducted by the director 55823

of health or a board of health in accordance with section 3742.35 55824
of the Revised Code. 55825

(B) No person shall knowingly authorize or employ an 55826
individual to perform lead abatement on a residential unit, child 55827
care facility, or school unless the individual who will perform 55828
the lead abatement holds a valid license issued under section 55829
3742.05 of the Revised Code. 55830

(C) No person shall do any of the following when a 55831
residential unit, child care facility, or school is involved: 55832

(1) Perform a lead inspection without a valid lead inspector 55833
license issued under section 3742.05 of the Revised Code; 55834

(2) Perform a lead risk assessment or provide professional 55835
advice regarding lead abatement without a valid lead risk assessor 55836
license issued under section 3742.05 of the Revised Code; 55837

(3) Act as a lead abatement contractor without a valid lead 55838
abatement contractor's license issued under section 3742.05 of the 55839
Revised Code; 55840

(4) Act as a lead abatement project designer without a valid 55841
lead abatement project designer license issued under section 55842
3742.05 of the Revised Code; 55843

(5) Perform lead abatement without a valid lead abatement 55844
worker license issued under section 3742.05 of the Revised Code; 55845

(6) Effective one year after April 7, 2003, perform a 55846
clearance examination without a valid clearance technician license 55847
issued under section 3742.05 of the Revised Code, unless the 55848
person holds a valid lead inspector license or valid lead risk 55849
assessor license issued under that section; 55850

(7) Perform lead training for the licensing purposes of this 55851
chapter without a valid approval from the director of health under 55852
section 3742.08 of the Revised Code; 55853

(8) Perform interim controls without complying with 24 C.F.R. 55854
Part 35. 55855

Sec. 3742.31. (A) The director of health shall establish, 55856
promote, and maintain a child lead poisoning prevention program. 55857
The program shall provide statewide coordination of screening, 55858
diagnosis, and treatment services for children under age six, 55859
including both of the following: 55860

(1) Collecting the social security numbers of all children 55861
screened, diagnosed, or treated as part of the program's case 55862
management system; 55863

(2) Disclosing to the department of medicaid on at least an 55864
annual basis the identity and lead screening test results of each 55865
child screened pursuant to section 3742.30 of the Revised Code. 55866
The director shall collect and disseminate information relating to 55867
child lead poisoning and controlling lead hazards. 55868

(B) The director of health shall operate the child lead 55869
poisoning prevention program in accordance with rules adopted 55870
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 55871
may enter into an interagency agreement with one or more other 55872
state agencies to perform one or more of the program's duties. The 55873
director shall supervise and direct an agency's performance of 55874
such a duty. 55875

Sec. 3742.35. When the director of health or a board of 55876
health authorized to enforce sections 3742.35 to 3742.40 of the 55877
Revised Code becomes aware that an individual under six years of 55878
age has lead poisoning, the director or board shall conduct an 55879
investigation to determine the source of the lead poisoning. The 55880
director or board may conduct such an investigation when the 55881
director or board becomes aware that an individual six years of 55882
age or older has lead poisoning. The director or board shall 55883

conduct the investigation in accordance with rules adopted under 55884
section ~~3742.50~~ 3742.45 of the Revised Code. 55885

In conducting the investigation, the director or board may 55886
request permission to enter the residential unit, child care 55887
facility, or school that the director or board reasonably suspects 55888
to be the source of the lead poisoning. If the property is 55889
occupied, the director or board shall ask the occupant for 55890
permission. If the property is not occupied, the director or board 55891
shall ask the property owner or manager for permission. If the 55892
occupant, owner, or manager fails or refuses to permit entry, the 55893
director or board may petition and obtain an order to enter the 55894
property from a court of competent jurisdiction in the county in 55895
which the property is located. 55896

As part of the investigation, the director or board may 55897
review the records and reports, if any, maintained by a lead 55898
inspector, lead abatement contractor, lead risk assessor, lead 55899
abatement project designer, lead abatement worker, or clearance 55900
technician. 55901

Sec. 3742.36. When the director of health or an authorized 55902
board of health determines pursuant to an investigation conducted 55903
under section 3742.35 of the Revised Code that a residential unit, 55904
child care facility, or school is a possible source of the child's 55905
lead poisoning, the director or board shall conduct a risk 55906
assessment of that property in accordance with rules adopted under 55907
section ~~3742.50~~ 3742.45 of the Revised Code. 55908

Sec. 3742.41. (A) ~~A property~~ The director of health shall 55909
establish and maintain a lead-safe residential rental unit 55910
registry in accordance with rules adopted under section 3742.45 of 55911
the Revised Code. The director shall not impose a fee for 55912
registration of a residential rental unit on the registry. 55913

~~(B) Beginning six months after the effective date of the rules referenced in division (A) of this section, the owner of a residential rental unit constructed before January 1, 1950 1978, that is used as a residential unit, child care facility, or school shall be legally presumed not to contain a lead hazard and not to be the source of the lead poisoning of an individual who resides in the unit or receives child care or education at the facility or school if the owner or manager of the unit, facility, or school successfully completes both of the following preventive treatments:~~ 55914
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~~(1) Follows may implement the essential residential rental unit lead-safe maintenance practices specified in section 3742.42 of the Revised Code for the control of any lead hazards.~~ 55924
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~~(2) Covers all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the unit, facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum.~~ 55927
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~~(B) The owner or manager of a residential unit, child care facility, or school has successfully completed the preventive treatments specified in division (A) of this section if the unit, facility, or school passes a clearance examination in accordance with standards for passage established by rules adopted under section 3742.49 of the Revised Code.~~ 55931
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~~(C) The legal presumption established under this section is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary. After completion of the residential rental unit lead-safe maintenance practices, the owner may register the property as a lead-safe residential rental unit with the department of health for inclusion on the registry.~~ 55937
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~~(D) The owner of a residential rental unit also may register the unit as a lead-safe residential rental unit with the~~ 55943
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department for inclusion on the registry if either of the 55945
following apply: 55946

(1) The residential rental unit was or is constructed after 55947
January 1, 1978; 55948

(2) The residential rental unit is lead free as determined by 55949
a licensed lead inspector or lead risk assessor after an 55950
inspection of the unit. 55951

(E)(1) The owner of a residential rental unit that is subject 55952
to a lead hazard control order under section 3742.37 of the 55953
Revised Code shall register the residential rental unit on the 55954
lead-safe residential rental unit lead-safe registry after the 55955
unit passes a clearance examination, as specified in section 55956
3742.39 of the Revised Code, indicating that the lead hazards 55957
identified in the order are controlled. 55958

(2) The owner of a residential rental unit that is designated 55959
as housing for the elderly or senior housing by the director is 55960
exempt from the requirement to register under division (E)(1) of 55961
this section. 55962

Sec. 3742.42. ~~(A) In completing the essential residential~~ 55963
~~rental unit lead-safe maintenance practices portion of the~~ 55964
~~preventive treatments specified in section 3742.41 of the Revised~~ 55965
~~Code, the owner or manager agent of the owner of a residential~~ 55966
~~rental unit, child care facility, or school shall do all of the~~ 55967
~~following:~~ 55968

~~(1) Use only safe work practices, which include compliance~~ 55969
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 55970
~~lead-contaminated dust~~ Successfully complete a training program in 55971
residential rental unit lead-safe maintenance practices approved 55972
by the director under section 3742.43 of the Revised Code; 55973

~~(2) Perform~~ Annually perform a visual examinations 55974

examination for deteriorated paint, underlying damage, and other 55975
conditions that may cause exposure to lead; 55976

(3) ~~Promptly and safely~~ After completing the visual 55977
examination and identification of deteriorated paint or other 55978
conditions that may cause exposure to lead, repair deteriorated 55979
paint or other building components that may cause exposure to lead 55980
and eliminate the cause of the deterioration in accordance with 55981
the work practice standards established by the United States 55982
environmental protection agency in 40 C.F.R. Part 745.85; 55983

(4) ~~Ask tenants in a residential unit, and parents,~~ 55984
~~guardians, and custodians of children in a child care facility or~~ 55985
~~school, to report concerns about potential lead hazards by~~ 55986
~~providing written notices to the tenants or parents, guardians,~~ 55987
~~and custodians or by posting notices in conspicuous locations~~ 55988
Conduct post-maintenance dust sampling in accordance with rules 55989
adopted under section 3742.45 of the Revised Code; 55990

(5) ~~Perform specialized cleaning in accordance with section~~ 55991
~~3742.45 of the Revised Code to control lead contaminated dust;~~ 55992

(6) ~~Cover any bare soil on the property, except soil proven~~ 55993
~~not to be lead contaminated;~~ 55994

(7) Maintain a record of ~~essential~~ residential rental unit 55995
lead-safe maintenance practices for at least three years that 55996
documents all ~~essential~~ those maintenance practices; 55997

(8) ~~Successfully complete a training program in essential~~ 55998
~~maintenance practices that has been approved under section~~ 55999
3742.47, including post-maintenance dust sampling conducted in 56000
accordance with rules adopted under section 3742.45 of the Revised 56001
Code. 56002

(B) The areas of a residential rental unit, ~~child care~~ 56003
~~facility, or school~~ that are subject to division (A) of this 56004
section include all of the following: 56005

(1) The interior surfaces and all common areas ~~of the unit,~~ 56006
~~facility, or school;~~ 56007

(2) Every attached or unattached structure located within the 56008
same lot line as the residential rental unit, ~~facility, or school~~ 56009
that the owner or manager considers to be associated with the 56010
operation of the residential rental unit, ~~facility, or school,~~ 56011
including garages, play equipment, and fences; 56012

(3) The lot or land that the residential rental unit, 56013
~~facility, or school~~ occupies. 56014

(C) The residential rental unit lead-safe maintenance 56015
practices described in this section are not required to be 56016
performed by a person licensed as a lead abatement contractor or 56017
lead abatement worker under this chapter. However, six months 56018
after the effective date of this amendment, any person other than 56019
a lead abatement contractor or lead abatement worker who performs 56020
the residential rental unit lead-safe maintenance practices shall 56021
have successfully completed a training program in residential 56022
rental unit lead-safe maintenance practices approved by the 56023
director under section 3742.43 of the Revised Code. 56024

Sec. 3742.43. (A) A person seeking approval of a training 56025
program in residential rental unit lead-safe maintenance practices 56026
shall apply for approval of the training program to the director 56027
of health. The application shall be made on a form prescribed by 56028
the director and shall include the nonrefundable application fee 56029
established in division (B) of this section. The director shall 56030
approve the training program if the applicant demonstrates to the 56031
satisfaction of the director both of the following: 56032

(1) That the training program will provide written proof of 56033
completion to each person who completes the program and passes an 56034
examination; 56035

(2) The program is in compliance with any other training program requirements established in rules adopted under section 3742.45 of the Revised Code. 56036
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(B) The director of health shall establish a nonrefundable application fee for approving a training program under this section. The fee shall be reasonable and shall not exceed the expense incurred in conducting evaluation and approval of a training program. 56039
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Sec. ~~3742.49~~ 3742.44. The director of health, in consultation with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for controlling lead hazards that take into consideration the historic nature of the property in which the hazards are located. The director shall provide periodic notifications of the recommendations to all persons licensed under this chapter. All lead hazard control orders issued under section 3742.37 of the Revised Code shall inform the recipient of the recommendations developed under this section. 56044
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In no event shall a person use the recommendations as justification for refusing to comply with a lead hazard control order issued under section 3742.37 of the Revised Code. 56054
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Sec. ~~3742.50~~ 3742.45. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 56057
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(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code; 56060
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(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code; 56063
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(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders; 56066
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(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services; 56070
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(5) The level of lead in paint, dust, and soil that is hazardous to human health; 56074
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(6) Standards and procedures to be followed when ~~implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under~~ section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, ~~department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;~~ 56076
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(7) Standards that must be met to pass a clearance examination; 56085
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(8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in essential residential rental unit lead-safe maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~ 56087
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(9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling. 56093
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(B) The director shall establish procedures for revising its 56097
rules to ensure that the child lead poisoning prevention 56098
activities conducted under this chapter continue to meet the 56099
requirements necessary to obtain any federal funding available for 56100
those activities, including requirements established by the United 56101
States environmental protection agency, United States department 56102
of housing and urban development, or any other federal agency with 56103
jurisdiction over activities pertaining to child lead poisoning 56104
prevention. 56105

Sec. ~~3742.51~~ 3742.46. (A) There is hereby created in the 56106
state treasury the lead poisoning prevention fund. The fund shall 56107
include all moneys appropriated to the department of health for 56108
the administration and enforcement of sections 3742.31 to ~~3742.50~~ 56109
3742.45 of the Revised Code and the rules adopted under those 56110
sections. Any grants, contributions, or other moneys collected by 56111
the department for purposes of preventing lead poisoning shall be 56112
deposited in the state treasury to the credit of the fund. 56113

(B) Moneys in the fund shall be used solely for the purposes 56114
of the child lead poisoning prevention program established under 56115
section 3742.31 of the Revised Code, including providing financial 56116
assistance to individuals who are unable to pay for the following: 56117

(1) Costs associated with obtaining lead tests and lead 56118
poisoning treatment for children under six years of age who are 56119
not covered by private medical insurance or are underinsured, are 56120
not eligible for the medicaid program or any other government 56121
health program, and do not have access to another source of funds 56122
to cover the cost of lead tests and any indicated treatments; 56123

(2) Costs associated with having lead abatement performed or 56124
having the ~~preventive treatments~~ residential rental unit lead-safe 56125
maintenance practices specified in section ~~3742.41~~ 3742.42 of the 56126
Revised Code performed. 56127

Sec. 3745.012. (A) The director of environmental protection 56128
shall collect all moneys for permits, licenses, plan approvals, 56129
variances, and certifications of any nature issued and 56130
administered by the environmental protection agency under Chapter 56131
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 56132
director shall keep a record of all such moneys collected showing 56133
the amounts received, from whom, and for what purpose collected. 56134
All such moneys shall be credited to the general revenue fund, 56135
except for such moneys required to be credited to any other fund. 56136

(B) The director may reduce or waive a fee incurred for 56137
either of the following: 56138

(1) Submitting a late payment if the original amount has been 56139
paid in full; 56140

(2) Responding to an emergency, including fees for the 56141
disposal of material and debris, if the governor declares a state 56142
of emergency. 56143

Sec. 3745.016. There is hereby created in the state treasury 56144
the federally supported cleanup and response fund consisting of 56145
money credited to the fund from federal grants, gifts, and 56146
contributions ~~to support the investigation and remediation of~~ 56147
~~contaminated property.~~ The environmental protection agency shall 56148
use money in the fund to support the investigation and remediation 56149
of contaminated property and implementation of the hazardous waste 56150
provisions of Chapter 3734. of the Revised Code. 56151

Sec. 3745.018. The director of environmental protection shall 56152
establish within environmental protection the agency a division to 56153
administer the agency's financial, technical, and compliance 56154
programs to assist communities, businesses, and other regulated 56155
entities. The division shall administer all of the following: 56156

<u>(A) State revolving wastewater and drinking water loan</u>	56157
<u>programs under sections 6109.22 and 6111.036 of the Revised Code;</u>	56158
<u>(B) Agency grant programs, including recycling and litter</u>	56159
<u>prevention grant programs under section 3736.05 of the Revised</u>	56160
<u>Code;</u>	56161
<u>(C) Programs for providing compliance and pollution</u>	56162
<u>prevention assistance to regulated entities under sections 3704.18</u>	56163
<u>and 3745.017 of the Revised Code;</u>	56164
<u>(D) Statewide source reduction, recycling, recycling market</u>	56165
<u>development, and litter prevention programs under section 3736.02</u>	56166
<u>of the Revised Code.</u>	56167
Sec. 3745.11. (A) Applicants for and holders of permits,	56168
licenses, variances, plan approvals, and certifications issued by	56169
the director of environmental protection pursuant to Chapters	56170
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee	56171
to the environmental protection agency for each such issuance and	56172
each application for an issuance as provided by this section. No	56173
fee shall be charged for any issuance for which no application has	56174
been submitted to the director.	56175
(B) Except as otherwise provided in division (C)(2) of this	56176
section, beginning July 1, 1994, each person who owns or operates	56177
an air contaminant source and who is required to apply for and	56178
obtain a Title V permit under section 3704.036 of the Revised Code	56179
shall pay the fees set forth in this division. For the purposes of	56180
this division, total emissions of air contaminants may be	56181
calculated using engineering calculations, emissions factors,	56182
material balance calculations, or performance testing procedures,	56183
as authorized by the director.	56184
The following fees shall be assessed on the total actual	56185
emissions from a source in tons per year of the regulated	56186

pollutants particulate matter, sulfur dioxide, nitrogen oxides, 56187
organic compounds, and lead: 56188

(1) Fifteen dollars per ton on the total actual emissions of 56189
each such regulated pollutant during the period July through 56190
December 1993, to be collected no sooner than July 1, 1994; 56191

(2) Twenty dollars per ton on the total actual emissions of 56192
each such regulated pollutant during calendar year 1994, to be 56193
collected no sooner than April 15, 1995; 56194

(3) Twenty-five dollars per ton on the total actual emissions 56195
of each such regulated pollutant in calendar year 1995, and each 56196
subsequent calendar year, to be collected no sooner than the 56197
fifteenth day of April of the year next succeeding the calendar 56198
year in which the emissions occurred. 56199

The fees levied under this division do not apply to that 56200
portion of the emissions of a regulated pollutant at a facility 56201
that exceed four thousand tons during a calendar year. 56202

(C)(1) The fees assessed under division (B) of this section 56203
are for the purpose of providing funding for the Title V permit 56204
program. 56205

(2) The fees assessed under division (B) of this section do 56206
not apply to emissions from any electric generating unit 56207
designated as a Phase I unit under Title IV of the federal Clean 56208
Air Act prior to calendar year 2000. Those fees shall be assessed 56209
on the emissions from such a generating unit commencing in 56210
calendar year 2001 based upon the total actual emissions from the 56211
generating unit during calendar year 2000 and shall continue to be 56212
assessed each subsequent calendar year based on the total actual 56213
emissions from the generating unit during the preceding calendar 56214
year. 56215

(3) The director shall issue invoices to owners or operators 56216
of air contaminant sources who are required to pay a fee assessed 56217

under division (B) or (D) of this section. Any such invoice shall 56218
be issued no sooner than the applicable date when the fee first 56219
may be collected in a year under the applicable division, shall 56220
identify the nature and amount of the fee assessed, and shall 56221
indicate that the fee is required to be paid within thirty days 56222
after the issuance of the invoice. 56223

(D)(1) Except as provided in division (D)(3) of this section, 56224
from January 1, 1994, through December 31, 2003, each person who 56225
owns or operates an air contaminant source; who is required to 56226
apply for a permit to operate pursuant to rules adopted under 56227
division (G), or a variance pursuant to division (H), of section 56228
3704.03 of the Revised Code; and who is not required to apply for 56229
and obtain a Title V permit under section 3704.036 of the Revised 56230
Code shall pay a single fee based upon the sum of the actual 56231
annual emissions from the facility of the regulated pollutants 56232
particulate matter, sulfur dioxide, nitrogen oxides, organic 56233
compounds, and lead in accordance with the following schedule: 56234

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	56238
50 or more, but less than 100	300	56239
100 or more	700	56240

(2) Except as provided in division (D)(3) of this section, 56241
beginning January 1, 2004, each person who owns or operates an air 56242
contaminant source; who is required to apply for a permit to 56243
operate pursuant to rules adopted under division (G), or a 56244
variance pursuant to division (H), of section 3704.03 of the 56245
Revised Code; and who is not required to apply for and obtain a 56246
Title V permit under section 3704.03 of the Revised Code shall pay 56247
a single fee based upon the sum of the actual annual emissions 56248
from the facility of the regulated pollutants particulate matter, 56249

sulfur dioxide, nitrogen oxides, organic compounds, and lead in 56250
accordance with the following schedule: 56251

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	56255
10 or more, but less than 50	200	56256
50 or more, but less than 100	300	56257
100 or more	700	56258

(3)(a) As used in division (D) of this section, "synthetic 56259
minor facility" means a facility for which one or more permits to 56260
install or permits to operate have been issued for the air 56261
contaminant sources at the facility that include terms and 56262
conditions that lower the facility's potential to emit air 56263
contaminants below the major source thresholds established in 56264
rules adopted under section 3704.036 of the Revised Code. 56265

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, 56266
each person who owns or operates a synthetic minor facility shall 56267
pay an annual fee based on the sum of the actual annual emissions 56268
from the facility of particulate matter, sulfur dioxide, nitrogen 56269
dioxide, organic compounds, and lead in accordance with the 56270
following schedule: 56271

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	56275
10 or more, but less than 20	340	56276
20 or more, but less than 30	670	56277
30 or more, but less than 40	1,010	56278
40 or more, but less than 50	1,340	56279
50 or more, but less than 60	1,680	56280
60 or more, but less than 70	2,010	56281

70 or more, but less than 80	2,350	56282
80 or more, but less than 90	2,680	56283
90 or more, but less than 100	3,020	56284
100 or more	3,350	56285

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:	56314
(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.	56315 56316 56317 56318 56319
(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.	56320 56321 56322
(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:	56323 56324 56325 56326
(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)	56327 56328 56329
Input capacity (maximum)	56330
(million British thermal units per hour) Permit to install	56331
Greater than 0, but less than 10 \$ 200	56332
10 or more, but less than 100 400	56333
100 or more, but less than 300 1000	56334
300 or more, but less than 500 2250	56335
500 or more, but less than 1000 3750	56336
1000 or more, but less than 5000 6000	56337
5000 or more 9000	56338
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.	56339 56340 56341
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity	56342 56343
Generating capacity (mega watts) Permit to install	56344

0 or more, but less than 10	\$ 25	56345
10 or more, but less than 25	150	56346
25 or more, but less than 50	300	56347
50 or more, but less than 100	500	56348
100 or more, but less than 250	1000	56349
250 or more	2000	56350

(3) Incinerators 56351

Input capacity (pounds per hour)	Permit to install	56352
0 to 100	\$ 100	56353
101 to 500	500	56354
501 to 2000	1000	56355
2001 to 20,000	1500	56356
more than 20,000	3750	56357

(4)(a) Process 56358

Process weight rate (pounds per hour)	Permit to install	56359
0 to 1000	\$ 200	56360
1001 to 5000	500	56361
5001 to 10,000	750	56362
10,001 to 50,000	1000	56363
more than 50,000	1250	56364

In any process where process weight rate cannot be 56365
ascertained, the minimum fee shall be assessed. A boiler, furnace, 56366
combustion turbine, stationary internal combustion engine, or 56367
process heater designed to provide direct heat or power to a 56368
process not designed to generate electricity shall be assessed a 56369
fee established in division (F)(4)(a) of this section. A 56370
combustion turbine or stationary internal combustion engine 56371
designed to generate electricity shall be assessed a fee 56372
established in division (F)(2) of this section. 56373

(b) Notwithstanding division (F)(4)(a) of this section, any 56374
person issued a permit to install pursuant to rules adopted under 56375
division (F) of section 3704.03 of the Revised Code shall pay the 56376

fees set forth in division (F)(4)(c) of this section for a process 56377
 used in any of the following industries, as identified by the 56378
 applicable two-digit, three-digit, or four-digit standard 56379
 industrial classification code according to the Standard 56380
 Industrial Classification Manual published by the United States 56381
 office of management and budget in the executive office of the 56382
 president, 1987, as revised: 56383

Major group 10, metal mining; 56384

Major group 12, coal mining; 56385

Major group 14, mining and quarrying of nonmetallic minerals; 56386

Industry group 204, grain mill products; 56387

2873 Nitrogen fertilizers; 56388

2874 Phosphatic fertilizers; 56389

3281 Cut stone and stone products; 56390

3295 Minerals and earth, ground or otherwise treated; 56391

4221 Grain elevators (storage only); 56392

5159 Farm related raw materials; 56393

5261 Retail nurseries and lawn and garden supply stores. 56394

(c) The fees set forth in the following schedule apply to the 56395
 issuance of a permit to install pursuant to rules adopted under 56396
 division (F) of section 3704.03 of the Revised Code for a process 56397
 identified in division (F)(4)(b) of this section: 56398

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	56400
10,001 to 50,000	400	56401
50,001 to 100,000	500	56402
100,001 to 200,000	600	56403
200,001 to 400,000	750	56404

400,001 or more	900	56405
(5) Storage tanks		56406
Gallons (maximum useful capacity)	Permit to install	56407
0 to 20,000	\$ 100	56408
20,001 to 40,000	150	56409
40,001 to 100,000	250	56410
100,001 to 500,000	400	56411
500,001 or greater	750	56412
(6) Gasoline/fuel dispensing facilities		56413
For each gasoline/fuel		56414
dispensing facility (includes all	Permit to install	56415
units at the facility)	\$ 100	56416
(7) Dry cleaning facilities		56417
For each dry cleaning		56418
facility (includes all units	Permit to install	56419
at the facility)	\$ 100	56420
(8) Registration status		56421
For each source covered	Permit to install	56422
by registration status	\$ 75	56423
(G) An owner or operator who is responsible for an asbestos		56424
demolition or renovation project pursuant to rules adopted under		56425
section 3704.03 of the Revised Code shall pay, <u>upon submitting a</u>		56426
<u>notification pursuant to rules adopted under that section,</u> the		56427
fees set forth in the following schedule:		56428
Action	Fee	56429
Each notification	\$75	56430
Asbestos removal	\$3/unit	56431
Asbestos cleanup	\$4/cubic yard	56432
For purposes of this division, "unit" means any combination of		56433
linear feet or square feet equal to fifty.		56434
(H) A person who is issued an extension of time for a permit		56435

to install an air contaminant source pursuant to rules adopted 56436
under division (F) of section 3704.03 of the Revised Code shall 56437
pay a fee equal to one-half the fee originally assessed for the 56438
permit to install under this section, except that the fee for such 56439
an extension shall not exceed two hundred dollars. 56440

(I) A person who is issued a modification to a permit to 56441
install an air contaminant source pursuant to rules adopted under 56442
section 3704.03 of the Revised Code shall pay a fee equal to 56443
one-half of the fee that would be assessed under this section to 56444
obtain a permit to install the source. The fee assessed by this 56445
division only applies to modifications that are initiated by the 56446
owner or operator of the source and shall not exceed two thousand 56447
dollars. 56448

(J) Notwithstanding division (F) of this section, a person 56449
who applies for or obtains a permit to install pursuant to rules 56450
adopted under division (F) of section 3704.03 of the Revised Code 56451
after the date actual construction of the source began shall pay a 56452
fee for the permit to install that is equal to twice the fee that 56453
otherwise would be assessed under the applicable division unless 56454
the applicant received authorization to begin construction under 56455
division (W) of section 3704.03 of the Revised Code. This division 56456
only applies to sources for which actual construction of the 56457
source begins on or after July 1, 1993. The imposition or payment 56458
of the fee established in this division does not preclude the 56459
director from taking any administrative or judicial enforcement 56460
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 56461
of the Revised Code, or a rule adopted under any of them, in 56462
connection with a violation of rules adopted under division (F) of 56463
section 3704.03 of the Revised Code. 56464

As used in this division, "actual construction of the source" 56465
means the initiation of physical on-site construction activities 56466
in connection with improvements to the source that are permanent 56467

in nature, including, without limitation, the installation of 56468
building supports and foundations and the laying of underground 56469
pipework. 56470

(K)(1) Money received under division (B) of this section 56471
shall be deposited in the state treasury to the credit of the 56472
Title V clean air fund created in section 3704.035 of the Revised 56473
Code. Annually, not more than fifty cents per ton of each fee 56474
assessed under division (B) of this section on actual emissions 56475
from a source and received by the environmental protection agency 56476
pursuant to that division ~~shall~~ may be transferred by the director 56477
using an interstate transfer voucher to the state treasury to the 56478
credit of the small business assistance fund created in section 56479
3706.19 of the Revised Code. In addition, annually, the amount of 56480
money necessary for the operation of the office of ombudsperson as 56481
determined under division (B) of that section shall be transferred 56482
to the state treasury to the credit of the small business 56483
ombudsperson fund created by that section. 56484

(2) Money received by the agency pursuant to divisions (D), 56485
(F), (G), (H), (I), and (J) of this section shall be deposited in 56486
the state treasury to the credit of the non-Title V clean air fund 56487
created in section 3704.035 of the Revised Code. 56488

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b)~~ 56489
~~or (c) of this section, a person issued a water discharge permit~~ 56490
~~or renewal of a water discharge permit pursuant to Chapter 6111.~~ 56491
~~of the Revised Code shall pay a fee based on each point source to~~ 56492
~~which the issuance is applicable in accordance with the following~~ 56493
~~schedule:~~ 56494

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	56496
1,001 to 5000	100	56497
5,001 to 50,000	200	56498
50,001 to 100,000	300	56499

100,001 to 300,000	525	56500
over 300,000	750	56501

~~(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.~~ 56502
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~~(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.~~ 56507
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~~(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2018~~ 2020, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2018~~ 2020, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and five thousand dollars on and after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.~~ 56512
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~~(3) A person issued a modification of a water discharge permit shall pay a fee equal to one half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.~~ 56523
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~~(4)(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to~~ 56527
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processing plan approvals. The director annually shall calculate 56532
the fee and shall notify all persons who have entered into 56533
agreements under that section, or who have applied for agreements, 56534
of the amount of the fee. 56535

~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 56536
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 56537
issued pursuant to Chapter 6111. of the Revised Code with an 56538
average daily discharge flow of five thousand gallons or more 56539
shall pay a nonrefundable annual discharge fee. Any person who 56540
fails to pay the fee at that time shall pay an additional amount 56541
that equals ten per cent of the required annual discharge fee. 56542

(ii) The billing year for the annual discharge fee 56543
established in division (L)~~(5)~~(3)(a)(i) of this section shall 56544
consist of a twelve-month period beginning on the first day of 56545
January of the year preceding the date when the annual discharge 56546
fee is due. In the case of an existing source that permanently 56547
ceases to discharge during a billing year, the director shall 56548
reduce the annual discharge fee, including the surcharge 56549
applicable to certain industrial facilities pursuant to division 56550
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 56551
during the billing year that the source was not discharging, but 56552
only if the person holding the NPDES discharge permit for the 56553
source notifies the director in writing, not later than the first 56554
day of October of the billing year, of the circumstances causing 56555
the cessation of discharge. 56556

(iii) The annual discharge fee established in division 56557
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 56558
applicable to certain industrial facilities pursuant to division 56559
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 56560
daily discharge flow in gallons per day calculated using first day 56561
of May through thirty-first day of October flow data for the 56562
period two years prior to the date on which the fee is due. In the 56563

case of NPDES discharge permits for new sources, the fee shall be 56564
calculated using the average daily design flow of the facility 56565
until actual average daily discharge flow values are available for 56566
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 56567
section. The annual discharge fee may be prorated for a new source 56568
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 56569

(b)(i) An NPDES permit holder that is a public discharger 56570
shall pay the fee specified in the following schedule: 56571

Average daily	Fee due by	
discharge flow	January 30,	
	2016 2018, and	
	January 30, 2017	
	<u>2019</u>	
5,000 to 49,999	\$ 200	56576
50,000 to 100,000	500	56577
100,001 to 250,000	1,050	56578
250,001 to 1,000,000	2,600	56579
1,000,001 to 5,000,000	5,200	56580
5,000,001 to 10,000,000	10,350	56581
10,000,001 to 20,000,000	15,550	56582
20,000,001 to 50,000,000	25,900	56583
50,000,001 to 100,000,000	41,400	56584
100,000,001 or more	62,100	56585

(ii) Public dischargers owning or operating two or more 56586
publicly owned treatment works serving the same political 56587
subdivision, as "treatment works" is defined in section 6111.01 of 56588
the Revised Code, and that serve exclusively political 56589
subdivisions having a population of fewer than one hundred 56590
thousand persons shall pay an annual discharge fee under division 56591
(L)~~(5)~~(3)(b)(i) of this section that is based on the combined 56592
average daily discharge flow of the treatment works. 56593

(c)(i) An NPDES permit holder that is an industrial 56594

discharger, other than a coal mining operator identified by P in		56595
the third character of the permittee's NPDES permit number, shall		56596
pay the fee specified in the following schedule:		56597
Average daily	Fee due by	56598
discharge flow	January 30,	56599
	2016 <u>2018</u> , and	56600
	January 30, 2017	56601
	<u>2019</u>	
5,000 to 49,999	\$ 250	56602
50,000 to 250,000	1,200	56603
250,001 to 1,000,000	2,950	56604
1,000,001 to 5,000,000	5,850	56605
5,000,001 to 10,000,000	8,800	56606
10,000,001 to 20,000,000	11,700	56607
20,000,001 to 100,000,000	14,050	56608
100,000,001 to 250,000,000	16,400	56609
250,000,001 or more	18,700	56610

(ii) In addition to the fee specified in the above schedule, 56611
an NPDES permit holder that is an industrial discharger classified 56612
as a major discharger during all or part of the annual discharge 56613
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 56614
section shall pay a nonrefundable annual surcharge of seven 56615
thousand five hundred dollars not later than January 30, ~~2016~~ 56616
2018, and not later than January 30, ~~2017~~ 2019. Any person who 56617
fails to pay the surcharge at that time shall pay an additional 56618
amount that equals ten per cent of the amount of the surcharge. 56619

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 56620
section, a public discharger, that is not a separate municipal 56621
storm sewer system, identified by I in the third character of the 56622
permittee's NPDES permit number and an industrial discharger 56623
identified by I, J, L, V, W, X, Y, or Z in the third character of 56624
the permittee's NPDES permit number shall pay a nonrefundable 56625

annual discharge fee of one hundred eighty dollars not later than 56626
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 56627
Any person who fails to pay the fee at that time shall pay an 56628
additional amount that equals ten per cent of the required fee. 56629

~~(6)(4)~~ Each person obtaining a ~~national pollutant discharge~~ 56630
~~elimination system general or individual~~ an NPDES permit for 56631
municipal storm water discharge shall pay a nonrefundable storm 56632
water annual discharge fee of ~~one hundred~~ ten dollars per 56633
one-tenth of a square mile of area permitted. The fee shall not 56634
exceed ten thousand dollars and shall be payable on or before 56635
January 30, 2004, and the thirtieth day of January of each year 56636
thereafter. Any person who fails to pay the fee on the date 56637
specified in division (L)~~(6)(4)~~ of this section shall pay an 56638
additional amount per year equal to ten per cent of the annual fee 56639
that is unpaid. 56640

~~(7)(5)~~ The director shall transmit all moneys collected under 56641
division (L) of this section to the treasurer of state for deposit 56642
into the state treasury to the credit of the surface water 56643
protection fund created in section 6111.038 of the Revised Code. 56644

~~(8)(6)~~ As used in ~~division (L)~~ of this section: 56645

(a) "NPDES" means the federally approved national pollutant 56646
discharge elimination system individual and general program for 56647
issuing, modifying, revoking, reissuing, terminating, monitoring, 56648
and enforcing permits and imposing and enforcing pretreatment 56649
requirements under Chapter 6111. of the Revised Code and rules 56650
adopted under it. 56651

(b) "Public discharger" means any holder of an NPDES permit 56652
identified by P in the second character of the NPDES permit number 56653
assigned by the director. 56654

(c) "Industrial discharger" means any holder of an NPDES 56655
permit identified by I in the second character of the NPDES permit 56656

number assigned by the director. 56657

(d) "Major discharger" means any holder of an NPDES permit 56658
classified as major by the regional administrator of the United 56659
States environmental protection agency in conjunction with the 56660
director. 56661

(M) Through June 30, ~~2018~~ 2020, a person applying for a 56662
license or license renewal to operate a public water system under 56663
section 6109.21 of the Revised Code shall pay the appropriate fee 56664
established under this division at the time of application to the 56665
director. Any person who fails to pay the fee at that time shall 56666
pay an additional amount that equals ten per cent of the required 56667
fee. The director shall transmit all moneys collected under this 56668
division to the treasurer of state for deposit into the drinking 56669
water protection fund created in section 6109.30 of the Revised 56670
Code. 56671

Except as provided in divisions (M)(4) and (5) of this 56672
section, fees required under this division shall be calculated and 56673
paid in accordance with the following schedule: 56674

(1) For the initial license required under section 6109.21 of 56675
the Revised Code for any public water system that is a community 56676
water system as defined in section 6109.01 of the Revised Code, 56677
and for each license renewal required for such a system prior to 56678
January 31, ~~2018~~ 2020, the fee is: 56679

Number of service connections	Fee amount	
Not more than 49	\$ 112	56681
50 to 99	176	56682
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	56684
2,500 to 4,999	1.48	56685
5,000 to 7,499	1.42	56686
7,500 to 9,999	1.34	56687

10,000 to 14,999	1.16	56688
15,000 to 24,999	1.10	56689
25,000 to 49,999	1.04	56690
50,000 to 99,999	.92	56691
100,000 to 149,999	.86	56692
150,000 to 199,999	.80	56693
200,000 or more	.76	56694

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	56708
150 to 299	176	56709
300 to 749	384	56710
750 to 1,499	628	56711
1,500 to 2,999	1,268	56712
3,000 to 7,499	2,816	56713
7,500 to 14,999	5,510	56714
15,000 to 22,499	9,048	56715
22,500 to 29,999	12,430	56716
30,000 or more	16,820	56717

As used in division (M)(2) of this section, "population

served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	56731
2	112	56732
3	176	56733
4	278	56734
5	568	56735
System designated as using a surface water source	792	56737

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2018~~ 2020, and fifteen thousand dollars on and after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		56773
MMO-MUG	\$2,000	56774
MF	2,100	56775
MMO-MUG and MF	2,550	56776
organic chemical	5,400	56777
trace metals	5,400	56778
standard chemistry	2,800	56779
limited chemistry	1,550	56780

On and after July 1, ~~2018~~ 2020, the following fee, on a per

survey basis, shall be charged any such person:		56782
microbiological	\$ 1,650	56783
organic chemicals	3,500	56784
trace metals	3,500	56785
standard chemistry	1,800	56786
limited chemistry	1,000	56787

The fee for those services shall be paid at the time the request 56788
for the survey is made. Through June 30, ~~2018~~ 2020, an individual 56789
laboratory shall not be assessed a fee under this division more 56790
than once in any three-year period unless the person requests the 56791
addition of analytical methods or analysts, in which case the 56792
person shall pay eighteen hundred dollars for each additional 56793
survey requested. 56794

As used in division (N)(3) of this section: 56795

(a) "MF" means microfiltration. 56796

(b) "MMO" means minimal medium ONPG. 56797

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 56798

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 56799

The director shall transmit all moneys collected under this 56800
division to the treasurer of state for deposit into the drinking 56801
water protection fund created in section 6109.30 of the Revised 56802
Code. 56803

(O) Any person applying to the director to take an 56804
examination for certification as an operator of a water supply 56805
system or wastewater system under Chapter 6109. or 6111. of the 56806
Revised Code that is administered by the director, at the time the 56807
application is submitted, shall pay a fee in accordance with the 56808
following schedule through November 30, ~~2018~~ 2020: 56809

Class A operator	\$ 80	56810
Class I operator	105	56811

Class II operator	120	56812
Class III operator	130	56813
Class IV operator	145	56814

On and after December 1, ~~2018~~ 2020, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	56817
Class I operator	70	56818
Class II operator	80	56819
Class III operator	90	56820
Class IV operator	100	56821

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	56830
Class I operator	35	56831
Class II operator	45	56832
Class III operator	55	56833
Class IV operator	65	56834

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	56840
Class I operator	55	56841
Class II operator	65	56842
Class III operator	75	56843

Class IV operator

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A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

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Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

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The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

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(Q) Except as otherwise provided in division (R) of this

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section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent

of the amount of the fee for each week that the permit fee is 56909
late. 56910

Permit and late payment fees paid to the director under this 56911
division shall be credited to the general revenue fund. 56912

(R)(1) A person issued a registration certificate for a scrap 56913
tire collection facility under section 3734.75 of the Revised Code 56914
shall pay a fee of two hundred dollars, except that if the 56915
facility is owned or operated by a motor vehicle salvage dealer 56916
licensed under Chapter 4738. of the Revised Code, the person shall 56917
pay a fee of twenty-five dollars. 56918

(2) A person issued a registration certificate for a new 56919
scrap tire storage facility under section 3734.76 of the Revised 56920
Code shall pay a fee of three hundred dollars, except that if the 56921
facility is owned or operated by a motor vehicle salvage dealer 56922
licensed under Chapter 4738. of the Revised Code, the person shall 56923
pay a fee of twenty-five dollars. 56924

(3) A person issued a permit for a scrap tire storage 56925
facility under section 3734.76 of the Revised Code shall pay a fee 56926
of one thousand dollars, except that if the facility is owned or 56927
operated by a motor vehicle salvage dealer licensed under Chapter 56928
4738. of the Revised Code, the person shall pay a fee of fifty 56929
dollars. 56930

(4) A person issued a permit for a scrap tire monocell or 56931
monofill facility under section 3734.77 of the Revised Code shall 56932
pay a fee of ten dollars per thousand cubic yards of disposal 56933
capacity or one thousand dollars, whichever is greater, except 56934
that the total fee for any such permit shall not exceed eighty 56935
thousand dollars. 56936

(5) A person issued a registration certificate for a scrap 56937
tire recovery facility under section 3734.78 of the Revised Code 56938
shall pay a fee of one hundred dollars. 56939

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

(b) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2018~~ 2020. ~~Except~~

(c)(i) Except as otherwise provided in ~~division~~ divisions

(S)(3)(1)(c)(iii) and (iv) of this section, through June 30, 2018 56971
2020, any person applying for a national pollutant discharge 56972
elimination system an NPDES permit under Chapter 6111. of the 56973
Revised Code shall pay a nonrefundable application fee of two 56974
hundred dollars at the time of application for the permit. On and 56975
after July 1, 2018 2020, such a person shall pay a nonrefundable 56976
application fee of fifteen dollars at the time of application. 56977

(ii) In addition to the nonrefundable application fee, any 56978
person applying for an NPDES permit under Chapter 6111. of the 56979
Revised Code shall pay a design flow discharge fee based on each 56980
point source to which the issuance is applicable in accordance 56981
with the following schedule: 56982

<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	56984
<u>1,001 to 5000</u>	<u>100</u>	56985
<u>5,001 to 50,000</u>	<u>200</u>	56986
<u>50,001 to 100,000</u>	<u>300</u>	56987
<u>100,001 to 300,000</u>	<u>525</u>	56988
<u>over 300,000</u>	<u>750</u>	56989

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 56990
section, the application and design flow discharge fee for an 56991
NPDES permit for a public discharger identified by the letter I in 56992
the third character of the NPDES permit number shall not exceed 56993
nine hundred fifty dollars. 56994

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 56995
section, the application and design flow discharge fee for an 56996
NPDES permit for a coal mining operation regulated under Chapter 56997
1513. of the Revised Code shall not exceed four hundred fifty 56998
dollars per mine. 56999

(v) A person issued a modification of an NPDES permit shall 57000
pay a nonrefundable modification fee equal to the application fee 57001
and one-half the design flow discharge fee based on each point 57002

source, if applicable, that would be charged for an NPDES permit, 57003
except that the modification fee shall not exceed six hundred 57004
dollars. 57005

(d) In addition to the application fee established under 57006
division (S)(1)(c)(i) of this section, any person applying for a 57007
~~national pollutant discharge elimination system~~ an NPDES general 57008
storm water construction permit shall pay a nonrefundable fee of 57009
twenty dollars per acre for each acre that is permitted above five 57010
acres at the time the application is submitted. However, the per 57011
acreage fee shall not exceed three hundred dollars. In addition to 57012
the application fee established under division (S)(1)(c)(i) of 57013
this section, any person applying for a ~~national pollutant~~ 57014
~~discharge elimination system~~ an NPDES general storm water 57015
industrial permit shall pay a nonrefundable fee of one hundred 57016
fifty dollars at the time the application is submitted. 57017

(e) The director shall transmit all moneys collected under 57018
division (S)(1) of this section pursuant to Chapter 6109. of the 57019
Revised Code to the treasurer of state for deposit into the 57020
drinking water protection fund created in section 6109.30 of the 57021
Revised Code. 57022

(f) The director shall transmit all moneys collected under 57023
division (S)(1) of this section pursuant to Chapter 6111. of the 57024
Revised Code and under division (S)(3) of this section to the 57025
treasurer of state for deposit into the surface water protection 57026
fund created in section 6111.038 of the Revised Code. 57027

(g) If a registration certificate is issued under section 57028
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 57029
the application fee paid shall be deducted from the amount of the 57030
registration certificate fee due under division (R)(1), (2), or 57031
(5) of this section, as applicable. 57032

(h) If a person submits an electronic application for a 57033

registration certificate, permit, variance, or plan approval for 57034
which an application fee is established under division (S)(1) of 57035
this section, the person shall pay ~~the~~ all applicable ~~application~~ 57036
~~fee fees~~ as expeditiously as possible after the submission of the 57037
electronic application. An application for a registration 57038
certificate, permit, variance, or plan approval for which an 57039
application fee is established under division (S)(1) of this 57040
section shall not be reviewed or processed until the applicable 57041
application fee, and any other fees established under this 57042
division, are paid. 57043

(2) Division (S)(1) of this section does not apply to an 57044
application for a registration certificate for a scrap tire 57045
collection or storage facility submitted under section 3734.75 or 57046
3734.76 of the Revised Code, as applicable, if the owner or 57047
operator of the facility or proposed facility is a motor vehicle 57048
salvage dealer licensed under Chapter 4738. of the Revised Code. 57049

(3) A person applying for coverage under ~~a national pollutant~~ 57050
~~discharge elimination system~~ an NPDES general discharge permit for 57051
household sewage treatment systems shall pay the following fees: 57052

(a) A nonrefundable fee of two hundred dollars at the time of 57053
application for initial permit coverage; 57054

(b) A nonrefundable fee of one hundred dollars at the time of 57055
application for a renewal of permit coverage. 57056

(T) The director may adopt, amend, and rescind rules in 57057
accordance with Chapter 119. of the Revised Code that do all of 57058
the following: 57059

(1) Prescribe fees to be paid by applicants for and holders 57060
of any license, permit, variance, plan approval, or certification 57061
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 57062
the Revised Code that are not specifically established in this 57063
section. The fees shall be designed to defray the cost of 57064

processing, issuing, revoking, modifying, denying, and enforcing 57065
the licenses, permits, variances, plan approvals, and 57066
certifications. 57067

The director shall transmit all moneys collected under rules 57068
adopted under division (T)(1) of this section pursuant to Chapter 57069
6109. of the Revised Code to the treasurer of state for deposit 57070
into the drinking water protection fund created in section 6109.30 57071
of the Revised Code. 57072

The director shall transmit all moneys collected under rules 57073
adopted under division (T)(1) of this section pursuant to Chapter 57074
6111. of the Revised Code to the treasurer of state for deposit 57075
into the surface water protection fund created in section 6111.038 57076
of the Revised Code. 57077

(2) Exempt the state and political subdivisions thereof, 57078
including education facilities or medical facilities owned by the 57079
state or a political subdivision, or any person exempted from 57080
taxation by section 5709.07 or 5709.12 of the Revised Code, from 57081
any fee required by this section; 57082

(3) Provide for the waiver of any fee, or any part thereof, 57083
otherwise required by this section whenever the director 57084
determines that the imposition of the fee would constitute an 57085
unreasonable cost of doing business for any applicant, class of 57086
applicants, or other person subject to the fee; 57087

(4) Prescribe measures that the director considers necessary 57088
to carry out this section. 57089

(U) When the director reasonably demonstrates that the direct 57090
cost to the state associated with the issuance of a permit ~~to~~ 57091
~~install~~, license, variance, plan approval, or certification 57092
exceeds the fee for the issuance or review specified by this 57093
section, the director may condition the issuance or review on the 57094
payment by the person receiving the issuance or review of, in 57095

addition to the fee specified by this section, the amount, or any 57096
portion thereof, in excess of the fee specified under this 57097
section. The director shall not so condition issuances for which a 57098
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 57099
section. 57100

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 57101
(S) of this section or unless otherwise prescribed by a rule of 57102
the director adopted pursuant to Chapter 119. of the Revised Code, 57103
all fees required by this section are payable within thirty days 57104
after the issuance of an invoice for the fee by the director or 57105
the effective date of the issuance of the license, permit, 57106
variance, plan approval, or certification. If payment is late, the 57107
person responsible for payment of the fee shall pay an additional 57108
ten per cent of the amount due for each month that it is late. 57109

(W) As used in this section, "fuel-burning equipment," 57110
"fuel-burning equipment input capacity," "incinerator," 57111
"incinerator input capacity," "process," "process weight rate," 57112
"storage tank," "gasoline dispensing facility," "dry cleaning 57113
facility," "design flow discharge," and "new source treatment 57114
works" have the meanings ascribed to those terms by applicable 57115
rules or standards adopted by the director under Chapter 3704. or 57116
6111. of the Revised Code. 57117

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 57118
(J) of this section, and in any other provision of this section 57119
pertaining to fees paid pursuant to Chapter 3704. of the Revised 57120
Code: 57121

(1) "Facility," "federal Clean Air Act," "person," and "Title 57122
V permit" have the same meanings as in section 3704.01 of the 57123
Revised Code. 57124

(2) "Title V permit program" means the following activities 57125
as necessary to meet the requirements of Title V of the federal 57126

Clean Air Act and 40 C.F.R. part 70, including at least:	57127
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	57128 57129 57130
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	57131 57132 57133 57134
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	57135 57136 57137
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	57138 57139 57140
(e) Emission and ambient monitoring;	57141
(f) Modeling, analyses, or demonstrations;	57142
(g) Preparing inventories and tracking emissions;	57143
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	57144 57145 57146 57147 57148 57149 57150
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	57151 57152 57153
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty	57154 57155 57156

cents per dry ton of sewage sludge, including the dry tons of 57157
sewage sludge in materials derived from sewage sludge, that the 57158
sewage sludge facility treats or disposes of in this state. The 57159
annual volume of sewage sludge treated or disposed of by a sewage 57160
sludge facility shall be calculated using the first day of January 57161
through the thirty-first day of December of the calendar year 57162
preceding the date on which payment of the fee is due. 57163

(2)(a) Except as provided in division (Y)(2)(d) of this 57164
section, each sewage sludge facility shall pay a minimum annual 57165
sewage sludge fee of one hundred dollars. 57166

(b) The annual sludge fee required to be paid by a sewage 57167
sludge facility that treats or disposes of exceptional quality 57168
sludge in this state shall be thirty-five per cent less per dry 57169
ton of exceptional quality sludge than the fee assessed under 57170
division (Y)(1) of this section, subject to the following 57171
exceptions: 57172

(i) Except as provided in division (Y)(2)(d) of this section, 57173
a sewage sludge facility that treats or disposes of exceptional 57174
quality sludge shall pay a minimum annual sewage sludge fee of one 57175
hundred dollars. 57176

(ii) A sewage sludge facility that treats or disposes of 57177
exceptional quality sludge shall not be required to pay the annual 57178
sludge fee for treatment or disposal in this state of exceptional 57179
quality sludge generated outside of this state and contained in 57180
bags or other containers not greater than one hundred pounds in 57181
capacity. 57182

A thirty-five per cent reduction for exceptional quality 57183
sludge applies to the maximum annual fees established under 57184
division (Y)(3) of this section. 57185

(c) A sewage sludge facility that transfers sewage sludge to 57186
another sewage sludge facility in this state for further treatment 57187

prior to disposal in this state shall not be required to pay the 57188
annual sludge fee for the tons of sewage sludge that have been 57189
transferred. In such a case, the sewage sludge facility that 57190
disposes of the sewage sludge shall pay the annual sludge fee. 57191
However, the facility transferring the sewage sludge shall pay the 57192
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57193
of this section. 57194

In the case of a sewage sludge facility that treats sewage 57195
sludge in this state and transfers it out of this state to another 57196
entity for disposal, the sewage sludge facility in this state 57197
shall be required to pay the annual sludge fee for the tons of 57198
sewage sludge that have been transferred. 57199

(d) A sewage sludge facility that generates sewage sludge 57200
resulting from an average daily discharge flow of less than five 57201
thousand gallons per day is not subject to the fees assessed under 57202
division (Y) of this section. 57203

(3) No sewage sludge facility required to pay the annual 57204
sludge fee shall be required to pay more than the maximum annual 57205
fee for each disposal method that the sewage sludge facility uses. 57206
The maximum annual fee does not include the additional amount that 57207
may be charged under division (Y)(5) of this section for late 57208
payment of the annual sludge fee. The maximum annual fee for the 57209
following methods of disposal of sewage sludge is as follows: 57210

(a) Incineration: five thousand dollars; 57211

(b) Preexisting land reclamation project or disposal in a 57212
landfill: five thousand dollars; 57213

(c) Land application, land reclamation, surface disposal, or 57214
any other disposal method not specified in division (Y)(3)(a) or 57215
(b) of this section: twenty thousand dollars. 57216

(4)(a) In the case of an entity that generates sewage sludge 57217
or a sewage sludge facility that treats sewage sludge and 57218

transfers the sewage sludge to an incineration facility for 57219
disposal, the incineration facility, and not the entity generating 57220
the sewage sludge or the sewage sludge facility treating the 57221
sewage sludge, shall pay the annual sludge fee for the tons of 57222
sewage sludge that are transferred. However, the entity or 57223
facility generating or treating the sewage sludge shall pay the 57224
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57225
of this section. 57226

(b) In the case of an entity that generates sewage sludge and 57227
transfers the sewage sludge to a landfill for disposal or to a 57228
sewage sludge facility for land reclamation or surface disposal, 57229
the entity generating the sewage sludge, and not the landfill or 57230
sewage sludge facility, shall pay the annual sludge fee for the 57231
tons of sewage sludge that are transferred. 57232

(5) Not later than the first day of April of the calendar 57233
year following March 17, 2000, and each first day of April 57234
thereafter, the director shall issue invoices to persons who are 57235
required to pay the annual sludge fee. The invoice shall identify 57236
the nature and amount of the annual sludge fee assessed and state 57237
the first day of May as the deadline for receipt by the director 57238
of objections regarding the amount of the fee and the first day of 57239
July as the deadline for payment of the fee. 57240

Not later than the first day of May following receipt of an 57241
invoice, a person required to pay the annual sludge fee may submit 57242
objections to the director concerning the accuracy of information 57243
regarding the number of dry tons of sewage sludge used to 57244
calculate the amount of the annual sludge fee or regarding whether 57245
the sewage sludge qualifies for the exceptional quality sludge 57246
discount established in division (Y)(2)(b) of this section. The 57247
director may consider the objections and adjust the amount of the 57248
fee to ensure that it is accurate. 57249

If the director does not adjust the amount of the annual 57250

sludge fee in response to a person's objections, the person may 57251
appeal the director's determination in accordance with Chapter 57252
119. of the Revised Code. 57253

Not later than the first day of June, the director shall 57254
notify the objecting person regarding whether the director has 57255
found the objections to be valid and the reasons for the finding. 57256
If the director finds the objections to be valid and adjusts the 57257
amount of the annual sludge fee accordingly, the director shall 57258
issue with the notification a new invoice to the person 57259
identifying the amount of the annual sludge fee assessed and 57260
stating the first day of July as the deadline for payment. 57261

Not later than the first day of July, any person who is 57262
required to do so shall pay the annual sludge fee. Any person who 57263
is required to pay the fee, but who fails to do so on or before 57264
that date shall pay an additional amount that equals ten per cent 57265
of the required annual sludge fee. 57266

(6) The director shall transmit all moneys collected under 57267
division (Y) of this section to the treasurer of state for deposit 57268
into the surface water protection fund created in section 6111.038 57269
of the Revised Code. The moneys shall be used to defray the costs 57270
of administering and enforcing provisions in Chapter 6111. of the 57271
Revised Code and rules adopted under it that govern the use, 57272
storage, treatment, or disposal of sewage sludge. 57273

(7) Beginning in fiscal year 2001, and every two years 57274
thereafter, the director shall review the total amount of moneys 57275
generated by the annual sludge fees to determine if that amount 57276
exceeded six hundred thousand dollars in either of the two 57277
preceding fiscal years. If the total amount of moneys in the fund 57278
exceeded six hundred thousand dollars in either fiscal year, the 57279
director, after review of the fee structure and consultation with 57280
affected persons, shall issue an order reducing the amount of the 57281
fees levied under division (Y) of this section so that the 57282

estimated amount of moneys resulting from the fees will not exceed 57283
six hundred thousand dollars in any fiscal year. 57284

If, upon review of the fees under division (Y)(7) of this 57285
section and after the fees have been reduced, the director 57286
determines that the total amount of moneys collected and 57287
accumulated is less than six hundred thousand dollars, the 57288
director, after review of the fee structure and consultation with 57289
affected persons, may issue an order increasing the amount of the 57290
fees levied under division (Y) of this section so that the 57291
estimated amount of moneys resulting from the fees will be 57292
approximately six hundred thousand dollars. Fees shall never be 57293
increased to an amount exceeding the amount specified in division 57294
(Y)(7) of this section. 57295

Notwithstanding section 119.06 of the Revised Code, the 57296
director may issue an order under division (Y)(7) of this section 57297
without the necessity to hold an adjudicatory hearing in 57298
connection with the order. The issuance of an order under this 57299
division is not an act or action for purposes of section 3745.04 57300
of the Revised Code. 57301

(8) As used in division (Y) of this section: 57302

(a) "Sewage sludge facility" means an entity that performs 57303
treatment on or is responsible for the disposal of sewage sludge. 57304

(b) "Sewage sludge" means a solid, semi-solid, or liquid 57305
residue generated during the treatment of domestic sewage in a 57306
treatment works as defined in section 6111.01 of the Revised Code. 57307
"Sewage sludge" includes, but is not limited to, scum or solids 57308
removed in primary, secondary, or advanced wastewater treatment 57309
processes. "Sewage sludge" does not include ash generated during 57310
the firing of sewage sludge in a sewage sludge incinerator, grit 57311
and screenings generated during preliminary treatment of domestic 57312
sewage in a treatment works, animal manure, residue generated 57313

during treatment of animal manure, or domestic septage. 57314

(c) "Exceptional quality sludge" means sewage sludge that 57315
meets all of the following qualifications: 57316

(i) Satisfies the class A pathogen standards in 40 C.F.R. 57317
503.32(a); 57318

(ii) Satisfies one of the vector attraction reduction 57319
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 57320

(iii) Does not exceed the ceiling concentration limitations 57321
for metals listed in table one of 40 C.F.R. 503.13; 57322

(iv) Does not exceed the concentration limitations for metals 57323
listed in table three of 40 C.F.R. 503.13. 57324

(d) "Treatment" means the preparation of sewage sludge for 57325
final use or disposal and includes, but is not limited to, 57326
thickening, stabilization, and dewatering of sewage sludge. 57327

(e) "Disposal" means the final use of sewage sludge, 57328
including, but not limited to, land application, land reclamation, 57329
surface disposal, or disposal in a landfill or an incinerator. 57330

(f) "Land application" means the spraying or spreading of 57331
sewage sludge onto the land surface, the injection of sewage 57332
sludge below the land surface, or the incorporation of sewage 57333
sludge into the soil for the purposes of conditioning the soil or 57334
fertilizing crops or vegetation grown in the soil. 57335

(g) "Land reclamation" means the returning of disturbed land 57336
to productive use. 57337

(h) "Surface disposal" means the placement of sludge on an 57338
area of land for disposal, including, but not limited to, 57339
monofills, surface impoundments, lagoons, waste piles, or 57340
dedicated disposal sites. 57341

(i) "Incinerator" means an entity that disposes of sewage 57342
sludge through the combustion of organic matter and inorganic 57343

matter in sewage sludge by high temperatures in an enclosed 57344
device. 57345

(j) "Incineration facility" includes all incinerators owned 57346
or operated by the same entity and located on a contiguous tract 57347
of land. Areas of land are considered to be contiguous even if 57348
they are separated by a public road or highway. 57349

(k) "Annual sludge fee" means the fee assessed under division 57350
(Y)(1) of this section. 57351

(l) "Landfill" means a sanitary landfill facility, as defined 57352
in rules adopted under section 3734.02 of the Revised Code, that 57353
is licensed under section 3734.05 of the Revised Code. 57354

(m) "Preexisting land reclamation project" means a 57355
property-specific land reclamation project that has been in 57356
continuous operation for not less than five years pursuant to 57357
approval of the activity by the director and includes the 57358
implementation of a community outreach program concerning the 57359
activity. 57360

Sec. 3751.01. As used in this chapter: 57361

(A) "Confidential business information" means the types or 57362
categories of information identified in rules adopted by the 57363
administrator of the United States environmental protection agency 57364
under ~~division (A)(1)(g) of section 3751.02 of the Revised Code~~ 57365
EPCRA. 57366

(B) "EPCRA" means the "Emergency Planning and Community 57367
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 57368
seq. 57369

(C) "Facility" means all buildings, equipment, structures, 57370
and other stationary items that are located on a single site or on 57371
contiguous or adjacent sites and that are owned or operated by the 57372
same person or by any person who controls, is controlled by, or is 57373

under common control with such person. 57374

~~(C)~~(D) "Manufacture" means the production, preparation, 57375
importation, or compounding of a toxic chemical. The term also 57376
applies to a toxic chemical produced coincidentally during the 57377
manufacture, processing, use, or disposal of another substance or 57378
mixture including, without limitation, byproducts and coproducts 57379
that are separated from the other substance or mixture and 57380
impurities that remain in that substance or mixture. 57381

~~(D)~~(E) "Person" includes the state, any political subdivision 57382
or other state or local body, the United States and any agency or 57383
instrumentality thereof, and any entity defined as a person under 57384
section 1.59 of the Revised Code. 57385

~~(E)~~(F) "Process" means the preparation of a toxic chemical 57386
after its manufacture for distribution in commerce: 57387

(1) In the same form or physical state as, or in a different 57388
form or physical state from, that in which it was received by the 57389
person so preparing such chemical; 57390

(2) As part of an article containing the toxic chemical. 57391

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 57392
pouring, emitting, emptying, discharging, injecting, escaping, 57393
leaching, dumping, or discharging into the environment of any 57394
toxic chemical including, without limitation, the abandonment or 57395
discarding of barrels, containers, and other closed receptacles 57396
that contained a toxic chemical. 57397

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 57398
adopted by the administrator of the United States environmental 57399
protection agency under ~~division (A)(1)(a) of section 3751.02 of~~ 57400
~~the Revised Code~~ EPCRA. 57401

Sec. 3751.02. ~~(A)~~ The director of environmental protection 57402
~~shall~~ may do any of the following: 57403

~~(1)(A) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to, and no more stringent than section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted under that section;~~

~~(a) Identifying and listing toxic chemicals, establishing threshold quantities for any such chemical used, manufactured, or processed at a facility that differ from and supersede a threshold quantity prescribed in division (C) of section 3751.03 of the Revised Code, and establishing ranges of quantities of those chemicals to be used in preparing toxic chemical release forms under that section. The rules may establish different annual threshold quantities based upon whether a toxic chemical is used, manufactured, or processed at a facility or based upon classes of chemicals or categories of facilities.~~

~~(b) Adding or deleting standard industrial classification codes from the list in division (A)(1) of section 3751.03 of the Revised Code establishing the categories of facilities subject to the reporting requirements of that section;~~

~~(c) Applying the reporting requirements of section 3751.03 of the Revised Code to owners or operators of individual facilities in this state that manufacture, process, or otherwise use a toxic chemical, in addition to those subject to the reporting requirements of that section pursuant to the criteria contained in it or rules adopted under division (A)(1)(a) or (b) of this section;~~

~~(d) Modifying the frequency for submitting the report required by division (A) of section 3751.03 of the Revised Code applicable to;~~

~~(i) All toxic chemical release forms required to be submitted~~

by division (A) of section 3751.03 of the Revised Code;	57435
(ii) A class of toxic chemicals or a category of facilities;	57436
(iii) A specific toxic chemical;	57437
(iv) A specific facility.	57438
(e) Establishing procedures for receiving and fulfilling requests from the public for information held by the director under this chapter;	57439 57440 57441
(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;	57442 57443 57444
(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;	57445 57446 57447
(h) Establishing other <u>establishing</u> requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.	57448 57449 57450
(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.	57451 57452 57453 57454 57455 57456 57457 57458
(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be	57459 57460 57461 57462 57463 57464

~~provided on the uniform toxic chemical release form published by~~ 57465
~~the administrator under section 313 of the "Emergency Planning and~~ 57466
~~Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A.~~ 57467
~~11023.~~ 57468

(B) ~~The director may:~~ 57469

~~(1) As the representative of the governor pursuant to section~~ 57470
~~313(b) of the "Emergency Planning and Community Right To Know Act~~ 57471
~~of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the~~ 57472
administrator of the United States environmental protection agency 57473
to apply the toxic chemical release reporting requirements of 57474
~~section 313 of~~ that act to the owner or operator of any facility 57475
in this state that manufactures, processes, or otherwise uses a 57476
toxic chemical if, in the director's judgment, such reporting is 57477
warranted by the toxicity of the toxic chemical manufactured, 57478
processed, or otherwise used at the facility; the proximity of the 57479
facility to other facilities that release the toxic chemical or to 57480
population centers; or the history of releases of the toxic 57481
chemical at the facility; 57482

~~(2)(C) As the representative of the governor pursuant to~~ 57483
~~section 313(c)(2) of the "Emergency Planning and Community~~ 57484
~~Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11041~~ 57485
EPCRA, petition the administrator to, by regulation, add a 57486
chemical to or delete a chemical from the list of toxic chemicals 57487
subject to the toxic chemical release reporting requirements of 57488
~~section 313~~ of that act if, in the director's judgment, the 57489
chemical meets the criteria of ~~paragraph (d)(2) or (3) of~~ required 57490
by that section act. 57491

Sec. 3751.03. (A)(1) On or before the first day of July of 57492
each year or as otherwise prescribed ~~in rules adopted by the~~ 57493
administrator of the United States environmental protection agency 57494
under ~~division (A)(1)(d) of section 3751.02 of the Revised Code~~ 57495

~~EPCRA, the owner or operator of a facility that is in standard industrial classification codes 20 to 39 and any other codes added by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code, as those standard industrial classification codes were in effect on July 1, 1985, that has ten or more full-time employees, and that manufactured, processed, or otherwise used during the preceding calendar year a toxic chemical in an amount exceeding the applicable threshold quantity established in division (C) of this section or otherwise prescribed in rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code, described in division (A)(2) of this section shall prepare and submit to the director of environmental protection administrator a completed toxic chemical release form for each toxic chemical that was so manufactured, processed, or otherwise used at the facility during the preceding calendar year. The electronic submission of the form to the administrator constitutes simultaneous submission of the form to the director of environmental protection for purposes of EPCRA. The~~

(2) Division (A)(1) of this section applies to the owner or operator of a facility to which all of the following apply:

(a) The facility is in standard industrial classification codes 20 to 39, as those codes were in effect on July 1, 1985, or in any other applicable code added by the administrator.

(b) The owner or operator has ten or more full-time employees.

(c) The facility manufactured, processed, or otherwise used during the calendar year immediately preceding the first day of July or date otherwise prescribed by the administrator, a toxic chemical in an amount exceeding the applicable threshold quantity established by the administrator under EPCRA.

(3) The owner or operator shall submit the information

~~required by division (B) of this section on a uniform toxic
chemical release form prescribed by the administrator under
division (A)(3) of section 3751.02 of the Revised Code EPCRA. If
the director has not prescribed the form, an owner or operator
shall submit the information required to be included on the form
under that division to the director by means of a letter
postmarked not later than the date on which the form is due under
this division.~~

~~(2) In addition to the owners or operators of facilities
meeting the criteria enumerated in division (A)(1) of this
section, the owners and operators of facilities identified in
rules adopted under division (A)(1)(c) of section 3751.02 of the
Revised Code shall comply with division (A)(1) of this section.
Division (A)(1) of this section does not apply to the owner or
operator of a facility in a standard industrial classification
code that has been deleted from the list in division (A)(1) of
this section by rules adopted under division (A)(1)(b) of section
3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all
of the following information:~~

~~(1) The name, location of, and principal business activities
conducted at the facility;~~

~~(2) Each of the following items of information regarding the
toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or
otherwise used and the general category or categories of use of
the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic
chemical present at the facility at any time during the preceding
calendar year. The estimate shall be provided in the appropriate
reporting range established by rules adopted under division~~

~~(A)(1)(a) of section 3751.02 of the Revised Code. 57558~~

~~(c) The waste treatment or disposal methods employed for each 57559
waste stream and an estimate of the efficiency typically achieved 57560
by those methods for that waste stream; 57561~~

~~(d) The quantity of the toxic chemical entering each 57562
environmental medium annually; 57563~~

~~(e) An indication as to whether the owner or operator chooses 57564
to withhold information about it as a trade secret and, if so, 57565
whether the owner or operator has filed a claim with the 57566
administrator of the United States environmental protection agency 57567
for protection of that information as a trade secret pursuant to 57568
rules adopted under division (A)(2) of section 3751.02 of the 57569
Revised Code. 57570~~

~~(3) An appropriate certification regarding the accuracy and 57571
completeness of the report, signed by an official of the owner or 57572
operator with management responsibility. 57573~~

~~(C) The threshold amounts for purposes of reporting toxic 57574
chemicals under this section are as follow: 57575~~

~~(1) With respect to a toxic chemical used at a facility, ten 57576
thousand pounds for the applicable calendar year; 57577~~

~~(2) With respect to a toxic chemical manufactured or 57578
processed at a facility: 57579~~

~~(a) For the form required to be submitted on or before July 57580
1, 1989, fifty thousand pounds per year; 57581~~

~~(b) For the form required to be submitted on or before July 57582
1, 1990, and for each year thereafter, twenty five thousand pounds 57583
per year; 57584~~

~~(c) Such other threshold quantities as may be prescribed by 57585
rules adopted under division (A)(1)(a) of section 3751.02 of the 57586
Revised Code. 57587~~

~~(D)(B)~~ The toxic chemical release forms required by this 57588
section are intended to provide information to federal, state, and 57589
local governments and the public, including residents of 57590
communities surrounding facilities covered by this section. 57591
~~Subject to the limitations prescribed in section 3751.04 of the~~ 57592
~~Revised Code and rules adopted under division (A)(1)(f) of section~~ 57593
~~3751.02 of the Revised Code governing the protection of trade~~ 57594
~~secrets and confidential business information, the director, upon~~ 57595
~~request, shall make toxic chemical release forms submitted under~~ 57596
~~this section available to inform persons about releases of toxic~~ 57597
~~chemicals to the environment, to assist government agencies,~~ 57598
~~researchers, and other persons in conducting research and~~ 57599
~~gathering data, to aid in the development of appropriate rules,~~ 57600
~~guidelines, standards, and emergency plans, and for other similar~~ 57601
~~purposes.~~ 57602

~~(E)(C)~~ No owner or operator of a facility who is required by 57603
this section to file a toxic chemical release form shall fail to 57604
submit a toxic chemical release form as required by this section. 57605

~~(F)(D)~~ An owner or operator of a facility who is required 57606
under this section to file a toxic chemical release form and who 57607
knowingly makes a false statement on that form, on a record upon 57608
which the information on that form is based, or on other 57609
information or records required to be kept or submitted under this 57610
chapter and the rules adopted under this chapter is guilty of 57611
falsification under section 2921.13 of the Revised Code. 57612

Sec. 3751.04. (A) Except as otherwise provided in division 57613
(D) of this section, any person required to provide information ~~to~~ 57614
~~the director of environmental protection~~ under section 3751.03 of 57615
the Revised Code may withhold from submission ~~to the director or~~ 57616
~~any other person~~ the specific chemical identity, including the 57617
chemical name and other specific identification, of the toxic 57618

chemical on the grounds that the information constitutes a trade 57619
secret if either of the following conditions is met: 57620

(1)(a) At the time of submitting the information sought to be 57621
classified as a trade secret, the owner or operator of the 57622
facility submits a claim for protection of that information as a 57623
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 57624
the administrator of the United States environmental protection 57625
agency under ~~division (A)(2) of section 3751.02 of the Revised~~ 57626
~~Code~~ EPCRA, and submits a copy of the required toxic chemical 57627
release form that indicates that such a claim has been filed and 57628
contains the generic class or category of the identity in place of 57629
the identity ~~and that is accompanied by a copy of the~~ 57630
~~substantiation supporting the trade secret claim that was~~ 57631
~~submitted to the administrator of the United States environmental~~ 57632
~~protection agency. The owner or operator may withhold from the~~ 57633
~~copy of the explanations and supplemental information submitted to~~ 57634
~~the director information identified as confidential business~~ 57635
~~information in rules adopted under division (A)(1)(g) of section~~ 57636
~~3751.02 of the Revised Code.~~ 57637

(b) A determination of the claim remains pending pursuant to 57638
those ~~rules~~ regulations. 57639

(2) It has been determined by the administrator pursuant to 57640
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 57641
~~Revised Code~~ those regulations that a trade secret exists. 57642

(B) No person shall withhold the specific identity of a toxic 57643
chemical on the grounds that the information is a trade secret in 57644
either of the following instances: 57645

(1) From any toxic chemical release form if it has been 57646
determined by the administrator pursuant to ~~rules adopted~~ 57647
regulations promulgated under ~~division (A)(2) of section 3751.02~~ 57648
~~of the Revised Code~~ EPCRA that no trade secret exists; 57649

(2) When required to provide the specific chemical identity 57650
to a health professional, physician, or nurse pursuant to division 57651
(D) of this section. 57652

(C) The governor may, pursuant to ~~section 322 of the~~ 57653
~~"Emergency Planning and Community Right To Know Act of 1986," 100~~ 57654
~~Stat. 1747, 42 U.S.C.A. 11042~~ EPCRA, request the administrator of 57655
the United States environmental protection agency to provide 57656
specific chemical identities that are claimed or have been 57657
determined to be trade secret information or the explanations and 57658
supplemental information supporting trade secret protection claims 57659
regarding facilities located in this state that are subject to 57660
this chapter. The governor shall not make any trade secret or 57661
confidential information obtained under this division available to 57662
any member of the emergency planning commission created in section 57663
3750.02 of the Revised Code or to any member of a local emergency 57664
planning committee of an emergency planning district established 57665
under section 3750.03 of the Revised Code who is not also an 57666
officer or employee of the state or a political subdivision. Any 57667
trade secret or confidential business information obtained under 57668
this division shall be protected from unauthorized disclosure ~~in~~ 57669
~~accordance with rules adopted under division (A)(1)(f) of section~~ 57670
~~3751.02 of the Revised Code.~~ 57671

(D)(1) The owner or operator of a facility that is subject to 57672
section 3751.03 of the Revised Code shall provide the specific 57673
chemical identity of a toxic chemical, if the specific chemical 57674
identity is known, to any health professional who submits to the 57675
owner or operator a written request and statement of need for the 57676
specific chemical identity. The written statement of need shall be 57677
a statement of the health professional that the health 57678
professional has a reasonable basis to believe that all of the 57679
following conditions pertain to the request: 57680

(a) The information is needed for purposes of diagnosis or 57681

treatment of an individual; 57682

(b) The individual being diagnosed or treated has been 57683
exposed to the chemical concerned; 57684

(c) Knowledge of the specific chemical identity of the 57685
chemical will assist in diagnosis and treatment. 57686

An owner or operator to whom such a written request and 57687
statement of need is submitted shall provide the requested 57688
information to the health professional promptly after receiving 57689
the request and statement of need, subject to division (D)(4) of 57690
this section. 57691

(2) The owner or operator of a facility that is subject to 57692
section 3751.03 of the Revised Code shall provide a copy of a 57693
toxic chemical release form that contains the specific chemical 57694
identity of a toxic chemical, if the specific chemical identity is 57695
known, to any treating physician or nurse who requests that 57696
information if the physician or nurse determines that all of the 57697
following conditions pertain to the request: 57698

(a) A medical emergency exists; 57699

(b) The specific chemical identity of the chemical concerned 57700
is necessary for or will assist in emergency or first aid 57701
diagnosis or treatment; 57702

(c) The individual being diagnosed or treated has been 57703
exposed to the chemical concerned. 57704

The owner or operator shall provide the requested information 57705
to the physician or nurse immediately upon receiving such a 57706
request. The owner or operator shall not require any such treating 57707
physician or nurse to provide a written confidentiality agreement 57708
or statement of need as a precondition for disclosure of a 57709
specific chemical identity under this division; however, the owner 57710
or operator may require the treating physician or nurse to provide 57711

a written confidentiality agreement under division (D)(4) of this 57712
section and a statement setting forth the conditions listed in 57713
divisions (D)(2)(a) to (c) of this section as soon after the 57714
disclosure is made as circumstances permit. 57715

(3) The owner or operator of a facility that is subject to 57716
section 3751.03 of the Revised Code shall provide the specific 57717
chemical identity of a toxic chemical, if the specific chemical 57718
identity is known, to any health professional, including, without 57719
limitation, a physician, toxicologist, or epidemiologist, who is 57720
either employed by or under contract with a political subdivision 57721
and who submits to the owner or operator a written request for the 57722
information, a written statement of need for the information that 57723
meets the requirements of division (D)(3) of this section, and a 57724
written confidentiality agreement under division (D)(4) of this 57725
section. The owner or operator shall promptly after receipt of the 57726
written request, statement of need, and confidentiality agreement 57727
provide the requested information to the local health professional 57728
who requested it. 57729

The written statement of need for a specific chemical 57730
identity required by division (D)(3) of this section shall 57731
describe with reasonable detail one or more of the following 57732
health needs for the information: 57733

(a) To assess exposure of persons living in a local community 57734
to the hazards of the chemical concerned; 57735

(b) To conduct or assess sampling to determine exposure 57736
levels of various population groups to the chemical concerned; 57737

(c) To conduct periodic medical surveillance of population 57738
groups exposed to the chemical concerned; 57739

(d) To provide medical treatment to individuals or population 57740
groups exposed to the chemical concerned; 57741

(e) To conduct studies to determine the health effects of 57742

exposure to the chemical concerned; 57743

(f) To conduct studies to aid in the identification of a 57744
chemical that may reasonably be anticipated to cause an observed 57745
health effect. 57746

(4) Any person who obtains information under division (D)(1) 57747
or (3) of this section shall, as a precondition for receiving that 57748
information, enter into a written confidentiality agreement with 57749
the owner or operator of the facility from whom the information 57750
was requested that the person will not use the information for any 57751
purpose other than the health needs asserted in the statement of 57752
need provided thereunder, except as otherwise may be authorized by 57753
the terms of the agreement or by the person providing the 57754
information. 57755

(E) An officer or employee of the environmental protection 57756
agency shall not request the owner or operator of a facility 57757
subject to this chapter to submit to the officer or employee a 57758
trade secret claim, toxic chemical release form required by 57759
section 3751.03 of the Revised Code, substantiation of a trade 57760
secret claim, or explanation or supporting information or copy 57761
thereof pertaining to a trade secret claim, that contains any 57762
information claimed or determined to be a trade secret pursuant to 57763
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 57764
~~Revised Code~~ or identified as confidential business information by 57765
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 57766
any officer or employee of the agency knows or has reason to 57767
believe that a trade secret claim, toxic chemical release form, 57768
substantiation, or explanation or supporting information 57769
pertaining to a trade secret claim contains any such information, 57770
the officer or employee immediately shall return it to the owner 57771
or operator of the facility who submitted it without reading it 57772
and shall request the owner or operator to submit the appropriate 57773
report or substantiation that does not contain the information 57774

claimed or determined to be a trade secret or so identified as 57775
confidential business information. 57776

(F) No officer or employee of the environmental protection 57777
agency, health professional, physician, nurse, or other person who 57778
receives information claimed or determined to be a trade secret 57779
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 57780
~~of the Revised Code~~ or identified as confidential business 57781
information by rules adopted by regulations promulgated by the 57782
administrator under ~~division (A)(1)(g) of section 3751.02 of the~~ 57783
~~Revised Code~~ EPCRA shall release any information so classified or 57784
identified to any person not authorized to have that information 57785
under division (C) of this section ~~or rules adopted under division~~ 57786
~~(A)(1)(f) of section 3751.02 of the Revised Code~~. A violation of 57787
this division is not also a violation of section 2913.02 or 57788
2913.04 of the Revised Code. 57789

Sec. 3751.05. ~~(A) The owner or operator of a facility~~ 57790
~~required to annually file one or more toxic chemical release forms~~ 57791
~~under section 3751.03 of the Revised Code shall submit with the~~ 57792
~~release forms a filing fee of fifty dollars. In addition to the~~ 57793
~~filing fee, the owner or operator shall submit an additional fee~~ 57794
~~of fifteen dollars per release form filed but not exceeding a~~ 57795
~~total additional fee of five hundred dollars.~~ 57796

~~(B) An owner or operator of a facility who fails to submit a~~ 57797
~~toxic chemical release form within thirty days after the~~ 57798
~~applicable filing date prescribed in that section shall submit~~ 57799
~~with the form a late filing fee of fifteen per cent of the total~~ 57800
~~fees due under division (A) of this section, whichever is more, in~~ 57801
~~addition to the fees due under that division.~~ 57802

~~(C) The director of environmental protection may establish~~ 57803
~~fees to be paid by persons, other than public officers or~~ 57804
~~employees, obtaining copies of documents or information submitted~~ 57805

~~to the director under this chapter and rules adopted under it. The~~ 57806
~~fee shall be established at a level calculated to defray the costs~~ 57807
~~of copying the documents or information. The director may charge~~ 57808
~~the actual costs involved in accessing any computerized data base~~ 57809
~~established by him under this chapter or by the administrator of~~ 57810
~~the United States environmental protection agency under the~~ 57811
~~"Emergency Planning and Community Right To Know Act of 1986," 100~~ 57812
~~Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for~~ 57813
~~information regarding releases of toxic chemicals for which~~ 57814
~~reporting is required by this chapter and rules adopted under it.~~ 57815

~~(D) All moneys received by the director under this section~~ 57816
~~and all civil penalties received under division (B) of section~~ 57817
~~3751.10 of the Revised Code shall be credited to the toxic~~ 57818
~~chemical release reporting fund, hereby created in the state~~ 57819
~~treasury. Moneys credited to the fund shall be expended by the~~ 57820
~~director exclusively for the purposes of implementing,~~ 57821
~~administering, and enforcing this chapter and the rules adopted~~ 57822
~~and orders issued under it.~~ 57823

Sec. 3751.10. (A) The attorney general, the prosecuting 57824
attorney of the county, or the city director of law of the city 57825
where a violation has occurred or is occurring, upon the written 57826
request of the director of environmental protection, shall 57827
prosecute to termination or bring an action for injunction against 57828
any person who has violated or is violating any section of this 57829
chapter or any rule adopted or order issued under it. The court of 57830
common pleas in which an action for injunction is filed has the 57831
jurisdiction to and shall grant preliminary and permanent 57832
injunctive relief upon a showing that the person against whom the 57833
action is brought has violated or is violating any section of this 57834
chapter or a rule adopted or order issued under it. The court 57835
shall give precedence to such an action over all other cases. 57836

Upon the certified written request of any person, the 57837
director shall conduct such investigations and make such inquiries 57838
as are necessary to secure compliance with this chapter or rules 57839
adopted or orders issued under it. The director may, upon request 57840
or upon ~~his~~ the director's own initiative, investigate or make 57841
inquiries into any violation of this chapter or rules adopted or 57842
orders issued under it. 57843

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 57844
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 57845
an order issued under this chapter, shall pay a civil penalty of 57846
not more than twenty-five thousand dollars for each day of 57847
violation. The attorney general, the prosecuting attorney of the 57848
county, or the city director of law of the city where a violation 57849
of this chapter or a rule adopted or order issued under it has 57850
occurred or is occurring, upon the written request of the 57851
director, shall bring an action for imposition of a civil penalty 57852
under this division against any person who has committed or is 57853
committing any such violation. All civil penalties received under 57854
this division shall be credited to the toxic chemical release 57855
reporting fund created in section 3751.05 of the Revised Code. 57856

(C) Any action for injunction or civil penalties under 57857
division (A) or (B) of this section is a civil action governed by 57858
the Rules of Civil Procedure. 57859

Sec. 3751.11. A member of the emergency response commission, 57860
officer or employee of the environmental protection agency, member 57861
or employee of a local emergency planning committee, officer or 57862
employee of a fire department, health professional, physician, 57863
nurse, or other person who receives information classified as a 57864
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 57865
~~section 3751.02 of the Revised Code~~ or identified as confidential 57866
business information ~~by rules adopted under division (A)(1)(g) of~~ 57867

~~section 3751.02 of the Revised Code pursuant to EPCRA~~ and who 57868
violates division (F) of section 3751.04 of the Revised Code or 57869
otherwise discloses information classified as a trade secret or 57870
identified as confidential business information pursuant to ~~those~~ 57871
~~rules that act~~ to a person not authorized to have that information 57872
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 57873
~~adopted under division (A)(1)(f) of section 3751.02 of the Revised~~ 57874
~~Code EPCRA~~, is liable in damages in a civil action to the owner of 57875
the trade secret information for any injury or loss to person or 57876
property sustained by ~~him~~ the owner resulting from the violation 57877
or unauthorized disclosure of that information. Any owner of 57878
information so classified as a trade secret or identified as 57879
confidential business information who, as a result of a violation 57880
of division (F) of section 3751.04 of the Revised Code or by 57881
disclosure of trade secret or confidential business information to 57882
a person not authorized to have it pursuant to division (C) of 57883
section 3751.04 of the Revised Code or ~~rules adopted~~ under 57884
~~division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, 57885
sustains any injury or loss to person or property may bring a 57886
civil action for damages and other appropriate relief against the 57887
person who violated that division or otherwise disclosed the trade 57888
secret or confidential business information to a person not so 57889
authorized to have it. 57890

In such a civil action, if the plaintiff establishes by a 57891
preponderance of the evidence, and if the trier of fact finds, 57892
that the defendant violated that division or otherwise disclosed 57893
information classified as a trade secret or identified as 57894
confidential business information to a person not so authorized to 57895
have it, and that the plaintiff sustained injury or loss to person 57896
or property as a result of the violation or unauthorized 57897
disclosure of the information, the trier of fact may award 57898
compensatory damages and such other relief as the trier of fact 57899
finds appropriate. 57900

In any civil action under this section the court may award 57901
costs and reasonable attorney's fees to the prevailing party. 57902

Liability imposed under this section for a violation of 57903
division (F) of section 3751.04 of the Revised Code is in addition 57904
to other civil liability, if any, under the Revised Code or common 57905
law of this state and in addition to any criminal penalty that is 57906
imposed for the same violation under section 3751.99 of the 57907
Revised Code. 57908

Sec. 3769.087. (A) In addition to the commission of eighteen 57909
per cent retained by each permit holder as provided in section 57910
3769.08 of the Revised Code, each permit holder shall retain an 57911
additional amount equal to four per cent of the total of all 57912
moneys wagered on each racing day on all wagering pools other than 57913
win, place, and show, of which amount retained an amount equal to 57914
three per cent of the total of all moneys wagered on each racing 57915
day on those pools shall be paid in the manner prescribed under 57916
section 3769.103 of the Revised Code, as a tax. Subject to the 57917
restrictions contained in divisions (B), (C), and (M) of section 57918
3769.08 of the Revised Code, from such additional moneys paid to 57919
the tax commissioner: 57920

(1) Four-sixths shall be allocated to fund distribution as 57921
provided in division (M) of section 3769.08 of the Revised Code. 57922

(2) One-twelfth shall be paid into the Ohio fairs fund 57923
created by section 3769.082 of the Revised Code. 57924

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 57925
the tax commissioner by thoroughbred racing permit holders shall 57926
be paid into the Ohio thoroughbred race fund created by section 57927
3769.083 of the Revised Code. 57928

(4) One-twelfth of the additional moneys paid to the tax 57929
commissioner by harness horse racing permit holders shall be paid 57930

to the Ohio standardbred development fund created by section 57931
3769.085 of the Revised Code. 57932

(5) One-sixth shall be paid into the state racing commission 57933
operating fund created by section 3769.03 of the Revised Code. 57934

(6) One-twelfth of the additional moneys paid to the tax 57935
commissioner by quarterhorse racing permit holders shall be paid 57936
into the Ohio thoroughbred race fund created by section 3769.083 57937
of the Revised Code to support quarterhorse development and 57938
purses. 57939

The remaining one per cent that is retained of the total of 57940
all moneys wagered on each racing day on all pools other than win, 57941
place, and show, shall be retained by racing permit holders, and, 57942
except as otherwise provided in section 3769.089 of the Revised 57943
Code, racing permit holders shall use one-half for purse money and 57944
retain one-half. 57945

(B) In addition to the commission of eighteen per cent 57946
retained by each permit holder as provided in section 3769.08 of 57947
the Revised Code and the additional amount retained by each permit 57948
holder as provided in division (A) of this section, each permit 57949
holder shall retain an additional amount equal to one-half of one 57950
per cent of the total of all moneys wagered on each racing day on 57951
all wagering pools other than win, place, and show. The additional 57952
amount retained under this division shall be paid in the manner 57953
prescribed under section 3769.103 of the Revised Code, as a tax. 57954
The tax commissioner shall pay the amount of the tax received 57955
under this division to the state racing commission operating fund 57956
created by section 3769.03 of the Revised Code. 57957

(C) Unless otherwise agreed to by the video lottery sales 57958
agent and the applicable horsemen's association recognized by the 57959
state racing commission to represent such persons, within ninety 57960
days after September 29, 2013, for video lottery sales agents 57961

operating as such on September 29, 2013, or within six months 57962
after the date a video lottery sales agent begins operating as 57963
such for video lottery sales agents not operating as such on 57964
September 29, 2013, the state racing commission shall direct 57965
through rule that a percentage of the lottery sales agent's 57966
commission as determined by the state lottery commission for 57967
conducting video lottery terminal gaming on behalf of the state be 57968
paid to the state racing commission for the benefit of breeding 57969
and racing in this state. The percentage so determined shall not 57970
be less than nine per cent or more than eleven per cent of the 57971
video lottery terminal income, and shall be a sliding scale based 57972
upon capital expenditures necessary to build the video lottery 57973
sales agent's facility. The aggregate of one hundred per cent of 57974
video lottery terminal income minus the lottery sales agent's 57975
commission percentage as determined by the state lottery 57976
commission plus the percentage of the lottery sale agent's 57977
commission, as determined by the state racing commission or 57978
otherwise agreed to by the video lottery sales agent and the 57979
applicable horsemen's association recognized by the state racing 57980
commission to represent such persons, for the benefit of breeding 57981
and racing in this state shall not exceed forty-five per cent of 57982
the video lottery terminal income. In addition, beginning July 1, 57983
2013, the state lottery commission shall adopt a rule to require 57984
the lottery sales agent conducting video lottery terminal gaming 57985
on behalf of the state to disperse to the state lottery commission 57986
one-half of one per cent of such a lottery sales agent's 57987
commission for the purpose of providing funding support to 57988
appropriate state agencies for programs that provide for gambling 57989
addiction and other related addiction services. The state lottery 57990
commission's rule also may require the lottery sales agent 57991
conducting video lottery terminal gaming on behalf of the state to 57992
disperse to the state lottery commission an additional amount up 57993
to one-half of one per cent of such a lottery sales agent's 57994

commission for that purpose. 57995

Sec. 3770.02. (A) Subject to the advice and consent of the 57996
senate, the governor shall appoint a director of the state lottery 57997
commission who shall serve at the pleasure of the governor. The 57998
director shall devote full time to the duties of the office and 57999
shall hold no other office or employment. The director shall meet 58000
all requirements for appointment as a member of the commission and 58001
shall, by experience and training, possess management skills that 58002
equip the director to administer an enterprise of the nature of a 58003
state lottery. The director shall receive an annual salary in 58004
accordance with pay range 48 of section 124.152 of the Revised 58005
Code. 58006

(B)(1) The director shall attend all meetings of the 58007
commission and shall act as its secretary. The director shall keep 58008
a record of all commission proceedings and shall keep the 58009
commission's records, files, and documents at the commission's 58010
principal office. All records of the commission's meetings shall 58011
be available for inspection by any member of the public, upon a 58012
showing of good cause and prior notification to the director. 58013

(2) The director shall be the commission's executive officer 58014
and shall be responsible for keeping all commission records and 58015
supervising and administering the state lottery in accordance with 58016
this chapter, and carrying out all commission rules adopted under 58017
section 3770.03 of the Revised Code. 58018

(C)(1) The director shall appoint ~~an assistant director,~~ 58019
~~deputy directors of marketing, operations, sales, finance, public~~ 58020
~~relations, security, and administration,~~ as necessary and as many 58021
regional managers as are required. The director may also appoint 58022
necessary professional, technical, and clerical assistants. All 58023
such officers and employees shall be appointed and compensated 58024
pursuant to Chapter 124. of the Revised Code. Regional and 58025

assistant regional managers, sales representatives, and any 58026
lottery executive account representatives shall remain in the 58027
unclassified service. The assistant director shall act as director 58028
in the absence or disability of the director. If the director does 58029
not appoint an assistant director, the director shall designate a 58030
deputy director to act as director in the absence or disability of 58031
the director. 58032

(2) The director, in consultation with the director of 58033
administrative services, may establish standards of proficiency 58034
and productivity for commission field representatives. 58035

(D) The director shall request the bureau of criminal 58036
identification and investigation, the department of public safety, 58037
or any other state, local, or federal agency to supply the 58038
director with the criminal records of any job applicant and may 58039
periodically request the criminal records of commission employees. 58040
At or prior to the time of making such a request, the director 58041
shall require a job applicant or commission employee to obtain 58042
fingerprint cards prescribed by the superintendent of the bureau 58043
of criminal identification and investigation at a qualified law 58044
enforcement agency, and the director shall cause these fingerprint 58045
cards to be forwarded to the bureau of criminal identification and 58046
investigation and the federal bureau of investigation. The 58047
commission shall assume the cost of obtaining the fingerprint 58048
cards and shall pay to each agency supplying criminal records for 58049
each investigation under this division a reasonable fee, as 58050
determined by the agency. 58051

(E) The director shall license lottery sales agents pursuant 58052
to section 3770.05 of the Revised Code and, when it is considered 58053
necessary, may revoke or suspend the license of any lottery sales 58054
agent. The director may license video lottery technology 58055
providers, independent testing laboratories, and gaming employees, 58056
and promulgate rules relating thereto. When the director considers 58057

it necessary, the director may suspend or revoke the license of a 58058
video lottery technology provider, independent testing laboratory, 58059
or gaming employee, including suspension or revocation without 58060
affording an opportunity for a prior hearing under section 119.07 58061
of the Revised Code when the public safety, convenience, or trust 58062
requires immediate action. 58063

(F) The director shall confer at least once each month with 58064
the commission, at which time the director shall advise it 58065
regarding the operation and administration of the lottery. The 58066
director shall make available at the request of the commission all 58067
documents, files, and other records pertaining to the operation 58068
and administration of the lottery. The director shall prepare and 58069
make available to the commission each month a complete and 58070
accurate accounting of lottery revenues, prize money disbursements 58071
and the cost of goods and services awarded as prizes, operating 58072
expenses, and all other relevant financial information, including 58073
an accounting of all transfers made from any lottery funds in the 58074
custody of the treasurer of state to benefit education. 58075

(G) The director may enter into contracts for the operation 58076
or promotion of the lottery pursuant to Chapter 125. of the 58077
Revised Code. 58078

(H)(1) Pursuant to rules adopted by the commission under 58079
section 3770.03 of the Revised Code, the director shall require 58080
any lottery sales agents to deposit to the credit of the state 58081
lottery fund, in banking institutions designated by the treasurer 58082
of state, net proceeds due the commission as determined by the 58083
director. 58084

(2) Pursuant to rules adopted by the commission under Chapter 58085
119. of the Revised Code, the director may impose penalties for 58086
the failure of a sales agent to transfer funds to the commission 58087
in a timely manner. Penalties may include monetary penalties, 58088
immediate suspension or revocation of a license, or any other 58089

penalty the commission adopts by rule. 58090

(I) The director may arrange for any person, or any banking 58091
institution, to perform functions and services in connection with 58092
the operation of the lottery as the director may consider 58093
necessary to carry out this chapter. 58094

(J)(1) As used in this chapter, "statewide joint lottery 58095
game" means a lottery game that the commission sells solely within 58096
this state under an agreement with other lottery jurisdictions to 58097
sell the same lottery game solely within their statewide or other 58098
jurisdictional boundaries. 58099

(2) If the governor directs the director to do so, the 58100
director shall enter into an agreement with other lottery 58101
jurisdictions to conduct statewide joint lottery games. If the 58102
governor signs the agreement personally or by means of an 58103
authenticating officer pursuant to section 107.15 of the Revised 58104
Code, the director then may conduct statewide joint lottery games 58105
under the agreement. 58106

(3) The entire net proceeds from any statewide joint lottery 58107
games shall be used to fund elementary, secondary, vocational, and 58108
special education programs in this state. 58109

(4) The commission shall conduct any statewide joint lottery 58110
games in accordance with rules it adopts under division (B)(5) of 58111
section 3770.03 of the Revised Code. 58112

(K)(1) The director shall enter into an agreement with the 58113
department of mental health and addiction services under which the 58114
department shall provide a program of gambling addiction services 58115
on behalf of the commission. The commission shall pay the costs of 58116
the program provided pursuant to the agreement. 58117

(2) As used in this section, "gambling addiction services" 58118
has the same meaning as in section 5119.01 of the Revised Code. 58119

Sec. 3770.03. (A) The state lottery commission shall 58120
promulgate rules under which a statewide lottery may be conducted, 58121
which includes, and since the original enactment of this section 58122
has included, the authority for the commission to operate video 58123
lottery terminal games. Any reference in this chapter to tickets 58124
shall not be construed to in any way limit the authority of the 58125
commission to operate video lottery terminal games. Nothing in 58126
this chapter shall restrict the authority of the commission to 58127
promulgate rules related to the operation of games utilizing video 58128
lottery terminals as described in section 3770.21 of the Revised 58129
Code. The rules shall be promulgated pursuant to Chapter 119. of 58130
the Revised Code, except that instant game rules shall be 58131
promulgated pursuant to section 111.15 of the Revised Code but are 58132
not subject to division (D) of that section. Subjects covered in 58133
these rules shall include, but need not be limited to, the 58134
following: 58135

(1) The type of lottery to be conducted; 58136

(2) The prices of tickets in the lottery; 58137

(3) The number, nature, and value of prize awards, the manner 58138
and frequency of prize drawings, and the manner in which prizes 58139
shall be awarded to holders of winning tickets. 58140

(B) The commission shall promulgate rules, in addition to 58141
those described in division (A) of this section, pursuant to 58142
Chapter 119. of the Revised Code under which a statewide lottery 58143
and statewide joint lottery games may be conducted. Subjects 58144
covered in these rules shall include, but not be limited to, the 58145
following: 58146

(1) The locations at which lottery tickets may be sold and 58147
the manner in which they are to be sold. These rules may authorize 58148
the sale of lottery tickets by commission personnel or other 58149
licensed individuals from traveling show wagons at the state fair, 58150

and at any other expositions the director of the commission 58151
considers acceptable. These rules shall prohibit commission 58152
personnel or other licensed individuals from soliciting from an 58153
exposition the right to sell lottery tickets at that exposition, 58154
but shall allow commission personnel or other licensed individuals 58155
to sell lottery tickets at an exposition if the exposition 58156
requests commission personnel or licensed individuals to do so. 58157
These rules may also address the accessibility of sales agent 58158
locations to commission products in accordance with the "Americans 58159
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 58160
et seq. These rules may not permit a lottery sales agent to accept 58161
a credit card for the purchase of a lottery ticket, except for a 58162
video lottery terminal as provided in rule 3770:2-7-01 of the 58163
Administrative Code. 58164

(2) The manner in which lottery sales revenues are to be 58165
collected, including authorization for the director to impose 58166
penalties for failure by lottery sales agents to transfer revenues 58167
to the commission in a timely manner; 58168

(3) The amount of compensation to be paid to licensed lottery 58169
sales agents; 58170

(4) The substantive criteria for the licensing of lottery 58171
sales agents consistent with section 3770.05 of the Revised Code, 58172
and procedures for revoking or suspending their licenses 58173
consistent with Chapter 119. of the Revised Code. If 58174
circumstances, such as the nonpayment of funds owed by a lottery 58175
sales agent, or other circumstances related to the public safety, 58176
convenience, or trust, require immediate action, the director may 58177
suspend a license without affording an opportunity for a prior 58178
hearing under section 119.07 of the Revised Code. 58179

(5) Special game rules to implement any agreements signed by 58180
the governor that the director enters into with other lottery 58181
jurisdictions under division (J) of section 3770.02 of the Revised 58182

Code to conduct statewide joint lottery games. The rules shall 58183
require that the entire net proceeds of those games that remain, 58184
after associated operating expenses, prize disbursements, lottery 58185
sales agent bonuses, commissions, and reimbursements, and any 58186
other expenses necessary to comply with the agreements or the 58187
rules are deducted from the gross proceeds of those games, be 58188
transferred to the lottery profits education fund under division 58189
(B) of section 3770.06 of the Revised Code. 58190

(6) Any other subjects the commission determines are 58191
necessary for the operation of video lottery terminal games, 58192
including the establishment of any fees, fines, ~~or~~ payment 58193
schedules, or the establishment of a voluntary exclusion program. 58194

(C) Chapter 2915. of the Revised Code does not apply to, 58195
affect, or prohibit lotteries conducted pursuant to this chapter. 58196

(D) The commission may promulgate rules, in addition to those 58197
described in divisions (A) and (B) of this section, that establish 58198
standards governing the display of advertising and celebrity 58199
images on lottery tickets and on other items that are used in the 58200
conduct of, or to promote, the statewide lottery and statewide 58201
joint lottery games. Any revenue derived from the sale of 58202
advertising displayed on lottery tickets and on those other items 58203
shall be considered, for purposes of section 3770.06 of the 58204
Revised Code, to be related proceeds in connection with the 58205
statewide lottery or gross proceeds from statewide joint lottery 58206
games, as applicable. 58207

(E)(1) The commission shall meet with the director at least 58208
once each month and shall convene other meetings at the request of 58209
the chairperson or any five of the members. No action taken by the 58210
commission shall be binding unless at least five of the members 58211
present vote in favor of the action. A written record shall be 58212
made of the proceedings of each meeting and shall be transmitted 58213
forthwith to the governor, the president of the senate, the senate 58214

minority leader, the speaker of the house of representatives, and 58215
the house minority leader. 58216

(2) The director shall present to the commission a report 58217
each month, showing the total revenues, prize disbursements, and 58218
operating expenses of the state lottery for the preceding month. 58219
As soon as practicable after the end of each fiscal year, the 58220
commission shall prepare and transmit to the governor and the 58221
general assembly a report of lottery revenues, prize 58222
disbursements, and operating expenses for the preceding fiscal 58223
year and any recommendations for legislation considered necessary 58224
by the commission. 58225

Sec. 3770.22. (A) Any information concerning the following 58226
that is submitted, collected, or gathered as part of an 58227
application to the state lottery commission for a video lottery 58228
related license under this chapter is confidential and not subject 58229
to disclosure by a state agency or political subdivision as a 58230
public record under section 149.43 of the Revised Code: 58231

(1) A dependent of an applicant; 58232

(2) The social security number, passport number, or federal 58233
tax identification number of an applicant or the spouse of an 58234
applicant; 58235

(3) The home address and telephone number of an applicant or 58236
the spouse or dependent of an applicant; 58237

(4) An applicant's birth certificate; 58238

(5) The driver's license number of an applicant or the 58239
applicant's spouse; 58240

(6) The name or address of a previous spouse of the 58241
applicant; 58242

(7) The date of birth of the applicant and the spouse of an 58243
applicant; 58244

(8) The place of birth of the applicant and the spouse of an applicant;	58245 58246
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	58247 58248 58249 58250
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	58251 58252
(11) The electronic mail address of the spouse or family member of the applicant;	58253 58254
(12) Any trade secret, medical records, and patents or exclusive licenses;	58255 58256
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	58257 58258 58259 58260 58261
(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.	58262 58263 58264
(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.	58265 58266 58267 58268 58269 58270 58271
(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.	58272 58273 58274

(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information referenced in this division with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply.

The applicant shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(E) The identity and personal information of a person participating in a voluntary exclusion program implemented either by the lottery commission or a video lottery terminal sales agent shall be confidential and only shall be disseminated according to the following:

(1) The commission may disseminate the information to a video lottery terminal sales agent and the agents and employees of the agent for purposes of enforcement.

(2) A video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to the agents, employees of the agent, and to the commission for purposes of enforcement.

(3) Either the commission or a video lottery terminal sales

agent operating a voluntary exclusion program may disseminate the 58306
information to other entities upon request of the participant and 58307
agreement by the commission. 58308

Sec. 3794.03. Areas where smoking is not regulated by this 58309
chapter. 58310

The following shall be exempt from the provisions of this 58311
chapter: 58312

(A) Private residences, except during the hours of operation 58313
as a child care or adult care facility for compensation, during 58314
the hours of operation as a business by a person other than a 58315
person residing in the private residence, or during the hours of 58316
operation as a business, when employees of the business, who are 58317
not residents of the private residence or are not related to the 58318
owner, are present. 58319

(B) Rooms for sleeping in hotels, motels and other lodging 58320
facilities designated as smoking rooms; provided, however, that 58321
not more than twenty ~~percent~~ per cent of sleeping rooms may be so 58322
designated. 58323

(C) Family-owned and operated places of employment in which 58324
all employees are related to the owner, but only if the enclosed 58325
areas of the place of employment are not open to the public, are 58326
in a ~~free-standing~~ freestanding structure occupied solely by the 58327
place of employment, and smoke from the place of employment does 58328
not migrate into an enclosed area where smoking is prohibited 58329
under the provisions of this chapter. 58330

(D) Any nursing home, as defined in division (A) of section 58331
3721.10~~(A)~~ of the Revised Code, but only to the extent necessary 58332
to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 58333
Revised Code. If indoor smoking area is provided by a nursing home 58334
for residents of the nursing home, the designated indoor smoking 58335

area shall be separately enclosed and separately ventilated so 58336
that tobacco smoke does not enter, through entrances, windows, 58337
ventilation systems, or other means, any areas where smoking is 58338
otherwise prohibited under this chapter. Only residents of the 58339
nursing home may utilize the designated indoor smoking area for 58340
smoking. A nursing home may designate specific times when the 58341
indoor smoking area may be used for such purpose. No employee of a 58342
nursing home shall be required to accompany a resident into a 58343
designated indoor smoking area or perform services in such area 58344
when being used for smoking. 58345

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 58346
~~this chapter~~ in operation prior to ~~the effective date of this~~ 58347
~~section~~ December 7, 2006. The retail tobacco store shall annually 58348
file with the department of health by the thirty-first day of 58349
January ~~thirty-first~~ an affidavit stating the percentage of its 58350
gross income during the prior calendar year that was derived from 58351
the sale of cigars, cigarettes, pipes, or other smoking devices 58352
for smoking tobacco and related smoking accessories. Any retail 58353
tobacco store that begins operation after ~~the effective date of~~ 58354
~~this section~~ December 7, 2006, or any existing retail tobacco 58355
store that relocates to another location after ~~the effective date~~ 58356
~~of this section~~ December 7, 2006, may only qualify for this 58357
exemption if located in a freestanding structure occupied solely 58358
by the business and smoke from the business does not migrate into 58359
an enclosed area where smoking is prohibited under the provisions 58360
of this chapter. 58361

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 58362
~~chapter~~. All outdoor patios shall be physically separated from an 58363
enclosed area. If windows or doors form any part of the partition 58364
between an enclosed area and the outdoor patio, the openings shall 58365
be closed to prevent the migration of smoke into the enclosed 58366
area. If windows or doors do not prevent the migration of smoke 58367

into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in division (B)(13) of section 4301.01~~(B)(13)~~ of the Revised Code, provided all of the following apply: the club has no employees; the club is organized as a not_for_profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit.

(H) An enclosed space in a laboratory facility at an accredited college or university, when used solely and exclusively for clinical research activities by a person, organization, or other entity conducting institutional review board-approved scientific or medical research related to the health effects of smoking or the use of tobacco products. The enclosed space shall not be open to the public and shall be designed to minimize exposure of nonsmokers to smoke. The program administrator shall annually file a notice of new research with the department of health on a form prescribed by the department.

Sec. 3901.89. Beginning on the effective date of this section and ending on the last day of the 132nd General Assembly, there shall be a moratorium on any new health care mandates impacting individual and group health insurance plans that are not subject to the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3901.90. The superintendent of insurance, in

consultation with the director of mental health and addiction 58398
services, shall develop consumer and payer education on mental 58399
health and addiction services insurance parity and establish and 58400
promote a consumer hotline to collect information and help 58401
consumers understand and access their insurance benefits. 58402

The department of insurance and the department of mental 58403
health and addiction services shall jointly report annually on the 58404
department's efforts, which shall include information on consumer 58405
and payer outreach activities and identification of trends and 58406
barriers to access and coverage in this state. The departments 58407
shall submit the report to the general assembly, the joint 58408
medicaid oversight committee, and the governor, not later than the 58409
thirtieth day of January of each year. 58410

Sec. 3923.041. (A) As used in this section: 58411

(1) "Chronic condition" means a medical condition that has 58412
persisted after reasonable efforts have been made to relieve or 58413
cure its cause and has continued, either continuously or 58414
episodically, for longer than six continuous months. 58415

(2) "Clinical peer" means a health care practitioner in the 58416
same or in a similar, specialty that typically manages the medical 58417
condition, procedure, or treatment under review. 58418

(3) "Covered person" means a person receiving coverage for 58419
health services under a policy of sickness and accident insurance 58420
or a public employee benefit plan. 58421

(4) "Emergency service" has the same meaning as in section 58422
1753.28 of the Revised Code. 58423

(5) "Fraudulent or materially incorrect information" means 58424
any type of intentional deception or misrepresentation made by a 58425
person with the knowledge that the deception could result in some 58426
unauthorized benefit to the covered person in question. 58427

(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code. 58428
58429

(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services. 58430
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(8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug. 58434
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(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following: 58443
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(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; 58447
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(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request. 58449
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(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code. 58453
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(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply: 58456
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(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or plan, to accept prior authorization requests through a secure electronic transmission.

(b) For policies issued on or after January 1, 2018, the insurer or plan, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the insurer or plan shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor.

(c) For purposes of division (B)(2) of this section, neither of the following shall be considered a secure electronic transmission:

(i) A facsimile;

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard.

(3) For policies issued on or after January 1, 2018, a health care practitioner and an insurer or plan may enter into a contractual arrangement under which the insurer or plan agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or

unavailable where the health care practitioner is located. 58490

(4)(a) For policies issued on or after January 1, 2018, if 58491
the health care practitioner submits the request for prior 58492
authorization electronically as described in divisions (B)(1) and 58493
(2) of this section, the insurer or plan shall respond to all 58494
prior authorization requests within forty-eight hours for urgent 58495
care services, or ten calendar days for any prior authorization 58496
request that is not for an urgent care service, of the time the 58497
request is received by the insurer or plan. Division (B)(4) of 58498
this section does not apply to emergency services. 58499

(b) The response required under division (B)(4)(a) of this 58500
section shall indicate whether the request is approved or denied. 58501
If the prior authorization is denied, the insurer or plan shall 58502
provide the specific reason for the denial. 58503

(c) If the prior authorization request is incomplete, the 58504
insurer or plan shall indicate the specific additional information 58505
that is required to process the request. 58506

(5)(a) For policies issued on or after January 1, 2018, if a 58507
health care practitioner submits a prior authorization request as 58508
described in divisions (B)(1) and (2) of this section, the insurer 58509
or plan shall provide an electronic receipt to the health care 58510
practitioner acknowledging that the prior authorization request 58511
was received. 58512

(b) For policies issued on or after January 1, 2018, if an 58513
issuer or plan requests additional information that is required to 58514
process a prior authorization request as described in division 58515
(B)(4)(c) of this section, the health care practitioner shall 58516
provide an electronic receipt to the issuer or plan acknowledging 58517
that the request for additional information was received. 58518

(6)(a) For policies issued on or after January 1, 2017, for a 58519
prior approval related to a chronic condition, the insurer or plan 58520

shall honor a prior authorization approval for an approved drug 58521
for the lesser of the following from the date of the approval: 58522

(i) Twelve months; 58523

(ii) The last day of the covered person's eligibility under 58524
the policy or plan. 58525

(b) The duration of all other prior authorization approvals 58526
shall be dictated by the policy or plan. 58527

(c) An insurer or plan, in relation to prior approval under 58528
division (B)(6)(a) of this section, may require a health care 58529
practitioner to submit information to the insurer or plan 58530
indicating that the patient's chronic condition has not changed. 58531

(i) The request for information by the insurer or plan and 58532
the response by the health care practitioner shall be in an 58533
electronic format, which may be by electronic mail or other 58534
electronic communication. 58535

(ii) The frequency of the submission of requested information 58536
shall be consistent with medical or scientific evidence, as 58537
defined in section 3922.01 of the Revised Code, but shall not be 58538
required more frequently than quarterly. 58539

(iii) If the health care practitioner does not respond within 58540
five calendar days from the date the request was received, the 58541
insurer or plan may terminate the twelve-month approval. 58542

(d) A twelve-month approval provided under division (B)(6)(a) 58543
of this section is no longer valid and automatically terminates if 58544
there are changes to federal or state laws or federal regulatory 58545
guidance or compliance information prescribing that the drug in 58546
question is no longer approved or safe for the intended purpose. 58547

(e) A twelve-month approval provided under division (B)(6)(a) 58548
of this section does not apply to and is not required for any of 58549
the following: 58550

(i) Medications that are prescribed for a non-maintenance condition;	58551 58552
(ii) Medications that have a typical treatment of less than one year;	58553 58554
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	58555 58556 58557
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	58558 58559 58560
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	58561 58562 58563
(vi) Medications that are not prescribed by an in-network provider as part of the care management program.	58564 58565
(7) For policies issued on or after January 1, 2017, an insurer or plan may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	58566 58567 58568 58569 58570
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	58571 58572 58573
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	58574 58575
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	58576 58577 58578
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of	58579 58580

the Revised Code, of any drug that has received a twelve-month approval under division (B)(6)(a) of this section when there is a release of either of the following:

(a) A United States food and drug administration approved comparable brand product or a generic counterpart of a brand product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, an insurer or plan shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the insurer or plan shall review the claim for coverage and medical necessity. The insurer or plan shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the insurer or plan shall disclose to all participating health care

practitioners any new prior authorization requirement at least 58611
thirty days prior to the effective date of the new requirement. 58612

(b) The notice may be sent via electronic mail or standard 58613
mail and shall be conspicuously entitled "Notice of Changes to 58614
Prior Authorization Requirements." The notice is not required to 58615
contain a complete listing of all changes made to the prior 58616
authorization requirements, but shall include specific information 58617
on where the health care practitioner may locate the information 58618
on the insurer or plan's web site or, if applicable, the insurer's 58619
or plan's portal. 58620

(c) All participating health care practitioners shall 58621
promptly notify the insurer or plan of any changes to the health 58622
care practitioner's electronic mail or standard mail address. 58623

(11)(a) For policies issued on or after January 1, 2017, the 58624
insurer or plan shall make available to all participating health 58625
care practitioners on its web site or provider portal a listing of 58626
its prior authorization requirements, including specific 58627
information or documentation that a practitioner must submit in 58628
order for the prior authorization request to be considered 58629
complete. 58630

(b) The insurer or plan shall make available on its web site 58631
information about the policies, contracts, or agreements offered 58632
by the insurer or plan that clearly identifies specific services, 58633
drugs, or devices to which a prior authorization requirement 58634
exists. 58635

(12) For policies issued on or after January 1, 2018, the 58636
insurer or plan shall establish a streamlined appeal process 58637
relating to adverse prior authorization determinations that shall 58638
include all of the following: 58639

(a) For urgent care services, the appeal shall be considered 58640
within forty-eight hours after the insurer or plan receives the 58641

appeal. 58642

(b) For all other matters, the appeal shall be considered 58643
within ten calendar days after the insurer or plan receives the 58644
appeal. 58645

(c) The appeal shall be between the health care practitioner 58646
requesting the service in question and a clinical peer. 58647

(d) If the appeal does not resolve the disagreement, either 58648
the covered person or an authorized representative as defined in 58649
section 3922.01 of the Revised Code may request an external review 58650
under Chapter 3922. of the Revised Code to the extent Chapter 58651
3922. of the Revised Code is applicable. 58652

(C) For policies issued on or after January 1, 2017, except 58653
in cases of fraudulent or materially incorrect information, an 58654
insurer or plan shall not retroactively deny a prior authorization 58655
for a health care service, drug, or device when all of the 58656
following are met: 58657

(1) The health care practitioner submits a prior 58658
authorization request to the insurer or plan for a health care 58659
service, drug, or device; 58660

(2) The insurer or plan approves the prior authorization 58661
request after determining that all of the following are true: 58662

(a) The patient is eligible under the health benefit plan. 58663

(b) The health care service, drug, or device is covered under 58664
the patient's health benefit plan. 58665

(c) The health care service, drug, or device meets the 58666
insurer's or plan's standards for medical necessity and prior 58667
authorization. 58668

(3) The health care practitioner renders the health care 58669
service, drug, or device pursuant to the approved prior 58670
authorization request and all of the terms and conditions of the 58671

health care practitioner's contract with the insurer or plan; 58672

(4) On the date the health care practitioner renders the 58673
prior approved health care service, drug, or device, all of the 58674
following are true: 58675

(a) The patient is eligible under the health benefit plan. 58676

(b) The patient's condition or circumstances related to the 58677
patient's care has not changed. 58678

(c) The health care practitioner submits an accurate claim 58679
that matches the information submitted by the health care 58680
practitioner in the approved prior authorization request. 58681

(5) If the health care practitioner submits a claim that 58682
includes an unintentional error and the error results in a claim 58683
that does not match the information originally submitted by the 58684
health care practitioner in the approved prior authorization 58685
request, upon receiving a denial of services from the insurer or 58686
plan, the health care practitioner may resubmit the claim pursuant 58687
to division (C) of this section with the information that matches 58688
the information included in the approved prior authorization. 58689

(D) Any provision of a contractual arrangement entered into 58690
between an insurer or plan and a health care practitioner or 58691
beneficiary that is contrary to divisions (A) to (C) of this 58692
section is unenforceable. 58693

(E) For policies issued on or after January 1, 2017, 58694
committing a series of violations of this section that, taken 58695
together, constitute a practice or pattern shall be considered an 58696
unfair and deceptive practice under sections 3901.19 to 3901.26 of 58697
the Revised Code. 58698

(F) The superintendent of insurance may adopt rules in 58699
accordance with Chapter 119. of the Revised Code as necessary to 58700
implement the provisions of this section. 58701

(G) This section does not apply to any of the following types of coverage: a policy, contract, certificate, or agreement that covers only a specified accident, accident only, credit, dental, disability income, long-term care, hospital indemnity, supplemental coverage as described in section 3923.37 of the Revised Code, specified disease, or vision care; a dental benefit that is offered as a part of a policy of sickness and accident insurance or a public employee benefit plan; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; a medicare supplement policy of insurance as defined by the superintendent of insurance by rule; coverage under a plan through medicare or the federal employees benefit program; or any coverage issued under Chapter 55 of Title 10 of the United States Code and any coverage issued as a supplement to that coverage.

Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by the superintendent of industrial compliance. The owner or user of any such boiler shall obtain an appropriate certificate of operation for such boiler, and shall not operate such boiler, or permit it to be operated unless a certificate of operation has been obtained in accordance with section 4104.17 of the Revised Code.

~~(B) If, upon making the internal and external inspection required under sections 4104.11, 4104.12, and 4104.13 of the Revised Code, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up,~~

~~upon the inspector's report to the superintendent, the~~ 58734
~~superintendent shall issue to the owner or user thereof, or renew,~~ 58735
~~upon application and upon a boiler owner or user is in~~ 58736
compliance with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 58737
the superintendent, upon application, shall issue the boiler owner 58738
or user a certificate of operation or renew the boiler owner's or 58739
user's certificate of operation. The certificate of operation 58740
~~which shall state:~~ 58741

(1) State the maximum pressure at which the boiler may be 58742
operated, as ascertained by the rules of the board of building 58743
standards. ~~Such certificates shall also state,~~ the name of the 58744
owner or user, the location, size, and number of each boiler, and 58745
the date of issuance, ~~and shall be;~~ 58746

(2) Be so placed as to be easily read in the engine room or 58747
boiler room of the plant where the boiler is located, except that 58748
the certificate of operation for a portable boiler shall be kept 58749
on the premises and shall be accessible at all times. 58750

(C) If an inspector at any inspection finds that the boiler 58751
or pressure vessel is not in safe working condition, or is not 58752
provided with the fittings necessary to safety, or if the fittings 58753
are improperly arranged, the inspector shall immediately notify 58754
the owner or user and person in charge of the boiler and shall 58755
report the same to the superintendent who may revoke, suspend, or 58756
deny the certificate of operation and not renew the same until the 58757
boiler or pressure vessel and its fittings are put in condition to 58758
insure safety of operation, and the owner or user shall not 58759
operate the boiler or pressure vessel, or permit it to be operated 58760
until such certificate has been granted or restored. 58761

(D) If the superintendent or a general boiler inspector finds 58762
that a pressure vessel or boiler or a part thereof poses an 58763
explosion hazard that reasonably can be regarded as posing an 58764
imminent danger of death or serious physical harm to persons, the 58765

superintendent or the general boiler inspector shall seal the 58766
pressure vessel or boiler and order, in writing, the operator or 58767
owner of the pressure vessel or boiler to immediately cease the 58768
pressure vessel's or boiler's operation. The order shall be 58769
effective until the nonconformities are eliminated, corrected, or 58770
otherwise remedied, or for a period of seventy-two hours from the 58771
time of issuance, whichever occurs first. During the 58772
seventy-two-hour period, the superintendent may request that the 58773
prosecuting attorney or city attorney of Franklin county or of the 58774
county in which the pressure vessel or boiler is located obtain an 58775
injunction restraining the operator or owner of the pressure 58776
vessel or boiler from continuing its operation after the 58777
seventy-two-hour period expires until the nonconformities are 58778
eliminated, corrected, or otherwise remedied. 58779

(E) Each boiler which has been inspected shall be assigned a 58780
number by the superintendent, which number shall be stamped on a 58781
nonferrous metal tag affixed to the boiler or its fittings by seal 58782
or otherwise. No person except an inspector shall deface or remove 58783
any such number or tag. 58784

(F) If the owner or user of any pressure vessel or boiler 58785
disagrees with the inspector as to the necessity for shutting down 58786
a pressure vessel or boiler or for making repairs or alterations 58787
in it, or taking any other measures for safety that are requested 58788
by an inspector, the owner or user may appeal from the decision of 58789
the inspector to the superintendent, who may, after such other 58790
inspection by a general inspector or special inspector as the 58791
superintendent deems necessary, decide the issue. 58792

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 58793
nor an inspection or report by any inspector, shall relieve the 58794
owner or user of a pressure vessel or boiler of the duty of using 58795
due care in the inspection, operation, and repair of the pressure 58796
vessel or boiler or of any liability for damages for failure to 58797

inspect, repair, or operate the pressure vessel or boiler safely. 58798

Sec. 4104.18. (A) The owner or user of a boiler required 58799
under section 4104.12 of the Revised Code to be inspected upon 58800
installation, and the owner or user of a boiler for which a 58801
certificate of inspection has been issued ~~which that~~ is replaced 58802
with an appropriate certificate of operation, shall pay to the 58803
superintendent of industrial compliance a an initial certificate 58804
of operation fee in the following amount ~~of fifty, as applicable:~~ 58805

(1) Fifty dollars for boilers subject to annual inspections 58806
under section 4104.11 of the Revised Code, ~~one;~~ 58807

(2) One hundred dollars for boilers subject to biennial 58808
inspection under section 4104.13 of the Revised Code, ~~one;~~ 58809

(3) One hundred fifty dollars for boilers subject to 58810
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 58811
~~two;~~ 58812

(4) Two hundred fifty dollars for boilers subject to 58813
quinquennial inspection under section 4104.13 of the Revised Code. 58814

(B) The owner or user of a boiler required under section 58815
4104.12 of the Revised Code to be inspected upon installation, and 58816
the owner or user of a boiler for which a certificate of 58817
inspection has been issued that is replaced with an appropriate 58818
certificate of operation, shall pay to the superintendent of 58819
industrial compliance an annual certificate of operation renewal 58820
fee in the following amount, as applicable: 58821

(1) Fifty dollars for boilers subject to annual inspections 58822
under section 4101.11 of the Revised Code; 58823

(2) One hundred dollars for boilers subject to biennial 58824
inspections under section 4104.13 of the Revised Code; 58825

(3) One hundred fifty dollars for boilers subject to 58826
triennial inspections under section 4104.11 of the Revised Code; 58827

(4) Two hundred fifty dollars for boilers subject to 58828
quinquennial inspections under section 4104.13 of the Revised 58829
Code. 58830

(C) The fee for complete inspection during construction by a 58831
general inspector on boilers and pressure vessels manufactured 58832
within the state shall be thirty-five dollars per hour. Boiler and 58833
pressure vessel manufacturers other than those located in the 58834
state may secure inspection by a general inspector on work during 58835
construction, upon application to the superintendent, and upon 58836
payment of a fee of thirty-five dollars per hour, plus the 58837
necessary traveling and hotel expenses incurred by the inspector. 58838

~~(C)~~(D) The application fee for applicants for steam engineer, 58839
high pressure boiler operator, or low pressure boiler operator 58840
licenses is seventy-five dollars. The fee for each original or 58841
renewal steam engineer, high pressure boiler operator, or low 58842
pressure boiler operator license is fifty dollars. 58843

~~(D)~~ The director of commerce, subject to the approval of the 58844
controlling board, may establish fees in excess of the fees 58845
provided in divisions (A), (B), and (C) of this section. (E) The 58846
superintendent of industrial compliance, by rule adopted in 58847
accordance with Chapter 119. of the Revised Code, may increase the 58848
fees required by this section and may establish fees to pay the 58849
costs of the division to fulfill its duties established by this 58850
chapter. The fees shall bear some reasonable relationship to the 58851
cost of administering and enforcing the provisions of this 58852
chapter. Any moneys collected under this section shall be paid 58853
into the state treasury to the credit of the industrial compliance 58854
operating fund created in section 121.084 of the Revised Code. 58855

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 58856
an invoiced inspection fee required for any inspection conducted 58857
by the division of industrial compliance pursuant to this chapter 58858
within forty-five days of the invoice date shall pay a late 58859

payment fee equal to twenty-five per cent of the invoiced fee. 58860

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and~~, 58861
(B), and (C) of this section, the board of building standards 58862
shall assess the owner or user a fee of three dollars and 58863
twenty-five cents for each certificate of operation or renewal 58864
thereof issued under ~~division~~ divisions (A) and (B) of this 58865
section and for each inspection conducted under division ~~(B)~~(C) of 58866
this section. The board shall adopt rules, in accordance with 58867
Chapter 119. of the Revised Code, specifying the manner by which 58868
the superintendent shall collect and remit to the board the fees 58869
assessed under this division and requiring that remittance of the 58870
fees be made at least quarterly. 58871

Sec. 4105.17. (A) The fee for each ~~inspection, or~~ attempted 58872
inspection that, due to no fault of a general inspector or the 58873
division of industrial compliance, is not successfully completed, 58874
by a general inspector before the operation of a permanent new 58875
elevator prior to the issuance of a certificate of operation, 58876
before operation of an elevator being put back into service after 58877
a repair or after an adjudication under section 4105.11 of the 58878
Revised Code, or as a result of the operation of section 4105.08 58879
of the Revised Code and is an elevator required to be inspected 58880
under this chapter is one hundred twenty dollars plus ten dollars 58881
for each floor where the elevator stops. ~~The superintendent of~~ 58882
~~industrial compliance may assess an additional fee of one hundred~~ 58883
~~twenty dollars plus ten dollars for each floor where an elevator~~ 58884
~~stops for the reinspection of an elevator when a previous attempt~~ 58885
~~to inspect that elevator has been unsuccessful through no fault of~~ 58886
~~a general inspector or the division of industrial compliance.~~ 58887

(B) The fee for each ~~inspection, or~~ attempted inspection, 58888
that due to no fault of the general inspector or the division, is 58889
not successfully completed by a general inspector before operation 58890

of a permanent new escalator or moving walk prior to the issuance 58891
of a certificate of operation, before operation of an escalator or 58892
moving walk being put back in service after a repair, or as a 58893
result of the operation of section 4105.08 of the Revised Code is 58894
three hundred dollars. ~~The superintendent may assess an additional~~ 58895
~~fee of one hundred fifty dollars for the reinspection of an~~ 58896
~~escalator or moving walk when a previous attempt to inspect that~~ 58897
~~escalator or moving walk has been unsuccessful through no fault of~~ 58898
~~the general inspector or the division.~~ 58899

(C) The fee for issuing or renewing a certificate of 58900
operation under section 4105.15 of the Revised Code for an 58901
elevator that is inspected every six months in accordance with 58902
division (A) of section 4105.10 of the Revised Code is two hundred 58903
twenty dollars plus twelve dollars for each floor where the 58904
elevator stops, except where the elevator has been inspected by a 58905
special inspector in accordance with section 4105.07 of the 58906
Revised Code. 58907

(D) The fee for issuing or renewing a certificate of 58908
operation under section 4105.05 of the Revised Code for an 58909
elevator that is inspected every twelve months in accordance with 58910
division (A) of section 4105.10 of the Revised Code is fifty-five 58911
dollars plus ten dollars for each floor where the elevator stops, 58912
except where the elevator has been inspected by a special 58913
inspector in accordance with section 4105.07 of the Revised Code. 58914

(E) The fee for issuing or renewing a certificate of 58915
operation under section 4105.15 of the Revised Code for an 58916
escalator or moving walk is three hundred dollars, except where 58917
the escalator or moving walk has been inspected by a special 58918
inspector in accordance with section 4105.07 of the Revised Code. 58919

(F) All other fees to be charged for any examination given or 58920
other service performed by the division pursuant to this chapter 58921
shall be prescribed by the director of commerce. The fees shall be 58922

reasonably related to the costs of such examination or other 58923
service. 58924

(G) The director of commerce, subject to the approval of the 58925
controlling board, may establish fees in excess of the fees 58926
provided in divisions (A), (B), (C), (D), and (E) of this section. 58927
Any moneys collected under this section shall be paid into the 58928
state treasury to the credit of the industrial compliance 58929
operating fund created in section 121.084 of the Revised Code. 58930

(H) Any person who fails to pay an inspection fee required 58931
for any inspection ~~conducted~~ attempted by the division pursuant to 58932
this chapter within forty-five days after the inspection is 58933
~~conducted~~ attempted, or who fails to pay a certificate of 58934
operation fee pursuant to this chapter within forty-five days 58935
after the certificate's expiration, shall pay a late payment fee 58936
equal to twenty-five per cent of the inspection fee. 58937

(I) In addition to the fees assessed in divisions (A), (B), 58938
(C), (D), and (E) of this section, the board of building standards 58939
shall assess a fee of three dollars and twenty-five cents for each 58940
certificate of operation or renewal thereof issued under divisions 58941
(A), (B), (C), (D), or (E) of this section and for each permit 58942
issued under section 4105.16 of the Revised Code. The board shall 58943
adopt rules, in accordance with Chapter 119. of the Revised Code, 58944
specifying the manner by which the superintendent shall collect 58945
and remit to the board the fees assessed under this division and 58946
requiring that remittance of the fees be made at least quarterly. 58947

(J) The superintendent, by rule adopted in accordance with 58948
Chapter 119. of the Revised Code, may increase the fees required 58949
by this section and may establish fees to pay the costs of the 58950
division to fulfill its duties established by this chapter. The 58951
fees shall bear some reasonable relationship to the cost of 58952
administering and enforcing this chapter. 58953

(K) For purposes of this section:	58954
(1) "Escalator" means a power driven, inclined, continuous stairway used for raising or lowering passengers.	58955 58956
(2) "Moving walk" means a passenger carrying device on which passengers stand or walk, with a passenger carrying surface that is uninterrupted and remains parallel to its direction of motion.	58957 58958 58959
Sec. 4109.06. (A) This chapter does not apply to the following:	58960 58961
(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;	58962 58963 58964
(2) Students participating in a vocational <u>career-technical or STEM</u> program approved by the Ohio department of education <u>or students participating in any eligible classes through the college credit plus program established under Chapter 3365. of the Revised Code that include a state-recognized pre-apprenticeship program that imparts the skills and knowledge needed for successful participation in a registered apprenticeship occupation course;</u>	58965 58966 58967 58968 58969 58970 58971
(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code;	58972 58973 58974 58975 58976 58977 58978 58979
(4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or	58980 58981 58982 58983

religious institution;	58984
(5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;	58985 58986 58987
(6) Minors engaged in the delivery of newspapers to the consumer;	58988 58989
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	58990 58991 58992
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	58993 58994
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	58995 58996
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;	58997 58998 58999 59000 59001
(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.	59002 59003
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:	59004 59005
(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;	59006 59007
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	59008 59009 59010
(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.	59011 59012

(C) Division (D) of section 4109.07 of the Revised Code does 59013
not apply to minors who have their employment hours established as 59014
follows: 59015

(1) A minor adjudicated to be an unruly child or delinquent 59016
child who, as a result of the adjudication, is placed on probation 59017
may either file a petition in the juvenile court in whose 59018
jurisdiction the minor resides, or apply to the superintendent or 59019
to the chief administrative officer who issued the minor's age and 59020
schooling certificate pursuant to section 3331.01 of the Revised 59021
Code, alleging the restrictions on the hours of employment 59022
described in division (D) of section 4109.07 of the Revised Code 59023
will cause a substantial hardship or are not in the minor's best 59024
interests. Upon receipt of a petition or application, the court, 59025
the superintendent, or the chief administrative officer, as 59026
appropriate, shall consult with the person required to supervise 59027
the minor on probation. If after that consultation, the court, the 59028
superintendent, or the chief administrative officer finds the 59029
minor has failed to show the restrictions will result in a 59030
substantial hardship or that the restrictions are not in the 59031
minor's best interests, the court, the superintendent, or the 59032
chief administrative officer shall uphold the restrictions. If 59033
after that consultation, the court, the superintendent, or the 59034
chief administrative officer finds the minor has shown the 59035
restricted hours will cause a substantial hardship or are not in 59036
the minor's best interests, the court, the superintendent, or the 59037
chief administrative officer shall establish differing hours of 59038
employment for the minor and notify the minor and the minor's 59039
employer of those hours, which shall be binding in lieu of the 59040
restrictions on the hours of employment described in division (D) 59041
of section 4109.07 of the Revised Code. 59042

(2) Any minor to whom division (C)(1) of this section does 59043
not apply may either file a petition in the juvenile court in 59044

whose jurisdiction the person resides, or apply to the 59045
superintendent or to the chief administrative officer who issued 59046
the minor's age and schooling certificate pursuant to section 59047
3331.01 of the Revised Code, alleging the restrictions on the 59048
hours of employment described in division (D) of section 4109.07 59049
of the Revised Code will cause a substantial hardship or are not 59050
in the minor's best interests. 59051

If, as a result of a petition or application, the court, the 59052
superintendent, or the chief administrative officer, as 59053
appropriate, finds the minor has failed to show such restrictions 59054
will result in a substantial hardship or that the restrictions are 59055
not in the minor's best interests, the court, the superintendent, 59056
or the chief administrative officer shall uphold the restrictions. 59057
If the court, the superintendent, or the chief administrative 59058
officer finds the minor has shown the restricted hours will cause 59059
a substantial hardship or are not in the minor's best interests, 59060
the court, the superintendent, or the chief administrative officer 59061
shall establish the hours of employment for the minor and shall 59062
notify the minor and the minor's employer of those hours. 59063

(D) Section 4109.03, divisions (A) and (C) of section 59064
4109.02, and division (B) of section 4109.08 of the Revised Code 59065
do not apply to minors who are sixteen or seventeen years of age 59066
and who are employed at a seasonal amusement or recreational 59067
establishment. 59068

(E) As used in this section, "certificate of high school 59069
equivalence" means either: 59070

(1) A statement issued by the department of education that 59071
the holder of the statement has achieved the equivalent of a high 59072
school education as measured by scores obtained on a high school 59073
equivalency test approved by the department pursuant to division 59074
(B) of section 3301.80 of the Revised Code; 59075

(2) A statement issued by a primary-secondary education or 59076
higher education agency of another state that the holder of the 59077
statement has achieved the equivalent of a high school education 59078
as measured by scores obtained on a similar nationally recognized 59079
high school equivalency test. 59080

Sec. 4112.05. (A)(1) The commission, as provided in this 59081
section, shall prevent any person from engaging in unlawful 59082
discriminatory practices. 59083

(2) The commission may at any time attempt to resolve 59084
allegations of unlawful discriminatory practices by the use of 59085
alternative dispute resolution, provided that, before instituting 59086
the formal hearing authorized by division (B) of this section, it 59087
shall attempt, by informal methods of conference, conciliation, 59088
and persuasion, to induce compliance with this chapter. 59089

(B)(1) Any person may file a charge with the commission 59090
alleging that another person has engaged or is engaging in an 59091
unlawful discriminatory practice. In the case of a charge alleging 59092
an unlawful discriminatory practice described in division (A), 59093
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 59094
section 4112.021 or 4112.022 of the Revised Code, the charge shall 59095
be in writing and under oath and shall be filed with the 59096
commission within six months after the alleged unlawful 59097
discriminatory practice was committed. In the case of a charge 59098
alleging an unlawful discriminatory practice described in division 59099
(H) of section 4112.02 of the Revised Code, the charge shall be in 59100
writing and under oath and shall be filed with the commission 59101
within one year after the alleged unlawful discriminatory practice 59102
was committed. 59103

(a) An oath under this chapter may be made in any form of 59104
affirmation the person deems binding on the person's conscience. 59105
Acceptable forms include, but are not limited to, declarations 59106

made under penalty of perjury. 59107

(b) Any charge timely received, via facsimile, postal mail, 59108
electronic mail, or otherwise, may be signed under oath after the 59109
limitations period for filing set forth under division (B)(1) of 59110
this section and will relate back to the original filing date. 59111

(2) Upon receiving a charge, the commission may initiate a 59112
preliminary investigation to determine whether it is probable that 59113
an unlawful discriminatory practice has been or is being engaged 59114
in. The commission also may conduct, upon its own initiative and 59115
independent of the filing of any charges, a preliminary 59116
investigation relating to any of the unlawful discriminatory 59117
practices described in division (A), (B), (C), (D), (E), (F), (I), 59118
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 59119
the Revised Code. Prior to a notification of a complainant under 59120
division (B)(4) of this section or prior to the commencement of 59121
informal methods of conference, conciliation, and persuasion, or 59122
alternative dispute resolution, under that division, the members 59123
of the commission and the officers and employees of the commission 59124
shall not make public in any manner and shall retain as 59125
confidential all information that was obtained as a result of or 59126
that otherwise pertains to a preliminary investigation other than 59127
one described in division (B)(3) of this section. 59128

(3)(a) Unless it is impracticable to do so and subject to its 59129
authority under division (B)(3)(d) of this section, the commission 59130
shall complete a preliminary investigation of a charge filed 59131
pursuant to division (B)(1) of this section that alleges an 59132
unlawful discriminatory practice described in division (H) of 59133
section 4112.02 of the Revised Code, and shall take one of the 59134
following actions, within one hundred days after the filing of the 59135
charge: 59136

(i) Notify the complainant and the respondent that it is not 59137
probable that an unlawful discriminatory practice described in 59138

division (H) of section 4112.02 of the Revised Code has been or is 59139
being engaged in and that the commission will not issue a 59140
complaint in the matter; 59141

(ii) Initiate a complaint and schedule it for informal 59142
methods of conference, conciliation, and persuasion, or 59143
alternative dispute resolution; 59144

(iii) Initiate a complaint and refer it to the attorney 59145
general with a recommendation to seek a temporary or permanent 59146
injunction or a temporary restraining order. If this action is 59147
taken, the attorney general shall apply, as expeditiously as 59148
possible after receipt of the complaint, to the court of common 59149
pleas of the county in which the unlawful discriminatory practice 59150
allegedly occurred for the appropriate injunction or order, and 59151
the court shall hear and determine the application as 59152
expeditiously as possible. 59153

(b) If it is not practicable to comply with the requirements 59154
of division (B)(3)(a) of this section within the one-hundred-day 59155
period described in that division, the commission shall notify the 59156
complainant and the respondent in writing of the reasons for the 59157
noncompliance. 59158

(c) Prior to the issuance of a complaint under division 59159
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 59160
of the complainant and the respondent under division (B)(3)(a)(i) 59161
of this section, the members of the commission and the officers 59162
and employees of the commission shall not make public in any 59163
manner and shall retain as confidential all information that was 59164
obtained as a result of or that otherwise pertains to a 59165
preliminary investigation of a charge filed pursuant to division 59166
(B)(1) of this section that alleges an unlawful discriminatory 59167
practice described in division (H) of section 4112.02 of the 59168
Revised Code. 59169

(d) Notwithstanding the types of action described in 59170
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 59171
issuance of a complaint or the referral of a complaint to the 59172
attorney general and prior to endeavoring to eliminate an unlawful 59173
discriminatory practice described in division (H) of section 59174
4112.02 of the Revised Code by informal methods of conference, 59175
conciliation, and persuasion, or by alternative dispute 59176
resolution, the commission may seek a temporary or permanent 59177
injunction or a temporary restraining order in the court of common 59178
pleas of the county in which the unlawful discriminatory practice 59179
allegedly occurred. 59180

(4) If the commission determines after a preliminary 59181
investigation other than one described in division (B)(3) of this 59182
section that it is not probable that an unlawful discriminatory 59183
practice has been or is being engaged in, it shall notify any 59184
complainant under division (B)(1) of this section that it has so 59185
determined and that it will not issue a complaint in the matter. 59186
If the commission determines after a preliminary investigation 59187
other than the one described in division (B)(3) of this section 59188
that it is probable that an unlawful discriminatory practice has 59189
been or is being engaged in, it shall endeavor to eliminate the 59190
practice by informal methods of conference, conciliation, and 59191
persuasion, or by alternative dispute resolution. 59192

(5) Nothing said or done during informal methods of 59193
conference, conciliation, and persuasion, or during alternative 59194
dispute resolution, under this section shall be disclosed by any 59195
member of the commission or its staff or be used as evidence in 59196
any subsequent hearing or other proceeding. If, after a 59197
preliminary investigation and the use of informal methods of 59198
conference, conciliation, and persuasion, or alternative dispute 59199
resolution, under this section, the commission is satisfied that 59200
any unlawful discriminatory practice will be eliminated, it may 59201

treat the charge involved as being conciliated and enter that 59202
disposition on the records of the commission. If the commission 59203
fails to effect the elimination of an unlawful discriminatory 59204
practice by informal methods of conference, conciliation, and 59205
persuasion, or by alternative dispute resolution under this 59206
section and to obtain voluntary compliance with this chapter, the 59207
commission shall issue and cause to be served upon any person, 59208
including the respondent against whom a complainant has filed a 59209
charge pursuant to division (B)(1) of this section, a complaint 59210
stating the charges involved and containing a notice of an 59211
opportunity for a hearing before the commission, a member of the 59212
commission, or a hearing examiner at a place that is stated in the 59213
notice and that is located within the county in which the alleged 59214
unlawful discriminatory practice has occurred or is occurring or 59215
in which the respondent resides or transacts business. The hearing 59216
shall be held not less than thirty days after the service of the 59217
complaint upon the complainant, the aggrieved persons other than 59218
the complainant on whose behalf the complaint is issued, and the 59219
respondent, unless the complainant, an aggrieved person, or the 59220
respondent elects to proceed under division (A)(2) of section 59221
4112.051 of the Revised Code when that division is applicable. If 59222
a complaint pertains to an alleged unlawful discriminatory 59223
practice described in division (H) of section 4112.02 of the 59224
Revised Code, the complaint shall notify the complainant, an 59225
aggrieved person, and the respondent of the right of the 59226
complainant, an aggrieved person, or the respondent to elect to 59227
proceed with the administrative hearing process under this section 59228
or to proceed under division (A)(2) of section 4112.051 of the 59229
Revised Code. 59230

(6) The attorney general shall represent the commission at 59231
any hearing held pursuant to division (B)(5) of this section and 59232
shall present the evidence in support of the complaint. 59233

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter.

(2) The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under division (B) of this section, and any person who is an indispensable party to a complete determination or settlement of a question involved in the hearing shall be joined. Any aggrieved person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the unlawful discriminatory practices complained of shall be permitted to appear only for the presentation of oral or written arguments, to present evidence, perform direct and cross-examination, and be represented by counsel. The commission shall adopt rules, in

accordance with Chapter 119. of the Revised Code governing the 59265
authority granted under this division. 59266

(E) In any hearing under division (B) of this section, the 59267
commission, a member of the commission, or the hearing examiner 59268
shall not be bound by the Rules of Evidence but, in ascertaining 59269
the practices followed by the respondent, shall take into account 59270
all reliable, probative, and substantial statistical or other 59271
evidence produced at the hearing that may tend to prove the 59272
existence of a predetermined pattern of employment or membership, 59273
provided that nothing contained in this section shall be construed 59274
to authorize or require any person to observe the proportion that 59275
persons of any race, color, religion, sex, military status, 59276
familial status, national origin, disability, age, or ancestry 59277
bear to the total population or in accordance with any criterion 59278
other than the individual qualifications of the applicant. 59279

(F) The testimony taken at a hearing under division (B) of 59280
this section shall be under oath and shall be reduced to writing 59281
and filed with the commission. Thereafter, in its discretion, the 59282
commission, upon the service of a notice upon the complainant and 59283
the respondent that indicates an opportunity to be present, may 59284
take further testimony or hear argument. 59285

(G)(1)(a) If, upon all reliable, probative, and substantial 59286
evidence presented at a hearing under division (B) of this 59287
section, the commission determines that the respondent has engaged 59288
in, or is engaging in, any unlawful discriminatory practice, 59289
whether against the complainant or others, the commission shall 59290
state its findings of fact and conclusions of law and shall issue 59291
and, subject to the provisions of Chapter 119. of the Revised 59292
Code, cause to be served on the respondent an order requiring the 59293
respondent to do all of the following: 59294

~~(1)~~(i) Cease and desist from the unlawful discriminatory 59295
practice; 59296

(ii) Take any further affirmative or other action that will effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement, or upgrading of employees with or without back pay, or admission or restoration to union membership;

(iii) Report to the commission the manner of compliance.

If the commission directs payment of back pay, it shall make allowance for interim earnings.

(b) If the commission finds a violation of division (H) of section 4112.02 of the Revised Code, in addition to the action described in division (G)(1)(a) of this section, the commission additionally may require the respondent to undergo ~~recommendation~~ remediation in the form of a class, seminar, or any other type of remediation approved by the commission, may require the ~~responded~~ respondent to pay actual damages and reasonable attorney's fees, and may, to vindicate the public interest, assess a civil penalty against the respondent as follows:

(i) If division (G)(1)(b)(ii) or (iii) of this section does not apply, a civil penalty in an amount not to exceed ten thousand dollars;

(ii) If division (G)(1)(b)(iii) of this section does not apply and if the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed one violation of division (H) of section 4112.02 of the Revised Code during the five-year period immediately preceding the date on which a complaint was issued pursuant to division (B) of this section, a civil penalty in an amount not to exceed twenty-five thousand dollars;

(iii) If the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed two or more violations of division (H) of section

4112.02 of the Revised Code during the seven-year period 59328
immediately preceding the date on which a complaint was issued 59329
pursuant to division (B) of this section, a civil penalty damages 59330
in an amount not to exceed fifty thousand dollars. 59331

(2) Upon the submission of reports of compliance, the 59332
commission may issue a declaratory order stating that the 59333
respondent has ceased to engage in particular unlawful 59334
discriminatory practices. 59335

(H) If the commission finds that no probable cause exists for 59336
crediting charges of unlawful discriminatory practices or if, upon 59337
all the evidence presented at a hearing under division (B) of this 59338
section on a charge, the commission finds that a respondent has 59339
not engaged in any unlawful discriminatory practice against the 59340
complainant or others, it shall state its findings of fact and 59341
shall issue and cause to be served on the complainant an order 59342
dismissing the complaint as to the respondent. A copy of the order 59343
shall be delivered in all cases to the attorney general and any 59344
other public officers whom the commission considers proper. 59345

If, upon all the evidence presented at a hearing under 59346
division (B) of this section on a charge, the commission finds 59347
that a respondent has not engaged in any unlawful discriminatory 59348
practice against the complainant or others, it may award to the 59349
respondent reasonable attorney's fees to the extent provided in 5 59350
U.S.C. 504 and accompanying regulations. 59351

(I) Until the time period for appeal set forth in division 59352
(H) of section 4112.06 of the Revised Code expires, the 59353
commission, subject to the provisions of Chapter 119. of the 59354
Revised Code, at any time, upon reasonable notice, and in the 59355
manner it considers proper, may modify or set aside, in whole or 59356
in part, any finding or order made by it under this section. 59357

Sec. 4141.29. Each eligible individual shall receive benefits 59358

as compensation for loss of remuneration due to involuntary total 59359
or partial unemployment in the amounts and subject to the 59360
conditions stipulated in this chapter. 59361

(A) No individual is entitled to a waiting period or benefits 59362
for any week unless the individual: 59363

(1) Has filed a valid application for determination of 59364
benefit rights in accordance with section 4141.28 of the Revised 59365
Code; 59366

(2) Has made a claim for benefits in accordance with section 59367
4141.28 of the Revised Code; 59368

(3)(a) Has registered for work and thereafter continues to 59369
report to an employment office or other registration place 59370
maintained or designated by the director of job and family 59371
services. Registration shall be made in accordance with the time 59372
limits, frequency, and manner prescribed by the director. 59373

(b) For purposes of division (A)(3) of this section, an 59374
individual has "registered" upon doing any of the following: 59375

(i) Filing an application for benefit rights; 59376

(ii) Making a weekly claim for benefits; 59377

(iii) Reopening an existing claim following a period of 59378
employment or nonreporting. 59379

(c) After an applicant is registered, that registration 59380
continues for a period of three calendar weeks, including the week 59381
during which the applicant registered. However, an individual is 59382
not registered for purposes of division (A)(3) of this section 59383
during any period in which the individual fails to report, as 59384
instructed by the director, or fails to reopen an existing claim 59385
following a period of employment. 59386

(d) The director may, for good cause, extend the period of 59387
registration. 59388

(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.

(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff.

(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the following apply:

(I) The employer and the individuals affected by the layoff

who are claiming benefits under this chapter jointly request the exemption. 59421
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(II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks after the date the employer notifies the director. 59423
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(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state. 59426
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(iv) Division (A)(4)(a)(iii) of this section does not exempt an individual from meeting the other requirements specified in division (A)(4)(a)(i) of this section to be able to work and otherwise fully be available for work. An exemption granted under division (A)(4)(a)(iii) of this section may be granted only with respect to a specific plant closing. 59429
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(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances: 59435
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(I) The individual is an individual described in division (A)(4)(b)(iii) of this section; 59440
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(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section; 59442
59443

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section. 59444
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(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, 59447
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the individual shall keep a record of the individual's work search 59451
efforts and shall produce that record in the manner and means 59452
prescribed by the director. 59453

(iii) No individual shall be required to register with the 59454
OhioMeansJobs web site if the individual is legally prohibited 59455
from using a computer, has a physical or visual impairment that 59456
makes the individual unable to use a computer, or has a limited 59457
ability to read, write, speak, or understand a language in which 59458
the OhioMeansJobs web site is available. 59459

(iv) As used in division (A)(4)(b) of this section: 59460

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 59461
~~placement system operated by the state~~ has the same meaning as in 59462
section 6301.01 of the Revised Code. 59463

(II) "Registration" includes the creation, electronic 59464
posting, and maintenance of an active, searchable resume. 59465

(c) An individual who is attending a training course approved 59466
by the director meets the requirement of this division, if 59467
attendance was recommended by the director and the individual is 59468
regularly attending the course and is making satisfactory 59469
progress. An individual also meets the requirements of this 59470
division if the individual is participating and advancing in a 59471
training program, as defined in division (P) of section 5709.61 of 59472
the Revised Code, and if an enterprise, defined in division (B) of 59473
section 5709.61 of the Revised Code, is paying all or part of the 59474
cost of the individual's participation in the training program 59475
with the intention of hiring the individual for employment as a 59476
new employee, as defined in division (L) of section 5709.61 of the 59477
Revised Code, for at least ninety days after the individual's 59478
completion of the training program. 59479

(d) An individual who becomes unemployed while attending a 59480
regularly established school and whose base period qualifying 59481

weeks were earned in whole or in part while attending that school, 59482
meets the availability and active search for work requirements of 59483
division (A)(4)(a) of this section if the individual regularly 59484
attends the school during weeks with respect to which the 59485
individual claims unemployment benefits and makes self available 59486
on any shift of hours for suitable employment with the 59487
individual's most recent employer or any other employer in the 59488
individual's base period, or for any other suitable employment to 59489
which the individual is directed, under this chapter. 59490

(e) An individual who is a member in good standing with a 59491
labor organization that refers individuals to jobs meets the 59492
active search for work requirement specified in division (A)(4)(a) 59493
of this section if the individual provides documentation that the 59494
individual is eligible for a referral or placement upon request 59495
and in a manner prescribed by the director. 59496

(f) Notwithstanding any other provisions of this section, no 59497
otherwise eligible individual shall be denied benefits for any 59498
week because the individual is in training approved under section 59499
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 59500
2296, nor shall that individual be denied benefits by reason of 59501
leaving work to enter such training, provided the work left is not 59502
suitable employment, or because of the application to any week in 59503
training of provisions in this chapter, or any applicable federal 59504
unemployment compensation law, relating to availability for work, 59505
active search for work, or refusal to accept work. 59506

For the purposes of division (A)(4)(f) of this section, 59507
"suitable employment" means with respect to an individual, work of 59508
a substantially equal or higher skill level than the individual's 59509
past adversely affected employment, as defined for the purposes of 59510
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 59511
wages for such work at not less than eighty per cent of the 59512
individual's average weekly wage as determined for the purposes of 59513

that federal act. 59514

(5) Is unable to obtain suitable work. An individual who is 59515
provided temporary work assignments by the individual's employer 59516
under agreed terms and conditions of employment, and who is 59517
required pursuant to those terms and conditions to inquire with 59518
the individual's employer for available work assignments upon the 59519
conclusion of each work assignment, is not considered unable to 59520
obtain suitable employment if suitable work assignments are 59521
available with the employer but the individual fails to contact 59522
the employer to inquire about work assignments. 59523

(6) Participates in reemployment services, such as job search 59524
assistance services, if the individual has been determined to be 59525
likely to exhaust benefits under this chapter, including 59526
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 59527
extended compensation, and needs reemployment services pursuant to 59528
the profiling system established by the director under division 59529
(K) of this section, unless the director determines that: 59530

(a) The individual has completed such services; or 59531

(b) There is justifiable cause for the claimant's failure to 59532
participate in such services. 59533

Ineligibility for failure to participate in reemployment 59534
services as described in division (A)(6) of this section shall be 59535
for the week or weeks in which the claimant was scheduled and 59536
failed to participate without justifiable cause. 59537

(7) Participates in the reemployment and eligibility 59538
assessment program, or other reemployment services, as required by 59539
the director. As used in division (A)(7) of this section, 59540
"reemployment services" includes job search assistance activities, 59541
skills assessments, and the provision of labor market statistics 59542
or analysis. 59543

(a) For purposes of division (A)(7) of this section, 59544

participation is required unless the director determines that 59545
either of the following circumstances applies to the individual: 59546

(i) The individual has completed similar services. 59547

(ii) Justifiable cause exists for the failure of the 59548
individual to participate in those services. 59549

(b) Within six months after October 11, 2013, notwithstanding 59550
any earlier contact an individual may have had with a local 59551
~~one-stop county office~~ OhioMeansJobs center, including as 59552
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 59553
beginning with the eighth week after the week during which an 59554
individual first files a valid application for determination of 59555
benefit rights in the individual's benefit year, the individual 59556
shall report to a local ~~one-stop county office~~ OhioMeansJobs 59557
center for reemployment services in the manner prescribed by the 59558
director. 59559

(c) An individual whose active search for work requirement 59560
has been waived under division (A)(4)(a) of this section or is 59561
considered to be satisfied under division (A)(4)(c), (d), or (e) 59562
of this section is exempt from the requirements of division (A)(7) 59563
of this section. 59564

(B) An individual suffering total or partial unemployment is 59565
eligible for benefits for unemployment occurring subsequent to a 59566
waiting period of one week and no benefits shall be payable during 59567
this required waiting period. Not more than one week of waiting 59568
period shall be required of any individual in any benefit year in 59569
order to establish the individual's eligibility for total or 59570
partial unemployment benefits. 59571

(C) The waiting period for total or partial unemployment 59572
shall commence on the first day of the first week with respect to 59573
which the individual first files a claim for benefits at an 59574
employment office or other place of registration maintained or 59575

designated by the director or on the first day of the first week 59576
with respect to which the individual has otherwise filed a claim 59577
for benefits in accordance with the rules of the department of job 59578
and family services, provided such claim is allowed by the 59579
director. 59580

(D) Notwithstanding division (A) of this section, no 59581
individual may serve a waiting period or be paid benefits under 59582
the following conditions: 59583

(1) For any week with respect to which the director finds 59584
that: 59585

(a) The individual's unemployment was due to a labor dispute 59586
other than a lockout at any factory, establishment, or other 59587
premises located in this or any other state and owned or operated 59588
by the employer by which the individual is or was last employed; 59589
and for so long as the individual's unemployment is due to such 59590
labor dispute. No individual shall be disqualified under this 59591
provision if either of the following applies: 59592

(i) The individual's employment was with such employer at any 59593
factory, establishment, or premises located in this state, owned 59594
or operated by such employer, other than the factory, 59595
establishment, or premises at which the labor dispute exists, if 59596
it is shown that the individual is not financing, participating 59597
in, or directly interested in such labor dispute; 59598

(ii) The individual's employment was with an employer not 59599
involved in the labor dispute but whose place of business was 59600
located within the same premises as the employer engaged in the 59601
dispute, unless the individual's employer is a wholly owned 59602
subsidiary of the employer engaged in the dispute, or unless the 59603
individual actively participates in or voluntarily stops work 59604
because of such dispute. If it is established that the claimant 59605
was laid off for an indefinite period and not recalled to work 59606

prior to the dispute, or was separated by the employer prior to 59607
the dispute for reasons other than the labor dispute, or that the 59608
individual obtained a bona fide job with another employer while 59609
the dispute was still in progress, such labor dispute shall not 59610
render the employee ineligible for benefits. 59611

(b) The individual has been given a disciplinary layoff for 59612
misconduct in connection with the individual's work. 59613

(2) For the duration of the individual's unemployment if the 59614
director finds that: 59615

(a) The individual quit work without just cause or has been 59616
discharged for just cause in connection with the individual's 59617
work, provided division (D)(2) of this section does not apply to 59618
the separation of a person under any of the following 59619
circumstances: 59620

(i) Separation from employment for the purpose of entering 59621
the armed forces of the United States if the individual is 59622
inducted into the armed forces within one of the following 59623
periods: 59624

(I) Thirty days after separation; 59625

(II) One hundred eighty days after separation if the 59626
individual's date of induction is delayed solely at the discretion 59627
of the armed forces. 59628

(ii) Separation from employment pursuant to a 59629
labor-management contract or agreement, or pursuant to an 59630
established employer plan, program, or policy, which permits the 59631
employee, because of lack of work, to accept a separation from 59632
employment; 59633

(iii) The individual has left employment to accept a recall 59634
from a prior employer or, except as provided in division 59635
(D)(2)(a)(iv) of this section, to accept other employment as 59636

provided under section 4141.291 of the Revised Code, or left or 59637
was separated from employment that was concurrent employment at 59638
the time of the most recent separation or within six weeks prior 59639
to the most recent separation where the remuneration, hours, or 59640
other conditions of such concurrent employment were substantially 59641
less favorable than the individual's most recent employment and 59642
where such employment, if offered as new work, would be considered 59643
not suitable under the provisions of divisions (E) and (F) of this 59644
section. Any benefits that would otherwise be chargeable to the 59645
account of the employer from whom an individual has left 59646
employment or was separated from employment that was concurrent 59647
employment under conditions described in division (D)(2)(a)(iii) 59648
of this section, shall instead be charged to the mutualized 59649
account created by division (B) of section 4141.25 of the Revised 59650
Code, except that any benefits chargeable to the account of a 59651
reimbursing employer under division (D)(2)(a)(iii) of this section 59652
shall be charged to the account of the reimbursing employer and 59653
not to the mutualized account, except as provided in division 59654
(D)(2) of section 4141.24 of the Revised Code. 59655

(iv) When an individual has been issued a definite layoff 59656
date by the individual's employer and before the layoff date, the 59657
individual quits to accept other employment, the provisions of 59658
division (D)(2)(a)(iii) of this section apply and no 59659
disqualification shall be imposed under division (D) of this 59660
section. However, if the individual fails to meet the employment 59661
and earnings requirements of division (A)(2) of section 4141.291 59662
of the Revised Code, then the individual, pursuant to division 59663
(A)(5) of this section, shall be ineligible for benefits for any 59664
week of unemployment that occurs prior to the layoff date. 59665

(b) The individual has refused without good cause to accept 59666
an offer of suitable work when made by an employer either in 59667
person or to the individual's last known address, or has refused 59668

or failed to investigate a referral to suitable work when directed 59669
to do so by a local employment office of this state or another 59670
state, provided that this division shall not cause a 59671
disqualification for a waiting week or benefits under the 59672
following circumstances: 59673

(i) When work is offered by the individual's employer and the 59674
individual is not required to accept the offer pursuant to the 59675
terms of the labor-management contract or agreement; or 59676

(ii) When the individual is attending a training course 59677
pursuant to division (A)(4) of this section except, in the event 59678
of a refusal to accept an offer of suitable work or a refusal or 59679
failure to investigate a referral, benefits thereafter paid to 59680
such individual shall not be charged to the account of any 59681
employer and, except as provided in division (B)(1)(b) of section 59682
4141.241 of the Revised Code, shall be charged to the mutualized 59683
account as provided in division (B) of section 4141.25 of the 59684
Revised Code. 59685

(c) Such individual quit work to marry or because of marital, 59686
parental, filial, or other domestic obligations. 59687

(d) The individual became unemployed by reason of commitment 59688
to any correctional institution. 59689

(e) The individual became unemployed because of dishonesty in 59690
connection with the individual's most recent or any base period 59691
work. Remuneration earned in such work shall be excluded from the 59692
individual's total base period remuneration and qualifying weeks 59693
that otherwise would be credited to the individual for such work 59694
in the individual's base period shall not be credited for the 59695
purpose of determining the total benefits to which the individual 59696
is eligible and the weekly benefit amount to be paid under section 59697
4141.30 of the Revised Code. Such excluded remuneration and 59698
noncredited qualifying weeks shall be excluded from the 59699

calculation of the maximum amount to be charged, under division 59700
(D) of section 4141.24 and section 4141.33 of the Revised Code, 59701
against the accounts of the individual's base period employers. In 59702
addition, no benefits shall thereafter be paid to the individual 59703
based upon such excluded remuneration or noncredited qualifying 59704
weeks. 59705

For purposes of division (D)(2)(e) of this section, 59706
"dishonesty" means the commission of substantive theft, fraud, or 59707
deceitful acts. 59708

(E) No individual otherwise qualified to receive benefits 59709
shall lose the right to benefits by reason of a refusal to accept 59710
new work if: 59711

(1) As a condition of being so employed the individual would 59712
be required to join a company union, or to resign from or refrain 59713
from joining any bona fide labor organization, or would be denied 59714
the right to retain membership in and observe the lawful rules of 59715
any such organization. 59716

(2) The position offered is vacant due directly to a strike, 59717
lockout, or other labor dispute. 59718

(3) The work is at an unreasonable distance from the 59719
individual's residence, having regard to the character of the work 59720
the individual has been accustomed to do, and travel to the place 59721
of work involves expenses substantially greater than that required 59722
for the individual's former work, unless the expense is provided 59723
for. 59724

(4) The remuneration, hours, or other conditions of the work 59725
offered are substantially less favorable to the individual than 59726
those prevailing for similar work in the locality. 59727

(F) Subject to the special exceptions contained in division 59728
(A)(4)(f) of this section and section 4141.301 of the Revised 59729
Code, in determining whether any work is suitable for a claimant 59730

in the administration of this chapter, the director, in addition 59731
to the determination required under division (E) of this section, 59732
shall consider the degree of risk to the claimant's health, 59733
safety, and morals, the individual's physical fitness for the 59734
work, the individual's prior training and experience, the length 59735
of the individual's unemployment, the distance of the available 59736
work from the individual's residence, and the individual's 59737
prospects for obtaining local work. 59738

(G) The "duration of unemployment" as used in this section 59739
means the full period of unemployment next ensuing after a 59740
separation from any base period or subsequent work and until an 59741
individual has become reemployed in employment subject to this 59742
chapter, or the unemployment compensation act of another state, or 59743
of the United States, and until such individual has worked six 59744
weeks and for those weeks has earned or been paid remuneration 59745
equal to six times an average weekly wage of not less than: 59746
eighty-five dollars and ten cents per week beginning on June 26, 59747
1990; and beginning on and after January 1, 1992, twenty-seven and 59748
one-half per cent of the statewide average weekly wage as computed 59749
each first day of January under division (B)(3) of section 4141.30 59750
of the Revised Code, rounded down to the nearest dollar, except 59751
for purposes of division (D)(2)(c) of this section, such term 59752
means the full period of unemployment next ensuing after a 59753
separation from such work and until such individual has become 59754
reemployed subject to the terms set forth above, and has earned 59755
wages equal to one-half of the individual's average weekly wage or 59756
sixty dollars, whichever is less. 59757

(H) If a claimant is disqualified under division (D)(2)(a), 59758
(c), or (d) of this section or found to be qualified under the 59759
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 59760
this section or division (A)(2) of section 4141.291 of the Revised 59761
Code, then benefits that may become payable to such claimant, 59762

which are chargeable to the account of the employer from whom the individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a

contract or a reasonable assurance that the individual will 59795
perform services in any such capacity for any such institution in 59796
the second of those academic years or terms. 59797

(b) Benefits based on service for an educational institution 59798
or an institution of higher education in other than an 59799
instructional, research, or principal administrative capacity, 59800
shall not be paid to any individual for any week of unemployment 59801
which begins during the period between two successive academic 59802
years or terms of the employing educational institution or 59803
institution of higher education, provided the individual performed 59804
those services for the educational institution or institution of 59805
higher education during the first such academic year or term and, 59806
there is a reasonable assurance that such individual will perform 59807
those services for any educational institution or institution of 59808
higher education in the second of such academic years or terms. 59809

If compensation is denied to any individual for any week 59810
under division (I)(1)(b) of this section and the individual was 59811
not offered an opportunity to perform those services for an 59812
institution of higher education or for an educational institution 59813
for the second of such academic years or terms, the individual is 59814
entitled to a retroactive payment of compensation for each week 59815
for which the individual timely filed a claim for compensation and 59816
for which compensation was denied solely by reason of division 59817
(I)(1)(b) of this section. An application for retroactive benefits 59818
shall be timely filed if received by the director or the 59819
director's deputy within or prior to the end of the fourth full 59820
calendar week after the end of the period for which benefits were 59821
denied because of reasonable assurance of employment. The 59822
provision for the payment of retroactive benefits under division 59823
(I)(1)(b) of this section is applicable to weeks of unemployment 59824
beginning on and after November 18, 1983. The provisions under 59825
division (I)(1)(b) of this section shall be retroactive to 59826

September 5, 1982, only if, as a condition for full tax credit 59827
against the tax imposed by the "Federal Unemployment Tax Act," 53 59828
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 59829
secretary of labor determines that retroactivity is required by 59830
federal law. 59831

(c) With respect to weeks of unemployment beginning after 59832
December 31, 1977, benefits shall be denied to any individual for 59833
any week which commences during an established and customary 59834
vacation period or holiday recess, if the individual performs any 59835
services described in divisions (I)(1)(a) and (b) of this section 59836
in the period immediately before the vacation period or holiday 59837
recess, and there is a reasonable assurance that the individual 59838
will perform any such services in the period immediately following 59839
the vacation period or holiday recess. 59840

(d) With respect to any services described in division 59841
(I)(1)(a), (b), or (c) of this section, benefits payable on the 59842
basis of services in any such capacity shall be denied as 59843
specified in division (I)(1)(a), (b), or (c) of this section to 59844
any individual who performs such services in an educational 59845
institution or institution of higher education while in the employ 59846
of an educational service agency. For this purpose, the term 59847
"educational service agency" means a governmental agency or 59848
governmental entity that is established and operated exclusively 59849
for the purpose of providing services to one or more educational 59850
institutions or one or more institutions of higher education. 59851

(e) Any individual employed by a county board of 59852
developmental disabilities shall be notified by the thirtieth day 59853
of April each year if the individual is not to be reemployed the 59854
following academic year. 59855

(f) Any individual employed by a school district, other than 59856
a municipal school district as defined in section 3311.71 of the 59857
Revised Code, shall be notified by the first day of June each year 59858

if the individual is not to be reemployed the following academic 59859
year. 59860

(2) No disqualification will be imposed, between academic 59861
years or terms or during a vacation period or holiday recess under 59862
this division, unless the director or the director's deputy has 59863
received a statement in writing from the educational institution 59864
or institution of higher education that the claimant has a 59865
contract for, or a reasonable assurance of, reemployment for the 59866
ensuing academic year or term. 59867

(3) If an individual has employment with an educational 59868
institution or an institution of higher education and employment 59869
with a noneducational employer, during the base period of the 59870
individual's benefit year, then the individual may become eligible 59871
for benefits during the between-term, or vacation or holiday 59872
recess, disqualification period, based on employment performed for 59873
the noneducational employer, provided that the employment is 59874
sufficient to qualify the individual for benefit rights separately 59875
from the benefit rights based on school employment. The weekly 59876
benefit amount and maximum benefits payable during a 59877
disqualification period shall be computed based solely on the 59878
nonschool employment. 59879

(J) Benefits shall not be paid on the basis of employment 59880
performed by an alien, unless the alien had been lawfully admitted 59881
to the United States for permanent residence at the time the 59882
services were performed, was lawfully present for purposes of 59883
performing the services, or was otherwise permanently residing in 59884
the United States under color of law at the time the services were 59885
performed, under section 212(d)(5) of the "Immigration and 59886
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 59887

(1) Any data or information required of individuals applying 59888
for benefits to determine whether benefits are not payable to them 59889
because of their alien status shall be uniformly required from all 59890

applicants for benefits. 59891

(2) In the case of an individual whose application for 59892
benefits would otherwise be approved, no determination that 59893
benefits to the individual are not payable because of the 59894
individual's alien status shall be made except upon a 59895
preponderance of the evidence that the individual had not, in 59896
fact, been lawfully admitted to the United States. 59897

(K) The director shall establish and utilize a system of 59898
profiling all new claimants under this chapter that: 59899

(1) Identifies which claimants will be likely to exhaust 59900
regular compensation and will need job search assistance services 59901
to make a successful transition to new employment; 59902

(2) Refers claimants identified pursuant to division (K)(1) 59903
of this section to reemployment services, such as job search 59904
assistance services, available under any state or federal law; 59905

(3) Collects follow-up information relating to the services 59906
received by such claimants and the employment outcomes for such 59907
claimant's subsequent to receiving such services and utilizes such 59908
information in making identifications pursuant to division (K)(1) 59909
of this section; and 59910

(4) Meets such other requirements as the United States 59911
secretary of labor determines are appropriate. 59912

(L) Except as otherwise provided in division (A)(6) of this 59913
section, ineligibility pursuant to division (A) of this section 59914
shall begin on the first day of the week in which the claimant 59915
becomes ineligible for benefits and shall end on the last day of 59916
the week preceding the week in which the claimant satisfies the 59917
eligibility requirements. 59918

(M) The director may adopt rules that the director considers 59919
necessary for the administration of division (A) of this section. 59920

Sec. 4141.43. (A) The director of job and family services may 59921
cooperate with the industrial commission, the bureau of workers' 59922
compensation, the United States internal revenue service, the 59923
United States employment service, and other similar departments 59924
and agencies, as determined by the director, in the exchange or 59925
disclosure of information as to wages, employment, payrolls, 59926
unemployment, and other information. The director may employ, 59927
jointly with one or more of such agencies or departments, 59928
auditors, examiners, inspectors, and other employees necessary for 59929
the administration of this chapter and employment and training 59930
services for workers in the state. 59931

(B) The director may make the state's record relating to the 59932
administration of this chapter available to the railroad 59933
retirement board and may furnish the board at the board's expense 59934
such copies thereof as the board deems necessary for its purposes. 59935

(C) The director may afford reasonable cooperation with every 59936
agency of the United States charged with the administration of any 59937
unemployment compensation law. 59938

(D) The director may enter into arrangements with the 59939
appropriate agencies of other states or of the United States or 59940
Canada whereby individuals performing services in this and other 59941
states for a single employer under circumstances not specifically 59942
provided for in division (B) of section 4141.01 of the Revised 59943
Code or in similar provisions in the unemployment compensation 59944
laws of such other states shall be deemed to be engaged in 59945
employment performed entirely within this state or within one of 59946
such other states or within Canada, and whereby potential rights 59947
to benefits accumulated under the unemployment compensation laws 59948
of several states or under such a law of the United States, or 59949
both, or of Canada may constitute the basis for the payment of 59950
benefits through a single appropriate agency under terms that the 59951

director finds will be fair and reasonable as to all affected 59952
interests and will not result in any substantial loss to the 59953
unemployment compensation fund. 59954

(E) The director may enter into agreements with the 59955
appropriate agencies of other states or of the United States or 59956
Canada: 59957

(1) Whereby services or wages upon the basis of which an 59958
individual may become entitled to benefits under the unemployment 59959
compensation law of another state or of the United States or 59960
Canada shall be deemed to be employment or wages for employment by 59961
employers for the purposes of qualifying claimants for benefits 59962
under this chapter, and the director may estimate the number of 59963
weeks of employment represented by the wages reported to the 59964
director for such claimants by such other agency, provided such 59965
other state agency or agency of the United States or Canada has 59966
agreed to reimburse the unemployment compensation fund for such 59967
portion of benefits paid under this chapter upon the basis of such 59968
services or wages as the director finds will be fair and 59969
reasonable as to all affected interests; 59970

(2) Whereby the director will reimburse other state or 59971
federal or Canadian agencies charged with the administration of 59972
unemployment compensation laws with such reasonable portion of 59973
benefits, paid under the law of such other states or of the United 59974
States or of Canada upon the basis of employment or wages for 59975
employment by employers, as the director finds will be fair and 59976
reasonable as to all affected interests. Reimbursements so payable 59977
shall be deemed to be benefits for the purpose of section 4141.09 59978
and division (A) of section 4141.30 of the Revised Code. However, 59979
no reimbursement so payable shall be charged against any 59980
employer's account for the purposes of section 4141.24 of the 59981
Revised Code if the employer's account, under the same or similar 59982
circumstances, with respect to benefits charged under the 59983

provisions of this chapter, other than this section, would not be charged or, if the claimant at the time the claimant files the combined wage claim cannot establish benefit rights under this chapter. This noncharging shall not be applicable to a nonprofit organization that has elected to make payments in lieu of contributions under section 4141.241 of the Revised Code, except as provided in division (D)(2) of section 4141.24 of the Revised Code. The director may make to other state or federal or Canadian agencies and receive from such other state or federal or Canadian agencies reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section.

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of the Revised Code, the director may enter into agreements with other states whereby services performed for a crew leader, as defined in division (BB) of section 4141.01 of the Revised Code, may be covered in the state in which the crew leader either:

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled;

(b) Resides if the crew leader has no place of business in any state.

(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended.

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

(I) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et seq.

(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit

Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 60047
the purpose of verifying an individual's income under a written 60048
agreement that requires all of the following: 60049

(1) A written statement of informed consent from the 60050
individual whose information is to be disclosed; 60051

(2) A written statement confirming that the consumer 60052
reporting agency and any other entity to which the information is 60053
disclosed or released will safeguard the information from illegal 60054
or unauthorized disclosure; 60055

(3) A written statement confirming that the consumer 60056
reporting agency will pay to the bureau all costs associated with 60057
the disclosure. 60058

The director shall prescribe a manner and format in which 60059
this information may be provided. 60060

(K) The director shall adopt rules defining the requirements 60061
of the release of individual income verification information 60062
specified in division (J) of this section, which shall include all 60063
terms and conditions necessary to meet the requirements of federal 60064
law as interpreted by the United States department of labor or 60065
considered necessary by the director for the proper administration 60066
of this division. 60067

(L) The director shall disclose information furnished to or 60068
maintained by the director under this chapter upon request and on 60069
a reimbursable basis as required by section 303 of the "Social 60070
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 60071
Revenue Code," 26 U.S.C.A. 3304. 60072

Sec. 4141.51. (A) An employer who wishes to participate in 60073
the SharedWork Ohio program shall submit a plan to the director of 60074
job and family services in which the employer does all of the 60075
following: 60076

- (1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work; 60077
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- (2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan; 60079
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- (3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible; 60086
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- (4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program; 60090
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- (5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program; 60095
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- (6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the 60106
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director, including employer-sponsored training or worker training 60108
funded under the federal ~~"Workforce Investment Act of 1998," 112~~ 60109
~~Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce 60110
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.; 60111

(7) Includes any other information as required by the United 60112
States secretary of labor or the director under the rules the 60113
director adopts under section 4141.50 of the Revised Code; 60114

(8) Includes an attestation by the employer that the terms of 60115
the written plan submitted by the employer and implementation of 60116
that plan are consistent with obligations of the employer under 60117
the applicable federal and state laws; 60118

(9) Includes a certification by the employer that the 60119
employer will promptly notify the director of any change in the 60120
business that includes the sale or transfer of all or part of the 60121
business, and that the employer will notify any successor in 60122
interest to the employer's business prior to the transfer of all 60123
or part of the business, of the existence of any approved shared 60124
work plan; 60125

(10) Includes a certification by the employer that, as of the 60126
date the employer submits the plan, the employer is current on all 60127
reports and has paid all contributions, reimbursements, interest, 60128
and penalties due under this chapter; 60129

(11) Includes an assurance from the employer that the 60130
employer will remain current on all employer reporting and 60131
payments of contributions, reimbursements, interest, and penalties 60132
as required by this chapter; 60133

(12) Includes a certification by the employer that none of 60134
the participating employees are employed on a seasonal, temporary, 60135
or intermittent basis; 60136

(13) Includes an assurance from the employer that the 60137
employer will not reduce a participating employee's normal weekly 60138

hours of work by more than the reduction percentage, except in the 60139
event of a temporary closure of the employer's business for 60140
equipment maintenance, or when the employee takes approved time 60141
off during the week with pay, and the combined work hours and paid 60142
leave hours equal the number of hours the employee would have 60143
worked under the plan. 60144

(B) The director shall approve a shared work plan if an 60145
employer includes in the plan all of the information, 60146
certifications, and assurances required under division (A) of this 60147
section. 60148

(C) The director shall approve or deny a shared work plan and 60149
shall send a written notice to the employer stating whether the 60150
director approved or denied the plan not later than thirty days 60151
after the director receives the plan. If the director denies 60152
approval of a shared work plan, the director shall state the 60153
reasons for denying approval in the written notice sent to the 60154
employer. 60155

(D) The director shall enforce the requirements of the 60156
SharedWork Ohio program in the same manner as the director 60157
enforces the requirements of this chapter, including under section 60158
4141.40 of the Revised Code. 60159

Sec. 4301.13. (A) The liquor control commission may adopt, 60160
promulgate, repeal, rescind, and amend rules to regulate the 60161
manner of dealing in and distributing and selling bottled wine 60162
within the state. The commission may require out-of-state 60163
producers, shippers, bottlers, and holders of federal importers' 60164
permits shipping bottled wine into Ohio and holders of A-2, A-2f, 60165
B-5, B-3, and B-2 permits issued by the division of liquor 60166
control, engaged in distributing and selling bottled wine in Ohio, 60167
to file with the division a schedule of prices in which minimum 60168
prices are set forth for the sale of bottled wine at wholesale or 60169

retail, or both, in Ohio. Any amendments, additions, alterations, 60170
or revisions to the schedule of prices as originally filed with 60171
the division shall be filed in the same manner as the original 60172
schedule of prices required to be filed with the division. 60173

(B)(1) The commission may determine and fix the minimum 60174
mark-ups at wholesale or retail, or both, for bottled wine, and 60175
fix the minimum prices at which the various classes of bottled 60176
wine shall be distributed and sold in Ohio either at wholesale or 60177
retail, or both. With regard to the minimum prices at which 60178
various classes of bottled wine are sold in the state at retail, 60179
the commission shall allow a retail permit holder to offer to a 60180
personal consumer a ten per cent discount off the per-bottle 60181
retail sale price on each bottle included in a case of that wine 60182
that is offered for sale. 60183

(2) As used in division (B)(1) of this section, "case" means 60184
not less than six and not more than twelve bottles of wine that 60185
are the same brand and variety and hold the same volume. 60186

Sec. 4301.22. Sales of beer and intoxicating liquor under all 60187
classes of permits and from state liquor stores are subject to the 60188
following restrictions, in addition to those imposed by the rules 60189
or orders of the division of liquor control: 60190

(A)(1) Except as otherwise provided in this chapter, no beer 60191
or intoxicating liquor shall be sold to any person under 60192
twenty-one years of age. 60193

(2) No low-alcohol beverage shall be sold to any person under 60194
eighteen years of age. No permit issued by the division shall be 60195
suspended, revoked, or canceled because of a violation of division 60196
(A)(2) of this section. 60197

(3) No intoxicating liquor shall be handled by any person 60198
under twenty-one years of age, except that a person eighteen years 60199

of age or older employed by a permit holder may handle or sell 60200
beer or intoxicating liquor in sealed containers in connection 60201
with wholesale or retail sales, and any person nineteen years of 60202
age or older employed by a permit holder may handle intoxicating 60203
liquor in open containers when acting in the capacity of a server 60204
in a hotel, restaurant, club, or night club, as defined in 60205
division (B) of section 4301.01 of the Revised Code, or in the 60206
premises of a D-7 permit holder. This section does not authorize 60207
persons under twenty-one years of age to sell intoxicating liquor 60208
across a bar. Any person employed by a permit holder may handle 60209
beer or intoxicating liquor in sealed containers in connection 60210
with manufacturing, storage, warehousing, placement, stocking, 60211
bagging, loading, or unloading, and may handle beer or 60212
intoxicating liquor in open containers in connection with cleaning 60213
tables or handling empty bottles or glasses. 60214

(B) No permit holder and no agent or employee of a permit 60215
holder shall sell or furnish beer or intoxicating liquor to an 60216
intoxicated person. 60217

(C) No sales of intoxicating liquor shall be made after 60218
two-thirty a.m. on Sunday except under either of the following 60219
circumstances: 60220

(1) Intoxicating liquor may be sold on Sunday under authority 60221
of a permit that authorizes Sunday sale. 60222

(2) Spirituous liquor may be sold on Sunday by any person 60223
awarded an agency contract under section 4301.17 of the Revised 60224
Code if the sale of spirituous liquor is authorized in the 60225
applicable precinct as the result of an election on question 60226
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 60227
agency contract authorizes the sale of spirituous liquor on 60228
Sunday. 60229

This section does not prevent a municipal corporation from 60230

adopting a closing hour for the sale of intoxicating liquor 60231
earlier than two-thirty a.m. on Sunday or to provide that no 60232
intoxicating liquor may be sold prior to that hour on Sunday. 60233

(D) No holder of a permit shall give away any beer or 60234
intoxicating liquor of any kind at any time in connection with the 60235
permit holder's business. However, with the exception of an A-1-A 60236
permit holder that also has been issued an A-2 or A-2f permit, an 60237
A-1-A, A-1c, or D permit holder may provide to a paying customer 60238
not more than a total of four tasting samples of beer, wine, or 60239
spirituous liquor, as authorized by the applicable permit, in any 60240
twenty-four-hour period. The permit holder shall provide the 60241
tasting samples free of charge, at the permit holder's expense, 60242
only to a person who is twenty-one years of age or older. The 60243
person shall consume the tasting samples on the premises of the 60244
permit holder. A distributor is not responsible for the costs of 60245
providing tasting samples authorized under division (D) of this 60246
section. 60247

As used in division (D) of this section: 60248

(1) "Tasting sample" means one of the following, as 60249
applicable: 60250

(a) An amount not to exceed two ounces of beer; 60251

(b) An amount not to exceed two ounces of wine; 60252

(c) An amount not to exceed a quarter ounce of spirituous 60253
liquor. 60254

(2) "D permit holder" means a person that has been issued a 60255
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 60256
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 60257
or D-7 permit. 60258

(E) Except as otherwise provided in this division, no retail 60259
permit holder shall display or permit the display on the outside 60260

of any licensed retail premises, or on any lot of ground on which 60261
the licensed premises are situated, or on the exterior of any 60262
building of which the licensed premises are a part, any sign, 60263
illustration, or advertisement bearing the name, brand name, trade 60264
name, trade-mark, designation, or other emblem of or indicating 60265
the manufacturer, producer, distributor, place of manufacture, 60266
production, or distribution of any beer or intoxicating liquor. 60267
Signs, illustrations, or advertisements bearing the name, brand 60268
name, trade name, trade-mark, designation, or other emblem of or 60269
indicating the manufacturer, producer, distributor, place of 60270
manufacture, production, or distribution of beer or intoxicating 60271
liquor may be displayed and permitted to be displayed on the 60272
interior or in the show windows of any licensed premises, if the 60273
particular brand or type of product so advertised is actually 60274
available for sale on the premises at the time of that display. 60275
The liquor control commission shall determine by rule the size and 60276
character of those signs, illustrations, or advertisements. 60277

(F) No retail permit holder shall possess on the licensed 60278
premises any barrel or other container from which beer is drawn, 60279
unless there is attached to the spigot or other dispensing 60280
apparatus the name of the manufacturer of the product contained in 60281
the barrel or other container, provided that, if the beer is 60282
served at a bar, the manufacturer's name or brand shall appear in 60283
full view of the purchaser. The commission shall regulate the size 60284
and character of the devices provided for in this section. 60285

(G) Except as otherwise provided in this division, no sale of 60286
any gift certificate shall be permitted whereby beer or 60287
intoxicating liquor of any kind is to be exchanged for the 60288
certificate, unless the gift certificate can be exchanged only for 60289
food, and beer or intoxicating liquor, for on-premises consumption 60290
and the value of the beer or intoxicating liquor for which the 60291
certificate can be exchanged does not exceed more than thirty per 60292

cent of the total value of the gift certificate. The sale of gift 60293
certificates for the purchase of beer, wine, or mixed beverages 60294
shall be permitted for the purchase of beer, wine, or mixed 60295
beverages for off-premises consumption. Limitations on the use of 60296
a gift certificate for the purchase of beer, wine, or mixed 60297
beverages for off-premises consumption may be expressed by clearly 60298
stamping or typing on the face of the certificate that the 60299
certificate may not be used for the purchase of beer, wine, or 60300
mixed beverages. 60301

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 60302
the Revised Code: 60303

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 60304
fluid ounces. 60305

(2) "Sale" or "sell" includes exchange, barter, gift, 60306
distribution, and, except with respect to A-4 permit holders, 60307
offer for sale. 60308

(B) For the purposes of providing revenues for the support of 60309
the state and encouraging the grape industries in the state, a tax 60310
is hereby levied on the sale or distribution of wine in Ohio, 60311
except for known sacramental purposes, at the rate of thirty cents 60312
per wine gallon for wine containing not less than four per cent of 60313
alcohol by volume and not more than fourteen per cent of alcohol 60314
by volume, ninety-eight cents per wine gallon for wine containing 60315
more than fourteen per cent but not more than twenty-one per cent 60316
of alcohol by volume, one dollar and eight cents per wine gallon 60317
for vermouth, and one dollar and forty-eight cents per wine gallon 60318
for sparkling and carbonated wine and champagne, the tax to be 60319
paid by the holders of A-2, A-2f, and B-5 permits or by any other 60320
person selling or distributing wine upon which no tax has been 60321
paid. From the tax paid under this section on wine, vermouth, and 60322
sparkling and carbonated wine and champagne, the treasurer of 60323

state shall credit to the Ohio grape industries fund created under 60324
section 924.54 of the Revised Code a sum equal to one cent per 60325
gallon for each gallon upon which the tax is paid. 60326

(C) For the purpose of providing revenues for the support of 60327
the state, there is hereby levied a tax on prepared and bottled 60328
highballs, cocktails, cordials, and other mixed beverages at the 60329
rate of one dollar and twenty cents per wine gallon to be paid by 60330
holders of A-4 permits or by any other person selling or 60331
distributing those products upon which no tax has been paid. Only 60332
one sale of the same article shall be used in computing the amount 60333
of tax due. The tax on mixed beverages to be paid by holders of 60334
A-4 permits under this section shall not attach until the 60335
ownership of the mixed beverage is transferred for valuable 60336
consideration to a wholesaler or retailer, and no payment of the 60337
tax shall be required prior to that time. 60338

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 60339
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 60340
and sparkling and carbonated wine and champagne, the treasurer of 60341
state shall credit to the Ohio grape industries fund created under 60342
section 924.54 of the Revised Code a sum equal to two cents per 60343
gallon upon which the tax is paid. The amount credited under this 60344
division is in addition to the amount credited to the Ohio grape 60345
industries fund under division (B) of this section. 60346

(E) For the purpose of providing revenues for the support of 60347
the state, there is hereby levied a tax on cider at the rate of 60348
twenty-four cents per wine gallon to be paid by the holders of 60349
A-2, A-2f, and B-5 permits or by any other person selling or 60350
distributing cider upon which no tax has been paid. Only one sale 60351
of the same article shall be used in computing the amount of the 60352
tax due. 60353

Sec. 4301.62. (A) As used in this section: 60354

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code. 60355
60356

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code. 60357
60358

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances: 60359
60360
60361

(1) Except as provided in division (C)(1)(e) of this section, in an agency store; 60362
60363

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control; 60364
60365
60366

(3) In any other public place; 60367

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking; 60368
60369
60370
60371
60372

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 60373
60374
60375
60376

(C)(1) A person may have in the person's possession an opened container of any of the following: 60377
60378

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; 60379
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(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission

for the possession and consumption of wine in certain 60416
predesignated areas of the premises during the period for which 60417
the D-2 permit is issued. 60418

(b) As used in division (C)(3)(a) of this section: 60419

(i) "Orchestral performance" means a concert comprised of a 60420
group of not fewer than forty musicians playing various musical 60421
instruments. 60422

(ii) "Outdoor performing arts center" means an outdoor 60423
performing arts center that is located on not less than one 60424
hundred fifty acres of land and that is open for performances from 60425
the first day of April to the last day of October of each year. 60426

(4) A person may have in the person's possession an opened or 60427
unopened container of beer or intoxicating liquor at an outdoor 60428
location at which the person is attending an orchestral 60429
performance as defined in division (C)(3)(b)(i) of this section if 60430
the person with supervision and control over the performance 60431
grants permission for the possession and consumption of beer or 60432
intoxicating liquor in certain predesignated areas of that outdoor 60433
location. 60434

(5) A person may have in the person's possession on an F-9 60435
liquor permit premises an opened or unopened container of beer or 60436
intoxicating liquor that was not purchased from the holder of the 60437
F-9 permit if the person is attending ~~an~~ either of the following: 60438

(a) An orchestral performance and the F-9 permit holder of 60439
~~the F-9 permit~~ grants permission for the possession and 60440
consumption of beer or intoxicating liquor in certain 60441
predesignated areas of the premises during the period for which 60442
the F-9 permit is issued; 60443

(b) An outdoor performing arts event or orchestral 60444
performance that is free of charge and the F-9 permit holder 60445
annually hosts not less than twenty-five other events or 60446

performances that are free of charge on the permit premises. 60447

As used in division (C)(5) of this section, "orchestral 60448
performance" has the same meaning as in division (C)(3)(b) of this 60449
section. 60450

(6)(a) A person may have in the person's possession on the 60451
property of an outdoor motorsports facility an opened or unopened 60452
container of beer or intoxicating liquor that was not purchased 60453
from the owner of the facility if both of the following apply: 60454

(i) The person is attending a racing event at the facility; 60455
and 60456

(ii) The owner of the facility grants permission for the 60457
possession and consumption of beer or intoxicating liquor on the 60458
property of the facility. 60459

(b) As used in division (C)(6)(a) of this section: 60460

(i) "Racing event" means a motor vehicle racing event 60461
sanctioned by one or more motor racing sanctioning organizations. 60462

(ii) "Outdoor motorsports facility" means an outdoor 60463
racetrack to which all of the following apply: 60464

(I) It is two and four-tenths miles or more in length. 60465

(II) It is located on two hundred acres or more of land. 60466

(III) The primary business of the owner of the facility is 60467
the hosting and promoting of racing events. 60468

(IV) The holder of a D-1, D-2, or D-3 permit is located on 60469
the property of the facility. 60470

(7)(a) A person may have in the person's possession an opened 60471
container of beer or intoxicating liquor at an outdoor location 60472
within an outdoor refreshment area created under section 4301.82 60473
of the Revised Code if the opened container of beer or 60474
intoxicating liquor was purchased from a qualified permit holder 60475

to which both of the following apply: 60476

(i) The permit holder's premises is located within the outdoor refreshment area. 60477
60478

(ii) The permit held by the permit holder has an outdoor refreshment area designation. 60479
60480

(b) Division (C)(7) of this section does not authorize a person to do either of the following: 60481
60482

(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere; 60483
60484
60485

(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section. 60486
60487
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60491

(8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply: 60492
60493
60494
60495
60496

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises; 60497
60498
60499

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A)(3) of section 4303.208 of the Revised Code. 60500
60501
60502
60503

(b) As used in division (C)(8) of this section, ~~market~~ "market" means a market, for which an F-8 permit is held, that has 60504
60505

been in operation since 1860. 60506

(D) This section does not apply to a person who pays all or a 60507
portion of the fee imposed for the use of a chauffeured limousine 60508
pursuant to a prearranged contract, or the guest of the person, 60509
when all of the following apply: 60510

(1) The person or guest is a passenger in the limousine. 60511

(2) The person or guest is located in the limousine, but is 60512
not occupying a seat in the front compartment of the limousine 60513
where the operator of the limousine is located. 60514

(3) The limousine is located on any street, highway, or other 60515
public or private property open to the public for purposes of 60516
vehicular travel or parking. 60517

(E) An opened bottle of wine that was purchased from the 60518
holder of a permit that authorizes the sale of wine for 60519
consumption on the premises where sold is not an opened container 60520
for the purposes of this section if both of the following apply: 60521

(1) The opened bottle of wine is securely resealed by the 60522
permit holder or an employee of the permit holder before the 60523
bottle is removed from the premises. The bottle shall be secured 60524
in such a manner that it is visibly apparent if the bottle has 60525
been subsequently opened or tampered with. 60526

(2) The opened bottle of wine that is resealed in accordance 60527
with division (E)(1) of this section is stored in the trunk of a 60528
motor vehicle or, if the motor vehicle does not have a trunk, 60529
behind the last upright seat or in an area not normally occupied 60530
by the driver or passengers and not easily accessible by the 60531
driver. 60532

(F)(1) Except if an ordinance or resolution is enacted or 60533
adopted under division (F)(2) of this section, this section does 60534
not apply to a person who, pursuant to a prearranged contract, is 60535

a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating

liquor on the premises of a market if the beer or intoxicating 60565
liquor has been purchased from a D liquor permit holder that is 60566
located in the market. 60567

As used in division (G) of this section, "market" means an 60568
establishment that: 60569

(1) Leases space in the market to individual vendors, not 60570
less than fifty per cent of which are retail food establishments 60571
or food service operations licensed under Chapter 3717. of the 60572
Revised Code; 60573

(2) Has an indoor sales floor area of not less than 60574
twenty-two thousand square feet; 60575

(3) Hosts a farmer's market on each Saturday from April 60576
through December. 60577

Sec. 4303.05. (A) Permit A-4 may be issued to a either of the 60578
following: 60579

(1) A manufacturer to manufacture prepared highballs, 60580
cocktails, cordials, and other mixed ~~drinks~~ beverages containing 60581
not less than ~~four~~ one-half of one per cent of alcohol by volume 60582
and not more than twenty-one per cent of alcohol by volume, and to 60583
sell such products to wholesale and retail permit holders in 60584
sealed containers only under such rules as are adopted by the 60585
division of liquor control. The holder of such permit may import 60586
into the state spirituous liquor and wine only for blending or 60587
other manufacturing purposes under such rules as are prescribed by 60588
the division. 60589

(2) A manufacturer to manufacture ice cream containing not 60590
less than one-half of one per cent of alcohol by volume but not 60591
more than six per cent of alcohol by volume, and to sell those 60592
products either for consumption on the premises where manufactured 60593
or in sealed containers for consumption off the premises where 60594

manufactured. For off-premises consumption purposes, a 60595
manufacturer shall not knowingly sell more than four pints of such 60596
ice cream to a customer in any calendar day. 60597

No A-4 permit shall be issued to a manufacturer to sell ice 60598
cream under division (A)(2) of this section unless the sale of 60599
mixed beverages for both on- and off-premises consumption is 60600
authorized in the election precinct in which the A-4 permit is 60601
proposed to be located. 60602

(B) The holder of ~~such an~~ A-4 permit may also purchase 60603
spirituous liquor for manufacturing and blending purposes from the 60604
holder of an A-3 permit issued by the division. The fee for an A-4 60605
permit is three thousand nine hundred six dollars for each plant. 60606

Sec. 4303.181. (A) Permit D-5a may be issued either to the 60607
owner or operator of a hotel or motel that is required to be 60608
licensed under section 3731.03 of the Revised Code, that contains 60609
at least fifty rooms for registered transient guests or is owned 60610
by a state institution of higher education as defined in section 60611
3345.011 of the Revised Code or a private college or university, 60612
and that qualifies under the other requirements of this section, 60613
or to the owner or operator of a restaurant specified under this 60614
section, to sell beer and any intoxicating liquor at retail, only 60615
by the individual drink in glass and from the container, for 60616
consumption on the premises where sold, and to registered guests 60617
in their rooms, which may be sold by means of a controlled access 60618
alcohol and beverage cabinet in accordance with division (B) of 60619
section 4301.21 of the Revised Code; and to sell the same products 60620
in the same manner and amounts not for consumption on the premises 60621
as may be sold by holders of D-1 and D-2 permits. The premises of 60622
the hotel or motel shall include a retail food establishment or a 60623
food service operation licensed pursuant to Chapter 3717. of the 60624
Revised Code that operates as a restaurant for purposes of this 60625

chapter and that is affiliated with the hotel or motel and within 60626
or contiguous to the hotel or motel, and that serves food within 60627
the hotel or motel, but the principal business of the owner or 60628
operator of the hotel or motel shall be the accommodation of 60629
transient guests. In addition to the privileges authorized in this 60630
division, the holder of a D-5a permit may exercise the same 60631
privileges as the holder of a D-5 permit. 60632

The owner or operator of a hotel, motel, or restaurant who 60633
qualified for and held a D-5a permit on August 4, 1976, may, if 60634
the owner or operator held another permit before holding a D-5a 60635
permit, either retain a D-5a permit or apply for the permit 60636
formerly held, and the division of liquor control shall issue the 60637
permit for which the owner or operator applies and formerly held, 60638
notwithstanding any quota. 60639

A D-5a permit shall not be transferred to another location. 60640
No quota restriction shall be placed on the number of D-5a permits 60641
that may be issued. 60642

The fee for this permit is two thousand three hundred 60643
forty-four dollars. 60644

(B) Permit D-5b may be issued to the owner, operator, tenant, 60645
lessee, or occupant of an enclosed shopping center to sell beer 60646
and intoxicating liquor at retail, only by the individual drink in 60647
glass and from the container, for consumption on the premises 60648
where sold; and to sell the same products in the same manner and 60649
amount not for consumption on the premises as may be sold by 60650
holders of D-1 and D-2 permits. In addition to the privileges 60651
authorized in this division, the holder of a D-5b permit may 60652
exercise the same privileges as a holder of a D-5 permit. 60653

A D-5b permit shall not be transferred to another location. 60654

One D-5b permit may be issued at an enclosed shopping center 60655

containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification of that payment, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as that person requests. The division shall issue the D-5 permit, or the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, D-3, or D-5 permits currently issued in the municipal corporation or in the unincorporated area of the township where that person's

proposed premises is located equals or exceeds the maximum number 60688
of such permits that can be issued in that municipal corporation 60689
or in the unincorporated area of that township under the 60690
population quota restrictions contained in section 4303.29 of the 60691
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 60692
be transferred to another location. If a D-5b permit is canceled 60693
under the provisions of this paragraph, the number of D-5b permits 60694
that may be issued at the enclosed shopping center for which the 60695
D-5b permit was issued, under the formula provided in this 60696
division, shall be reduced by one if the enclosed shopping center 60697
was entitled to more than one D-5b permit under the formula. 60698

The fee for this permit is two thousand three hundred 60699
forty-four dollars. 60700

(C) Permit D-5c may be issued to the owner or operator of a 60701
retail food establishment or a food service operation licensed 60702
pursuant to Chapter 3717. of the Revised Code that operates as a 60703
restaurant for purposes of this chapter and that qualifies under 60704
the other requirements of this section to sell beer and any 60705
intoxicating liquor at retail, only by the individual drink in 60706
glass and from the container, for consumption on the premises 60707
where sold, and to sell the same products in the same manner and 60708
amounts not for consumption on the premises as may be sold by 60709
holders of D-1 and D-2 permits. In addition to the privileges 60710
authorized in this division, the holder of a D-5c permit may 60711
exercise the same privileges as the holder of a D-5 permit. 60712

To qualify for a D-5c permit, the owner or operator of a 60713
retail food establishment or a food service operation licensed 60714
pursuant to Chapter 3717. of the Revised Code that operates as a 60715
restaurant for purposes of this chapter, shall have operated the 60716
restaurant at the proposed premises for not less than twenty-four 60717
consecutive months immediately preceding the filing of the 60718
application for the permit, have applied for a D-5 permit no later 60719

than December 31, 1988, and appear on the division's quota waiting 60720
list for not less than six months immediately preceding the filing 60721
of the application for the permit. In addition to these 60722
requirements, the proposed D-5c permit premises shall be located 60723
within a municipal corporation and further within an election 60724
precinct that, at the time of the application, has no more than 60725
twenty-five per cent of its total land area zoned for residential 60726
use. 60727

A D-5c permit shall not be transferred to another location. 60728
No quota restriction shall be placed on the number of such permits 60729
that may be issued. 60730

Any person who has held a D-5c permit for at least two years 60731
may apply for a D-5 permit, and the division of liquor control 60732
shall issue the D-5 permit notwithstanding the quota restrictions 60733
contained in section 4303.29 of the Revised Code or in any rule of 60734
the liquor control commission. 60735

The fee for this permit is one thousand five hundred 60736
sixty-three dollars. 60737

(D) Permit D-5d may be issued to the owner or operator of a 60738
retail food establishment or a food service operation licensed 60739
pursuant to Chapter 3717. of the Revised Code that operates as a 60740
restaurant for purposes of this chapter and that is located at an 60741
airport operated by a board of county commissioners pursuant to 60742
section 307.20 of the Revised Code, at an airport operated by a 60743
port authority pursuant to Chapter 4582. of the Revised Code, or 60744
at an airport operated by a regional airport authority pursuant to 60745
Chapter 308. of the Revised Code. The holder of a D-5d permit may 60746
sell beer and any intoxicating liquor at retail, only by the 60747
individual drink in glass and from the container, for consumption 60748
on the premises where sold, and may sell the same products in the 60749
same manner and amounts not for consumption on the premises where 60750
sold as may be sold by the holders of D-1 and D-2 permits. In 60751

addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not

issue a D-5e permit if the permit premises or proposed permit 60782
premises are located within an area in which the sale of 60783
spirituous liquor by the glass is prohibited. 60784

The fee for this permit is one thousand two hundred nineteen 60785
dollars. 60786

(F) Permit D-5f may be issued to the owner or operator of a 60787
retail food establishment or a food service operation licensed 60788
under Chapter 3717. of the Revised Code that operates as a 60789
restaurant for purposes of this chapter and that meets all of the 60790
following: 60791

(1) It contains not less than twenty-five hundred square feet 60792
of floor area. 60793

(2) It is located on or in, or immediately adjacent to, the 60794
shoreline of, a navigable river. 60795

(3) It provides docking space for twenty-five boats. 60796

(4) It provides entertainment and recreation, provided that 60797
not less than fifty per cent of the business on the permit 60798
premises shall be preparing and serving meals for a consideration. 60799

In addition, each application for a D-5f permit shall be 60800
accompanied by a certification from the local legislative 60801
authority that the issuance of the D-5f permit is not inconsistent 60802
with that political subdivision's comprehensive development plan 60803
or other economic development goal as officially established by 60804
the local legislative authority. 60805

The holder of a D-5f permit may sell beer and intoxicating 60806
liquor at retail, only by the individual drink in glass and from 60807
the container, for consumption on the premises where sold. 60808

A D-5f permit shall not be transferred to another location. 60809

The division of liquor control shall not issue a D-5f permit 60810
if the permit premises or proposed permit premises are located 60811

within an area in which the sale of spirituous liquor by the glass 60812
is prohibited. 60813

A fee for this permit is two thousand three hundred 60814
forty-four dollars. 60815

As used in this division, "navigable river" means a river 60816
that is also a "navigable water" as defined in the "Federal Power 60817
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 60818

(G) Permit D-5g may be issued to a nonprofit corporation that 60819
is either the owner or the operator of a national professional 60820
sports museum. The holder of a D-5g permit may sell beer and any 60821
intoxicating liquor at retail, only by the individual drink in 60822
glass and from the container, for consumption on the premises 60823
where sold. The holder of a D-5g permit shall sell no beer or 60824
intoxicating liquor for consumption on the premises where sold 60825
after two-thirty a.m. A D-5g permit shall not be transferred to 60826
another location. No quota restrictions shall be placed on the 60827
number of D-5g permits that may be issued. The fee for this permit 60828
is one thousand eight hundred seventy-five dollars. 60829

(H)(1) Permit D-5h may be issued to any nonprofit 60830
organization that is exempt from federal income taxation under the 60831
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 60832
501(c)(3), as amended, that owns or operates any of the following: 60833

(a) A fine arts museum, provided that the nonprofit 60834
organization has no less than one thousand five hundred bona fide 60835
members possessing full membership privileges; 60836

(b) A community arts center. As used in division (H)(1)(b) of 60837
this section, "community arts center" means a facility that 60838
provides arts programming to the community in more than one arts 60839
discipline, including, but not limited to, exhibits of works of 60840
art and performances by both professional and amateur artists. 60841

(c) A community theater, provided that the nonprofit 60842

organization is a member of the Ohio arts council and the American 60843
community theatre association and has been in existence for not 60844
less than ten years. As used in division (H)(1)(c) of this 60845
section, "community theater" means a facility that contains at 60846
least one hundred fifty seats and has a primary function of 60847
presenting live theatrical performances and providing recreational 60848
opportunities to the community. 60849

(2) The holder of a D-5h permit may sell beer and any 60850
intoxicating liquor at retail, only by the individual drink in 60851
glass and from the container, for consumption on the premises 60852
where sold. The holder of a D-5h permit shall sell no beer or 60853
intoxicating liquor for consumption on the premises where sold 60854
after one a.m. A D-5h permit shall not be transferred to another 60855
location. No quota restrictions shall be placed on the number of 60856
D-5h permits that may be issued. 60857

(3) The fee for a D-5h permit is one thousand eight hundred 60858
seventy-five dollars. 60859

(I) Permit D-5i may be issued to the owner or operator of a 60860
retail food establishment or a food service operation licensed 60861
under Chapter 3717. of the Revised Code that operates as a 60862
restaurant for purposes of this chapter and that meets all of the 60863
following requirements: 60864

(1) It is located in a municipal corporation or a township 60865
with a population of one hundred thousand or less. 60866

(2) It has inside seating capacity for at least one hundred 60867
forty persons. 60868

(3) It has at least four thousand square feet of floor area. 60869

(4) It offers full-course meals, appetizers, and sandwiches. 60870

(5) Its receipts from beer and liquor sales, excluding wine 60871
sales, do not exceed twenty-five per cent of its total gross 60872

receipts. 60873

(6) It has at least one of the following characteristics: 60874

(a) The value of its real and personal property exceeds seven 60875
hundred twenty-five thousand dollars. 60876

(b) It is located on property that is owned or leased by the 60877
state or a state agency, and its owner or operator has 60878
authorization from the state or the state agency that owns or 60879
leases the property to obtain a D-5i permit. 60880

The holder of a D-5i permit may sell beer and any 60881
intoxicating liquor at retail, only by the individual drink in 60882
glass and from the container, for consumption on the premises 60883
where sold, and may sell the same products in the same manner and 60884
amounts not for consumption on the premises where sold as may be 60885
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 60886
permit shall sell no beer or intoxicating liquor for consumption 60887
on the premises where sold after two-thirty a.m. In addition to 60888
the privileges authorized in this division, the holder of a D-5i 60889
permit may exercise the same privileges as the holder of a D-5 60890
permit. 60891

A D-5i permit shall not be transferred to another location. 60892
The division of liquor control shall not renew a D-5i permit 60893
unless the retail food establishment or food service operation for 60894
which it is issued continues to meet the requirements described in 60895
divisions (I)(1) to (6) of this section. No quota restrictions 60896
shall be placed on the number of D-5i permits that may be issued. 60897
The fee for the D-5i permit is two thousand three hundred 60898
forty-four dollars. 60899

(J) Permit D-5j may be issued to the owner or the operator of 60900
a retail food establishment or a food service operation licensed 60901
under Chapter 3717. of the Revised Code to sell beer and 60902
intoxicating liquor at retail, only by the individual drink in 60903

glass and from the container, for consumption on the premises 60904
where sold and to sell beer and intoxicating liquor in the same 60905
manner and amounts not for consumption on the premises where sold 60906
as may be sold by the holders of D-1 and D-2 permits. The holder 60907
of a D-5j permit may exercise the same privileges, and shall 60908
observe the same hours of operation, as the holder of a D-5 60909
permit. 60910

The D-5j permit shall be issued only within a community 60911
entertainment district that is designated under section 4301.80 of 60912
the Revised Code. The permit shall not be issued to a community 60913
entertainment district that is designated under divisions (B) and 60914
(C) of section 4301.80 of the Revised Code if the district does 60915
not meet one of the following qualifications: 60916

(1) It is located in a municipal corporation with a 60917
population of at least one hundred thousand. 60918

(2) It is located in a municipal corporation with a 60919
population of at least twenty thousand, and either of the 60920
following applies: 60921

(a) It contains an amusement park the rides of which have 60922
been issued a permit by the department of agriculture under 60923
Chapter 1711. of the Revised Code. 60924

(b) Not less than fifty million dollars will be invested in 60925
development and construction in the community entertainment 60926
district's area located in the municipal corporation. 60927

(3) It is located in a township with a population of at least 60928
forty thousand. 60929

(4) It is located in a township with a population of at least 60930
twenty thousand, and not less than seventy million dollars will be 60931
invested in development and construction in the community 60932
entertainment district's area located in the township. 60933

(5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply:

(a) The municipal corporation was incorporated as a village prior to calendar year 1860 and currently has a historic downtown business district.

(b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district.

(6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(7) It is located in a municipal corporation with a population of at least ~~five~~ three thousand, and not less than one hundred fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.

The fee for a D-5j permit is two thousand three hundred

forty-four dollars. 60965

(K)(1) Permit D-5k may be issued to any nonprofit 60966
organization that is exempt from federal income taxation under the 60967
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 60968
501(c)(3), as amended, that is the owner or operator of a 60969
botanical garden recognized by the American association of 60970
botanical gardens and arboreta, and that has not less than 60971
twenty-five hundred bona fide members. 60972

(2) The holder of a D-5k permit may sell beer and any 60973
intoxicating liquor at retail, only by the individual drink in 60974
glass and from the container, on the premises where sold. 60975

(3) The holder of a D-5k permit shall sell no beer or 60976
intoxicating liquor for consumption on the premises where sold 60977
after one a.m. 60978

(4) A D-5k permit shall not be transferred to another 60979
location. 60980

(5) No quota restrictions shall be placed on the number of 60981
D-5k permits that may be issued. 60982

(6) The fee for the D-5k permit is one thousand eight hundred 60983
seventy-five dollars. 60984

(L)(1) Permit D-5l may be issued to the owner or the operator 60985
of a retail food establishment or a food service operation 60986
licensed under Chapter 3717. of the Revised Code to sell beer and 60987
intoxicating liquor at retail, only by the individual drink in 60988
glass and from the container, for consumption on the premises 60989
where sold and to sell beer and intoxicating liquor in the same 60990
manner and amounts not for consumption on the premises where sold 60991
as may be sold by the holders of D-1 and D-2 permits. The holder 60992
of a D-5l permit may exercise the same privileges, and shall 60993
observe the same hours of operation, as the holder of a D-5 60994
permit. 60995

(2) The D-51 permit shall be issued only to a premises to which all of the following apply: 60996
60997

(a) The premises has gross annual receipts from the sale of food and meals that constitute not less than seventy-five per cent of its total gross annual receipts. 60998
60999
61000

(b) The premises is located within a revitalization district that is designated under section 4301.81 of the Revised Code. 61001
61002

(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 61003
61004
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61007

(d) The premises meets any of the following qualifications: 61008

(i) It is located in a county with a population of one hundred twenty-five thousand or less according to the population estimates certified by the development services agency for calendar year 2006. 61009
61010
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(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(ii) of this section applies only to a municipal corporation that is wholly located in a county. 61013
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(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(iii) of this section applies only to a municipal corporation that is wholly located in a county. 61020
61021
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61024
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(iv) It is located in a township with a population density of 61027
less than four hundred fifty people per square mile. For purposes 61028
of division (L)(2)(d)(iv) of this section, the population of a 61029
township is considered to be the population shown by the most 61030
recent regular federal decennial census. 61031

(v) It is located in a municipal corporation that is wholly 61032
located within the geographic boundaries of a township, provided 61033
that the municipal corporation and the unincorporated portion of 61034
the township have a combined population density of less than four 61035
hundred fifty people per square mile. For purposes of division 61036
(L)(2)(d)(v) of this section, the population of a municipal 61037
corporation and unincorporated portion of a township is the 61038
population shown by the most recent federal decennial census. 61039

(3) The location of a D-51 permit may be transferred only 61040
within the geographic boundaries of the revitalization district in 61041
which it was issued and shall not be transferred outside the 61042
geographic boundaries of that district. 61043

(4) Not more than one D-51 permit shall be issued within each 61044
revitalization district for each five acres of land located within 61045
the district. Not more than fifteen D-51 permits may be issued 61046
within a single revitalization district. Except as otherwise 61047
provided in division (L)(4) of this section, no quota restrictions 61048
shall be placed upon the number of D-51 permits that may be 61049
issued. 61050

(5) No D-51 permit shall be issued to an adult entertainment 61051
establishment as defined in section 2907.39 of the Revised Code. 61052

(6) The fee for a D-51 permit is two thousand three hundred 61053
forty-four dollars. 61054

(M) Permit D-5m may be issued to either the owner or the 61055
operator of a retail food establishment or food service operation 61056
licensed under Chapter 3717. of the Revised Code that operates as 61057

a restaurant for purposes of this chapter and that is located in, 61058
or affiliated with, a center for the preservation of wild animals 61059
as defined in section 4301.404 of the Revised Code, to sell beer 61060
and any intoxicating liquor at retail, only by the glass and from 61061
the container, for consumption on the premises where sold, and to 61062
sell the same products in the same manner and amounts not for 61063
consumption on the premises as may be sold by the holders of D-1 61064
and D-2 permits. In addition to the privileges authorized by this 61065
division, the holder of a D-5m permit may exercise the same 61066
privileges as the holder of a D-5 permit. 61067

A D-5m permit shall not be transferred to another location. 61068
No quota restrictions shall be placed on the number of D-5m 61069
permits that may be issued. The fee for a permit D-5m is two 61070
thousand three hundred forty-four dollars. 61071

(N) Permit D-5n shall be issued to either a casino operator 61072
or a casino management company licensed under Chapter 3772. of the 61073
Revised Code that operates a casino facility under that chapter, 61074
to sell beer and any intoxicating liquor at retail, only by the 61075
individual drink in glass and from the container, for consumption 61076
on the premises where sold, and to sell the same products in the 61077
same manner and amounts not for consumption on the premises as may 61078
be sold by the holders of D-1 and D-2 permits. In addition to the 61079
privileges authorized by this division, the holder of a D-5n 61080
permit may exercise the same privileges as the holder of a D-5 61081
permit. A D-5n permit shall not be transferred to another 61082
location. Only one D-5n permit may be issued per casino facility 61083
and not more than four D-5n permits shall be issued in this state. 61084
The fee for a permit D-5n shall be twenty thousand dollars. The 61085
holder of a D-5n permit may conduct casino gaming on the permit 61086
premises notwithstanding any provision of the Revised Code or 61087
Administrative Code. 61088

(O) Permit D-5o may be issued to the owner or operator of a 61089

retail food establishment or a food service operation licensed 61090
under Chapter 3717. of the Revised Code that operates as a 61091
restaurant for purposes of this chapter and that is located within 61092
a casino facility for which a D-5n permit has been issued. The 61093
holder of a D-5o permit may sell beer and any intoxicating liquor 61094
at retail, only by the individual drink in glass and from the 61095
container, for consumption on the premises where sold, and may 61096
sell the same products in the same manner and amounts not for 61097
consumption on the premises where sold as may be sold by the 61098
holders of D-1 and D-2 permits. In addition to the privileges 61099
authorized by this division, the holder of a D-5o permit may 61100
exercise the same privileges as the holder of a D-5 permit. A D-5o 61101
permit shall not be transferred to another location. No quota 61102
restrictions shall be placed on the number of such permits that 61103
may be issued. The fee for this permit is two thousand three 61104
hundred forty-four dollars. 61105

Sec. 4303.209. (A)(1) The division of liquor control may 61106
issue an F-9 permit to a nonprofit corporation that operates a 61107
park on property leased from a municipal corporation or to a 61108
nonprofit corporation that provides or manages entertainment 61109
programming pursuant to an agreement with a nonprofit corporation 61110
that operates a park on property leased from a municipal 61111
corporation to sell beer or intoxicating liquor by the individual 61112
drink at specific events conducted within the park property and 61113
appurtenant streets, but only if, and only at times at which, the 61114
sale of beer and intoxicating liquor on the premises is otherwise 61115
permitted by law. Additionally, an F-9 permit may be issued only 61116
if the park property ~~is~~ meets either of the following: 61117

(a) It is located in a county that has a population of 61118
between one million one hundred thousand and one million two 61119
hundred thousand on ~~the effective date of this section~~ March 22, 61120
2012. 61121

(b) It is the subject of an agreement between a municipal corporation, a national nonprofit organization that is a foundation, and an Ohio-based nonprofit organization for the purposes of hosting outdoor performing arts events or orchestral performances. As used in division (A)(1)(b) of this section, "orchestral performance" has the same meaning as in division (C)(3)(a) of section 4301.62 of the Revised Code.

(2) The division may issue separate F-9 permits to a nonprofit corporation that operates a park on property leased from a municipal corporation and a nonprofit corporation that provides or manages entertainment programming pursuant to an agreement with a nonprofit corporation that operates a park on property leased from a municipal corporation to be effective during the same time period. However, the permit privileges may be exercised by only one of the holders of an F-9 permit at specific events. The other holder of an F-9 permit shall certify to the division that it will not exercise its permit privileges during that specific event.

(3) The premises on which an F-9 permit will be used shall be clearly defined and sufficiently restricted to allow proper supervision of the permit's use by state and local law enforcement officers. Sales under an F-9 permit shall be confined to the same hours permitted to the holder of a D-3 permit.

(4) The fee for an F-9 permit is one thousand seven hundred dollars. An F-9 permit is effective for a period not to exceed nine months as specified in the permit. An F-9 permit is not transferable or renewable. However, the holder of an F-9 permit may apply for a new F-9 permit at any time. The holder of an F-9 permit shall make sales only at those specific events about which the permit holder has notified in advance the division of liquor control, the department of public safety, and the chief, sheriff, or other principal peace officer of the local law enforcement agencies having jurisdiction over the premises.

(B)(1) An application for the issuance of an F-9 permit is 61154
subject to the notice and hearing requirements established in 61155
division (A) of section 4303.26 of the Revised Code. 61156

(2) The liquor control commission shall adopt rules under 61157
Chapter 119. of the Revised Code necessary to administer this 61158
section. 61159

(C) No F-9 permit holder shall sell beer or intoxicating 61160
liquor beyond the hours of sale allowed by the permit. This 61161
division imposes strict liability on the holder of an F-9 permit 61162
and on any officer, agent, or employee of that permit holder. 61163

(D) Nothing in this section prohibits the division from 61164
issuing an F-2 permit for a specific event not conducted by the 61165
holder of an F-9 permit provided that the holder of the F-9 permit 61166
certifies to the division that it will not exercise its permit 61167
privileges during that specific event. 61168

Sec. 4303.26. (A) Applications for regular permits authorized 61169
by sections 4303.02 to 4303.23 of the Revised Code may be filed 61170
with the division of liquor control. No permit shall be issued by 61171
the division until fifteen days after the application for it is 61172
filed. An applicant for the issuance of a new permit shall pay a 61173
processing fee of one hundred dollars when filing application for 61174
the permit, if the permit is then available, or shall pay the 61175
processing fee when a permit becomes available, if it is not 61176
available when the applicant initially files the application. When 61177
an application for a new class C or D permit is filed, when class 61178
C or D permits become available, or when an application for 61179
transfer of ownership of a class C or D permit or transfer of a 61180
location of a class C or D permit is filed, no permit shall be 61181
issued, nor shall the location or the ownership of a permit be 61182
transferred, by the division until the division notifies the 61183
legislative authority of the municipal corporation, if the 61184

business or event is or is to be located within the corporate 61185
limits of a municipal corporation, or the clerk of the board of 61186
county commissioners and the fiscal officer of the board of 61187
township trustees in the county in which the business or event is 61188
or is to be conducted, if the business is or is to be located 61189
outside the corporate limits of a municipal corporation, and an 61190
opportunity is provided officials or employees of the municipal 61191
corporation or county and township, who shall be designated by the 61192
legislative authority ~~of the municipal corporation~~ or the board of 61193
county commissioners or board of township trustees, for a complete 61194
hearing upon the advisability of the issuance, transfer of 61195
ownership, or transfer of location of the permit. In this hearing, 61196
no objection to the issuance, transfer of ownership, or transfer 61197
of location of the permit shall be based upon noncompliance of the 61198
proposed permit premises with local zoning regulations which 61199
prohibit the sale of beer or intoxicating liquor, in an area zoned 61200
for commercial or industrial uses, for a permit premises that 61201
would otherwise qualify for a proper permit issued by the 61202
division. 61203

When the division sends notice to the legislative or 61204
executive authority of the political subdivision, as required by 61205
this section, the division shall also so notify, by certified 61206
mail, return receipt requested, or by personal service, the chief 61207
peace officer of the political subdivision. Upon the request of 61208
the chief peace officer, the division shall send the chief peace 61209
officer a copy of the application for the issuance or the transfer 61210
of ownership or location of the permit and all other documents or 61211
materials filed by the applicant or applicants in relation to the 61212
application. The chief peace officer may appear and testify, 61213
either in person or through a representative, at any hearing held 61214
on the advisability of the issuance, transfer of ownership, or 61215
transfer of location of the permit. The hearing shall be held in 61216
the central office of the division, except that upon written 61217

request of the legislative authority of the municipal corporation 61218
or the board of county commissioners or board of township 61219
trustees, the hearing shall be held in the county seat of the 61220
county where the applicant's business is or is to be conducted. 61221

If the business or event specified in an application for the 61222
issuance, transfer of ownership, or transfer of location of any 61223
regular permit authorized by sections 4303.02 to 4303.23 of the 61224
Revised Code, except for an F-2 permit, is, or is to be operated, 61225
within five hundred feet from the boundaries of a parcel of real 61226
estate having situated on it a school, church, library, public 61227
playground, or township park, no permit shall be issued, nor shall 61228
the location or the ownership of a permit be transferred, by the 61229
division until written notice of the filing of the application 61230
with the division is served, by certified mail, return receipt 61231
requested, or by personal service, upon the authorities in control 61232
of the school, church, library, public playground, or township 61233
park and an opportunity is provided them for a complete hearing 61234
upon the advisability of the issuance, transfer of ownership, or 61235
transfer of location of the permit. In this hearing, no objection 61236
to the issuance, transfer of ownership, or transfer of location of 61237
the permit shall be based upon the noncompliance of the proposed 61238
permit premises with local zoning regulations which prohibit the 61239
sale of beer or intoxicating liquor, in an area zoned for 61240
commercial or industrial uses, for a permit premises that would 61241
otherwise qualify for a proper permit issued by the division. Upon 61242
the written request of any of these authorities, the hearing shall 61243
be held in the county seat of the county where the applicant's 61244
business is or is to be conducted. 61245

A request for any hearing authorized by this section shall be 61246
made no later than thirty days from the time of notification by 61247
the division. This thirty-day period begins on the date the 61248
division mails notice to the legislative authority or the date on 61249

which the division mails notice to or, by personal service, serves 61250
notice upon, the institution. The division shall conduct a hearing 61251
if the request for the hearing is postmarked by the deadline date. 61252
The division may allow, upon cause shown by the requesting 61253
legislative authority or board, an extension of thirty additional 61254
days for the legislative authority of the municipal corporation, 61255
board of township trustees of the township, or board of county 61256
commissioners of the county in which a permit premises is or is to 61257
be located to object to the issuance, transfer of ownership, or 61258
transfer of location of a permit. The request for the extension 61259
shall be made by the legislative authority or board to the 61260
division no later than thirty days after the time of notification 61261
by the division. 61262

(B)~~(1)~~ When an application for transfer of ownership of a 61263
permit is filed with the division, the division shall give notice 61264
of the application to the ~~department of taxation~~ tax commissioner. 61265
Within twenty days after receiving this notification, the 61266
~~department of taxation~~ commissioner shall notify the division of 61267
liquor control and the proposed transferee of the permit if the 61268
permit holder owes to this state any delinquent horse-racing 61269
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 61270
activity taxes, sales or use taxes or, cigarette taxes, other 61271
tobacco product taxes, income taxes withheld from employee 61272
compensation, commercial activity taxes, or gross casino revenue 61273
taxes, or has failed to file any ~~sales tax returns or employee~~ 61274
~~income tax withholding~~ corresponding returns or submit any 61275
information required by the commissioner, as required for such 61276
taxes, to the extent that ~~the any delinquent taxes and delinquent~~ 61277
~~returns are~~ payment or return, or any failure to submit 61278
information, is known to the department of taxation at ~~that the~~ 61279
time of the application. The division shall not transfer ownership 61280
of the permit until payments known to be delinquent are resolved, 61281
returns known to be delinquent are filed, and ~~until the tax or~~ 61282

~~withholding delinquency is resolved~~ any information required by 61283
the commissioner has been provided. As used in this division, 61284
"resolved" means that the ~~tax or withholding delinquency~~ 61285
delinquent payment has been paid in full or an amount sufficient 61286
to satisfy the ~~delinquency~~ delinquent payment is in escrow for the 61287
benefit of the state. The ~~department of taxation~~ commissioner 61288
shall notify the division of the resolution. After the division 61289
has received the notification from the ~~department of taxation~~ 61290
commissioner, the division may proceed to transfer ownership of 61291
the permit. Nothing in this division shall be construed to affect 61292
or limit the responsibilities or liabilities of the transferor or 61293
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 61294
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 61295
the Revised Code. 61296

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 61297
~~nothing prohibits the department of taxation from disclosing to~~ 61298
~~the division or to the proposed transferee or the proposed~~ 61299
~~transferee's designated agent any information pursuant to division~~ 61300
~~(B)(1) of this section.~~ 61301

(C) No F or F-2 permit shall be issued for an event until the 61302
applicant has, by means of a form that the division shall provide 61303
to the applicant, notified the chief peace officer of the 61304
political subdivision in which the event will be conducted of the 61305
date, time, place, and duration of the event. 61306

(D) The division of liquor control shall notify an applicant 61307
for a permit authorized by sections 4303.02 to 4303.23 of the 61308
Revised Code of an action pending or judgment entered against a 61309
liquor permit premises, of which the division has knowledge, 61310
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 61311
applicant is applying for a permit at the location of the premises 61312
that is the subject of the action under section 3767.03 or 61313
judgment under section 3767.05 of the Revised Code. 61314

Sec. 4303.271. (A) Except as provided in divisions (B) and 61315
(D) of this section, the holder of a permit issued under sections 61316
4303.02 to 4303.232 of the Revised Code, who files an application 61317
for the renewal of the same class of permit for the same premises, 61318
shall be entitled to the renewal of the permit. The division of 61319
liquor control shall renew the permit unless the division rejects 61320
for good cause any renewal application, subject to the right of 61321
the applicant to appeal the rejection to the liquor control 61322
commission. 61323

(B) The legislative authority of the municipal corporation, 61324
the board of township trustees, or the board of county 61325
commissioners of the county in which a permit premises is located 61326
may object to the renewal of a permit issued under sections 61327
4303.11 to 4303.183 of the Revised Code for any of the reasons 61328
contained in division (A) of section 4303.292 of the Revised Code. 61329
Any objection shall be made no later than thirty days prior to the 61330
expiration of the permit, and the division shall accept the 61331
objection if it is postmarked no later than thirty days prior to 61332
the expiration of the permit. The objection shall be made by a 61333
resolution specifying the reasons for objecting to the renewal and 61334
requesting a hearing, but no objection shall be based upon 61335
noncompliance of the permit premises with local zoning regulations 61336
that prohibit the sale of beer or intoxicating liquor in an area 61337
zoned for commercial or industrial uses, for a permit premises 61338
that would otherwise qualify for a proper permit issued by the 61339
division. The resolution shall be accompanied by a statement by 61340
the chief legal officer of the political subdivision that, in the 61341
chief legal officer's opinion, the objection is based upon 61342
substantial legal grounds within the meaning and intent of 61343
division (A) of section 4303.292 of the Revised Code. 61344

Upon receipt of a resolution of a legislative authority or 61345
board objecting to the renewal of a permit and a statement from 61346

the chief legal officer, the division shall set a time for the 61347
hearing and send by certified mail to the permit holder, at the 61348
permit holder's usual place of business, a copy of the resolution 61349
and notice of the hearing. The division shall then hold a hearing 61350
in the central office of the division, except that, upon written 61351
request of the legislative authority or board, the hearing shall 61352
be held in the county seat of the county in which the permit 61353
premises is located, to determine whether the renewal shall be 61354
denied for any of the reasons contained in division (A) of section 61355
4303.292 of the Revised Code. Only the reasons for refusal 61356
contained in division (A) of section 4303.292 of the Revised Code 61357
and specified in the resolution of objection shall be considered 61358
at the hearing. 61359

The permit holder and the objecting legislative authority or 61360
board shall be parties to the proceedings under this section and 61361
shall have the right to be present, to be represented by counsel, 61362
to offer evidence, to require the attendance of witnesses, and to 61363
cross-examine witnesses at the hearing. 61364

(C) An application for renewal of a permit shall be filed 61365
with the division at least fifteen days prior to the expiration of 61366
an existing permit, and the existing permit shall continue in 61367
effect as provided in section 119.06 of the Revised Code until the 61368
application is approved or rejected by the division. Any holder of 61369
a permit, which has expired through failure to be renewed as 61370
provided in this section, shall obtain a renewal of the permit, 61371
upon filing an application for renewal with the division, at any 61372
time within thirty days from the date of the expired permit. A 61373
penalty of ten per cent of the permit fee shall be paid by the 61374
permit holder if the application for renewal is not filed at least 61375
fifteen days prior to the expiration of the permit. 61376

(D)(1) Annually, the tax commissioner shall cause the 61377
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 61378

sales ~~and~~ or use, cigarette, other tobacco products, employer 61379
withholding, commercial activity, and gross casino revenue tax 61380
records in the department of taxation for each holder of a permit 61381
issued under sections 4303.02 to 4303.232 of the Revised Code to 61382
be examined to determine if the permit holder is delinquent in 61383
filing any ~~sales or withholding tax~~ returns ~~or has any outstanding~~ 61384
~~liability for sales or withholding tax, penalties, or interest~~ 61385
~~imposed pursuant to Chapter 5739, or sections 5747.06 and 5747.07~~ 61386
~~of the Revised Code, submitting any information required by the~~ 61387
commissioner, or remitting any payments with respect to those 61388
taxes or any fees, charges, penalties, or interest related to 61389
those taxes. ~~If~~ 61390

If any delinquency or liability exists, the commissioner 61391
shall send a notice of that fact by certified mail, return receipt 61392
requested, to the permit holder at the mailing address shown in 61393
the records of the department. The notice shall specify, in as 61394
much detail as is possible, the periods for which returns have not 61395
been filed and the nature and amount of unpaid assessments and 61396
other liabilities and shall be sent on or before the first day of 61397
the third month preceding the month in which the permit expires. 61398
The commissioner also shall notify the division of liquor control 61399
of the delinquency or liability, identifying the permit holder by 61400
name and permit number. 61401

(2)(a) Except as provided in division (D)(4) of this section, 61402
the division of liquor control shall not renew the permit of any 61403
permit holder the tax commissioner has identified as being 61404
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 61405
~~being liable for outstanding sales or withholding tax, penalties,~~ 61406
~~or interest, providing any information, or remitting any payments~~ 61407
with respect to the taxes listed in division (D)(1) of this 61408
section as of the first day of the sixth month preceding the month 61409
in which the permit expires, or of any permit holder the 61410

commissioner has identified as having been assessed by the 61411
department on or before the first day of the third month preceding 61412
the month in which the permit expires, until the division is 61413
notified by the ~~tax~~ commissioner that the delinquency, liability, 61414
or assessment has been resolved. 61415

(b)(i) Within ninety days after the date on which the permit 61416
expires, any permit holder whose permit is not renewed under this 61417
division may file an appeal with the liquor control commission. 61418
The commission shall notify the tax commissioner regarding the 61419
filing of any such appeal. During the period in which the appeal 61420
is pending, the permit shall not be renewed by the division. The 61421
permit shall be reinstated if the permit holder and the ~~tax~~ 61422
commissioner or the attorney general demonstrate to the liquor 61423
control commission that the commissioner's notification of a 61424
delinquency or assessment was in error or that the issue of the 61425
delinquency or assessment has been resolved. 61426

(ii) A permit holder who has filed an appeal under division 61427
(D)(2)(b)(i) of this section may file a motion to withdraw the 61428
appeal. The division of liquor control may renew a permit holder's 61429
permit if the permit holder has withdrawn such an appeal and the 61430
division receives written certification from the tax commissioner 61431
that the permit holder's delinquency or assessment has been 61432
resolved. 61433

(3) A permit holder notified of delinquency or liability 61434
under this section may protest the notification to the tax 61435
commissioner on the basis that no ~~returns are~~ return or 61436
information is delinquent and no tax, ~~penalties fee, charge,~~ 61437
penalty, or interest is outstanding. The commissioner shall 61438
expeditiously consider any evidence submitted by the permit holder 61439
and, if it is determined that the notification was in error, 61440
immediately shall inform the division of liquor control that the 61441
renewal application may be granted. The renewal shall not be 61442

denied if the delinquency or unreported liability is the subject 61443
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 61444
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 61445
delinquency or unreported liability and is the subject of an 61446
assessment and of an appeal properly filed by the permit holder. 61447

(4) If the commissioner concludes that under the 61448
circumstances the permit holder's delinquency or liability has 61449
been conditionally resolved, the commissioner shall allow the 61450
permit to be renewed, conditioned upon the permit holder's 61451
continuing performance in satisfying the delinquency and 61452
liability. The conditional nature of the renewal shall be 61453
specified in the notification given to the division of liquor 61454
control under division (D)(1) of this section. Upon receipt of 61455
notice of the resolution, the division shall issue a conditional 61456
renewal. If the taxpayer defaults on any agreement to pay the 61457
delinquency or liability or fails to keep subsequent tax or fee 61458
payments current, the liquor control commission, upon request and 61459
proof of the default or failure to keep subsequent tax or fee 61460
payments current, shall indefinitely suspend the permit holder's 61461
permit until all taxes or fees and interest due are paid. 61462

(5) The commissioner may adopt rules to assist in 61463
administering the duties imposed by this section. 61464

Sec. 4501.044. (A) All moneys received under section 4503.65 61465
of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of 61466
the Revised Code on vehicles that are apportionable ~~and to which~~ 61467
~~the rates specified in divisions (A)(1) to (21) and division (B)~~ 61468
~~of section 4503.042 of the Revised Code apply~~ shall be paid into 61469
the international registration plan distribution fund, which is 61470
hereby created in the state treasury, and distributed as follows: 61471

(1) First, to make payments to other states that are members 61472
of the international registration plan of the portions of 61473

registration taxes the states are eligible to receive because of 61474
the operation within their borders of apportionable vehicles that 61475
are registered in Ohio; 61476

(2) Second, two and five-tenths per cent of all the moneys 61477
received from apportionable vehicles under section 4503.65 of the 61478
Revised Code that are collected from other international 61479
registration plan jurisdictions shall be deposited into the public 61480
safety - highway purposes fund established in section 4501.06 of 61481
the Revised Code; 61482

(3) Third, forty-two and six-tenths per cent of the moneys 61483
received from apportionable vehicles registered in this state 61484
under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and 61485
forty-two and six-tenths per cent of the balance remaining from 61486
the moneys received from apportionable vehicles under section 61487
4503.65 of the Revised Code that are collected from other 61488
international registration plan jurisdictions after distribution 61489
under division (A)(2) of this section shall be deposited in the 61490
state treasury to the credit of the public safety - highway 61491
purposes fund created by section 4501.06 of the Revised Code; 61492

(4) Fourth, an amount estimated as the annual costs that the 61493
department of taxation will incur in conducting audits of persons 61494
who have registered motor vehicles under the international 61495
registration plan, one-twelfth of which amount shall be paid by 61496
the registrar of motor vehicles into the international 61497
registration plan auditing fund created by section 5703.12 of the 61498
Revised Code by the fifteenth day of each month; 61499

(5) Fifth, to the public safety - highway purposes fund 61500
established in section 4501.06 of the Revised Code, to offset 61501
operating expenses incurred by the bureau of motor vehicles in 61502
administering the international registration plan; 61503

(6) Any moneys remaining in the international registration 61504

plan distribution fund after distribution under divisions (A)(1) 61505
to (5) of this section shall be distributed in accordance with 61506
division (B) of this section. 61507

(B)(1) Moneys received under section 4503.65 from the tax 61508
imposed by section 4503.02 of the Revised Code on vehicles that 61509
are apportionable ~~and to which the rates specified in divisions~~ 61510
~~(A)(1) to (21) and division (B) of section 4503.042 of the Revised~~ 61511
~~Code apply~~ vehicles registered in this state shall be distributed 61512
and used in the manner provided in section 4501.04 of the Revised 61513
Code and rules adopted by the registrar of motor vehicles for 61514
moneys deposited to the credit of the auto registration 61515
distribution fund. 61516

(2) Moneys received from ~~collections~~ apportionable vehicles 61517
under section 4503.65 of the Revised Code that are collected from 61518
other international registration plan jurisdictions shall be 61519
distributed under divisions (B)(2) and (3) of this section. 61520

Each county, township, and municipal corporation shall 61521
receive an amount such that the ratio that the amount of moneys 61522
received by that county, township, or municipal corporation under 61523
division (B)(1) of this section from apportionable vehicles 61524
registered in Ohio and under section 4503.65 of the Revised Code 61525
from apportionable vehicles registered in other international 61526
registration plan jurisdictions bears to the total amount of 61527
moneys received by all counties, townships, and municipal 61528
corporations under division (B)(1) of this section from 61529
apportionable vehicles registered in Ohio and under section 61530
4503.65 of the Revised Code from apportionable vehicles registered 61531
in other international registration plan jurisdictions equals the 61532
ratio that the amount of moneys that the county, township, or 61533
municipal corporation would receive from apportionable vehicles 61534
registered in Ohio were the moneys from such vehicles distributed 61535
under section 4501.04 of the Revised Code, based solely on the 61536

weight schedules contained in section ~~4503.042~~ 4503.65 of the 61537
Revised Code, bears to the total amount of money that all 61538
counties, townships, and municipal corporations would receive from 61539
apportionable vehicles registered in Ohio were the moneys from 61540
such vehicles distributed under section 4501.04 of the Revised 61541
Code, based solely on the weight schedules contained in section 61542
~~4503.042~~ 4503.65 of the Revised Code. 61543

No county, township, or municipal corporation shall receive 61544
under division (B)(2) of this section an amount greater than the 61545
amount of money that that county, township, or municipal 61546
corporation would receive from apportionable vehicles registered 61547
in Ohio were the money from the taxation of such vehicles 61548
distributed under section 4501.04 of the Revised Code based solely 61549
on the weight schedules contained in section ~~4503.042~~ 4503.65 of 61550
the Revised Code. 61551

(3) If, at the end of the distribution year, the total of all 61552
moneys received under section 4503.65 of the Revised Code for 61553
apportionable vehicles registered in another international 61554
registration plan jurisdiction exceeds the total moneys subject to 61555
distribution under division (B)(2) of this section, the registrar 61556
shall distribute to each county, township, and municipal 61557
corporation a portion of the excess. The excess shall be 61558
distributed to counties, townships, and municipal corporations in 61559
the same proportion that the revenues received by each county, 61560
township, and municipal corporation from collections under section 61561
4503.02 of the Revised Code for apportionable vehicles registered 61562
in this state and from collections under section 4503.65 of the 61563
Revised Code for apportionable vehicles registered in another 61564
international registration plan jurisdiction during that 61565
distribution year bears to the total revenues received by 61566
counties, townships, and municipal corporations from taxes levied 61567
under section 4503.02 of the Revised Code for apportionable 61568

vehicles registered in this state and from collections under 61569
section 4503.65 of the Revised Code for apportionable vehicles 61570
registered in another international registration plan jurisdiction 61571
during that distribution year. 61572

(C) All moneys received from the administrative fee imposed 61573
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 61574
shall be deposited to the credit of the public safety - highway 61575
purposes fund established in section 4501.06 of the Revised Code, 61576
to offset operating expenses incurred by the bureau of motor 61577
vehicles in administering the international registration plan. 61578

(D) A deputy registrar shall retain fifty cents of the fee 61579
imposed under division (C)(3) of section 4503.65 of the Revised 61580
Code and shall transmit the remaining amount to the registrar at 61581
the time and in the manner provided by section 4503.10 of the 61582
Revised Code. The registrar shall deposit all such moneys received 61583
into the public safety - highway purposes fund established in 61584
section 4501.06 of the Revised Code. 61585

(E) All investment earnings of the international registration 61586
plan distribution fund shall be credited to the fund. 61587

Sec. 4501.045. (A) All moneys received from the tax imposed 61588
by section 4503.02 of the Revised Code on commercial cars and 61589
buses that are registered in this state and that are not 61590
apportionable and to which the rates provided under divisions 61591
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 61592
shall be distributed as follows: 61593

(1) First, forty-two and six-tenths per cent shall be 61594
deposited in the state treasury to the credit of the public safety 61595
- highway purposes fund created by section 4501.06 of the Revised 61596
Code, to be used solely for the purposes set forth in that 61597
section; 61598

(2) Second, the balance remaining after distribution under 61599
division (A)(1) of this section shall be deposited to the credit 61600
of the auto registration distribution fund for distribution in the 61601
manner provided in sections 4501.03 and 4501.04 of the Revised 61602
Code. 61603

(B) All moneys received from the tax imposed by section 61604
4503.02 of the Revised Code on commercial cars and buses that are 61605
registered in this state and that are not apportionable and to 61606
which the rates provided under divisions (A)(1) to (7) and 61607
division (B) of section 4503.042 of the Revised Code apply, shall 61608
be deposited to the credit of the auto registration distribution 61609
fund for distribution in the manner provided in sections 4501.03 61610
and 4501.04 of the Revised Code. 61611

(C) All moneys received from the tax imposed by section 61612
4503.02 of the Revised Code on trailers and semitrailers shall be 61613
deposited to the credit of the auto registration distribution fund 61614
for distribution in the manner provided in sections 4501.03 and 61615
4501.04 of the Revised Code. 61616

Sec. 4501.07. There is hereby created the public safety 61617
highway patrol custodial fund, which shall be in the custody of 61618
the treasurer of state, but shall not be part of the state 61619
treasury. Except as otherwise provided in section 5502.1321 of the 61620
Revised Code, all money seized during investigations or other 61621
enforcement activities of the highway patrol shall be deposited 61622
into the fund or otherwise safeguarded as provided in Chapter 61623
2981. of the Revised Code. The director of public safety shall 61624
transfer money upon resolution of all legal proceedings in 61625
accordance with Chapter 2981. of the Revised Code. 61626

Sec. 4503.02. An annual license tax is hereby levied upon the 61627
operation of motor vehicles on the public roads or highways, for 61628

the purpose of enforcing and paying the expense of administering 61629
the law relative to the registration and operation of such 61630
vehicles; planning, constructing, maintaining, and repairing 61631
public roads, highways, and streets; maintaining and repairing 61632
bridges and viaducts; paying the counties' proportion of the cost 61633
and expenses of cooperating with the department of transportation 61634
in the planning, improvement, and construction of state highways; 61635
paying the counties' portion of the compensation, damages, cost, 61636
and expenses of planning, constructing, reconstructing, improving, 61637
maintaining, and repairing roads; paying the principal, interest, 61638
and charges on county bonds and other obligations issued pursuant 61639
to Chapter 133. of the Revised Code or incurred pursuant to 61640
section 5531.09 of the Revised Code for highway improvements; for 61641
the purpose of providing motorcycle safety and education 61642
instruction; enabling municipal corporations to plan, construct, 61643
reconstruct, repave, widen, maintain, repair, clear, and clean 61644
public highways, roads, and streets; paying the principal, 61645
interest, and other charges on municipal bonds and other 61646
obligations issued pursuant to Chapter 133. of the Revised Code or 61647
incurred pursuant to section 5531.09 of the Revised Code for 61648
highway improvements; to maintain and repair bridges and viaducts; 61649
to purchase, erect, and maintain street and traffic signs and 61650
markers; to purchase, erect, and maintain traffic lights and 61651
signals; to supplement revenue already available for such 61652
purposes; to pay the interest, principal, and charges on bonds and 61653
other obligations issued pursuant to Section 2i of Article VIII, 61654
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 61655
Code. ~~Such~~ 61656

The tax shall be at the rates specified in sections 4503.04 61657
~~and~~, 4503.042, and 4503.65 of the Revised Code. Under section 61658
4503.04 of the Revised Code, the tax shall be paid to and 61659
collected by the registrar of motor vehicles or deputy registrar 61660
at the time of making application for registration. Under ~~section~~ 61661

sections 4503.042 and 4503.65 of the Revised Code, the tax shall 61662
be paid to and collected by the registrar or deputy registrar as 61663
specified in those sections at the time and manner set forth by 61664
the registrar by rule. 61665

Sec. 4503.038. (A) Not later than nine months after ~~the~~ 61666
~~effective date of this section~~ June 30, 2017, the registrar of 61667
motor vehicles shall adopt rules in accordance with Chapter 119. 61668
of the Revised Code establishing a service fee that applies for 61669
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 61670
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 61671
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 61672
4519.56, and 4519.69 of the Revised Code. The service fee shall be 61673
not more than five dollars and twenty-five cents. When 61674
establishing the fee, the registrar shall consider inflation and 61675
any other factors the registrar considers to be relevant to the 61676
determination. 61677

(B) Not later than nine months after ~~the effective date of~~ 61678
~~this section~~ June 30, 2017, the registrar shall adopt rules in 61679
accordance with Chapter 119. of the Revised Code establishing 61680
prorated service fees that apply for purposes of multi-year 61681
registrations authorized under section 4503.103 of the Revised 61682
Code. When establishing the fee, the registrar shall consider 61683
inflation and any other factors the registrar considers to be 61684
relevant to the determination. 61685

Sec. 4503.04. Except as provided in sections 4503.042 and 61686
4503.65 of the Revised Code for the registration of commercial 61687
cars, trailers, semitrailers, and certain buses, the rates of the 61688
taxes imposed by section 4503.02 of the Revised Code shall be as 61689
follows: 61690

(A)(1) For motor vehicles having three wheels or less, the 61691

license tax is:	61692
(a) For each motorized bicycle or moped, ten dollars;	61693
(b) For each motorcycle, autocycle, cab-enclosed motorcycle, motor-driven cycle, or motor scooter, fourteen dollars.	61694 61695
(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.	61696 61697
(B) For each passenger car, twenty dollars;	61698
(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;	61699 61700
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	61701 61702 61703 61704 61705 61706
(E) For each noncommercial trailer, the license tax is:	61707
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	61708 61709 61710
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	61711 61712 61713
(F) Notwithstanding its weight, twelve dollars for any:	61714
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	61715 61716 61717
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into	61718 61719 61720

and out of the van; 61721

(3) Bus used principally for the transportation of 61722
handicapped persons or persons sixty-five years of age or older. 61723

(G) Notwithstanding its weight, twenty dollars for any bus 61724
used principally for the transportation of persons in a 61725
ridesharing arrangement. 61726

(H) For each transit bus having motor power the license tax 61727
is twelve dollars. 61728

"Transit bus" means either a motor vehicle having a seating 61729
capacity of more than seven persons which is operated and used by 61730
any person in the rendition of a public mass transportation 61731
service primarily in a municipal corporation or municipal 61732
corporations and provided at least seventy-five per cent of the 61733
annual mileage of such service and use is within such municipal 61734
corporation or municipal corporations or a motor vehicle having a 61735
seating capacity of more than seven persons which is operated 61736
solely for the transportation of persons associated with a 61737
charitable or nonprofit corporation, but does not mean any motor 61738
vehicle having a seating capacity of more than seven persons when 61739
such vehicle is used in a ridesharing capacity or any bus 61740
described by division (F)(3) of this section. 61741

The application for registration of such transit bus shall be 61742
accompanied by an affidavit prescribed by the registrar of motor 61743
vehicles and signed by the person or an agent of the firm or 61744
corporation operating such bus stating that the bus has a seating 61745
capacity of more than seven persons, and that it is either to be 61746
operated and used in the rendition of a public mass transportation 61747
service and that at least seventy-five per cent of the annual 61748
mileage of such operation and use shall be within one or more 61749
municipal corporations or that it is to be operated solely for the 61750
transportation of persons associated with a charitable or 61751

nonprofit corporation. 61752

The form of the license plate, and the manner of its 61753
attachment to the vehicle, shall be prescribed by the registrar of 61754
motor vehicles. 61755

(I) Except as otherwise provided in division (A) or (J) of 61756
this section, the minimum tax for any vehicle having motor power 61757
is ten dollars and eighty cents, and for each noncommercial 61758
trailer, five dollars. 61759

(J)(1) Except as otherwise provided in division (J) of this 61760
section, for each farm truck, except a noncommercial motor 61761
vehicle, that is owned, controlled, or operated by one or more 61762
farmers exclusively in farm use as defined in this section, and 61763
not for commercial purposes, and provided that at least 61764
seventy-five per cent of such farm use is by or for the one or 61765
more owners, controllers, or operators of the farm in the 61766
operation of which a farm truck is used, the license tax is five 61767
dollars plus: 61768

(a) Fifty cents per one hundred pounds or part thereof for 61769
the first three thousand pounds; 61770

(b) Seventy cents per one hundred pounds or part thereof in 61771
excess of three thousand pounds up to and including four thousand 61772
pounds; 61773

(c) Ninety cents per one hundred pounds or part thereof in 61774
excess of four thousand pounds up to and including six thousand 61775
pounds; 61776

(d) Two dollars for each one hundred pounds or part thereof 61777
in excess of six thousand pounds up to and including ten thousand 61778
pounds; 61779

(e) Two dollars and twenty-five cents for each one hundred 61780
pounds or part thereof in excess of ten thousand pounds; 61781

(f) The minimum license tax for any farm truck shall be 61782
twelve dollars. 61783

(2) The owner of a farm truck may register the truck for a 61784
period of one-half year by paying one-half the registration tax 61785
imposed on the truck under this chapter and one-half the amount of 61786
any tax imposed on the truck under Chapter 4504. of the Revised 61787
Code. 61788

(3) A farm bus may be registered for a period of two hundred 61789
ten days from the date of issue of the license plates for the bus, 61790
for a fee of ten dollars, provided such license plates shall not 61791
be issued for more than one such period in any calendar year. Such 61792
use does not include the operation of trucks by commercial 61793
processors of agricultural products. 61794

(4) License plates for farm trucks and for farm buses shall 61795
have some distinguishing marks, letters, colors, or other 61796
characteristics to be determined by the director of public safety. 61797

(5) Every person registering a farm truck or bus under this 61798
section shall furnish an affidavit certifying that the truck or 61799
bus licensed to that person is to be so used as to meet the 61800
requirements necessary for the farm truck or farm bus 61801
classification. 61802

Any farmer may use a truck owned by the farmer for commercial 61803
purposes by paying the difference between the commercial truck 61804
registration fee and the farm truck registration fee for the 61805
remaining part of the registration period for which the truck is 61806
registered. Such remainder shall be calculated from the beginning 61807
of the semiannual period in which application for such commercial 61808
license is made. 61809

Taxes at the rates provided in this section are in lieu of 61810
all taxes on or with respect to the ownership of such motor 61811
vehicles, except as provided in ~~section~~ sections 4503.042 and 61812

~~section, 4503.06, and 4503.65~~ of the Revised Code. 61813

(K) Other than trucks registered under the international 61814
registration plan in another jurisdiction and for which this state 61815
has received an apportioned registration fee, the license tax for 61816
each truck which is owned, controlled, or operated by a 61817
nonresident, and licensed in another state, and which is used 61818
exclusively for the transportation of nonprocessed agricultural 61819
products intrastate, from the place of production to the place of 61820
processing, is twenty-four dollars. 61821

"Truck," as used in this division, means any pickup truck, 61822
straight truck, semitrailer, or trailer other than a travel 61823
trailer. Nonprocessed agricultural products, as used in this 61824
division, does not include livestock or grain. 61825

A license issued under this division shall be issued for a 61826
period of one hundred thirty days in the same manner in which all 61827
other licenses are issued under this section, provided that no 61828
truck shall be so licensed for more than one 61829
one-hundred-thirty-day period during any calendar year. 61830

The license issued pursuant to this division shall consist of 61831
a windshield decal to be designed by the director of public 61832
safety. 61833

Every person registering a truck under this division shall 61834
furnish an affidavit certifying that the truck licensed to the 61835
person is to be used exclusively for the purposes specified in 61836
this division. 61837

(L) Every person registering a motor vehicle as a 61838
noncommercial motor vehicle as defined in section 4501.01 of the 61839
Revised Code, or registering a trailer as a noncommercial trailer 61840
as defined in that section, shall furnish an affidavit certifying 61841
that the motor vehicle or trailer so licensed to the person is to 61842
be so used as to meet the requirements necessary for the 61843

noncommercial vehicle classification. 61844

(M) Every person registering a van or bus as provided in 61845
divisions (F)(2) and (3) of this section shall furnish a notarized 61846
statement certifying that the van or bus licensed to the person is 61847
to be used for the purposes specified in those divisions. The form 61848
of the license plate issued for such motor vehicles shall be 61849
prescribed by the registrar. 61850

(N) Every person registering as a passenger car a motor 61851
vehicle designed and used for carrying more than nine but not more 61852
than fifteen passengers, and every person registering a bus as 61853
provided in division (G) of this section, shall furnish an 61854
affidavit certifying that the vehicle so licensed to the person is 61855
to be used in a ridesharing arrangement and that the person will 61856
have in effect whenever the vehicle is used in a ridesharing 61857
arrangement a policy of liability insurance with respect to the 61858
motor vehicle in amounts and coverages no less than those required 61859
by section 4509.79 of the Revised Code. The form of the license 61860
plate issued for such a motor vehicle shall be prescribed by the 61861
registrar. 61862

(O)(1) If an application for registration renewal is not 61863
applied for prior to the expiration date of the registration or 61864
within thirty days after that date, the registrar or deputy 61865
registrar shall collect a fee of ten dollars for the issuance of 61866
the vehicle registration. For any motor vehicle that is used on a 61867
seasonal basis, whether used for general transportation or not, 61868
and that has not been used on the public roads or highways since 61869
the expiration of the registration, the registrar or deputy 61870
registrar shall waive the fee established under this division if 61871
the application is accompanied by supporting evidence of seasonal 61872
use as the registrar may require. The registrar or deputy 61873
registrar may waive the fee for other good cause shown if the 61874
application is accompanied by supporting evidence as the registrar 61875

may require. The fee shall be in addition to all other fees 61876
established by this section. A deputy registrar shall retain fifty 61877
cents of the fee and shall transmit the remaining amount to the 61878
registrar at the time and in the manner provided by section 61879
4503.10 of the Revised Code. The registrar shall deposit all 61880
moneys received under this division into the public safety - 61881
highway purposes fund established in section 4501.06 of the 61882
Revised Code. 61883

(2) Division (O)(1) of this section does not apply to a farm 61884
truck or farm bus registered under division (J) of this section. 61885

(P) As used in this section: 61886

(1) "Van" means any motor vehicle having a single rear axle 61887
and an enclosed body without a second seat. 61888

(2) "Handicapped person" means any person who has lost the 61889
use of one or both legs, or one or both arms, or is blind, deaf, 61890
or so severely disabled as to be unable to move about without the 61891
aid of crutches or a wheelchair. 61892

(3) "Farm truck" means a truck used in the transportation 61893
from the farm of products of the farm, including livestock and its 61894
products, poultry and its products, floricultural and 61895
horticultural products, and in the transportation to the farm of 61896
supplies for the farm, including tile, fence, and every other 61897
thing or commodity used in agricultural, floricultural, 61898
horticultural, livestock, and poultry production and livestock, 61899
poultry, and other animals and things used for breeding, feeding, 61900
or other purposes connected with the operation of the farm. 61901

(4) "Farm bus" means a bus used only for the transportation 61902
of agricultural employees and used only in the transportation of 61903
such employees as are necessary in the operation of the farm. 61904

(5) "Farm supplies" includes fuel used exclusively in the 61905
operation of a farm, including one or more homes located on and 61906

used in the operation of one or more farms, and furniture and 61907
other things used in and around such homes. 61908

Sec. 4503.042. ~~The registrar of motor vehicles shall adopt~~ 61909
~~rules establishing the date, subsequent to this state's entry into~~ 61910
~~membership in the international registration plan, when the rates~~ 61911
~~established by under this section become operative apply to~~ 61912
commercial cars, buses, trailers, and semitrailers that are not 61913
subject to apportioned rates under the international registration 61914
plan. 61915

(A) The rates of the annual registration taxes imposed by 61916
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 61917
~~cars having a, based on~~ gross vehicle weight or combined gross 61918
vehicle weight ~~of, for commercial cars that are not apportionable~~ 61919
are as follows: 61920

(1) ~~Not~~ For not more than two thousand pounds, forty-five 61921
dollars; 61922

(2) ~~More~~ For more than two thousand but not more than six 61923
thousand pounds, seventy dollars; 61924

(3) ~~More~~ For more than six thousand but not more than ten 61925
thousand pounds, eighty-five dollars; 61926

(4) ~~More~~ For more than ten thousand but not more than 61927
fourteen thousand pounds, one hundred five dollars; 61928

(5) ~~More~~ For more than fourteen thousand but not more than 61929
eighteen thousand pounds, one hundred twenty-five dollars; 61930

(6) ~~More~~ For more than eighteen thousand but not more than 61931
twenty-two thousand pounds, one hundred fifty dollars; 61932

(7) ~~More~~ For more than twenty-two thousand but not more than 61933
twenty-six thousand pounds, one hundred seventy-five dollars; 61934

(8) ~~More~~ For more than twenty-six thousand but not more than 61935

thirty thousand pounds, three hundred fifty-five dollars;	61936
(9) More <u>For more</u> than thirty thousand but not more than	61937
thirty-four thousand pounds, four hundred twenty dollars;	61938
(10) More <u>For more</u> than thirty-four thousand but not more	61939
than thirty-eight thousand pounds, four hundred eighty dollars;	61940
(11) More <u>For more</u> than thirty-eight thousand but not more	61941
than forty-two thousand pounds, five hundred forty dollars;	61942
(12) More <u>For more</u> than forty-two thousand but not more than	61943
forty-six thousand pounds, six hundred dollars;	61944
(13) More <u>For more</u> than forty-six thousand but not more than	61945
fifty thousand pounds, six hundred sixty dollars;	61946
(14) More <u>For more</u> than fifty thousand but not more than	61947
fifty-four thousand pounds, seven hundred twenty-five dollars;	61948
(15) More <u>For more</u> than fifty-four thousand but not more than	61949
fifty-eight thousand pounds, seven hundred eighty-five dollars;	61950
(16) More <u>For more</u> than fifty-eight thousand but not more	61951
than sixty-two thousand pounds, eight hundred fifty-five dollars;	61952
(17) More <u>For more</u> than sixty-two thousand but not more than	61953
sixty-six thousand pounds, nine hundred twenty-five dollars;	61954
(18) More <u>For more</u> than sixty-six thousand but not more than	61955
seventy thousand pounds, nine hundred ninety-five dollars;	61956
(19) More <u>For more</u> than seventy thousand but not more than	61957
seventy-four thousand pounds, one thousand eighty dollars;	61958
(20) More <u>For more</u> than seventy-four thousand but not more	61959
than seventy-eight thousand pounds, one thousand two hundred	61960
dollars;	61961
(21) More <u>For more</u> than seventy-eight thousand pounds, one	61962
thousand three hundred forty dollars.	61963
(B) The rates of the <u>annual registration</u> taxes imposed by	61964

section 4503.02 of the Revised Code are as follows for buses	61965
having a, based on gross vehicle weight or combined gross vehicle	61966
weight of, for buses that are not apportionable are as follows:	61967
(1) Not <u>For not</u> more than two thousand pounds, ten dollars;	61968
(2) More <u>For more</u> than two thousand but not more than six	61969
thousand pounds, forty dollars;	61970
(3) More <u>For more</u> than six thousand but not more than ten	61971
thousand pounds, one hundred dollars;	61972
(4) More <u>For more</u> than ten thousand but not more than	61973
fourteen thousand pounds, one hundred eighty dollars;	61974
(5) More <u>For more</u> than fourteen thousand but not more than	61975
eighteen thousand pounds, two hundred sixty dollars;	61976
(6) More <u>For more</u> than eighteen thousand but not more than	61977
twenty-two thousand pounds, three hundred forty dollars;	61978
(7) More <u>For more</u> than twenty-two thousand but not more than	61979
twenty-six thousand pounds, four hundred twenty dollars;	61980
(8) More <u>For more</u> than twenty-six thousand but not more than	61981
thirty thousand pounds, five hundred dollars;	61982
(9) More <u>For more</u> than thirty thousand but not more than	61983
thirty-four thousand pounds, five hundred eighty dollars;	61984
(10) More <u>For more</u> than thirty-four thousand but not more	61985
than thirty-eight thousand pounds, six hundred sixty dollars;	61986
(11) More <u>For more</u> than thirty-eight thousand but not more	61987
than forty-two thousand pounds, seven hundred forty dollars;	61988
(12) More <u>For more</u> than forty-two thousand but not more than	61989
forty-six thousand pounds, eight hundred twenty dollars;	61990
(13) More <u>For more</u> than forty-six thousand but not more than	61991
fifty thousand pounds, nine hundred forty dollars;	61992
(14) More <u>For more</u> than fifty thousand but not more than	61993

fifty-four thousand pounds, one thousand dollars;	61994
(15) More <u>For more</u> than fifty-four thousand but not more than	61995
fifty-eight thousand pounds, one thousand ninety dollars;	61996
(16) More <u>For more</u> than fifty-eight thousand but not more	61997
than sixty-two thousand pounds, one thousand one hundred eighty	61998
dollars;	61999
(17) More <u>For more</u> than sixty-two thousand but not more than	62000
sixty-six thousand pounds, one thousand two hundred seventy	62001
dollars;	62002
(18) More <u>For more</u> than sixty-six thousand but not more than	62003
seventy thousand pounds, one thousand three hundred sixty dollars;	62004
(19) More <u>For more</u> than seventy thousand but not more than	62005
seventy-four thousand pounds, one thousand four hundred fifty	62006
dollars;	62007
(20) More <u>For more</u> than seventy-four thousand but not more	62008
than seventy-eight thousand pounds, one thousand five hundred	62009
forty dollars;	62010
(21) More <u>For more</u> than seventy-eight thousand pounds, one	62011
thousand six hundred thirty dollars.	62012
(C) In addition to the license taxes imposed at the rates	62013
specified in divisions (A) and (B) of this section, a fee equal to	62014
the amount established under section 4503.038 of the Revised Code,	62015
plus an appropriate amount to cover the cost of postage, shall be	62016
collected by the registrar for each international registration	62017
plan license processed by the registrar.	62018
(D) The rate of the tax for each trailer and semitrailer is	62019
twenty-five dollars.	62020
(E) (D) If an application for registration renewal is not	62021
applied for prior to the expiration date of the registration or	62022
within thirty days after that date, the registrar or deputy	62023

registrar shall collect a fee of ten dollars for the issuance of 62024
the vehicle registration, but may waive the fee for good cause 62025
shown if the application is accompanied by supporting evidence as 62026
the registrar may require. The fee shall be in addition to all 62027
other fees established by this section. A deputy registrar shall 62028
retain fifty cents of the fee and shall transmit the remaining 62029
amount to the registrar at the time and in the manner provided by 62030
section 4503.10 of the Revised Code. The registrar shall deposit 62031
all moneys received under this division into the public safety - 62032
highway purposes fund established in section 4501.06 of the 62033
Revised Code. 62034

~~(F)~~(E) The rates established by this section shall not apply 62035
to any of the following: 62036

(1) Vehicles equipped, owned, and used by a charitable or 62037
nonprofit corporation exclusively for the purpose of administering 62038
chest x-rays or receiving blood donations; 62039

(2) Vans used principally for the transportation of 62040
handicapped persons that have been modified by being equipped with 62041
adaptive equipment to facilitate the movement of such persons into 62042
and out of the vans; 62043

(3) Buses used principally for the transportation of 62044
handicapped persons or persons sixty-five years of age or older; 62045

(4) Buses used principally for the transportation of persons 62046
in a ridesharing arrangement; 62047

(5) Transit buses having motor power; 62048

(6) Noncommercial trailers, mobile homes, or manufactured 62049
homes. 62050

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 62051
4503.065 of the Revised Code, the owner of the home shall file an 62052
application with the county auditor of the county in which the 62053

home is located. An application for reduction in taxes based upon 62054
a physical disability shall be accompanied by a certificate signed 62055
by a physician, and an application for reduction in taxes based 62056
upon a mental disability shall be accompanied by a certificate 62057
signed by a physician or psychologist licensed to practice in this 62058
state. The certificate shall attest to the fact that the applicant 62059
is permanently and totally disabled, shall be in a form that the 62060
department of taxation requires, and shall include the definition 62061
of totally and permanently disabled as set forth in section 62062
4503.064 of the Revised Code. An application for reduction in 62063
taxes based upon a disability certified as permanent and total by 62064
a state or federal agency having the function of so classifying 62065
persons shall be accompanied by a certificate from that agency. An 62066
application by a disabled veteran for the reduction under division 62067
(B) of section 4503.065 of the Revised Code shall be accompanied 62068
by a letter or other written confirmation from the United States 62069
department of veterans affairs, or its predecessor or successor 62070
agency, showing that the veteran qualifies as a disabled veteran. 62071

62072

(2) Each application shall constitute a continuing 62073
application for a reduction in taxes for each year in which the 62074
manufactured or mobile home is occupied by the applicant. Failure 62075
to receive a new application or notification under division (B) of 62076
this section after an application for reduction has been approved 62077
is prima-facie evidence that the original applicant is entitled to 62078
the reduction calculated on the basis of the information contained 62079
in the original application. The original application and any 62080
subsequent application shall be in the form of a signed statement 62081
and shall be filed ~~not later than the first Monday in June on or~~ 62082
before the thirty-first day of December of the year for which the 62083
reduction is sought. The statement shall be on a form, devised and 62084
supplied by the tax commissioner, that shall require no more 62085
information than is necessary to establish the applicant's 62086

eligibility for the reduction in taxes and the amount of the 62087
reduction to which the applicant is entitled. The form shall 62088
contain a statement that signing such application constitutes a 62089
delegation of authority by the applicant to the tax commissioner 62090
or the county auditor, individually or in consultation with each 62091
other, to examine any tax or financial records that relate to the 62092
income of the applicant as stated on the application for the 62093
purpose of determining eligibility under, or possible violation 62094
of, division (C) or (D) of this section. The form also shall 62095
contain a statement that conviction of willfully falsifying 62096
information to obtain a reduction in taxes or failing to comply 62097
with division (B) of this section shall result in the revocation 62098
of the right to the reduction for a period of three years. 62099

If an application filed for the current tax year is approved 62100
after the taxes have been paid for the current year, the amount of 62101
the reduction in taxes for the current year shall be treated as an 62102
overpayment of taxes in the same manner as a late application 62103
under division (A)(3) of this section. 62104

(3) A late application for a reduction in taxes for the year 62105
preceding the year for which an original application is filed may 62106
be filed with an original application. If the auditor determines 62107
that the information contained in the late application is correct, 62108
the auditor shall determine both the amount of the reduction in 62109
taxes to which the applicant would have been entitled for the 62110
current tax year had the application been timely filed and 62111
approved in the preceding year, and the amount the taxes levied 62112
under section 4503.06 of the Revised Code for the current year 62113
would have been reduced as a result of the reduction. When an 62114
applicant is permanently and totally disabled on the first day of 62115
January of the year in which the applicant files a late 62116
application, the auditor, in making the determination of the 62117
amounts of the reduction in taxes under division (A)(3) of this 62118

section, is not required to determine that the applicant was 62119
permanently and totally disabled on the first day of January of 62120
the preceding year. 62121

The amount of the reduction in taxes pursuant to a late 62122
application shall be treated as an overpayment of taxes by the 62123
applicant. The auditor shall credit the amount of the overpayment 62124
against the amount of the taxes or penalties then due from the 62125
applicant, and, at the next succeeding settlement, the amount of 62126
the credit shall be deducted from the amount of any taxes or 62127
penalties distributable to the county or any taxing unit in the 62128
county that has received the benefit of the taxes or penalties 62129
previously overpaid, in proportion to the benefits previously 62130
received. If, after the credit has been made, there remains a 62131
balance of the overpayment, or if there are no taxes or penalties 62132
due from the applicant, the auditor shall refund that balance to 62133
the applicant by a warrant drawn on the county treasurer in favor 62134
of the applicant. The treasurer shall pay the warrant from the 62135
general fund of the county. If there is insufficient money in the 62136
general fund to make the payment, the treasurer shall pay the 62137
warrant out of any undivided manufactured or mobile home taxes 62138
subsequently received by the treasurer for distribution to the 62139
county or taxing district in the county that received the benefit 62140
of the overpaid taxes, in proportion to the benefits previously 62141
received, and the amount paid from the undivided funds shall be 62142
deducted from the money otherwise distributable to the county or 62143
taxing district in the county at the next or any succeeding 62144
distribution. At the next or any succeeding distribution after 62145
making the refund, the treasurer shall reimburse the general fund 62146
for any payment made from that fund by deducting the amount of 62147
that payment from the money distributable to the county or other 62148
taxing unit in the county that has received the benefit of the 62149
taxes, in proportion to the benefits previously received. ~~On the~~ 62150
~~second Monday in September of each year, the~~ The county auditor 62151

shall certify the total amount of the reductions in taxes made in 62152
the current year under division (A)(3) of this section to the tax 62153
commissioner who shall treat that amount as a reduction in taxes 62154
for the current tax year and shall make reimbursement to the 62155
county of that amount in the manner prescribed in section 4503.068 62156
of the Revised Code, from moneys appropriated for that purpose. 62157

(B) If in any year for which an application for reduction in 62158
taxes has been approved the owner no longer qualifies for the 62159
reduction, the owner shall notify the county auditor that the 62160
owner is not qualified for a reduction in taxes. 62161

During ~~January~~ February of each year, the county auditor 62162
shall furnish each person whose application for reduction has been 62163
approved, by ordinary mail, a form on which to report any changes 62164
in total income, ownership, occupancy, disability, and other 62165
information earlier furnished the auditor relative to the 62166
application. The form shall be completed and returned to the 62167
auditor not later than the ~~first Monday in June~~ thirty-first day
of December if the changes would affect the person's eligibility 62168
for the reduction. 62169
62170

(C) No person shall knowingly make a false statement for the 62171
purpose of obtaining a reduction in taxes under section 4503.065 62172
of the Revised Code. 62173

(D) No person shall knowingly fail to notify the county 62174
auditor of any change required by division (B) of this section 62175
that has the effect of maintaining or securing a reduction in 62176
taxes under section 4503.065 of the Revised Code. 62177

(E) No person shall knowingly make a false statement or 62178
certification attesting to any person's physical or mental 62179
condition for purposes of qualifying such person for tax relief 62180
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 62181

(F) Whoever violates division (C), (D), or (E) of this 62182

section is guilty of a misdemeanor of the fourth degree. 62183

Sec. 4503.08. (A) The weight of all motor vehicles, except 62184
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 62185
Revised Code, shall be the weight of the vehicle fully equipped as 62186
determined on a standard scale. The weight of any machinery 62187
mounted upon or affixed to a motor vehicle and not inherently 62188
motor vehicle equipment shall not be included in the determination 62189
of the total weight. 62190

(B) The horsepower of all vehicles propelled by internal 62191
combustion engines shall be computed upon the following formula: 62192
square the diameter of the cylinder measured in inches, multiply 62193
by the number of cylinders, and divide by two and one half. For 62194
all motor vehicles propelled by steam engines, the rating of the 62195
horsepower shall be based on the system of rating adopted by the 62196
United States government. 62197

(C) For all motor vehicles propelled by electricity, the 62198
rating of the horsepower shall be the normal horsepower of the 62199
electric motor therein, to be ascertained by the registrar of 62200
motor vehicles. 62201

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 62202
motorcycle, and all-purpose vehicle required to be registered 62203
under section 4519.02 of the Revised Code shall file an 62204
application for registration under section 4519.03 of the Revised 62205
Code. The owner of a motor vehicle, other than a snowmobile, 62206
off-highway motorcycle, or all-purpose vehicle, that is not 62207
designed and constructed by the manufacturer for operation on a 62208
street or highway may not register it under this chapter except 62209
upon certification of inspection pursuant to section 4513.02 of 62210
the Revised Code by the sheriff, or the chief of police of the 62211
municipal corporation or township, with jurisdiction over the 62212

political subdivision in which the owner of the motor vehicle 62213
resides. Except as provided in section 4503.103 of the Revised 62214
Code, every owner of every other motor vehicle not previously 62215
described in this section and every person mentioned as owner in 62216
the last certificate of title of a motor vehicle that is operated 62217
or driven upon the public roads or highways shall cause to be 62218
filed each year, by mail or otherwise, in the office of the 62219
registrar of motor vehicles or a deputy registrar, a written or 62220
electronic application or a preprinted registration renewal notice 62221
issued under section 4503.102 of the Revised Code, the form of 62222
which shall be prescribed by the registrar, for registration for 62223
the following registration year, which shall begin on the first 62224
day of January of every calendar year and end on the thirty-first 62225
day of December in the same year. Applications for registration 62226
and registration renewal notices shall be filed at the times 62227
established by the registrar pursuant to section 4503.101 of the 62228
Revised Code. A motor vehicle owner also may elect to apply for or 62229
renew a motor vehicle registration by electronic means using 62230
electronic signature in accordance with rules adopted by the 62231
registrar. Except as provided in division (J) of this section, 62232
applications for registration shall be made on blanks furnished by 62233
the registrar for that purpose, containing the following 62234
information: 62235

(1) A brief description of the motor vehicle to be 62236
registered, including the year, make, model, and vehicle 62237
identification number, and, in the case of commercial cars, the 62238
gross weight of the vehicle fully equipped computed in the manner 62239
prescribed in section 4503.08 of the Revised Code; 62240

(2) The name and residence address of the owner, and the 62241
township and municipal corporation in which the owner resides; 62242

(3) The district of registration, which shall be determined 62243
as follows: 62244

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(B) Except as otherwise provided in this division, each time an applicant first registers a motor vehicle in the applicant's

name, the applicant shall present for inspection a physical 62276
certificate of title or memorandum certificate showing title to 62277
the motor vehicle to be registered in the name of the applicant if 62278
a physical certificate of title or memorandum certificate has been 62279
issued by a clerk of a court of common pleas. If, under sections 62280
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 62281
instead has issued an electronic certificate of title for the 62282
applicant's motor vehicle, that certificate may be presented for 62283
inspection at the time of first registration in a manner 62284
prescribed by rules adopted by the registrar. An applicant is not 62285
required to present a certificate of title to an electronic motor 62286
vehicle dealer acting as a limited authority deputy registrar in 62287
accordance with rules adopted by the registrar. When a motor 62288
vehicle inspection and maintenance program is in effect under 62289
section 3704.14 of the Revised Code and rules adopted under it, 62290
each application for registration for a vehicle required to be 62291
inspected under that section and those rules shall be accompanied 62292
by an inspection certificate for the motor vehicle issued in 62293
accordance with that section. The application shall be refused if 62294
any of the following applies: 62295

(1) The application is not in proper form. 62296

(2) The application is prohibited from being accepted by 62297
division (D) of section 2935.27, division (A) of section 2937.221, 62298
division (A) of section 4503.13, division (B) of section 4510.22, 62299
or division (B)(1) of section 4521.10 of the Revised Code. 62300

(3) A certificate of title or memorandum certificate of title 62301
is required but does not accompany the application or, in the case 62302
of an electronic certificate of title, is required but is not 62303
presented in a manner prescribed by the registrar's rules. 62304

(4) All registration and transfer fees for the motor vehicle, 62305
for the preceding year or the preceding period of the current 62306
registration year, have not been paid. 62307

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

(C)(1) Except as otherwise provided in division (C)(1) of

this section, the registrar and each deputy registrar shall 62340
collect an additional fee of eleven dollars for each application 62341
for registration and registration renewal received. For vehicles 62342
specified in divisions (A)(1) to (21) of section 4503.042 of the 62343
Revised Code, the registrar and deputy registrar shall collect an 62344
additional fee of thirty dollars for each application for 62345
registration and registration renewal received. No additional fee 62346
shall be charged for vehicles registered under section 4503.65 of 62347
the Revised Code. The additional fee is for the purpose of 62348
defraying the department of public safety's costs associated with 62349
the administration and enforcement of the motor vehicle and 62350
traffic laws of Ohio. Each deputy registrar shall transmit the 62351
fees collected under division (C)(1) of this section in the time 62352
and manner provided in this section. The registrar shall deposit 62353
all moneys received under division (C)(1) of this section into the 62354
public safety - highway purposes fund established in section 62355
4501.06 of the Revised Code. 62356

(2) In addition, a charge of twenty-five cents shall be made 62357
for each reflectorized safety license plate issued, and a single 62358
charge of twenty-five cents shall be made for each county 62359
identification sticker or each set of county identification 62360
stickers issued, as the case may be, to cover the cost of 62361
producing the license plates and stickers, including material, 62362
manufacturing, and administrative costs. Those fees shall be in 62363
addition to the license tax. If the total cost of producing the 62364
plates is less than twenty-five cents per plate, or if the total 62365
cost of producing the stickers is less than twenty-five cents per 62366
sticker or per set issued, any excess moneys accruing from the 62367
fees shall be distributed in the same manner as provided by 62368
section 4501.04 of the Revised Code for the distribution of 62369
license tax moneys. If the total cost of producing the plates 62370
exceeds twenty-five cents per plate, or if the total cost of 62371
producing the stickers exceeds twenty-five cents per sticker or 62372

per set issued, the difference shall be paid from the license tax 62373
moneys collected pursuant to section 4503.02 of the Revised Code. 62374

(D) Each deputy registrar shall be allowed a fee equal to the 62375
amount established under section 4503.038 of the Revised Code for 62376
each application for registration and registration renewal notice 62377
the deputy registrar receives, which shall be for the purpose of 62378
compensating the deputy registrar for the deputy registrar's 62379
services, and such office and rental expenses, as may be necessary 62380
for the proper discharge of the deputy registrar's duties in the 62381
receiving of applications and renewal notices and the issuing of 62382
registrations. 62383

(E) Upon the certification of the registrar, the county 62384
sheriff or local police officials shall recover license plates 62385
erroneously or fraudulently issued. 62386

(F) Each deputy registrar, upon receipt of any application 62387
for registration or registration renewal notice, together with the 62388
license fee and any local motor vehicle license tax levied 62389
pursuant to Chapter 4504. of the Revised Code, shall transmit that 62390
fee and tax, if any, in the manner provided in this section, 62391
together with the original and duplicate copy of the application, 62392
to the registrar. The registrar, subject to the approval of the 62393
director of public safety, may deposit the funds collected by 62394
those deputies in a local bank or depository to the credit of the 62395
"state of Ohio, bureau of motor vehicles." Where a local bank or 62396
depository has been designated by the registrar, each deputy 62397
registrar shall deposit all moneys collected by the deputy 62398
registrar into that bank or depository not more than one business 62399
day after their collection and shall make reports to the registrar 62400
of the amounts so deposited, together with any other information, 62401
some of which may be prescribed by the treasurer of state, as the 62402
registrar may require and as prescribed by the registrar by rule. 62403
The registrar, within three days after receipt of notification of 62404

the deposit of funds by a deputy registrar in a local bank or 62405
depository, shall draw on that account in favor of the treasurer 62406
of state. The registrar, subject to the approval of the director 62407
and the treasurer of state, may make reasonable rules necessary 62408
for the prompt transmittal of fees and for safeguarding the 62409
interests of the state and of counties, townships, municipal 62410
corporations, and transportation improvement districts levying 62411
local motor vehicle license taxes. The registrar may pay service 62412
charges usually collected by banks and depositories for such 62413
service. If deputy registrars are located in communities where 62414
banking facilities are not available, they shall transmit the fees 62415
forthwith, by money order or otherwise, as the registrar, by rule 62416
approved by the director and the treasurer of state, may 62417
prescribe. The registrar may pay the usual and customary fees for 62418
such service. 62419

(G) This section does not prevent any person from making an 62420
application for a motor vehicle license directly to the registrar 62421
by mail, by electronic means, or in person at any of the 62422
registrar's offices, upon payment of a service fee equal to the 62423
amount established under section 4503.038 of the Revised Code for 62424
each application. 62425

(H) No person shall make a false statement as to the district 62426
of registration in an application required by division (A) of this 62427
section. Violation of this division is falsification under section 62428
2921.13 of the Revised Code and punishable as specified in that 62429
section. 62430

(I)(1) Where applicable, the requirements of division (B) of 62431
this section relating to the presentation of an inspection 62432
certificate issued under section 3704.14 of the Revised Code and 62433
rules adopted under it for a motor vehicle, the refusal of a 62434
license for failure to present an inspection certificate, and the 62435
stamping of the inspection certificate by the official issuing the 62436

certificate of registration apply to the registration of and 62437
issuance of license plates for a motor vehicle under sections 62438
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 62439
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 62440
4503.47, and 4503.51 of the Revised Code. 62441

(2)(a) The registrar shall adopt rules ensuring that each 62442
owner registering a motor vehicle in a county where a motor 62443
vehicle inspection and maintenance program is in effect under 62444
section 3704.14 of the Revised Code and rules adopted under it 62445
receives information about the requirements established in that 62446
section and those rules and about the need in those counties to 62447
present an inspection certificate with an application for 62448
registration or preregistration. 62449

(b) Upon request, the registrar shall provide the director of 62450
environmental protection, or any person that has been awarded a 62451
contract under section 3704.14 of the Revised Code, an on-line 62452
computer data link to registration information for all passenger 62453
cars, noncommercial motor vehicles, and commercial cars that are 62454
subject to that section. The registrar also shall provide to the 62455
director of environmental protection a magnetic data tape 62456
containing registration information regarding passenger cars, 62457
noncommercial motor vehicles, and commercial cars for which a 62458
multi-year registration is in effect under section 4503.103 of the 62459
Revised Code or rules adopted under it, including, without 62460
limitation, the date of issuance of the multi-year registration, 62461
the registration deadline established under rules adopted under 62462
section 4503.101 of the Revised Code that was applicable in the 62463
year in which the multi-year registration was issued, and the 62464
registration deadline for renewal of the multi-year registration. 62465

(J) Subject to division (K) of this section, application for 62466
registration under the international registration plan, as set 62467
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 62468

made to the registrar on forms furnished by the registrar. In 62469
accordance with international registration plan guidelines and 62470
pursuant to rules adopted by the registrar, the forms shall 62471
include the following: 62472

(1) A uniform mileage schedule; 62473

(2) The gross vehicle weight of the vehicle or combined gross 62474
vehicle weight of the combination vehicle as declared by the 62475
registrant; 62476

(3) Any other information the registrar requires by rule. 62477

(K) The registrar shall determine the feasibility of 62478
implementing an electronic commercial fleet licensing and 62479
management program that will enable the owners of commercial 62480
tractors, commercial trailers, and commercial semitrailers to 62481
conduct electronic transactions by July 1, 2010, or sooner. If the 62482
registrar determines that implementing such a program is feasible, 62483
the registrar shall adopt new rules under this division or amend 62484
existing rules adopted under this division as necessary in order 62485
to respond to advances in technology. 62486

If international registration plan guidelines and provisions 62487
allow member jurisdictions to permit applications for 62488
registrations under the international registration plan to be made 62489
via the internet, the rules the registrar adopts under this 62490
division shall permit such action. 62491

Sec. 4503.101. (A) The registrar of motor vehicles shall 62492
adopt rules to establish a system of motor vehicle registration 62493
based upon the type of vehicle to be registered, the type of 62494
ownership of the vehicle, the class of license plate to be issued, 62495
and any other factor the registrar determines to be relevant. 62496
Except for commercial cars, buses, trailers, and semitrailers that 62497
are registered in this state and that are taxed under section 62498

sections 4503.042 and 4503.65 of the Revised Code; except for 62499
rental vehicles owned by motor vehicle renting dealers; and except 62500
as otherwise provided by rule, motor vehicles owned by an 62501
individual shall be registered based upon the motor vehicle 62502
owner's date of birth. Beginning with the 2004 registration year, 62503
the registrar shall assign motor vehicles to the registration 62504
periods established by rules adopted under this section. 62505

(B) The registrar shall adopt rules to permit motor vehicle 62506
owners residing together at one address to select the date of 62507
birth of any one of the owners as the date to register any or all 62508
of the vehicles at that residence address, as shown in the records 62509
of the bureau of motor vehicles. 62510

(C) The registrar shall adopt rules to assign and reassign 62511
all commercial cars, trailers, and semitrailers that are 62512
registered in this state and that are taxed under ~~section~~ sections 62513
4503.042 and 4503.65 of the Revised Code and all rental vehicles 62514
owned by motor vehicle renting dealers to a system of registration 62515
so that the registrations of approximately one-twelfth of all such 62516
vehicles expire on the last day of each month of a calendar year. 62517
To effect a reassignment from the registration period in effect on 62518
June 30, 2003, to the new registration periods established by the 62519
rules adopted under this section as amended, the rules may require 62520
the motor vehicle to be registered for more or less than a 62521
twelve-month period at the time the motor vehicle's registration 62522
is subject to its initial renewal following the effective date of 62523
such rules. If necessary to effect an efficient transition, the 62524
rules may provide that the registration reassignments take place 62525
over two consecutive registration periods. The registration taxes 62526
to be charged shall be determined by the registrar on the basis of 62527
the annual tax otherwise due on the motor vehicle, prorated in 62528
accordance with the number of months for which the motor vehicle 62529
is registered, except that the fee established by division (C)(1) 62530

of section 4503.10 of the Revised Code shall be collected in full 62531
for each renewal that occurs during the transition period and 62532
shall not be prorated. 62533

(D) The registrar shall adopt rules to permit any commercial 62534
motor vehicle owner or motor vehicle renting dealer who owns two 62535
or more motor vehicles to request the registrar to permit the 62536
owner to separate the owner's fleet into up to four divisions for 62537
assignment to separate dates upon which to register the vehicles, 62538
provided that the registrar may disapprove any such request 62539
whenever the registrar has reason to believe that an uneven 62540
distribution of registrations throughout the calendar year has 62541
developed or is likely to develop. 62542

(E) Every owner or lessee of a motor vehicle holding a 62543
certificate of registration shall notify the registrar of any 62544
change of the owner's or lessee's correct address within ten days 62545
after the change occurs. The notification shall be in writing on a 62546
form provided by the registrar or by electronic means approved by 62547
the registrar and shall include the full name, date of birth if 62548
applicable, license number, county of residence or place of 62549
business, social security account number of an individual or 62550
federal tax identification number of a business, and new address. 62551

(F) As used in this section, "motor vehicle renting dealer" 62552
has the same meaning as in section 4549.65 of the Revised Code. 62553

Sec. 4503.15. Owners and lessees of motor vehicles who are 62554
residents of this state and hold an unrevoked and unexpired 62555
license duly admitting them to the practice of medicine in this 62556
state, upon application, accompanied by proof of the issuance to 62557
the applicant by this state of a ~~certificate~~ license issued 62558
pursuant to section 4731.14 of the Revised Code authorizing the 62559
person to engage in the practice of medicine, upon complying with 62560
the motor vehicle laws relating to registration and licensing of 62561

motor vehicles, and upon payment of the regular license fee, as 62562
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 62563
and the payment of an additional fee of ten dollars, which shall 62564
be for the purpose of compensating the bureau of motor vehicles 62565
for additional services required in the issuing of license plates 62566
under this section, shall be issued a validation sticker and 62567
license plates, or a validation sticker alone when required by 62568
section 4503.191 of the Revised Code, for passenger cars and other 62569
vehicles of a class approved by the registrar. Such license 62570
plates, in addition to the letters and numbers ordinarily 62571
inscribed thereon, shall be inscribed with the word "physician." 62572

Sec. 4503.503. (A) The owner or lessee of any passenger car, 62573
noncommercial motor vehicle, recreational vehicle, or other 62574
vehicle of a class approved by the registrar of motor vehicles may 62575
apply to the registrar for the registration of the vehicle and 62576
issuance of "Ohio agriculture" license plates. The application for 62577
"Ohio agriculture" license plates may be combined with a request 62578
for a special reserved license plate under section 4503.40 or 62579
4503.42 of the Revised Code. Upon receipt of the completed 62580
application and compliance with division (B) of this section, the 62581
registrar shall issue to the applicant the appropriate vehicle 62582
registration and a set of "Ohio agriculture" license plates with a 62583
validation sticker or a validation sticker alone when required by 62584
section 4503.191 of the Revised Code. 62585

In addition to the letters and numbers ordinarily inscribed 62586
thereon, "Ohio agriculture" license plates shall be inscribed with 62587
words and markings selected and designed by the Ohio farm bureau 62588
federation, in consultation with representatives of agricultural 62589
commodity organizations of this state. The registrar shall approve 62590
the final design. "Ohio agriculture" license plates shall bear 62591
county identification stickers that identify the county of 62592
registration as required under section 4503.19 of the Revised 62593

Code. 62594

(B) "Ohio agriculture" license plates and validation stickers 62595
shall be issued upon payment of the regular license tax as 62596
prescribed under section 4503.04 of the Revised Code, any 62597
applicable motor vehicle tax levied under Chapter 4504. of the 62598
Revised Code, any applicable fee prescribed by section 4503.40 or 62599
4503.42 of the Revised Code, a bureau of motor vehicles 62600
administrative fee of ten dollars, the contribution specified 62601
under division (C) of this section, and compliance with all other 62602
applicable laws relating to the registration of motor vehicles. 62603

(C) For each application for registration and registration 62604
renewal received under this section, the registrar shall collect a 62605
contribution of twenty dollars. The registrar shall transmit this 62606
contribution to the treasurer of state for deposit in the ~~Ohio~~ 62607
~~agriculture license plate scholarship~~ state treasury to the credit 62608
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 62609
Revised Code. 62610

(D) The registrar shall deposit the bureau administrative fee 62611
of ten dollars specified in division (B) of this section, the 62612
purpose of which is to compensate the bureau for the additional 62613
services required in the issuing of the applicant's "Ohio 62614
agriculture" license plates, into the state bureau of motor 62615
vehicles fund created in section 4501.25 of the Revised Code. 62616

Sec. 4503.63. (A) The registrar of motor vehicles shall adopt 62617
rules in accordance with the international registration plan for 62618
the calculation of the proportionate registration tax due under 62619
section ~~4503.042~~ 4503.65 of the Revised Code for the registration 62620
of a vehicle in this state and in all jurisdictions declared for 62621
apportionment purposes on the uniform mileage schedule. In 62622
accordance with such rules, the registrar shall notify the 62623
registrant of the taxes or fees due and shall collect the amount 62624

due for registration in each declared jurisdiction, unless the 62625
other jurisdiction bills the registrant directly. 62626

(B) The registrar shall notify other declared jurisdictions 62627
that an apportioned registration application has been filed, shall 62628
furnish the declared jurisdiction documentation to substantiate 62629
and verify the application, and shall transmit the taxes or fees 62630
to those jurisdictions within forty-five days of receipt. 62631

(C) The registrar shall cooperate with other jurisdictions in 62632
connection with registration of vehicles under sections 4503.60 to 62633
4503.66 of the Revised Code and the collection of apportioned 62634
taxes and fees. 62635

~~Sec. 4503.65. The registrar of motor vehicles shall take all 62636
steps necessary to determine and collect the apportioned 62637
registration tax due for vehicles registered in another 62638
international registration plan jurisdiction that lists Ohio for 62639
apportionment purposes on a uniform mileage schedule. The 62640
registration taxes to be charged shall be determined on the basis 62641
of the annual tax otherwise due on the motor vehicle, prorated in 62642
accordance with the number of months for which the motor vehicle 62643
is registered. Until October 1, 2009, such vehicles shall be taxed 62644
at the rates established under section 4503.042 of the Revised 62645
Code. The rates in established under this section ~~become effective~~ 62646
on and after October 1, 2009 apply to commercial cars and buses 62647
that are subject to apportioned rates under the international 62648
registration plan. 62649~~

(A) The rates of the annual registration taxes imposed by 62650
this section are as follows for commercial cars having a, based on 62651
gross vehicle weight or combined gross vehicle weight of, for 62652
commercial cars that are apportionable are as follows: 62653

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven~~ 62654
one hundred dollars; 62655

(2) More <u>For more</u> than two thousand but not more than six thousand pounds, seventy-two <u>one hundred twenty-five</u> dollars;	62656
	62657
(3) More <u>For more</u> than six thousand but not more than ten thousand pounds, eighty-eight <u>one hundred forty</u> dollars;	62658
	62659
(4) More <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred eight <u>sixty</u> dollars;	62660
	62661
(5) More <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-nine <u>eighty</u> dollars;	62662
	62663
(6) More <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, one two hundred fifty-four <u>five</u> dollars;	62664
	62665
	62666
(7) More <u>For more</u> than twenty-two thousand but not more than twenty-six thousand pounds, one two hundred eighty <u>thirty</u> dollars;	62667
	62668
(8) More <u>For more</u> than twenty-six thousand but not more than thirty thousand pounds, three four hundred sixty-four <u>ten</u> dollars;	62669
	62670
(9) More <u>For more</u> than thirty thousand but not more than thirty-four thousand pounds, four hundred thirty-one <u>seventy-five</u> dollars;	62671
	62672
	62673
(10) More <u>For more</u> than thirty-four thousand but not more than thirty-eight thousand pounds, four <u>five</u> hundred ninety-two <u>thirty-five</u> dollars;	62674
	62675
	62676
(11) More <u>For more</u> than thirty-eight thousand but not more than forty-two thousand pounds, five hundred fifty-four <u>ninety-five</u> dollars;	62677
	62678
	62679
(12) More <u>For more</u> than forty-two thousand but not more than forty-six thousand pounds, six hundred fifteen <u>fifty-five</u> dollars;	62680
	62681
(13) More <u>For more</u> than forty-six thousand but not more than fifty thousand pounds, six <u>seven</u> hundred seventy-seven <u>fifteen</u> dollars;	62682
	62683
	62684

(14) More <u>For more</u> than fifty thousand but not more than	62685
fifty-four thousand pounds, seven hundred forty-four <u>eighty</u>	62686
dollars;	62687
(15) More <u>For more</u> than fifty-four thousand but not more than	62688
fifty-eight thousand pounds, eight hundred five <u>forty</u> dollars;	62689
(16) More <u>For more</u> than fifty-eight thousand but not more	62690
than sixty-two thousand pounds, eight <u>nine</u> hundred seventy-seven	62691
<u>ten</u> dollars;	62692
(17) More <u>For more</u> than sixty-two thousand but not more than	62693
sixty-six thousand pounds, nine hundred forty-nine <u>eighty</u> dollars;	62694
(18) More <u>For more</u> than sixty-six thousand but not more than	62695
seventy thousand pounds, one thousand twenty <u>fifty</u> dollars;	62696
(19) More <u>For more</u> than seventy thousand but not more than	62697
seventy-four thousand pounds, one thousand one hundred seven	62698
<u>thirty-five</u> dollars;	62699
(20) More <u>For more</u> than seventy-four thousand but not more	62700
than seventy-eight thousand pounds, one thousand two hundred	62701
thirty <u>fifty-five</u> dollars;	62702
(21) More <u>For more</u> than seventy-eight thousand pounds, one	62703
thousand three hundred seventy-three <u>ninety-five</u> dollars and fifty	62704
cents .	62705
(B) The rates of the <u>annual registration</u> taxes imposed by	62706
this section are as follows for buses having a, <u>based on</u> gross	62707
vehicle weight or combined gross vehicle weight of, <u>for buses that</u>	62708
<u>are apportionable are as follows:</u>	62709
(1) Not <u>For not</u> more than two thousand pounds, eleven	62710
<u>forty-six</u> dollars;	62711
(2) More <u>For more</u> than two thousand but not more than six	62712
thousand pounds, forty-one <u>seventy-six</u> dollars;	62713
(3) More <u>For more</u> than six thousand but not more than ten	62714

thousand pounds, one hundred ~~three~~ thirty-six dollars; 62715

(4) ~~More~~ For more than ten thousand but not more than 62716
fourteen thousand pounds, ~~one two~~ hundred ~~eighty-five~~ sixteen 62717
dollars; 62718

(5) ~~More~~ For more than fourteen thousand but not more than 62719
eighteen thousand pounds, two hundred ~~sixty-seven~~ ninety-six 62720
dollars; 62721

(6) ~~More~~ For more than eighteen thousand but not more than 62722
twenty-two thousand pounds, three hundred ~~forty-nine~~ seventy-six 62723
dollars; 62724

(7) ~~More~~ For more than twenty-two thousand but not more than 62725
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six 62726
dollars; 62727

(8) ~~More~~ For more than twenty-six thousand but not more than 62728
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 62729

(9) ~~More~~ For more than thirty thousand but not more than 62730
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen 62731
dollars ~~and fifty cents~~; 62732

(10) ~~More~~ For more than thirty-four thousand but not more 62733
than thirty-eight thousand pounds, six hundred ~~seventy-four~~ 62734
ninety-six dollars ~~and fifty cents~~; 62735

(11) ~~More~~ For more than thirty-eight thousand but not more 62736
than forty-two thousand pounds, seven hundred ~~fifty-four~~ 62737
seventy-six dollars ~~and fifty cents~~; 62738

(12) ~~More~~ For more than forty-two thousand but not more than 62739
forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 62740
dollars ~~and fifty cents~~; 62741

(13) ~~More~~ For more than forty-six thousand but not more than 62742
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 62743
~~and fifty cents~~; 62744

(14) More <u>For more</u> than fifty thousand but not more than	62745
fifty-four thousand pounds, one thousand fourteen <u>thirty-six</u>	62746
dollars and fifty cents ;	62747
(15) More <u>For more</u> than fifty-four thousand but not more than	62748
fifty-eight thousand pounds, one thousand one hundred four	62749
<u>twenty-six</u> dollars and fifty cents ;	62750
(16) More <u>For more</u> than fifty-eight thousand but not more	62751
than sixty-two thousand pounds, one thousand one <u>two</u> hundred	62752
ninety-four <u>sixteen</u> dollars and fifty cents ;	62753
(17) More <u>For more</u> than sixty-two thousand but not more than	62754
sixty-six thousand pounds, one thousand two <u>three</u> hundred	62755
eighty-four <u>six</u> dollars and fifty cents ;	62756
(18) More <u>For more</u> than sixty-six thousand but not more than	62757
seventy thousand pounds, one thousand three hundred seventy-four	62758
<u>ninety-six</u> dollars and fifty cents ;	62759
(19) More <u>For more</u> than seventy thousand but not more than	62760
seventy-four thousand pounds, one thousand four hundred sixty-four	62761
<u>eighty-six</u> dollars and fifty cents ;	62762
(20) More <u>For more</u> than seventy-four thousand but not more	62763
than seventy-eight thousand pounds, one thousand five hundred	62764
fifty-four <u>seventy-six</u> dollars and fifty cents ;	62765
(21) More <u>For more</u> than seventy-eight thousand pounds, one	62766
thousand six hundred forty-four <u>sixty-six</u> dollars and fifty cents .	62767
<u>(C)(1) Applications for the in-state registration of a</u>	62768
<u>commercial car or commercial bus under the international</u>	62769
<u>registration plan shall be filed with the registrar. The registrar</u>	62770
<u>shall use the appropriate amount under division (A) or (B) of this</u>	62771
<u>section as the base rate for purposes of determining the</u>	62772
<u>registration taxes due to this state in accordance with rules</u>	62773
<u>adopted under section 4503.63 of the Revised Code for</u>	62774

apportionment purposes. 62775

(2) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, the registrar or deputy registrar shall charge a fee equal to the amount established under section 4503.038 of the Revised Code, plus an appropriate amount to cover the cost of postage. 62776
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(3) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, if an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require. 62782
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(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section. 62791
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Sec. 4503.77. (A) As used in this section: 62801

(1) "Nonstandard license plate" means all of the following: 62802

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 62803
62804

Revised Code; 62805

(b) A license plate issued under a program that is 62806
reestablished under division (D) of this section and that meets 62807
the requirements contained in division (B) of section 4503.78 of 62808
the Revised Code; 62809

(c) Except as may otherwise be specifically provided by law, 62810
any license plate created after August 21, 1997. 62811

(2) For purposes of license plates issued under sections 62812
4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the~~ 62813
~~Ohio agriculture license plate scholarship fund board created in~~ 62814
~~section 901.90 of the Revised Code and~~ the director of 62815
agriculture. 62816

(B)(1) If, during any calendar year, the total number of 62817
motor vehicle registrations involving a particular type of 62818
nonstandard license plate is less than twenty-five, including both 62819
new registrations and registration renewals, the registrar of 62820
motor vehicles, on or after the first day of January, but not 62821
later than the fifteenth day of January of the following year, 62822
shall send a written notice to the sponsor of that type of 62823
nonstandard license plate, if a sponsor exists, informing the 62824
sponsor of this fact. The registrar also shall inform the sponsor 62825
that if, during the calendar year in which the written notice is 62826
sent, the total number of motor vehicle registrations involving 62827
the sponsor's nonstandard license plate again is less than 62828
twenty-five, the program involving that type of nonstandard 62829
license plate will be terminated on the thirty-first day of 62830
December of the calendar year in which the written notice is sent 62831
and, except as provided in division (C) of this section, no motor 62832
vehicle registration application involving either the actual 62833
issuance of that type of nonstandard license plate or the 62834
registration renewal of a motor vehicle displaying that type of 62835
nonstandard license plate will be accepted by the registrar or a 62836

deputy registrar beginning the first day of January of the next 62837
calendar year. The registrar also shall inform the sponsor that if 62838
the program involving the sponsor's nonstandard license plate is 62839
terminated under this section, it may be reestablished pursuant to 62840
division (D) of this section. 62841

(2) If, during any calendar year, the total number of motor 62842
vehicle registrations involving a particular type of nonstandard 62843
license plate is less than twenty-five, including both new 62844
registrations and registration renewals, and no sponsor exists for 62845
that license plate, the registrar shall issue a public notice on 62846
or after the first day of January, but not later than the 62847
fifteenth day of January of the following year, stating that fact. 62848
The notice also shall inform the public that if, during the 62849
calendar year in which the registrar issues the public notice, the 62850
total number of motor vehicle registrations for that type of 62851
nonstandard license plate, including both new registrations and 62852
registration renewals, again is less than twenty-five, the program 62853
involving that type of nonstandard license plate will be 62854
terminated on the thirty-first day of December of the calendar 62855
year in which the registrar issues the public notice and, except 62856
as provided in division (C) of this section, no motor vehicle 62857
registration application involving either the actual issuance of 62858
that type of nonstandard license plate or the registration renewal 62859
of a motor vehicle displaying that type of nonstandard license 62860
plate will be accepted by the registrar or a deputy registrar 62861
beginning on the first day of January of the next calendar year. 62862

(C) If the program involving a type of nonstandard license 62863
plate is terminated under division (B) of this section, the 62864
registration of any motor vehicle displaying that type of 62865
nonstandard license plate at the time of termination may be 62866
renewed so long as the nonstandard license plates remain 62867
serviceable. If the nonstandard license plates of such a motor 62868

vehicle become unfit for service, the owner of the motor vehicle 62869
may apply for the issuance of nonstandard license plates of that 62870
same type, but the registrar or deputy registrar shall issue such 62871
nonstandard license plates only if at the time of application the 62872
stock of the bureau contains license plates of that type of 62873
nonstandard license plate. If, at the time of such application, 62874
the stock of the bureau does not contain license plates of that 62875
type of nonstandard license plate, the registrar or deputy 62876
registrar shall inform the owner of that fact, and the application 62877
shall be refused. 62878

If the program involving a type of nonstandard license plate 62879
is terminated under division (B) of this section and the 62880
registration of motor vehicles displaying such license plates 62881
continues as permitted by this division, the registrar, for as 62882
long as such registrations continue to be issued, shall continue 62883
to collect and distribute any contribution that was required to be 62884
collected and distributed prior to the termination of that 62885
program. 62886

(D) If the program involving a nonstandard license plate is 62887
terminated under division (B)(1) of this section, the sponsor of 62888
that license plate may apply to the registrar for the 62889
reestablishment of the program. If the program involving that 62890
nonstandard license plate is reestablished, the reestablishment is 62891
subject to division (B) of section 4503.78 of the Revised Code. 62892

Sec. 4503.83. (A) Commencing January 1, 2014, the owner or 62893
lessee of a fleet of apportioned vehicles may apply to the 62894
registrar of motor vehicles for the registration of any 62895
apportioned vehicle, commercial trailer, or other vehicle of a 62896
class approved by the registrar and issuance of company logo 62897
license plates. The initial application shall be for not less than 62898
fifty eligible vehicles. The applicant shall provide the registrar 62899

the artwork for the company logo plate in a format designated by 62900
the registrar. The registrar shall approve the artwork or return 62901
the artwork for modification in accordance with any design 62902
requirements reasonably imposed by the registrar. 62903

Upon approval of the artwork and receipt of the completed 62904
application and compliance with divisions (B) and (C) of this 62905
section, the registrar shall issue to the applicant the 62906
appropriate vehicle registration and the appropriate number of 62907
company logo license plates with a validation sticker or a 62908
validation sticker alone when required by section 4503.191 of the 62909
Revised Code, except that no validation sticker shall be issued 62910
under this section for a motor vehicle for which the registration 62911
tax is specified in section 4503.042 of the Revised Code. 62912

In addition to the letters and numbers ordinarily inscribed 62913
on license plates, company logo license plates shall be inscribed 62914
with words and markings requested by the applicant and approved by 62915
the registrar. 62916

(B) A company logo license plate and a validation sticker or, 62917
when applicable, a validation sticker alone shall be issued upon 62918
payment of the applicable regular license tax prescribed in 62919
section 4503.042 or 4503.65 of the Revised Code for the 62920
registration of a vehicle in this state, any applicable fees 62921
prescribed in section 4503.10 of the Revised Code, any applicable 62922
motor vehicle tax levied under Chapter 4504. of the Revised Code, 62923
a bureau of motor vehicles fee of six dollars when a company logo 62924
license plate actually is issued, and compliance with all other 62925
applicable laws relating to the registration of motor vehicles. If 62926
a company logo plate is issued to replace an existing license 62927
plate for the same vehicle, the replacement license plate fees 62928
prescribed in division (A) of section 4503.19 of the Revised Code 62929
shall not apply. 62930

(C) The registrar shall deposit the bureau of motor vehicles 62931

fee specified in division (B) of this section, the purpose of 62932
which is to compensate the bureau for the additional services 62933
required in issuing company logo license plates, in the public 62934
safety - highway purposes fund created in section 4501.06 of the 62935
Revised Code. 62936

Sec. 4504.201. No commercial car that is taxed under division 62937
(A) of section 4503.65 of the Revised Code, and no commercial bus 62938
that is taxed under division (B) of section 4503.65 of the Revised 62939
Code, is subject to a tax established under section 4504.02, 62940
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 62941
or 4504.24 of the Revised Code. 62942

Sec. 4505.06. (A)(1) Application for a certificate of title 62943
shall be made in a form prescribed by the registrar of motor 62944
vehicles and shall be sworn to before a notary public or other 62945
officer empowered to administer oaths. The application shall be 62946
filed with the clerk of any court of common pleas. An application 62947
for a certificate of title may be filed electronically by any 62948
electronic means approved by the registrar in any county with the 62949
clerk of the court of common pleas of that county. Any payments 62950
required by this chapter shall be considered as accompanying any 62951
electronically transmitted application when payment actually is 62952
received by the clerk. Payment of any fee or taxes may be made by 62953
electronic transfer of funds. 62954

(2) The application for a certificate of title shall be 62955
accompanied by the fee prescribed in section 4505.09 of the 62956
Revised Code. The fee shall be retained by the clerk who issues 62957
the certificate of title and shall be distributed in accordance 62958
with that section. If a clerk of a court of common pleas, other 62959
than the clerk of the court of common pleas of an applicant's 62960
county of residence, issues a certificate of title to the 62961
applicant, the clerk shall transmit data related to the 62962

transaction to the automated title processing system. 62963

(3) If a certificate of title previously has been issued for 62964
a motor vehicle in this state, the application for a certificate 62965
of title also shall be accompanied by that certificate of title 62966
duly assigned, unless otherwise provided in this chapter. If a 62967
certificate of title previously has not been issued for the motor 62968
vehicle in this state, the application, unless otherwise provided 62969
in this chapter, shall be accompanied by a manufacturer's or 62970
importer's certificate or by a certificate of title of another 62971
state from which the motor vehicle was brought into this state. If 62972
the application refers to a motor vehicle last previously 62973
registered in another state, the application also shall be 62974
accompanied by the physical inspection certificate required by 62975
section 4505.061 of the Revised Code. If the application is made 62976
by two persons regarding a motor vehicle in which they wish to 62977
establish joint ownership with right of survivorship, they may do 62978
so as provided in section 2131.12 of the Revised Code. If the 62979
applicant requests a designation of the motor vehicle in 62980
beneficiary form so that upon the death of the owner of the motor 62981
vehicle, ownership of the motor vehicle will pass to a designated 62982
transfer-on-death beneficiary or beneficiaries, the applicant may 62983
do so as provided in section 2131.13 of the Revised Code. A person 62984
who establishes ownership of a motor vehicle that is transferable 62985
on death in accordance with section 2131.13 of the Revised Code 62986
may terminate that type of ownership or change the designation of 62987
the transfer-on-death beneficiary or beneficiaries by applying for 62988
a certificate of title pursuant to this section. The clerk shall 62989
retain the evidence of title presented by the applicant and on 62990
which the certificate of title is issued, except that, if an 62991
application for a certificate of title is filed electronically by 62992
an electronic motor vehicle dealer on behalf of the purchaser of a 62993
motor vehicle, the clerk shall retain the completed electronic 62994
record to which the dealer converted the certificate of title 62995

application and other required documents. The registrar, after 62996
consultation with the attorney general, shall adopt rules that 62997
govern the location at which, and the manner in which, are stored 62998
the actual application and all other documents relating to the 62999
sale of a motor vehicle when an electronic motor vehicle dealer 63000
files the application for a certificate of title electronically on 63001
behalf of the purchaser. Not later than December 31, 2017, the 63002
registrar shall arrange for a service that enables all electronic 63003
motor vehicle dealers to file applications for certificates of 63004
title on behalf of purchasers of motor vehicles electronically by 63005
transferring the applications directly from the computer systems 63006
of the dealers to the clerk. 63007

The clerk shall use reasonable diligence in ascertaining 63008
whether or not the facts in the application for a certificate of 63009
title are true by checking the application and documents 63010
accompanying it or the electronic record to which a dealer 63011
converted the application and accompanying documents with the 63012
records of motor vehicles in the clerk's office. If the clerk is 63013
satisfied that the applicant is the owner of the motor vehicle and 63014
that the application is in the proper form, the clerk, within five 63015
business days after the application is filed and except as 63016
provided in section 4505.021 of the Revised Code, shall issue a 63017
physical certificate of title over the clerk's signature and 63018
sealed with the clerk's seal, unless the applicant specifically 63019
requests the clerk not to issue a physical certificate of title 63020
and instead to issue an electronic certificate of title. For 63021
purposes of the transfer of a certificate of title, if the clerk 63022
is satisfied that the secured party has duly discharged a lien 63023
notation but has not canceled the lien notation with a clerk, the 63024
clerk may cancel the lien notation on the automated title 63025
processing system and notify the clerk of the county of origin. 63026

(4) In the case of the sale of a motor vehicle to a general 63027

buyer or user by a dealer, by a motor vehicle leasing dealer 63028
selling the motor vehicle to the lessee or, in a case in which the 63029
leasing dealer subleased the motor vehicle, the sublessee, at the 63030
end of the lease agreement or sublease agreement, or by a 63031
manufactured housing broker, the certificate of title shall be 63032
obtained in the name of the buyer by the dealer, leasing dealer, 63033
or manufactured housing broker, as the case may be, upon 63034
application signed by the buyer. The certificate of title shall be 63035
issued, or the process of entering the certificate of title 63036
application information into the automated title processing system 63037
if a physical certificate of title is not to be issued shall be 63038
completed, within five business days after the application for 63039
title is filed with the clerk. If the buyer of the motor vehicle 63040
previously leased the motor vehicle and is buying the motor 63041
vehicle at the end of the lease pursuant to that lease, the 63042
certificate of title shall be obtained in the name of the buyer by 63043
the motor vehicle leasing dealer who previously leased the motor 63044
vehicle to the buyer or by the motor vehicle leasing dealer who 63045
subleased the motor vehicle to the buyer under a sublease 63046
agreement. 63047

In all other cases, except as provided in section 4505.032 63048
and division (D)(2) of section 4505.11 of the Revised Code, such 63049
certificates shall be obtained by the buyer. 63050

(5)(a)(i) If the certificate of title is being obtained in 63051
the name of the buyer by a motor vehicle dealer or motor vehicle 63052
leasing dealer and there is a security interest to be noted on the 63053
certificate of title, the dealer or leasing dealer shall submit 63054
the application for the certificate of title and, if required by 63055
division (B)(5) of this section, payment of the applicable tax to 63056
a clerk within seven business days after the later of the delivery 63057
of the motor vehicle to the buyer or the date the dealer or 63058
leasing dealer obtains the manufacturer's or importer's 63059

certificate, or certificate of title issued in the name of the 63060
dealer or leasing dealer, for the motor vehicle. Submission of the 63061
application for the certificate of title and payment, if required, 63062
of the applicable tax within the required seven business days may 63063
be indicated by postmark or receipt by a clerk within that period. 63064

(ii) Upon receipt of the certificate of title with the 63065
security interest noted on its face, the dealer or leasing dealer 63066
shall forward the certificate of title to the secured party at the 63067
location noted in the financing documents or otherwise specified 63068
by the secured party. 63069

(iii) A motor vehicle dealer or motor vehicle leasing dealer 63070
is liable to a secured party for a late fee of ten dollars per day 63071
for each certificate of title application and, if required by 63072
division (B)(5) of this section, payment of the applicable tax 63073
~~that is~~, submitted to a clerk more than seven business days but 63074
less than twenty-one days after the later of the delivery of the 63075
motor vehicle to the buyer or the date the dealer or leasing 63076
dealer obtains the manufacturer's or importer's certificate, or 63077
certificate of title issued in the name of the dealer or leasing 63078
dealer, for the motor vehicle and, from then on, twenty-five 63079
dollars per day until the application and applicable tax are 63080
submitted to a clerk. 63081

(b) In all cases of transfer of a motor vehicle except the 63082
transfer of a manufactured home or mobile home, the application 63083
for certificate of title shall be filed within thirty days after 63084
the assignment or delivery of the motor vehicle. 63085

(c) An application for a certificate of title for a new 63086
manufactured home shall be filed within thirty days after the 63087
delivery of the new manufactured home to the purchaser. The date 63088
of the delivery shall be the date on which an occupancy permit for 63089
the manufactured home is delivered to the purchaser of the home by 63090
the appropriate legal authority. 63091

(d) An application for a certificate of title for a used 63092
manufactured home or a used mobile home shall be filed as follows: 63093

(i) If a certificate of title for the used manufactured home 63094
or used mobile home was issued to the motor vehicle dealer prior 63095
to the sale of the manufactured or mobile home to the purchaser, 63096
the application for certificate of title shall be filed within 63097
thirty days after the date on which an occupancy permit for the 63098
manufactured or mobile home is delivered to the purchaser by the 63099
appropriate legal authority. 63100

(ii) If the motor vehicle dealer has been designated by a 63101
secured party to display the manufactured or mobile home for sale, 63102
or to sell the manufactured or mobile home under section 4505.20 63103
of the Revised Code, but the certificate of title has not been 63104
transferred by the secured party to the motor vehicle dealer, and 63105
the dealer has complied with the requirements of division (A) of 63106
section 4505.181 of the Revised Code, the application for 63107
certificate of title shall be filed within thirty days after the 63108
date on which the motor vehicle dealer obtains the certificate of 63109
title for the home from the secured party or the date on which an 63110
occupancy permit for the manufactured or mobile home is delivered 63111
to the purchaser by the appropriate legal authority, whichever 63112
occurs later. 63113

(6) If an application for a certificate of title is not filed 63114
within the period specified in division (A)(5)(b), (c), or (d) of 63115
this section, the clerk shall collect a fee of five dollars for 63116
the issuance of the certificate, except that no such fee shall be 63117
required from a motor vehicle salvage dealer, as defined in 63118
division (A) of section 4738.01 of the Revised Code, who 63119
immediately surrenders the certificate of title for cancellation. 63120
The fee shall be in addition to all other fees established by this 63121
chapter, and shall be retained by the clerk. The registrar shall 63122
provide, on the certificate of title form prescribed by section 63123

4505.07 of the Revised Code, language necessary to give evidence 63124
of the date on which the assignment or delivery of the motor 63125
vehicle was made. 63126

(7) As used in division (A) of this section, "lease 63127
agreement," "lessee," and "sublease agreement" have the same 63128
meanings as in section 4505.04 of the Revised Code and "new 63129
manufactured home," "used manufactured home," and "used mobile 63130
home" have the same meanings as in section 5739.0210 of the 63131
Revised Code. 63132

(B)(1) The clerk, except as otherwise provided in this 63133
section, shall refuse to accept for filing any application for a 63134
certificate of title and shall refuse to issue a certificate of 63135
title unless the dealer or the applicant, in cases in which the 63136
certificate shall be obtained by the buyer, submits with the 63137
application payment of the tax levied by or pursuant to Chapters 63138
5739. and 5741. of the Revised Code based on the purchaser's 63139
county of residence. Upon payment of the tax in accordance with 63140
division (E) of this section, the clerk shall issue a receipt 63141
prescribed by the registrar and agreed upon by the tax 63142
commissioner showing payment of the tax or a receipt issued by the 63143
commissioner showing the payment of the tax. When submitting 63144
payment of the tax to the clerk, a dealer shall retain any 63145
discount to which the dealer is entitled under section 5739.12 of 63146
the Revised Code. 63147

(2) For receiving and disbursing such taxes paid to the clerk 63148
by a resident of the clerk's county, the clerk may retain a 63149
poundage fee of one and one one-hundredth per cent, and the clerk 63150
shall pay the poundage fee into the certificate of title 63151
administration fund created by section 325.33 of the Revised Code. 63152
The clerk shall not retain a poundage fee from payments of taxes 63153
by persons who do not reside in the clerk's county. 63154

A clerk, however, may retain from the taxes paid to the clerk 63155

an amount equal to the poundage fees associated with certificates 63156
of title issued by other clerks of courts of common pleas to 63157
applicants who reside in the first clerk's county. The registrar, 63158
in consultation with the tax commissioner and the clerks of the 63159
courts of common pleas, shall develop a report from the automated 63160
title processing system that informs each clerk of the amount of 63161
the poundage fees that the clerk is permitted to retain from those 63162
taxes because of certificates of title issued by the clerks of 63163
other counties to applicants who reside in the first clerk's 63164
county. 63165

(3) In the case of casual sales of motor vehicles, as defined 63166
in section 4517.01 of the Revised Code, the price for the purpose 63167
of determining the tax shall be the purchase price on the assigned 63168
certificate of title executed by the seller and filed with the 63169
clerk by the buyer on a form to be prescribed by the registrar, 63170
which shall be prima-facie evidence of the amount for the 63171
determination of the tax. 63172

(4) Each county clerk shall forward to the treasurer of state 63173
all sales and use tax collections resulting from sales of motor 63174
vehicles, off-highway motorcycles, and all-purpose vehicles during 63175
a calendar week on or before the Friday following the close of 63176
that week. If, on any Friday, the offices of the clerk of courts 63177
or the state are not open for business, the tax shall be forwarded 63178
to the treasurer of state on or before the next day on which the 63179
offices are open. Every remittance of tax under division (B)(4) of 63180
this section shall be accompanied by a remittance report in such 63181
form as the tax commissioner prescribes. Upon receipt of a tax 63182
remittance and remittance report, the treasurer of state shall 63183
date stamp the report and forward it to the tax commissioner. If 63184
the tax due for any week is not remitted by a clerk of courts as 63185
required under division (B)(4) of this section, the commissioner 63186
may require the clerk to forfeit the poundage fees for the sales 63187

made during that week. The treasurer of state may require the 63188
clerks of courts to transmit tax collections and remittance 63189
reports electronically. 63190

(5) On and after January 1, 2018, a new or used motor vehicle 63191
dealer licensed in this state, in lieu of remitting the tax levied 63192
by or pursuant to Chapters 5739. and 5741. of the Revised Code to 63193
the clerk under this section, may elect to submit to the clerk a 63194
certificate acknowledging the sale or lease of the motor vehicle, 63195
stating the purchaser's county of residence, and pledging that the 63196
dealer will report and remit the tax due as required by section 63197
5739.12 or 5741.12 of the Revised Code, whichever is applicable. 63198
For each dealer that reports and remits the tax due pursuant to an 63199
election under division (B)(5) of this section, the director of 63200
budget and management shall transfer from the general revenue fund 63201
to the certificate of title administration fund an amount equal to 63202
the poundage fees that the clerk would be entitled to retain if 63203
the dealer had remitted the tax due to the clerk under division 63204
(A)(5)(a) of this section. The registrar, in consultation with the 63205
tax commissioner, the director, and the clerks of courts of common 63206
pleas, shall develop a report from the automated title processing 63207
system that informs each clerk, the commissioner, and the director 63208
of the amount of the poundage fees that each clerk is permitted to 63209
receive because of the certificates of title issued by the clerks. 63210
A motor vehicle dealer that does not report and remit the tax due 63211
pursuant to an election under division (B)(5) of this section 63212
shall pay the tax to the clerk of courts as provided in division 63213
(A)(5)(a) of this section. 63214

(C)(1) If the transferor indicates on the certificate of 63215
title that the odometer reflects mileage in excess of the designed 63216
mechanical limit of the odometer, the clerk shall enter the phrase 63217
"exceeds mechanical limits" following the mileage designation. If 63218
the transferor indicates on the certificate of title that the 63219

odometer reading is not the actual mileage, the clerk shall enter 63220
the phrase "nonactual: warning - odometer discrepancy" following 63221
the mileage designation. The clerk shall use reasonable care in 63222
transferring the information supplied by the transferor, but is 63223
not liable for any errors or omissions of the clerk or those of 63224
the clerk's deputies in the performance of the clerk's duties 63225
created by this chapter. 63226

The registrar shall prescribe an affidavit in which the 63227
transferor shall swear to the true selling price and, except as 63228
provided in this division, the true odometer reading of the motor 63229
vehicle. The registrar may prescribe an affidavit in which the 63230
seller and buyer provide information pertaining to the odometer 63231
reading of the motor vehicle in addition to that required by this 63232
section, as such information may be required by the United States 63233
secretary of transportation by rule prescribed under authority of 63234
subchapter IV of the "Motor Vehicle Information and Cost Savings 63235
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 63236

(2) Division (C)(1) of this section does not require the 63237
giving of information concerning the odometer and odometer reading 63238
of a motor vehicle when ownership of a motor vehicle is being 63239
transferred as a result of a bequest, under the laws of intestate 63240
succession, to a survivor pursuant to section 2106.18, 2131.12, or 63241
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 63242
beneficiaries pursuant to section 2131.13 of the Revised Code, in 63243
connection with the creation of a security interest or for a 63244
vehicle with a gross vehicle weight rating of more than sixteen 63245
thousand pounds. 63246

(D) When the transfer to the applicant was made in some other 63247
state or in interstate commerce, the clerk, except as provided in 63248
this section, shall refuse to issue any certificate of title 63249
unless the tax imposed by or pursuant to Chapter 5741. of the 63250
Revised Code based on the purchaser's county of residence has been 63251

paid as evidenced by a receipt issued by the tax commissioner, or 63252
unless the applicant submits with the application payment of the 63253
tax. Upon payment of the tax in accordance with division (E) of 63254
this section, the clerk shall issue a receipt prescribed by the 63255
registrar and agreed upon by the tax commissioner, showing payment 63256
of the tax. 63257

For receiving and disbursing such taxes paid to the clerk by 63258
a resident of the clerk's county, the clerk may retain a poundage 63259
fee of one and one one-hundredth per cent. The clerk shall not 63260
retain a poundage fee from payments of taxes by persons who do not 63261
reside in the clerk's county. 63262

A clerk, however, may retain from the taxes paid to the clerk 63263
an amount equal to the poundage fees associated with certificates 63264
of title issued by other clerks of courts of common pleas to 63265
applicants who reside in the first clerk's county. The registrar, 63266
in consultation with the tax commissioner and the clerks of the 63267
courts of common pleas, shall develop a report from the automated 63268
title processing system that informs each clerk of the amount of 63269
the poundage fees that the clerk is permitted to retain from those 63270
taxes because of certificates of title issued by the clerks of 63271
other counties to applicants who reside in the first clerk's 63272
county. 63273

When the vendor is not regularly engaged in the business of 63274
selling motor vehicles, the vendor shall not be required to 63275
purchase a vendor's license or make reports concerning those 63276
sales. 63277

(E) The clerk shall accept any payment of a tax in cash, or 63278
by cashier's check, certified check, draft, money order, or teller 63279
check issued by any insured financial institution payable to the 63280
clerk and submitted with an application for a certificate of title 63281
under division (B) or (D) of this section. The clerk also may 63282
accept payment of the tax by corporate, business, or personal 63283

check, credit card, electronic transfer or wire transfer, debit 63284
card, or any other accepted form of payment made payable to the 63285
clerk. The clerk may require bonds, guarantees, or letters of 63286
credit to ensure the collection of corporate, business, or 63287
personal checks. Any service fee charged by a third party to a 63288
clerk for the use of any form of payment may be paid by the clerk 63289
from the certificate of title administration fund created in 63290
section 325.33 of the Revised Code, or may be assessed by the 63291
clerk upon the applicant as an additional fee. Upon collection, 63292
the additional fees shall be paid by the clerk into that 63293
certificate of title administration fund. 63294

The clerk shall make a good faith effort to collect any 63295
payment of taxes due but not made because the payment was returned 63296
or dishonored, but the clerk is not personally liable for the 63297
payment of uncollected taxes or uncollected fees. The clerk shall 63298
notify the tax commissioner of any such payment of taxes that is 63299
due but not made and shall furnish the information to the 63300
commissioner that the commissioner requires. The clerk shall 63301
deduct the amount of taxes due but not paid from the clerk's 63302
periodic remittance of tax payments, in accordance with procedures 63303
agreed upon by the tax commissioner. The commissioner may collect 63304
taxes due by assessment in the manner provided in section 5739.13 63305
of the Revised Code. 63306

Any person who presents payment that is returned or 63307
dishonored for any reason is liable to the clerk for payment of a 63308
penalty over and above the amount of the taxes due. The clerk 63309
shall determine the amount of the penalty, and the penalty shall 63310
be no greater than that amount necessary to compensate the clerk 63311
for banking charges, legal fees, or other expenses incurred by the 63312
clerk in collecting the returned or dishonored payment. The 63313
remedies and procedures provided in this section are in addition 63314
to any other available civil or criminal remedies. Subsequently 63315

collected penalties, poundage fees, and title fees, less any title 63316
fee due the state, from returned or dishonored payments collected 63317
by the clerk shall be paid into the certificate of title 63318
administration fund. Subsequently collected taxes, less poundage 63319
fees, shall be sent by the clerk to the treasurer of state at the 63320
next scheduled periodic remittance of tax payments, with 63321
information as the commissioner may require. The clerk may abate 63322
all or any part of any penalty assessed under this division. 63323

(F) In the following cases, the clerk shall accept for filing 63324
an application and shall issue a certificate of title without 63325
requiring payment or evidence of payment of the tax: 63326

(1) When the purchaser is this state or any of its political 63327
subdivisions, a church, or an organization whose purchases are 63328
exempted by section 5739.02 of the Revised Code; 63329

(2) When the transaction in this state is not a retail sale 63330
as defined by section 5739.01 of the Revised Code; 63331

(3) When the purchase is outside this state or in interstate 63332
commerce and the purpose of the purchaser is not to use, store, or 63333
consume within the meaning of section 5741.01 of the Revised Code; 63334

(4) When the purchaser is the federal government; 63335

(5) When the motor vehicle was purchased outside this state 63336
for use outside this state; 63337

(6) When the motor vehicle is purchased by a nonresident 63338
under the circumstances described in division (B)(1) of section 63339
5739.029 of the Revised Code, and upon presentation of a copy of 63340
the affidavit provided by that section, and a copy of the 63341
exemption certificate provided by section 5739.03 of the Revised 63342
Code; 63343

(7) When the applicant is a new or used motor vehicle dealer 63344
that makes an election and submits a certificate under division 63345

(B)(5) of this section. 63346

(G) An application, as prescribed by the registrar and agreed 63347
to by the tax commissioner, shall be filled out and sworn to by 63348
the buyer of a motor vehicle in a casual sale. The application 63349
shall contain the following notice in bold lettering: "WARNING TO 63350
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 63351
law to state the true selling price. A false statement is in 63352
violation of section 2921.13 of the Revised Code and is punishable 63353
by six months' imprisonment or a fine of up to one thousand 63354
dollars, or both. All transfers are audited by the department of 63355
taxation. The seller and buyer must provide any information 63356
requested by the department of taxation. The buyer may be assessed 63357
any additional tax found to be due." 63358

(H) For sales of manufactured homes or mobile homes occurring 63359
on or after January 1, 2000, the clerk shall accept for filing, 63360
pursuant to Chapter 5739. of the Revised Code, an application for 63361
a certificate of title for a manufactured home or mobile home 63362
without requiring payment of any tax pursuant to section 5739.02, 63363
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 63364
issued by the tax commissioner showing payment of the tax. For 63365
sales of manufactured homes or mobile homes occurring on or after 63366
January 1, 2000, the applicant shall pay to the clerk an 63367
additional fee of five dollars for each certificate of title 63368
issued by the clerk for a manufactured or mobile home pursuant to 63369
division (H) of section 4505.11 of the Revised Code and for each 63370
certificate of title issued upon transfer of ownership of the 63371
home. The clerk shall credit the fee to the county certificate of 63372
title administration fund, and the fee shall be used to pay the 63373
expenses of archiving those certificates pursuant to division (A) 63374
of section 4505.08 and division (H)(3) of section 4505.11 of the 63375
Revised Code. The tax commissioner shall administer any tax on a 63376
manufactured or mobile home pursuant to Chapters 5739. and 5741. 63377

of the Revised Code. 63378

(I) Every clerk shall have the capability to transact by 63379
electronic means all procedures and transactions relating to the 63380
issuance of motor vehicle certificates of title that are described 63381
in the Revised Code as being accomplished by electronic means. 63382

Sec. 4508.02. (A)(1) The director of public safety, subject 63383
to Chapter 119. of the Revised Code, shall adopt and prescribe 63384
such rules concerning the administration and enforcement of this 63385
chapter as are necessary to protect the public. The rules shall 63386
require an assessment of the holder of a probationary instructor 63387
license. The director shall inspect the school facilities and 63388
equipment of applicants and licensees and examine applicants for 63389
instructor's licenses. 63390

(2) The director shall adopt rules governing online driver 63391
education courses that may be completed via the internet to 63392
satisfy the classroom instruction under division (C) of this 63393
section. The rules shall do all of the following: 63394

(a) Establish standards that an online driver training 63395
enterprise must satisfy to be licensed to offer an online driver 63396
education course via the internet, including, at a minimum, proven 63397
expertise in providing driver education and an acceptable 63398
infrastructure capable of providing secure online driver education 63399
in accord with advances in internet technology. The rules shall 63400
allow an online driver training enterprise to be affiliated with a 63401
licensed driver training school offering in-person classroom 63402
instruction, but shall not require such an affiliation. 63403

(b) Establish content requirements that an online driver 63404
education course must satisfy to be approved as equivalent to 63405
twenty-four hours of in-person classroom instruction; 63406

(c) Establish attendance standards, including a maximum 63407

number of course hours that may be completed in a twenty-four-hour period; 63408
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(d) Allow an enrolled applicant to begin the required eight hours of actual behind-the-wheel instruction upon completing at least two hours of course instruction and being issued a certificate of enrollment by a licensed online driver training enterprise; 63410
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(e) Establish any other requirements necessary to regulate online driver education. 63415
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(B) The director shall administer and enforce this chapter. 63417

(C) The rules shall require twenty-four hours of in-person classroom instruction or completion of an approved, equivalent online driver education course offered via the internet by a licensed online driver training enterprise, and eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state for all beginning drivers of noncommercial motor vehicles who are under age eighteen. The rules also shall require the classroom instruction or online driver education course for such drivers to include instruction ~~in the~~ on both of the following: 63418
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(1) The dangers of driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication; 63428
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(2) The dangers of driving a motor vehicle while under the influence of a controlled substance, prescription medication, or alcohol. 63431
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(D) The rules shall state the minimum hours for classroom and behind-the-wheel instruction required for beginning drivers of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semitrailers. 63434
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(E)(1) The department of public safety may charge a fee to 63438
each online driver training enterprise in an amount sufficient to 63439
pay the actual expenses the department incurs in the regulation of 63440
online driver education courses. 63441

(2) The department shall supply to each licensed online 63442
driver training enterprise certificates to be used for certifying 63443
an applicant's enrollment in an approved online driver education 63444
course and a separate certificate to be issued upon successful 63445
completion of an approved online driver education course. The 63446
certificates shall be numbered serially. The department may charge 63447
a fee to each online driver training enterprise per certificate 63448
supplied to pay the actual expenses the department incurs in 63449
supplying the certificates. 63450

(F) The director shall adopt rules in accordance with Chapter 63451
119. of the Revised Code governing an abbreviated driver training 63452
course for adults that must be completed by any applicant for an 63453
initial driver's license who is eighteen years of age or older and 63454
who failed the road or maneuverability test required under 63455
division (A)(2) of section 4507.11 of the Revised Code prior to 63456
attempting the test a second or subsequent time. 63457

Sec. 4510.022. (A) As used in this section: 63458

(1) "First-time offender" means a person whose driver's 63459
license or commercial driver's license or permit or nonresident 63460
operating privilege has been suspended for being convicted of, or 63461
pleading guilty to, an OVI offense under any of the following: 63462

(a) Division (G)(1)(a) or (H)(1) of section 4511.19 of the 63463
Revised Code; 63464

(b) Section 4510.07 of the Revised Code for a municipal OVI 63465
offense when the offense is equivalent to an offense under 63466
division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised 63467

Code; 63468

(c) Division (B) or (D) of section 4510.17 of the Revised Code when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code. 63469
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(2) "OVI offense" means a violation of section 4511.19 of the Revised Code or a violation of a substantially similar municipal ordinance or law of another state or the United States. 63472
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(3) "Unlimited driving privileges" means driving privileges that are unrestricted as to purpose, time, and place, but that are subject to any other reasonable conditions imposed by a court under division (C)(2) of this section. 63475
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(B) A first-time offender may file a petition for unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed for an OVI offense in the same manner and in the same venue as the person is permitted to apply for limited driving privileges. 63479
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(C)(1) With regard to a first-time offender, in any circumstance in which a court is authorized to grant limited driving privileges under section 4510.021, 4510.13, or 4510.17 of the Revised Code during the period of suspension, as applicable, the court may instead grant unlimited driving privileges with a certified ignition interlock device. No court shall grant unlimited driving privileges with a certified ignition interlock device during any period, or under any circumstance, that the court is prohibited from granting limited driving privileges. 63484
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(2) All of the following apply when a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender: 63493
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(a) The court shall issue an order authorizing the first-time offender to operate a motor vehicle only if the vehicle is equipped with a certified ignition interlock device, except as 63496
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provided in division (C) of section 4510.43 of the Revised Code. 63499
The order may include any reasonable conditions other than 63500
conditions that restrict the driving privileges in terms of 63501
purpose, time, or place. 63502

The court shall provide to the first-time offender a copy of 63503
the order and a notice that the first-time offender is subject to 63504
the sanctions specified in division (E) of this section. 63505

The court also shall submit a copy of the order to the 63506
registrar of motor vehicles. 63507

(b) The court may reduce the period of suspension imposed by 63508
the court by an amount of time not greater than half the period of 63509
suspension. 63510

(c) The court shall suspend any jail term imposed for the OVI 63511
offense. The court shall retain jurisdiction over the first-time 63512
offender until the expiration of the period of suspension imposed 63513
for the OVI offense and, if the offender violates any term or 63514
condition of the order during the period of suspension, the court 63515
shall require the first-time offender to serve the jail term. 63516

(D)(1) A first-time offender shall present to the registrar 63517
or to a deputy registrar an order issued under this section and a 63518
certificate affirming the installation of a certified ignition 63519
interlock device that is in a form established by the director of 63520
public safety and that is signed by the person who installed the 63521
device. Upon presentation of the order and certificate to the 63522
registrar or a deputy registrar, the registrar or deputy registrar 63523
shall issue the offender a restricted license, unless the 63524
offender's driver's or commercial driver's license or permit is 63525
suspended under any other provision of law and limited driving 63526
privileges have not been granted with regard to that suspension. A 63527
restricted license issued under this division shall be identical 63528
to an Ohio driver's license, except that it shall have printed on 63529

its face a statement that the offender is prohibited from 63530
operating any motor vehicle that is not equipped with a certified 63531
ignition interlock device. 63532

(2)(a) No person who has been granted unlimited driving 63533
privileges with a certified ignition interlock device under this 63534
section shall operate a motor vehicle prior to obtaining a 63535
restricted license. Any person who violates this prohibition is 63536
subject to the penalties prescribed in section 4510.14 of the 63537
Revised Code. 63538

(b) The offense established under division (D)(2)(a) of this 63539
section is a strict liability offense and section 2901.20 of the 63540
Revised Code does not apply. 63541

(E) If a first-time offender has been granted unlimited 63542
driving privileges with a certified ignition interlock device 63543
under this section and the first-time offender either commits an 63544
ignition interlock device violation as defined under section 63545
4510.46 of the Revised Code or the first-time offender operates a 63546
motor vehicle that is not equipped with a certified ignition 63547
interlock device, the following applies: 63548

(1) On a first violation, the court may require the 63549
first-time offender to wear a monitor that provides continuous 63550
alcohol monitoring that is remote. 63551

(2) On a second violation, the court shall require the 63552
first-time offender to wear a monitor that provides continuous 63553
alcohol monitoring that is remote for a minimum of forty days. 63554

(3) On a third or subsequent violation, the court shall 63555
require the first-time offender to wear a monitor that provides 63556
continuous alcohol monitoring that is remote for a minimum of 63557
sixty days. 63558

(4) With regard to any instance, the judge may increase the 63559
period of suspension and the period during which the first-time 63560

offender must drive a motor vehicle equipped with a certified 63561
ignition interlock device in the same manner as provided in 63562
division (A)(8)(c) of section 4510.13 of the Revised Code. The 63563
limitation under division (E) of section 4510.46 of the Revised 63564
Code applies to an increase under division (E)(4) of this section. 63565

(5) If the instance occurred within sixty days of the end of 63566
the suspension of the offender's driver's or commercial driver's 63567
license or permit or nonresident operating privilege and the court 63568
does not increase the period of the suspension under division 63569
(E)(4) of this section, the court shall proceed as follows: 63570

(a) Issue an order extending the period of suspension and the 63571
period of time during which the first-time offender must drive a 63572
vehicle equipped with a certified ignition interlock device so 63573
that the suspension terminates sixty days from the date the 63574
offender committed that violation. 63575

(b) For each violation subsequent to a violation for which an 63576
extension was ordered under division (E)(5)(a) of this section, 63577
issue an order extending the period of suspension and the period 63578
of time during which the first-time offender must drive a vehicle 63579
equipped with a certified ignition interlock device so that the 63580
suspension terminates sixty days from the date the offender 63581
committed that violation. 63582

The registrar of motor vehicles is prohibited from 63583
reinstating a first-time offender's license unless the applicable 63584
period of suspension has been served and no ignition interlock 63585
device violations have been committed within the sixty days prior 63586
to the application for reinstatement. 63587

(F) With respect to an order issued under this section, the 63588
judge shall impose an additional court cost of two dollars and 63589
fifty cents upon the first-time offender. The judge shall not 63590
waive this payment unless the judge determines that the first-time 63591

offender is indigent and waives the payment of all court costs 63592
imposed upon the indigent first-time offender. The clerk of court 63593
shall transmit one hundred per cent of this mandatory court cost 63594
collected during a month on or before the twenty-third day of the 63595
following month to the state treasury to be credited to the ~~state~~ 63596
~~highway safety~~ public safety - highway purposes fund created under 63597
section 4501.06 of the Revised Code. The department of public 63598
safety shall use the amounts collected to cover costs associated 63599
with maintaining the habitual OVI/OMWI offender registry created 63600
under section 5502.10 of the Revised Code. 63601

A judge may impose an additional court cost of two dollars 63602
and fifty cents upon the first-time offender. The clerk of court 63603
shall retain this discretionary two dollar and fifty cent court 63604
cost, if imposed. The clerk shall deposit it in the court's 63605
special projects fund that is established under division (E)(1) of 63606
section 2303.201, division (B)(1) of section 1901.26, or division 63607
(B)(1) of section 1907.24 of the Revised Code. 63608

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 63609
the Revised Code: 63610

(A) "Vehicle" means every device, including a motorized 63611
bicycle, in, upon, or by which any person or property may be 63612
transported or drawn upon a highway, except that "vehicle" does 63613
not include any motorized wheelchair, any electric personal 63614
assistive mobility device, any personal delivery device as defined 63615
in section 4511.513 of the Revised Code, any device that is moved 63616
by power collected from overhead electric trolley wires or that is 63617
used exclusively upon stationary rails or tracks, or any device, 63618
other than a bicycle, that is moved by human power. 63619

(B) "Motor vehicle" means every vehicle propelled or drawn by 63620
power other than muscular power or power collected from overhead 63621
electric trolley wires, except motorized bicycles, road rollers, 63622

traction engines, power shovels, power cranes, and other equipment 63623
used in construction work and not designed for or employed in 63624
general highway transportation, hole-digging machinery, 63625
well-drilling machinery, ditch-digging machinery, farm machinery, 63626
and trailers designed and used exclusively to transport a boat 63627
between a place of storage and a marina, or in and around a 63628
marina, when drawn or towed on a street or highway for a distance 63629
of no more than ten miles and at a speed of twenty-five miles per 63630
hour or less. 63631

(C) "Motorcycle" means every motor vehicle, other than a 63632
tractor, having a seat or saddle for the use of the operator and 63633
designed to travel on not more than three wheels in contact with 63634
the ground, including, but not limited to, motor vehicles known as 63635
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 63636
motorcycle," or "motorcycle" without regard to weight or brake 63637
horsepower. 63638

(D) "Emergency vehicle" means emergency vehicles of 63639
municipal, township, or county departments or public utility 63640
corporations when identified as such as required by law, the 63641
director of public safety, or local authorities, and motor 63642
vehicles when commandeered by a police officer. 63643

(E) "Public safety vehicle" means any of the following: 63644

(1) Ambulances, including private ambulance companies under 63645
contract to a municipal corporation, township, or county, and 63646
private ambulances and nontransport vehicles bearing license 63647
plates issued under section 4503.49 of the Revised Code; 63648

(2) Motor vehicles used by public law enforcement officers or 63649
other persons sworn to enforce the criminal and traffic laws of 63650
the state; 63651

(3) Any motor vehicle when properly identified as required by 63652
the director of public safety, when used in response to fire 63653

emergency calls or to provide emergency medical service to ill or 63654
injured persons, and when operated by a duly qualified person who 63655
is a member of a volunteer rescue service or a volunteer fire 63656
department, and who is on duty pursuant to the rules or directives 63657
of that service. The state fire marshal shall be designated by the 63658
director of public safety as the certifying agency for all public 63659
safety vehicles described in division (E)(3) of this section. 63660

(4) Vehicles used by fire departments, including motor 63661
vehicles when used by volunteer fire fighters responding to 63662
emergency calls in the fire department service when identified as 63663
required by the director of public safety. 63664

Any vehicle used to transport or provide emergency medical 63665
service to an ill or injured person, when certified as a public 63666
safety vehicle, shall be considered a public safety vehicle when 63667
transporting an ill or injured person to a hospital regardless of 63668
whether such vehicle has already passed a hospital. 63669

(5) Vehicles used by the motor carrier enforcement unit for 63670
the enforcement of orders and rules of the public utilities 63671
commission as specified in section 5503.34 of the Revised Code. 63672

(F) "School bus" means every bus designed for carrying more 63673
than nine passengers that is owned by a public, private, or 63674
governmental agency or institution of learning and operated for 63675
the transportation of children to or from a school session or a 63676
school function, or owned by a private person and operated for 63677
compensation for the transportation of children to or from a 63678
school session or a school function, provided "school bus" does 63679
not include a bus operated by a municipally owned transportation 63680
system, a mass transit company operating exclusively within the 63681
territorial limits of a municipal corporation, or within such 63682
limits and the territorial limits of municipal corporations 63683
immediately contiguous to such municipal corporation, nor a common 63684
passenger carrier certified by the public utilities commission 63685

unless such bus is devoted exclusively to the transportation of 63686
children to and from a school session or a school function, and 63687
"school bus" does not include a van or bus used by a licensed 63688
child day-care center or type A family day-care home to transport 63689
children from the child day-care center or type A family day-care 63690
home to a school if the van or bus does not have more than fifteen 63691
children in the van or bus at any time. 63692

(G) "Bicycle" means every device, other than a device that is 63693
designed solely for use as a play vehicle by a child, that is 63694
propelled solely by human power upon which a person may ride, and 63695
that has two or more wheels, any of which is more than fourteen 63696
inches in diameter. 63697

(H)(1) Until January 1, 2017, "motorized bicycle" means any 63698
vehicle having either two tandem wheels or one wheel in the front 63699
and two wheels in the rear, that is capable of being pedaled and 63700
is equipped with a helper motor of not more than fifty cubic 63701
centimeters piston displacement that produces no more than one 63702
brake horsepower and is capable of propelling the vehicle at a 63703
speed of no greater than twenty miles per hour on a level surface. 63704

(2) Effective January 1, 2017, "motorized bicycle" or "moped" 63705
means any vehicle having either two tandem wheels or one wheel in 63706
the front and two wheels in the rear, that may be pedaled, and 63707
that is equipped with a helper motor of not more than fifty cubic 63708
centimeters piston displacement that produces not more than one 63709
brake horsepower and is capable of propelling the vehicle at a 63710
speed of not greater than twenty miles per hour on a level 63711
surface. 63712

(I) "Commercial tractor" means every motor vehicle having 63713
motive power designed or used for drawing other vehicles and not 63714
so constructed as to carry any load thereon, or designed or used 63715
for drawing other vehicles while carrying a portion of such other 63716
vehicles, or load thereon, or both. 63717

(J) "Agricultural tractor" means every self-propelling 63718
vehicle designed or used for drawing other vehicles or wheeled 63719
machinery but having no provision for carrying loads independently 63720
of such other vehicles, and used principally for agricultural 63721
purposes. 63722

(K) "Truck" means every motor vehicle, except trailers and 63723
semitrailers, designed and used to carry property. 63724

(L) "Bus" means every motor vehicle designed for carrying 63725
more than nine passengers and used for the transportation of 63726
persons other than in a ridesharing arrangement, and every motor 63727
vehicle, automobile for hire, or funeral car, other than a taxicab 63728
or motor vehicle used in a ridesharing arrangement, designed and 63729
used for the transportation of persons for compensation. 63730

(M) "Trailer" means every vehicle designed or used for 63731
carrying persons or property wholly on its own structure and for 63732
being drawn by a motor vehicle, including any such vehicle when 63733
formed by or operated as a combination of a "semitrailer" and a 63734
vehicle of the dolly type, such as that commonly known as a 63735
"trailer dolly," a vehicle used to transport agricultural produce 63736
or agricultural production materials between a local place of 63737
storage or supply and the farm when drawn or towed on a street or 63738
highway at a speed greater than twenty-five miles per hour, and a 63739
vehicle designed and used exclusively to transport a boat between 63740
a place of storage and a marina, or in and around a marina, when 63741
drawn or towed on a street or highway for a distance of more than 63742
ten miles or at a speed of more than twenty-five miles per hour. 63743

(N) "Semitrailer" means every vehicle designed or used for 63744
carrying persons or property with another and separate motor 63745
vehicle so that in operation a part of its own weight or that of 63746
its load, or both, rests upon and is carried by another vehicle. 63747

(O) "Pole trailer" means every trailer or semitrailer 63748

attached to the towing vehicle by means of a reach, pole, or by 63749
being boomed or otherwise secured to the towing vehicle, and 63750
ordinarily used for transporting long or irregular shaped loads 63751
such as poles, pipes, or structural members capable, generally, of 63752
sustaining themselves as beams between the supporting connections. 63753

(P) "Railroad" means a carrier of persons or property 63754
operating upon rails placed principally on a private right-of-way. 63755

(Q) "Railroad train" means a steam engine or an electric or 63756
other motor, with or without cars coupled thereto, operated by a 63757
railroad. 63758

(R) "Streetcar" means a car, other than a railroad train, for 63759
transporting persons or property, operated upon rails principally 63760
within a street or highway. 63761

(S) "Trackless trolley" means every car that collects its 63762
power from overhead electric trolley wires and that is not 63763
operated upon rails or tracks. 63764

(T) "Explosives" means any chemical compound or mechanical 63765
mixture that is intended for the purpose of producing an explosion 63766
that contains any oxidizing and combustible units or other 63767
ingredients in such proportions, quantities, or packing that an 63768
ignition by fire, by friction, by concussion, by percussion, or by 63769
a detonator of any part of the compound or mixture may cause such 63770
a sudden generation of highly heated gases that the resultant 63771
gaseous pressures are capable of producing destructive effects on 63772
contiguous objects, or of destroying life or limb. Manufactured 63773
articles shall not be held to be explosives when the individual 63774
units contain explosives in such limited quantities, of such 63775
nature, or in such packing, that it is impossible to procure a 63776
simultaneous or a destructive explosion of such units, to the 63777
injury of life, limb, or property by fire, by friction, by 63778
concussion, by percussion, or by a detonator, such as fixed 63779

ammunition for small arms, firecrackers, or safety fuse matches. 63780

(U) "Flammable liquid" means any liquid that has a flash 63781
point of seventy degrees fahrenheit, or less, as determined by a 63782
tagliabue or equivalent closed cup test device. 63783

(V) "Gross weight" means the weight of a vehicle plus the 63784
weight of any load thereon. 63785

(W) "Person" means every natural person, firm, 63786
co-partnership, association, or corporation. 63787

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 63788
includes a personal delivery device as defined in section 4511.513 63789
of the Revised Code unless the context clearly suggests otherwise. 63790
63791

(Y) "Driver or operator" means every person who drives or is 63792
in actual physical control of a vehicle, trackless trolley, or 63793
streetcar. 63794

(Z) "Police officer" means every officer authorized to direct 63795
or regulate traffic, or to make arrests for violations of traffic 63796
regulations. 63797

(AA) "Local authorities" means every county, municipal, and 63798
other local board or body having authority to adopt police 63799
regulations under the constitution and laws of this state. 63800

(BB) "Street" or "highway" means the entire width between the 63801
boundary lines of every way open to the use of the public as a 63802
thoroughfare for purposes of vehicular travel. 63803

(CC) "Controlled-access highway" means every street or 63804
highway in respect to which owners or occupants of abutting lands 63805
and other persons have no legal right of access to or from the 63806
same except at such points only and in such manner as may be 63807
determined by the public authority having jurisdiction over such 63808
street or highway. 63809

(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

(JJ) "State route" means every highway that is designated with an official state route number and so marked.

(KK) "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or

approximately at, right angles, or the area within which vehicles 63840
traveling upon different highways that join at any other angle 63841
might come into conflict. The junction of an alley or driveway 63842
with a roadway or highway does not constitute an intersection 63843
unless the roadway or highway at the junction is controlled by a 63844
traffic control device. 63845

(2) If a highway includes two roadways that are thirty feet 63846
or more apart, then every crossing of each roadway of such divided 63847
highway by an intersecting highway constitutes a separate 63848
intersection. If both intersecting highways include two roadways 63849
thirty feet or more apart, then every crossing of any two roadways 63850
of such highways constitutes a separate intersection. 63851

(3) At a location controlled by a traffic control signal, 63852
regardless of the distance between the separate intersections as 63853
described in division (KK)(2) of this section: 63854

(a) If a stop line, yield line, or crosswalk has not been 63855
designated on the roadway within the median between the separate 63856
intersections, the two intersections and the roadway and median 63857
constitute one intersection. 63858

(b) Where a stop line, yield line, or crosswalk line is 63859
designated on the roadway on the intersection approach, the area 63860
within the crosswalk and any area beyond the designated stop line 63861
or yield line constitute part of the intersection. 63862

(c) Where a crosswalk is designated on a roadway on the 63863
departure from the intersection, the intersection includes the 63864
area that extends to the far side of the crosswalk. 63865

(LL) "Crosswalk" means: 63866

(1) That part of a roadway at intersections ordinarily 63867
included within the real or projected prolongation of property 63868
lines and curb lines or, in the absence of curbs, the edges of the 63869
traversable roadway; 63870

(2) Any portion of a roadway at an intersection or elsewhere, 63871
distinctly indicated for pedestrian crossing by lines or other 63872
markings on the surface; 63873

(3) Notwithstanding divisions (LL)(1) and (2) of this 63874
section, there shall not be a crosswalk where local authorities 63875
have placed signs indicating no crossing. 63876

(MM) "Safety zone" means the area or space officially set 63877
apart within a roadway for the exclusive use of pedestrians and 63878
protected or marked or indicated by adequate signs as to be 63879
plainly visible at all times. 63880

(NN) "Business district" means the territory fronting upon a 63881
street or highway, including the street or highway, between 63882
successive intersections within municipal corporations where fifty 63883
per cent or more of the frontage between such successive 63884
intersections is occupied by buildings in use for business, or 63885
within or outside municipal corporations where fifty per cent or 63886
more of the frontage for a distance of three hundred feet or more 63887
is occupied by buildings in use for business, and the character of 63888
such territory is indicated by official traffic control devices. 63889

(OO) "Residence district" means the territory, not comprising 63890
a business district, fronting on a street or highway, including 63891
the street or highway, where, for a distance of three hundred feet 63892
or more, the frontage is improved with residences or residences 63893
and buildings in use for business. 63894

(PP) "Urban district" means the territory contiguous to and 63895
including any street or highway which is built up with structures 63896
devoted to business, industry, or dwelling houses situated at 63897
intervals of less than one hundred feet for a distance of a 63898
quarter of a mile or more, and the character of such territory is 63899
indicated by official traffic control devices. 63900

(QQ) "Traffic control device" means a flagger, sign, signal, 63901

marking, or other device used to regulate, warn, or guide traffic, 63902
placed on, over, or adjacent to a street, highway, private road 63903
open to public travel, pedestrian facility, or shared-use path by 63904
authority of a public agency or official having jurisdiction, or, 63905
in the case of a private road open to public travel, by authority 63906
of the private owner or private official having jurisdiction. 63907

(RR) "Traffic control signal" means any highway traffic 63908
signal by which traffic is alternately directed to stop and 63909
permitted to proceed. 63910

(SS) "Railroad sign or signal" means any sign, signal, or 63911
device erected by authority of a public body or official or by a 63912
railroad and intended to give notice of the presence of railroad 63913
tracks or the approach of a railroad train. 63914

(TT) "Traffic" means pedestrians, ridden or herded animals, 63915
vehicles, streetcars, trackless trolleys, and other devices, 63916
either singly or together, while using for purposes of travel any 63917
highway or private road open to public travel. 63918

(UU) "Right-of-way" means either of the following, as the 63919
context requires: 63920

(1) The right of a vehicle, streetcar, trackless trolley, or 63921
pedestrian to proceed uninterruptedly in a lawful manner in the 63922
direction in which it or the individual is moving in preference to 63923
another vehicle, streetcar, trackless trolley, or pedestrian 63924
approaching from a different direction into its or the 63925
individual's path; 63926

(2) A general term denoting land, property, or the interest 63927
therein, usually in the configuration of a strip, acquired for or 63928
devoted to transportation purposes. When used in this context, 63929
right-of-way includes the roadway, shoulders or berm, ditch, and 63930
slopes extending to the right-of-way limits under the control of 63931
the state or local authority. 63932

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route. 63933
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(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession. 63935
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(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located. 63938
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(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. 63944
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(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade. 63947
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(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. 63950
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(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected. 63953
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(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. 63955
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(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing 63960
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arrangements known as carpools, vanpools, and buspools. 63963

(EEE) "Motorized wheelchair" means any self-propelled vehicle 63964
designed for, and used by, a handicapped person and that is 63965
incapable of a speed in excess of eight miles per hour. 63966

(FFF) "Child day-care center" and "type A family day-care 63967
home" have the same meanings as in section 5104.01 of the Revised 63968
Code. 63969

(GGG) "Multi-wheel agricultural tractor" means a type of 63970
agricultural tractor that has two or more wheels or tires on each 63971
side of one axle at the rear of the tractor, is designed or used 63972
for drawing other vehicles or wheeled machinery, has no provision 63973
for carrying loads independently of the drawn vehicles or 63974
machinery, and is used principally for agricultural purposes. 63975

(HHH) "Operate" means to cause or have caused movement of a 63976
vehicle, streetcar, or trackless trolley. 63977

(III) "Predicate motor vehicle or traffic offense" means any 63978
of the following: 63979

(1) A violation of section 4511.03, 4511.051, 4511.12, 63980
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 63981
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 63982
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 63983
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 63984
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 63985
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 63986
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 63987
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 63988
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 63989
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 63990

(2) A violation of division (A)(2) of section 4511.17, 63991
divisions (A) to (D) of section 4511.51, or division (A) of 63992
section 4511.74 of the Revised Code; 63993

(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;	63994 63995 63996
(4) Until January 1, 2017, a violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), or (3) of this section;	63997 63998 63999 64000
(5) Effective January 1, 2017, a violation of section 4511.214 of the Revised Code;	64001 64002
(6) Effective January 1, 2017, a violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), (3), or (5) of this section.	64003 64004 64005 64006
(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.	64007 64008 64009 64010
(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.	64011 64012
(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.	64013 64014 64015 64016 64017
(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.	64018 64019 64020 64021 64022
(NNN) "Median" means the area between two roadways of a	64023

divided highway, measured from edge of traveled way to edge of 64024
traveled way, but excluding turn lanes. The width of a median may 64025
be different between intersections, between interchanges, and at 64026
opposite approaches of the same intersection. 64027

(OOO) "Private road open to public travel" means a private 64028
toll road or road, including any adjacent sidewalks that generally 64029
run parallel to the road, within a shopping center, airport, 64030
sports arena, or other similar business or recreation facility 64031
that is privately owned but where the public is allowed to travel 64032
without access restrictions. "Private road open to public travel" 64033
includes a gated toll road but does not include a road within a 64034
private gated property where access is restricted at all times, a 64035
parking area, a driving aisle within a parking area, or a private 64036
grade crossing. 64037

(PPP) "Shared-use path" means a bikeway outside the traveled 64038
way and physically separated from motorized vehicular traffic by 64039
an open space or barrier and either within the highway 64040
right-of-way or within an independent alignment. A shared-use path 64041
also may be used by pedestrians, including skaters, joggers, users 64042
of manual and motorized wheelchairs, and other authorized 64043
motorized and non-motorized users. 64044

(QQQ) "Highway maintenance vehicle" means a vehicle used in 64045
snow and ice removal or road surface maintenance, including a snow 64046
plow, traffic line striper, road sweeper, mowing machine, asphalt 64047
distributing vehicle, or other such vehicle designed for use in 64048
specific highway maintenance activities. 64049

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 64050
streetcar, or trackless trolley within this state, if, at the time 64051
of the operation, any of the following apply: 64052

(a) The person is under the influence of alcohol, a drug of 64053
abuse, or a combination of them. 64054

(b) The person has a concentration of eight-hundredths of one 64055
per cent or more but less than seventeen-hundredths of one per 64056
cent by weight per unit volume of alcohol in the person's whole 64057
blood. 64058

(c) The person has a concentration of ninety-six-thousandths 64059
of one per cent or more but less than two hundred four-thousandths 64060
of one per cent by weight per unit volume of alcohol in the 64061
person's blood serum or plasma. 64062

(d) The person has a concentration of eight-hundredths of one 64063
gram or more but less than seventeen-hundredths of one gram by 64064
weight of alcohol per two hundred ten liters of the person's 64065
breath. 64066

(e) The person has a concentration of eleven-hundredths of 64067
one gram or more but less than two hundred 64068
thirty-eight-thousandths of one gram by weight of alcohol per one 64069
hundred milliliters of the person's urine. 64070

(f) The person has a concentration of seventeen-hundredths of 64071
one per cent or more by weight per unit volume of alcohol in the 64072
person's whole blood. 64073

(g) The person has a concentration of two hundred 64074
four-thousandths of one per cent or more by weight per unit volume 64075
of alcohol in the person's blood serum or plasma. 64076

(h) The person has a concentration of seventeen-hundredths of 64077
one gram or more by weight of alcohol per two hundred ten liters 64078
of the person's breath. 64079

(i) The person has a concentration of two hundred 64080
thirty-eight-thousandths of one gram or more by weight of alcohol 64081
per one hundred milliliters of the person's urine. 64082

(j) Except as provided in division (K) of this section, the 64083
person has a concentration of any of the following controlled 64084

substances or metabolites of a controlled substance in the 64085
person's whole blood, blood serum or plasma, or urine that equals 64086
or exceeds any of the following: 64087

(i) The person has a concentration of amphetamine in the 64088
person's urine of at least five hundred nanograms of amphetamine 64089
per milliliter of the person's urine or has a concentration of 64090
amphetamine in the person's whole blood or blood serum or plasma 64091
of at least one hundred nanograms of amphetamine per milliliter of 64092
the person's whole blood or blood serum or plasma. 64093

(ii) The person has a concentration of cocaine in the 64094
person's urine of at least one hundred fifty nanograms of cocaine 64095
per milliliter of the person's urine or has a concentration of 64096
cocaine in the person's whole blood or blood serum or plasma of at 64097
least fifty nanograms of cocaine per milliliter of the person's 64098
whole blood or blood serum or plasma. 64099

(iii) The person has a concentration of cocaine metabolite in 64100
the person's urine of at least one hundred fifty nanograms of 64101
cocaine metabolite per milliliter of the person's urine or has a 64102
concentration of cocaine metabolite in the person's whole blood or 64103
blood serum or plasma of at least fifty nanograms of cocaine 64104
metabolite per milliliter of the person's whole blood or blood 64105
serum or plasma. 64106

(iv) The person has a concentration of heroin in the person's 64107
urine of at least two thousand nanograms of heroin per milliliter 64108
of the person's urine or has a concentration of heroin in the 64109
person's whole blood or blood serum or plasma of at least fifty 64110
nanograms of heroin per milliliter of the person's whole blood or 64111
blood serum or plasma. 64112

(v) The person has a concentration of heroin metabolite 64113
(6-monoacetyl morphine) in the person's urine of at least ten 64114
nanograms of heroin metabolite (6-monoacetyl morphine) per 64115

milliliter of the person's urine or has a concentration of heroin 64116
metabolite (6-monoacetyl morphine) in the person's whole blood or 64117
blood serum or plasma of at least ten nanograms of heroin 64118
metabolite (6-monoacetyl morphine) per milliliter of the person's 64119
whole blood or blood serum or plasma. 64120

(vi) The person has a concentration of L.S.D. in the person's 64121
urine of at least twenty-five nanograms of L.S.D. per milliliter 64122
of the person's urine or a concentration of L.S.D. in the person's 64123
whole blood or blood serum or plasma of at least ten nanograms of 64124
L.S.D. per milliliter of the person's whole blood or blood serum 64125
or plasma. 64126

(vii) The person has a concentration of marihuana in the 64127
person's urine of at least ten nanograms of marihuana per 64128
milliliter of the person's urine or has a concentration of 64129
marihuana in the person's whole blood or blood serum or plasma of 64130
at least two nanograms of marihuana per milliliter of the person's 64131
whole blood or blood serum or plasma. 64132

(viii) Either of the following applies: 64133

(I) The person is under the influence of alcohol, a drug of 64134
abuse, or a combination of them, and, ~~as measured by gas~~ 64135
~~chromatography mass spectrometry,~~ the person has a concentration 64136
of marihuana metabolite in the person's urine of at least fifteen 64137
nanograms of marihuana metabolite per milliliter of the person's 64138
urine or has a concentration of marihuana metabolite in the 64139
person's whole blood or blood serum or plasma of at least five 64140
nanograms of marihuana metabolite per milliliter of the person's 64141
whole blood or blood serum or plasma. 64142

(II) ~~As measured by gas chromatography mass spectrometry,~~ the 64143
The person has a concentration of marihuana metabolite in the 64144
person's urine of at least thirty-five nanograms of marihuana 64145
metabolite per milliliter of the person's urine or has a 64146

concentration of marihuana metabolite in the person's whole blood 64147
or blood serum or plasma of at least fifty nanograms of marihuana 64148
metabolite per milliliter of the person's whole blood or blood 64149
serum or plasma. 64150

(ix) The person has a concentration of methamphetamine in the 64151
person's urine of at least five hundred nanograms of 64152
methamphetamine per milliliter of the person's urine or has a 64153
concentration of methamphetamine in the person's whole blood or 64154
blood serum or plasma of at least one hundred nanograms of 64155
methamphetamine per milliliter of the person's whole blood or 64156
blood serum or plasma. 64157

(x) The person has a concentration of phencyclidine in the 64158
person's urine of at least twenty-five nanograms of phencyclidine 64159
per milliliter of the person's urine or has a concentration of 64160
phencyclidine in the person's whole blood or blood serum or plasma 64161
of at least ten nanograms of phencyclidine per milliliter of the 64162
person's whole blood or blood serum or plasma. 64163

(xi) The state board of pharmacy has adopted a rule pursuant 64164
to section 4729.041 of the Revised Code that specifies the amount 64165
of salvia divinorum and the amount of salvinorin A that constitute 64166
concentrations of salvia divinorum and salvinorin A in a person's 64167
urine, in a person's whole blood, or in a person's blood serum or 64168
plasma at or above which the person is impaired for purposes of 64169
operating any vehicle, streetcar, or trackless trolley within this 64170
state, the rule is in effect, and the person has a concentration 64171
of salvia divinorum or salvinorin A of at least that amount so 64172
specified by rule in the person's urine, in the person's whole 64173
blood, or in the person's blood serum or plasma. 64174

(2) No person who, within twenty years of the conduct 64175
described in division (A)(2)(a) of this section, previously has 64176
been convicted of or pleaded guilty to a violation of this 64177
division, a violation of division (A)(1) or (B) of this section, 64178

or any other equivalent offense shall do both of the following: 64179

(a) Operate any vehicle, streetcar, or trackless trolley 64180
within this state while under the influence of alcohol, a drug of 64181
abuse, or a combination of them; 64182

(b) Subsequent to being arrested for operating the vehicle, 64183
streetcar, or trackless trolley as described in division (A)(2)(a) 64184
of this section, being asked by a law enforcement officer to 64185
submit to a chemical test or tests under section 4511.191 of the 64186
Revised Code, and being advised by the officer in accordance with 64187
section 4511.192 of the Revised Code of the consequences of the 64188
person's refusal or submission to the test or tests, refuse to 64189
submit to the test or tests. 64190

(B) No person under twenty-one years of age shall operate any 64191
vehicle, streetcar, or trackless trolley within this state, if, at 64192
the time of the operation, any of the following apply: 64193

(1) The person has a concentration of at least two-hundredths 64194
of one per cent but less than eight-hundredths of one per cent by 64195
weight per unit volume of alcohol in the person's whole blood. 64196

(2) The person has a concentration of at least 64197
three-hundredths of one per cent but less than 64198
ninety-six-thousandths of one per cent by weight per unit volume 64199
of alcohol in the person's blood serum or plasma. 64200

(3) The person has a concentration of at least two-hundredths 64201
of one gram but less than eight-hundredths of one gram by weight 64202
of alcohol per two hundred ten liters of the person's breath. 64203

(4) The person has a concentration of at least twenty-eight 64204
one-thousandths of one gram but less than eleven-hundredths of one 64205
gram by weight of alcohol per one hundred milliliters of the 64206
person's urine. 64207

(C) In any proceeding arising out of one incident, a person 64208

may be charged with a violation of division (A)(1)(a) or (A)(2) 64209
and a violation of division (B)(1), (2), or (3) of this section, 64210
but the person may not be convicted of more than one violation of 64211
these divisions. 64212

(D)(1)(a) In any criminal prosecution or juvenile court 64213
proceeding for a violation of division (A)(1)(a) of this section 64214
or for an equivalent offense that is vehicle-related, the result 64215
of any test of any blood or urine withdrawn and analyzed at any 64216
health care provider, as defined in section 2317.02 of the Revised 64217
Code, may be admitted with expert testimony to be considered with 64218
any other relevant and competent evidence in determining the guilt 64219
or innocence of the defendant. 64220

(b) In any criminal prosecution or juvenile court proceeding 64221
for a violation of division (A) or (B) of this section or for an 64222
equivalent offense that is vehicle-related, the court may admit 64223
evidence on the concentration of alcohol, drugs of abuse, 64224
controlled substances, metabolites of a controlled substance, or a 64225
combination of them in the defendant's whole blood, blood serum or 64226
plasma, breath, urine, or other bodily substance at the time of 64227
the alleged violation as shown by chemical analysis of the 64228
substance withdrawn within three hours of the time of the alleged 64229
violation. The three-hour time limit specified in this division 64230
regarding the admission of evidence does not extend or affect the 64231
two-hour time limit specified in division (A) of section 4511.192 64232
of the Revised Code as the maximum period of time during which a 64233
person may consent to a chemical test or tests as described in 64234
that section. The court may admit evidence on the concentration of 64235
alcohol, drugs of abuse, or a combination of them as described in 64236
this division when a person submits to a blood, breath, urine, or 64237
other bodily substance test at the request of a law enforcement 64238
officer under section 4511.191 of the Revised Code or a blood or 64239
urine sample is obtained pursuant to a search warrant. Only a 64240

physician, a registered nurse, an emergency medical 64241
technician-intermediate, an emergency medical 64242
technician-paramedic, or a qualified technician, chemist, or 64243
phlebotomist shall withdraw a blood sample for the purpose of 64244
determining the alcohol, drug, controlled substance, metabolite of 64245
a controlled substance, or combination content of the whole blood, 64246
blood serum, or blood plasma. This limitation does not apply to 64247
the taking of breath or urine specimens. A person authorized to 64248
withdraw blood under this division may refuse to withdraw blood 64249
under this division, if in that person's opinion, the physical 64250
welfare of the person would be endangered by the withdrawing of 64251
blood. 64252

The bodily substance withdrawn under division (D)(1)(b) of 64253
this section shall be analyzed in accordance with methods approved 64254
by the director of health by an individual possessing a valid 64255
permit issued by the director pursuant to section 3701.143 of the 64256
Revised Code. 64257

(c) As used in division (D)(1)(b) of this section, "emergency 64258
medical technician-intermediate" and "emergency medical 64259
technician-paramedic" have the same meanings as in section 4765.01 64260
of the Revised Code. 64261

(2) In a criminal prosecution or juvenile court proceeding 64262
for a violation of division (A) of this section or for an 64263
equivalent offense that is vehicle-related, if there was at the 64264
time the bodily substance was withdrawn a concentration of less 64265
than the applicable concentration of alcohol specified in 64266
divisions (A)(1)(b), (c), (d), and (e) of this section or less 64267
than the applicable concentration of a listed controlled substance 64268
or a listed metabolite of a controlled substance specified for a 64269
violation of division (A)(1)(j) of this section, that fact may be 64270
considered with other competent evidence in determining the guilt 64271
or innocence of the defendant. This division does not limit or 64272

affect a criminal prosecution or juvenile court proceeding for a 64273
violation of division (B) of this section or for an equivalent 64274
offense that is substantially equivalent to that division. 64275

(3) Upon the request of the person who was tested, the 64276
results of the chemical test shall be made available to the person 64277
or the person's attorney, immediately upon the completion of the 64278
chemical test analysis. 64279

If the chemical test was obtained pursuant to division 64280
(D)(1)(b) of this section, the person tested may have a physician, 64281
a registered nurse, or a qualified technician, chemist, or 64282
phlebotomist of the person's own choosing administer a chemical 64283
test or tests, at the person's expense, in addition to any 64284
administered at the request of a law enforcement officer. If the 64285
person was under arrest as described in division (A)(5) of section 64286
4511.191 of the Revised Code, the arresting officer shall advise 64287
the person at the time of the arrest that the person may have an 64288
independent chemical test taken at the person's own expense. If 64289
the person was under arrest other than described in division 64290
(A)(5) of section 4511.191 of the Revised Code, the form to be 64291
read to the person to be tested, as required under section 64292
4511.192 of the Revised Code, shall state that the person may have 64293
an independent test performed at the person's expense. The failure 64294
or inability to obtain an additional chemical test by a person 64295
shall not preclude the admission of evidence relating to the 64296
chemical test or tests taken at the request of a law enforcement 64297
officer. 64298

(4)(a) As used in divisions (D)(4)(b) and (c) of this 64299
section, "national highway traffic safety administration" means 64300
the national highway traffic safety administration established as 64301
an administration of the United States department of 64302
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 64303

(b) In any criminal prosecution or juvenile court proceeding 64304

for a violation of division (A) or (B) of this section, of a 64305
municipal ordinance relating to operating a vehicle while under 64306
the influence of alcohol, a drug of abuse, or alcohol and a drug 64307
of abuse, or of a municipal ordinance relating to operating a 64308
vehicle with a prohibited concentration of alcohol, a controlled 64309
substance, or a metabolite of a controlled substance in the whole 64310
blood, blood serum or plasma, breath, or urine, if a law 64311
enforcement officer has administered a field sobriety test to the 64312
operator of the vehicle involved in the violation and if it is 64313
shown by clear and convincing evidence that the officer 64314
administered the test in substantial compliance with the testing 64315
standards for any reliable, credible, and generally accepted field 64316
sobriety tests that were in effect at the time the tests were 64317
administered, including, but not limited to, any testing standards 64318
then in effect that were set by the national highway traffic 64319
safety administration, all of the following apply: 64320

(i) The officer may testify concerning the results of the 64321
field sobriety test so administered. 64322

(ii) The prosecution may introduce the results of the field 64323
sobriety test so administered as evidence in any proceedings in 64324
the criminal prosecution or juvenile court proceeding. 64325

(iii) If testimony is presented or evidence is introduced 64326
under division (D)(4)(b)(i) or (ii) of this section and if the 64327
testimony or evidence is admissible under the Rules of Evidence, 64328
the court shall admit the testimony or evidence and the trier of 64329
fact shall give it whatever weight the trier of fact considers to 64330
be appropriate. 64331

(c) Division (D)(4)(b) of this section does not limit or 64332
preclude a court, in its determination of whether the arrest of a 64333
person was supported by probable cause or its determination of any 64334
other matter in a criminal prosecution or juvenile court 64335
proceeding of a type described in that division, from considering 64336

evidence or testimony that is not otherwise disallowed by division 64337
(D)(4)(b) of this section. 64338

(E)(1) Subject to division (E)(3) of this section, in any 64339
criminal prosecution or juvenile court proceeding for a violation 64340
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 64341
or (B)(1), (2), (3), or (4) of this section or for an equivalent 64342
offense that is substantially equivalent to any of those 64343
divisions, a laboratory report from any laboratory personnel 64344
issued a permit by the department of health authorizing an 64345
analysis as described in this division that contains an analysis 64346
of the whole blood, blood serum or plasma, breath, urine, or other 64347
bodily substance tested and that contains all of the information 64348
specified in this division shall be admitted as prima-facie 64349
evidence of the information and statements that the report 64350
contains. The laboratory report shall contain all of the 64351
following: 64352

(a) The signature, under oath, of any person who performed 64353
the analysis; 64354

(b) Any findings as to the identity and quantity of alcohol, 64355
a drug of abuse, a controlled substance, a metabolite of a 64356
controlled substance, or a combination of them that was found; 64357

(c) A copy of a notarized statement by the laboratory 64358
director or a designee of the director that contains the name of 64359
each certified analyst or test performer involved with the report, 64360
the analyst's or test performer's employment relationship with the 64361
laboratory that issued the report, and a notation that performing 64362
an analysis of the type involved is part of the analyst's or test 64363
performer's regular duties; 64364

(d) An outline of the analyst's or test performer's 64365
education, training, and experience in performing the type of 64366
analysis involved and a certification that the laboratory 64367

satisfies appropriate quality control standards in general and, in 64368
this particular analysis, under rules of the department of health. 64369

(2) Notwithstanding any other provision of law regarding the 64370
admission of evidence, a report of the type described in division 64371
(E)(1) of this section is not admissible against the defendant to 64372
whom it pertains in any proceeding, other than a preliminary 64373
hearing or a grand jury proceeding, unless the prosecutor has 64374
served a copy of the report on the defendant's attorney or, if the 64375
defendant has no attorney, on the defendant. 64376

(3) A report of the type described in division (E)(1) of this 64377
section shall not be prima-facie evidence of the contents, 64378
identity, or amount of any substance if, within seven days after 64379
the defendant to whom the report pertains or the defendant's 64380
attorney receives a copy of the report, the defendant or the 64381
defendant's attorney demands the testimony of the person who 64382
signed the report. The judge in the case may extend the seven-day 64383
time limit in the interest of justice. 64384

(F) Except as otherwise provided in this division, any 64385
physician, registered nurse, emergency medical 64386
technician-intermediate, emergency medical technician-paramedic, 64387
or qualified technician, chemist, or phlebotomist who withdraws 64388
blood from a person pursuant to this section or section 4511.191 64389
or 4511.192 of the Revised Code, and any hospital, first-aid 64390
station, or clinic at which blood is withdrawn from a person 64391
pursuant to this section or section 4511.191 or 4511.192 of the 64392
Revised Code, is immune from criminal liability and civil 64393
liability based upon a claim of assault and battery or any other 64394
claim that is not a claim of malpractice, for any act performed in 64395
withdrawing blood from the person. The immunity provided in this 64396
division also extends to an emergency medical service organization 64397
that employs an emergency medical technician-intermediate or 64398
emergency medical technician-paramedic who withdraws blood under 64399

this section. The immunity provided in this division is not 64400
available to a person who withdraws blood if the person engages in 64401
willful or wanton misconduct. 64402

As used in this division, "emergency medical 64403
technician-intermediate" and "emergency medical 64404
technician-paramedic" have the same meanings as in section 4765.01 64405
of the Revised Code. 64406

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 64407
to (i) or (A)(2) of this section is guilty of operating a vehicle 64408
under the influence of alcohol, a drug of abuse, or a combination 64409
of them. Whoever violates division (A)(1)(j) of this section is 64410
guilty of operating a vehicle while under the influence of a 64411
listed controlled substance or a listed metabolite of a controlled 64412
substance. The court shall sentence the offender for either 64413
offense under Chapter 2929. of the Revised Code, except as 64414
otherwise authorized or required by divisions (G)(1)(a) to (e) of 64415
this section: 64416

(a) Except as otherwise provided in division (G)(1)(b), (c), 64417
(d), or (e) of this section, the offender is guilty of a 64418
misdemeanor of the first degree, and the court shall sentence the 64419
offender to all of the following: 64420

(i) If the sentence is being imposed for a violation of 64421
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 64422
mandatory jail term of three consecutive days. As used in this 64423
division, three consecutive days means seventy-two consecutive 64424
hours. The court may sentence an offender to both an intervention 64425
program and a jail term. The court may impose a jail term in 64426
addition to the three-day mandatory jail term or intervention 64427
program. However, in no case shall the cumulative jail term 64428
imposed for the offense exceed six months. 64429

The court may suspend the execution of the three-day jail 64430

term under this division if the court, in lieu of that suspended 64431
term, places the offender under a community control sanction 64432
pursuant to section 2929.25 of the Revised Code and requires the 64433
offender to attend, for three consecutive days, a drivers' 64434
intervention program certified under section 5119.38 of the 64435
Revised Code. The court also may suspend the execution of any part 64436
of the three-day jail term under this division if it places the 64437
offender under a community control sanction pursuant to section 64438
2929.25 of the Revised Code for part of the three days, requires 64439
the offender to attend for the suspended part of the term a 64440
drivers' intervention program so certified, and sentences the 64441
offender to a jail term equal to the remainder of the three 64442
consecutive days that the offender does not spend attending the 64443
program. The court may require the offender, as a condition of 64444
community control and in addition to the required attendance at a 64445
drivers' intervention program, to attend and satisfactorily 64446
complete any treatment or education programs that comply with the 64447
minimum standards adopted pursuant to Chapter 5119. of the Revised 64448
Code by the director of mental health and addiction services that 64449
the operators of the drivers' intervention program determine that 64450
the offender should attend and to report periodically to the court 64451
on the offender's progress in the programs. The court also may 64452
impose on the offender any other conditions of community control 64453
that it considers necessary. 64454

If the court grants unlimited driving privileges to a 64455
first-time offender under section 4510.022 of the Revised Code, 64456
all penalties imposed upon the offender by the court under 64457
division (G)(1)(a)(i) of this section for the offense apply, 64458
except that the court shall suspend any mandatory or additional 64459
jail term imposed by the court under division (G)(1)(a)(i) of this 64460
section upon granting unlimited driving privileges in accordance 64461
with section 4510.022 of the Revised Code. 64462

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

If the court grants unlimited driving privileges to a first-time offender under section 4510.022 of the Revised Code, all penalties imposed upon the offender by the court under division (G)(1)(a)(ii) of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under division (G)(1)(a)(ii) of this section upon granting unlimited driving privileges in accordance with section 4510.022 of the Revised Code.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the

offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(iii) In all cases, a fine of not less than three hundred seventy-five and not more than one thousand seventy-five dollars;

(iv) In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with 64526
electronic monitoring or continuous alcohol monitoring or both 64527
types of monitoring and jail term, the court shall require the 64528
offender to be assessed by a community addiction services provider 64529
that is authorized by section 5119.21 of the Revised Code, subject 64530
to division (I) of this section, and shall order the offender to 64531
follow the treatment recommendations of the services provider. The 64532
purpose of the assessment is to determine the degree of the 64533
offender's alcohol usage and to determine whether or not treatment 64534
is warranted. Upon the request of the court, the services provider 64535
shall submit the results of the assessment to the court, including 64536
all treatment recommendations and clinical diagnoses related to 64537
alcohol use. 64538

(ii) If the sentence is being imposed for a violation of 64539
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 64540
section, except as otherwise provided in this division, a 64541
mandatory jail term of twenty consecutive days. The court shall 64542
impose the twenty-day mandatory jail term under this division 64543
unless, subject to division (G)(3) of this section, it instead 64544
imposes a sentence under that division consisting of both a jail 64545
term and a term of house arrest with electronic monitoring, with 64546
continuous alcohol monitoring, or with both electronic monitoring 64547
and continuous alcohol monitoring. The court may impose a jail 64548
term in addition to the twenty-day mandatory jail term. The 64549
cumulative jail term imposed for the offense shall not exceed six 64550
months. 64551

In addition to the jail term or the term of house arrest with 64552
electronic monitoring or continuous alcohol monitoring or both 64553
types of monitoring and jail term, the court shall require the 64554
offender to be assessed by a community addiction service provider 64555
that is authorized by section 5119.21 of the Revised Code, subject 64556
to division (I) of this section, and shall order the offender to 64557

follow the treatment recommendations of the services provider. The 64558
purpose of the assessment is to determine the degree of the 64559
offender's alcohol usage and to determine whether or not treatment 64560
is warranted. Upon the request of the court, the services provider 64561
shall submit the results of the assessment to the court, including 64562
all treatment recommendations and clinical diagnoses related to 64563
alcohol use. 64564

(iii) In all cases, notwithstanding the fines set forth in 64565
Chapter 2929. of the Revised Code, a fine of not less than five 64566
hundred twenty-five and not more than one thousand six hundred 64567
twenty-five dollars; 64568

(iv) In all cases, a suspension of the offender's driver's 64569
license, commercial driver's license, temporary instruction 64570
permit, probationary license, or nonresident operating privilege 64571
for a definite period of one to seven years. The court may grant 64572
limited driving privileges relative to the suspension under 64573
sections 4510.021 and 4510.13 of the Revised Code. 64574

(v) In all cases, if the vehicle is registered in the 64575
offender's name, immobilization of the vehicle involved in the 64576
offense for ninety days in accordance with section 4503.233 of the 64577
Revised Code and impoundment of the license plates of that vehicle 64578
for ninety days. 64579

(c) Except as otherwise provided in division (G)(1)(e) of 64580
this section, an offender who, within ten years of the offense, 64581
previously has been convicted of or pleaded guilty to two 64582
violations of division (A) or (B) of this section or other 64583
equivalent offenses is guilty of a misdemeanor. The court shall 64584
sentence the offender to all of the following: 64585

(i) If the sentence is being imposed for a violation of 64586
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 64587
mandatory jail term of thirty consecutive days. The court shall 64588

impose the thirty-day mandatory jail term under this division 64589
unless, subject to division (G)(3) of this section, it instead 64590
imposes a sentence under that division consisting of both a jail 64591
term and a term of house arrest with electronic monitoring, with 64592
continuous alcohol monitoring, or with both electronic monitoring 64593
and continuous alcohol monitoring. The court may impose a jail 64594
term in addition to the thirty-day mandatory jail term. 64595
Notwithstanding the jail terms set forth in sections 2929.21 to 64596
2929.28 of the Revised Code, the additional jail term shall not 64597
exceed one year, and the cumulative jail term imposed for the 64598
offense shall not exceed one year. 64599

(ii) If the sentence is being imposed for a violation of 64600
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 64601
section, a mandatory jail term of sixty consecutive days. The 64602
court shall impose the sixty-day mandatory jail term under this 64603
division unless, subject to division (G)(3) of this section, it 64604
instead imposes a sentence under that division consisting of both 64605
a jail term and a term of house arrest with electronic monitoring, 64606
with continuous alcohol monitoring, or with both electronic 64607
monitoring and continuous alcohol monitoring. The court may impose 64608
a jail term in addition to the sixty-day mandatory jail term. 64609
Notwithstanding the jail terms set forth in sections 2929.21 to 64610
2929.28 of the Revised Code, the additional jail term shall not 64611
exceed one year, and the cumulative jail term imposed for the 64612
offense shall not exceed one year. 64613

(iii) In all cases, notwithstanding the fines set forth in 64614
Chapter 2929. of the Revised Code, a fine of not less than eight 64615
hundred fifty and not more than two thousand seven hundred fifty 64616
dollars; 64617

(iv) In all cases, a suspension of the offender's driver's 64618
license, commercial driver's license, temporary instruction 64619
permit, probationary license, or nonresident operating privilege 64620

for a definite period of two to twelve years. The court may grant 64621
limited driving privileges relative to the suspension under 64622
sections 4510.021 and 4510.13 of the Revised Code. 64623

(v) In all cases, if the vehicle is registered in the 64624
offender's name, criminal forfeiture of the vehicle involved in 64625
the offense in accordance with section 4503.234 of the Revised 64626
Code. Division (G)(6) of this section applies regarding any 64627
vehicle that is subject to an order of criminal forfeiture under 64628
this division. 64629

(vi) In all cases, the court shall order the offender to 64630
participate with a community addiction services provider 64631
authorized by section 5119.21 of the Revised Code, subject to 64632
division (I) of this section, and shall order the offender to 64633
follow the treatment recommendations of the services provider. The 64634
operator of the services provider shall determine and assess the 64635
degree of the offender's alcohol dependency and shall make 64636
recommendations for treatment. Upon the request of the court, the 64637
services provider shall submit the results of the assessment to 64638
the court, including all treatment recommendations and clinical 64639
diagnoses related to alcohol use. 64640

(d) Except as otherwise provided in division (G)(1)(e) of 64641
this section, an offender who, within ten years of the offense, 64642
previously has been convicted of or pleaded guilty to three or 64643
four violations of division (A) or (B) of this section or other 64644
equivalent offenses or an offender who, within twenty years of the 64645
offense, previously has been convicted of or pleaded guilty to 64646
five or more violations of that nature is guilty of a felony of 64647
the fourth degree. The court shall sentence the offender to all of 64648
the following: 64649

(i) If the sentence is being imposed for a violation of 64650
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 64651
mandatory prison term of one, two, three, four, or five years as 64652

required by and in accordance with division (G)(2) of section 64653
2929.13 of the Revised Code if the offender also is convicted of 64654
or also pleads guilty to a specification of the type described in 64655
section 2941.1413 of the Revised Code or, in the discretion of the 64656
court, either a mandatory term of local incarceration of sixty 64657
consecutive days in accordance with division (G)(1) of section 64658
2929.13 of the Revised Code or a mandatory prison term of sixty 64659
consecutive days in accordance with division (G)(2) of that 64660
section if the offender is not convicted of and does not plead 64661
guilty to a specification of that type. If the court imposes a 64662
mandatory term of local incarceration, it may impose a jail term 64663
in addition to the sixty-day mandatory term, the cumulative total 64664
of the mandatory term and the jail term for the offense shall not 64665
exceed one year, and, except as provided in division (A)(1) of 64666
section 2929.13 of the Revised Code, no prison term is authorized 64667
for the offense. If the court imposes a mandatory prison term, 64668
notwithstanding division (A)(4) of section 2929.14 of the Revised 64669
Code, it also may sentence the offender to a definite prison term 64670
that shall be not less than six months and not more than thirty 64671
months and the prison terms shall be imposed as described in 64672
division (G)(2) of section 2929.13 of the Revised Code. If the 64673
court imposes a mandatory prison term or mandatory prison term and 64674
additional prison term, in addition to the term or terms so 64675
imposed, the court also may sentence the offender to a community 64676
control sanction for the offense, but the offender shall serve all 64677
of the prison terms so imposed prior to serving the community 64678
control sanction. 64679

(ii) If the sentence is being imposed for a violation of 64680
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 64681
section, a mandatory prison term of one, two, three, four, or five 64682
years as required by and in accordance with division (G)(2) of 64683
section 2929.13 of the Revised Code if the offender also is 64684
convicted of or also pleads guilty to a specification of the type 64685

described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of

section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a one hundred twenty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In

addition to the mandatory prison term or mandatory prison term and 64783
additional prison term the court imposes, the court also may 64784
sentence the offender to a community control sanction for the 64785
offense, but the offender shall serve all of the prison terms so 64786
imposed prior to serving the community control sanction. 64787

(iii) In all cases, notwithstanding section 2929.18 of the 64788
Revised Code, a fine of not less than one thousand three hundred 64789
fifty nor more than ten thousand five hundred dollars; 64790

(iv) In all cases, a class two license suspension of the 64791
offender's driver's license, commercial driver's license, 64792
temporary instruction permit, probationary license, or nonresident 64793
operating privilege from the range specified in division (A)(2) of 64794
section 4510.02 of the Revised Code. The court may grant limited 64795
driving privileges relative to the suspension under sections 64796
4510.021 and 4510.13 of the Revised Code. 64797

(v) In all cases, if the vehicle is registered in the 64798
offender's name, criminal forfeiture of the vehicle involved in 64799
the offense in accordance with section 4503.234 of the Revised 64800
Code. Division (G)(6) of this section applies regarding any 64801
vehicle that is subject to an order of criminal forfeiture under 64802
this division. 64803

(vi) In all cases, the court shall order the offender to 64804
participate with a community addiction services provider 64805
authorized by section 5119.21 of the Revised Code, subject to 64806
division (I) of this section, and shall order the offender to 64807
follow the treatment recommendations of the services provider. The 64808
operator of the services provider shall determine and assess the 64809
degree of the offender's alcohol dependency and shall make 64810
recommendations for treatment. Upon the request of the court, the 64811
services provider shall submit the results of the assessment to 64812
the court, including all treatment recommendations and clinical 64813
diagnoses related to alcohol use. 64814

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this

section, the court, under this division, may sentence the offender 64847
to ten consecutive days in jail and not less than thirty-six 64848
consecutive days of house arrest with electronic monitoring, with 64849
continuous alcohol monitoring, or with both electronic monitoring 64850
and continuous alcohol monitoring. The cumulative total of the ten 64851
consecutive days in jail and the period of house arrest with 64852
electronic monitoring, continuous alcohol monitoring, or both 64853
types of monitoring shall not exceed six months. The ten 64854
consecutive days in jail do not have to be served prior to or 64855
consecutively to the period of house arrest. 64856

As an alternative to a mandatory jail term of thirty 64857
consecutive days required by division (G)(1)(c)(i) of this 64858
section, the court, under this division, may sentence the offender 64859
to fifteen consecutive days in jail and not less than fifty-five 64860
consecutive days of house arrest with electronic monitoring, with 64861
continuous alcohol monitoring, or with both electronic monitoring 64862
and continuous alcohol monitoring. The cumulative total of the 64863
fifteen consecutive days in jail and the period of house arrest 64864
with electronic monitoring, continuous alcohol monitoring, or both 64865
types of monitoring shall not exceed one year. The fifteen 64866
consecutive days in jail do not have to be served prior to or 64867
consecutively to the period of house arrest. 64868

As an alternative to the mandatory jail term of sixty 64869
consecutive days required by division (G)(1)(c)(ii) of this 64870
section, the court, under this division, may sentence the offender 64871
to thirty consecutive days in jail and not less than one hundred 64872
ten consecutive days of house arrest with electronic monitoring, 64873
with continuous alcohol monitoring, or with both electronic 64874
monitoring and continuous alcohol monitoring. The cumulative total 64875
of the thirty consecutive days in jail and the period of house 64876
arrest with electronic monitoring, continuous alcohol monitoring, 64877
or both types of monitoring shall not exceed one year. The thirty 64878

consecutive days in jail do not have to be served prior to or 64879
consecutively to the period of house arrest. 64880

(4) If an offender's driver's or occupational driver's 64881
license or permit or nonresident operating privilege is suspended 64882
under division (G) of this section and if section 4510.13 of the 64883
Revised Code permits the court to grant limited driving 64884
privileges, the court may grant the limited driving privileges in 64885
accordance with that section. If division (A)(7) of that section 64886
requires that the court impose as a condition of the privileges 64887
that the offender must display on the vehicle that is driven 64888
subject to the privileges restricted license plates that are 64889
issued under section 4503.231 of the Revised Code, except as 64890
provided in division (B) of that section, the court shall impose 64891
that condition as one of the conditions of the limited driving 64892
privileges granted to the offender, except as provided in division 64893
(B) of section 4503.231 of the Revised Code. 64894

(5) Fines imposed under this section for a violation of 64895
division (A) of this section shall be distributed as follows: 64896

(a) Twenty-five dollars of the fine imposed under division 64897
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 64898
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 64899
fine imposed under division (G)(1)(c)(iii), and two hundred ten 64900
dollars of the fine imposed under division (G)(1)(d)(iii) or 64901
(e)(iii) of this section shall be paid to an enforcement and 64902
education fund established by the legislative authority of the law 64903
enforcement agency in this state that primarily was responsible 64904
for the arrest of the offender, as determined by the court that 64905
imposes the fine. The agency shall use this share to pay only 64906
those costs it incurs in enforcing this section or a municipal OVI 64907
ordinance and in informing the public of the laws governing the 64908
operation of a vehicle while under the influence of alcohol, the 64909
dangers of the operation of a vehicle under the influence of 64910

alcohol, and other information relating to the operation of a 64911
vehicle under the influence of alcohol and the consumption of 64912
alcoholic beverages. 64913

(b) Fifty dollars of the fine imposed under division 64914
(G)(1)(a)(iii) of this section shall be paid to the political 64915
subdivision that pays the cost of housing the offender during the 64916
offender's term of incarceration. If the offender is being 64917
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 64918
(e), or (j) of this section and was confined as a result of the 64919
offense prior to being sentenced for the offense but is not 64920
sentenced to a term of incarceration, the fifty dollars shall be 64921
paid to the political subdivision that paid the cost of housing 64922
the offender during that period of confinement. The political 64923
subdivision shall use the share under this division to pay or 64924
reimburse incarceration or treatment costs it incurs in housing or 64925
providing drug and alcohol treatment to persons who violate this 64926
section or a municipal OVI ordinance, costs of any immobilizing or 64927
disabling device used on the offender's vehicle, and costs of 64928
electronic house arrest equipment needed for persons who violate 64929
this section. 64930

(c) Twenty-five dollars of the fine imposed under division 64931
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 64932
division (G)(1)(b)(iii) of this section shall be deposited into 64933
the county or municipal indigent drivers' alcohol treatment fund 64934
under the control of that court, as created by the county or 64935
municipal corporation under division (F) of section 4511.191 of 64936
the Revised Code. 64937

(d) One hundred fifteen dollars of the fine imposed under 64938
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 64939
fine imposed under division (G)(1)(c)(iii), and four hundred forty 64940
dollars of the fine imposed under division (G)(1)(d)(iii) or 64941
(e)(iii) of this section shall be paid to the political 64942

subdivision that pays the cost of housing the offender during the 64943
offender's term of incarceration. The political subdivision shall 64944
use this share to pay or reimburse incarceration or treatment 64945
costs it incurs in housing or providing drug and alcohol treatment 64946
to persons who violate this section or a municipal OVI ordinance, 64947
costs for any immobilizing or disabling device used on the 64948
offender's vehicle, and costs of electronic house arrest equipment 64949
needed for persons who violate this section. 64950

(e) Fifty dollars of the fine imposed under divisions 64951
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 64952
and (G)(1)(e)(iii) of this section shall be deposited into the 64953
special projects fund of the court in which the offender was 64954
convicted and that is established under division (E)(1) of section 64955
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 64956
of section 1907.24 of the Revised Code, to be used exclusively to 64957
cover the cost of immobilizing or disabling devices, including 64958
certified ignition interlock devices, and remote alcohol 64959
monitoring devices for indigent offenders who are required by a 64960
judge to use either of these devices. If the court in which the 64961
offender was convicted does not have a special projects fund that 64962
is established under division (E)(1) of section 2303.201, division 64963
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 64964
of the Revised Code, the fifty dollars shall be deposited into the 64965
indigent drivers interlock and alcohol monitoring fund under 64966
division (I) of section 4511.191 of the Revised Code. 64967

(f) Seventy-five dollars of the fine imposed under division 64968
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 64969
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 64970
of the fine imposed under division (G)(1)(c)(iii), and five 64971
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 64972
or (e)(iii) of this section shall be transmitted to the treasurer 64973
of state for deposit into the indigent defense support fund 64974

established under section 120.08 of the Revised Code. 64975

(g) The balance of the fine imposed under division 64976
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 64977
section shall be disbursed as otherwise provided by law. 64978

(6) If title to a motor vehicle that is subject to an order 64979
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 64980
this section is assigned or transferred and division (B)(2) or (3) 64981
of section 4503.234 of the Revised Code applies, in addition to or 64982
independent of any other penalty established by law, the court may 64983
fine the offender the value of the vehicle as determined by 64984
publications of the national automobile dealers association. The 64985
proceeds of any fine so imposed shall be distributed in accordance 64986
with division (C)(2) of that section. 64987

(7) In all cases in which an offender is sentenced under 64988
division (G) of this section, the offender shall provide the court 64989
with proof of financial responsibility as defined in section 64990
4509.01 of the Revised Code. If the offender fails to provide that 64991
proof of financial responsibility, the court, in addition to any 64992
other penalties provided by law, may order restitution pursuant to 64993
section 2929.18 or 2929.28 of the Revised Code in an amount not 64994
exceeding five thousand dollars for any economic loss arising from 64995
an accident or collision that was the direct and proximate result 64996
of the offender's operation of the vehicle before, during, or 64997
after committing the offense for which the offender is sentenced 64998
under division (G) of this section. 64999

(8) A court may order an offender to reimburse a law 65000
enforcement agency for any costs incurred by the agency with 65001
respect to a chemical test or tests administered to the offender 65002
if all of the following apply: 65003

(a) The offender is convicted of or pleads guilty to a 65004
violation of division (A) of this section. 65005

(b) The test or tests were of the offender's whole blood, 65006
blood serum or plasma, or urine. 65007

(c) The test or tests indicated that the offender had a 65008
prohibited concentration of a controlled substance or a metabolite 65009
of a controlled substance in the offender's whole blood, blood 65010
serum or plasma, or urine at the time of the offense. 65011

(9) As used in division (G) of this section, "electronic 65012
monitoring," "mandatory prison term," and "mandatory term of local 65013
incarceration" have the same meanings as in section 2929.01 of the 65014
Revised Code. 65015

(H) Whoever violates division (B) of this section is guilty 65016
of operating a vehicle after underage alcohol consumption and 65017
shall be punished as follows: 65018

(1) Except as otherwise provided in division (H)(2) of this 65019
section, the offender is guilty of a misdemeanor of the fourth 65020
degree. In addition to any other sanction imposed for the offense, 65021
the court shall impose a class six suspension of the offender's 65022
driver's license, commercial driver's license, temporary 65023
instruction permit, probationary license, or nonresident operating 65024
privilege from the range specified in division (A)(6) of section 65025
4510.02 of the Revised Code. The court may grant limited driving 65026
privileges relative to the suspension under sections 4510.021 and 65027
4510.13 of the Revised Code. The court may grant unlimited driving 65028
privileges with an ignition interlock device relative to the 65029
suspension and may reduce the period of suspension as authorized 65030
under section 4510.022 of the Revised Code. If the court grants 65031
unlimited driving privileges under section 4510.022 of the Revised 65032
Code, the court shall suspend any jail term imposed under division 65033
(H)(1) of this section as required under that section. 65034

(2) If, within one year of the offense, the offender 65035
previously has been convicted of or pleaded guilty to one or more 65036

violations of division (A) or (B) of this section or other 65037
equivalent offenses, the offender is guilty of a misdemeanor of 65038
the third degree. In addition to any other sanction imposed for 65039
the offense, the court shall impose a class four suspension of the 65040
offender's driver's license, commercial driver's license, 65041
temporary instruction permit, probationary license, or nonresident 65042
operating privilege from the range specified in division (A)(4) of 65043
section 4510.02 of the Revised Code. The court may grant limited 65044
driving privileges relative to the suspension under sections 65045
4510.021 and 4510.13 of the Revised Code. 65046

(3) If the offender also is convicted of or also pleads 65047
guilty to a specification of the type described in section 65048
2941.1416 of the Revised Code and if the court imposes a jail term 65049
for the violation of division (B) of this section, the court shall 65050
impose upon the offender an additional definite jail term pursuant 65051
to division (E) of section 2929.24 of the Revised Code. 65052

(4) The offender shall provide the court with proof of 65053
financial responsibility as defined in section 4509.01 of the 65054
Revised Code. If the offender fails to provide that proof of 65055
financial responsibility, then, in addition to any other penalties 65056
provided by law, the court may order restitution pursuant to 65057
section 2929.28 of the Revised Code in an amount not exceeding 65058
five thousand dollars for any economic loss arising from an 65059
accident or collision that was the direct and proximate result of 65060
the offender's operation of the vehicle before, during, or after 65061
committing the violation of division (B) of this section. 65062

(I)(1) No court shall sentence an offender to an alcohol 65063
treatment program under this section unless the treatment program 65064
complies with the minimum standards for alcohol treatment programs 65065
adopted under Chapter 5119. of the Revised Code by the director of 65066
mental health and addiction services. 65067

(2) An offender who stays in a drivers' intervention program 65068

or in an alcohol treatment program under an order issued under 65069
this section shall pay the cost of the stay in the program. 65070
However, if the court determines that an offender who stays in an 65071
alcohol treatment program under an order issued under this section 65072
is unable to pay the cost of the stay in the program, the court 65073
may order that the cost be paid from the court's indigent drivers' 65074
alcohol treatment fund. 65075

(J) If a person whose driver's or commercial driver's license 65076
or permit or nonresident operating privilege is suspended under 65077
this section files an appeal regarding any aspect of the person's 65078
trial or sentence, the appeal itself does not stay the operation 65079
of the suspension. 65080

(K) Division (A)(1)(j) of this section does not apply to a 65081
person who operates a vehicle, streetcar, or trackless trolley 65082
while the person has a concentration of a listed controlled 65083
substance or a listed metabolite of a controlled substance in the 65084
person's whole blood, blood serum or plasma, or urine that equals 65085
or exceeds the amount specified in that division, if both of the 65086
following apply: 65087

(1) The person obtained the controlled substance pursuant to 65088
a prescription issued by a licensed health professional authorized 65089
to prescribe drugs. 65090

(2) The person injected, ingested, or inhaled the controlled 65091
substance in accordance with the health professional's directions. 65092

(L) The prohibited concentrations of a controlled substance 65093
or a metabolite of a controlled substance listed in division 65094
(A)(1)(j) of this section also apply in a prosecution of a 65095
violation of division (D) of section 2923.16 of the Revised Code 65096
in the same manner as if the offender is being prosecuted for a 65097
prohibited concentration of alcohol. 65098

(M) All terms defined in section 4510.01 of the Revised Code 65099

apply to this section. If the meaning of a term defined in section 65100
4510.01 of the Revised Code conflicts with the meaning of the same 65101
term as defined in section 4501.01 or 4511.01 of the Revised Code, 65102
the term as defined in section 4510.01 of the Revised Code applies 65103
to this section. 65104

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 65105
as adopted by the supreme court under authority of section 2937.46 65106
of the Revised Code, do not apply to felony violations of this 65107
section. Subject to division (N)(2) of this section, the Rules of 65108
Criminal Procedure apply to felony violations of this section. 65109

(2) If, on or after January 1, 2004, the supreme court 65110
modifies the Ohio Traffic Rules to provide procedures to govern 65111
felony violations of this section, the modified rules shall apply 65112
to felony violations of this section. 65113

Sec. 4511.513. (A) As used in this section: 65114

(1) "Eligible entity" means a corporation, partnership, 65115
association, firm, sole proprietorship, or other entity engaged in 65116
business. 65117

(2) "Personal delivery device" means an electrically powered 65118
device to which all of the following apply: 65119

(a) The device is intended primarily to transport property on 65120
sidewalks and crosswalks. 65121

(b) The device weighs less than ninety pounds excluding any 65122
property being carried in the device. 65123

(c) The device has a maximum speed of ten miles per hour. 65124

(d) The device is equipped with technology that enables the 65125
operation of the device with active control or monitoring by a 65126
person, without active control or monitoring by a person, or both 65127
with or without active control or monitoring by a person. 65128

(3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. "Personal delivery device operator" does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. "Personal delivery device operator" also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(B) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.

(2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

(3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.

(4) The device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(b) A braking system that enables the personal delivery device to come to a controlled stop;

(c) If the personal delivery device is being operated between

sunset and sunrise, a light on both the front and rear of the 65159
personal delivery device that is visible in clear weather from a 65160
distance of at least five hundred feet to the front and rear of 65161
the personal delivery device when directly in front of low beams 65162
of headlights on a motor vehicle. 65163

(C) No personal delivery device operator shall allow a 65164
personal delivery device to do any of the following: 65165

(1) Fail to comply with traffic or pedestrian control devices 65166
and signals; 65167

(2) Unreasonably interfere with pedestrians or traffic; 65168

(3) Transport any hazardous material that would require a 65169
permit issued by the public utilities commission; 65170

(4) Operate on a street or highway, except when crossing the 65171
street or highway within a crosswalk. 65172

(D) A personal delivery device has all of the rights and 65173
obligations applicable to a pedestrian under the same 65174
circumstances, except that a personal delivery device shall yield 65175
the right-of-way to human pedestrians on sidewalks and crosswalks. 65176

(E)(1) No person shall operate a personal delivery device 65177
unless the person is authorized to do so under this section and 65178
complies with the requirements of this section. 65179

(2) An eligible entity is responsible for both of the 65180
following: 65181

(a) Any violation of this section that is committed by a 65182
personal delivery device operator; and 65183

(b) Any other circumstance, including a technological 65184
malfunction, in which a personal delivery device operates in a 65185
manner prohibited by divisions (C)(1) to (4) of this section. 65186

Sec. 4709.02. Except as provided in this chapter, no person 65187

shall do any of the following:	65188
(A) Engage in or attempt to engage in the practice of	65189
barbering, hold themselves out as a practicing barber, or	65190
advertise in a manner that indicates they are a barber, without a	65191
barber license issued pursuant to this chapter;	65192
(B) Operate or attempt to operate a barber shop without a	65193
barber shop license issued pursuant to this chapter;	65194
(C) Engage in or attempt to engage in the teaching of or	65195
assist in the teaching of the practice of barbering without a	65196
barber teacher or assistant barber teacher license issued pursuant	65197
to this chapter;	65198
(D) Advertise barbering services unless the establishment and	65199
personnel employed therein are licensed pursuant to this chapter;	65200
(E) Use or display a barber pole for the purpose of offering	65201
barber services to the consuming public without a barber shop	65202
license issued pursuant to this chapter;	65203
(F) Operate or attempt to operate a barber school without a	65204
barber school license issued pursuant to this chapter;	65205
(G) Teach or attempt to teach any phase of barbering for pay,	65206
free, or otherwise without approval from the <u>state cosmetology and</u>	65207
barber board;	65208
(H) Being a barber, knowingly continue the practice of	65209
barbering, or being a student, knowingly continue as a student in	65210
any barber school, while such person has an infectious,	65211
contagious, or communicable disease;	65212
(I) Obtain or attempt to obtain a license by fraudulent	65213
misrepresentation for money, other than the required fee, or any	65214
other thing of value;	65215
(J) Practice or attempt to practice barbering by fraudulent	65216
misrepresentation;	65217

(K) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

(L) Use any room or place for barbering which is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition. This does not exclude hair care products used and sold in barber shops or the sale of clothing and related accessories as authorized by division (F) of section 4709.09 of the Revised Code.

(M) Violate any rule adopted by the board or department of health for barber shops or barber schools.

Sec. 4709.05. In addition to any other duty imposed on the state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code, the board shall do all of the following:

~~(A) Organize by electing a chairperson from its members to serve a one-year term;~~

~~(B) Hold regular meetings, at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business;~~

~~(C) Provide for suitable quarters, in the city of Columbus, for the conduct of its business and the maintenance of its records;~~

~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~

~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed,

suspended, or revoked. The records are open to public inspection 65248
at all reasonable times. 65249

~~(F) Annually, on or before the first day of January, make a 65250
report to the governor of all its official acts during the 65251
preceding year, its receipts and disbursements, recommendations it 65252
determines appropriate, and an evaluation of board activities 65253
intended to aid or protect consumers of barber services; 65254~~

~~(G) Employ an executive director who shall do all things 65255
requested by the board for the administration and enforcement of 65256
this chapter. The executive director shall employ inspectors, 65257
clerks, and other assistants as the executive director determines 65258
necessary. 65259~~

~~(H)~~(C) Ensure that the practice of barbering is conducted 65260
only in a licensed barber shop, except when the practice of 65261
barbering is performed on a person whose physical or mental 65262
disability prevents that person from going to a licensed barber 65263
shop; 65264

~~(I)~~(D) Conduct or have conducted the examination for 65265
applicants to practice as licensed barbers at least four times per 65266
year at the times and places the board determines; 65267

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the 65268
Revised Code, to administer and enforce this chapter and which 65269
cover all of the following: 65270

(1) Sanitary standards for the operation of barber shops and 65271
barber schools that conform to guidelines established by the 65272
department of health; 65273

(2) The content of the examination required of an applicant 65274
for a barber license. The examination shall include a practical 65275
demonstration and a written test, shall relate only to the 65276
practice of barbering, and shall require the applicant to 65277
demonstrate that the applicant has a thorough knowledge of and 65278

competence in the proper techniques in the safe use of chemicals 65279
used in the practice of barbering. 65280

(3) Continuing education requirements for persons licensed 65281
pursuant to this chapter. The board may impose continuing 65282
education requirements upon a licensee for a violation of this 65283
chapter or the rules adopted pursuant thereto or if the board 65284
determines that the requirements are necessary to preserve the 65285
health, safety, or welfare of the public. 65286

(4) Requirements for the licensure of barber schools, barber 65287
teachers, and assistant barber teachers; 65288

(5) Requirements for students of barber schools; 65289

(6) Any other area the board determines appropriate to 65290
administer or enforce this chapter. 65291

~~(K) Annually review the rules adopted pursuant to division 65292
(J) of this section in order to compare those rules with the rules 65293
adopted by the state board of cosmetology pursuant to section 65294
4713.08 of the Revised Code. If the barber board determines that 65295
the rules adopted by the state board of cosmetology, including, 65296
but not limited to, rules concerning using career technical 65297
schools, would be beneficial to the barbering profession, the 65298
barber board shall adopt rules similar to those it determines 65299
would be beneficial for barbers. 65300~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 65301
indicate at a formal hearing the reasons why the rule is necessary 65302
as a protection of the persons who use barber services or as an 65303
improvement of the professional standing of barbers in this state; 65304

~~(M)~~(G) Furnish each owner or manager of a barber shop and 65305
barber school with a copy of all sanitary rules adopted pursuant 65306
to division ~~(J)~~(E) of this section; 65307

~~(N)~~(H) Conduct such investigations and inspections of persons 65308

and establishments licensed or unlicensed pursuant to this chapter 65309
and for that purpose, any member of the board or any of its 65310
authorized agents may enter and inspect any place of business of a 65311
licensee or a person suspected of violating this chapter or the 65312
rules adopted pursuant thereto, during normal business hours; 65313

~~(O)~~(I) Upon the written request of an applicant and the 65314
payment of the appropriate fee, provide to the applicant licensure 65315
information concerning the applicant; 65316

~~(P)~~(J) Do all things necessary for the proper administration 65317
and enforcement of this chapter. 65318

Sec. 4709.07. (A) Each person who desires to obtain an 65319
initial license to practice barbering shall apply to the state 65320
cosmetology and barber board, on forms provided by the board. The 65321
application form shall include the name of the person applying for 65322
the license and evidence that the applicant meets all of the 65323
requirements of division (B) of this section. The application 65324
shall be accompanied by two signed current photographs of the 65325
applicant, in the size determined by the board, that show only the 65326
head and shoulders of the applicant, and the examination 65327
application fee. 65328

(B) In order to take the required barber examination and to 65329
qualify for licensure as a barber, an applicant must demonstrate 65330
that the applicant meets all of the following: 65331

(1) Is of good moral character; 65332

(2) Is at least eighteen years of age; 65333

(3) Has an eighth grade education or an equivalent education 65334
as determined by the state board of education in the state where 65335
the applicant resides; 65336

(4) Has graduated with at least ~~eighteen~~ one thousand eight 65337
hundred hours of training from a board-approved barber school or 65338

has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the applicant fails to attain at least a seventy-five per cent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying the required reexamination fee. An applicant is only required to take that part or parts of the examination on which the applicant did not receive a score of seventy-five per cent or higher. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

Sec. 4709.08. Any person who holds a current license or 65371
registration to practice as a barber in any other state or 65372
district of the United States or country whose requirements for 65373
licensure or registration of barbers are substantially equivalent 65374
to the requirements of this chapter and rules adopted under it and 65375
that extends similar reciprocity to persons licensed as barbers in 65376
this state may apply to the state cosmetology and barber board for 65377
a barber license. The board shall, without examination, unless the 65378
board determines to require an examination, issue a license to 65379
practice as a licensed barber in this state if the person meets 65380
the requirements of this section, is at least eighteen years of 65381
age and of good moral character, and pays the required fees. The 65382
board may waive any of the requirements of this section. 65383

Sec. 4709.09. (A) Each person who desires to obtain a barber 65384
shop license shall apply to the state cosmetology and barber 65385
board, on forms provided by the board. The board shall issue a 65386
barber shop license to a person if the board determines that the 65387
person meets all of the requirements of division (B) of this 65388
section and pays the required license and inspection fees. 65389

(B) In order for a person to qualify for a license to operate 65390
a barber shop, the barber shop shall meet all of the following 65391
requirements: 65392

(1) Be in the charge and under the immediate supervision of a 65393
licensed barber; 65394

(2) Be equipped to provide running hot and cold water and 65395
proper drainage; 65396

(3) Sanitize and maintain in a sanitary condition, all 65397
instruments and supplies; 65398

(4) Keep towels and linens clean and sanitary and in a dry, 65399
dust-proof container; 65400

(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area. 65401
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(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section. 65403
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(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services. 65409
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(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop. 65414
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(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop. 65416
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(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop. 65418
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Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees. 65421
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(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements: 65428
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- (1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;
- (2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;
- (3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;
- (4) File with the board a program of its curriculum, accounting for not less than ~~eighteen~~ one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;
- (5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.
- (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule;

- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:
- (a) Be at least seventeen years of age;
 - (b) Be of good moral character;
 - (c) Have an eighth grade education, or an equivalent education as determined by the state board of education;
 - (d) Submit two signed current photographs of ~~himself~~ the applicant, in the size determined by the board.
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;
- (9) Operate in a manner which reflects credit upon the barbering profession;
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.
- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the ~~barber~~ board, on forms provided by the ~~barber~~ board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:
- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a

licensed barber shop or has been employed as an assistant barber
teacher under the supervision of a licensed barber teacher for at
least one year, unless, for good cause, the board waives this
requirement;

(2) Meets such other requirements as adopted by rule by the
board;

(3) Passes the required examination; and

(4) Pays the required fees. If an applicant fails to pass the
examination, ~~he~~ the applicant may reapply for the examination and
licensure no earlier than one year after the failure to pass and
provided that during that period, ~~he~~ the applicant remains
employed as an assistant barber teacher.

The board shall only issue an assistant barber teacher
license to a person who holds a current barber license issued
pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant
teacher pursuant to division (C) of this section, may be employed
as an assistant teacher, provided that within five days after the
commencement of the employment the barber school submits to the
board, on forms provided by the board, the applicant's
qualifications.

Sec. 4709.12. (A) The state cosmetology and barber board
shall charge and collect the following fees:

(1) For the application to take the barber examination,
ninety dollars;

(2) For an application to retake any part of the barber
examination, forty-five dollars;

(3) For the initial issuance of a license to practice as a
barber, thirty dollars;

(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;	65521 65522
(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	65523 65524 65525 65526
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	65527 65528
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	65529 65530 65531 65532
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	65533 65534
(9) For the restoration of a barber shop license, one hundred ten dollars;	65535 65536
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	65537 65538 65539
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	65540 65541
(12) For the restoration of a barber school license, one thousand dollars;	65542 65543
(13) For the issuance of a student registration, forty dollars;	65544 65545
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	65546 65547
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	65548 65549

(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;

(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;

(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

(C) In addition to any other fee charged and collected under this section, the ~~barber~~ board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.

Sec. 4709.13. (A) The state cosmetology and barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

(1) Advertising by means of knowingly false or deceptive statements;

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;

(3) Immoral or unprofessional conduct;

(4) Continuing to be employed in a barber shop wherein rules

of the board or department of health are violated; 65580

(5) Employing any person who does not have a current Ohio 65581
license to perform the practice of barbering; 65582

(6) Owning, managing, operating, or controlling any barber 65583
school or portion thereof, wherein the practice of barbering is 65584
carried on, whether in the same building or not, without 65585
displaying a sign at all entrances to the places where the 65586
barbering is carried on, indicating that the work therein is done 65587
by students exclusively; 65588

(7) Owning, managing, operating, or controlling any barber 65589
shop, unless it displays a recognizable sign or barber pole 65590
indicating that it is a barber shop, and the sign or pole is 65591
clearly visible at the main entrance to the shop; 65592

(8) Violating any sanitary rules approved by the department 65593
of health or the board; 65594

(9) Employing another person to perform or personally perform 65595
the practice of barbering in a licensed barber shop unless that 65596
person is licensed as a barber under this chapter; 65597

(10) Gross incompetence. 65598

(B)(1) The board may refuse to renew or may suspend or revoke 65599
or impose conditions upon any license issued pursuant to this 65600
chapter for conviction of or plea of guilty to a felony committed 65601
after the person has been issued a license under this chapter, 65602
shown by a certified copy of the record of the court in which the 65603
person was convicted or pleaded guilty. 65604

(2) A conviction or plea of guilty to a felony committed 65605
prior to being issued a license under this chapter shall not 65606
disqualify a person from being issued an initial license under 65607
this chapter. 65608

(C) Prior to taking any action under division (A) or (B) of 65609

this section, the board shall provide the person with a statement 65610
of the charges against the person and notice of the time and place 65611
of a hearing on the charges. The board shall conduct the hearing 65612
according to Chapter 119. of the Revised Code. Any person 65613
dissatisfied with a decision of the board may appeal the board's 65614
decision to the court of common pleas in Franklin county. 65615

(D) The board may adopt rules in accordance with Chapter 119. 65616
of the Revised Code, specifying additional grounds upon which the 65617
board may take action under division (A) of this section. 65618

Sec. 4709.14. (A) If the state cosmetology and barber board 65619
determines that any person is violating or threatening to violate 65620
any provision of this chapter or the rules adopted pursuant 65621
thereto and such violation or threatened violation is a threat to 65622
the health or safety of persons who use barber services, the board 65623
may apply to a court of competent jurisdiction in the county in 65624
which the violation or threatened violation occurred or will occur 65625
for injunctive relief and such other relief to prevent further 65626
violations. The attorney general shall, at the board's request, 65627
represent the board in any such action. 65628

(B) If the board determines, after a hearing conducted in 65629
accordance with Chapter 119. of the Revised Code, that any person 65630
has violated any provision of this chapter or the rules adopted 65631
pursuant thereto, the board may, in addition to any other action 65632
it may take or any other penalty imposed pursuant to this chapter, 65633
impose one or more fines upon the person. In no event, however, 65634
shall the fines imposed under this division exceed five hundred 65635
dollars for a first offense or one thousand dollars for each 65636
subsequent offense. 65637

(C) A person who allegedly has violated a provision of this 65638
chapter for which the board proposes to impose a fine may pay the 65639
board the amount of the fine and waive the right to an 65640

adjudicatory hearing conducted under Chapter 119. of the Revised 65641
Code and described in division (B) of this section. 65642

Sec. 4709.23. No phase of barbering shall be taught for pay, 65643
free, or otherwise, without approval from the state cosmetology 65644
and barber board. 65645

Sec. 4713.01. As used in this chapter: 65646

"Apprentice instructor" means an individual holding a 65647
practicing license issued by the state ~~board of~~ cosmetology and 65648
barber board who is engaged in learning or acquiring knowledge of 65649
the occupation of an instructor of a branch of cosmetology at a 65650
school of cosmetology. 65651

"Beauty salon" means a salon in which an individual is 65652
authorized to engage in all branches of cosmetology. 65653

"Biennial licensing period" means the two-year period 65654
beginning on the first day of February of an odd-numbered year and 65655
ending on the last day of January of the next odd-numbered year. 65656

"Boutique salon" means a salon in which an individual engages 65657
in boutique services and no other branch of cosmetology. 65658

"Boutique services" means braiding, threading, and 65659
shampooing. 65660

"Braiding" means intertwining the hair in a systematic motion 65661
to create patterns in a three-dimensional form, inverting the hair 65662
against the scalp along part of a straight or curved row of 65663
intertwined hair, or twisting the hair in a systematic motion, and 65664
includes extending the hair with natural or synthetic hair fibers. 65665

"Branch of cosmetology" means the practice of cosmetology, 65666
practice of esthetics, practice of hair design, practice of 65667
manicuring, practice of natural hair styling, or practice of 65668
boutique services. 65669

"Cosmetic therapy" has the same meaning as in section 4731.15 of the Revised Code. 65670
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"Cosmetologist" means an individual authorized to engage in all branches of cosmetology in a licensed facility. 65672
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"Cosmetology" means the art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails. 65674
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"Cosmetology instructor" means an individual authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology. 65677
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"Esthetician" means an individual who engages in the practice of esthetics but no other branch of cosmetology in a licensed facility. 65680
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"Esthetics instructor" means an individual who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology. 65683
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"Esthetics salon" means a salon in which an individual engages in the practice of esthetics but no other branch of cosmetology. 65686
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"Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes. 65689
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"Hair designer" means an individual who engages in the practice of hair design but no other branch of cosmetology in a licensed facility. 65692
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"Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology. 65695
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"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of 65698
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cosmetology. 65700

"Hair removal" includes tweezing, waxing, sugaring, and 65701
threading. "Hair removal" does not include electrolysis. 65702

"Independent contractor" means an individual who is not an 65703
employee of a salon but practices a branch of cosmetology within a 65704
salon in a licensed facility. 65705

"Instructor license" means a license to teach the theory and 65706
practice of a branch of cosmetology at a school of cosmetology. 65707

"Licensed facility" means any premises, building, or part of 65708
a building licensed under section 4713.41 of the Revised Code in 65709
which cosmetology services are authorized by the state ~~board of~~ 65710
cosmetology and barber board to be performed. 65711

"Advanced cosmetologist" means an individual authorized to 65712
work in a beauty salon and engage in all branches of cosmetology. 65713

"Advanced esthetician" means an individual authorized to work 65714
in an esthetics salon, but no other type of salon, and engage in 65715
the practice of esthetics, but no other branch of cosmetology. 65716

"Advanced hair designer" means an individual authorized to 65717
work in a hair design salon, but no other type of salon, and 65718
engage in the practice of hair design, but no other branch of 65719
cosmetology. 65720

"Advanced license" means a license to work in a salon and 65721
practice the branch of cosmetology practiced at the salon. 65722

"Advanced manicurist" means an individual authorized to work 65723
in a nail salon, but no other type of salon, and engage in the 65724
practice of manicuring, but no other branch of cosmetology. 65725

"Advanced natural hair stylist" means an individual 65726
authorized to work in a natural hair style salon, but no other 65727
type of salon, and engage in the practice of natural hair styling, 65728
but no other branch of cosmetology. 65729

"Manicurist" means an individual who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility. 65730
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"Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology. 65733
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"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology. 65736
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"Natural hair stylist" means an individual who engages in the practice of natural hair styling but no other branch of cosmetology in a licensed facility. 65738
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"Natural hair style instructor" means an individual who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology. 65741
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"Natural hair style salon" means a salon in which an individual engages in the practice of natural hair styling but no other branch of cosmetology. 65744
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"Practice of braiding" means utilizing the technique of intertwinning hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or both and using simple devices such as clips, combs, and hairpins. 65747
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"Practice of braiding" does not include application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair. 65754
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"Practice of cosmetology" means the practice of all branches of cosmetology. 65761
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"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus; enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services. 65763
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"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. 65770
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"Practice of manicuring" means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any individual; applying nail enhancements and embellishments to any individual; massaging the hands and lower arms up to the elbow of any individual; massaging the feet and lower legs up to the knee of any individual; using lotions or softeners on the hands and feet of any individual; or any combination of these types of services. 65777
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"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as 65785
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needed to finish off the end of a braid, or by dressing, pressing, 65793
curling, waving, permanent waving, or similar work. 65794

"Practicing license" means a license to practice a branch of 65795
cosmetology in a licensed facility. 65796

"Salon" means a licensed facility on any premises, building, 65797
or part of a building in which an individual engages in the 65798
practice of one or more branches of cosmetology. "Salon" does not 65799
include a barber shop licensed under Chapter 4709. of the Revised 65800
Code. "Salon" does not mean a tanning facility, although a tanning 65801
facility may be located in a salon. 65802

"School of cosmetology" means any premises, building, or part 65803
of a building in which students are instructed in the theories and 65804
practices of one or more branches of cosmetology. 65805

"Shampooing" means the act of cleansing and conditioning an 65806
individual's hair under the supervision of an individual licensed 65807
under this chapter and in preparation to immediately receive a 65808
service from a licensee. 65809

"Student" means an individual, other than an apprentice 65810
instructor, who is engaged in learning or acquiring knowledge of 65811
the practice of a branch of cosmetology at a school of 65812
cosmetology. 65813

"Tanning facility" means any premises, building, or part of a 65814
building that contains one or more rooms or booths with any of the 65815
following: 65816

(A) Equipment or beds used for tanning human skin by the use 65817
of fluorescent sun lamps using ultraviolet or other artificial 65818
radiation; 65819

(B) Equipment or booths that use chemicals applied to human 65820
skin, including chemical applications commonly referred to as 65821
spray-on, mist-on, or sunless tans; 65822

(C) Equipment or beds that use visible light for cosmetic purposes. 65823
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"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair. 65825
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Sec. 4713.02. (A) There is hereby created the state ~~board of~~ cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 65830
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 65834
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 65836
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(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 65839
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(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 65842
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(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 65845
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(6) One owner of at least five licensed salons; 65847

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to 65848
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practice medicine and surgery or osteopathic medicine and surgery; 65853

(8) One individual representing the general public; 65854

(9) One individual who holds a current, valid tanning permit 65855
and who has owned or managed a tanning facility for at least five 65856
years immediately preceding the individual's appointment; 65857

(10) One individual who holds a current, valid esthetician 65858
license and who has been actively practicing esthetics for a 65859
period of not less than five years immediately preceding the 65860
individual's appointment; 65861

(11) Two barbers, one of whom is an employer barber and one 65862
of whom is employed as a barber, both of whom have been licensed 65863
as barbers in this state for at least five years immediately 65864
preceding their appointment. 65865

(B) The superintendent of public instruction shall nominate 65866
three individuals for the governor to choose from when making an 65867
appointment under division (A)(4) of this section. 65868

(C) All members shall be at least twenty-five years of age, 65869
residents of the state, and citizens of the United States. No more 65870
than two members, at any time, shall be graduates of the same 65871
school of cosmetology. Not more than one member shall have a 65872
common financial connection with any school of cosmetology ~~or~~, 65873
salon, barber school, or barber shop. 65874

Terms of office are for five years. Terms shall commence on 65875
the first day of November and end on the thirty-first day of 65876
October. Each member shall hold office from the date of 65877
appointment until the end of the term for which appointed. In case 65878
of a vacancy occurring on the board, the governor shall, in the 65879
same manner prescribed for the regular appointment to the board, 65880
fill the vacancy by appointing a member. Any member appointed to 65881
fill a vacancy occurring prior to the expiration of the term for 65882
which the member's predecessor was appointed shall hold office for 65883

the remainder of such term. Any member shall continue in office 65884
subsequent to the expiration date of the member's term until the 65885
member's successor takes office, or until a period of sixty days 65886
has elapsed, whichever occurs first. Before entering upon the 65887
discharge of the duties of the office of member, each member shall 65888
take, and file with the secretary of state, the oath of office 65889
required by Section 7 of Article XV, Ohio Constitution. 65890

The members of the board shall receive an amount fixed 65891
pursuant to Chapter 124. of the Revised Code per diem for every 65892
meeting of the board which they attend, together with their 65893
necessary expenses, and mileage for each mile necessarily 65894
traveled. 65895

The members of the board shall annually elect, from among 65896
their number, a chairperson and a vice-chairperson. The executive 65897
director appointed pursuant to section 4713.06 of the Revised Code 65898
shall serve as the board's secretary. 65899

(D) The board shall prescribe the duties of its officers and 65900
establish an office within Franklin county. The board shall keep 65901
all records and files at the office and have the records and files 65902
at all reasonable hours open to public inspection in accordance 65903
with section 149.43 of the Revised Code and any rules adopted by 65904
the board in compliance with this state's record retention policy. 65905
The board also shall adopt a seal for the authentication of its 65906
orders, communications, and records. 65907

(E) The governor may remove any member for cause prior to the 65908
expiration of the member's term of office. 65909

(F) Whenever the term "state board of cosmetology" is used, 65910
referred to, or designated in statute, rule, contract, grant, or 65911
other document, the use, reference, or designation shall be deemed 65912
to mean the "state cosmetology and barber board" or the executive 65913
director of the state cosmetology and barber board, whichever is 65914

appropriate in context. Whenever the term "barber board" is used, 65915
referred to, or designated in statute, rule, contract, grant, or 65916
other document, the use, reference, or designation shall be deemed 65917
to mean the "state cosmetology and barber board" or the executive 65918
director of the state cosmetology and barber board, whichever is 65919
appropriate in context. 65920

Sec. 4713.03. The state ~~board of~~ cosmetology and barber board 65921
shall hold meetings to transact its business at least four times a 65922
year. The board may hold additional meetings as, in its judgment, 65923
are necessary. The board shall meet at the times and places it 65924
selects. 65925

Sec. 4713.04. The state ~~board of~~ cosmetology and barber board 65926
may authorize any of its members, in writing, to undertake any 65927
proceedings authorized by this chapter, and the finding or order 65928
of such members is the finding of the board when confirmed by it. 65929
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Sec. 4713.05. All receipts of the state ~~board of~~ cosmetology 65931
and barber board shall be deposited into the state treasury to the 65932
credit of the occupational licensing and regulatory fund. All 65933
vouchers of the board shall be approved by the board chairperson 65934
or executive director, or both, as authorized by the board. 65935

Sec. 4713.06. The state ~~board of~~ cosmetology and barber board 65936
shall annually appoint an executive director. The executive 65937
director may not be a member of the board, but subsequent to 65938
appointment, shall serve as secretary of the board. The executive 65939
director, before entering upon the discharge of the executive 65940
director's duties, shall file with the secretary of state a good 65941
and sufficient bond payable to the state, to ensure the faithful 65942
performance of duties of the office of executive director. The 65943

bond shall be in an amount the board requires. The premium of the 65944
bond shall be paid from appropriations made to the board for 65945
operating purposes. Whenever the term "executive director of the 65946
state board of cosmetology" or the term "executive director of the 65947
barber board," or variations thereof, is used, referred to, or 65948
designated in statute, rule, contract, grant, or other document, 65949
the use, reference, or designation shall be deemed to mean the 65950
"executive director of the state cosmetology and barber board." 65951

The board may employ inspectors, examiners, consultants on 65952
contents of examinations, clerks, or other individuals as 65953
necessary for the administration of this chapter and Chapter 4709. 65954
of the Revised Code. All inspectors and examiners shall be 65955
licensed cosmetologists pursuant to this chapter or licensed 65956
barbers pursuant to Chapter 4709. of the Revised Code. 65957

The board may appoint inspectors to inspect and investigate 65958
all facilities regulated by this chapter and Chapter 4709. of the 65959
Revised Code, including tanning facilities, to ensure compliance 65960
with this chapter and Chapter 4709. of the Revised Code, the rules 65961
adopted ~~pursuant to it~~ by the board, and the board's policies, in 65962
accordance with division (A)(11) of section 4713.07 of the Revised 65963
Code. 65964

Sec. 4713.07. (A) The state ~~board of~~ cosmetology and barber 65965
board shall do all of the following: 65966

(1) Regulate the practice of cosmetology and all of its 65967
branches in this state; 65968

(2) Investigate or inspect, when evidence appears to 65969
demonstrate that an individual has violated any provision of this 65970
chapter or any rule adopted pursuant to it, the activities or 65971
premises of a license holder or unlicensed individual; 65972

(3) Adopt rules in accordance with section 4713.08 of the 65973

Revised Code;	65974
(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;	65975 65976 65977 65978
(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;	65979 65980 65981
(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter <u>or Chapter</u> <u>4709. of the Revised Code;</u>	65982 65983 65984
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;	65985 65986
(8) Submit a written report annually to the governor that provides all of the following:	65987 65988
(a) A discussion of the conditions in this state of the branches of cosmetology;	65989 65990
(b) <u>An evaluation of board activities intended to aid or</u> <u>protect consumers;</u>	65991 65992
(c) A brief summary of the board's proceedings during the year the report covers;	65993 65994
(e) (d) A statement of all money that the board received and expended during the year the report covers.	65995 65996
(9) Keep a record of all of the following:	65997
(a) The board's proceedings;	65998
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	65999 66000 66001
(c) The date and number of each license, permit, and	66002

registration that the board issues. 66003

(10) Assist ex-offenders and military veterans who hold 66004
licenses issued by the board to find employment within salons or 66005
other facilities within this state; 66006

(11) Require inspectors appointed pursuant to section 4713.06 66007
of the Revised Code to conduct inspections of licensed or 66008
permitted facilities, including salons and boutique salons, 66009
schools of cosmetology, barber schools, barber shops, and tanning 66010
facilities, within ninety days of the opening for business of a 66011
licensed facility, upon complaints reported to the board, within 66012
ninety days after a violation was documented at a facility, and at 66013
least once every two years. Any individual, after providing the 66014
individual's name and contact information, may report to the board 66015
any information the individual may have that appears to show a 66016
violation of any provision of this chapter or rule adopted under 66017
it or a violation of any provision of Chapter 4709. of the Revised 66018
Code or rule adopted by the board pursuant to Chapter 4709. of the 66019
Revised Code. In the absence of bad faith, any individual who 66020
reports information of that nature or who testifies before the 66021
board in any adjudication conducted under Chapter 119. of the 66022
Revised Code shall not be liable for damages in a civil action as 66023
a result of the report or testimony. For the purpose of 66024
inspections, an independent contractor shall be added to the 66025
board's records as an individual salon. 66026

(12) Supply a copy of the poster created pursuant to division 66027
(B) of section 5502.63 of the Revised Code to each person 66028
authorized to operate a salon, school of cosmetology, tanning 66029
facility, or other type of facility under this chapter; 66030

(13) All other duties that this chapter imposes on the board. 66031

(B) The board may delegate any of the duties listed in 66032
division (A) of this section to the executive director of the 66033

board or to an individual designated by the executive director. 66034

Sec. 4713.071. (A) ~~Beginning one year after the effective~~ 66035
~~date of this section, the~~ The state board of cosmetology and 66036
barber board shall annually submit a written report to the 66037
governor, president of the senate, and speaker of the house of 66038
representatives. The report shall list all of the following for 66039
the preceding twelve-month period: 66040

(1) The number of students enrolled in courses at licensed 66041
public and private schools of cosmetology and barbering; 66042

(2) The number of students graduating from licensed public 66043
and private schools of cosmetology and barbering; 66044

(3) The annual cost for students to attend each licensed 66045
public or private school of cosmetology and barbering; 66046

(4) The loan default rates for licensed public and private 66047
schools of cosmetology and barbering; 66048

(5) The first-time licensure passage rate for graduates of 66049
all public and private schools of cosmetology and barbering; 66050

(6) The total number of new and renewal licenses in each 66051
profession; 66052

(7) The total number of complaint-driven inspections 66053
conducted by the board; 66054

(8) The total number and type of violations, including a list 66055
of the top ten violations, which shall aid in the identification 66056
of focus areas for continuing education purposes; 66057

(9) The twenty salons and individuals cited with the most 66058
violations for unlicensed workers; 66059

(10) The number of adjudications or other disciplinary action 66060
taken by the board. 66061

(B) The board shall include in the final report under 66062

division (A) of this section any recommendations it has for 66063
changes to this chapter or Chapter 4709. of the Revised Code. 66064

Sec. 4713.08. (A) The state ~~board of~~ cosmetology and barber 66065
board shall adopt rules in accordance with Chapter 119. of the 66066
Revised Code as necessary to implement this chapter. The rules 66067
shall do all of the following: 66068

(1) Govern the practice of the branches of cosmetology; 66069

(2) Specify conditions an individual must satisfy to qualify 66070
for a temporary pre-examination work permit under section 4713.22 66071
of the Revised Code and the conditions and method of renewing a 66072
temporary pre-examination work permit under that section; 66073

(3) Provide for the conduct of examinations under section 66074
4713.24 of the Revised Code; 66075

(4) Specify conditions under which the board will take into 66076
account, under section 4713.32 of the Revised Code, instruction an 66077
applicant for a license under section 4713.28, 4713.30, or 4713.31 66078
of the Revised Code received more than five years before the date 66079
of application for the license; 66080

(5) Provide for the granting of waivers under section 4713.29 66081
of the Revised Code; 66082

(6) Specify conditions an applicant must satisfy for the 66083
board to issue the applicant a license under section 4713.34 of 66084
the Revised Code without the applicant taking an examination 66085
conducted under section 4713.24 of the Revised Code; 66086

(7) Specify locations in which glamour photography services 66087
in which a branch of cosmetology is practiced may be provided; 66088

(8) Establish conditions and the fee for a temporary special 66089
occasion work permit under section 4713.37 of the Revised Code and 66090
specify the amount of time such a permit is valid; 66091

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;	66092 66093 66094 66095
(10) Establish conditions under which food may be sold at a salon;	66096 66097
(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code;	66098 66099 66100
(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;	66101 66102 66103
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;	66104 66105 66106
(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;	66107 66108 66109
(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	66110 66111
(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	66112 66113 66114
(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	66115 66116 66117
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	66118 66119
(b) Require consumers to wear protective eyeglasses;	66120
(c) Require consumers to be supervised as to the length of	66121

time consumers use the facility's sun lamps; 66122

(d) Require the operator to prohibit consumers from standing 66123
too close to sun lamps and to post signs warning consumers of the 66124
potential effects of radiation on individuals taking certain 66125
medications and of the possible relationship of the radiation to 66126
skin cancer; 66127

(e) Require the installation of protective shielding for sun 66128
lamps and handrails for consumers; 66129

(f) Require floors to be dry during operation of lamps; 66130

(g) Establish procedures an operator must follow in making 66131
reasonable efforts in compliance with section 4713.50 of the 66132
Revised Code to determine the age of an individual seeking to use 66133
sun lamp tanning services. 66134

(18)(a) If the board, under section 4713.61 of the Revised 66135
Code, develops a procedure for classifying licenses inactive, do 66136
both of the following: 66137

(i) Establish a fee for having a license classified inactive 66138
that reflects the cost to the board of providing the inactive 66139
license service. If one or more renewal periods have elapsed since 66140
the license was valid, the fee shall not include lapsed renewal 66141
fees for more than three of those renewal periods; 66142

(ii) Specify the continuing education that an individual 66143
whose license has been classified inactive must complete to have 66144
the license restored. The continuing education shall be sufficient 66145
to ensure the minimum competency in the use or administration of a 66146
new procedure or product required by a licensee necessary to 66147
protect public health and safety. The requirement shall not exceed 66148
the cumulative number of hours of continuing education that the 66149
individual would have been required to complete had the individual 66150
retained an active license. 66151

(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.

(F) The fee established by rules adopted under division 66182
(A)(16) of this section shall cover the cost the board incurs in 66183
inspecting tanning facilities and enforcing the board's rules but 66184
may not exceed one hundred dollars per location of such 66185
facilities. 66186

Sec. 4713.081. The state ~~board of~~ cosmetology and barber 66187
board shall furnish a copy of the sanitary standards established 66188
by rules adopted under section 4713.08 of the Revised Code to each 66189
individual to whom the board issues a practicing license, advanced 66190
license, license to operate a salon or school of cosmetology, or 66191
boutique services registration. The board also shall furnish a 66192
copy of the sanitary standards to each individual providing 66193
cosmetic therapy, massage therapy, or other professional service 66194
in a salon under section 4713.42 of the Revised Code. A salon or 66195
school of cosmetology provided a copy of the sanitary standards 66196
shall post the standards in a public and conspicuous place in the 66197
salon or school. 66198

Sec. 4713.082. The state ~~board of~~ cosmetology and barber 66199
board shall furnish a copy of the standards established by rules 66200
adopted under section 4713.08 of the Revised Code for installing 66201
and operating a tanning facility to each individual to whom the 66202
board issues a permit to operate a tanning facility. An individual 66203
provided a copy of the standards shall post the standards in a 66204
public and conspicuous place in the tanning facility. 66205

Sec. 4713.09. The state ~~board of~~ cosmetology and barber board 66206
may adopt rules in accordance with section 4713.08 of the Revised 66207
Code to establish a continuing education requirement, not to 66208
exceed eight hours in a biennial licensing period, as a condition 66209
of renewal for a practicing license, advanced license, instructor 66210
license, or boutique services registration. These hours may 66211

include training in identifying and addressing the crime of 66212
trafficking in persons as described in section 2905.32 of the 66213
Revised Code. At least two of the eight hours of the continuing 66214
education requirement must be achieved in courses concerning 66215
safety and sanitation, and at least one hour of the eight hours of 66216
the continuing education requirement must be achieved in courses 66217
concerning law and rule updates. 66218

Sec. 4713.10. (A) The state board of cosmetology shall charge 66219
and collect the following fees: 66220

(1) For a temporary pre-examination work permit under section 66221
4713.22 of the Revised Code, ~~seven~~ not more than fifteen dollars 66222
~~and fifty cents;~~ 66223

(2) For initial application to take an examination under 66224
section 4713.24 of the Revised Code, ~~thirty-one~~ not more than 66225
forty dollars ~~and fifty cents;~~ 66226

(3) For application to take an examination under section 66227
4713.24 of the Revised Code by an applicant who has previously 66228
applied to take, but failed to appear for, the examination, ~~forty~~ 66229
not more than fifty-five dollars; 66230

(4) For application to re-take an examination under section 66231
4713.24 of the Revised Code by an applicant who has previously 66232
appeared for, but failed to pass, the examination, ~~thirty-one~~ not 66233
more than forty dollars ~~and fifty cents;~~ 66234

(5) For the issuance of a license under section 4713.28, 66235
4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than 66236
seventy-five dollars; 66237

(6) For the issuance of a license under section 4713.34 of 66238
the Revised Code, not more than seventy dollars; 66239

(7) For renewal of a license issued under section 4713.28, 66240

4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 66241
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(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 66243
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(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 66245
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(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 66248
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(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 66250
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(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 66256
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(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 66258
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(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 66261
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(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 66264
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(C) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board. 66267
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~~(C)~~(D) At the request of a person who is temporarily unable 66270

to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

Sec. 4713.11. The state ~~board of~~ cosmetology and barber board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4713.10 of the Revised Code, provided that any fee increase does not exceed the amount permitted by more than fifty per cent.

Sec. 4713.13. Whenever in the judgment of the state ~~board of~~ cosmetology and barber board any individual has engaged in or is about to engage in any acts or practices that constitute a violation of this chapter, or any rule adopted under this chapter, the board may apply to the appropriate court for an order enjoining the acts or practices, and upon a showing by the board that the individual has engaged in the acts or practices, the court shall grant an injunction, restraining order, or other order as may be appropriate.

Sec. 4713.141. An inspector employed by the state ~~board of~~ cosmetology and barber board may take a sample of a product used or sold in a salon or school of cosmetology for the purpose of examining the sample, or causing an examination of the sample to be made, to determine whether division (M) of section 4713.14 of the Revised Code has been violated.

Should the results of the test prove that division (M) of section 4713.14 of the Revised Code has been violated, the board

shall take action in accordance with section 4713.64 of the Revised Code. A fine imposed under that section shall include the cost of the test. The person's license may be suspended or revoked.

Sec. 4713.17. (A) The following persons are exempt from the provisions of this chapter, except, as applicable, section 4713.42 of the Revised Code:

(1) All individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;

~~(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned;~~

~~(4)~~ Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

~~(7)~~(6) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a

branch of cosmetology on registered patients only as part of 66331
general patient care services and who do not charge patients 66332
directly on a fee for service basis; 66333

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 66334
current, valid certificates to practice cosmetic or massage 66335
therapy issued by the state medical board under section 4731.15 of 66336
the Revised Code, to the extent their actions are authorized by 66337
their certificates to practice; 66338

~~(9)~~(8) Inmates who provide services related to a branch of 66339
cosmetology to other inmates, except when those services are 66340
provided in a licensed school of cosmetology within a state 66341
correctional institution for females. 66342

(B) The director of rehabilitation and correction shall 66343
oversee the services described in division (A)~~(9)~~(8) of this 66344
section with respect to sanitation and adopt rules governing those 66345
types of services provided by inmates. 66346

Sec. 4713.20. Each individual who seeks admission to an 66347
examination conducted under section 4713.24 of the Revised Code 66348
shall submit both of the following to the state ~~board of~~ 66349
cosmetology and barber board: 66350

(A) As part of a license application, proof that the 66351
individual satisfies all conditions to obtain the license for 66352
which the examination is conducted, other than the requirement to 66353
have passed the examination; 66354

(B) A set of the individual's biometric fingerprint scan 66355
taken at the board's offices. 66356

Sec. 4713.22. (A) The state ~~board of~~ cosmetology and barber 66357
board shall issue a temporary pre-examination work permit to an 66358
individual who applies under section 4713.20 of the Revised Code 66359
for admission to an examination conducted under section 4713.24 of 66360

the Revised Code, if the individual satisfies all of the following conditions: 66361
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(1) Is seeking a practicing license or an instructor license; 66363

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice or instruct the branch of cosmetology for which the individual seeks a license; 66364
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(3) Pays to the board the applicable fee; 66368

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code. 66369
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(B) An individual issued a temporary pre-examination work permit may practice the branch of cosmetology for which the individual seeks a practicing license until the date the individual is scheduled to take an examination under section 4713.24 of the Revised Code. The individual shall practice under the supervision of an individual holding a current, valid license appropriate for the type of salon in which the permit holder practices. 66371
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(C) An individual issued a temporary pre-examination work permit may instruct the branch of cosmetology for which the individual seeks an instructor license for a period not to exceed one hundred twenty days. 66379
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(D) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code. 66383
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Sec. 4713.24. (A) The state ~~board of~~ cosmetology and barber board shall conduct an examination for each individual who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. Examinations for 66386
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licensure for any branch of cosmetology shall assess the ability 66390
of a prospective cosmetology professional to maintain a safe and 66391
sanitary place of service delivery. The board may develop and 66392
administer the appropriate examination or enter into an agreement 66393
with a national testing service to develop the examination, 66394
administer the examination, or both. The examination shall be 66395
specific to the type of license the individual seeks and satisfy 66396
all of the following conditions: 66397

(1) Include both practical demonstrations and written or oral 66398
tests related to the type of license the individual seeks; 66399

(2) Relate only to a branch of cosmetology, but not be 66400
confined to any special system or method; 66401

(3) Be consistent in both practical and technical 66402
requirements for the type of license the individual seeks; 66403

(4) Be of sufficient thoroughness to satisfy the board as to 66404
the individual's skill in and knowledge of the branch of 66405
cosmetology for which the examination is conducted. 66406

(B) Not later than two years after ~~the effective date of this~~ 66407
~~amendment~~ September 13, 2016, the board shall create a curriculum 66408
and an examination for individuals seeking licensure to become an 66409
instructor and shall conduct an examination for each individual 66410
who satisfies the requirements established pursuant to section 66411
4713.31 of the Revised Code for admission to the examination. 66412

(C) The board shall adopt rules regarding the equipment or 66413
supplies an individual is required to bring to an examination 66414
described in this section. 66415

(D) The board shall not release the questions developed for 66416
the examinations and the practical demonstrations used in the 66417
testing process, except for the following purposes: 66418

(1) Reviewing or rewriting of any part of the examination on 66419

a periodic basis as prescribed in rules adopted under section 66420
4713.08 of the Revised Code; 66421

(2) Testing of individuals in another state for admission to 66422
the profession of cosmetology or any of its branches as required 66423
under a contract or by means of a license with that state; 66424

(3) Complying with a public records request after which the 66425
questions or the demonstrations have become a public record under 66426
division (F) of this section and otherwise may lawfully be 66427
released. 66428

(E) The examination papers and the scored results of the 66429
practical demonstrations of each individual examined by the board 66430
shall be open for inspection by the individual or the individual's 66431
attorney for at least ninety days following the announcement of 66432
the individual's grade, except for papers that under the terms of 66433
a contract with a testing service are not available for 66434
inspection. On written request of an individual or the 66435
individual's attorney made to the board not later than ninety days 66436
after announcement of the individual's grade, the board shall have 66437
the individual's practical examination papers regraded manually. 66438

(F) Test materials, examinations, or evaluation tools used in 66439
an examination for licensure under this chapter that the board 66440
develops or contracts with a private or government entity to 66441
administer shall become public records under section 149.43 of the 66442
Revised Code fifteen years after the materials, examinations, or 66443
tools were first used in an assessment for licensure, unless the 66444
release of the record is otherwise prohibited by state or federal 66445
law, or the record is deemed to be the proprietary information of 66446
a private entity. 66447

Sec. 4713.25. (A) The state ~~board~~ of cosmetology and barber 66448
board may administer a separate advanced cosmetologist examination 66449
for individuals who complete an advanced cosmetologist training 66450

course separate from a cosmetologist training course. The board 66451
may combine the advanced cosmetologist examination with the 66452
cosmetologist examination for individuals who complete a combined 66453
cosmetologist and advanced cosmetologist training course. 66454

(B) The board may administer a separate advanced esthetician 66455
examination for individuals who complete an advanced esthetician 66456
training course separate from an esthetician training course. The 66457
board may combine the advanced esthetician examination with the 66458
esthetician examination for individuals who complete an 66459
esthetician and advanced esthetician training course. 66460

(C) The board may administer a separate advanced hair 66461
designer examination for individuals who complete an advanced hair 66462
designer training course separate from a hair designer training 66463
course. The board may combine the advanced hair designer 66464
examination with the hair designer examination for individuals who 66465
complete a hair designer and advanced hair designer training 66466
course. 66467

(D) The board may administer a separate advanced manicurist 66468
examination for individuals who complete an advanced manicurist 66469
training course separate from a manicurist training course. The 66470
board may combine the advanced manicurist examination with the 66471
manicurist examination for individuals who complete a manicurist 66472
and advanced manicurist training course. 66473

(E) The board may administer a separate advanced natural hair 66474
stylist examination for individuals who complete an advanced 66475
natural hair stylist training course separate from a natural hair 66476
stylist training course. The board may combine the advanced 66477
natural hair stylist examination with the natural hair stylist 66478
examination for individuals who complete a natural hair stylist 66479
and advanced natural hair stylist training course. 66480

Sec. 4713.28. (A) The state ~~board of~~ cosmetology and barber
board shall issue a practicing license to an applicant who
satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

(2) Is of good moral character;

(3) Has the equivalent of an Ohio public school tenth grade
education;

(4) Has submitted a written application on a form furnished
by the board that contains all of the following:

(a) The name of the individual and any other identifying
information required by the board;

(b) A recent photograph of the individual that meets the
specifications established by the board;

(c) A photocopy of the individual's current driver's license
or other proof of legal residence;

(d) Proof that the individual is qualified to take the
applicable examination as required by section 4713.20 of the
Revised Code;

(e) An oath verifying that the information in the application
is true;

(f) The applicable application fee.

(5) Passes an examination conducted under division (A) of
section 4713.24 of the Revised Code for the branch of cosmetology
the applicant seeks to practice;

(6) Pays to the board the applicable license fee;

(7) In the case of an applicant for an initial cosmetologist
license, has successfully completed at least one thousand five
hundred hours of board-approved cosmetology training in a school

of cosmetology licensed in this state, except that only one 66509
thousand hours of board-approved cosmetology training in a school 66510
of cosmetology licensed in this state is required of an individual 66511
licensed as a barber under Chapter 4709. of the Revised Code; 66512

(8) In the case of an applicant for an initial esthetician 66513
license, has successfully completed at least six hundred hours of 66514
board-approved esthetics training in a school of cosmetology 66515
licensed in this state; 66516

(9) In the case of an applicant for an initial hair designer 66517
license, has successfully completed at least one thousand two 66518
hundred hours of board-approved hair designer training in a school 66519
of cosmetology licensed in this state, except that only one 66520
thousand hours of board-approved hair designer training in a 66521
school of cosmetology licensed in this state is required of an 66522
individual licensed as a barber under Chapter 4709. of the Revised 66523
Code; 66524

(10) In the case of an applicant for an initial manicurist 66525
license, has successfully completed at least two hundred hours of 66526
board-approved manicurist training in a school of cosmetology 66527
licensed in this state; 66528

(11) In the case of an applicant for an initial natural hair 66529
stylist license, has successfully completed at least four hundred 66530
fifty hours of instruction in subjects relating to sanitation, 66531
scalp care, anatomy, hair styling, communication skills, and laws 66532
and rules governing the practice of cosmetology. 66533

(B) The board shall not deny a license to any applicant based 66534
on prior incarceration or conviction for any crime. If the board 66535
denies an individual a license or license renewal, the reasons for 66536
such denial shall be put in writing. 66537

Sec. 4713.29. In accordance with rules adopted under section 66538

4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 66539
barber board may waive a condition established by section 4713.28 66540
of the Revised Code for a license to practice a branch of 66541
cosmetology for an applicant who practices that branch of 66542
cosmetology in a state or country that does not license or 66543
register branches of cosmetology. 66544

Sec. 4713.30. The state ~~board of~~ cosmetology and barber board 66545
shall issue an advanced license to an applicant who satisfies all 66546
of the following applicable conditions: 66547

(A) Is at least sixteen years of age; 66548

(B) Is of good moral character; 66549

(C) Has the equivalent of an Ohio public school tenth grade 66550
education; 66551

(D) Pays to the board the applicable fee; 66552

(E) Passes the appropriate advanced license examination; 66553

(F) In the case of an applicant for an initial advanced 66554
cosmetologist license, does either of the following: 66555

(1) Has a licensed advanced cosmetologist or owner of a 66556
licensed beauty salon located in this or another state certify to 66557
the board that the applicant has practiced as a cosmetologist for 66558
at least one thousand eight hundred hours in a licensed beauty 66559
salon; 66560

(2) Has a school of cosmetology licensed in this state 66561
certify to the board that the applicant has successfully 66562
completed, in addition to the hours required for licensure as a 66563
cosmetologist, at least three hundred hours of board-approved 66564
advanced cosmetologist training. 66565

(G) In the case of an applicant for an initial advanced 66566
esthetician license, does either of the following: 66567

(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved advanced esthetician training.

(H) In the case of an applicant for an initial advanced hair designer license, does either of the following:

(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a hair designer or cosmetologist, at least two hundred forty hours of board-approved advanced hair designer training.

(I) In the case of an applicant for an initial advanced manicurist license, does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon, or licensed barber shop located in this or another state certify to the board that the applicant has practiced manicuring

for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training.

(J) In the case of an applicant for an initial advanced natural hair stylist license, does either of the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced natural hair styling for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved advanced natural hair stylist training.

Sec. 4713.31. The state ~~board of cosmetology and barber board~~ shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least eighteen years of age;

(B) Is of good moral character;

(C) Has the equivalent of an Ohio public school twelfth grade education;

(D) Pays to the board the applicable fee;

(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:

(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.

(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:

(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.

(G) In the case of an applicant for an initial hair design instructor license, holds a current, valid advanced hair designer or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of the licensed hair design salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of hair design in a licensed hair design salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least eight hundred hours of board-approved hair design instructor's training as an apprentice instructor.

(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board-approved manicurist instructor training as an apprentice instructor.

(I) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair

style salon or licensed beauty salon in which the applicant has 66691
been employed certify to the board that the applicant has engaged 66692
in the practice of natural hair styling in a licensed natural hair 66693
style salon or practice of cosmetology in a licensed beauty salon 66694
for at least one thousand eight hundred hours; 66695

(2) Has a school of cosmetology licensed in this state 66696
certify to the board that the applicant has successfully completed 66697
at least four hundred hours of board-approved natural hair style 66698
instructor training as an apprentice instructor. 66699

(J) In the case of all applicants, passes an examination 66700
conducted under division (B) of section 4713.24 of the Revised 66701
Code for the branch of cosmetology the applicant seeks to 66702
instruct. 66703

Sec. 4713.32. When determining the total hours of instruction 66704
received by an applicant for a license under section 4713.28, 66705
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 66706
cosmetology and barber board shall not take into account more than 66707
ten hours of instruction per day. The board shall take into 66708
account instruction received more than five years prior to the 66709
date of application for the license in accordance with rules 66710
adopted under section 4713.08 of the Revised Code. 66711

Sec. 4713.34. The state ~~board of~~ cosmetology and barber board 66712
shall issue a license to practice a branch of cosmetology or 66713
instructor license to an applicant who is licensed or registered 66714
in another state or country to practice that branch of cosmetology 66715
or teach the theory and practice of that branch of cosmetology, as 66716
appropriate, if all of the following conditions are satisfied: 66717

(A) The applicant satisfies all of the following conditions: 66718

(1) Is not less than eighteen years of age; 66719

(2) Is of good moral character; 66720

(3) In the case of an applicant for a practicing license, 66721
passes an examination conducted under section 4713.24 of the 66722
Revised Code for the license the applicant seeks, unless the 66723
applicant satisfies conditions specified in rules adopted under 66724
section 4713.08 of the Revised Code for the board to issue the 66725
applicant a license without taking the examination; 66726

(4) Pays the applicable fee. 66727

(B) At the time the applicant obtained the license or 66728
registration in the other state or country, the requirements in 66729
this state for obtaining the license the applicant seeks were 66730
substantially equal to the other state or country's requirements. 66731

(C) The jurisdiction that issued the applicant's license or 66732
registration extends similar reciprocity to individuals holding a 66733
license issued by the board. 66734

Sec. 4713.35. An individual who holds a current, valid 66735
cosmetologist or advanced cosmetologist license issued by the 66736
state ~~board of~~ cosmetology and barber board may engage in the 66737
practice of one or more branches of cosmetology as the individual 66738
chooses in a licensed facility. 66739

An individual who holds a current, valid esthetician or 66740
advanced esthetician license issued by the board may engage in the 66741
practice of esthetics but no other branch of cosmetology in a 66742
licensed facility. 66743

An individual who holds a current, valid hair designer or 66744
advanced hair designer license issued by the board may engage in 66745
the practice of hair design but no other branch of cosmetology in 66746
a licensed facility. 66747

An individual who holds a current, valid manicurist or 66748
advanced manicurist license issued by the board may engage in the 66749
practice of manicuring but no other branch of cosmetology in a 66750

licensed facility. 66751

An individual who holds a current, valid natural hair stylist
or advanced natural hair stylist license issued by the board may
engage in the practice of natural hair styling but no other branch
of cosmetology in a licensed facility. 66752
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An individual who holds a current, valid cosmetology
instructor license issued by the board may teach the theory and
practice of one or more branches of cosmetology at a school of
cosmetology as the individual chooses. 66756
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An individual who holds a current, valid esthetics instructor
license issued by the board may teach the theory and practice of
esthetics, but no other branch of cosmetology, at a school of
cosmetology. 66760
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An individual who holds a current, valid hair design
instructor license issued by the board may teach the theory and
practice of hair design, but no other branch of cosmetology, at a
school of cosmetology. 66764
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An individual who holds a current, valid manicurist
instructor license issued by the board may teach the theory and
practice of manicuring, but no other branch of cosmetology, at a
school of cosmetology. 66768
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An individual who holds a current, valid natural hair style
instructor license issued by the board may teach the theory and
practice of natural hair styling, but no other branch of
cosmetology, at a school of cosmetology. 66772
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An individual who holds a current, valid boutique
registration with the board may engage in the practice of boutique
services but no other branch of cosmetology. 66776
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Sec. 4713.37. (A) The state ~~board of~~ cosmetology and barber
board may issue a temporary special occasion work permit to an 66779
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individual who satisfies all of the following conditions: 66781

(1) Has been licensed or registered in another state or 66782
country to practice a branch of cosmetology or teach the theory 66783
and practice of a branch of cosmetology for at least five years; 66784

(2) Is a recognized expert in the practice or teaching of the 66785
branch of cosmetology the individual practices or teaches; 66786

(3) Is to practice that branch of cosmetology or teach the 66787
theory and practice of that branch of cosmetology in this state as 66788
part of a promotional or instructional program for not more than 66789
the amount of time a temporary special occasion work permit is 66790
effective; 66791

(4) Satisfies all other conditions for a temporary special 66792
occasion work permit established by rules adopted under section 66793
4713.08 of the Revised Code; 66794

(5) Pays the fee established by rules adopted under section 66795
4713.08 of the Revised Code. 66796

(B) An individual issued a temporary special occasion work 66797
permit may practice the branch of cosmetology the individual 66798
practices in another state or country, or teach the theory and 66799
practice of the branch of cosmetology the individual teaches in 66800
another state or country, until the expiration date of the permit. 66801
A temporary special occasion work permit is valid for the period 66802
of time specified in rules adopted under section 4713.08 of the 66803
Revised Code. 66804

Sec. 4713.39. The state ~~board of~~ cosmetology and barber board 66805
shall issue a license to engage in the practice of a branch of 66806
cosmetology as an independent contractor to an applicant who pays 66807
the applicable fee; holds a current, valid license for the type of 66808
salon in which the applicant will practice that branch of 66809
cosmetology; and satisfies the conditions for the license 66810

established by rules adopted under section 4713.08 of the Revised Code. 66811
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Sec. 4713.41. The state ~~board~~ of cosmetology and barber board shall issue a license to operate a salon, including a boutique salon, to an applicant who pays the applicable fee and affirms that all of the following conditions will be met: 66813
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(A)(1) An individual holding a current, valid cosmetologist license or boutique services registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A)(2) of this section. 66817
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(2) A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have present an individual holding a current, valid license or registration to practice in that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours. 66823
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(B) The salon is equipped to do all of the following: 66830

(1) Provide potable running hot and cold water and proper drainage; 66831
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(2) Sanitize all instruments and supplies used in the branch of cosmetology provided at the salon; 66833
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(3) If cosmetic therapy, massage therapy, or other professional service is provided at the salon under section 4713.42 of the Revised Code, sanitize all instruments and supplies used in the cosmetic therapy, massage therapy, or other professional service. 66835
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(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon.

(D) The salon is kept in a clean and sanitary condition and properly ventilated.

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code.

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services.

Sec. 4713.44. (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements:

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology;

(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum;

(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students'

completion of the prescribed course of study before the issuance 66870
of certificates of completion; 66871

(5) In the case of a school of cosmetology that offers clock 66872
hours for the purpose of satisfying minimum hours of training and 66873
instruction, keeps a daily record of the attendance of each 66874
student; 66875

(6) On the date that an apprentice cosmetology instructor 66876
begins cosmetology instructor training at the school, certifies 66877
the name of the apprentice cosmetology instructor to the board 66878
along with the date on which the apprentice's instructor training 66879
began; 66880

(7) Instructs not more than six apprentice cosmetology 66881
instructors at any one time; 66882

(8) Files with the board a good and sufficient surety bond 66883
executed by the individual, firm, or corporation operating the 66884
school of cosmetology as principal and by a surety company as 66885
surety in the amount of ten thousand dollars; provided, that this 66886
requirement does not apply to a vocational or career-technical 66887
school program conducted by a city, exempted village, local, or 66888
joint vocational school district. The bond shall be in the form 66889
prescribed by the board and be conditioned upon the school's 66890
continued instruction in the theory and practice of the branches 66891
of cosmetology. Every bond shall continue in effect until notice 66892
of its termination is given to the board by registered mail and 66893
every bond shall so provide. 66894

(9) Establishes and maintains an internal procedure for 66895
processing complaints filed against the school and for providing 66896
students with instructions on how to file a complaint directly 66897
with the board pursuant to section 4713.641 of the Revised Code. 66898

(B) A school of cosmetology holding a license issued under 66899
division (A) of this section is an educational institution and is 66900

authorized to offer educational programs beyond secondary 66901
education, advanced practice programs, or both in accordance with 66902
rules adopted by the board pursuant to section 4713.08 of the 66903
Revised Code. 66904

(C) A school of cosmetology holding a license to operate a 66905
school of cosmetology on September 29, 2013, shall establish and 66906
maintain an internal procedure for processing complaints filed 66907
against the school and shall provide each of the school's students 66908
with instructions on how to file a complaint directly with the 66909
board pursuant to section 4713.641 of the Revised Code. 66910

Sec. 4713.45. (A) A school of cosmetology may do the 66911
following: 66912

(1) In accordance with rules adopted under section 4713.08 of 66913
the Revised Code, a school of cosmetology operated by a public 66914
entity or a private person may offer clock hours, credit hours, or 66915
competency-based credits for the purpose of satisfying minimum 66916
hours of training and instruction; 66917

(2) Allow an apprentice cosmetology instructor the regular 66918
quota of students prescribed by the state ~~board of~~ cosmetology and 66919
barber board if a cosmetology instructor is present; 66920

(3) Compensate an apprentice cosmetology instructor; 66921

(4) Subject to division (B) of this section, employ an 66922
individual who does not hold a current, valid instructor license 66923
to teach subjects related to a branch of cosmetology. 66924

(B) A school of cosmetology shall have a licensed cosmetology 66925
instructor present when an individual employed pursuant to 66926
division (A)(4) of this section teaches at the school, unless the 66927
individual is one of the following: 66928

(1) An individual with a current, valid teacher's certificate 66929
or educator license issued by the state board of education; 66930

(2) An individual with a bachelor's degree in the subject the person teaches at the school; 66931
66932

(3) An individual also employed by a university or college to teach the subject the person teaches at the school. 66933
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(C) A school of cosmetology shall annually review the subjects and coursework required to receive an initial cosmetology license and advanced license and, in doing so, shall incorporate standards adopted by the state ~~board of~~ cosmetology and barber board pursuant to division (A)(13) of section 4713.08 of the Revised Code. 66935
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Sec. 4713.48. (A) The state ~~board of~~ cosmetology and barber board shall issue a permit to operate a tanning facility to an applicant if all of the following conditions are satisfied: 66941
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(1) The applicant applies in accordance with the application process adopted by rules adopted under section 4713.08 of the Revised Code. 66944
66945
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(2) The applicant pays to the treasurer of state the fee established by those rules. 66947
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(3) An initial inspection of the premises indicates that the tanning facility has been installed and will be operated in accordance with those rules. 66949
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(B) A permit holder shall post the permit in a public and conspicuous place on any premises where the tanning facility is located. An individual shall obtain a separate permit for each of the premises owned or operated by that individual at which the individual seeks to operate a tanning facility. 66952
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(C) To continue operating, a permit holder shall biennially renew the permit by the last day of January of each odd-numbered year. The board shall renew the permit upon the holder's payment to the treasurer of state of the biennial renewal fee. 66957
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Sec. 4713.50. (A) A tanning facility operator or employee 66961
shall make reasonable efforts, in accordance with procedures 66962
established under section 4713.08 of the Revised Code, to 66963
determine whether an individual seeking to use the facility's sun 66964
lamp tanning services is less than sixteen years of age, at least 66965
sixteen but less than eighteen years of age, or eighteen years of 66966
age or older. 66967

(B)(1) A tanning facility operator or employee shall not 66968
allow an individual who is eighteen years of age or older to use 66969
the facility's sun lamp tanning services without first obtaining 66970
the consent of the individual. The consent shall be evidenced by 66971
the individual's signature on the form developed by the state 66972
~~board of cosmetology and barber board~~ under section 4713.51 of the 66973
Revised Code. The consent is valid indefinitely. 66974

(2) A tanning facility operator or employee shall not allow 66975
an individual who is at least sixteen but less than eighteen years 66976
of age to use the facility's sun lamp tanning services without 66977
first obtaining the consent of a parent or legal guardian of the 66978
individual. The consent shall be evidenced by the signature of the 66979
parent or legal guardian on the form developed by the board under 66980
section 4713.51 of the Revised Code. The form must be signed in 66981
the presence of the operator or an employee of the tanning 66982
facility. The consent is valid for ninety days from the date the 66983
form is signed. A tanning facility operator or employee shall not 66984
allow an individual who is at least sixteen but less than eighteen 66985
years of age to use the facility's sun lamp tanning services for 66986
more than forty-five sessions during the ninety-day period covered 66987
by the consent. No such session may be longer than the maximum 66988
safe time of exposure specified in rules adopted under division 66989
(A)(17) of section 4713.08 of the Revised Code. 66990

(3) A tanning facility operator or employee shall not allow 66991

an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

Sec. 4713.51. The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

Sec. 4713.55. Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson and attested by the executive director of the board, with the seal

of the board attached. 67022

The board shall specify on each practicing license that the 67023
board issues the branch of cosmetology that the license entitles 67024
the holder to practice. The board shall specify on each advanced 67025
license that the board issues the type of salon in which the 67026
license entitles the holder to work and the branch of cosmetology 67027
that the license entitles the holder to practice. The board shall 67028
specify on each instructor license that the board issues the 67029
branch of cosmetology that the license entitles the holder to 67030
teach. The board shall specify on each salon license that the 67031
board issues the branch of cosmetology that the license entitles 67032
the holder to offer. The board shall specify on each independent 67033
contractor license that the board issues the branch of cosmetology 67034
that the license entitles the holder to offer within a licensed 67035
salon. Such licenses are prima-facie evidence of the right of the 67036
holder to practice or teach the branch of cosmetology that the 67037
license specifies. 67038

Sec. 4713.56. Every holder of a practicing license, 67039
instructor license, independent contractor license, or boutique 67040
service registration issued by the state board of cosmetology 67041
shall maintain the board-issued, wallet-sized license or 67042
electronically generated license certification or registration and 67043
a current government-issued photo identification that can be 67044
produced upon inspection or request. 67045

Every holder of a license to operate a salon issued by the 67046
board shall display the license in a public and conspicuous place 67047
in the salon. 67048

Every holder of a license to operate a school of cosmetology 67049
issued by the board shall display the license in a public and 67050
conspicuous place in the school. 67051

Every individual who provides cosmetic therapy, massage 67052
therapy, or other professional service in a salon under section 67053
4713.42 of the Revised Code shall maintain the individual's 67054
professional license or certificate or electronically generated 67055
license certification or registration and a state of Ohio issued 67056
photo identification that can be produced upon inspection or 67057
request. 67058

Sec. 4713.57. A license or registration issued by the state 67059
~~board of~~ cosmetology and barber board pursuant to this chapter is 67060
valid until the last day of January of the odd-numbered year 67061
following its original issuance or renewal, unless the license is 67062
revoked or suspended prior to that date. Renewal shall be done in 67063
accordance with the standard renewal procedure of Chapter 4745. of 67064
the Revised Code. The board may refuse to renew a license if the 67065
individual holding the license has an outstanding unpaid fine 67066
levied under section 4713.64 of the Revised Code. 67067

Sec. 4713.58. (A) Except as provided in division (B) of this 67068
section, on payment of the renewal fee and submission of proof 67069
satisfactory to the state ~~board of~~ cosmetology and barber board 67070
that any applicable continuing education requirements have been 67071
completed, an individual currently licensed as: 67072

(1) A cosmetology instructor who has previously been licensed 67073
as a cosmetologist or an advanced cosmetologist, is entitled to 67074
the reissuance of a cosmetologist or advanced cosmetologist 67075
license; 67076

(2) An esthetics instructor who has previously been licensed 67077
as an esthetician or an advanced esthetician, is entitled to the 67078
reissuance of an esthetician or advanced esthetician license; 67079

(3) A hair design instructor who has previously been licensed 67080
as a hair designer or an advanced hair designer, is entitled to 67081

the reissuance of a hair designer or advanced hair designer license; 67082
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(4) A manicurist instructor who has previously been licensed as a manicurist or an advanced manicurist, is entitled to the reissuance of a manicurist or advanced manicurist license; 67084
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(5) A natural hair style instructor who has previously been licensed as a natural hair stylist or an advanced natural hair stylist, is entitled to the reissuance of a natural hair stylist or advanced natural hair stylist license. 67087
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(B) No individual is entitled to the reissuance of a license under division (A) of this section if the license was revoked or suspended or the individual has an outstanding unpaid fine levied under section 4713.64 of the Revised Code. 67091
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Sec. 4713.59. If the state ~~board of~~ cosmetology and barber board adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, advanced license, or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education requirement by the fifteenth day of January of the next odd-numbered year. 67095
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Hours completed in excess of the continuing education requirement may not be applied to the next biennial licensing period. 67106
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Sec. 4713.61. (A) If the state ~~board of~~ cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by 67109
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which an individual who holds a license to practice a branch of 67112
cosmetology, advanced license, or instructor license and who is 67113
not currently engaged in the practice of the branch of cosmetology 67114
or teaching the theory and practice of the branch of cosmetology, 67115
but who desires to be so engaged in the future, may apply to the 67116
board to have the individual's license classified inactive. If the 67117
board develops such a procedure, an individual seeking to have the 67118
individual's license classified inactive shall apply to the board 67119
on a form provided by the board and pay the fee established by 67120
rules adopted under section 4713.08 of the Revised Code. 67121

(B) The board shall not restore an inactive license until the 67122
later of the following: 67123

(1) The date that the individual holding the license submits 67124
proof satisfactory to the board that the individual has completed 67125
the continuing education that a rule adopted under section 4713.08 67126
of the Revised Code requires; 67127

(2) The last day of January of the next odd-numbered year 67128
following the year the license is classified inactive. 67129

(C) An individual who holds an inactive license may engage in 67130
the practice of a branch of cosmetology if the individual holds a 67131
temporary work permit as specified in rules adopted by the board 67132
under section 4713.08 of the Revised Code. 67133

Sec. 4713.62. (A) An individual holding a practicing license, 67134
advanced license, instructor license, or boutique services 67135
registration may satisfy a continuing education requirement 67136
established by rules adopted under section 4713.09 of the Revised 67137
Code only by completing continuing education programs approved 67138
under division (B) of this section. 67139

(B) The state ~~board of~~ cosmetology and barber board shall 67140
approve a continuing education program if all of the following 67141

conditions are satisfied: 67142

(1) The person operating the program submits to the board a 67143
written application for approval. 67144

(2) The person operating the program pays to the board a fee 67145
established by rules adopted under section 4713.08 of the Revised 67146
Code. 67147

(3) The program is operated by an employee, officer, or 67148
director of a nonprofit professional association, college or 67149
university, proprietary continuing education institutions 67150
providing programs approved by the board, vocational school, 67151
postsecondary proprietary school of cosmetology licensed by the 67152
board, salon licensed by the board, or manufacturer of supplies or 67153
equipment used in the practice of a branch of cosmetology. 67154

(4) The program will do at least one of the following: 67155

(a) Enhance the professional competency of the affected 67156
licensees or registrants; 67157

(b) Protect the public; 67158

(c) Educate the affected licensees or registrants in the 67159
application of the laws and rules regulating the practice of a 67160
branch of cosmetology. 67161

(5) The person operating the program provides the board a 67162
tentative schedule of when the program will be available so that 67163
the board can make the schedule readily available to all licensees 67164
and registrants throughout the state. 67165

Sec. 4713.63. A practicing license, advanced license, or 67166
instructor license that has not been renewed for any reason other 67167
than because it has been revoked, suspended, or classified 67168
inactive, or because the license holder has been given a waiver or 67169
extension under section 4713.60 of the Revised Code, is expired. 67170
An expired license may be restored if the individual who held the 67171

license meets all of the following applicable conditions: 67172

(A) Pays to the state ~~board of~~ cosmetology and barber board 67173
the restoration fee established under section 4713.10 of the 67174
Revised Code; 67175

(B) In the case of a practicing license or advanced license 67176
that has been expired for more than two consecutive license 67177
renewal periods, completes eight hours of continuing education for 67178
each license renewal period that has elapsed since the license was 67179
last issued or renewed, up to a maximum of twenty-four hours. At 67180
least four of those hours shall include a course pertaining to 67181
sanitation and safety methods. 67182

The board shall deposit all fees it receives under division 67183
(B) of this section into the general revenue fund. 67184

Sec. 4713.64. (A) The state ~~board of~~ cosmetology and barber 67185
board may take disciplinary action under this chapter for any of 67186
the following: 67187

(1) Failure to comply with the safety, sanitation, and 67188
licensing requirements of this chapter or rules adopted under it; 67189

(2) Continued practice by an individual knowingly having an 67190
infectious or contagious disease; 67191

(3) Habitual drunkenness or addiction to any habit-forming 67192
drug; 67193

(4) Willful false and fraudulent or deceptive advertising; 67194

(5) Falsification of any record or application required to be 67195
filed with the board; 67196

(6) Failure to pay a fine or abide by a suspension order 67197
issued by the board; 67198

(7) Failure to cooperate with an investigation or inspection; 67199

(8) Failure to respond to a subpoena;	67200
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	67201 67202
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	67203 67204 67205
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	67206 67207
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	67208 67209
(2) Impose a fine;	67210
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	67211 67212
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	67213 67214 67215
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	67216 67217 67218 67219 67220 67221 67222
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings	67223 67224 67225 67226 67227 67228 67229

contained in the agreement are of no effect, and the case shall be 67230
scheduled for adjudication under Chapter 119. of the Revised Code. 67231

(D) The amount and content of corrective action courses and 67232
other relevant criteria shall be established by the board in rules 67233
adopted under section 4713.08 of the Revised Code. 67234

(E)(1) The board may impose a separate fine for each offense 67235
listed in division (A) of this section. The amount of the first 67236
fine issued for a violation as the result of an inspection shall 67237
be not more than two hundred fifty dollars if the violator has not 67238
previously been fined for that offense. Any fines issued for 67239
additional violations during such an inspection shall not be more 67240
than one hundred dollars for each additional violation. The fine 67241
shall be not more than five hundred dollars if the violator has 67242
been fined for the same offense once before. Any fines issued for 67243
additional violations during a second inspection shall not be more 67244
than two hundred dollars for each additional violation. The fine 67245
shall be not more than one thousand dollars if the violator has 67246
been fined for the same offense two or more times before. Any 67247
fines issued for additional violations during a third inspection 67248
shall not be more than three hundred dollars for each additional 67249
violation. 67250

(2) The board shall issue an order notifying a violator of a 67251
fine imposed under division (E)(1) of this section. The notice 67252
shall specify the date by which the fine is to be paid. The date 67253
shall be less than forty-five days after the board issues the 67254
order. 67255

(3) At the request of a violator who is temporarily unable to 67256
pay a fine, or upon its own motion, the board may extend the time 67257
period within which the violator shall pay the fine up to ninety 67258
days after the date the board issues the order. 67259

(4) If a violator fails to pay a fine by the date specified 67260

in the board's order and does not request an extension within ten 67261
days after the date the board issues the order, or if the violator 67262
fails to pay the fine within the extended time period as described 67263
in division (E)(3) of this section, the board shall add to the 67264
fine an additional penalty equal to ten per cent of the fine. 67265

(5) If a violator fails to pay a fine within ninety days 67266
after the board issues the order, the board shall add to the fine 67267
interest at a rate specified by the board in rules adopted under 67268
section 4713.08 of the Revised Code. 67269

(6) If the fine, including any interest or additional 67270
penalty, remains unpaid on the ninety-first day after the board 67271
issues an order under division (E)(2) of this section, the amount 67272
of the fine and any interest or additional penalty shall be 67273
certified to the attorney general for collection in the form and 67274
manner prescribed by the attorney general. The attorney general 67275
may assess the collection cost to the amount certified in such a 67276
manner and amount as prescribed by the attorney general. 67277

(F) In the case of an offense of failure to comply with 67278
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 67279
Code, the board shall impose a fine of five hundred dollars if the 67280
violator has not previously been fined for that offense. If the 67281
violator has previously been fined for the offense, the board may 67282
impose a fine in accordance with this division or take another 67283
action in accordance with division (B) of this section. 67284

(G) The board shall notify a licensee or registrant who is in 67285
violation of division (A) of this section and the owner of the 67286
salon in which the conditions constituting the violation were 67287
found. The individual receiving the notice of violation and the 67288
owner of the salon may request a hearing pursuant to section 67289
119.07 of the Revised Code. If the individual or owner fails to 67290
request a hearing or enter into a consent agreement thirty days 67291
after the date the board, in accordance with section 119.07 of the 67292

Revised Code and division (J) of this section, notifies the 67293
individual or owner of the board's intent to act against the 67294
individual or owner under division (A) of this section, the board 67295
by a majority vote of a quorum of the board members may take the 67296
action against the individual or owner without holding an 67297
adjudication hearing. 67298

(H) The board, after a hearing in accordance with Chapter 67299
119. of the Revised Code or pursuant to a consent agreement, may 67300
suspend a license, permit, or registration if the licensee, permit 67301
holder, or registrant fails to correct an unsafe condition that 67302
exists in violation of the board's rules or fails to cooperate in 67303
an inspection. If a violation of this chapter or rules adopted 67304
under it has resulted in a condition reasonably believed by an 67305
inspector to create an immediate danger to the health and safety 67306
of any individual using the facility, the inspector may suspend 67307
the license or permit of the facility or the individual 67308
responsible for the violation without a prior hearing until the 67309
condition is corrected or until a hearing in accordance with 67310
Chapter 119. of the Revised Code is held or a consent agreement is 67311
entered into and the board either upholds the suspension or 67312
reinstates the license, permit, or registration. 67313

(I) The board shall not take disciplinary action against an 67314
individual licensed to operate a salon or school of cosmetology 67315
for a violation of this chapter that was committed by an 67316
individual licensed to practice a branch of cosmetology, while 67317
practicing within the salon or school, when the individual's 67318
actions were beyond the control of the salon owner or school. 67319

(J) In addition to the methods of notification required under 67320
section 119.07 of the Revised Code, the board may send the notices 67321
required under divisions (C)(2), (E)(2), and (G) of this section 67322
by any delivery method that is traceable and requires that the 67323
delivery person obtain a signature to verify that the notice has 67324

been delivered. The board also may send the notices by electronic 67325
mail, provided that the electronic mail delivery system certifies 67326
that a notice has been received. 67327

Sec. 4713.641. Any student or former student of a school of 67328
cosmetology licensed under division (A) of section 4713.44 of the 67329
Revised Code may file a complaint with the state ~~board of~~ 67330
cosmetology and barber board alleging that the school has violated 67331
division (A) of section 4713.64 of the Revised Code. The complaint 67332
shall be in writing and signed by the individual bringing the 67333
complaint. Upon receiving a complaint, the board shall initiate a 67334
preliminary investigation to determine whether it is probable that 67335
a violation was committed. If the board determines after 67336
preliminary investigation that it is not probable that a violation 67337
was committed, the board shall notify the individual who filed the 67338
complaint of the board's findings and that the board will not 67339
issue a formal complaint in the matter. If the board determines 67340
after a preliminary investigation that it is probable that a 67341
violation was committed, the board shall proceed against the 67342
school pursuant to the board's authority under section 4713.64 of 67343
the Revised Code and in accordance with the hearing and notice 67344
requirements prescribed in Chapter 119. of the Revised Code. 67345

Sec. 4713.65. On receipt of a notice pursuant to section 67346
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 67347
barber board shall comply with sections 3123.41 to 3123.50 of the 67348
Revised Code and any applicable rules adopted under section 67349
3123.63 of the Revised Code with respect to a license issued 67350
pursuant to this chapter or licenses issued pursuant to Chapter 67351
4709. of the Revised Code. 67352

Sec. 4713.66. (A) The state ~~board of~~ cosmetology and barber 67353
board, on its own motion or on receipt of a written complaint, may 67354

investigate or inspect the activities or premises of an individual 67355
or entity who is alleged to have violated this chapter or rules 67356
adopted under it, regardless of whether the individual or entity 67357
holds a license or registration issued under this chapter. 67358

(B) If, based on its investigation, the board determines that 67359
there is reasonable cause to believe that an individual or entity 67360
has violated this chapter or rules adopted under it, the board 67361
shall afford the individual or entity an opportunity for a 67362
hearing. Notice shall be given and any hearing conducted in 67363
accordance with Chapter 119. of the Revised Code. 67364

(C) The board shall maintain a transcript of the hearing and 67365
issue a written opinion to all parties, citing its findings and 67366
ground for any action it takes. Any action shall be taken in 67367
accordance with section 4713.64 of the Revised Code. 67368

Sec. 4713.68. The state ~~board of~~ cosmetology and barber board 67369
shall comply with section 4776.20 of the Revised Code. 67370

Sec. 4713.69. (A) The state ~~board of~~ cosmetology and barber 67371
board shall issue a boutique services registration to an applicant 67372
who satisfies all of the following applicable conditions: 67373

(1) Is at least sixteen years of age; 67374

(2) Is of good moral character; 67375

(3) Has the equivalent of an Ohio public school tenth grade 67376
education; 67377

(4) Has submitted a written application on a form prescribed 67378
by the board containing all of the following: 67379

(a) The applicant's name and home address; 67380

(b) The applicant's home telephone number and cellular 67381
telephone number, if any; 67382

(c) The applicant's electronic mail address, if any;	67383
(d) The applicant's date of birth;	67384
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	67385 67386 67387
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	67388 67389 67390
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	67391 67392 67393
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	67394 67395
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	67396 67397 67398 67399
(C) Within six months of the effective date of this section, the <u>The</u> board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	67400 67401 67402 67403
Sec. 4715.13. (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:	67404 67405 67406 67407
(1) For license to practice dentistry, two hundred ten <u>sixty-seven</u> dollars if issued in an odd-numbered year or three <u>four</u> hundred fifty-seven <u>fifty-four</u> dollars if issued in an even-numbered year;	67408 67409 67410 67411

(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;	67412 67413
(3) For a general anesthesia permit, one hundred twenty-seven dollars;	67414 67415
(4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars.	67416 67417
(B) Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.	67418 67419 67420 67421 67422 67423
(C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply:	67424 67425 67426
(1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.	67427 67428 67429 67430 67431
(2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.	67432 67433 67434
Sec. 4715.14. (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a	67435 67436 67437 67438 67439 67440 67441

biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 67442
dollars. ~~Except as provided in division (E) of this section, this~~ 67443
~~fee shall be paid to the treasurer of state.~~ Subject to division 67444
(C) of this section, a registration shall be in effect for the 67445
two-year period beginning on the first day of January of the 67446
even-numbered year and ending on the last day of December of the 67447
following odd-numbered year, and shall be renewed in accordance 67448
with the standard renewal procedure of sections 4745.01 to 4745.03 67449
of the Revised Code. 67450

(2)(a) Except as provided in division (A)(2)(b) of this 67451
section, in the case of a licensee seeking registration who 67452
prescribes or personally furnishes opioid analgesics or 67453
benzodiazepines, as defined in section 3719.01 of the Revised 67454
Code, the licensee shall certify to the board whether the licensee 67455
has been granted access to the drug database established and 67456
maintained by the state board of pharmacy pursuant to section 67457
4729.75 of the Revised Code. 67458

(b) The requirement in division (A)(2)(a) of this section 67459
does not apply if any of the following is the case: 67460

(i) The state board of pharmacy notifies the state dental 67461
board pursuant to section 4729.861 of the Revised Code that the 67462
licensee has been restricted from obtaining further information 67463
from the drug database. 67464

(ii) The state board of pharmacy no longer maintains the drug 67465
database. 67466

(iii) The licensee does not practice dentistry in this state. 67467

(3) If a licensee certifies to the state dental board that 67468
the licensee has been granted access to the drug database and the 67469
board finds through an audit or other means that the licensee has 67470
not been granted access, the board may take action under section 67471
4715.30 of the Revised Code. 67472

(B) A licensed dentist who desires to temporarily retire from practice and who has given the board notice in writing to that effect shall be granted such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid.

(C) Not later than the thirty-first day of January of an even-numbered year, the board shall send a notice by certified mail to a dentist who fails to renew a license in accordance with division (A) of this section. The notice shall state all of the following:

(1) That the board has not received the registration form and fee described in that division;

(2) That the license shall remain valid and in good standing until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew if the dentist remains in compliance with all other applicable provisions of this chapter and any rule adopted under it;

(3) That the license may be renewed until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew by the payment of the biennial registration fee and an additional fee of one hundred twenty-seven dollars to cover the cost of late renewal;

(4) That unless the board receives the registration form and fee before the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew, the board may, on or after the relevant first day of April, initiate disciplinary action against the dentist pursuant to Chapter 119. of the Revised Code;

(5) That a dentist whose license has been suspended as a result of disciplinary action initiated pursuant to division (C)(4) of this section may be reinstated by the payment of the

biennial registration fee and an additional fee of three hundred 67504
eighty-one dollars to cover the cost of reinstatement. 67505

(D) Each dentist licensed to practice, whether a resident or 67506
not, shall notify the secretary in writing or electronically of 67507
any change in the dentist's office address or employment within 67508
ten days after such change has taken place. On the first day of 67509
July of every even-numbered year, the secretary shall issue a 67510
printed roster of the names and addresses so registered. 67511

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 67512
shall be paid to the dentist loan repayment fund created under 67513
section 3702.95 of the Revised Code. 67514

Sec. 4715.16. (A) Upon payment of a fee of ~~ten~~ thirteen 67515
dollars, the state dental board may without examination issue a 67516
limited resident's license to any person who is a graduate of a 67517
dental college, is authorized to practice in another state or 67518
country or qualified to take the regular licensing examination in 67519
this state, and furnishes the board satisfactory proof of having 67520
been appointed a dental resident at an accredited dental college 67521
in this state or at an accredited program of a hospital in this 67522
state, but has not yet been licensed as a dentist by the board. 67523
Any person receiving a limited resident's license may practice 67524
dentistry only in connection with programs operated by the dental 67525
college or hospital at which the person is appointed as a resident 67526
as designated on the person's limited resident's license, and only 67527
under the direction of a licensed dentist who is a member of the 67528
dental staff of the college or hospital or a dentist holding a 67529
current limited teaching license issued under division (B) of this 67530
section, and only on bona fide patients of such programs. The 67531
holder of a limited resident's license may be disciplined by the 67532
board pursuant to section 4715.30 of the Revised Code. 67533

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 67534

upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

(C)(1) As used in this division:

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

(b) "Director" means the person responsible for the operation of a practicum.

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board.

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 67598
continuing dental education practicum and shall expire at the end 67599
of one year. If the dentist fails to complete the endorsing 67600
practicum in one year, the board may, upon the dentist's 67601
application and payment of a fee of ~~seventy-five~~ ninety-four 67602
dollars, renew the temporary limited continuing education license 67603
for a consecutive one-year period. Only two renewals may be 67604
granted. The holder of a temporary limited continuing education 67605
license may be disciplined by the board pursuant to section 67606
4715.30 of the Revised Code. 67607

(D) The board shall act either to approve or to deny any 67608
application for a limited license pursuant to division (A), (B), 67609
or (C) of this section not later than sixty days of the date the 67610
board receives the application. 67611

Sec. 4715.21. Each person who desires to practice as a dental 67612
hygienist shall file with the secretary of the state dental board 67613
a written application for a license, under oath, upon the form 67614
prescribed. Such applicant shall furnish satisfactory proof of 67615
being at least eighteen years of age and of good moral character. 67616
An applicant shall present a diploma or certificate of graduation 67617
from an accredited dental hygiene school and shall pay the 67618
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 67619
license is issued in an odd-numbered year or one hundred 67620
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 67621
year. Those passing such examination as the board prescribes 67622
relating to dental hygiene shall receive a certificate of 67623
registration entitling them to practice. If an applicant fails to 67624
pass the first examination the applicant may apply for a 67625
re-examination at the next regular or special examination meeting 67626
of the board. 67627

No applicant shall be admitted to more than two examinations 67628

without first presenting satisfactory proof that the applicant has 67629
successfully completed such refresher courses in an accredited 67630
dental hygiene school as the state dental board may prescribe. 67631

An accredited dental hygiene school shall be one accredited 67632
by the American dental association commission on dental 67633
accreditation or whose educational standards are recognized by the 67634
American dental association commission on dental accreditation and 67635
approved by the state dental board. 67636

Sec. 4715.24. (A) Each person who is licensed to practice as 67637
a dental hygienist in Ohio shall, on or before the first day of 67638
January of each even-numbered year, register with the state dental 67639
board, unless the person is temporarily retired pursuant to 67640
section 4715.241 of the Revised Code. The registration shall be 67641
made on a form prescribed by the board and furnished by the 67642
secretary, shall include the licensee's name, address, license 67643
number, and such other reasonable information as the board may 67644
consider necessary, and shall include payment of a biennial 67645
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 67646
fee shall be paid to the treasurer of state. All such 67647
registrations shall be in effect for the two-year period beginning 67648
on the first day of January of each even-numbered year and ending 67649
on the last day of December of the following odd-numbered year, 67650
and shall be renewed in accordance with the standard renewal 67651
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 67652
failure of a licensee to renew registration in accordance with 67653
this section shall result in the automatic suspension of the 67654
licensee's license to practice as a dental hygienist, unless the 67655
licensee is temporarily retired pursuant to section 4715.241 of 67656
the Revised Code. 67657

(B) Any dental hygienist whose license has been automatically 67658
suspended under this section may be reinstated on application to 67659

the board on a form prescribed by the board for licensure 67660
reinstatement and payment of the biennial registration fee and in 67661
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 67662
of reinstatement. 67663

(C) The license of a dental hygienist shall be exhibited in a 67664
conspicuous place in the room in which the dental hygienist 67665
practices. Each dental hygienist licensed to practice, whether a 67666
resident or not, shall notify the secretary in writing or 67667
electronically of any change in the dental hygienist's office 67668
address or employment within ten days after the change takes 67669
place. 67670

(D) Ten dollars of each biennial registration fee collected 67671
under division (A) or (B) of this section shall be paid to the 67672
dental hygienist loan repayment fund established under section 67673
3702.967 of the Revised Code. 67674

Sec. 4715.27. The state dental board may issue a license to 67675
an applicant who furnishes satisfactory proof of being at least 67676
eighteen years of age, of good moral character and who 67677
demonstrates, to the satisfaction of the board, knowledge of the 67678
laws, regulations, and rules governing the practice of a dental 67679
hygienist; who proves, to the satisfaction of the board, intent to 67680
practice as a dental hygienist in this state; who is a graduate 67681
from an accredited school of dental hygiene and who holds a 67682
license by examination from a similar dental board, and who passes 67683
an examination as prescribed by the board relating to dental 67684
hygiene. 67685

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 67686
application endorsed by an accredited dental hygiene school in 67687
this state, the state dental board may without examination issue a 67688
teacher's certificate to a dental hygienist, authorized to 67689
practice in another state or country. A teacher's certificate 67690

shall be subject to annual renewal in accordance with the standard 67691
renewal procedure of sections 4745.01 to 4745.03 of the Revised 67692
Code, and shall not be construed as authorizing anything other 67693
than teaching or demonstrating the skills of a dental hygienist in 67694
the educational programs of the accredited dental hygiene school 67695
which endorsed the application. 67696

Sec. 4715.362. A dentist who desires to participate in the 67697
oral health access supervision program shall apply to the state 67698
dental board for an oral health access supervision permit. The 67699
application shall be under oath, on a form prescribed by the board 67700
in rules adopted under section 4715.372 of the Revised Code, and 67701
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 67702
To be eligible to receive the permit, an applicant shall meet the 67703
requirements established by the board in rules adopted under 67704
section 4715.372 of the Revised Code. 67705

The state dental board shall issue an oral health access 67706
supervision permit to a dentist who is in good standing with the 67707
board and satisfies all of the requirements of this section. 67708

Sec. 4715.363. (A) A dental hygienist who desires to 67709
participate in the oral health access supervision program shall 67710
apply to the state dental board for a permit to practice under the 67711
oral health access supervision of a dentist. The application shall 67712
be under oath, on a form prescribed by the board in rules adopted 67713
under section 4715.372 of the Revised Code, and accompanied by an 67714
application fee of ~~twenty~~ twenty-five dollars, which may be paid 67715
by ~~personal check or~~ credit card. 67716

(B) The applicant shall provide evidence satisfactory to the 67717
board that the applicant has done all of the following: 67718

(1) Completed at least one year and attained a minimum of one 67719
thousand five hundred hours of experience in the practice of 67720

dental hygiene; 67721

(2) Completed at least twenty-four hours of continuing dental 67722
hygiene education during the two years prior to submission of the 67723
application; 67724

(3) Completed a course pertaining to the practice of dental 67725
hygiene under the oral health access supervision of a dentist that 67726
meets standards established in rules adopted under section 67727
4715.372 of the Revised Code; 67728

(4) Completed, during the two years prior to submission of 67729
the application, a course pertaining to the identification and 67730
prevention of potential medical emergencies that is the same as 67731
the course described in division (C)(2) of section 4715.22 of the 67732
Revised Code. 67733

(C) The state dental board shall issue a permit to practice 67734
under the oral health access supervision of a dentist to a dental 67735
hygienist who is in good standing with the board and meets all of 67736
the requirements of divisions (A) and (B) of this section. 67737

Sec. 4715.369. (A) An oral health access supervision permit 67738
issued under section 4715.362 of the Revised Code expires on the 67739
thirty-first day of December of the odd-numbered year that occurs 67740
after the permit's issuance. A dentist who desires to renew a 67741
permit shall apply, under oath, to the state dental board on a 67742
form prescribed by the board in rules adopted under section 67743
4715.372 of the Revised Code. At the time of application, the 67744
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 67745

(B) The board shall renew an oral health access supervision 67746
permit for a two-year period if the dentist submitted a complete 67747
application, paid the renewal fee, is in good standing with the 67748
board, and verified with the board all of the following: 67749

(1) The locations at which dental hygienists have, under the 67750

dentist's authorization, provided services during the two years 67751
prior to submission of the renewal application; 67752

(2) The number of patients treated, during the two years 67753
prior to submission of the renewal application, by each dental 67754
hygienist providing dental hygiene services under the dentist's 67755
authorization; 67756

(3) For each number of patients provided under division 67757
(B)(2) of this section, the number of patients whom the dentist 67758
clinically evaluated following the provision of dental hygiene 67759
services by a dental hygienist. 67760

Sec. 4715.37. (A) A permit to practice under the oral health 67761
access supervision of a dentist issued under section 4715.363 of 67762
the Revised Code expires on the thirty-first day of December of 67763
the odd-numbered year that occurs after the permit's issuance. A 67764
dental hygienist who desires to renew a permit to practice under 67765
the oral health access supervision of a dentist shall apply, under 67766
oath, to the state dental board on a form prescribed by the board 67767
in rules adopted under section 4715.372 of the Revised Code. At 67768
the time of application, the dental hygienist shall pay a renewal 67769
fee of ~~twenty~~ twenty-five dollars. 67770

(B) The state dental board shall renew a permit for a 67771
two-year period if the dental hygienist submitted a complete 67772
application, paid the renewal fee, is in good standing with the 67773
board, and has verified with the board both of the following: 67774

(1) The locations at which the hygienist has provided dental 67775
hygiene services under a permit to practice under the oral health 67776
access supervision of a dentist; 67777

(2) The number of patients that the hygienist has treated 67778
under a permit during the two years prior to submission of the 67779
renewal application. 67780

Sec. 4715.53. (A) Each individual seeking a certificate to 67781
practice as a dental x-ray machine operator shall apply to the 67782
state dental board on a form the board shall prescribe and 67783
provide. The application shall be accompanied by an application 67784
fee of ~~twenty-five~~ thirty-two dollars. 67785

(B) The board shall review all applications received and 67786
issue a dental x-ray machine operator certificate to each 67787
applicant who submits evidence satisfactory to the board of one of 67788
the following: 67789

(1) The applicant holds certification from the dental 67790
assisting national board or the Ohio commission on dental 67791
assistant certification. 67792

(2) The applicant holds a license, certificate, permit, 67793
registration, or other credential issued by another state that the 67794
board determines uses standards for dental x-ray machine operators 67795
that are at least equal to those established under this chapter. 67796

(3) The applicant has successfully completed an educational 67797
program consisting of at least seven hours of instruction in 67798
dental x-ray machine operation that meets either of the following 67799
requirements: 67800

(a) Has been approved by the board in accordance with section 67801
4715.57 of the Revised Code; 67802

(b) Is conducted by an institution accredited by the American 67803
dental association commission on dental accreditation. 67804

(C) A certificate issued under this section expires two years 67805
after it is issued and may be renewed if the certificate holder 67806
does both of the following: 67807

(1) Certifies to the board that the certificate holder has 67808
completed at least two hours of instruction in dental x-ray 67809
machine operation approved by the board in accordance with section 67810

4715.57 of the Revised Code during the two-year period preceding 67811
the date the renewal application is received by the board. 67812

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 67813
to the board. 67814

Renewals shall be made in accordance with the standard 67815
renewal procedure established under Chapter 4745. of the Revised 67816
Code. 67817

Sec. 4715.62. (A) Each individual seeking to register with 67818
the state dental board as an expanded function dental auxiliary 67819
shall file with the secretary of the board a written application 67820
for registration, under oath, on a form the board shall prescribe 67821
and provide. An applicant shall include with the completed 67822
application all of the following: 67823

(1) An application fee of ~~twenty~~ twenty-five dollars; 67824

(2) Proof satisfactory to the board that the applicant has 67825
successfully completed, at an educational institution accredited 67826
by the commission on dental accreditation of the American dental 67827
association or the higher learning commission of the north central 67828
association of colleges and schools, the education or training 67829
specified by the board in rules adopted under section 4715.66 of 67830
the Revised Code as the education or training that is necessary to 67831
obtain registration under this chapter to practice as an expanded 67832
function dental auxiliary, as evidenced by a diploma or other 67833
certificate of graduation or completion that has been signed by an 67834
appropriate official of the accredited institution that provided 67835
education or training; 67836

(3) Proof satisfactory to the board that the applicant has 67837
passed an examination that meets the standards established by the 67838
board in rules adopted under section 4715.66 of the Revised Code 67839
to be accepted by the board as an examination of competency to 67840

practice as an expanded function dental auxiliary; 67841

(4) Proof that the applicant holds current certification to 67842
perform basic life-support procedures, evidenced by documentation 67843
showing the successful completion of a basic life-support training 67844
course certified by the American red cross, the American heart 67845
association, or the American safety and health institute. 67846

(B) If an applicant complies with division (A) of this 67847
section, the board shall register the applicant as an expanded 67848
function dental auxiliary. 67849

Sec. 4715.63. (A) Registration under section 4715.62 of the 67850
Revised Code expires on the thirty-first day of December of the 67851
year following the year in which the registration occurs. An 67852
individual may renew a registration for subsequent two-year 67853
periods by submitting both of the following to the secretary of 67854
the state dental board each time the individual seeks to renew a 67855
registration: 67856

(1) A completed application for renewal, under oath, on a 67857
form the board shall prescribe and provide; 67858

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 67859

(B) If an individual complies with division (A) of this 67860
section and is not in violation of any section of this chapter or 67861
rule adopted under it, the board shall renew the individual's 67862
registration for a two-year period that expires on the 67863
thirty-first day of December of the year following the year in 67864
which the registration was renewed. 67865

(C) Registration renewals shall be made in accordance with 67866
the standard renewal procedure established under Chapter 4745. of 67867
the Revised Code. 67868

Sec. 4717.01. As used in this chapter: 67869

(A) "Embalming" means the ~~preservation and disinfection, or attempted preservation and disinfection,~~ process of chemically treating the dead human body by application any of chemicals externally, internally, or both the following to reduce the presence and growth of microorganisms, to temporarily slow organic decomposition, and to restore acceptable physical appearance: 67870-67875

(1) Arterial injection; 67876

(2) Cavity treatment; 67877

(3) Hypodermic tissue injection. 67878

(B) "Funeral business" means a sole proprietorship, partnership, corporation, limited liability company, or other business entity that is engaged in funeral directing for profit or for free from one or more funeral homes licensed under this chapter. 67879-67883

(C) "Funeral directing" means the business or profession of directing or supervising funerals for profit from one or more funeral homes licensed under this chapter, the arrangement or sale of funeral services, the filling out or execution of a funeral service contract, the business or profession of preparing dead human bodies for burial by means other than embalming, the disposition of dead human bodies, the provision or maintenance of a place for the preparation, the care, or disposition of dead human bodies, the use in connection with a business of the term "funeral director," "undertaker," "mortician," or any other term from which can be implied the business of funeral directing, or the holding out to the public that one is a funeral director or a disposer of dead human bodies. 67884-67896

(D) "Funeral home" means a fixed place for the care, preparation for burial, or disposition of dead human bodies or the conducting of funerals. Each business location is a funeral home, regardless of common ownership or management. 67897-67900

(E) "Embalmer" means a person who engages, in whole or in part, in embalming and who is licensed under this chapter. 67901
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(F) "Funeral director" means a person who engages, in whole or in part, in funeral directing and who is licensed under this chapter. 67903
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(G) "Final disposition" has the same meaning as in division (J) of section 3705.01 of the Revised Code. 67906
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(H) "Supervision" means the operation of all phases of the business of funeral directing or embalming under the specific direction of a licensed funeral director or licensed embalmer. 67908
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(I) "Direct supervision" means the physical presence of a licensed funeral director or licensed embalmer while the specific functions of the funeral or embalming are being carried out. 67911
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(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies. 67914
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(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section 3734.05 of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B)(3) of that section authorizing the facility to also treat infectious wastes, in connection with the incineration of body parts other than dead human bodies that were donated to science for purposes of medical education or research. 67918
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(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber. 67929
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(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.

(N) "Cremation chamber" means the enclosed space within which cremation takes place.

(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may include the residue of any foreign matter such as casket material, dental work, or eyeglasses that were cremated with the human or animal remains.

(P) "Lapsed license" means a license issued under this chapter that has become invalid because of the failure of the licensee to renew the license within the time limits prescribed under this chapter.

(Q) "~~Operator of a crematory facility~~ Crematory operator" means the ~~sole proprietorship, partnership, corporation, limited liability company, or other business entity responsible for the overall operation of~~ person who engages, in whole or in part, in cremation from one or more crematories licensed under this chapter and who has been issued a crematory facility operator permit under this chapter.

(R) "Processing" means the reduction of identifiable bone fragments to unidentifiable bone fragments through manual or mechanical means after the completion of the cremation process.

(S) "Pulverization" means the reduction of identifiable bone fragments to granulated particles by manual or mechanical means after the completion of the cremation process.

(T) "Preneed funeral contract" means a written agreement, contract, or series of contracts to sell or otherwise provide any funeral services, funeral goods, or any combination thereof to be

used in connection with the funeral or final disposition of a dead 67962
human body, where payment for the goods or services is made either 67963
outright or on an installment basis, prior to the death of the 67964
person purchasing the goods or services or for whom the goods or 67965
services are purchased. "Preneed funeral contract" does not 67966
include any preneed cemetery merchandise and services contract or 67967
any agreement, contract, or series of contracts pertaining to the 67968
sale of any burial lot, burial or interment right, entombment 67969
right, or columbarium right with respect to which an endowment 67970
care fund is established or is exempt from establishment pursuant 67971
to section 1721.21 of the Revised Code. 67972

For the purposes of division (T) of this section, "funeral 67973
goods" includes caskets. 67974

(U) "Purchaser" means the individual who has purchased and 67975
financed a preneed funeral contract, and who may or may not be the 67976
contract beneficiary. 67977

(V) "Contract beneficiary" means the individual for whom 67978
funeral goods and funeral services are provided pursuant to a 67979
preneed funeral contract. 67980

(W) "Seller" means any person that enters into a preneed 67981
funeral contract with a purchaser for the provision of funeral 67982
goods, funeral services, or both. 67983

(X) "Felony" means a criminal act classified as a felony by 67984
this state, any other state, or federal law. 67985

Sec. 4717.02. (A) There is hereby created the board of 67986
embalmers and funeral directors consisting of seven members to be 67987
appointed by the governor with the advice and consent of the 67988
senate. Five members shall be licensed ~~embalmers and~~ practicing 67989
funeral directors, each with four of which shall also be licensed 67990
embalmers. Each of the funeral director members shall have at 67991

least ten consecutive years of experience in this state 67992
immediately preceding the date of the person's appointment+. In 67993
addition, one of ~~these~~ the funeral director members shall hold a 67994
crematory operator permit and be knowledgeable and experienced in 67995
operating a crematory. Two members shall represent the public; at 67996
least one of these members shall be at least sixty years of age. 67997

(B) Terms of office are for five years, commencing on the 67998
first day of July and ending on the last day of June. Each member 67999
shall hold office from the date of the member's appointment until 68000
the end of the term for which the member was appointed. Before 68001
entering upon the duties of the office, each member shall take and 68002
file with the secretary of state an oath of office as required by 68003
Section 7 of Article XV, Ohio Constitution. 68004

(C) The governor may remove a member of the board for neglect 68005
of duty, incompetency, or immoral conduct. Vacancies shall be 68006
filled in the manner provided for original appointments. Any 68007
member appointed to fill a vacancy occurring prior to the 68008
expiration date of the term for which the member's predecessor was 68009
appointed shall hold office as a member for the remainder of that 68010
term. A member shall continue in office subsequent to the 68011
expiration date of the member's term until the member's successor 68012
takes office, or until a period of sixty days has elapsed, 68013
whichever occurs first. 68014

(D) Each member of the board shall receive an amount fixed 68015
under division (J) of section 124.15 of the Revised Code for each 68016
day, not to exceed sixty days per year, employed in the discharge 68017
of the member's duties as a board member, together with any 68018
necessary expenses incurred in the performance of those duties. 68019

Sec. 4717.03. (A) Members of the board of embalmers and 68020
funeral directors shall annually in July, or within thirty days 68021
after the senate's confirmation of the new members appointed in 68022

that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license.

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or ~~operator of a crematory facility~~ operator in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator of a, embalming facility, funeral home, or crematory facility in this state, for

the purposes of inspecting the facility and premises; the license, 68054
permit, and registration of embalmers and, funeral directors, and 68055
crematory operators operating in the facility; and the license of 68056
the funeral home, embalming facility, or crematory facility and 68057
perform any other duties delegated to the inspector by the board 68058
or assigned to the inspector by the executive director. The 68059
executive director may enter the facility or premises of a funeral 68060
home, embalming facility, or crematory for the purpose of an 68061
inspection if accompanied by an inspector or, if an inspector is 68062
not available, when a situation presents a danger of immediate and 68063
serious harm to the public. 68064

(E) The president of the board shall designate three of the 68065
board's members to serve on the crematory review board, which is 68066
hereby created, for such time as the president finds appropriate 68067
to carry out the provisions of this chapter. Those members of the 68068
crematory review board designated by the president to serve and 68069
three members designated by the cemetery dispute resolution 68070
commission shall designate, by a majority vote, one person who 68071
holds a crematory operator permit, who is experienced in the 68072
operation of a crematory facility, and who is not affiliated with 68073
a cemetery or a funeral home to serve on the crematory review 68074
board for such time as the crematory review board finds 68075
appropriate. Members serving on the crematory review board shall 68076
not receive any additional compensation for serving on the board, 68077
but may be reimbursed for their actual and necessary expenses 68078
incurred in the performance of official duties as members of the 68079
board. Members of the crematory review board shall designate one 68080
from among its members to serve as a chairperson for such time as 68081
the board finds appropriate. Costs associated with conducting an 68082
adjudicatory hearing in accordance with division (F) of this 68083
section shall be paid from funds available to the board of 68084
embalmers and funeral directors. 68085

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of

its proceedings, to the board of embalmers and funeral directors. 68117
The board of embalmers and funeral directors shall serve a copy of 68118
the written report of the crematory review board's findings and 68119
advisory recommendations on the party to the adjudication or the 68120
party's attorney, by certified mail, within five days after 68121
receiving the report and advisory recommendations. A party may 68122
file objections to the written report with the board of embalmers 68123
and funeral directors within ten days after receiving the report. 68124
No written report is final or appealable until it is issued as a 68125
final order by the board of embalmers and funeral directors and 68126
entered on the record of the proceedings. The board of embalmers 68127
and funeral directors shall consider objections filed by the party 68128
prior to issuing a final order. After reviewing the findings and 68129
advisory recommendations of the crematory review board, the 68130
written transcript of the crematory review board's proceedings, 68131
and any objections filed by a party, the board of embalmers and 68132
funeral directors shall issue a final order in the matter. Any 68133
party may appeal the final order issued by the board of embalmers 68134
and funeral directors in a matter described in divisions (F)(1) to 68135
(4) of this section in accordance with section 119.12 of the 68136
Revised Code, except that the appeal may be made to the court of 68137
common pleas in the county in which is located the crematory 68138
facility to which the final order pertains, or in the county in 68139
which the party resides. 68140

(G) On its own initiative or on receiving a written complaint 68141
from any person whose identity is made known to the board of 68142
embalmers and funeral directors, the board shall investigate the 68143
acts or practices of any person holding or claiming to hold a 68144
license, permit, or registration under this chapter that, if 68145
proven to have occurred, would violate this chapter or any rules 68146
adopted under it. The board may compel witnesses by subpoena to 68147
appear and testify in relation to investigations conducted under 68148
this chapter and may require by subpoena duces tecum the 68149

production of any book, paper, or document pertaining to an 68150
investigation. If a person does not comply with a subpoena or 68151
subpoena duces tecum, the board may apply to the court of common 68152
pleas of any county in this state for an order compelling the 68153
person to comply with the subpoena or subpoena duces tecum, or for 68154
failure to do so, to be held in contempt of court. 68155

(H) If, as a result of its investigation conducted under 68156
division (G) of this section, the board of embalmers and funeral 68157
directors has reasonable cause to believe that the person 68158
investigated is violating any provision of this chapter or any 68159
rules adopted under this chapter governing or in connection with 68160
embalming, funeral directing, cremation, funeral homes, embalming 68161
facilities, or cremation facilities, or the operation of funeral 68162
homes ~~or~~, embalming facilities, or crematory facilities, it may, 68163
after providing the opportunity for an adjudicatory hearing, issue 68164
an order directing the person to cease the acts or practices that 68165
constitute the violation. The board shall conduct the adjudicatory 68166
hearing in accordance with Chapter 119. of the Revised Code except 68167
that, notwithstanding the provisions of that chapter, the 68168
following shall apply: 68169

(1) The board shall send the notice informing the person of 68170
the person's right to a hearing by certified mail. 68171

(2) The person is entitled to a hearing only if the person 68172
requests a hearing and if the board receives the request within 68173
thirty days after the mailing of the notice described in division 68174
(H)(1) of this section. 68175

(3) A stenographic record shall be taken, in the manner 68176
prescribed in section 119.09 of the Revised Code, at every 68177
adjudicatory hearing held under this section, regardless of 68178
whether the record may be the basis of an appeal to a court. 68179

(I) If, as a result of its investigation conducted under 68180

division (G) of this section, the board of embalmers and funeral 68181
directors has reasonable cause to believe that the person 68182
investigated is violating any provision of this chapter or any 68183
rules adopted under this chapter governing or in connection with 68184
crematory operators, crematory facilities, or cremation, the board 68185
shall send written notice of the alleged violation to the 68186
crematory review board. If, after the conclusion of the 68187
adjudicatory hearing in the matter conducted under division (F) of 68188
this section, the board of embalmers and funeral directors finds 68189
that a person is in violation of any provision of this chapter or 68190
any rules adopted under this chapter governing or in connection 68191
with crematory operators, crematory facilities, or cremation, the 68192
board may issue a final order under that division directing the 68193
person to cease the acts or practices that constitute the 68194
violation. 68195

(J) The board of embalmers and funeral directors may bring a 68196
civil action to enjoin any violation or threatened violation of 68197
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 68198
under any of those sections; division (A) or (B) of section 68199
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 68200
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 68201
division (D)(1) of section 4717.27; divisions (A) to (C) of 68202
section 4717.28, or division (D) or (E) of section 4717.31 of the 68203
Revised Code. The action shall be brought in the county where the 68204
violation occurred or the threatened violation is expected to 68205
occur. At the request of the board, the attorney general shall 68206
represent the board in any matter arising under this chapter. 68207

(K) The board of embalmers and funeral directors and the 68208
crematory review board may issue subpoenas for ~~funeral directors~~ 68209
~~and embalmers or persons holding themselves out as such, for~~ 68210
~~operators of crematory facilities~~ any person holding a license or 68211
permit under this chapter or persons holding themselves out as 68212

such, or for any other person whose testimony, in the opinion of 68213
either board, is necessary. The subpoena shall require the person 68214
to appear before the appropriate board or any designated member of 68215
either board, upon any hearing conducted under this chapter. The 68216
penalty for disobedience to the command of such a subpoena is the 68217
same as for refusal to answer such a process issued under 68218
authority of the court of common pleas. 68219

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 68220
Code, all moneys received by the board of embalmers and funeral 68221
directors from any source shall be deposited in the state treasury 68222
to the credit of the occupational licensing and regulatory fund 68223
created in section 4743.05 of the Revised Code. 68224

(M) The board of embalmers and funeral directors shall submit 68225
a written report to the governor on or before the first Monday of 68226
July of each year. This report shall contain a detailed statement 68227
of the nature and amount of the board's receipts and the amount 68228
and manner of its expenditures. 68229

Sec. 4717.04. (A) The board of embalmers and funeral 68230
directors shall adopt rules in accordance with Chapter 119. of the 68231
Revised Code for the government, transaction of the business, and 68232
the management of the affairs of the board of embalmers and 68233
funeral directors and the crematory review board, and for the 68234
administration and enforcement of this chapter. These rules shall 68235
include all of the following: 68236

(1) The nature, scope, content, and form of the application 68237
that must be completed and license examination that must be passed 68238
in order to receive an embalmer's license or a funeral director's 68239
license under section 4717.05 of the Revised Code. The rules shall 68240
ensure both of the following: 68241

(a) That the embalmer's license examination tests the 68242
applicant's knowledge through at least a comprehensive section and 68243

an Ohio laws section; 68244

(b) That the funeral director's license examination tests the 68245
applicant's knowledge through at least a comprehensive section, an 68246
Ohio laws section, and a sanitation section. 68247

(2) The minimum license examination score necessary to be 68248
licensed under section 4717.05 of the Revised Code as an embalmer 68249
or as a funeral director; 68250

(3) Procedures for determining the dates of the embalmer's 68251
and funeral director's license examinations, which shall be 68252
administered at least once each year, the time and place of each 68253
examination, and the supervision required for each examination; 68254

(4) Procedures for determining whether the board shall accept 68255
an applicant's compliance with the licensure, registration, or 68256
certification requirements of another state as grounds for 68257
granting the applicant a license under this chapter; 68258

(5) A determination of whether completion of a nationally 68259
recognized embalmer's or funeral director's examination 68260
sufficiently meets the license requirements for the comprehensive 68261
section of either the embalmer's or the funeral director's license 68262
examination administered under this chapter; 68263

(6) Continuing education requirements for licensed embalmers 68264
and funeral directors; 68265

(7) Requirements for the licensing and operation of funeral 68266
homes; 68267

(8) Requirements for the licensing and operation of embalming 68268
facilities; 68269

(9) A schedule that lists, and specifies a forfeiture 68270
commensurate with, each of the following types of conduct which, 68271
for the purposes of division (A)(9) of this section and section 68272
4717.15 of the Revised Code, are violations of this chapter: 68273

(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	68274 68275 68276
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	68277 68278 68279 68280 68281 68282
(c) Committing unprofessional conduct;	68283
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	68284 68285 68286 68287
(e) Refusing to promptly submit the custody of a dead human body <u>or cremated remains</u> upon the express order of the person legally entitled to the body;	68288 68289 68290
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	68291 68292 68293 68294
(g) Misleading the public using false or deceptive advertising;	68295 68296
<u>(h) Failing to forward to the board on or before its due date the annual report of preneed funeral sales required by division (J) of section 4717.31 of the Revised Code. If the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.</u>	68297 68298 68299 68300 68301 68302 68303 68304

Each instance of the commission of any of the types of 68305
conduct described in ~~divisions~~ division (A)(9)(a), ~~(b)~~, ~~(c)~~, ~~(d)~~, 68306
~~(e)~~, ~~(f)~~, and ~~(g)~~ of this section is a separate violation. The 68307
rules adopted under division (A)(9) of this section shall 68308
establish the amount of the forfeiture for a violation of each of 68309
those divisions. The forfeiture for a first violation shall not 68310
exceed five thousand dollars, and the forfeiture for a second or 68311
subsequent violation shall not exceed ten thousand dollars. The 68312
amount of the forfeiture may differ among the types of violations 68313
according to what the board considers the seriousness of each 68314
violation. 68315

(10) Requirements for the licensing and operation of 68316
crematory facilities; 68317

(11) Procedures for the board to take possession of and to 68318
arrange the lawful disposition of unclaimed cremated remains that 68319
were held or stored at a funeral home or crematory that has been 68320
closed; 68321

(12) Procedures for the issuance of duplicate licenses; 68322

~~(12)~~(13) Requirements for criminal records checks of 68323
applicants under section 4776.03 of the Revised Code; 68324

~~(13)~~(14) The amount and content of corrective action courses 68325
required by the board under section 4717.14 of the Revised Code. 68326

(B) The board may adopt rules governing the educational 68327
standards for licensure as an embalmer or funeral director, or 68328
obtaining a permit to be a crematory operator, and the standards 68329
of service and practice to be followed in embalming ~~and~~, funeral 68330
directing, and cremation, and in the operation of funeral homes, 68331
embalming facilities, and crematory facilities in this state. 68332

(C) Nothing in this chapter authorizes the board of embalmers 68333
and funeral directors to regulate cemeteries, except that the 68334
board shall license and regulate ~~crematories~~ funeral homes, 68335

embalming facilities, and crematory facilities located at 68336
cemeteries in accordance with this chapter. 68337

Sec. 4717.05. (A) Any person who desires to be licensed as an 68338
embalmer shall apply to the board of embalmers and funeral 68339
directors on a form provided by the board. The applicant shall 68340
include with the application an initial license fee as set forth 68341
in section 4717.07 of the Revised Code and evidence, verified by 68342
oath and satisfactory to the board, that the applicant meets all 68343
of the following requirements: 68344

(1) The applicant is at least eighteen years of age and of 68345
good moral character. 68346

(2) If the applicant has pleaded guilty to, has been found by 68347
a judge or jury to be guilty of, or has had a judicial finding of 68348
eligibility for treatment in lieu of conviction entered against 68349
the applicant in this state for aggravated murder, murder, 68350
voluntary manslaughter, felonious assault, kidnapping, rape, 68351
sexual battery, gross sexual imposition, aggravated arson, 68352
aggravated robbery, or aggravated burglary, or has pleaded guilty 68353
to, has been found by a judge or jury to be guilty of, or has had 68354
a judicial finding of eligibility for treatment in lieu of 68355
conviction entered against the applicant in another jurisdiction 68356
for a substantially equivalent offense, at least five years has 68357
elapsed since the applicant was released from incarceration, a 68358
community control sanction, a post-release control sanction, 68359
parole, or treatment in connection with the offense. 68360

(3) The applicant holds at least a bachelor's degree from a 68361
college or university authorized to confer degrees by the ~~Ohio~~ 68362
~~board~~ department of ~~regents~~ higher education or the comparable 68363
legal agency of another state in which the college or university 68364
is located and submits an official transcript from that college or 68365
university with the application. 68366

(4) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard set forth in division (A)(3) of this section.

(5) The applicant has registered with the board prior to beginning an embalmer apprenticeship.

(6) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has ~~assisted that person~~ participated in embalming at least twenty-five dead human bodies.

(7) The applicant, upon meeting the educational standards provided for in divisions (A)(3) and (4) of this section and completing the apprenticeship required in division (A)(6) of this section, has completed the examination for an embalmer's license required by the board.

(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form ~~provided~~ prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A)(1) to (4)

of this section. 68398

(2) The applicant has registered with the board prior to 68399
beginning a funeral director apprenticeship. 68400

(3) The applicant, following mortuary science college 68401
training described in division (A)(4) of this section, has 68402
satisfactorily completed a one-year apprenticeship under a 68403
licensed funeral director in this state and has ~~assisted that~~ 68404
~~person~~ participated in directing at least twenty-five funerals. 68405

(4) The applicant has satisfactorily completed the 68406
examination for a funeral director's license as required by the 68407
board. 68408

(D) In lieu of mortuary science college training required for 68409
a funeral director's license under division (C)(1) of this 68410
section, the applicant may substitute a satisfactorily completed 68411
two-year apprenticeship under a licensed funeral director in this 68412
state assisting that person in directing at least fifty funerals. 68413

(E) Upon receiving satisfactory evidence that the applicant 68414
meets all the requirements of division (C) of this section, the 68415
board shall issue to the applicant a funeral director's license. 68416

(F) A funeral director or embalmer may request the funeral 68417
director's or embalmer's license be placed on inactive status by 68418
submitting to the board a form prescribed by the board and such 68419
other information as the board may request. A funeral director or 68420
embalmer may not place the funeral director's or embalmer's 68421
license on inactive status unless the funeral director or embalmer 68422
is in good standing with the board and is in compliance with 68423
applicable continuing education requirements. A funeral director 68424
or embalmer who is granted inactive status is prohibited from 68425
participating in any activity for which a funeral director's or 68426
embalmer's license is required in this state. A funeral director 68427
or embalmer who has been granted inactive status is exempt from 68428

the continuing education requirements under section 4717.09 of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted. Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

(1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;

(2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;

(3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty dollars for each license being reactivated.

(H) As used in this section:

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

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

Sec. 4717.051. (A) Any person who desires to obtain a permit as a crematory operator shall apply to the board of embalmers and funeral directors on a form prescribed by the board. The applicant shall include with the application the initial permit fee set forth in section 4717.07 of the Revised Code and evidence, verified under oath and satisfactory to the board, that the applicant satisfies all of the following requirements:

(1) The applicant is at least eighteen years of age and of good moral character.

(2) If the applicant has pleaded guilty to, or has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense. 68459
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(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program. 68473
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(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator. 68477
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(C) The board of embalmers and funeral directors may revoke or suspend a crematory operator permit or subject a crematory operator permit holder to discipline in accordance with the laws, rules, and procedures applicable to licensees under this chapter. 68482
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Sec. 4717.06. (A)(1) ~~Any person~~ A licensed funeral director who desires to obtain a license to operate a funeral home, a licensed embalmer who desires to obtain a license to operate an embalming facility, or a holder of a crematory operator permit who 68486
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desires to obtain a license to operate a crematory facility shall 68490
apply to the board of embalmers and funeral directors on a form 68491
~~provided~~ prescribed by the board. The application shall include 68492
the initial license application fee set forth in section 4717.07 68493
of the Revised Code and proof satisfactory to the board that the 68494
funeral home, embalming facility, or crematory facility is in 68495
compliance with rules adopted by the board under section 4717.04 68496
of the Revised Code, rules adopted by the board of building 68497
standards under Chapter 3781. of the Revised Code, and all other 68498
federal, state, and local requirements relating to the safety of 68499
the premises. 68500

(2) If the funeral home, embalming facility, or crematory 68501
facility to which the license application pertains is owned by a 68502
corporation or limited liability company, the application shall 68503
include the name and address of the corporation's or limited 68504
liability company's statutory agent appointed under section 68505
1701.07 or 1705.06 of the Revised Code or, in the case of a 68506
foreign corporation, the corporation's designated agent appointed 68507
under section 1703.041 of the Revised Code. If the funeral home, 68508
embalming facility, or crematory facility to which the application 68509
pertains is owned by a partnership, the application shall include 68510
the name and address of each of the partners. If, at any time 68511
after the submission of a license application or issuance of a 68512
license, the statutory or designated agent of a corporation or 68513
limited liability company owning a funeral home, embalming 68514
facility, or crematory facility or the address of the statutory or 68515
designated agent changes or, in the case of a partnership, any of 68516
the partners of the funeral home, embalming facility, or crematory 68517
facility or the address of any of the partners changes, the 68518
applicant for or holder of the license to operate the funeral 68519
home, embalming facility, or crematory facility shall submit 68520
written notice to the board, within thirty days after the change, 68521
informing the board of the change and of any name or address of a 68522

statutory or designated agent or partner that has changed from 68523
that contained in the application for the license or the most 68524
recent notice submitted under division (A)(2) of this section. 68525

(B)(1) The board of embalmers and funeral directors shall 68526
issue a license to operate a funeral home only to a licensed 68527
funeral director who is named in the application as the funeral 68528
director actually in charge and ultimately responsible for the 68529
funeral home. The board shall issue the license only for the 68530
address at which the funeral home is physically located and 68531
operated. The funeral home license and licenses of the embalmers 68532
and funeral directors employed by the funeral home shall be 68533
displayed in a conspicuous place within the funeral home. The name 68534
of the funeral director to whom the funeral home license has been 68535
issued shall be conspicuously displayed immediately on the outside 68536
or the inside of the primary entrance to the funeral home that is 68537
used by the public. 68538

(2) The funeral home shall have on the premises one of the 68539
following: 68540

(a) If embalming will take place at the funeral home, an 68541
embalming room that is adequately equipped and maintained. The 68542
embalming room shall be kept in a clean and sanitary manner and 68543
used only for the embalming, preparation, or holding of dead human 68544
bodies. The embalming room shall contain only the articles, 68545
facilities, and instruments necessary for those purposes. 68546

(b) If embalming will not take place at the funeral home, a 68547
holding room that is adequately equipped and maintained. The 68548
holding room shall be kept in a clean and sanitary manner and used 68549
only for the preparation, other than embalming, and holding of 68550
dead human bodies. The holding room shall contain only the 68551
articles and facilities necessary for those purposes. 68552

(3) ~~Except as provided in division (B) of section 4717.11 of~~ 68553

~~the Revised Code, a funeral home shall be established and operated 68554
only under the name of a holder of a funeral director's license 68555
issued by the board who is actually in charge of and ultimately 68556
responsible for the funeral home, and a funeral home license shall 68557
not include directional or geographical references in the name of 68558
the funeral home. The holder of the funeral home license shall be 68559
a funeral director licensed under this chapter who is actually in 68560
charge of and ultimately responsible for the funeral home. Nothing 68561
in division (B)(3) of this section prohibits the holder of a 68562
funeral home license from including directional or geographical 68563
references in promotional or advertising materials identifying the 68564
location of the funeral home. 68565~~

~~(4) Each funeral home shall be directly supervised by a 68566
funeral director licensed under this chapter, who may supervise 68567
more than one funeral home. 68568~~

~~(C)(1) The board shall issue a license to operate an 68569
embalming facility only to a licensed embalmer who is actually in 68570
charge of and ultimately responsible for the embalming facility. 68571
The board shall issue the license only for the address at which 68572
the embalming facility is physically located and operated. The 68573
license shall be displayed in a conspicuous place within the 68574
facility. The name of the embalmer to whom the embalming facility 68575
license has been issued shall be conspicuously displayed on the 68576
outside or inside of the primary entrance to the embalming 68577
facility. 68578~~

~~(2) The embalming facility shall be adequately equipped and 68579
maintained in a sanitary manner. The embalming room at such a 68580
facility shall contain only the articles, facilities, and 68581
instruments necessary for its stated purpose. The embalming room 68582
shall be kept in a clean and sanitary condition and used only for 68583
the care and preparation of dead human bodies. 68584~~

~~(3) An embalming facility license shall be issued only to an 68585~~

~~embalmer licensed under division (B) of section 4717.05 of the Revised Code, who is actually in charge of the facility.~~ 68586
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(D)(1) The board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility. The name of the crematory operator to whom the crematory facility license has been issued shall be conspicuously displayed on the outside or inside of the primary entrance to the crematory facility. 68588
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(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area. Cremation chambers used for the cremation of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only. 68598
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(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter. 68613
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(4) Nothing in this section or rules adopted under section 68618
4717.04 of the Revised Code precludes the establishment and 68619
operation of a crematory facility on or adjacent to the property 68620
on which a cemetery, funeral home, or embalming facility is 68621
located. 68622

Sec. 4717.07. (A) The board of embalmers and funeral 68623
directors shall charge and collect the following fees: 68624

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial 68625
renewal of an embalmer's or funeral director's license, one 68626
hundred fifty dollars; 68627

(2) For ~~the issuance of~~ applying for an embalmer or funeral 68628
director registration, twenty-five dollars; 68629

(3) For filing an embalmer or funeral director certificate of 68630
apprenticeship, ten dollars; 68631

(4) For the application to take the examination for a license 68632
to practice as an embalmer or funeral director, or to retake a 68633
section of the examination, thirty-five dollars; 68634

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to 68635
operate a funeral home, three hundred fifty dollars and biennial 68636
renewal of a license to operate a funeral home, three hundred 68637
fifty dollars; 68638

(6) For the reinstatement of a lapsed embalmer's or funeral 68639
director's license, the renewal fee prescribed in division (A)(1) 68640
of this section plus fifty dollars for each month or portion of a 68641
month the license is lapsed, but not more than one thousand 68642
dollars; 68643

(7) For the reinstatement of a lapsed license to operate a 68644
funeral home, the renewal fee prescribed in division (A)(5) of 68645
this section plus fifty dollars for each month or portion of a 68646
month the license is lapsed until reinstatement, but not more than 68647

one thousand dollars; 68648

(8) For ~~the initial issuance of~~ applying for a license to 68649
operate an embalming facility, three hundred fifty dollars and 68650
biennial renewal of a license to operate an embalming facility, 68651
three hundred fifty dollars; 68652

(9) For the reinstatement of a lapsed license to operate an 68653
embalming facility, the renewal fee prescribed in division (A)(8) 68654
of this section plus fifty dollars for each month or portion of a 68655
month the license is lapsed until reinstatement, but not more than 68656
one thousand dollars; 68657

(10) For ~~the initial issuance of~~ applying for a license to 68658
operate a crematory facility, three hundred fifty dollars and 68659
biennial renewal of a license to operate a crematory facility, 68660
three hundred fifty dollars; 68661

(11) For the reinstatement of a lapsed license to operate a 68662
crematory facility, the renewal fee prescribed in division (A)(10) 68663
of this section plus fifty dollars for each month or portion of a 68664
month the license is lapsed until reinstatement, but not more than 68665
five hundred dollars; 68666

(12) For applying for the initial or biennial renewal of a 68667
crematory operator permit, one hundred dollars; 68668

(13) For the reinstatement of a lapsed crematory operator 68669
permit, the renewal fee prescribed in division (A)(12) of this 68670
section plus fifty dollars for each month or portion of a month 68671
the permit is lapsed, but not more than five hundred dollars; 68672

(14) For the issuance of a duplicate of a license issued 68673
under this chapter, ten dollars; 68674

(15) For each preneed funeral contract sold in the state 68675
other than those funded by the assignment of an existing insurance 68676
policy, ten dollars. 68677

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4717.08. (A) Every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.

(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility or a crematory operator permit may reinstate the license or permit with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses.

The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) A person holding a courtesy card permit issued under section 4717.10 of the Revised Code is not required to satisfy the continuing education requirements specified in division (A) of this section as a condition of renewal of the permit.

(D) A crematory operator shall maintain an active certification from a crematory operator certification program as a condition for renewal of the permit.

(E) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted ~~a waiver or~~ an exemption under division ~~(D)~~(F) or ~~(E)~~(G) of this section.

~~(D)~~(F) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for ~~a waiver or~~ an exemption.

~~(E) A (G) Any~~ licensee who has been an embalmer or a funeral 68739
director for not less than fifty years and who is not ~~actually~~ 68740
actively in charge ~~of an embalming facility or a manager or~~ 68741
~~actually in charge of~~ and ultimately responsible for a funeral 68742
home or embalming facility in this state may apply to the board 68743
for an exemption. 68744

~~(F) The board shall determine, by rule, the procedures for~~ 68745
~~applying for a waiver or an exemption from the~~ continuing 68746
education requirements ~~under~~ specified in division (A) of this 68747
~~section and under what conditions a waiver or an exemption may be~~ 68748
~~granted.~~ 68749

(H) The board shall not renew the crematory operator permit 68750
of an individual who fails to satisfy the certification 68751
requirement of division (D) of this section. 68752

Sec. 4717.10. (A) The board of embalmers and funeral 68753
directors may recognize licenses issued to embalmers and funeral 68754
directors by other states, and upon presentation of such licenses, 68755
may issue to the holder an embalmer's or funeral director's 68756
license under this chapter. The board shall charge the same fee as 68757
prescribed in section 4717.07 of the Revised Code to issue or 68758
renew such an embalmer's or funeral director's license. Such 68759
licenses shall be renewed biennially as provided in section 68760
4717.08 of the Revised Code. The board shall not issue a license 68761
to any person under division (A) of this section unless the 68762
applicant proves that the applicant, in the state in which the 68763
applicant is licensed, has complied with requirements 68764
substantially equal to those established in section 4717.05 of the 68765
Revised Code. 68766

(B) The board of embalmers and funeral directors may issue 68767
courtesy card permits. A courtesy card permit holder shall be 68768
authorized to undertake both the following acts in this state: 68769

(1) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;	68770 68771 68772 68773
(2) Supervise and conduct funeral ceremonies, interments, and entombments in this state.	68774 68775
(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card permit may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy card permits to funeral directors licensed in this state. A courtesy card permit holder shall comply with all applicable laws and rules of this state while engaged in any acts of funeral directing in this state. The board may revoke or suspend a courtesy card permit or subject a courtesy card permit holder to discipline in accordance with the laws, rules, and procedures applicable to funeral director-licensees <u>directors</u> under this chapter. Applicants for courtesy card permits shall apply on forms prescribed by the board, pay a biennial fee set by the board for initial applications and renewals, and adhere to such other requirements imposed by the board on courtesy card permit holders.	68776 68777 68778 68779 68780 68781 68782 68783 68784 68785 68786 68787 68788 68789 68790 68791
(D) No courtesy card permit holder shall be authorized to undertake any of the following activities in this state:	68792 68793
(1) Arranging funerals or disposition services with members of the public in this state;	68794 68795
(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	68796 68797
(3) Advertise funeral or disposition services in this state;	68798
(4) Enter into or execute funeral or disposition contracts in this state;	68799 68800

(5) Prepare or embalm deceased human remains in this state; 68801

(6) Arrange for or carry out the disinterment of human 68802
remains in this state. 68803

(E) As used in this section, "courtesy card permit" means a 68804
special permit that may be issued to a funeral director licensed 68805
in a state that borders this state and who does not hold a funeral 68806
director's license under this chapter. 68807

Sec. 4717.11. (A)(1) A person who is licensed to operate a 68808
funeral home shall ~~obtain a new~~ surrender that person's license 68809
~~upon any to operate a funeral home within thirty days after a~~ 68810
change in any of the following: 68811

(a) The location of the funeral home ~~or any change in~~ 68812
~~ownership of the funeral;~~ 68813

(b) The person who is actually in charge and ultimately 68814
responsible for the funeral home; 68815

(c) Ownership of the funeral home business that owns the 68816
funeral home that results in a majority of the ownership of the 68817
funeral business being held by one or more persons who solely or 68818
in combination with others did not own a majority of the funeral 68819
business immediately prior to the change in ownership. ~~The person~~ 68820
~~licensed to operate the funeral home shall surrender the current~~ 68821
~~license to the board within~~ 68822

(2) Within thirty days after ~~any such a~~ change described in 68823
division (A)(1) of this section occurs. ~~If a funeral home is sold,~~ 68824
the ~~new~~ funeral director who will be actually in charge and 68825
ultimately responsible for the funeral home after the change shall 68826
apply for a ~~license within thirty days after the date of the~~ 68827
~~closing of the purchase of the~~ new funeral home license. Upon the 68828
filing of an application for a funeral home license by a licensed 68829
funeral director, the funeral home may continue to operate until 68830

the board denies the funeral home's application. 68831

~~(B) When the funeral director who is licensed to operate a funeral home ceases to operate the home because of death, resignation, employment termination, sale of the funeral home, or any other reason, the funeral home may continue to operate under that person's name, provided that the name of the new person licensed to operate the funeral home is added to the license within twenty four months after the previous license holder dies or otherwise ceases to operate the funeral home. The new licensee shall meet the requirements of section 4717.06 of the Revised Code.~~ 68832
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~~(C) A person who is licensed to operate an embalming facility shall obtain a new license upon any change in~~ 68842
(1) A person who is licensed to operate an embalming facility shall surrender that person's license to operate an embalming facility within thirty days after a change in any of the following: 68843
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(a) The location of the embalming facility ~~or any change in ownership;~~ 68847
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(b) The person who is actually in charge and ultimately responsible for the embalming facility; 68849
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(c) Ownership of the business entity that owns the embalming facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately prior to the change in ownership. ~~The person licensed to operate the facility shall surrender the current license to the board within thirty days after any such change occurs.~~ 68851
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~~(D) A person who is licensed to operate a crematory facility shall obtain a new license upon any change in location of the crematory facility or any change in ownership of the business~~ 68859
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~~entity operating the facility that results in a majority of the 68862
ownership of the business entity being held by one or more persons 68863
who solely or in combination with others did not own a majority of 68864
the business entity immediately prior to the change in ownership. 68865
The person licensed to operate the crematory facility shall 68866
surrender the current license to the board within thirty days 68867
after any such change occurs. 68868~~

(2) Within thirty days after a change described in division 68869
(B)(1) of this section occurs, the person who will be actually in 68870
charge and ultimately responsible for the embalming facility after 68871
the change shall apply for a new license to operate the embalming 68872
facility. Upon filing of an application for a license to operate 68873
an embalming facility by a licensed embalmer, the embalming 68874
facility may continue to operate until the board denies the 68875
embalming facility's application. 68876

(C)(1) A person who is licensed to operate a crematory 68877
facility shall surrender that person's license to operate a 68878
crematory facility within thirty days after a change in any of the 68879
following: 68880

(a) The location of the crematory facility; 68881

(b) The person who is actually in charge and ultimately 68882
responsible for the crematory facility; 68883

(c) Ownership of the business entity that owns the crematory 68884
facility that results in a majority of the ownership of the 68885
business entity being held by one or more persons who alone or in 68886
combination with others did not own a majority of the business 68887
entity immediately prior to the change in ownership. 68888

(2) Within thirty days after a change described in division 68889
(C)(1) of this section occurs, the person who will be actually in 68890
charge and ultimately responsible for the crematory facility after 68891
the change shall apply for a new license to operate the crematory 68892

facility. Upon the filing of an application for a license to 68893
operate a crematory facility by a person holding a crematory 68894
operator permit, the crematory facility may continue to operate 68895
until the board denies the crematory facility's application. 68896

(D)(1) The board of embalmers and funeral directors shall 68897
review applications for new licenses under section 4717.06 of the 68898
Revised Code. 68899

(2) If the board, upon receiving satisfactory evidence, 68900
determines that the applicant satisfies all of the requirements of 68901
division (A), (B), (C), or (D) of section 4717.06 of the Revised 68902
Code with respect to a particular funeral home, embalming 68903
facility, or crematory facility, the board shall issue to the 68904
applicant a new license to operate that funeral home, embalming 68905
facility, or crematory facility. 68906

Sec. 4717.13. (A) No person shall do any of the following: 68907

(1) Engage in the business or profession of funeral directing 68908
unless the person is licensed as a funeral director under this 68909
chapter, is certified as an apprentice funeral director in 68910
accordance with rules adopted under section 4717.04 of the Revised 68911
Code and ~~is assisting~~ under the supervision of a funeral director 68912
licensed under this chapter, or is a student in a college of 68913
mortuary sciences approved by the board of embalmers and funeral 68914
directors and is under the direct supervision of a funeral 68915
director licensed by the board; 68916

(2) Engage in embalming unless the person is licensed as an 68917
embalmer under this chapter, is certified as an apprentice 68918
embalmer in accordance with rules adopted under section 4717.04 of 68919
the Revised Code and is ~~assisting~~ under the supervision of an 68920
embalmer licensed under this chapter, or is a student in a college 68921
of mortuary science approved by the board and is under the direct 68922
supervision of an embalmer licensed by the board; 68923

(3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance;

(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance;

(5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter;

(6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter;

(7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;

(8) Operate a crematory or perform cremation without a license to operate the crematory issued under this chapter;

(9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated;

(10) Hold a dead human body, before final disposition, for more than forty-eight hours after the time of death unless the dead human body is embalmed or placed into refrigeration and

maintained at a constant temperature of less than forty degrees; 68955

(11) Knowingly refuse to promptly submit the custody of a 68956
dead human body or cremated remains upon the oral or written order 68957
of the person legally entitled to the body or cremated remains; 68958

(12) Except as ordered by the person holding the right of 68959
disposition under section 2108.70 or 2108.81 of the Revised Code, 68960
knowingly fail to carry out the final disposition of a dead human 68961
body within thirty days after taking custody of the body. 68962

(B) No funeral director or other person in charge of the 68963
final disposition of a dead human body shall fail to do one of the 68964
following prior to the interment of the body: 68965

(1) Affix to the ankle or wrist of the deceased a tag encased 68966
in a durable and long-lasting material that contains the name, 68967
date of birth, date of death, and social security number of the 68968
deceased; 68969

(2) Place in the casket a capsule containing a tag bearing 68970
the information described in division (B)(1) of this section; 68971

(3) If the body was cremated, place in the vessel containing 68972
the cremated remains a tag bearing the information described in 68973
division (B)(1) of this section. 68974

(C) No person who holds a funeral home license for a funeral 68975
home that is closed, or that is owned by a funeral business in 68976
which changes in the ownership of the funeral business result in a 68977
majority of the ownership of the funeral business being held by 68978
one or more persons who solely or in combination with others did 68979
not own a majority of the funeral business immediately prior to 68980
the change in ownership, shall fail to submit to the board within 68981
thirty days after the closing or such a change ~~in~~ of ownership of 68982
the funeral business owning the funeral home, a clearly enumerated 68983
account of all of the following from which the licensee, at the 68984
time of the closing or change ~~in~~ of ownership of the funeral 68985

business and in connection with the funeral home, was to receive 68986
payment for providing the funeral services, funeral goods, or any 68987
combination of those in connection with the funeral or final 68988
disposition of a dead human body: 68989

(1) Preneed funeral contracts governed by sections 4717.31 to 68990
4717.38 of the Revised Code; 68991

(2) Life insurance policies or annuities the benefits of 68992
which are payable to the provider of funeral or burial goods or 68993
services; 68994

(3) Accounts at banks or savings banks insured by the federal 68995
deposit insurance corporation, savings and loan associations 68996
insured by the federal savings and loan insurance corporation or 68997
the Ohio deposit guarantee fund, or credit unions insured by the 68998
national credit union administration or a credit union share 68999
guaranty corporation organized under Chapter 1761. of the Revised 69000
Code that are payable upon the death of the person for whose 69001
benefit deposits into the accounts were made. 69002

(D)(1) No person who holds a funeral home license for a 69003
funeral home that is closed shall negligently fail to send written 69004
notice to the purchaser of every preneed funeral contract to which 69005
the funeral business is a party via first class United States 69006
mail. Such notice shall be addressed to the purchaser's last known 69007
address and shall explain that the funeral business is being 69008
closed and the name of any funeral business that has been 69009
designated to assume the obligations of the preneed contract. 69010

(2) Within thirty days of the closing of a funeral home, no 69011
person who held the funeral home license for the closed funeral 69012
home shall negligently fail to transfer all preneed contracts to 69013
the funeral home or funeral homes that have been designated to 69014
assume the obligation of the preneed contracts. If the person who 69015
holds a funeral home license for a funeral home that is closed 69016

fails to designate a successor funeral home or funeral homes to 69017
assume the obligations of the preneed funeral contracts, the board 69018
shall make such designations and order the transfer of the preneed 69019
funeral contracts to the designated funeral home or funeral homes. 69020

Sec. 4717.14. (A) The board of embalmers and funeral 69021
directors may refuse to grant or renew, or may suspend or revoke, 69022
any license or permit issued under this chapter or may require the 69023
holder of a license or permit to take corrective action courses 69024
for any of the following reasons: 69025

(1) The holder of a license was or permit obtained the 69026
license or permit by fraud or misrepresentation either in the 69027
application or in passing the examination. 69028

(2) The applicant ~~or~~, licensee, or permit holder has been 69029
convicted of or has pleaded guilty to a felony or of any crime 69030
involving moral turpitude. 69031

(3) The applicant ~~or~~, licensee, or permit holder has 69032
purposely violated any provision of sections 4717.01 to 4717.15 or 69033
a rule adopted under any of those sections; division (A) or (B) of 69034
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 69035
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 69036
division (D)(1) of section 4717.27; or divisions (A) to (C) of 69037
section 4717.28 of the Revised Code; or any provisions of sections 69038
4717.31 to 4717.38 of the Revised Code; any rule or order of the 69039
department of health or a board of health of a health district 69040
governing the disposition of dead human bodies; or any other rule 69041
or order applicable to the applicant or licensee. 69042

(4) The applicant ~~or~~, licensee, or permit holder has 69043
committed immoral or unprofessional conduct. 69044

(5) The applicant or licensee knowingly permitted an 69045
unlicensed person, other than a person serving an apprenticeship, 69046

to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. 69047
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(6) The applicant ~~or~~, licensee, or permit holder has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs. 69049
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(7) The applicant ~~or~~, licensee, or permit holder has refused to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body or cremated remains. 69052
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(8) The licensee or permit holder loaned the licensee's own license or the permit holder's own permit, or the applicant ~~or~~, licensee, or permit holder borrowed or used the license or permit of another person, or knowingly aided or abetted the granting of an improper license or permit. 69056
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(9) The applicant ~~or~~, licensee ~~transferred a license to operate a funeral home, embalming facility, or crematory from one owner or operator to another, or from one location to another, without notifying the board.~~ 69061
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~~(10) The applicant or licensee, or permit holder misled the public by using false or deceptive advertising. As used in this division, "false and deceptive advertising" includes, but is not limited to, any of the following:~~ 69065
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~~(a) Using the names of persons who are not licensed to practice funeral directing in a way that leads the public to believe that such persons are engaging in funeral directing;~~ 69069
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~~(b) Using any name for the funeral home other than the name under which the funeral home is licensed;~~ 69072
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~~(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and~~ 69074
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continuously used by the funeral home. 69077

(B)(1) The board of embalmers and funeral directors shall 69078
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 69079
~~embalmer's, funeral director's, funeral home, or embalming~~ 69080
~~facility~~ a license or permit only in accordance with Chapter 119. 69081
of the Revised Code. 69082

(2) The board shall send to the crematory review board 69083
written notice that it proposes to refuse to issue or renew, or 69084
proposes to suspend or revoke, a license to operate a crematory 69085
facility. If, after the conclusion of the adjudicatory hearing on 69086
the matter conducted under division (F) of section 4717.03 of the 69087
Revised Code, the board of embalmers and funeral directors finds 69088
that any of the circumstances described in divisions (A)(1) to 69089
~~(10)~~(9) of this section apply to the person named in its proposed 69090
action, the board may issue a final order under division (F) of 69091
section 4717.03 of the Revised Code refusing to issue or renew, or 69092
suspending or revoking, the person's license to operate a 69093
crematory facility. 69094

(C) If the board of embalmers and funeral directors 69095
determines that there is clear and convincing evidence that any of 69096
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 69097
section apply to the holder of a license or permit issued under 69098
this chapter and that the licensee's or permit holder's continued 69099
practice presents a danger of immediate and serious harm to the 69100
public, the board may suspend the licensee's license or permit 69101
holder's permit without a prior adjudicatory hearing. The 69102
executive director of the board shall prepare written allegations 69103
for consideration by the board. 69104

The board, after reviewing the written allegations, may 69105
suspend a license or permit without a prior hearing. 69106

The board shall issue a written order of suspension by a 69107

delivery system or in person in accordance with section 119.07 of 69108
the Revised Code. Such an order is not subject to suspension by 69109
the court during the pendency of any appeal filed under section 69110
119.12 of the Revised Code. If the licensee or permit holder ~~of an~~ 69111
~~embalmer's, funeral director's, funeral home, or embalming~~ 69112
~~facility license~~ requests an adjudicatory hearing by the board, 69113
the date set for the hearing shall be within fifteen days, but not 69114
earlier than seven days, after the licensee or permit holder has 69115
requested a hearing, unless the board and the licensee or permit 69116
holder agree to a different time for holding the hearing. 69117

Upon issuing a written order of suspension to the holder of a 69118
license to operate a crematory facility, the board of embalmers 69119
and funeral directors shall send written notice of the issuance of 69120
the order to the crematory review board. The crematory review 69121
board shall hold an adjudicatory hearing on the order under 69122
division (F) of section 4717.03 of the Revised Code within fifteen 69123
days, but not earlier than seven days, after the issuance of the 69124
order, unless the crematory review board and the licensee agree to 69125
a different time for holding the adjudicatory hearing. 69126

Any summary suspension imposed under this division shall 69127
remain in effect, unless reversed on appeal, until a final 69128
adjudicatory order issued by the board of embalmers and funeral 69129
directors pursuant to this division and Chapter 119. of the 69130
Revised Code, or division (F) of section 4717.03 of the Revised 69131
Code, as applicable, becomes effective. The board of embalmers and 69132
funeral directors shall issue its final adjudicatory order within 69133
sixty days after the completion of its hearing or, in the case of 69134
the summary suspension of a license to operate a crematory 69135
facility, within sixty days after completion of the adjudicatory 69136
hearing by the crematory review board. A failure to issue the 69137
order within that time results in the dissolution of the summary 69138
suspension order, but does not invalidate any subsequent final 69139

adjudicatory order. 69140

(D) If the board of embalmers and funeral directors suspends 69141
or revokes a funeral director's license ~~held by a funeral director~~ 69142
or a license to operate a funeral home for any reason identified 69143
in division (A) of this section, the board may file a complaint 69144
with the court of common pleas in the county where the violation 69145
occurred requesting appointment of a receiver and the 69146
sequestration of the assets of the funeral home that held the 69147
suspended or revoked license or the licensed funeral home that 69148
employs the funeral director that held the suspended or revoked 69149
license. If the court of common pleas is satisfied with the 69150
application for a receivership, the court may appoint a receiver. 69151

The board or a receiver may employ and procure whatever 69152
assistance or advice is necessary in the receivership or 69153
liquidation and distribution of the assets of the funeral home, 69154
and, for that purpose, may retain officers or employees of the 69155
funeral home as needed. All expenses of the receivership or 69156
liquidation shall be paid from the assets of the funeral home and 69157
shall be a lien on those assets, and that lien shall be a priority 69158
to any other lien. 69159

(E) Any holder of a license or permit issued under this 69160
chapter who has pleaded guilty to, has been found by a judge or 69161
jury to be guilty of, or has had a judicial finding of eligibility 69162
for treatment in lieu of conviction entered against the individual 69163
in this state for aggravated murder, murder, voluntary 69164
manslaughter, felonious assault, kidnapping, rape, sexual battery, 69165
gross sexual imposition, aggravated arson, aggravated robbery, or 69166
aggravated burglary, or who has pleaded guilty to, has been found 69167
by a judge or jury to be guilty of, or has had a judicial finding 69168
of eligibility for treatment in lieu of conviction entered against 69169
the individual in another jurisdiction for any substantially 69170
equivalent criminal offense, is hereby suspended from practice 69171

under this chapter by operation of law, and any license or permit 69172
issued to the individual under this chapter is hereby suspended by 69173
operation of law as of the date of the guilty plea, verdict or 69174
finding of guilt, or judicial finding of eligibility for treatment 69175
in lieu of conviction, regardless of whether the proceedings are 69176
brought in this state or another jurisdiction. The board shall 69177
notify the suspended individual of the suspension of the 69178
individual's license or permit by the operation of this division 69179
by a delivery system or in person in accordance with section 69180
119.07 of the Revised Code. If an individual whose license or 69181
permit is suspended under this division fails to make a timely 69182
request for an adjudicatory hearing, the board shall enter a final 69183
order revoking the license. 69184

(F) No person whose license or permit has been suspended or 69185
revoked under or by the operation of this section shall knowingly 69186
practice embalming ~~or~~, funeral directing, or cremation, or operate 69187
a funeral home, embalming facility, or crematory facility until 69188
the board has reinstated the person's license or permit. 69189

Sec. 4717.15. (A) The board of embalmers and funeral 69190
directors, without the necessity for conducting a prior 69191
adjudication hearing, may issue a notice of violation to the 69192
holder of an embalmer's, funeral director's, funeral home, or 69193
embalming facility, or crematory facility license, or a crematory 69194
operator permit or a courtesy card permit issued under this 69195
chapter who the board finds has committed any of the violations 69196
described in ~~divisions~~ division (A)(9)(a) ~~to (g)~~ of section 69197
4717.04 of the Revised Code. The notice shall set forth the 69198
specific violation committed by the licensee or permit holder and 69199
shall be sent by certified mail. The notice shall be accompanied 69200
by an order requiring the payment of the appropriate forfeiture 69201
prescribed in rules adopted under division (A)(9) of section 69202
4717.04 of the Revised Code and by a notice informing the licensee 69203

or permit holder that the licensee is entitled to an adjudicatory 69204
hearing on the notice of violation and order if the licensee or 69205
permit holder requests a hearing and if the board receives the 69206
request within thirty days after the mailing of the notice of 69207
violation and order. The board shall conduct any such adjudicatory 69208
hearing in accordance with Chapter 119. of the Revised Code, 69209
except as otherwise provided in this division. 69210

A licensee or permit holder who receives a notice of 69211
violation and order under this division shall pay to the executive 69212
director of the board the full amount of the forfeiture by 69213
certified check within thirty days after the notice of violation 69214
and order were mailed to the licensee or permit holder unless, 69215
within that time, the licensee or permit holder submits a request 69216
for an adjudicatory hearing on the notice of violation and order. 69217
If such a request for an adjudicatory hearing is timely filed, the 69218
licensee or permit holder need not pay the forfeiture to the 69219
executive director until after a final, nonappealable 69220
administrative or judicial decision is rendered on the order 69221
requiring payment of the forfeiture. If a final nonappealable 69222
administrative or judicial decision is rendered affirming the 69223
board's order, the licensee or permit holder shall pay to the 69224
executive director of the board the full amount of the forfeiture 69225
by certified check within thirty days after notice of the decision 69226
was sent to the licensee. A forfeiture is considered to be paid 69227
when the licensee's or permit holder's certified check is received 69228
by the executive director in Columbus. If the licensee or permit 69229
holder fails to so pay the full amount of the forfeiture to the 69230
executive director within that time, the board shall issue an 69231
order suspending or revoking the individual's license or permit, 69232
as the board considers appropriate. 69233

(B) The board shall send to the crematory review board 69234
written notice that it proposes to issue to the holder of a 69235

license to operate a crematory facility issued under this chapter 69236
a notice of violation and order requiring payment of a forfeiture 69237
specified in rules adopted under division (A)(9) of section 69238
4717.04 of the Revised Code. If, after the conclusion of the 69239
adjudicatory hearing on the matter conducted under division (F) of 69240
section 4717.03 of the Revised Code, the board of embalmers and 69241
funeral directors finds that the licensee has committed any of the 69242
violations described in ~~divisions~~ division (A)(9)(a) to (g) of 69243
section 4717.04 of the Revised Code in connection with the 69244
operation of a crematory facility or cremation, the board of 69245
embalmers and funeral directors may issue a final order under 69246
division (F) of section 4717.03 of the Revised Code requiring 69247
payment of the appropriate forfeiture specified in rules adopted 69248
under division (A)(9) of section 4717.04 of the Revised Code. A 69249
licensee who receives such an order shall pay the full amount of 69250
the forfeiture to the executive director by certified check within 69251
thirty days after the order was sent to the licensee unless, 69252
within that time, the licensee files a notice of appeal in 69253
accordance with division (F) of section 4717.03 and section 119.12 69254
of the Revised Code. If such a notice of appeal is timely filed, 69255
the licensee or permit holder need not pay the forfeiture to the 69256
executive director until after a final, nonappealable judicial 69257
decision is rendered in the appeal. If a final, nonappealable 69258
judicial decision is rendered affirming the board's order, the 69259
licensee or permit holder shall pay to the executive director the 69260
full amount of the forfeiture by certified check within thirty 69261
days after notice of the decision was sent to the licensee or 69262
permit holder. A forfeiture is considered paid when the licensee's 69263
or permit holder's certified check is received by the executive 69264
director in Columbus. If the licensee or permit holder fails to so 69265
pay the full amount of the forfeiture to the executive director 69266
within that time, the board shall issue an order suspending or 69267
revoking the individual's license, as the board considers 69268

appropriate. 69269

Sec. 4717.16. On receipt of a notice pursuant to section 69270
3123.43 of the Revised Code, the board of embalmers and funeral 69271
directors shall comply with sections 3123.41 to 3123.50 of the 69272
Revised Code and any applicable rules adopted under section 69273
3123.63 of the Revised Code with respect to a license or permit 69274
issued pursuant to this chapter. 69275

Sec. 4717.21. (A) Any person, on an antemortem basis, may 69276
serve as the person's own authorizing agent, authorize the 69277
person's own cremation, and specify the arrangements for the final 69278
disposition of the person's own cremated remains by executing an 69279
antemortem cremation authorization form. A guardian, custodian, or 69280
other personal representative who is authorized by law or contract 69281
to do so on behalf of a person, on an antemortem basis, may 69282
authorize the cremation of the person and specify the arrangements 69283
for the final disposition of the person's cremated remains by 69284
executing an antemortem cremation authorization form on the 69285
person's behalf. Any such antemortem cremation authorization form 69286
also shall be signed by one witness. The original copy of the 69287
executed authorization form shall be sent to the ~~operator of the~~ 69288
crematory facility being authorized to conduct the cremation, and 69289
a copy shall be retained by the person who executed the 69290
authorization form. The person who executed an antemortem 69291
cremation authorization form may revoke the authorization at any 69292
time by providing written notice of the revocation to ~~the operator~~ 69293
~~of~~ the crematory facility named in the authorization form. The 69294
person who executed the authorization form may transfer the 69295
authorization to another crematory facility by providing written 69296
notice to the ~~operator of the~~ crematory facility named in the 69297
original authorization of the revocation of the authorization and, 69298
in accordance with this division, executing a new antemortem 69299

cremation authorization form authorizing ~~the operator of~~ another 69300
crematory facility to conduct the cremation. 69301

(B)(1) Each antemortem cremation authorization form shall 69302
specify the final disposition that is to be made of the cremated 69303
remains. 69304

(2) Every antemortem cremation authorization form entered 69305
into on or after ~~the effective date of this amendment~~ October 12, 69306
2006, shall specify the final disposition that is to be made of 69307
the remains and shall include a provision in substantially the 69308
following form: 69309

NOTICE: Upon the death of the person who is the subject of 69310
this antemortem cremation authorization, the person holding the 69311
right of disposition under section 2108.70 or 2108.81 of the 69312
Revised Code may cancel the cremation arrangements, modify the 69313
arrangements for the final disposition of the cremated remains, or 69314
make alternative arrangements for the final disposition of the 69315
decedent's body. However, the person executing this antemortem 69316
cremation authorization is encouraged to state his or her 69317
preferences as to the manner of final disposition in a declaration 69318
of the right of disposition pursuant to section 2108.72 of the 69319
Revised Code, including that the arrangements set forth in this 69320
form shall be followed. 69321

(C)(1) Except as provided in division (C)(2) of this section, 69322
when the ~~operator of~~ a crematory facility is in possession of a 69323
cremation authorization form that has been executed on an 69324
antemortem basis in accordance with this section, the other 69325
conditions set forth in division (A) of section 4717.23 of the 69326
Revised Code have been met, the crematory facility has possession 69327
of the decedent to which the antemortem authorization pertains, 69328
and the crematory facility has received payment for the cremation 69329
of the decedent and the final disposition of the cremated remains 69330
of the decedent or is otherwise assured of payment for those 69331

services, the crematory facility shall cremate the decedent as 69332
directed and dispose of the cremated remains in accordance with 69333
the instructions contained in the antemortem cremation 69334
authorization form. 69335

(2) A person with the right of disposition for a decedent 69336
under section 2108.70 or 2108.81 of the Revised Code who is not 69337
disqualified under section 2108.75 of the Revised Code may cancel 69338
the arrangements for the decedent's cremation, modify the 69339
arrangements for the final disposition of the decedent's cremated 69340
remains, or make alternative arrangements for the final 69341
disposition of the decedent's body. If a person with the right 69342
takes any such action, the ~~operator~~ crematory facility shall 69343
disregard the instructions contained in the antemortem cremation 69344
authorization form and follow the instructions of the person with 69345
the right. 69346

(D) An antemortem cremation authorization form executed under 69347
division (A) of this section does not constitute a contract for 69348
conducting the cremation of the person named in the authorization 69349
form or for the final disposition of the person's cremated 69350
remains. Despite the existence of such an antemortem cremation 69351
authorization, a person with the right of disposition for a 69352
decedent under section 2108.70 or 2108.81 of the Revised Code may 69353
modify, in writing, the arrangements for the final disposition of 69354
the cremated remains of the decedent set forth in the 69355
authorization form or may cancel the cremation and claim the 69356
decedent's body for purposes of making alternative arrangements 69357
for the final disposition of the decedent's body. The revocation 69358
of an antemortem cremation authorization form executed under 69359
division (A) of this section, or the cancellation of the cremation 69360
of the person named in the antemortem authorization or 69361
modification of the arrangements for the final disposition of the 69362
person's cremated remains as authorized by this division, does not 69363

affect the validity or enforceability of any contract entered into 69364
for the cremation of the person named in the antemortem 69365
authorization or for the final disposition of the person's 69366
cremated remains. 69367

(E) Nothing in this section applies to any antemortem 69368
cremation authorization form executed prior to ~~the effective date~~ 69369
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 69370
crematory facility, or other party may specify, with the written 69371
approval of the person who executed the antemortem authorization, 69372
that such an antemortem authorization is subject to sections 69373
4717.21 to 4717.30 of the Revised Code. 69374

Sec. 4717.23. (A) No crematory operator ~~of a or~~ crematory 69375
facility shall cremate or allow the cremation ~~at a crematory~~ 69376
~~facility the operator is licensed to operate under this chapter~~ of 69377
a dead human body, other than one that was donated to science for 69378
purposes of medical education or research, until all of the 69379
following have occurred: 69380

(1) A period of at least twenty-four hours has elapsed since 69381
the decedent's death as indicated on a complete, nonprovisional 69382
death certificate filed under section 3705.16 of the Revised Code 69383
or under the laws of another state that are substantially 69384
equivalent to that section, unless, if the decedent died from a 69385
virulent communicable disease, the department of health or board 69386
of health having territorial jurisdiction where the death of the 69387
decedent occurred requires by rule or order the cremation to occur 69388
prior to the end of that period; 69389

(2) The ~~operator~~ crematory facility has received a burial or 69390
burial-transit permit that authorizes the cremation of the 69391
decedent; 69392

(3) The ~~operator~~ crematory facility has received a completed 69393
cremation authorization form executed pursuant to section 4717.21 69394

or 4717.24 of the Revised Code, as applicable, that authorizes the cremation of the decedent. A blank cremation authorization form shall be provided by the ~~operator~~ crematory facility and shall comply with section 4717.24 of the Revised Code and, if applicable, section 4717.21 of the Revised Code.

(4) The ~~operator~~ crematory facility has received any other documentation required by this state or a political subdivision of this state.

(B) No crematory operator ~~of a~~ or crematory facility shall cremate or allow the cremation of any body parts, including, without limitation, dead human bodies that were donated to science for purposes of medical research or education, at a crematory facility ~~the operator is~~ licensed to operate in this state until both of the following have occurred:

(1) The ~~operator~~ crematory facility has received a completed cremation authorization form executed pursuant to section 4717.25 of the Revised Code or, if the decedent has executed an antemortem cremation authorization form in accordance with section 4717.21 of the Revised Code and has donated the decedent's body to science for purposes of medical education or research, such an antemortem cremation authorization form;

(2) The ~~operator~~ crematory facility has received any other documentation required by this state or a political subdivision of this state.

Sec. 4717.24. (A) A cremation authorization form authorizing the cremation of a dead human body, other than one that was donated to science for purposes of medical education or research, shall include at least all of the following information and statements:

(1) A statement that the decedent has been identified in

accordance with division (B) of this section; 69425

(2) The name of the funeral director or other individual who 69426
obtained the burial or burial-transit permit authorizing the 69427
cremation of the decedent; 69428

(3) The name of the authorizing agent and the relationship of 69429
the authorizing agent to the decedent; 69430

(4) A statement that the authorizing agent in fact has the 69431
right to authorize cremation of the decedent and that the 69432
authorizing agent does not have actual knowledge of the existence 69433
of any living person who has a superior priority right to act as 69434
the authorizing agent under section 4717.22 of the Revised Code. 69435
If the person executing the cremation authorization form knows of 69436
another living person who has such a superior priority right, the 69437
authorization form shall include a statement indicating that the 69438
person executing the authorization form has made reasonable 69439
efforts to contact the person having the superior priority right 69440
and has been unable to do so and that the person executing the 69441
authorization form has no reason to believe that the person having 69442
the superior priority right would object to the cremation of the 69443
decedent. 69444

(5) A statement of whether the authorizing agent has actual 69445
knowledge of the presence in the decedent of a pacemaker, 69446
defibrillator, or any other mechanical or radioactive device or 69447
implant that poses a hazard to the health or safety of personnel 69448
performing the cremation; 69449

(6) A statement indicating the crematory facility is to 69450
cremate the casket or alternative container in which the decedent 69451
was delivered to or accepted by the crematory facility; 69452

(7) A statement of whether the crematory facility is 69453
authorized to simultaneously cremate the decedent in the same 69454
cremation chamber with one or more other decedents who were 69455

related to the decedent named in the cremation authorization form 69456
by consanguinity or affinity or who, at any time during the 69457
one-year period preceding the decedent's death, lived with the 69458
decedent in a common law marital relationship or otherwise 69459
cohabited with the decedent. A cremation authorization form 69460
executed under this section shall not authorize the simultaneous 69461
cremation of a decedent in the same cremation chamber with one or 69462
more other decedents except under the circumstances described in 69463
the immediately preceding sentence. 69464

(8) The names of any persons designated by the authorizing 69465
agent to be present in the holding facility or cremation room 69466
prior to or during the cremation of the decedent or during the 69467
removal of the cremated remains from the cremation chamber; 69468

(9) The authorization for the crematory facility to cremate 69469
the decedent and to process or pulverize the cremated remains as 69470
is the practice at the particular crematory facility; 69471

(10) A statement of whether it is the crematory facility's 69472
practice to return all of the residue removed from the cremation 69473
chamber following the cremation or to separate and remove foreign 69474
matter from the residue before returning the cremated remains to 69475
the authorizing agent or the person designated on the 69476
authorization form to receive the cremated remains pursuant to 69477
division (A)(11) of this section; 69478

(11) The name of the person who is to receive the cremated 69479
remains of the decedent from the crematory facility; 69480

(12) The manner in which the final disposition of the 69481
cremated remains of the decedent is to occur, if known. If the 69482
cremation authorization form does not specify the manner of the 69483
final disposition of the cremated remains, it shall indicate that 69484
the cremated remains will be held by the crematory facility for 69485
thirty days after the cremation, unless, prior to the end of that 69486

period, they are picked up from the crematory facility by the 69487
person designated on the cremation authorization form to receive 69488
them, the authorizing agent, or, if applicable, the funeral 69489
director who obtained the burial or burial-transit permit for the 69490
decedent, or are delivered or shipped by the ~~operator of the~~ 69491
crematory facility to one of those persons. The authorization form 69492
shall indicate that if no instructions for the final disposition 69493
are provided on the authorization form and that if no arrangements 69494
for final disposition have been made within the thirty-day period, 69495
the crematory facility may return the cremated remains to the 69496
authorizing agent. The authorization form shall further indicate 69497
that if no arrangements for the final disposition of the cremated 69498
remains have been made within sixty days after the completion of 69499
the cremation and if the authorizing agent has not picked them up 69500
or caused them to be picked up within that period, the crematory 69501
operator or crematory facility may dispose of them in accordance 69502
with division (C) of section 4717.27 of the Revised Code. 69503

(13) A listing of the items of value to be delivered to the 69504
crematory facility along with the dead human body, if any, and 69505
instructions regarding how those items are to be handled; 69506

(14) A statement of whether the authorizing agent has made 69507
arrangements for any type of viewing of the decedent or for a 69508
service with the decedent present prior to the cremation and, if 69509
so, the date, time, and place of the service; 69510

(15) A statement of whether the crematory facility may 69511
proceed with the cremation at any time after the conditions set 69512
forth in division (A) of section 4717.23 of the Revised Code have 69513
been met and the decedent has been received at the facility; 69514

(16) The certification of the authorizing agent to the effect 69515
that all of the information and statements contained in the 69516
authorization form are accurate; 69517

(17) The signature of the authorizing agent and the signature 69518
of at least one witness who observed the authorizing agent execute 69519
the cremation authorization form. 69520

(B) In making the identification of the decedent required by 69521
division (A)(1) of this section, the funeral home arranging the 69522
cremation shall require the authorizing agent or the agent's 69523
appointed representative to visually identify the decedent's 69524
remains or a photograph or other visual image of the remains. If 69525
identification is by photograph or other visual image, the 69526
authorizing agent or representative shall sign the photograph or 69527
other visual image. If visual identification is not feasible, 69528
other positive identification of the decedent may be used 69529
including, but not limited to, reliance upon an identification 69530
made through the coroner's office or identification of photographs 69531
or other visual images of scars, tattoos, or physical deformities 69532
taken from the decedent's remains. 69533

(C) An authorizing agent who is not available to execute a 69534
cremation authorization form in person may designate another 69535
individual to serve as the authorizing agent by providing to the 69536
~~operator of the~~ crematory facility where the cremation is to occur 69537
a written designation, acknowledged before a notary public or 69538
other person authorized to administer oaths, authorizing that 69539
other individual to serve as the authorizing agent, ~~or by sending~~ 69540
~~to the operator a facsimile transmission of the written~~ 69541
~~designation that has been so acknowledged.~~ Any such written 69542
designation shall contain the name of the decedent, the name and 69543
address of the authorizing agent, the relationship of the 69544
authorizing agent to the decedent, and the name and address of the 69545
individual who is being designated to serve as the authorizing 69546
agent. Upon receiving ~~such a written designation or a facsimile~~ 69547
~~transmission of~~ such a written designation, the operator shall 69548
permit the individual named in the written designation to serve as 69549

the authorizing agent and to execute the cremation authorization 69550
form authorizing the cremation of the decedent named in the 69551
written designation. 69552

(D) An authorizing agent who signs a cremation authorization 69553
form under this section is hereby deemed to warrant the accuracy 69554
of the information and statements contained in such authorization 69555
form, including the identification of the decedent and the agent's 69556
authority to authorize the cremation. A funeral home and its 69557
employees are not responsible for verifying the accuracy of any 69558
information or statements the authorizing agent made on the 69559
authorization form, unless the funeral home or its employees have 69560
actual knowledge to the contrary regarding any such information or 69561
statement. When delivering the decedent's remains to a crematory 69562
facility or in carrying out the disposition in its own facility, 69563
the funeral home is responsible for having the decedent identified 69564
pursuant to division (B) of this section and carrying out the 69565
obligations imposed on the funeral home by division (B) of section 69566
4717.29 of the Revised Code. 69567

(E) At any time after executing a cremation authorization 69568
form and prior to the beginning of the cremation process, the 69569
authorizing agent who executed the cremation authorization form 69570
under division (A) or (C) of this section may, in writing, modify 69571
the arrangements for the final disposition of the cremated remains 69572
of the decedent set forth in the authorization form or may, in 69573
writing, revoke the authorization, cancel the cremation, and claim 69574
the decedent's body for purposes of making alternative 69575
arrangements for the final disposition of the decedent's body. The 69576
~~operator of a~~ crematory facility shall cancel the cremation if the 69577
~~operator~~ crematory facility receives such a revocation before 69578
beginning the cremation. 69579

(F) A cremation authorization form executed under this 69580
section does not constitute a contract for conducting the 69581

cremation of the decedent named in the authorization form or for 69582
the final disposition of the cremated remains of the decedent. The 69583
revocation of a cremation authorization form or modification of 69584
the arrangements for the final disposition of the cremated remains 69585
of the decedent pursuant to division (E) of this section does not 69586
affect the validity or enforceability of any contract for the 69587
cremation of the decedent named in the authorization form or for 69588
the final disposition of the cremated remains of the decedent. 69589

Sec. 4717.25. (A) A cremation authorization form authorizing 69590
the cremation of any body parts, including, without limitation, 69591
dead human bodies that were donated to science for purposes of 69592
medical education or research shall include at least all of the 69593
following information and statements, as applicable: 69594

(1) The identity of the decedent whose body was donated to 69595
science for purposes of medical education or research or the 69596
identity of the living person or such a decedent from whom the 69597
body parts were removed; 69598

(2) The name of the authorizing agent and the relationship of 69599
the authorizing agent to the decedent or the living person from 69600
whom the body parts were removed; 69601

(3) A statement that the authorizing agent in fact has the 69602
right to authorize the cremation of the decedent or the body parts 69603
removed from the decedent or living person and a description of 69604
the basis of the person's right to execute the cremation 69605
authorization form; 69606

(4) A statement of whether the crematory facility is 69607
authorized to simultaneously cremate the decedent or body parts 69608
removed from the decedent or living person with one or more other 69609
decedents whose bodies were donated to science for purposes of 69610
medical education or research or with body parts removed from one 69611
or more other decedents or living persons; 69612

(5) The authorization for the crematory facility to cremate 69613
the decedent or body parts removed from the decedent or living 69614
person and to process or pulverize the cremated remains as is the 69615
practice at the particular crematory facility; 69616

(6) A statement of whether it is the crematory facility's 69617
practice to return all of the residue removed from the cremation 69618
chamber following the cremation or to separate and remove foreign 69619
matter from the residue before returning the cremated remains to 69620
the authorizing agent or the authorizing agent's designee; 69621

(7) The name of the person who is to receive the cremated 69622
remains from the crematory facility; 69623

(8) The manner in which the final disposition of the cremated 69624
remains is to occur, if known. If the cremation authorization form 69625
does not specify the manner of the final disposition of the 69626
cremated remains, it shall indicate that the cremated remains will 69627
be held by the crematory facility for thirty days after the 69628
cremation, unless, prior to the end of that period, they are 69629
picked up from the crematory facility by the person designated on 69630
the authorization form to receive them or by the authorizing 69631
agent, or are delivered or shipped by the ~~operator of the~~ 69632
crematory facility to one of those persons. The authorization form 69633
shall indicate that if no instructions for the final disposition 69634
of the cremated remains are provided on the authorization form and 69635
that if no arrangements for final disposition have been made 69636
within the thirty-day period, the crematory facility may return 69637
the cremated remains to the authorizing agent. The authorization 69638
form shall further indicate that if no arrangements for the final 69639
disposition of the cremated remains have been made within sixty 69640
days after the cremation and if the authorizing agent or person 69641
designated on the authorization form to receive the cremated 69642
remains has not picked them up or caused them to be picked up 69643
within that period, the crematory operator or the crematory 69644

facility may dispose of them in accordance with division (C)(1) or 69645
(2) of section 4717.27 of the Revised Code. 69646

(9) The certification of the authorizing agent to the effect 69647
that all of the information and statements contained in the 69648
authorization form are accurate. 69649

(B) An authorizing agent who signs a cremation authorization 69650
form under this section is hereby deemed to warrant the accuracy 69651
of the information and statements contained in the authorization 69652
form, including the person's authority to authorize the cremation. 69653

(C) At any time after executing a cremation authorization 69654
form and prior to the beginning of the cremation process, an 69655
authorizing agent who executed a cremation authorization form 69656
under this section may, in writing, revoke the authorization, 69657
cancel the cremation, and claim the decedent's body or the body 69658
parts for purposes of making alternative arrangements for the 69659
final disposition of the decedent's body or the body parts. The 69660
~~operator of a~~ crematory facility shall cancel the cremation if the 69661
~~operator~~ crematory facility receives such a revocation before 69662
beginning the cremation. 69663

(D) A cremation authorization form executed under this 69664
section does not constitute a contract for conducting the 69665
cremation of the decedent named in the authorization form or body 69666
parts removed from the decedent or living person named in the form 69667
or for the final disposition of the cremated remains of the 69668
decedent or body parts. The revocation of a cremation 69669
authorization form or modification of the arrangements for the 69670
final disposition of the cremated remains of the decedent or the 69671
body parts pursuant to division (C) of this section does not 69672
affect the validity or enforceability of any contract for the 69673
cremation of the decedent named in the authorization form, the 69674
cremation of body parts from the decedent or living person named 69675
in the authorization form, or the final disposition of the 69676

cremated remains of the decedent or body parts. 69677

Sec. 4717.26. (A) The ~~operator of a~~ crematory facility may 69678
schedule the time for the cremation of a dead human body to occur 69679
at the ~~operator's~~ crematory facility's own convenience at any time 69680
after the conditions set forth in division (A) or (B) of section 69681
4717.23 of the Revised Code, as applicable, have been met and the 69682
decedent or body parts have been delivered to the facility, 69683
unless, in the case of a dead human body, the ~~operator~~ crematory 69684
facility has received specific instructions to the contrary on the 69685
cremation authorization form authorizing the cremation of the 69686
decedent executed under section 4717.21, 4717.24, or 4717.25 of 69687
the Revised Code. The ~~operator of a~~ crematory facility becomes 69688
responsible for a dead human body or body parts when the body or 69689
body parts have been delivered to or accepted by the facility or 69690
an employee or agent of the facility. 69691

(B) No crematory operator ~~of a~~ or crematory facility shall 69692
fail to do either of the following: 69693

(1) Upon receipt at the crematory facility of any dead human 69694
body that has not been embalmed, and subject to the prohibition 69695
set forth in division (C)(1) of this section, place the body in a 69696
holding or refrigerated facility at the crematory facility and 69697
keep the body in the holding or refrigerated facility until near 69698
the time the cremation process commences or until the body is held 69699
at the facility for eight hours or longer. If the body is held for 69700
eight hours or longer, place the body in a refrigerated facility 69701
at the crematory facility and keep the body in the refrigerated 69702
facility until near the time the cremation process commences; 69703

(2) Upon receipt of any dead human body that has been 69704
embalmed, place the body in a holding facility at the crematory 69705
facility and keep the body in the holding facility until the 69706
cremation process commences. 69707

(C) No crematory operator ~~of a~~ or crematory facility shall do 69708
either of the following, unless the instructions contained in the 69709
cremation authorization form authorizing the cremation of the 69710
decedent executed under section 4717.21, 4717.24, or 4717.25 of 69711
the Revised Code specifically provide otherwise: 69712

(1) Remove any dead human body from the casket or alternative 69713
container in which the body was delivered to or accepted by the 69714
crematory facility; 69715

(2) Fail to cremate the casket or alternative container in 69716
which the body was delivered or accepted, in its entirety with the 69717
body. 69718

(D) No ~~operator of a~~ crematory facility shall simultaneously 69719
cremate more than one decedent or body parts removed from more 69720
than one decedent or living person in the same cremation chamber 69721
unless the cremation authorization forms executed under section 69722
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 69723
cremation of each of the decedents or body parts removed from each 69724
decedent or living person specifically authorize such a 69725
simultaneous cremation. This division does not prohibit the use of 69726
cremation equipment that contains more than one cremation chamber. 69727

(E) No ~~operator of a~~ crematory facility shall permit any 69728
persons other than employees of the crematory facility, the 69729
authorizing agent for the cremation of the decedent who is to be, 69730
is being, or was cremated, persons designated to be present at the 69731
cremation of the decedent on the cremation authorization form 69732
executed under section 4717.21 or 4717.24 of the Revised Code, and 69733
persons authorized by the individual who is actually in charge of 69734
the crematory facility, to be present in the holding facility or 69735
cremation room while any dead human bodies or body parts are being 69736
held there prior to cremation or are being cremated or while any 69737
cremated remains are being removed from the cremation chamber. 69738

(F)(1) ~~No operator of a~~ crematory facility shall remove any 69739
dental gold, body parts, organs, or other items of value from a 69740
dead human body prior to the cremation or from the cremated 69741
remains after cremation unless the cremation authorization form 69742
authorizing the cremation of the decedent executed under section 69743
4717.21 or 4717.24 of the Revised Code specifically authorizes the 69744
removal thereof. 69745

(2) No ~~operator of a~~ crematory facility that removes any 69746
dental gold, body parts, organs, or other items from a dead human 69747
body or assists in such removal shall charge a fee for doing so 69748
that exceeds the actual cost to the crematory facility for 69749
performing or assisting in the removal. 69750

(G) Upon the completion of each cremation, the ~~operator of a~~ 69751
crematory facility shall remove from the cremation chamber all of 69752
the cremation residue that is practicably recoverable. If the 69753
cremation authorization form executed under section 4717.21, 69754
4717.24, or 4717.25 of the Revised Code specifies that the 69755
cremated remains are to be placed in an urn, the ~~operator~~ 69756
crematory facility shall place them in the type of urn specified 69757
on the authorization form. If the authorization form does not 69758
specify that the cremated remains are to be placed in an urn, the 69759
~~operator~~ crematory facility shall place them in a temporary 69760
container. If not all of the recovered cremated remains will fit 69761
in the urn selected or the temporary container, the ~~operator~~ 69762
crematory facility shall place the remainder in a separate 69763
temporary container, and the cremated remains placed in the 69764
separate temporary container shall be delivered, released, or 69765
disposed of along with those in the urn or other temporary 69766
container. Nothing in this section requires ~~an operator of a~~ 69767
crematory facility to recover any specified quantity or quality of 69768
cremated remains upon the completion of a cremation, but only 69769
requires ~~an operator~~ a crematory facility to recover from the 69770

cremation chamber all of the cremation residue that is ~~practically~~ 69771
practicably recoverable. 69772

(H) No ~~operator of a~~ crematory facility shall knowingly 69773
represent to an authorizing agent or a designee of an authorizing 69774
agent that an urn or temporary container contains the recovered 69775
cremated remains of a specific decedent or of body parts removed 69776
from a specific decedent or living person when it does not. This 69777
division does not prohibit the making of such a representation 69778
because of the presence in the recovered cremated remains of de 69779
minimus amounts of the cremated remains of another decedent or of 69780
body parts removed from another decedent or living person that 69781
were not practicably recoverable and that remained in the 69782
cremation chamber after the cremated remains from previous 69783
cremations were removed. 69784

(I) No ~~operator of a~~ crematory facility or funeral director 69785
shall ship or cause to be shipped any cremated remains by a class 69786
or method of mail, common carrier service, or delivery service 69787
that does not have an internal system for tracing the location of 69788
the cremated remains during shipment and that does not require a 69789
signed receipt from the person accepting delivery of the cremated 69790
remains. 69791

(J) No ~~operator of a~~ crematory facility shall fail to 69792
establish and maintain a system for accurately identifying each 69793
dead human body in the facility's possession, and for identifying 69794
each decedent or living person from which body parts in the 69795
facility's possession were removed, throughout all phases of the 69796
holding and cremation process. 69797

(K) No ~~operator of a~~ crematory facility shall knowingly use 69798
or allow the use of the same cremation chamber for the cremation 69799
of dead human bodies, or human body parts, and animals. 69800

Sec. 4717.27. (A) The authorizing agent who executed the 69801

cremation authorization form authorizing the cremation of a 69802
decedent under section 4717.24 of the Revised Code or the 69803
cremation of body parts under section 4717.25 of the Revised Code 69804
is ultimately responsible for the final disposition of the 69805
cremated remains of the decedent or body parts. 69806

(B) If the cremation authorization form does not contain 69807
instructions for the final disposition of the cremated remains of 69808
the decedent or body parts, if no arrangements for the disposition 69809
of the cremated remains are made within thirty days after the 69810
completion of the cremation, and if the cremated remains have not 69811
been picked up within that thirty-day period by the person 69812
designated to receive them on the authorization form or, in the 69813
absence of such a designated person, by the authorizing agent, the 69814
~~operator of the~~ crematory facility or the funeral home holding the 69815
unclaimed cremated remains, at the end of that thirty-day period, 69816
may release or deliver them in person to, or cause their delivery 69817
by a method described in division (I) of section 4717.26 of the 69818
Revised Code that is acceptable under that division to, the person 69819
designated to receive them on the cremation authorization form or, 69820
if no person has been so designated, to the authorizing agent. 69821

(C)(1) If the cremation authorization form does not contain 69822
instructions for the final disposition of the cremated remains of 69823
the decedent or body parts, if no arrangements for the final 69824
disposition of the cremated remains are made within sixty days 69825
after the completion of the cremation, and if the cremated remains 69826
have not been picked up by the person designated on the 69827
authorization form to receive them or, in the absence of such a 69828
designated person, by the authorizing agent, the ~~operator of the~~ 69829
crematory facility or the funeral home holding the unclaimed 69830
cremated remains may dispose of the cremated remains in a grave, 69831
crypt, or niche, by scattering them in any dignified manner, 69832
including in a memorial garden, at sea, by air, or at any 69833

scattering grounds described in section 1721.21 of the Revised 69834
Code, or in any other lawful manner, at any time after the end of 69835
that sixty-day period. 69836

(2) If the cremation authorization form specifies the manner 69837
of the final disposition of the cremated remains, or if within 69838
sixty days after the completion of the cremation the authorizing 69839
agent makes arrangements for the final disposition of the cremated 69840
remains, and if either the arrangements have not been carried out 69841
within that sixty-day period because of the inaction of a party 69842
other than the operator of the crematory facility or the funeral 69843
home holding the unclaimed cremated remains, or the authorizing 69844
agent fails to pick up the cremated remains within that sixty-day 69845
period, ~~the operator of the crematory facility or the funeral home~~ 69846
holding the unclaimed cremated remains may dispose of the cremated 69847
remains in a grave, crypt, or niche, by scattering them in any 69848
dignified manner, including in a memorial garden, at sea, by air, 69849
or at any scattering grounds described in section 1721.21 of the 69850
Revised Code, or in any other lawful manner, at any time after the 69851
end of that period. 69852

(3) If cremated remains of a decedent who was eighteen years 69853
or older at the time of death are unclaimed under divisions (C)(1) 69854
and (2) of this section, ~~the operator of the crematory facility or~~ 69855
the funeral home holding the cremated remains shall, before 69856
disposing of the unclaimed cremated remains, notify the secretary 69857
of the United States department of veterans affairs of the name 69858
of, and other identifying information related to, the decedent. 69859
If, within sixty days of the notification, the secretary of the 69860
department of veterans affairs notifies the crematory facility or 69861
funeral home that the decedent was a veteran who is eligible for 69862
burial in a national cemetery under the control of the national 69863
cemetery administration and that the secretary agrees to provide 69864
for the cost of the transportation and burial of the unclaimed 69865

cremated remains in a national cemetery, the crematory facility or 69866
funeral home shall follow the directions of the secretary and 69867
arrange for the burial of the unclaimed remains in the national 69868
cemetery at the secretary's expense. If the secretary does not 69869
assume the right to direct the burial of the unclaimed remains 69870
within sixty days of the notification by the crematory facility or 69871
funeral home, the crematory facility or funeral home may carry out 69872
the disposition of the unclaimed remains under divisions (C)(1) 69873
and (2) of this section. 69874

(4) When cremated remains are disposed of in accordance with 69875
division (C)(1) or (2) of this section, the authorizing agent who 69876
executed the cremation authorization form authorizing the 69877
cremation of the decedent or body parts under section 4717.24 or 69878
4717.25 of the Revised Code is liable to the ~~operator of the~~ 69879
crematory facility or the funeral home for the cost of the final 69880
disposition, which cost shall not exceed the reasonable cost for 69881
disposing of the cremated remains in a common grave or crypt in 69882
the county where the cremated remains were buried or placed in a 69883
grave, crypt or niche, or scattered. 69884

(D)(1) Except as provided in division (D)(2) of this section, 69885
no person shall do either of the following: 69886

(a) Dispose of the cremated remains of a dead human body or 69887
body parts in such a manner or in such a location that the 69888
cremated remains are commingled with those of another decedent or 69889
body parts removed from another decedent or living person; 69890

(b) Place the cremated remains of more than one decedent or 69891
of body parts removed from more than one decedent or living person 69892
in the same urn or temporary container. 69893

(2) Division (D)(1) of this section does not prohibit any of 69894
the following: 69895

(a) The scattering of cremated remains at sea or by air or in 69896

a dedicated area at a cemetery used exclusively for the scattering 69897
on the ground of the cremated remains of dead human bodies or body 69898
parts. 69899

(b) The commingling of the cremated remains of more than one 69900
decedent or of body parts removed from more than one decedent or 69901
living person or the placement in the same urn or temporary 69902
container of the cremated remains of more than one decedent or of 69903
body parts removed from more than one decedent or living person 69904
when each authorizing agent who executed the cremation 69905
authorization form authorizing the cremation of each of the 69906
decedents or body parts removed from each of the decedents or 69907
living persons under section 4717.21, 4717.24, or 4717.25 of the 69908
Revised Code authorized the commingling of the cremated remains or 69909
the placement of the cremated remains in the same urn or temporary 69910
container on the authorization form. 69911

(c) The commingling, by the individual designated on the 69912
cremation authorization form authorizing the cremation of the 69913
decedent or body parts to receive the cremated remains, other than 69914
a funeral director or employee of a cemetery, or by the 69915
authorizing agent who executed the cremation authorization form, 69916
after receipt of the cremated remains, of the cremated remains 69917
with those of another decedent or of body parts removed from 69918
another decedent or living person or the placing of them by any 69919
such person in the same urn or temporary container with those of 69920
another decedent or of body parts removed from another decedent or 69921
living person. 69922

Sec. 4717.28. (A) No ~~operator of a~~ crematory facility shall 69923
fail to ensure that a written receipt is provided to the person 69924
who delivers a dead human body or body parts to the facility for 69925
cremation. If the dead human body is other than one that was 69926
donated to science for purposes of medical education or research, 69927

the receipt shall be signed by both a representative of the 69928
crematory facility and the person who delivered the decedent to 69929
the crematory facility and shall indicate the name of the 69930
decedent; the date and time of delivery; the type of casket or 69931
alternative container in which the decedent was delivered to the 69932
facility; the name of the person who delivered the decedent to the 69933
facility; if applicable, the name of the funeral home or other 69934
establishment with whom the delivery person is affiliated; and the 69935
name of the person who received the decedent on behalf of the 69936
facility. If the dead human body was donated to science for 69937
purposes of medical education or research, the receipt shall 69938
consist of a copy of the cremation authorization form executed 69939
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 69940
that authorizes the cremation of the decedent or body parts that 69941
has been signed by both a representative of the crematory facility 69942
and the person who delivered the decedent or body parts to the 69943
crematory facility and that indicates the date and time of the 69944
delivery. The operator may provide the copy of the receipt to the 69945
person who delivered the decedent or body parts to the facility 69946
either in person or by certified mail, return receipt requested. 69947

(B) No ~~operator of a~~ crematory facility shall fail to ensure 69948
at the time of releasing cremated remains that a written receipt 69949
signed by both a representative of the crematory facility and the 69950
person who received the cremated remains is provided to the person 69951
who received the cremated remains. Unless the cremated remains are 69952
those of a dead human body that was donated to science for 69953
purposes of medical education or research or are those of body 69954
parts, the receipt shall indicate the name of the decedent; the 69955
date and time of the release; the name of the person to whom the 69956
cremated remains were released; if applicable, the name of the 69957
funeral home, cemetery, or other entity to whom the cremated 69958
remains were released; and the name of the person who released the 69959
cremated remains on behalf of the crematory facility. If the 69960

cremated remains are those of a dead human body that was donated 69961
to science for purposes of medical education or research or are 69962
those of body parts, the receipt shall consist of a copy of the 69963
cremation authorization form executed under section 4717.21, 69964
4717.24, or 4717.25 of the Revised Code that authorizes the 69965
cremation of the decedent or body parts that has been signed by 69966
both a representative of the crematory facility and the person who 69967
received the cremated remains and that indicates the date and time 69968
of the release. If the cremated remains were delivered to the 69969
authorizing agent or other individual designated on the cremation 69970
authorization form by a method described in division (I) of 69971
section 4717.26 of the Revised Code that is acceptable under that 69972
division, the receipt required by this division shall accompany 69973
the cremated remains, and the signature of the authorizing agent 69974
or other designated individual on the delivery receipt meets the 69975
requirement of this division that the person receiving the 69976
cremated remains sign the receipt provided by the crematory 69977
facility. 69978

(C) No ~~operator of a~~ crematory facility shall fail to make or 69979
keep on file during the time that the ~~operator~~ crematory facility 69980
remains engaged in the business of cremating dead human bodies or 69981
body parts, all of the following records and documents: 69982

(1) A copy of each receipt issued upon acceptance by or 69983
delivery to the crematory facility of a dead human body under 69984
division (A) of this section; 69985

(2) A record of each cremation conducted at the facility, 69986
containing at least the name of the decedent or, in the case of 69987
body parts, the name of the decedent or living person from whom 69988
the body parts were removed, the date and time of the cremation, 69989
and the final disposition made of the cremated remains; 69990

(3) A copy of each delivery receipt issued under division (B) 69991
of this section; 69992

(4) A separate record of the cremated remains of each 69993
decedent or the body parts removed from each decedent or living 69994
person that were disposed of in accordance with division (C)(1) or 69995
(2) of section 4717.27 of the Revised Code, containing at least 69996
the name of the decedent, the date and time of the cremation, and 69997
the location, date, and manner of final disposition of the 69998
cremated remains. 69999

(D) All records required to be maintained under sections 70000
4717.21 to 4717.30 of the Revised Code are subject to inspection 70001
by the board of embalmers and funeral directors or an authorized 70002
representative of the board, upon reasonable notice, at any 70003
reasonable time. 70004

Sec. 4717.30. (A) ~~The~~ A crematory operator ~~of a~~ crematory 70005
facility ~~or a~~ funeral director, or funeral home is not liable in 70006
damages in a civil action for any of the following actions or 70007
omissions, unless the actions or omissions were made with 70008
malicious purpose, in bad faith, or in a wanton or reckless manner 70009
or unless any of the conditions set forth in divisions (B)(1) to 70010
(3) of this section apply: 70011

(1)(a) For having arranged or performed the cremation of the 70012
decedent, or having released or disposed of the cremated remains, 70013
in accordance with the instructions set forth in the cremation 70014
authorization form executed by the decedent on an antemortem basis 70015
under section 4717.21 of the Revised Code; 70016

(b) For having arranged or performed the cremation of the 70017
decedent or body parts removed from the decedent or living person 70018
or having released or disposed of the cremated remains in 70019
accordance with the instructions set forth in a cremation 70020
authorization form executed by the person authorized to serve as 70021
the authorizing agent for the cremation of the decedent or for the 70022
cremation of body parts of the decedent or living person, named in 70023

the cremation authorization form executed under section 4717.24 or 70024
4717.25 of the Revised Code. 70025

(2) For having arranged or performed the cremation of the 70026
decedent, or having released or disposed of the cremated remains, 70027
in accordance with the instructions set forth in the cremation 70028
authorization form executed by a designated agent under division 70029
(C) of section 4717.24 of the Revised Code. 70030

(B) The crematory operator of a crematory facility, funeral 70031
director, or funeral home is not liable in damages in a civil 70032
action for refusing to accept a dead human body or body parts or 70033
to perform a cremation under any of the following circumstances, 70034
unless the refusal was made with malicious purpose, in bad faith, 70035
or in a wanton or reckless manner: 70036

(1) The crematory operator, crematory facility, funeral 70037
director, or funeral home has actual knowledge that there is a 70038
dispute regarding the cremation of the decedent or body parts, 70039
until such time as the crematory operator, crematory facility, 70040
funeral director, or funeral home receives an order of the probate 70041
court having jurisdiction ordering the cremation of the decedent 70042
or body parts or until the crematory operator, crematory facility, 70043
funeral director, or funeral home receives from the parties to the 70044
dispute a copy of a written agreement resolving the dispute and 70045
authorizing the cremation to be performed. 70046

(2) The crematory operator, crematory facility, funeral 70047
director, or funeral home has a reasonable basis for questioning 70048
the accuracy of any of the information or statements contained in 70049
a cremation authorization form executed under section 4717.21, 70050
4717.24, or 4717.25 of the Revised Code, as applicable, that 70051
authorizes the cremation of the decedent or body parts. 70052

(3) The crematory operator, crematory facility, funeral 70053
director, or funeral home has any other lawful reason for refusing 70054

to accept the dead human body or body parts or to perform the cremation. 70055
70056

(C) ~~The~~ A crematory operator ~~of a~~, crematory facility ~~or a~~, funeral director, or funeral home is not liable in damages in a civil action for refusing to release or dispose of the cremated remains of a decedent or body parts when the crematory operator ~~or~~, crematory facility, funeral director, or funeral home has actual knowledge that there is a dispute regarding the release or final disposition of the cremated remains in connection with any damages sustained, prior to the time the crematory operator, crematory facility, funeral home, or funeral director receives an order of the probate court having jurisdiction ordering the release or final disposition of the cremated remains, or prior to the time the crematory operator ~~or~~, crematory facility, funeral director, or funeral home receives from the parties to the dispute a copy of a written agreement resolving the dispute and authorizing the cremation to be performed. 70057
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(D) ~~The~~ A crematory operator ~~of a~~, crematory facility, funeral director, or funeral home is not liable in damages in a civil action in connection with the cremation of, or disposition of the cremated remains of, any dental gold, jewelry, or other items of value delivered to the crematory facility or funeral home with a dead human body or body parts, unless either or both of the following apply: 70072
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(1) The cremation authorization form authorizing the cremation of the decedent or body parts executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, contains specific instructions for the removal or recovery and disposition of any such dental gold, jewelry, or other items of value prior to the cremation, and the crematory operator, crematory facility, funeral director, or funeral home has failed to comply with the written instructions. 70079
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(2) The actions or omissions of the crematory operator, 70087
crematory facility, funeral director, or funeral home were made 70088
with malicious purpose, in bad faith, or in a wanton or reckless 70089
manner. 70090

(E)(1) This section does not create a new cause of action 70091
against or substantive legal right against ~~the operator of a~~ 70092
crematory operator, crematory facility or a, funeral director, or 70093
funeral home. 70094

(2) This section does not affect any immunities from civil 70095
liability or defenses established by another section of the 70096
Revised Code or available at common law to which ~~the operator of a~~ 70097
crematory ~~or a~~ operator, crematory facility, funeral director, or 70098
funeral home may be entitled under circumstances not covered by 70099
this section. 70100

Sec. 4717.32. (A) Any preneed funeral contract that involves 70101
the payment of money or the purchase or assignment of an insurance 70102
policy or annuity shall be in writing and shall include all of the 70103
following information: 70104

(1) The name, address, and phone number of the seller and the 70105
name and address of the purchaser of the contract, and, if the 70106
contract beneficiary is someone other than the purchaser of the 70107
contract, the name and address of the contract beneficiary, and if 70108
the contract involves the payment of money but not the purchase or 70109
assignment of an insurance policy or annuity, the social security 70110
number of the purchaser of the contract or if the contract 70111
beneficiary is someone other than the purchaser, the social 70112
security number of the contract beneficiary; 70113

(2) A statement of the funeral goods and funeral services 70114
purchased, which disclosure may be made by attaching a copy of the 70115
completed statement of funeral goods and services selected to the 70116
preneed funeral contract; 70117

(3) A disclosure informing the purchaser whether the contract is either a guaranteed preneed funeral contract or a nonguaranteed preneed funeral contract, and, if the contract is guaranteed only in part, a disclosure specifying the funeral goods or funeral services included in the guarantee;

(4) If the preneed funeral contract is a guaranteed contract, a disclosure that the seller, in exchange for all of the proceeds of the trust, insurance policy, or annuity, shall provide the funeral goods and funeral services set forth in the preneed funeral contract without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance and that the seller may receive any excess funds remaining after all expenses for the funeral have been paid.

(5) If the preneed funeral contract is a nonguaranteed contract, a disclosure that the proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the contract, that any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the life insurance policy if the preneed funeral contract is funded by a life insurance policy, and that, in the event of an insufficiency in funds, the seller shall not be required to perform until payment arrangements satisfactory to the seller have been made.

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code

and the right to revoke a revocable preneed funeral contract in 70150
accordance with section 4717.35 or division ~~(E)~~(G) of section 70151
4717.36 of the Revised Code, as applicable; 70152

(8) A disclosure that the seller may substitute funeral goods 70153
or funeral services of equal quality, value, and workmanship if 70154
those specified in the preneed funeral contract are unavailable at 70155
the time of need; 70156

(9) A disclosure that any purchaser of funeral goods and 70157
funeral services is entitled to receive price information prior to 70158
making that purchase in accordance with the federal trade 70159
commission's funeral industry practices revised rule, 16 C.F.R. 70160
part 453; 70161

(10) The following notice in boldface print and in 70162
substantially the following form: 70163

"NOTICE: Under Ohio law, the person holding the right of 70164
disposition of the remains of the individual contract beneficiary 70165
pursuant to section 2108.70 or 2108.81 of the Revised Code will 70166
have the right to make funeral arrangements inconsistent with the 70167
arrangements set forth in this contract. However, the individual 70168
contract beneficiary is encouraged to state his or her preferences 70169
as to funeral arrangements in a declaration of the right of 70170
disposition pursuant to section 2108.72 of the Revised Code, 70171
including that the arrangements set forth in this contract shall 70172
be followed." 70173

(11) The notice described in division (A) of section 4717.34 70174
of the Revised Code; 70175

(12) A disclosure that any purchaser of funeral goods or 70176
funeral services funded in whole or in part in advance of death 70177
under a preneed funeral contract sold by a licensee under this 70178
chapter may be eligible for reimbursement of financial loses 70179
suffered as a result of malfeasance, misfeasance, default, 70180

failure, or insolvency of the licensee. 70181

(B) If a preneed funeral contract is funded by any means 70182
other than an insurance policy or policies, or an annuity or 70183
annuities, the preneed funeral contract shall include all of the 70184
following information in addition to the information required to 70185
be included under division (A) of this section: 70186

(1) Disclosures ~~identifying that identify~~ the name and 70187
address of the trustee of the preneed funeral contract trust 70188
established pursuant to section 4717.36 of the Revised Code, 70189
~~indicating that direct that any payments made by the purchaser of~~ 70190
the preneed funeral contract shall be made directly to the trustee 70191
identified in the preneed funeral contract, that indicate whether 70192
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 70193
~~a statement of who~~ that identify whether the trust or the 70194
purchaser will be responsible for the taxes owed on the trust 70195
earnings; 70196

(2) A disclosure explaining the form in which the purchase 70197
price must be paid and, if the price is to be paid in 70198
installments, a disclosure to the purchaser regarding what 70199
constitutes a default under the preneed funeral contract and the 70200
consequences of the default; 70201

(3) The following notice in boldface print and in 70202
substantially the following form: 70203

"NOTICE: You, as the purchaser of this contract, will be 70204
notified in writing when the trustee of this contract has received 70205
a deposit of the funds you paid the seller under this contract. If 70206
you do not receive that notice within sixty days after the date 70207
you paid the funds to the seller, you should contact the trustee 70208
identified in the contract." 70209

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 70210
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 70211

~~or firm or guaranteed price for the funeral goods and services and
goods to be provided under the preneed funeral contract may be
charged a whether the seller will charge any initial service fee
as permitted by division (B) of section 4717.36 and a cancellation
or transfer fee as ~~specified in division (F)~~ permitted by division
(G)(2), (H), or (J) of section 4717.36 of the Revised Code ~~if the~~
~~purchaser wishes to transfer the contract to another seller.~~~~

(C) If a preneed funeral contract is funded by the purchase
or assignment of one or more insurance policies or annuities, the
preneed funeral contract shall include all of the following
information in addition to the information required to be included
under division (A) of this section:

(1) The name and address of each applicable insurance company
and any right the purchaser has regarding canceling or
transferring the applicable insurance policies or annuities;

(2) A directive that any payment made by the purchaser of the
preneed funeral contract shall be made directly to the insurance
company and, if premiums are being paid in installments, a
description of the terms of payment for any remaining payments due
~~if the funding is to be paid in installments;~~

(3) A list of actions that constitute default under a preneed
funeral contract and the consequences of a default;

(4) The following notice in boldface print and in
substantially the following form:

"NOTICE: You, as the purchaser of this contract, will be
notified in writing by the insurance company identified in this
contract when the insurance policy or policies, or annuity or
annuities, that will fund this contract have been issued. If you
do not receive the notice within sixty days after the date you
paid the funds to the seller, you should contact the insurance
company identified in the contract."

(D) The seller of a preneed funeral contract that is funded 70243
by the purchase or assignment of one or more insurance policies or 70244
annuities does not need to include in the contract the information 70245
described in divisions (C)(2) and (3) of this section if those 70246
disclosures are provided in the application for a life insurance 70247
policy or annuity or in the life insurance policy or annuity. 70248

Sec. 4717.33. (A) If a preneed funeral contract is funded by 70249
any means other than an insurance policy or policies, or an 70250
annuity or annuities, the trustee of the trust created pursuant to 70251
section 4717.36 of the Revised Code shall notify the purchaser of 70252
the preneed funeral contract in writing, within fifteen days after 70253
the trustee receives any payment to be deposited into the trust, 70254
that the trustee has received payment. The notice shall include 70255
all of the following information: 70256

(1) The amount the trustee received; 70257

(2) The name and address of the institution described in 70258
division ~~(B)~~(D) of section 4717.36 of the Revised Code where the 70259
trust is being held; 70260

(3) The name of the beneficiary of that trust. 70261

(B) If a preneed funeral contract is funded by the purchase 70262
or assignment of one or more insurance policies or annuities, the 70263
insurance company shall notify the purchaser of the preneed 70264
funeral contract in writing within sixty days after the insurance 70265
company receives an initial premium payment applicable to that 70266
preneed funeral contract. The notice shall include all of the 70267
following information that is pertinent to that preneed funeral 70268
contract: 70269

(1) The amount the insurance company received; 70270

(2) The name and address of the insurance company; 70271

(3) The name of the insured; 70272

(4) The amount of the death benefit; 70273

(5) The policy or contract number of the insurance policy,
annuity, or contract. 70274
70275

(C) For purposes of division (B) of this section, delivery of 70276
an insurance policy, certificate, annuity, or contract to the 70277
purchaser shall satisfy the notice requirement specified in that 70278
division. 70279

Sec. 4717.35. If a preneed funeral contract contains a 70280
provision stating that the preneed funeral contract will be funded 70281
by the purchase of an insurance policy, the insurance agent who 70282
sold the policy that will fund that preneed funeral contract shall 70283
require that any payment made by the purchaser be made in the form 70284
of a check, cashier's check, money order, or debit or credit card, 70285
payable only to the insurance company. The insurance agent shall 70286
remit the application for insurance and the premium paid to the 70287
insurance company designated in the preneed funeral contract 70288
within the time period specified in division (B)(15) of section 70289
3905.14 of the Revised Code, unless the purchaser rescinds the 70290
preneed funeral contract in accordance with division (A) of 70291
section 4717.34 of the Revised Code. 70292

If the purchaser of a preneed funeral contract that is 70293
revocable and that is funded by an insurance policy or annuity 70294
elects to cancel the preneed funeral contract, the purchaser shall 70295
provide a written notice to the seller and the insurance company 70296
designated in the contract stating that the purchaser intends to 70297
cancel that contract. Fifteen days after the purchaser provides 70298
the notice to the seller of the contract and the insurance 70299
company, the purchaser may cancel the preneed funeral contract and 70300
change the beneficiary of the insurance policy or annuity or 70301
reassign the benefits under the policy or annuity. 70302

The purchaser of a preneed funeral contract that is 70303

irrevocable and that is funded by an insurance policy or annuity 70304
may transfer the preneed funeral contract to a successor seller by 70305
notifying the original seller of the designation of a successor 70306
seller. Within fifteen days after receiving the written notice of 70307
the designation of the successor seller from the purchaser, the 70308
original seller shall assign the seller's rights to the proceeds 70309
of the policy to the successor seller. The insurance company shall 70310
confirm the change of assignment by providing written notice to 70311
the policyholder. 70312

Sec. 4717.36. (A) This section applies only to preneed 70313
funeral contracts that are funded by any means other than an 70314
insurance policy or policies, or an annuity or annuities. 70315

~~One hundred per cent of all payments for funeral goods and 70316
funeral services made under a preneed funeral contract shall 70317
remain intact and held in trust in accordance with this section 70318
for the benefit of the contract beneficiary. No money in a preneed 70319
funeral contract trust shall be distributed from the trust except 70320
as provided in this section. Within thirty days after the provider 70321
of the funeral goods or funeral services receives any payment 70322
under a preneed funeral contract, the seller of the preneed 70323
funeral contract shall deliver the moneys received for that 70324
preneed funeral contract that have not been returned to the 70325
purchaser as provided in division (A) of section 4717.34 of the 70326
Revised Code to the trustee designated in the preneed funeral 70327
contract. No money in a preneed funeral contract trust shall be 70328
distributed from the trust except as provided in this section. 70329~~

(B) A seller of a preneed funeral contract that stipulates a 70330
fixed or firm or guaranteed price for the funeral services and 70331
goods to be provided under the preneed funeral contract may charge 70332
an initial service fee not to exceed ten per cent of the total 70333
amount of all payments to be made under the preneed funeral 70334

contract. If the amount to be paid by the purchaser is to be paid 70335
in installments, not more than one-half of any payment may be 70336
applied to the initial service fee. If the preneed funeral 70337
contract is revoked by the purchaser, any portion of the initial 70338
service fee that has not been paid under the preneed funeral 70339
contract is no longer due and payable to the seller. 70340

(C) All payments made by the purchaser of a preneed funeral 70341
contract, except for the initial service fee permitted by division 70342
(B) of this section and any applicable sales tax, shall be made in 70343
the form of a check, cashier's check, money order, or debit or 70344
credit card, payable only to the trustee of the preneed funeral 70345
contract trust. Within thirty days of the seller receiving any 70346
form of payment made payable to the trustee, the seller shall 70347
remit the payment to the trustee unless the purchaser rescinds the 70348
preneed funeral contract in accordance with division (A) of 70349
section 4717.34 of the Revised Code. The funds deposited with the 70350
trustee shall remain intact and held in trust for the contract 70351
beneficiary. 70352

(D) The seller shall establish a preneed funeral contract 70353
trust at one of the following types of institutions and shall 70354
designate that institution as the trustee of the preneed funeral 70355
contract trust: 70356

(1) A trust company licensed under Chapter 1111. of the 70357
Revised Code; 70358

(2) A national bank, federal savings bank, or federal savings 70359
association that pledges securities in accordance with section 70360
1111.04 of the Revised Code; 70361

(3) A credit union authorized to conduct business in this 70362
state pursuant to Chapter 1733. of the Revised Code. 70363

~~(C)~~(E) Moneys deposited in a preneed funeral contract trust 70364
fund shall be held and invested in the manner in which trust funds 70365

are permitted to be held and invested pursuant to Chapter 1111. of 70366
the Revised Code. 70367

~~(D)~~(F) The seller shall establish a separate preneed funeral 70368
contract trust for the moneys paid under each preneed funeral 70369
contract, unless the purchaser or purchasers of a preneed funeral 70370
contract or contracts authorize the seller to place the moneys 70371
paid for that contract or those contracts in a combined preneed 70372
funeral contract trust. The trustee of a combined preneed funeral 70373
contract trust shall keep exact records of the corpus, income, 70374
expenses, and disbursements with regard to each purchaser and 70375
contract beneficiary for whom moneys are held in the trust. The 70376
terms of a preneed funeral contract trust are governed by this 70377
section and the payments from that trust are governed by Chapter 70378
1111. of the Revised Code, except as otherwise provided in this 70379
section. 70380

A trustee of a preneed funeral contract trust may pay taxes 70381
and expenses for a preneed funeral contract trust and may charge a 70382
fee for managing a preneed funeral contract trust. The fee shall 70383
not exceed the amount regularly or usually charged for similar 70384
services rendered by the institutions described in division ~~(B)~~(D) 70385
of this section when serving as a trustee. ~~The taxes, expenses,~~ 70386
~~and fees shall be paid only from the accumulated income on that~~ 70387
~~trust.~~ 70388

~~(E)~~(G) If the purchaser of a preneed funeral contract that is 70389
revocable elects to cancel the contract, the purchaser shall 70390
provide a written notice to the seller of the contract and the 70391
trustee of the preneed funeral contract trust stating that the 70392
purchaser intends to cancel the contract. Fifteen days after the 70393
purchaser provides that notice to the seller and trustee, the 70394
purchaser may cancel the contract. Upon canceling a preneed 70395
funeral contract pursuant to this division, one of the following 70396
shall occur, as applicable: 70397

(1) If the preneed funeral contract does not stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the preneed funeral contract, the trustee shall give to the purchaser all of the assets of the trust that exist at the time of cancellation, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section.

(2) If the preneed funeral contract does stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the contract, the purchaser may request and receive from the trustee all of the assets of the trust at the time of cancellation, less a cancellation fee that the original seller may collect from the trustee that is equal to or less than ten per cent of the value of the assets of the trust on the date the trust is cancelled, provided, however, that to the extent the original seller took an initial service fee as permitted by division (B) of this section, the aggregate amount of the cancellation fee and less the initial service fee may not exceed ten per cent of the value of those assets. In addition to any cancellation fee, there may also be deducted any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section.

If more than one purchaser enters into the contract, all of those purchasers must request cancellation of the contract for it to be effective under this division, and the trustee shall refund to each purchaser only those funds that purchaser has paid under the contract and any income earned on those funds in an amount that is in direct proportion to the amount of funds that purchaser paid relative to the total amount of payments deposited in that trust, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section, the amount of which are in direct proportion to the

amount of funds that purchaser paid relative to the total amount 70430
of payments deposited in that trust. 70431

~~(F)~~(H) The purchaser of a preneed funeral contract that is 70432
irrevocable may transfer the preneed funeral contract to a 70433
successor seller. A purchaser who elects to make such a transfer 70434
shall provide a written notice of the designation of a successor 70435
seller to the trustee and the original seller. Within fifteen days 70436
after receiving the written notice of the new designation from the 70437
purchaser, the trustee shall list the successor seller as the 70438
seller of the preneed funeral contract and the original seller 70439
shall relinquish and transfer all rights under the preneed funeral 70440
contract to the successor seller. The trustee shall confirm the 70441
transfer by providing written notice of the transfer to the 70442
original seller, the successor seller, and the purchaser. If the 70443
preneed funeral contract stipulates a firm or fixed or guaranteed 70444
price for the funeral goods and funeral services to be provided 70445
under the preneed funeral contract, the original seller may 70446
collect from the trustee a transfer fee from the trust that equals 70447
up to ten per cent of the value of the assets of the trust on the 70448
date the trust is transferred, provided, however, that to the 70449
extent the original seller took an initial service fee as 70450
permitted by division (B) of this section, the aggregate amount of 70451
the transfer fee and the initial service fee may not exceed ten 70452
per cent of the value of those assets. If the preneed funeral 70453
contract does not stipulate a firm or fixed or guaranteed price 70454
for funeral goods and funeral services to be provided under the 70455
preneed funeral contract, no transfer fee shall be collected by 70456
the original seller. 70457

~~(G)~~(I) If a seller of a preneed funeral contract elects to 70458
transfer a preneed funeral contract trust from an institution 70459
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 70460
different institution, the trustee of the original trust shall 70461

notify the purchaser of the preneed funeral contract of that 70462
transfer in writing within thirty days after the transfer occurred 70463
and shall provide the purchaser with the name of and the contact 70464
information for the institution where the new trust is maintained. 70465
Upon receipt of the trust, the trustee of the transferred trust 70466
shall notify the purchaser of the receipt of the trusts in 70467
accordance with division (A) of section 4717.33 of the Revised 70468
Code. 70469

~~(H)~~(J) If a seller receives a notice that the contract 70470
beneficiary has died and that funeral goods and funeral services 70471
have been provided by a provider other than the seller, except as 70472
otherwise specified in this section, the seller shall direct the 70473
trustee, within thirty days after receiving that notice, to pay to 70474
the provider that provided the funeral goods and services, if 70475
still unpaid, or the estate of the contract beneficiary all funds 70476
held by the trustee, less any fees charged, distributions paid, 70477
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 70478
of this section. In the event the preneed funeral contract 70479
stipulates a firm or fixed or guaranteed price for funeral goods 70480
and funeral services that were to be provided under the preneed 70481
funeral contract, the seller may collect from the trustee a 70482
cancellation fee not exceeding ten per cent of the value of the 70483
assets of the trust on the date the trust is transferred, 70484
provided, however, that to the extent the original seller took an 70485
initial service fee as permitted by division (B) of this section, 70486
the aggregate amount of the transfer fee and the initial service 70487
fee shall not exceed ten per cent of the value of those assets. If 70488
the preneed funeral trust does not stipulate a firm or fixed or 70489
guaranteed price for funeral goods and funeral services to be 70490
provided under the preneed funeral contract, no cancellation fees 70491
shall be collected by the original seller. 70492

~~(I)~~(K) A certified copy of the certificate of death or other 70493

evidence of death satisfactory to the trustee shall be furnished 70494
to the trustee as evidence of death, and the trustee shall 70495
promptly pay the accumulated payments and income, if any, 70496
according to the preneed funeral contract. Such payment of the 70497
accumulated payments and income pursuant to this section and, when 70498
applicable, the preneed funeral contract, relieves the trustee of 70499
any further liability on the accumulated payments and income. 70500

Sec. 4717.41. (A) There is hereby created the preneed 70501
recovery fund, which shall be in the custody of the treasurer of 70502
state but shall not be part of the state treasury. All fees 70503
collected under division (A)(15) of section 4717.07 of the Revised 70504
Code shall be deposited into the fund. The fund shall be used to 70505
reimburse purchasers of preneed funeral contracts who have 70506
suffered financial loss as a result of the malfeasance, 70507
misfeasance, default, failure, or insolvency in connection with 70508
the sale of a preneed funeral contract by any licensee under this 70509
chapter, regardless of whether the sale of such contract occurred 70510
before or after the establishment of the fund. The fund, and all 70511
investment earnings thereon, shall only be used for the purposes 70512
set forth in this section and shall not be used for any other 70513
purposes. The fund shall be administered by the board of embalmers 70514
and funeral directors. 70515

(B) All fees collected under division (A)(15) of section 70516
4717.07 of the Revised Code shall be deposited into the fund. 70517
Deposits to and disbursements from the fund account shall be 70518
subject to rules established by the board. 70519

(C) If at the end of any fiscal year for this state, the 70520
balance in the fund exceeds two million dollars, the fee required 70521
by division (A)(15) of section 4717.07 of the Revised Code for the 70522
upcoming fiscal year shall be reduced by fifty per cent. If the 70523
balance in the fund at the end of a fiscal year exceeds three 70524

million dollars, the payment of the fee required by division 70525
(A)(15) of section 4717.07 of the Revised Code shall be suspended 70526
for the upcoming fiscal year. 70527

(D) The board shall adopt rules governing management of the 70528
fund, the presentation and processing of applications for 70529
reimbursement, subrogation, or assignment of the rights of any 70530
reimbursed applicant. 70531

(E) The board may expend moneys in the fund for the following 70532
purposes: 70533

(1) To make reimbursements on approved applications; 70534

(2) To purchase insurance to cover losses as considered 70535
appropriate by the board and not inconsistent with the purposes of 70536
the fund; 70537

(3) To invest such portions of the fund as are not currently 70538
needed to reimburse losses and maintain adequate reserves, as are 70539
permitted to be made by fiduciaries under the laws of this state; 70540

(4) To pay the expenses of the board for administering the 70541
fund, including employment of local counsel to prosecute 70542
subrogation claims. 70543

(F) Reimbursements from the fund shall be made only to the 70544
extent to which those losses are not bonded or otherwise covered, 70545
protected, or reimbursed and only after the applicant has complied 70546
with all applicable rules of the board. 70547

(G) The board shall investigate all applications made and may 70548
reject or allow such claims in whole or in part to the extent that 70549
moneys are available in the fund. The board shall have complete 70550
discretion to determine the order and manner of payment of 70551
approved applications. All payments shall be a matter of privilege 70552
and not of right, and no person shall have any right in the fund 70553
as a third-party beneficiary or otherwise. No attorney may be 70554

compensated by the board for prosecuting an application for 70555
reimbursement. 70556

(H) If reimbursement is made to an applicant under this 70557
section, the board shall be subrogated in the reimbursement amount 70558
and may bring any action it considers advisable against any 70559
person. The board may enforce any claims it may have for 70560
restitution or otherwise and may employ and compensate 70561
consultants, agents, legal counsel, accountants, and other persons 70562
it considers appropriate. 70563

Sec. 4723.05. The board of nursing shall appoint an executive 70564
director, ~~who shall be a registered nurse of this state with at~~ 70565
~~least five years experience in the practice of nursing as a~~ 70566
~~registered nurse,~~ shall be a resident of this state during the 70567
term of appointment, and shall not be a member of the board at the 70568
time of appointment or during the term of appointment. The board 70569
shall meet at such times and places as it may direct and provide 70570
in its rules. The president may call special meetings, and the 70571
executive director shall call special meetings upon the written 70572
request of two or more board members. The board shall provide 70573
itself with a seal. The president and executive director may 70574
administer oaths. The executive director is the chief 70575
administrative officer of the board and shall serve as a full time 70576
employee of the board and shall be entitled to attend all meetings 70577
of the board except meetings concerning the appointment and terms 70578
of employment of the executive director. 70579

The term of the executive director shall be one year 70580
commencing on the first day of January. The executive director 70581
shall receive necessary expenses in addition to salary. The 70582
executive director shall give a surety bond to the state in such 70583
sum as the board requires, and conditioned upon the faithful 70584
performance of the duties of executive director. 70585

The executive director is an appointing authority as defined 70586
in section 124.01 of the Revised Code, and may appoint such 70587
nursing education consultants, nursing practice consultants, 70588
investigative personnel, and any additional employees for 70589
professional, clerical, and special work necessary to carry out 70590
the board's functions and with the board's approval, may establish 70591
standards for the conduct of employees. 70592

Sec. 4723.09. (A)(1) An application for licensure by 70593
examination to practice as a registered nurse or as a licensed 70594
practical nurse shall be submitted to the board of nursing in the 70595
form prescribed by rules of the board. The application shall 70596
include all of the following: 70597

(a) Evidence that the applicant has met the educational 70598
requirements described in division (C) of this section; 70599

(b) Any other information required by rules of the board; 70600

(c) The application fee required by section 4723.08 of the 70601
Revised Code. 70602

(2) The board shall grant a license to practice nursing as a 70603
registered nurse or as a licensed practical nurse if the 70604
conditions of divisions (A)(2)(a) to (d) have been met: 70605

(a) The applicant passes the examination accepted by the 70606
board under section 4723.10 of the Revised Code. 70607

(b) In the case of an applicant who entered a prelicensure 70608
nursing education program on or after June 1, 2003, the results of 70609
a criminal records check conducted in accordance with section 70610
4723.091 of the Revised Code demonstrate that the applicant is not 70611
ineligible for licensure as specified in section 4723.092 of the 70612
Revised Code. 70613

(c) The board determines that the applicant has not committed 70614
any act that is grounds for disciplinary action under section 70615

3123.47 or 4723.28 of the Revised Code or determines that an applicant who has committed any act that is grounds for disciplinary action under either section has made restitution or has been rehabilitated, or both.

(d) The applicant is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.

(3) The board is not required to afford an adjudication to an individual to whom it has refused to grant a license because of that individual's failure to pass the examination.

(B)(1) An application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse shall be submitted to the board in the form prescribed by rules of the board. The application shall include all of the following:

(a) Evidence that the applicant holds a current, valid, and unrestricted license or equivalent authorization from another jurisdiction granted after passing an examination approved by the board of that jurisdiction that is equivalent to the examination requirements under this chapter for a license to practice nursing as a registered nurse or licensed practical nurse;

(b) Any other information required by rules of the board;

(c) The application fee required by section 4723.08 of the Revised Code.

(2) The board shall grant a license by endorsement to practice nursing as a registered nurse or as a licensed practical nurse if the conditions of divisions (B)(2)(a) to (f) have been met:

(a) The applicant provides evidence satisfactory to the board that the applicant has met the educational requirements described

in division (C) of this section. 70646

(b) The examination, at the time it is successfully 70647
completed, is equivalent to the examination requirements in effect 70648
at that time for applicants who were licensed by examination in 70649
this state. 70650

(c) The board determines there is sufficient evidence that 70651
the applicant completed two contact hours of continuing education 70652
directly related to this chapter or the rules adopted under it. 70653

(d) The results of a criminal records check conducted in 70654
accordance with section 4723.091 of the Revised Code demonstrate 70655
that the applicant is not ineligible for licensure as specified in 70656
section 4723.092 of the Revised Code. 70657

(e) The applicant has not committed any act that is grounds 70658
for disciplinary action under section 3123.47 or 4723.28 of the 70659
Revised Code, or the board determines that an applicant who has 70660
committed any act that is grounds for disciplinary action under 70661
either of those sections has made restitution or has been 70662
rehabilitated, or both. 70663

(f) The applicant is not required to register under Chapter 70664
2950. of the Revised Code, or a substantially similar law of 70665
another state, the United States, or another country. 70666

(C)(1) To be eligible for licensure by examination or 70667
endorsement, an applicant seeking a license to practice nursing as 70668
a registered nurse must successfully complete either of the 70669
following: 70670

(a) A nursing education program approved by the board under 70671
division (A) of section 4723.06 of the Revised Code; 70672

(b) A nursing education program approved by a board of 70673
another jurisdiction that is a member of the national council of 70674
state boards of nursing. 70675

(2) To be eligible for licensure by examination or 70676
endorsement, an applicant seeking a license to practice nursing as 70677
a licensed practical nurse must successfully complete one of the 70678
following: 70679

(a) A nursing education program approved by the board under 70680
division (A) of section 4723.06 of the Revised Code; 70681

(b) A nursing education program approved by a board of 70682
another jurisdiction that is a member of the national council of 70683
state boards of nursing; 70684

(c) A practical nurse course offered or approved by the 70685
United States army; 70686

(d) A practical nurse education program approved by the 70687
United States air force as either of the following: 70688

(i) The community college of the air force associate degree 70689
in practical nursing technology; 70690

(ii) The allied health program, for students who graduated 70691
that program prior to 2016. 70692

(D) The board may grant a nonrenewable temporary permit to 70693
practice nursing as a registered nurse or as a licensed practical 70694
nurse to an applicant for license by endorsement if the board is 70695
satisfied by the evidence that the applicant holds a current, 70696
valid, and unrestricted license or equivalent authorization from 70697
another jurisdiction. Subject to earlier automatic termination as 70698
described in this paragraph, the temporary permit shall expire at 70699
the earlier of one hundred eighty days after issuance or upon the 70700
issuance of a license by endorsement. The temporary permit shall 70701
terminate automatically if the criminal records check completed by 70702
the bureau of criminal identification and investigation as 70703
described in section 4723.091 of the Revised Code regarding the 70704
applicant indicates that the applicant is ineligible for licensure 70705
as specified in section 4723.092 of the Revised Code. An applicant 70706

whose temporary permit is automatically terminated is permanently 70707
prohibited from obtaining a license to practice nursing in this 70708
state as a registered nurse or as a licensed practical nurse. 70709

Sec. 4723.32. This chapter does not prohibit any of the 70710
following: 70711

(A) The practice of nursing by a student currently enrolled 70712
in and actively pursuing completion of a prelicensure nursing 70713
education program, if all of the following are the case: 70714

(1) The student is participating in a program located in this 70715
state and approved by the board of nursing or participating in 70716
this state in a component of a program located in another 70717
jurisdiction and approved by a board that is a member of the 70718
national council of state boards of nursing; 70719

(2) The student's practice is under the auspices of the 70720
program; 70721

(3) The student acts under the supervision of a registered 70722
nurse serving for the program as a faculty member or teaching 70723
assistant. 70724

(B) The rendering of medical assistance to a licensed 70725
physician, licensed dentist, or licensed podiatrist by a person 70726
under the direction, supervision, and control of such licensed 70727
physician, dentist, or podiatrist; 70728

(C) The activities of persons employed as nursing aides, 70729
attendants, orderlies, or other auxiliary workers in patient 70730
homes, nurseries, nursing homes, hospitals, home health agencies, 70731
or other similar institutions; 70732

(D) The provision of nursing services to family members or in 70733
emergency situations; 70734

(E) The care of the sick when done in connection with the 70735
practice of religious tenets of any church and by or for its 70736

members; 70737

(F) The practice of nursing as an advanced practice 70738
registered nurse by a student currently enrolled in and actively 70739
pursuing completion of a program of study leading to initial 70740
authorization by the board of nursing to practice nursing as an 70741
advanced practice registered nurse in a designated specialty, if 70742
all of the following are the case: 70743

(1) The program qualifies the student to sit for the 70744
examination of a national certifying organization approved by the 70745
board under section 4723.46 of the Revised Code or the program 70746
prepares the student to receive a master's or doctoral degree in 70747
accordance with division (A)(2) of section 4723.41 of the Revised 70748
Code; 70749

(2) The student's practice is under the auspices of the 70750
program; 70751

(3) The student acts under the supervision of an advanced 70752
practice registered nurse serving for the program as a faculty 70753
member, teaching assistant, or preceptor. 70754

(G) The activities of an individual who currently holds a 70755
license to practice nursing or equivalent authorization from 70756
another jurisdiction, if the individual's authority to practice 70757
has not been revoked, the individual is not currently under 70758
suspension or on probation, the individual does not represent the 70759
individual as being licensed under this chapter, and one of the 70760
following is the case: 70761

(1) The individual is engaging in the practice of nursing by 70762
discharging official duties while employed by or under contract 70763
with the United States government or any agency thereof; 70764

(2) The individual is engaging in the practice of nursing as 70765
an employee of an individual, agency, or corporation located in 70766
the other jurisdiction in a position with employment 70767

responsibilities that include transporting patients into, out of, 70768
or through this state, as long as each trip in this state does not 70769
exceed seventy-two hours; 70770

(3) The individual is consulting with an individual licensed 70771
in this state to practice any health-related profession; 70772

(4) The individual is engaging in activities associated with 70773
teaching in this state as a guest lecturer at or for a nursing 70774
education program, continuing nursing education program, or 70775
in-service presentation; 70776

(5) The individual is conducting evaluations of nursing care 70777
that are undertaken on behalf of an accrediting organization, 70778
including the national league for nursing accrediting committee, 70779
the joint commission on accreditation of healthcare organizations, 70780
or any other nationally recognized accrediting organization; 70781

(6) The individual is providing nursing care to an individual 70782
who is in this state on a temporary basis, not to exceed six 70783
months in any one calendar year, if the nurse is directly employed 70784
by or under contract with the individual or a guardian or other 70785
person acting on the individual's behalf; 70786

(7) The individual is providing nursing care during any 70787
disaster, natural or otherwise, that has been officially declared 70788
to be a disaster by a public announcement issued by an appropriate 70789
federal, state, county, or municipal official; 70790

(8) The individual is providing nursing care at a 70791
free-of-charge camp accredited by the SeriousFun children's 70792
network that specializes in providing therapeutic recreation, as 70793
defined in section 2305.231 of the Revised Code, for individuals 70794
with chronic diseases, if all of the following are the case: 70795

(a) The individual provides documentation to the medical 70796
director of the camp that the individual holds a current, valid 70797
license to practice nursing or equivalent authorization from 70798

another jurisdiction. 70799

(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp. 70800
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(c) The individual is not compensated for the individual's services. 70803
70804

(d) The individual provides nursing care within this state for not more than thirty days per calendar year. 70805
70806

(e) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with Chapter 4731. of the Revised Code. 70807
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(H) The administration of medication by an individual who holds a valid medication aide certificate issued under this chapter, if the medication is administered to a resident of a nursing home, residential care facility, or ICF/IID authorized by section 4723.64 of the Revised Code to use a certified medication aide and the medication is administered in accordance with section 4723.67 of the Revised Code. 70810
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Sec. 4723.50. (A) As used in this section: 70817

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 70818
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 70820
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(B) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of advanced practice registered nurses who are designated as clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners to prescribe and furnish drugs and therapeutic devices. 70822
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The board shall adopt rules that are consistent with a 70829
recommended exclusionary formulary the board receives from the 70830
committee on prescriptive governance pursuant to section 4723.492 70831
of the Revised Code. After reviewing a formulary submitted by the 70832
committee, the board may either adopt the formulary as a rule or 70833
ask the committee to reconsider and resubmit the formulary. The 70834
board shall not adopt any rule that does not conform to a 70835
formulary developed by the committee. 70836

The exclusionary formulary shall permit, in a manner 70837
consistent with section 4723.481 of the Revised Code, the 70838
prescribing of controlled substances, ~~as defined in section~~ 70839
~~3719.01 of the Revised Code, in a manner consistent with section~~ 70840
~~4723.481 of the Revised Code~~ including drugs that contain 70841
buprenorphine used in medication-assisted treatment and both oral 70842
and long-acting opioid antagonists. The formulary shall not permit 70843
the prescribing or furnishing of any of the following: 70844

(1) A drug or device to perform or induce an abortion; 70845

(2) A drug or device prohibited by federal or state law. 70846

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) 70847
of this section, the board shall adopt rules under this section 70848
that do the following: 70849

(1) Establish standards for board approval of the course of 70850
study in advanced pharmacology and related topics required by 70851
section 4723.482 of the Revised Code; 70852

(2) Establish requirements for board approval of the two-hour 70853
course of instruction in the laws of this state as required under 70854
division (C)(1) of section 4723.482 of the Revised Code and 70855
division (B)(2) of section 4723.484 of the Revised Code; 70856

(3) Establish criteria for the components of the standard 70857
care arrangements described in section 4723.431 of the Revised 70858
Code that apply to the authority to prescribe, including the 70859

components that apply to the authority to prescribe schedule II 70860
controlled substances. The rules shall be consistent with that 70861
section and include all of the following: 70862

(a) Quality assurance standards; 70863

(b) Standards for periodic review by a collaborating 70864
physician or podiatrist of the records of patients treated by the 70865
clinical nurse specialist, certified nurse-midwife, or certified 70866
nurse practitioner; 70867

(c) Acceptable travel time between the location at which the 70868
clinical nurse specialist, certified nurse-midwife, or certified 70869
nurse practitioner is engaging in the prescribing components of 70870
the nurse's practice and the location of the nurse's collaborating 70871
physician or podiatrist; 70872

(d) Any other criteria recommended by the committee on 70873
prescriptive governance. 70874

Sec. 4723.51. (A) As used in this section: 70875

(1) "Controlled substance," "schedule III," "schedule IV," 70876
and "schedule V" have the same meanings as in section 3719.01 of 70877
the Revised Code. 70878

(2) "Medication-assisted treatment" has the same meaning as 70879
in section 340.01 of the Revised Code. 70880

(B) The board of nursing shall adopt rules establishing 70881
standards and procedures to be followed by advanced practice 70882
registered nurses in the use of all drugs approved by the United 70883
States food and drug administration for use in medication-assisted 70884
treatment, including controlled substances in schedule III, IV, or 70885
V. The rules shall address detoxification, relapse prevention, 70886
patient assessment, individual treatment planning, counseling and 70887
recovery supports, diversion control, and other topics selected by 70888
the board after considering best practices in medication-assisted 70889

treatment. 70890

The board may apply the rules to all circumstances in which 70891
an advanced practice registered nurse prescribes drugs for use in 70892
medication-assisted treatment or limit the application of the 70893
rules to prescriptions for medication-assisted treatment issued 70894
for patients being treated in office-based practices or other 70895
practice types or locations specified by the board. 70896

(C) All rules adopted under this section shall be adopted in 70897
accordance with Chapter 119. of the Revised Code. The rules shall 70898
be consistent with rules adopted under sections 4730.55 and 70899
4731.056 of the Revised Code. 70900

Sec. 4723.52. (A) As used in this section: 70901

(1) "Community addiction services provider" has the same 70902
meaning as in section 5119.01 of the Revised Code. 70903

(2) "Medication-assisted treatment" has the same meaning as 70904
in section 340.01 of the Revised Code. 70905

(B) An advanced practice registered nurse shall comply with 70906
section 3715.08 of the Revised Code and rules adopted under 70907
section 4723.51 of the Revised Code when treating a patient for 70908
addiction with medication-assisted treatment or proposing to 70909
initiate such treatment. 70910

(C) An advanced practice registered nurse who fails to comply 70911
with this section shall treat not more than thirty patients at any 70912
one time with medication-assisted treatment even if the facility 70913
or location at which the treatment is provided is either of the 70914
following: 70915

(1) Exempted by divisions (B)(2)(a) to (d) of section 70916
4729.553 of the Revised Code from being required to possess a 70917
category III terminal distributor of dangerous drugs license with 70918
an office-based opioid treatment classification; 70919

(2) A community addiction services provider that provides 70920
alcohol and drug addiction services that are certified by the 70921
department of mental health and addiction services under section 70922
5119.36 of the Revised Code. 70923

Sec. 4729.01. As used in this chapter: 70924

(A) "Pharmacy," except when used in a context that refers to 70925
the practice of pharmacy, means any area, room, rooms, place of 70926
business, department, or portion of any of the foregoing where the 70927
practice of pharmacy is conducted. 70928

(B) "Practice of pharmacy" means providing pharmacist care 70929
requiring specialized knowledge, judgment, and skill derived from 70930
the principles of biological, chemical, behavioral, social, 70931
pharmaceutical, and clinical sciences. As used in this division, 70932
"pharmacist care" includes the following: 70933

(1) Interpreting prescriptions; 70934

(2) Dispensing drugs and drug therapy related devices; 70935

(3) Compounding drugs; 70936

(4) Counseling individuals with regard to their drug therapy, 70937
recommending drug therapy related devices, and assisting in the 70938
selection of drugs and appliances for treatment of common diseases 70939
and injuries and providing instruction in the proper use of the 70940
drugs and appliances; 70941

(5) Performing drug regimen reviews with individuals by 70942
discussing all of the drugs that the individual is taking and 70943
explaining the interactions of the drugs; 70944

(6) Performing drug utilization reviews with licensed health 70945
professionals authorized to prescribe drugs when the pharmacist 70946
determines that an individual with a prescription has a drug 70947
regimen that warrants additional discussion with the prescriber; 70948

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	70949 70950 70951
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	70952 70953 70954 70955
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	70956 70957
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	70958 70959
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	70960 70961 70962
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	70963 70964
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	70965 70966
(3) As an incident to research, teaching activities, or chemical analysis;	70967 70968
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	70969 70970 70971
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	70972 70973 70974 70975 70976
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is	70977 70978

not available, including the absence of a manufacturer for the 70979
drug or the lack of a readily available supply of the drug from a 70980
manufacturer. 70981

(b) A limited quantity of the drug is compounded and provided 70982
to the professional. 70983

(c) The drug is compounded and provided to the professional 70984
as an occasional exception to the normal practice of dispensing 70985
drugs pursuant to patient-specific prescriptions. 70986

(D) "Consult agreement" means an agreement that has been 70987
entered into under section 4729.39 of the Revised Code. 70988

(E) "Drug" means: 70989

(1) Any article recognized in the United States pharmacopoeia 70990
and national formulary, or any supplement to them, intended for 70991
use in the diagnosis, cure, mitigation, treatment, or prevention 70992
of disease in humans or animals; 70993

(2) Any other article intended for use in the diagnosis, 70994
cure, mitigation, treatment, or prevention of disease in humans or 70995
animals; 70996

(3) Any article, other than food, intended to affect the 70997
structure or any function of the body of humans or animals; 70998

(4) Any article intended for use as a component of any 70999
article specified in division (E)(1), (2), or (3) of this section; 71000
but does not include devices or their components, parts, or 71001
accessories. 71002

(F) "Dangerous drug" means any of the following: 71003

(1) Any drug to which either of the following applies: 71004

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 71005
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 71006
required to bear a label containing the legend "Caution: Federal 71007
law prohibits dispensing without prescription" or "Caution: 71008

Federal law restricts this drug to use by or on the order of a
licensed veterinarian" or any similar restrictive statement, or
the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the
drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance
and that is exempt from Chapter 3719. of the Revised Code or to
which that chapter does not apply;

(3) Any drug intended for administration by injection into
the human body other than through a natural orifice of the human
body;

(4) Any drug that is a biological product, as defined in
section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as
in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or
combinations or mixtures of drugs to be used by a particular
individual or for treating a particular animal, issued by a
licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.488, 4729.44,
4730.431, and 4731.94 of the Revised Code, a written, electronic,
or oral order for naloxone issued to and in the name of a family
member, friend, or other individual in a position to assist an
individual who there is reason to believe is at risk of
experiencing an opioid-related overdose.

(3) For purposes of sections 4723.4810, 4729.282, 4730.432,
and 4731.93 of the Revised Code, a written, electronic, or oral
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis
issued to and in the name of a patient who is not the intended

user of the drug but is the sexual partner of the intended user; 71039

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 71040
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 71041
5101.76 of the Revised Code, a written, electronic, or oral order 71042
for an epinephrine autoinjector issued to and in the name of a 71043
school, school district, or camp; 71044

(5) For purposes of Chapter 3728. and sections 4723.483, 71045
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 71046
electronic, or oral order for an epinephrine autoinjector issued 71047
to and in the name of a qualified entity, as defined in section 71048
3728.01 of the Revised Code. 71049

(I) "Licensed health professional authorized to prescribe 71050
drugs" or "prescriber" means an individual who is authorized by 71051
law to prescribe drugs or dangerous drugs or drug therapy related 71052
devices in the course of the individual's professional practice, 71053
including only the following: 71054

(1) A dentist licensed under Chapter 4715. of the Revised 71055
Code; 71056

(2) A clinical nurse specialist, certified nurse-midwife, or 71057
certified nurse practitioner who holds a current, valid license to 71058
practice nursing as an advanced practice registered nurse issued 71059
under Chapter 4723. of the Revised Code; 71060

(3) An optometrist licensed under Chapter 4725. of the 71061
Revised Code to practice optometry under a therapeutic 71062
pharmaceutical agents certificate; 71063

(4) A physician authorized under Chapter 4731. of the Revised 71064
Code to practice medicine and surgery, osteopathic medicine and 71065
surgery, or podiatric medicine and surgery; 71066

(5) A physician assistant who holds a license to practice as 71067
a physician assistant issued under Chapter 4730. of the Revised 71068

Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority; 71069
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(6) A veterinarian licensed under Chapter 4741. of the Revised Code. 71072
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(J) "~~Sale and or "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such~~ includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both. 71074
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(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser. 71081
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(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. 71084
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(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility. 71086
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(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following: 71091
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(1) The proprietary name of the drug product; 71094

(2) The established (generic) name of the drug product; 71095

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be 71096
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associated with the product without indicating each active 711099
ingredient. The established name and quantity of each active 711100
ingredient are required if such a relevant strength cannot be so 711101
associated with a drug product containing more than one 711102
ingredient. 711103

(4) The dosage form; 711104

(5) The price charged for a specific quantity of the drug 711105
product. The stated price shall include all charges to the 711106
consumer, including, but not limited to, the cost of the drug 711107
product, professional fees, handling fees, if any, and a statement 711108
identifying professional services routinely furnished by the 711109
pharmacy. Any mailing fees and delivery fees may be stated 711110
separately without repetition. The information shall not be false 711111
or misleading. 711112

(O) "Wholesale distributor of dangerous drugs" or "wholesale 711113
distributor" means a person engaged in the sale of dangerous drugs 711114
at wholesale and includes any agent or employee of such a person 711115
authorized by the person to engage in the sale of dangerous drugs 711116
at wholesale. 711117

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 711118
a person, other than a pharmacist or prescriber, who manufactures 711119
dangerous drugs and who is engaged in the sale of those dangerous 711120
drugs ~~within this state~~. 711121

(Q) "Terminal distributor of dangerous drugs" or "terminal 711122
distributor" means a person who is engaged in the sale of 711123
dangerous drugs at retail, or any person, other than a 711124
manufacturer, repackager, outsourcing facility, third-party 711125
logistics provider, wholesale distributor, or a pharmacist, who 711126
has possession, custody, or control of dangerous drugs for any 711127
purpose other than for that person's own use and consumption, ~~and~~. 711128
"Terminal distributor" includes pharmacies, hospitals, nursing 711129

homes, and laboratories and all other persons who procure 71130
dangerous drugs for sale or other distribution by or under the 71131
supervision of a pharmacist or licensed health professional 71132
authorized to prescribe drugs. 71133

(R) "Promote to the public" means disseminating a 71134
representation to the public in any manner or by any means, other 71135
than by labeling, for the purpose of inducing, or that is likely 71136
to induce, directly or indirectly, the purchase of a dangerous 71137
drug at retail. 71138

(S) "Person" includes any individual, partnership, 71139
association, limited liability company, or corporation, the state, 71140
any political subdivision of the state, and any district, 71141
department, or agency of the state or its political subdivisions. 71142

(T) "Animal shelter" means a facility operated by a humane 71143
society or any society organized under Chapter 1717. of the 71144
Revised Code or a dog pound operated pursuant to Chapter 955. of 71145
the Revised Code. 71146

(U) "Food" has the same meaning as in section 3715.01 of the 71147
Revised Code. 71148

(V) "Pain management clinic" has the same meaning as in 71149
section 4731.054 of the Revised Code. 71150

(W) "Investigational drug or product" means a drug or product 71151
that has successfully completed phase one of the United States 71152
food and drug administration clinical trials and remains under 71153
clinical trial, but has not been approved for general use by the 71154
United States food and drug administration. "Investigational drug 71155
or product" does not include controlled substances in schedule I, 71156
as established pursuant to section 3719.41 of the Revised Code, 71157
and as amended. 71158

(X) "Product," when used in reference to an investigational 71159
drug or product, means a biological product, other than a drug, 71160

that is made from a natural human, animal, or microorganism source 71161
and is intended to treat a disease or medical condition. 71162

(Y) "Third-party logistics provider" means a person that 71163
provides or coordinates warehousing or other logistics services 71164
pertaining to dangerous drugs including distribution, on behalf of 71165
a manufacturer, wholesale distributor, or terminal distributor of 71166
dangerous drugs, but does not take ownership of the drugs or have 71167
responsibility to direct the sale or disposition of the drugs. 71168

(Z) "Repackager of dangerous drugs" or "repackager" means a 71169
person that repacks and relabels dangerous drugs for sale or 71170
distribution. 71171

(AA) "Outsourcing facility" means a facility that is engaged 71172
in the compounding and sale of sterile drugs and is registered as 71173
an outsourcing facility with the United States food and drug 71174
administration. 71175

Sec. 4729.06. The state board of pharmacy shall keep a record 71176
of its proceedings and a register of all ~~identification cards,~~ 71177
licenses, and registrations that have been granted, together with 71178
each renewal and suspension or revocation of ~~an identification~~ 71179
~~card,~~ a license, or registration. The books and registers of the 71180
board shall be prima-facie evidence of the matters therein 71181
recorded. The books and registers may be in electronic format. 71182

The president and executive director of the board may 71184
administer oaths. 71185

A statement signed by the executive director to which is 71186
affixed the official seal of the board to the effect that it 71187
appears from the records of the board that the board has not 71188
issued ~~an identification card,~~ a license, or registration to the 71189
person specified in the statement, or that ~~an identification card,~~ 71190

a license, or registration, if issued, has been revoked or 71191
suspended, or the holder has been subjected to disciplinary action 71192
by the board shall be received as prima-facie evidence of the 71193
record of the board in any court or before any officer of this 71194
state. 71195

Sec. 4729.08. Every applicant for examination and licensure 71196
as a pharmacist shall: 71197

(A) Be at least eighteen years of age; 71198

(B) Be of good moral character ~~and habits,~~ as defined in 71199
rules adopted by the state board of pharmacy under section 4729.26 71200
of the Revised Code; 71201

(C) Have obtained a degree in pharmacy from a program that 71202
has been recognized and approved by the state board of pharmacy, 71203
except that graduates of schools or colleges of pharmacy that are 71204
located outside the United States and have not demonstrated that 71205
the standards of their programs are at least equivalent to 71206
programs recognized and approved by the board shall be required to 71207
pass an equivalency examination recognized and approved by the 71208
board and to establish written and oral proficiency in English. 71209

(D) Have satisfactorily completed at least the minimum 71210
requirements for pharmacy internship as outlined by the board. 71211

If the board is satisfied that the applicant meets the 71212
foregoing requirements and if the applicant passes the examination 71213
required under section 4729.07 of the Revised Code, the board 71214
shall issue to the applicant a license ~~and an identification card~~ 71215
authorizing the individual to practice pharmacy. 71216

Sec. 4729.09. The state board of pharmacy may license an 71217
individual as a pharmacist without examination ~~and issue an~~ 71218
~~identification card to the pharmacist~~ if the individual: 71219

(A) Holds a license in good standing to practice pharmacy 71220
under the laws of another state, has successfully completed an 71221
examination for licensure in the other state, and in the opinion 71222
of the board, the examination was at least as thorough as that 71223
required by the board at the time the individual took the 71224
examination; 71225

(B) Is of good moral character ~~and habit~~, as defined in rules 71226
adopted by the board under section 4729.26 of the Revised Code; 71227

(C) Has filed with the licensing body of the other state at 71228
least the credentials or the equivalent that were required by this 71229
state at the time the other state licensed the individual ~~was~~ 71230
~~licensed as~~ a pharmacist. 71231

The board shall not issue ~~any identification card or a~~ 71232
license to practice pharmacy to an individual licensed in another 71233
state if the state in which the individual is licensed does not 71234
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 71235
individuals holding valid licenses received through examination by 71236
the state board of pharmacy. 71237

Sec. 4729.11. The state board of pharmacy shall establish a 71238
pharmacy internship program for the purpose of providing the 71239
practical experience necessary to practice as a pharmacist. Any 71240
individual who desires to become a pharmacy intern shall apply for 71241
licensure to the board. An application filed under this section 71242
may not be withdrawn without the approval of the board. 71243

Each applicant shall be issued ~~an identification card and a~~ 71244
license as a pharmacy intern if ~~in the opinion of~~ the board 71245
determines that the applicant is actively pursuing an educational 71246
program in preparation for licensure as a pharmacist and meets the 71247
other requirements as determined by the board. ~~An identification~~ 71248
~~card and~~ A license shall be valid until the next ~~annual~~ renewal 71249
date and shall be renewed only if the intern is meeting the 71250

requirements and rules of the board. 71251

~~The state board of pharmacy may appoint a director of
pharmacy internship who is a licensed pharmacist and who is not
directly or indirectly connected with a school or college of
pharmacy or department of pharmacy of a university. The director
of pharmacy internship shall be responsible to the board for the
operation and direction of the pharmacy internship program
established by the board under this section, and for such other
duties as the board may assign.~~ 71252
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Sec. 4729.12. ~~An identification card~~ A license issued by the 71260
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 71261
Revised Code entitles the individual to whom it is issued to 71262
practice as a pharmacist or as a pharmacy intern in this state 71263
until the next ~~annual~~ renewal date. 71264

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 71265
~~the fifteenth day of September,~~ according to the standard renewal 71266
procedure of Chapter 4745. of the Revised Code and rules adopted 71267
by the board under section 4729.26 of the Revised Code. Licenses 71268
are valid for the period specified in the rules, unless earlier 71269
revoked or suspended by the board. The period shall not exceed 71270
twenty-four months unless the board extends the period in the 71271
rules to adjust license renewal schedules. 71272

~~Each pharmacist and pharmacy intern shall carry the~~ 71273
~~identification card or renewal identification card while engaged~~ 71274
~~in the practice of pharmacy. The license shall be conspicuously~~ 71275
~~exposed at the principal place where the pharmacist or pharmacy~~ 71276
~~intern practices pharmacy.~~ 71277

A pharmacist or pharmacy intern who desires to continue in 71278
the practice of pharmacy shall file with the board an application 71279
in such form and containing such data as the board may require for 71280
renewal of ~~an identification card~~ a license. In the case of a 71281

pharmacist who dispenses or plans to dispense controlled 71282
substances in this state, the pharmacist shall certify, as part of 71283
the application, that the pharmacist has been granted access to 71284
the drug database established and maintained by the board pursuant 71285
to section 4729.75 of the Revised Code, unless the board has 71286
restricted the pharmacist from obtaining further information from 71287
the database or the board no longer maintains the database. If the 71288
pharmacist certifies to the board that the applicant has been 71289
granted access to the drug database and the board finds through an 71290
audit or other means that the pharmacist has not been granted 71291
access, the board may take action under section 4729.16 of the 71292
Revised Code. 71293

An application filed under this section for renewal of ~~an~~ 71294
~~identification card~~ a license may not be withdrawn without the 71295
approval of the board. 71296

If the board finds that an applicant's ~~identification card~~ 71297
license has not been revoked or placed under suspension and that 71298
the applicant has paid the renewal fee, has continued pharmacy 71299
education in accordance with the rules of the board, and is 71300
entitled to continue in the practice of pharmacy, the board shall 71301
~~issue a renewal identification card to the applicant~~ renew the 71302
applicant's license. 71303

When ~~an identification card~~ a license has lapsed for more 71304
~~than sixty days~~ expired but an application is made within three 71305
years after the expiration of the ~~card~~ license, the ~~applicant~~ 71306
applicant's license shall be ~~issued a renewal identification card~~ 71307
renewed without further examination if the applicant meets the 71308
requirements of this section and pays the fee designated under 71309
division (A)(5) of section 4729.15 of the Revised Code. 71310

A pharmacist or pharmacy intern who fails to renew the 71311
pharmacist's or intern's license by the renewal date prescribed by 71312
the board shall not engage in the practice of pharmacy until a 71313

valid license is issued by the board. 71314

Sec. 4729.13. A pharmacist who fails to make application to 71315
the state board of pharmacy for a ~~renewal identification card~~ 71316
license renewal within a period of three years from the expiration 71317
of the ~~identification card~~ license must pass an examination for 71318
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 71319
of the Revised Code; except that a pharmacist whose ~~registration~~ 71320
license has expired, but who has continually practiced pharmacy in 71321
another state under a license issued by the authority of that 71322
state, may obtain a ~~renewal identification card~~ renewed license 71323
upon payment to the executive director of the board the fee 71324
designated under division (A)(6) of section 4729.15 of the Revised 71325
Code. 71326

Sec. 4729.15. (A) Except as provided in division (B) of this 71327
section, the state board of pharmacy shall charge the following 71328
fees: 71329

(1) For applying for a license to practice as a pharmacist, 71330
an amount adequate to cover all ~~rentals, compensation for~~ 71331
~~proctors, and other~~ expenses of the board related to examination 71332
except the expenses of procuring and grading the examination, 71333
which fee shall not be returned if the applicant fails to pass the 71334
examination; 71335

(2) For the examination of an applicant for licensure as a 71336
pharmacist, an amount adequate to cover any expenses to the board 71337
of procuring and grading the examination or any part thereof, 71338
which fee shall not be returned if the applicant fails to pass the 71339
examination; 71340

(3) For issuing a license ~~and an identification card~~ to an 71341
individual who passes the examination described in section 4729.07 71342
of the Revised Code, an amount that is adequate to cover the 71343

expense; 71344

(4) For a pharmacist applying for renewal of ~~an~~ 71345
~~identification card within sixty days after a license before~~ 71346
the expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty~~ 71347
~~cents~~, which fee shall not be returned if the applicant fails to 71348
qualify for renewal; 71349

(5) For a pharmacist applying for renewal of ~~an~~ 71350
~~identification card a license~~ that has ~~lapsed~~ been expired for 71351
more than ~~sixty days~~, but for less than three years, ~~one hundred~~ 71352
~~thirty-five dollars~~ the renewal fee identified in division (A)(4) 71353
of this section plus a penalty of thirty-seven dollars and fifty 71354
cents, which fee shall not be returned if the applicant fails to 71355
qualify for renewal; 71356

(6) For a pharmacist applying for renewal of ~~an~~ 71357
~~identification card a license~~ that has ~~lapsed~~ been expired for 71358
more than three years, three hundred thirty-seven dollars and 71359
fifty cents, which fee shall not be returned if the applicant 71360
fails to qualify for renewal; 71361

(7) For a pharmacist applying for a license ~~and~~ 71362
~~identification card~~, on presentation of a pharmacist license 71363
granted by another state, three hundred thirty-seven dollars and 71364
fifty cents, which fee shall not be returned if the applicant 71365
fails to qualify for licensure. 71366

(8) For a license ~~and identification card~~ to practice as a 71367
pharmacy intern, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, 71368
which fee shall not be returned if the applicant fails to qualify 71369
for licensure; 71370

(9) For the renewal of a pharmacy intern ~~identification card~~ 71371
license, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, which fee 71372
shall not be returned if the applicant fails to qualify for 71373
renewal; 71374

(10) For issuing a replacement license to a pharmacist,	71375
twenty two dollars and fifty cents;	71376
(11) For issuing a replacement license to a pharmacy intern,	71377
seven dollars and fifty cents;	71378
(12) For issuing a replacement identification card to a	71379
pharmacist, thirty seven dollars and fifty cents, or pharmacy	71380
intern, seven dollars and fifty cents;	71381
(13) For certifying licensure and grades for reciprocal	71382
licensure, ten <u>thirty-five</u> dollars;	71383
(14) <u>(11)</u> For making copies of any application, affidavit, or	71384
other document filed in the state board of pharmacy office, an	71385
amount fixed by the board that is adequate to cover the expense,	71386
except that for copies required by federal or state agencies or	71387
law enforcement officers for official purposes, no charge need be	71388
made;	71389
(15) <u>(12)</u> For certifying and affixing the seal of the board,	71390
an amount fixed by the board that is adequate to cover the	71391
expense, except that for certifying and affixing the seal of the	71392
board to a document required by federal or state agencies or law	71393
enforcement officers for official purposes, no charge need be	71394
made;	71395
(16) <u>(13)</u> For each copy of a book or pamphlet that includes	71396
laws administered by the state board of pharmacy, rules adopted by	71397
the board, and chapters of the Revised Code with which the board	71398
is required to comply, an amount fixed by the board that is	71399
adequate to cover the expense of publishing and furnishing the	71400
book or pamphlet.	71401
(B)(1) Subject to division (B)(2) of this section, the fees	71402
described in divisions (A)(1) to (13) <u>(10)</u> of this section do not	71403
apply to an individual who is on active duty in the armed forces	71404
of the United States, <u>as defined in section 5903.01 of the Revised</u>	71405

Code, to the spouse of an individual who is on active duty in the 71406
armed forces of the United States, or to an individual who served 71407
in the armed forces of the United States and presents a valid copy 71408
of the individual's DD-214 form or an equivalent document issued 71409
by the United States department of defense indicating that the 71410
individual is an honorably discharged veteran documentation that 71411
the individual has been discharged under honorable conditions from 71412
the armed forces or has been transferred to the reserve with 71413
evidence of satisfactory service. 71414

(2) The state board of pharmacy may establish limits with 71415
respect to the individuals for whom fees are not applicable under 71416
division (B)(1) of this section. 71417

Sec. 4729.16. (A)(1) The state board of pharmacy, after 71418
notice and hearing in accordance with Chapter 119. of the Revised 71419
Code, may impose any one or more of the following sanctions on a 71420
pharmacist or pharmacy intern if the board finds the individual 71421
engaged in any of the conduct set forth in division (A)(2) of this 71422
section: 71423

(a) Revoke, suspend, restrict, limit, or refuse to grant or 71424
renew a license; 71425

(b) Reprimand or place the license holder on probation; 71426

(c) Impose a monetary penalty or forfeiture not to exceed in 71427
severity any fine designated under the Revised Code for a similar 71428
offense, or in the case of a violation of a section of the Revised 71429
Code that does not bear a penalty, a monetary penalty or 71430
forfeiture of not more than five hundred dollars. 71431

(2) The board may impose the sanctions listed in division 71432
(A)(1) of this section if the board finds a pharmacist or pharmacy 71433
intern: 71434

(a) Has been convicted of a felony, or a crime of moral 71435

turpitude, as defined in section 4776.10 of the Revised Code;	71436
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	71437 71438
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	71439 71440 71441
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	71442 71443
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	71444 71445 71446 71447 71448
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	71449 71450
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	71451 71452 71453
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	71454 71455 71456 71457 71458
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	71459 71460
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;	71461 71462 71463 71464
(k) Failed to comply with an order of the board or a	71465

settlement agreement;	71466
(1) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.	71467 71468 71469
(B) Any individual whose identification card or license is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	71470 71471 71472 71473
(C) As used in this section:	71474
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	71475 71476
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	71477 71478
(2) Except as provided in section 4729.281 or 4729.44 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	71479 71480 71481 71482
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	71483 71484
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	71485 71486 71487
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	71488 71489
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	71490 71491 71492 71493
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules	71494 71495

adopted under section 4729.26 of the Revised Code. 71496

(D) The board may suspend a license ~~or identification card~~ 71497
under division (B) of section 3719.121 of the Revised Code by 71498
utilizing a telephone conference call to review the allegations 71499
and take a vote. 71500

(E) For purposes of this division, an individual authorized 71501
to practice as a pharmacist or pharmacy intern accepts the 71502
privilege of practicing in this state subject to supervision by 71503
the board. By filing an application for or holding a license to 71504
practice as a pharmacist or pharmacy intern, an individual gives 71505
consent to submit to a mental or physical examination when ordered 71506
to do so by the board in writing and waives all objections to the 71507
admissibility of testimony or examination reports that constitute 71508
privileged communications. 71509

If the board has reasonable cause to believe that an 71510
individual who is a pharmacist or pharmacy intern is physically or 71511
mentally impaired, the board may require the individual to submit 71512
to a physical or mental examination, or both. The expense of the 71513
examination is the responsibility of the individual required to be 71514
examined. 71515

Failure of an individual who is a pharmacist or pharmacy 71516
intern to submit to a physical or mental examination ordered by 71517
the board, unless the failure is due to circumstances beyond the 71518
individual's control, constitutes an admission of the allegations 71519
and a suspension order shall be entered without the taking of 71520
testimony or presentation of evidence. Any subsequent adjudication 71521
hearing under Chapter 119. of the Revised Code concerning failure 71522
to submit to an examination is limited to consideration of whether 71523
the failure was beyond the individual's control. 71524

If, based on the results of an examination ordered under this 71525
division, the board determines that the individual's ability to 71526

practice is impaired, the board shall suspend the individual's 71527
license or deny the individual's application and shall require the 71528
individual, as a condition for an initial, continued, reinstated, 71529
or renewed license to practice, to submit to a physical or mental 71530
examination and treatment. 71531

An order of suspension issued under this division shall not 71532
be subject to suspension by a court during pendency of any appeal 71533
filed under section 119.12 of the Revised Code. 71534

(F) If the board is required under Chapter 119. of the 71535
Revised Code to give notice of an opportunity for a hearing and 71536
the applicant or licensee does not make a timely request for a 71537
hearing in accordance with section 119.07 of the Revised Code, the 71538
board is not required to hold a hearing, but may adopt a final 71539
order that contains the board's findings. In the final order, the 71540
board may impose any of the sanctions listed in division (A) of 71541
this section. 71542

(G) Notwithstanding the provision of division (C)(2) of 71543
section 2953.32 of the Revised Code specifying that if records 71544
pertaining to a criminal case are sealed under that section the 71545
proceedings in the case must be deemed not to have occurred, 71546
sealing of the following records on which the board has based an 71547
action under this section shall have no effect on the board's 71548
action or any sanction imposed by the board under this section: 71549
records of any conviction, guilty plea, judicial finding of guilt 71550
resulting from a plea of no contest, or a judicial finding of 71551
eligibility for a pretrial diversion program or intervention in 71552
lieu of conviction. The board shall not be required to seal, 71553
destroy, redact, or otherwise modify its records to reflect the 71554
court's sealing of conviction records. 71555

(H) No pharmacist or pharmacy intern shall knowingly engage 71556
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 71557
(1) of this section. 71558

Sec. 4729.23. (A) Except as provided in division (B) of this section, information received by the state board of pharmacy pursuant to an investigation is confidential and is not subject to discovery in any civil action. Any record that identifies a patient, confidential informant, or individual who files a complaint with the board or may reasonably lead to the identification of the patient, informant, or complainant is not a public record for purposes of section 149.43 of the Revised Code and is not subject to inspection or copying under section 1347.08 of the Revised Code.

(B) The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients, confidential informants, and individuals who file complaints with the board. The board shall not make public the names or any other identifying information of patients, confidential informants, or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code. The consent or waiver is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

On request, the board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other state or federal governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state board of pharmacy must comply, notwithstanding any conflicting provision of the Revised Code or agency procedure that applies when the agency is dealing with

other information in its possession. 71591

Any information the board receives from a state or federal agency is subject to the same confidentiality requirements as the agency from which it was received and shall not be released by the board without prior authorization from that agency. 71592
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The board may, for good cause shown, disclose or authorize disclosure of information gathered pursuant to an investigation. 71596
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(C) Any board activity that involves continued monitoring of an individual for treatment or recovery purposes as part of or following any disciplinary action taken under section 4729.16, 4729.56, or 4729.57 of the Revised Code shall be conducted in a manner that maintains an individual's confidentiality with respect to the individual's treatment or recovery program. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a license or certificate holder. 71598
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Sec. 4729.24. (A) Subject to division (B) of this section, in addition to the actions the state board of pharmacy may take under Chapter 119. of the Revised Code, the board may order the taking of depositions; examine and copy any books, accounts, papers, records, documents, and other tangible objects; issue subpoenas; and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and other tangible objects. 71610
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On failure of a person to comply with a subpoena issued by the board and after reasonable notice to that person, the board may apply to the court of common pleas of Franklin county for an order compelling the production of persons or records pursuant to the Ohio Rules of Civil Procedure. 71617
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A subpoena issued by the board may be served by a sheriff, sheriff's deputy, or board employee designated by the board. Service of a subpoena may be made by delivering a copy of the subpoena to the person named in the subpoena or by leaving it at the person's usual place of residence.

(B) A subpoena for patient record information may be issued only on approval by the board's executive director and the president or another board member designated by the president, in consultation with the office of the attorney general. Before issuing the subpoena, the executive director and the office of the attorney general shall determine whether probable cause exists to believe that the complaint filed alleges, or an investigation has revealed, a violation of this chapter or Chapters 2925., 3715., 3719., or 3796. of the Revised Code or any rule adopted by the board, that the records sought are relevant to the alleged violation and material to the investigation, and that the records cover a reasonable period of time surrounding the alleged violation.

(C) The board may adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures to be followed in taking the actions authorized by this section, including procedures regarding payment for and service of subpoenas.

Sec. 4729.51. (A) No person other than a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs having 71653
more than one licensed location may transfer or deliver dangerous 71654
drugs from one licensed location to another licensed location 71655
owned by the terminal distributor if the license issued for each 71656
location is in effect at the time of the transfer or delivery. 71657

(3) A licensed terminal distributor of dangerous drugs that 71658
is not a pharmacy may make occasional sales of naloxone at 71659
wholesale. 71660

(B) No ~~registered~~ licensed manufacturer, outsourcing 71661
facility, third-party logistics provider, repackager, or 71662
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71663
distribute, at wholesale, dangerous drugs or investigational drugs 71664
or products to any person other than the following: 71665

(1) Subject to division (D) of this section, a licensed 71666
terminal distributor of dangerous drugs; 71667

(2) Subject to division (C) of this section, any person 71668
exempt from licensure as a terminal distributor of dangerous drugs 71669
under section 4729.541 of the Revised Code; 71670

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 71671
third-party logistics provider, repackager, or 71672
distributor ~~of dangerous drugs~~; 71673

(4) A terminal distributor, manufacturer, outsourcing 71674
facility, third-party logistics provider, repackager, or 71675
distributor ~~of dangerous drugs~~ that is located in another state, 71676
is not engaged in the sale of dangerous drugs within this state, 71677
and is actively licensed to engage in the sale of dangerous drugs 71678
by the state in which the distributor conducts business. 71679

(C) No ~~registered~~ licensed manufacturer, outsourcing 71680
facility, third-party logistics provider, repackager, or 71681
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71682
distribute, at wholesale, dangerous drugs or investigational drugs 71683

or products to either of the following: 71684

(1) A prescriber who is employed by either of the following: 71685

(a) A pain management clinic that is not licensed as a 71686
terminal distributor of dangerous drugs with a pain management 71687
clinic classification issued under section 4729.552 of the Revised 71688
Code; 71689

(b) A facility, clinic, or other location that provides 71690
office-based opioid treatment but is not licensed as a terminal 71691
distributor of dangerous drugs with an office-based opioid 71692
treatment classification issued under section 4729.553 of the 71693
Revised Code if such a license is required by that section. 71694

(2) A business entity described in division (A)(2) or (3) of 71695
section 4729.541 of the Revised Code that is, or is operating, 71696
either of the following: 71697

(a) A pain management clinic without a license as a terminal 71698
distributor of dangerous drugs with a pain management clinic 71699
classification issued under section 4729.552 of the Revised Code; 71700

(b) A facility, clinic, or other location that provides 71701
office-based opioid treatment without a license as a terminal 71702
distributor of dangerous drugs with an office-based opioid 71703
treatment classification issued under section 4729.553 of the 71704
Revised Code if such a license is required by that section. 71705

(D) No ~~registered~~ licensed manufacturer, outsourcing 71706
facility, third-party logistics provider, repackager, or wholesale 71707
~~distributor of dangerous drugs~~ shall possess dangerous drugs or 71708
investigational drugs or products for sale at wholesale, or sell 71709
or distribute such drugs at wholesale, to a licensed terminal 71710
distributor of dangerous drugs, except as follows: 71711

(1) ~~In the case of a terminal distributor with a category I~~ 71712
~~license, only dangerous drugs described in category I, as defined~~ 71713

~~in division (A)(1) of section 4729.54 of the Revised Code;~~ 71714

~~(2)~~ In the case of a terminal distributor with a category II license, only dangerous drugs ~~described in category I and category II~~, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 4729.54 of the Revised Code; 71715
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~~(3)~~(2) In the case of a terminal distributor with a category III license, dangerous drugs ~~described in category I~~, category II~~,~~ and category III, as defined in divisions (A)(1)~~,~~ and (2)~~,~~ ~~and (3)~~ of section 4729.54 of the Revised Code; 71719
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~~(4)~~(3) In the case of a terminal distributor with a limited category ~~I~~, II~~,~~ or III license, only the dangerous drugs specified in the ~~certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code~~ license. 71723
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(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following: 71727
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(a) Sell or distribute, at retail, dangerous drugs; 71729

(b) Possess for sale, at retail, dangerous drugs; 71730

(c) Possess dangerous drugs. 71731

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following: 71732
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(i) A licensed terminal distributor of dangerous drugs; 71734

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code; 71735
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(iii) Any of the persons identified in divisions (A)(1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 71739
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(b) Division (E)(1)(c) of this section does not apply to any 71742

of the following: 71743

(i) A ~~registered~~ licensed manufacturer, outsourcing facility, 71744
third-party logistics provider, repackager, or 71745
wholesale distributor ~~of dangerous drugs;~~ 71746

(ii) Any of the persons identified in divisions (A)(6) to 71747
(12) of section 4729.541 of the Revised Code, but only to the 71748
extent specified in that section. 71749

(F) No licensed terminal distributor of dangerous drugs or 71750
person that is exempt from licensure under section 4729.541 of the 71751
Revised Code shall purchase dangerous drugs or investigational 71752
drugs or products from any person other than a ~~registered~~ licensed 71753
manufacturer, outsourcing facility, third-party logistics 71754
provider, repackager, or wholesale distributor ~~of dangerous drugs,~~ 71755
except as follows: 71756

(1) A licensed terminal distributor of dangerous drugs or 71757
person that is exempt from licensure under section 4729.541 of the 71758
Revised Code may make occasional purchases of dangerous drugs or 71759
investigational drugs or products that are sold in accordance with 71760
division (A)(1) or (3) of this section. 71761

(2) A licensed terminal distributor of dangerous drugs having 71762
more than one licensed location may transfer or deliver dangerous 71763
drugs or investigational drugs or products from one licensed 71764
location to another licensed location if the license issued for 71765
each location is in effect at the time of the transfer or 71766
delivery. 71767

(G) No licensed terminal distributor of dangerous drugs shall 71768
engage in the retail sale or other distribution of dangerous drugs 71769
or investigational drugs or products or maintain possession, 71770
custody, or control of dangerous drugs or investigational drugs or 71771
products for any purpose other than the distributor's personal use 71772
or consumption, at any establishment or place other than that or 71773

those described in the license issued by the state board of pharmacy to such terminal distributor. 71774
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(H) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to collect samples of any drug, regardless of its nature or in whose possession it may be. 71776
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(I) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may distribute epinephrine autoinjectors for use in accordance with section 3313.7110 of the Revised Code and may distribute inhalers for use in accordance with section 3313.7113 of the Revised Code. 71781
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Sec. 4729.52. (A) As used in this section: 71787

(1) "Category II" means any dangerous drug that is not included in category III. 71788
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(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 71790
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(3) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 71792
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(B)(1)(a) The state board of pharmacy shall license the following persons: 71796
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(i) Wholesale distributors of dangerous drugs; 71798

(ii) Manufacturers of dangerous drugs; 71799

(iii) Outsourcing facilities; 71800

(iv) Third-party logistics providers; 71801

(v) Repackagers of dangerous drugs. 71802

(b) There shall be two categories for the licenses identified 71803
in division (B)(1)(a) of this section. The categories are as 71804
follows: 71805

(i) Category II license. A person who obtains this license 71806
may possess, have custody or control of, and distribute, only the 71807
dangerous drugs described in category II. 71808

(ii) Category III license. A person who obtains this license 71809
may possess, have custody or control of, and distribute, the 71810
dangerous drugs described in category II and category III. 71811

(c) The board may adopt rules under section 4729.26 of the 71812
Revised Code to create classification types of any license issued 71813
pursuant to this section. Persons who meet the definitions of the 71814
classification types shall comply with all requirements for the 71815
specific license classification specified in rule. 71816

(C) A person ~~desiring to be registered as a wholesale~~ 71817
~~distributor of dangerous drugs~~ seeking a license identified in 71818
division (B)(1)(a) of this section shall file with the executive 71819
director of the ~~state board of pharmacy~~ a verified application 71820
containing such information as the board requires of the applicant 71821
relative to the licensure qualifications ~~to be registered as a~~ 71822
~~wholesale distributor of dangerous drugs~~ set forth in section 71823
4729.53 of the Revised Code and the rules adopted under that 71824
section. The 71825

The board shall ~~register~~ license as a category II or category 71826
III manufacturer, outsourcing facility, third-party logistics 71827
provider, repackager, or wholesale distributor ~~of dangerous drugs~~ 71828
each applicant who has paid the required ~~registration~~ license fee, 71829
if the board determines that the applicant meets the licensure 71830
qualifications ~~to be registered as a wholesale distributor of~~ 71831
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 71832
and the rules adopted under that section. 71833

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 71834
not reside in this state a ~~registration certificate as a wholesale~~ 71835
~~distributor of dangerous drugs~~ license identified in division 71836
(B)(1)(a) of this section if the person ~~possesses~~ pays the 71837
required licensure fee and meets either of the following: 71838

(1) Possesses a current and valid manufacturer, outsourcing 71839
facility, third-party logistics provider, repackager, or wholesale 71840
~~distributor of dangerous drugs registration certificate or~~ 71841
license, or its equivalent, issued by another state ~~that~~ in which 71842
that person is physically located, but only if that state has 71843
qualifications for licensure ~~or registration~~ comparable to the 71844
~~registration~~ licensure requirements in this state ~~and pays the~~ 71845
~~required registration fee;~~ 71846

(2) Meets the requirements set forth by the board for 71847
issuance of a license identified in division (B)(1)(a) of this 71848
section, as verified by a state, federal, or other entity 71849
recognized by the board to perform such verification. 71850

~~(C)(E)~~ All ~~registration certificates~~ licenses issued ~~or~~ 71851
renewed pursuant to this section are effective for a period ~~of~~ 71852
~~twelve months from the first day of July of each year~~ specified by 71853
the board in rules adopted under section 4729.26 of the Revised 71854
Code. The effective period for an initial or renewed license shall 71855
not exceed twenty-four months unless the board extends the period 71856
in rules to adjust license renewal schedules. A registration 71857
~~certificate~~ license shall be renewed ~~annually~~ by the board ~~for a~~ 71858
~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 71859
procedure of Chapter 4745. of the Revised Code, and rules adopted 71860
by the board under section 4729.26 of the Revised Code. A person 71861
~~desiring~~ seeking to renew a ~~registration certificate~~ license shall 71862
submit an application for renewal and pay the required renewal fee 71863
before the ~~first day of July each year~~ date specified in the rules 71864
adopted by the board. 71865

~~(D)(F)~~ Each ~~registration certificate and its application~~ 71866
license issued under this section shall describe not more than one 71867
establishment or place where the ~~registrant or applicant~~ license 71868
holder may engage in the ~~sale of dangerous drugs at wholesale~~ 71869
activities authorized by the license. No ~~registration certificate~~ 71870
license shall authorize or permit the ~~wholesale distributor of~~ 71871
~~dangerous drugs person~~ named therein to engage in the sale or 71872
distribution of drugs at wholesale or to maintain possession, 71873
custody, or control of dangerous drugs for any purpose other than 71874
for the ~~registrant's~~ licensee's own use and consumption at any 71875
establishment or place other than that described in the 71876
~~certificate~~ license. 71877

~~(E)(G)(1)(a)~~ The ~~registration category II license~~ fee is 71878
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 71879
accompany each application for ~~registration~~ licensure. The 71880
~~registration~~ license renewal fee is ~~seven hundred fifty one~~ 71881
thousand nine hundred dollars and shall accompany each renewal 71882
application. 71883

(b) The category III license fee is two thousand dollars and 71884
shall accompany each application for licensure. The license 71885
renewal fee is two thousand dollars and shall accompany each 71886
renewal application. 71887

~~A registration certificate~~ (c)(i) Subject to division 71888
(G)(1)(c)(ii) of this section, a license issued pursuant to this 71889
section that has not been renewed in any year by the first day of 71890
August by the date specified in rules adopted by the board may be 71891
reinstated upon payment of the renewal fee and a penalty of ~~one~~ 71892
three hundred fifty dollars. 71893

(ii) If a complete application for renewal has not been 71894
submitted by the sixty-first day after the renewal date specified 71895
in rules adopted by the board, the license is considered void and 71896
cannot be renewed, but the license holder may reapply for 71897

licensure. 71898

(2) Renewal fees and penalties assessed under division 71899
~~(E)~~(G)(1) of this section shall not be returned if the applicant 71900
fails to qualify for renewal. 71901

(3) A person licensed pursuant to this section that fails to 71902
renew licensure in accordance with this section and rules adopted 71903
by the board is prohibited from engaging in manufacturing, 71904
repackaging, compounding, or distributing as a third-party 71905
logistics provider or wholesale distributor until a valid license 71906
is issued by the board. 71907

~~(F) The registration of any person as a wholesale distributor 71908
of dangerous drugs (H) Holding a license issued pursuant to this 71909
section subjects the person holder and the person's holder's 71910
agents and employees to the jurisdiction of the board and to the 71911
laws of this state for the purpose of the enforcement of this 71912
chapter and the rules of the board. However, the filing of an 71913
application for registration as a wholesale distributor of 71914
dangerous drugs licensure under this section by, or on behalf of, 71915
any person, or the registration issuance of a license pursuant to 71916
this section to or on behalf of any person as a wholesale 71917
distributor of dangerous drugs, shall not, of itself, constitute 71918
evidence that the person is doing business within this state.~~ 71919

(I) The board may enter into agreements with other states, 71920
federal agencies, and other entities to exchange information 71921
concerning licensing and inspection of any manufacturer, 71922
outsourcing facility, third-party logistics provider, repackager, 71923
or wholesale distributor located within or outside this state and 71924
to investigate alleged violations of the laws and rules governing 71925
distribution of drugs by such persons. Any information received 71926
pursuant to such an agreement is subject to the same 71927
confidentiality requirements applicable to the agency or entity 71928
from which it was received and shall not be released without prior 71929

authorization from that agency or entity. Any information received 71930
is also subject to section 4729.23 of the Revised Code. 71931

Sec. 4729.53. (A) The state board of pharmacy shall not 71932
~~register~~ license any person as a manufacturer of dangerous drugs, 71933
outsourcing facility, third-party logistics provider, repackager 71934
of dangerous drugs, or wholesale distributor of dangerous drugs 71935
unless the applicant for ~~registration~~ licensure furnishes 71936
satisfactory proof to the board that the applicant meets all of 71937
the following: 71938

(1) If the applicant has ~~been convicted of a violation of~~ 71939
committed acts that the board finds violate any federal, state, or 71940
local law, regulation, or rule relating to drug samples, 71941
manufacturing, compounding, repackaging, wholesale or retail drug 71942
distribution, or distribution of dangerous drugs, including 71943
controlled substances, ~~or~~ of constitute a felony, or if a federal, 71944
state, or local governmental entity has suspended or revoked any 71945
current or prior license ~~or registration~~ of the applicant for the 71946
manufacture, compounding, repackaging, distribution, or sale of 71947
any dangerous drugs, including controlled substances, the 71948
applicant, to the satisfaction of the board, assures that the 71949
applicant has in place adequate safeguards to prevent the 71950
recurrence of any such violations. 71951

(2) The applicant's past experience in the manufacture, 71952
compounding, repackaging, or distribution of dangerous drugs, 71953
including controlled substances, is acceptable to the board. 71954

(3) The applicant is properly equipped as to land, buildings, 71955
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 71956
~~a wholesale distributor of dangerous drugs,~~ including providing 71957
adequate security for and proper storage conditions and handling 71958
for dangerous drugs, and is complying with the requirements under 71959
this chapter and the rules adopted pursuant thereto for 71960

maintaining and making available records to properly identified 71961
board officials and federal, state, and local law enforcement 71962
agencies. 71963

(4) Personnel employed by the applicant have the appropriate 71964
education or experience, as determined by the board, to assume 71965
responsibility for positions related to compliance with this 71966
chapter and the rules adopted pursuant thereto. 71967

(5) The applicant has designated the name and address of a 71968
person to whom communications from the board may be directed and 71969
upon whom the notices and citations provided for in section 71970
4729.56 of the Revised Code may be served. 71971

(6) Adequate safeguards are assured to prevent the sale of 71972
dangerous drugs ~~to any person other than those named in division~~ 71973
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 71974

(7) Any other requirement or qualification the board, by rule 71975
adopted in accordance with Chapter 119. of the Revised Code, 71976
considers relevant to and consistent with the public safety and 71977
health. 71978

(B) In addition to the causes described in section 4729.56 of 71979
the Revised Code for refusing to grant or renew a ~~registration~~ 71980
~~certificate~~ license, the board may refuse to ~~register~~ grant or 71981
renew ~~the registration certificate of any person~~ a license if the 71982
board determines that the granting of the ~~registration certificate~~ 71983
license or its renewal is not in the public interest. 71984

Sec. 4729.54. (A) As used in this section: 71985

(1) ~~"Category I" means single dose injections of intravenous~~ 71986
~~fluids, including saline, Ringer's lactate, five per cent dextrose~~ 71987
~~and distilled water, and other intravenous fluids or parenteral~~ 71988
~~solutions included in this category by rule of the state board of~~ 71989
~~pharmacy, that have a volume of one hundred milliliters or more~~ 71990

~~and that contain no added substances, or single dose injections of~~ 71991
~~epinephrine to be administered pursuant to sections 4765.38 and~~ 71992
~~4765.39 of the Revised Code.~~ 71993

~~(2)~~ "Category II" means any dangerous drug that is not 71994
included in category ~~I~~ or III. 71995

~~(3)~~(2) "Category III" means any controlled substance that is 71996
contained in schedule I, II, III, IV, or V. 71997

~~(4)~~(3) "Emergency medical service organization" has the same 71998
meaning as in section 4765.01 of the Revised Code. 71999

~~(5)~~(4) "Person" includes an emergency medical service 72000
organization. 72001

~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, 72002
and schedule V" mean controlled substance schedules I, II, III, 72003
IV, and V, respectively, as established pursuant to section 72004
3719.41 of the Revised Code and as amended. 72005

(B)(1) A person ~~who desires~~ seeking to be licensed as a 72006
terminal distributor of dangerous drugs shall file with the 72007
executive director of the state board of pharmacy a verified 72008
application. After it is filed, the application may not be 72009
withdrawn without approval of the board. 72010

(2) An application shall contain all the following that apply 72011
in the applicant's case: 72012

(a) Information that the board requires relative to the 72013
qualifications of a terminal distributor of dangerous drugs set 72014
forth in section 4729.55 of the Revised Code; 72015

(b) A statement ~~that~~ as to whether the person ~~wishes is~~ 72016
seeking to be licensed as a ~~category I,~~ category II, category III, 72017
~~limited category I,~~ limited category II, or limited category III 72018
terminal distributor of dangerous drugs; 72019

(c) If the person ~~wishes is~~ seeking to be licensed as a 72020

~~limited category I,~~ limited category II~~,~~ or limited category III 72021
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 72022
dangerous drugs that the person ~~wishes~~ is seeking to possess, have 72023
custody or control of, and distribute, which list shall also 72024
specify the purpose for which those drugs will be used and their 72025
source; 72026

(d) If the person is an emergency medical service 72027
organization, the information that is specified in division (C)(1) 72028
of this section; 72029

(e) Except for an emergency medical service organization, the 72030
identity of the one establishment or place at which the person 72031
intends to engage in the sale or other distribution of dangerous 72032
drugs at retail, and maintain possession, custody, or control of 72033
dangerous drugs for purposes other than the person's own use or 72034
consumption; 72035

(f) If the application pertains to a pain management clinic, 72036
information that demonstrates, to the satisfaction of the board, 72037
compliance with division (A) of section 4729.552 of the Revised 72038
Code; 72039

(g) If the application pertains to a facility, clinic, or 72040
other location described in division (B) of section 4729.553 of 72041
the Revised Code that must hold a category III terminal 72042
distributor of dangerous drugs license with an office-based opioid 72043
treatment classification, information that demonstrates, to the 72044
satisfaction of the board, compliance with division (C) of that 72045
section. 72046

(C)(1) An emergency medical service organization ~~that wishes~~ 72047
seeking to be licensed as a terminal distributor of dangerous 72048
drugs shall list in its application for licensure the following 72049
additional information: 72050

(a) The units under its control that the organization 72051

determines will possess dangerous drugs for the purpose of 72052
administering emergency medical services in accordance with 72053
Chapter 4765. of the Revised Code; 72054

(b) With respect to each such unit, whether the dangerous 72055
drugs that the organization determines the unit will possess are 72056
in category I, II, or III. 72057

(2) An emergency medical service organization that is 72058
licensed as a terminal distributor of dangerous drugs shall file a 72059
new application for such licensure if there is any change in the 72060
number, or location of, any of its units or any change in the 72061
category of the dangerous drugs that any unit will possess. 72062

(3) A unit listed in an application for licensure pursuant to 72063
division (C)(1) of this section may obtain the dangerous drugs it 72064
is authorized to possess from its emergency medical service 72065
organization or, on a replacement basis, from a hospital pharmacy. 72066
If units will obtain dangerous drugs from a hospital pharmacy, the 72067
organization shall file, and maintain in current form, the 72068
following items with the pharmacist who is responsible for the 72069
hospital's terminal distributor of dangerous drugs license: 72070

(a) A copy of its standing orders or protocol; 72071

(b) A list of the personnel employed or used by the 72072
organization to provide emergency medical services in accordance 72073
with Chapter 4765. of the Revised Code, who are authorized to 72074
possess the drugs, which list also shall indicate the personnel 72075
who are authorized to administer the drugs. 72076

(D) Each emergency medical service organization that applies 72077
for a terminal distributor of dangerous drugs license shall submit 72078
with its application the following: 72079

(1) A ~~notarized~~ copy of its standing orders or protocol, 72080
which orders or protocol shall be signed by a physician ~~and~~ 72081
~~specify;~~ 72082

(2) A list of the dangerous drugs that its units may carry, 72083
expressed in standard dose units, which shall be signed by a 72084
physician; 72085

~~(2)~~(3) A list of the personnel employed or used by the 72086
organization to provide emergency medical services in accordance 72087
with Chapter 4765. of the Revised Code. 72088

~~An~~ In accordance with Chapter 119. of the Revised Code, the 72089
board shall adopt rules specifying when an emergency medical 72090
service organization that is licensed as a terminal distributor 72091
~~shall~~ must notify the board ~~immediately~~ of any changes in its 72092
~~standing orders or protocol~~ documentation submitted pursuant to 72093
division (D) of this section. 72094

(E) There shall be ~~six~~ four categories of terminal 72095
distributor of dangerous drugs licenses, ~~which.~~ The categories 72096
~~shall be~~ are as follows: 72097

(1) ~~Category I license. A person who obtains this license may~~ 72098
~~possess, have custody or control of, and distribute only the~~ 72099
~~dangerous drugs described in category I.~~ 72100

~~(2) Limited category I license. A person who obtains this~~ 72101
~~license may possess, have custody or control of, and distribute~~ 72102
~~only the dangerous drugs described in category I that were listed~~ 72103
~~in the application for licensure.~~ 72104

~~(3)~~ Category II license. A person who obtains this license 72105
may possess, have custody or control of, and distribute only the 72106
dangerous drugs described in ~~category I and~~ category II. 72107

~~(4)~~(2) Limited category II license. A person who obtains this 72108
license may possess, have custody or control of, and distribute 72109
only the dangerous drugs described in ~~category I or~~ category II 72110
that were listed in the application for licensure. 72111

~~(5)~~(3) Category III license, which may include a pain 72112

management clinic classification issued under section 4729.552 of 72113
the Revised Code. A person who obtains this license may possess, 72114
have custody or control of, and distribute the dangerous drugs 72115
described in ~~category I~~, category II, and category III. If the 72116
license includes a pain management clinic classification, the 72117
person may operate a pain management clinic. 72118

~~(6)~~(4) Limited category III license. A person who obtains 72119
this license may possess, have custody or control of, and 72120
distribute only the dangerous drugs described in ~~category I~~, 72121
category II, or category III that were listed in the application 72122
for licensure. 72123

(F) Except for an application made on behalf of an animal 72124
shelter, if an applicant for ~~licensure as a limited category I,~~ 72125
II, license or limited category III ~~terminal distributor of~~ 72126
~~dangerous drugs~~ license intends to administer dangerous drugs to a 72127
person or animal, the applicant shall submit, with the 72128
application, a ~~notarized~~ copy of its protocol or standing orders, 72129
~~which.~~ The protocol or orders shall be signed by a licensed health 72130
professional authorized to prescribe drugs, specify the dangerous 72131
drugs to be administered, and list personnel who are authorized to 72132
administer the dangerous drugs in accordance with federal law or 72133
the law of this state. An application made on behalf of an animal 72134
shelter shall include a ~~notarized~~ list of the dangerous drugs to 72135
be administered to animals and the personnel who are authorized to 72136
administer the drugs to animals in accordance with section 72137
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 72138
~~distributor license,~~ 72139

In accordance with Chapter 119. of the Revised Code, the 72140
board shall adopt rules specifying when a licensee shall must 72141
notify the board ~~immediately~~ of any changes in its ~~protocol or~~ 72142
~~standing orders, or in such personnel~~ documentation submitted 72143
pursuant to this division. 72144

(G)(1) Except as provided in division (G)(2) of this section, 72145
each applicant for licensure as a terminal distributor of 72146
dangerous drugs shall submit, with the application, a license fee 72147
determined as follows: 72148

~~(a) For a category I or limited category I license,~~ 72149
~~forty five dollars;~~ 72150

~~(b) For a category II or limited category II license, one the~~ 72151
~~fee is three hundred ~~twelve~~ twenty dollars and ~~fifty cents~~;~~ 72152

~~(c)~~(b) For a category III license, including a license with a 72153
pain management clinic classification issued under section 72154
4729.552 of the Revised Code, or a limited category III license, 72155
~~one~~ four hundred ~~fifty~~ forty dollars. 72156

(2)(a) Except as provided in division (G)(2)(b) of this 72157
section, for a person who is required to hold a license as a 72158
terminal distributor of dangerous drugs pursuant to division (D) 72159
of section 4729.541 of the Revised Code, the fee ~~shall be sixty~~ is 72160
one hundred twenty dollars. 72161

(b) For a professional association, corporation, partnership, 72162
or limited liability company organized for the purpose of 72163
practicing veterinary medicine, the fee ~~shall be forty~~ is one 72164
hundred twenty dollars. 72165

(3) Fees assessed under divisions (G)(1) and (2) of this 72166
section shall not be returned if the applicant fails to qualify 72167
for ~~registration~~ the license. 72168

(H)(1) The board shall issue a terminal distributor of 72169
dangerous drugs license to each person who submits an application 72170
for such licensure in accordance with this section, pays the 72171
required license fee, is determined by the board to meet the 72172
requirements set forth in section 4729.55 of the Revised Code, and 72173
satisfies any other applicable requirements of this section. 72174

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is ~~described~~ identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

~~(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.~~

(I)(1) All licenses issued or renewed pursuant to this section shall be effective for a period ~~of twelve months from the first day of April of each year~~ specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to

adjust license renewal schedules. A license shall be renewed by 72207
the board ~~for a like period, annually,~~ according to the provisions 72208
of this section, ~~and~~ the standard renewal procedure of Chapter 72209
4745. of the Revised Code, and rules adopted by the board under 72210
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 72211
to renew a license shall submit an application for renewal and pay 72212
the required fee on or before the ~~thirty-first day of March each~~ 72213
~~year~~ date specified in the rules adopted by the board. The fee 72214
required for the renewal of a license shall be the same as the 72215
license fee paid for the license being renewed, and shall 72216
accompany the application for renewal under division (G) of this 72217
section. 72218

A (2)(a) Subject to division (I)(2)(b) of this section, a 72219
license that has not been renewed ~~during March in any year and by~~ 72220
~~the first day of May of the same year~~ by the date specified in 72221
rules adopted by the board may be reinstated only upon payment of 72222
the required renewal fee and a penalty fee of ~~fifty-five one~~ 72223
hundred ten dollars. 72224

(b) If an application for renewal has not been submitted by 72225
the sixty-first day after the renewal date specified in rules 72226
adopted by the board, the license is considered void and cannot be 72227
renewed, but the license holder may reapply for licensure. 72228

(3) A terminal distributor of dangerous drugs that fails to 72229
renew licensure in accordance with this section and rules adopted 72230
by the board is prohibited from engaging in the retail sale, 72231
possession, or distribution of dangerous drugs until a valid 72232
license is issued by the board. 72233

(J)(1) No emergency medical service organization that is 72234
licensed as a terminal distributor of dangerous drugs shall fail 72235
to comply with division (C)(2) or (3) of this section. 72236

(2) No emergency medical service organization that is 72237

licensed as a terminal distributor of dangerous drugs shall fail 72238
to comply with division (D) of this section. 72239

(3) No licensed terminal distributor of dangerous drugs shall 72240
possess, have custody or control of, or distribute dangerous drugs 72241
that the terminal distributor is not entitled to possess, have 72242
custody or control of, or distribute by virtue of its category of 72243
licensure. 72244

(4) No licensee that is required by division (F) of this 72245
section to notify the board of changes in its protocol or standing 72246
orders, or in personnel, shall fail to comply with that division. 72247

(K) The board may enter into agreements with other states, 72248
federal agencies, and other entities to exchange information 72249
concerning licensing and inspection of terminal distributors of 72250
dangerous drugs located within or outside this state and to 72251
investigate alleged violations of the laws and rules governing 72252
distribution of drugs by terminal distributors. Any information 72253
received pursuant to such an agreement is subject to the same 72254
confidentiality requirements applicable to the agency or entity 72255
from which it was received and shall not be released without prior 72256
authorization from that agency or entity. 72257

Sec. 4729.552. (A) To be eligible to receive a license as a 72258
category III terminal distributor of dangerous drugs with a pain 72259
management clinic classification, an applicant shall submit 72260
evidence satisfactory to the state board of pharmacy that the 72261
applicant's pain management clinic will be operated in accordance 72262
with the requirements specified in division (B) of this section 72263
and that the applicant meets any other applicable requirements of 72264
this chapter. 72265

If the board determines that an applicant meets all of the 72266
requirements, the board shall issue to the applicant a license as 72267
a category III terminal distributor of dangerous drugs and specify 72268

on the license that the terminal distributor is classified as a 72269
pain management clinic. 72270

(B) The holder of a terminal distributor license with a pain 72271
management clinic classification shall do all of the following: 72272

(1) Be in control of a facility that is owned and operated 72273
solely by one or more physicians authorized under Chapter 4731. of 72274
the Revised Code to practice medicine and surgery or osteopathic 72275
medicine and surgery; 72276

(2) Comply with the requirements for the operation of a pain 72277
management clinic, as established by the state medical board in 72278
rules adopted under section 4731.054 of the Revised Code; 72279

(3) Ensure that any person employed by the facility complies 72280
with the requirements for the operation of a pain management 72281
clinic established by the state medical board in rules adopted 72282
under section 4731.054 of the Revised Code; 72283

(4) Require any person with ownership of the facility to 72284
submit to a criminal records check in accordance with section 72285
4776.02 of the Revised Code and send the results of the criminal 72286
records check directly to the state board of pharmacy for review 72287
and decision under section 4729.071 of the Revised Code; 72288

(5) Require all employees of the facility to submit to a 72289
criminal records check in accordance with section 4776.02 of the 72290
Revised Code and ensure that no person is employed who has 72291
previously been convicted of, or pleaded guilty to, either of the 72292
following: 72293

(a) A theft offense, described in division (K)(3) of section 72294
2913.01 of the Revised Code, that would constitute a felony under 72295
the laws of this state, any other state, or the United States; 72296

(b) A felony drug abuse offense, as defined in section 72297
2925.01 of the Revised Code. 72298

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter.

(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4729.56. (A) ~~In~~ (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend impose any one or more of the following sanctions on a person licensed under division (B)(1)(a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section:

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew ~~any registration certificate issued to a wholesale~~

~~distributor of dangerous drugs pursuant to section 4729.52 of the Revised Code or may impose a license;~~ 72329
72330

(b) Reprimand or place the license holder on probation; 72331

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or ~~one~~ two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code ~~for~~ any of the following causes: 72332
72333
72334
72335
72336

(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following: 72337
72338

~~(1)(a)~~ (a) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs licensure under section 4729.52 of the Revised Code; 72339
72340
72341

~~(2)(b)~~ (b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board; 72342
72343
72344

~~(3)(c)~~ (c) A conviction of a felony; 72345

~~(4)(d)~~ (d) Failing to satisfy the qualifications for registration licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed; 72346
72347
72348
72349

(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor; 72350
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72356

(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 72357
72358

3715. of the Revised Code; 72359

(g) Any other cause for which the board may impose sanctions 72360
as set forth in rules adopted under section 4729.26 of the Revised 72361
Code. 72362

(B) Upon the suspension or revocation of ~~the registration~~ 72363
~~certificate of any wholesale distributor of dangerous drugs~~ any 72364
license identified in division (B)(1)(a) of section 4729.52 of the 72365
Revised Code, the ~~distributor~~ licensee shall immediately surrender 72366
the ~~distributor's registration certificate~~ license to the board. 72367
72368

(C) If the board suspends, revokes, or refuses to renew any 72369
~~registration certificate issued to a wholesale distributor of~~ 72370
~~dangerous drugs~~ license identified in division (B)(1)(a) of 72371
section 4729.52 of the Revised Code and determines that there is 72372
clear and convincing evidence of a danger of immediate and serious 72373
harm to any person, the board may place under seal all dangerous 72374
drugs owned by or in the possession, custody, or control of the 72375
affected ~~wholesale distributor of dangerous drugs~~ licensee. Except 72376
as provided in this division, the board shall not dispose of the 72377
dangerous drugs sealed under this division until the ~~wholesale~~ 72378
~~distributor of dangerous drugs~~ licensee exhausts all of the 72379
~~distributor's licensee's~~ appeal rights under Chapter 119. of the 72380
Revised Code. The court involved in such an appeal may order the 72381
board, during the pendency of the appeal, to sell sealed dangerous 72382
drugs that are perishable. The board shall deposit the proceeds of 72383
the sale with the court. 72384

(D) If the board is required under Chapter 119. of the 72385
Revised Code to give notice of an opportunity for a hearing and 72386
the license holder does not make a timely request for a hearing in 72387
accordance with section 119.07 of the Revised Code, the board is 72388
not required to hold a hearing, but may adopt a final order that 72389
contains the board's findings. In the final order, the board may 72390

impose any of the sanctions listed in division (A) of this 72391
section. 72392

(E) Notwithstanding division (C)(2) of section 2953.32 of the 72393
Revised Code specifying that if records pertaining to a criminal 72394
case are sealed under that section the proceedings in the case 72395
must be deemed not to have occurred, sealing of the following 72396
records on which the board has based an action under this section 72397
shall have no effect on the board's action or any sanction imposed 72398
by the board under this section: records of any conviction, guilty 72399
plea, judicial finding of guilt resulting from a plea of no 72400
contest, or a judicial finding of eligibility for a pretrial 72401
diversion program or intervention in lieu of conviction. The board 72402
is not required to seal, destroy, redact, or otherwise modify its 72403
records to reflect the court's sealing of conviction records. 72404

Sec. 4729.561. If the state board of pharmacy determines that 72405
there is clear and convincing evidence that the method used by a 72406
~~registered~~ licensed manufacturer of dangerous drugs, outsourcing 72407
facility, third-party logistics provider, repackager of dangerous 72408
drugs, or wholesale distributor of dangerous drugs to possess or 72409
distribute dangerous drugs presents a danger of immediate and 72410
serious harm to others, the board may suspend without a hearing 72411
the ~~wholesaler distributor's registration certificate~~ license 72412
issued pursuant to section 4729.52 of the Revised Code. The board 72413
shall follow the procedure for suspension without a prior hearing 72414
in section 119.07 of the Revised Code. The suspension shall remain 72415
in effect, unless removed by the board, until the board's final 72416
adjudication order becomes effective, except that if the board 72417
does not issue its final adjudication order within ~~ninety one~~ 72418
hundred twenty days after the ~~hearing~~ suspension, the suspension 72419
shall be void on the ~~ninety-first~~ one hundred twenty-first day 72420
after the suspension. 72421

Sec. 4729.57. (A) The state board of pharmacy may suspend 72422
after notice and a hearing in accordance with Chapter 119. of the 72423
Revised Code, impose any one or more of the following sanctions on 72424
a terminal distributor of dangerous drugs for any of the causes 72425
set forth in division (B) of this section: 72426

(1) Suspend, revoke, restrict, limit, or refuse to grant or 72427
renew any license as a terminal distributor of dangerous drugs, or 72428
may impose; 72429

(2) Reprimand or place the license holder on probation; 72430

(3) Impose a monetary penalty or forfeiture not to exceed in 72431
severity any fine designated under the Revised Code for a similar 72432
offense or one thousand dollars if the acts committed have not 72433
been classified as an offense by the Revised Code, for any of the 72434
following causes: 72435

(B) The board may impose the sanctions listed in division (A) 72436
of this section for any of the following: 72437

(1) Making any false material statements in an application 72438
for a license as a terminal distributor of dangerous drugs; 72439

(2) Violating any rule of the board; 72440

(3) Violating any provision of this chapter; 72441

(4) Except as provided in section 4729.89 of the Revised 72442
Code, violating any provision of the "Federal Food, Drug, and 72443
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 72444
3715. of the Revised Code; 72445

(5) Violating any provision of the federal drug abuse control 72446
laws or Chapter 2925. or 3719. of the Revised Code; 72447

(6) Falsely or fraudulently promoting to the public a 72448
dangerous drug, except that nothing in this division prohibits a 72449
terminal distributor of dangerous drugs from furnishing 72450

information concerning a dangerous drug to a health care provider 72451
or another licensed terminal distributor; 72452

(7) Ceasing to satisfy the qualifications of a terminal 72453
distributor of dangerous drugs set forth in section 4729.55 of the 72454
Revised Code; 72455

(8) Except as provided in division ~~(B)~~(C) of this section: 72456

(a) Waiving the payment of all or any part of a deductible or 72457
copayment that an individual, pursuant to a health insurance or 72458
health care policy, contract, or plan that covers the services 72459
provided by a terminal distributor of dangerous drugs, would 72460
otherwise be required to pay for the services if the waiver is 72461
used as an enticement to a patient or group of patients to receive 72462
pharmacy services from that terminal distributor; 72463

(b) Advertising that the terminal distributor will waive the 72464
payment of all or any part of a deductible or copayment that an 72465
individual, pursuant to a health insurance or health care policy, 72466
contract, or plan that covers the pharmaceutical services, would 72467
otherwise be required to pay for the services. 72468

(9) Conviction of a felony; 72469

(10) Any other cause for which the board may impose 72470
discipline as set forth in rules adopted under section 4729.26 of 72471
the Revised Code. 72472

~~(B)~~(C) Sanctions shall not be imposed under division 72473
~~(A)~~(B)(8) of this section against any terminal distributor of 72474
dangerous drugs that waives deductibles and copayments as follows: 72475

(1) In compliance with a health benefit plan that expressly 72476
allows such a practice. Waiver of the deductibles or copayments 72477
shall be made only with the full knowledge and consent of the plan 72478
purchaser, payer, and third-party administrator. Documentation of 72479
the consent shall be made available to the board on request. 72480

(2) For professional services rendered to any other person 72481
licensed pursuant to this chapter to the extent allowed by this 72482
chapter and the rules of the board. 72483

~~(C)~~(D)(1) Upon the suspension or revocation of a license 72484
issued to a terminal distributor of dangerous drugs or the refusal 72485
by the board to renew such a license, the distributor shall 72486
immediately surrender the license to the board. 72487

(2)(a) The board may place under seal all dangerous drugs 72488
that are owned by or in the possession, custody, or control of a 72489
terminal distributor at the time the license is suspended or 72490
revoked or at the time the board refuses to renew the license. 72491
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 72492
section, dangerous drugs so sealed shall not be disposed of until 72493
appeal rights under Chapter 119. of the Revised Code have expired 72494
or an appeal filed pursuant to that chapter has been determined. 72495

(b) The court involved in an appeal filed pursuant to Chapter 72496
119. of the Revised Code may order the board, during the pendency 72497
of the appeal, to sell sealed dangerous drugs that are perishable. 72498
The proceeds of such a sale shall be deposited with that court. 72499

(E) If the board is required under Chapter 119. of the 72500
Revised Code to give notice of an opportunity for a hearing and 72501
the license holder does not make a timely request for a hearing in 72502
accordance with section 119.07 of the Revised Code, the board is 72503
not required to hold a hearing, but may adopt a final order that 72504
contains the board's findings. In the final order, the board may 72505
impose any of the sanctions listed in division (A) of this 72506
section. 72507

(F) Notwithstanding division (C)(2) of section 2953.32 of the 72508
Revised Code specifying that if records pertaining to a criminal 72509
case are sealed under that section the proceedings in the case 72510
must be deemed not to have occurred, sealing of the following 72511

records on which the board has based an action under this section 72512
shall have no effect on the board's action or any sanction imposed 72513
by the board under this section: records of any conviction, guilty 72514
plea, judicial finding of guilt resulting from a plea of no 72515
contest, or a judicial finding of eligibility for a pretrial 72516
diversion program or intervention in lieu of conviction. The board 72517
is not required to seal, destroy, redact, or otherwise modify its 72518
records to reflect the court's sealing of conviction records. 72519

Sec. 4729.571. ~~If the~~ (A) The state board of pharmacy 72520
~~determines that there is clear and convincing evidence that the~~ 72521
~~method used by~~ may suspend without a hearing the license of a 72522
terminal distributor of dangerous drugs ~~to distribute or prescribe~~ 72523
~~dangerous drugs presents~~ if the board determines that there is 72524
clear and convincing evidence of a danger of immediate and serious 72525
harm to others, ~~the board may suspend the terminal distributor's~~ 72526
~~license without a hearing~~ due to either of the following: 72527

(1) The method used by the terminal distributor to possess or 72528
distribute dangerous drugs; 72529

(2) The method of prescribing dangerous drugs used by a 72530
licensed health professional authorized to prescribe drugs who 72531
holds a terminal distributor license or practices in the employ of 72532
or under contract with a terminal distributor. The 72533

(B) The board shall follow the procedure for suspension 72534
without a prior hearing in section 119.07 of the Revised Code. The 72535
suspension shall remain in effect, unless removed by the board, 72536
until the board's final adjudication order becomes effective, 72537
except that if the board does not issue its final adjudication 72538
order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 72539
suspension, the suspension shall be void on the ~~ninety-first~~ one 72540
hundred twenty-first day after the suspension. 72541

If the terminal distributor holds a license with a pain 72542

management clinic classification issued under section 4729.552 of 72543
the Revised Code or a license with an office-based opioid 72544
treatment classification issued under section 4729.553 of the 72545
Revised Code and the person holding the license also holds a 72546
certificate issued under Chapter 4731. of the Revised Code to 72547
practice medicine and surgery or osteopathic medicine and surgery, 72548
prior to suspending the license without a hearing, the board shall 72549
consult with the secretary of the state medical board or, if the 72550
secretary is unavailable, another physician member of the board. 72551

Sec. 4729.58. The state board of pharmacy, within thirty days 72552
after receipt of ~~an~~ a complete application filed in the form and 72553
manner set forth in section 4729.52 or 4729.54 of the Revised Code 72554
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 72555
the renewal of a license ~~or registration certificate~~ ~~previously~~ 72556
~~issued~~, shall notify the applicant therefor whether or not such 72557
license ~~or registration certificate~~ will be issued or renewed. If 72558
the board determines that such license ~~or registration certificate~~ 72559
will not be issued or renewed, such notice to the applicant shall 72560
set forth, in a manner determined by the board, the reason or 72561
reasons that such license ~~or registration certificate~~ will not be 72562
issued or renewed. 72563

Sec. 4729.59. The executive director of the state board of 72564
pharmacy shall maintain a register of the names, addresses, and 72565
the date of ~~registration~~ licensure of those persons to whom a 72566
~~registration certificate~~ has licenses have been issued pursuant to 72567
~~section~~ sections 4729.52 of the Revised Code and those persons to 72568
~~whom a license has been issued pursuant to section~~ and 4729.54 of 72569
the Revised Code. ~~The register shall be the property of the board~~ 72570
~~and shall be open for public examination and inspection at all~~ 72571
~~reasonable times, as the board may direct.~~ 72572

The board shall ~~publish or~~ make available to ~~registered~~ 72573

~~wholesale distributors and licensed terminal distributors of~~ 72574
~~dangerous drugs, annually, and at such other times and in such~~ 72575
~~manner as the board shall prescribe, a roster setting forth the~~ 72576
~~names and addresses of those persons who have been registered by~~ 72577
~~the board pursuant to section 4729.52 of the Revised Code and~~ 72578
~~those persons who have been licensed pursuant to section 4729.54~~ 72579
~~of the Revised Code, . The roster shall indicate~~ those persons 72580
whose licenses ~~or registration certificates~~ have been suspended, 72581
revoked, or surrendered, and those persons whose licenses ~~or~~ 72582
~~registration certificates~~ have not been renewed. 72583

A written statement signed and verified by the executive 72584
director of the board or the director's designee in which it is 72585
stated that after diligent search of the register no record or 72586
entry of the issuance of a license ~~or registration certificate~~ to 72587
a person is found is admissible in evidence and constitutes 72588
presumptive evidence of the fact that the person is not a licensed 72589
~~terminal distributor or is not a registered wholesale distributor~~ 72590
~~of dangerous drugs pursuant to section 4729.52 or 4729.54 of the~~ 72591
Revised Code. 72592

Sec. 4729.60. (A)(1) Before a ~~registered wholesale~~ 72593
~~distributor of dangerous drugs~~ licensee identified in division 72594
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 72595
distribute dangerous drugs at wholesale to any person, except as 72596
provided in division (A)(2) of this section, the ~~wholesale~~ 72597
~~distributor~~ licensee shall ~~obtain from the purchaser and the~~ 72598
~~purchaser shall furnish to the wholesale distributor a certificate~~ 72599
~~indicating that~~ query the roster established pursuant to section 72600
4729.59 of the Revised Code to determine whether the purchaser is 72601
a licensed terminal distributor of dangerous drugs. ~~The~~ 72602
~~certificate shall be in the form that the state board of pharmacy~~ 72603
~~shall prescribe, and shall set forth the name of the licensee, the~~ 72604
~~number of the license, a description of the place or establishment~~ 72605

~~or each place or establishment for which the license was issued, 72606
the category of licensure, and, if the license is a limited 72607
category I, II, or III license, the dangerous drugs that the 72608
licensee is authorized to possess, have custody or control of, and 72609
distribute. 72610~~

If no ~~certificate is obtained or furnished~~ documented query 72611
is conducted before a sale is made, it shall be presumed that the 72612
sale of dangerous drugs by the ~~wholesale distributor~~ licensee is 72613
in violation of division (B) of section 4729.51 of the Revised 72614
Code and the purchase of dangerous drugs by the purchaser is in 72615
violation of division (E) of section 4729.51 of the Revised Code. 72616
If a ~~registered wholesale distributor of dangerous drugs obtains~~ 72617
~~or is furnished a certificate from a terminal distributor of~~ 72618
~~dangerous drugs~~ licensee conducts a documented query and relies on 72619
the ~~certificate~~ results of the query in selling or distributing 72620
dangerous drugs at wholesale to the terminal distributor of 72621
dangerous drugs, the ~~wholesale distributor of dangerous drugs~~ 72622
licensee shall be deemed not to have violated division (B) of 72623
section 4729.51 of the Revised Code in making the sale. 72624

(2) Division (A)(1) of this section does not apply when a 72625
~~wholesale distributor~~ licensee identified in division (B)(1)(a) of 72626
section 4729.52 of the Revised Code sells or distributes dangerous 72627
drugs at wholesale to any of the following: 72628

(a) A person specified in division (B)(4) of section 4729.51 72629
of the Revised Code; 72630

(b) Any of the persons described in divisions (A)(1) to (13) 72631
of section 4729.541 of the Revised Code, but only if the purchaser 72632
is not required to obtain licensure as provided in divisions (B) 72633
to (D) of that section. 72634

(B) Before a licensed terminal distributor of dangerous drugs 72635
may purchase dangerous drugs at wholesale, the terminal 72636

distributor shall ~~obtain from the seller and the seller shall~~ 72637
~~furnish to the terminal distributor the number of~~ query the roster 72638
established pursuant to section 4729.59 of the Revised Code to 72639
confirm the seller's registration certificate seller is licensed 72640
to engage in the sale or distribution of dangerous drugs at 72641
wholesale. 72642

If no ~~registration number is obtained or furnished~~ documented 72643
query is conducted before a purchase is made, it shall be presumed 72644
that the purchase of dangerous drugs by the terminal distributor 72645
is in violation of division (F) of section 4729.51 of the Revised 72646
Code and the sale of dangerous drugs by the seller is in violation 72647
of division (A) of section 4729.51 of the Revised Code. If a 72648
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 72649
~~furnished a registration number from a wholesale distributor of~~ 72650
~~dangerous drugs~~ conducts a documented query at least annually and 72651
relies on the ~~registration number~~ results of the query in 72652
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 72653
~~distributor of dangerous drugs~~, the terminal distributor shall be 72654
deemed not to have violated division (F) of section 4729.51 of the 72655
Revised Code in making the purchase. 72656

Sec. 4729.61. ~~(A) No person shall make or cause to be made,~~ 72657
~~or furnish or cause to be furnished to a wholesale distributor of~~ 72658
~~dangerous drugs, a false certificate required to be furnished to a~~ 72659
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 72660
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 72661

~~(B) No person shall make or cause to be made a false~~ 72662
~~registration certificate of a wholesale distributor of dangerous~~ 72663
~~drugs or a false or fraudulent license of a terminal distributor~~ 72664
of dangerous drugs or a manufacturer, outsourcing facility, 72665
third-party logistics provider, repackager, or wholesale 72666
distributor of dangerous drugs. 72667

Sec. 4729.62. If a ~~wholesale distributor of dangerous drugs~~ 72668
~~who has been registered ceases to engage in the sale of dangerous~~ 72669
~~drugs at wholesale, or if a terminal distributor of dangerous~~ 72670
~~drugs to whom a license has been issued ceases to engage in the~~ 72671
~~sale of dangerous drugs at retail, such terminal or wholesale~~ 72672
~~distributor of dangerous drugs~~ person licensed under section 72673
4729.52 or 4729.54 of the Revised Code ceases to engage in the 72674
activities for which the license was issued, the person shall 72675
notify the state board of pharmacy of such fact and shall 72676
surrender such license ~~or registration certificate~~ to the board 72677
within a time frame specified by the board in rules adopted under 72678
section 4729.26 of the Revised Code; provided, that on dissolution 72679
of a partnership by death, the surviving partner may operate under 72680
a license ~~or registration certificate~~ issued to the partnership 72681
until expiration, revocation, or suspension of such license ~~or~~ 72682
~~registration certificate~~, and the heirs or legal representatives 72683
of deceased persons, and receivers and trustees in bankruptcy 72684
appointed by any competent authority, may operate under the 72685
license ~~or registration certificate~~ issued to the persons 72686
succeeded in possession by such heir, representative, receiver, or 72687
trustee in bankruptcy until expiration, revocation, or suspension 72688
of such license ~~or registration certificate~~. 72689

Sec. 4729.67. On receipt of a notice pursuant to section 72690
3123.43 of the Revised Code, the state board of pharmacy shall 72691
comply with sections 3123.41 to 3123.50 of the Revised Code and 72692
any applicable rules adopted under section 3123.63 of the Revised 72693
Code with respect to a license, ~~identification card~~, or 72694
certificate of registration issued pursuant to this chapter. 72695

Sec. 4729.75. The state board of pharmacy may establish and 72696
maintain a drug database. The board shall use the drug database to 72697

monitor the misuse and diversion of the following: controlled 72698
substances, as defined in section 3719.01 of the Revised Code; 72699
medical marijuana, as authorized under Chapter 3796. of the 72700
Revised Code; and other dangerous drugs the board includes in the 72701
database pursuant to rules adopted under section 4729.84 of the 72702
Revised Code. In establishing and maintaining the database, the 72703
board shall electronically collect information pursuant to 72704
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the 72705
Revised Code and shall disseminate information as authorized or 72706
required by sections 4729.80 and 4729.81 of the Revised Code. The 72707
board's collection and dissemination of information shall be 72708
conducted in accordance with rules adopted under section 4729.84 72709
of the Revised Code. 72710

Sec. 4729.77. (A) If the state board of pharmacy establishes 72711
and maintains a drug database pursuant to section 4729.75 of the 72712
Revised Code, each pharmacy licensed as a terminal distributor of 72713
dangerous drugs that dispenses drugs to patients in this state and 72714
is included in the types of pharmacies specified in rules adopted 72715
under section 4729.84 of the Revised Code shall submit to the 72716
board the following prescription information: 72717

- (1) Terminal distributor identification; 72718
- (2) Patient identification; 72719
- (3) Prescriber identification; 72720
- (4) Date prescription was issued by prescriber; 72721
- (5) Date drug was dispensed; 72722
- (6) Indication of whether the drug dispensed is new or a 72723
refill; 72724
- (7) Name, strength, and national drug code of the drug 72725
dispensed; 72726
- (8) Quantity of drug dispensed; 72727

(9) Number of days' supply of drug dispensed;	72728
(10) Serial or prescription number assigned by the terminal distributor;	72729 72730
(11) Source of payment for the drug dispensed;	72731
<u>(12) Any other data fields recognized by the American society for automation in pharmacy and specified in rules adopted under section 4729.84 of the Revised Code.</u>	72732 72733 72734
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	72735 72736 72737
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.	72738 72739 72740 72741
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	72742 72743 72744
(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.	72745 72746 72747
(b) The board is unable to receive electronic submissions.	72748
(C) This section does not apply to a prescriber personally furnishing or administering dangerous drugs to the prescriber's patient.	72749 72750 72751
<u>Sec. 4729.772. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, in addition to the information required to be submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 of the Revised Code, the board may accept information from other</u>	72752 72753 72754 72755 72756

sources, including other state agencies, to the extent the 72757
information is related to monitoring the misuse and diversion of 72758
drugs as set forth in section 4729.75 of the Revised Code. 72759

72760

(B) Any information submitted pursuant to this section shall 72761
be transmitted as specified by the board in rules adopted under 72762
section 4729.84 of the Revised Code. 72763

Sec. 4729.78. (A) If the state board of pharmacy establishes 72764
and maintains a drug database pursuant to section 4729.75 of the 72765
Revised Code, each manufacturer of dangerous drugs, outsourcing 72766
facility, repackager of dangerous drugs, or wholesale distributor 72767
of dangerous drugs that delivers drugs ~~in this state~~ to 72768
prescribers or terminal distributors of dangerous drugs shall 72769
submit to the board the following purchase information: 72770

(1) Purchaser identification; 72771

(2) Identification of the drug sold; 72772

(3) Quantity of the drug sold; 72773

(4) Date of sale; 72774

(5) The ~~wholesale distributor's~~ license number issued by the 72775
board. 72776

(B)(1) The information shall be transmitted as specified by 72777
the board in rules adopted under section 4729.84 of the Revised 72778
Code. 72779

(2) The information shall be submitted electronically in the 72780
format specified by the board, except that the board may grant a 72781
waiver allowing ~~the distributor to submit~~ submission of the 72782
information in another format. 72783

(3) The information shall be submitted in accordance with any 72784
time limits specified by the board, except that the board may 72785

grant an extension if either of the following occurs: 72786

(a) The manufacturer, outsourcing facility, repackager, or 72787
wholesale distributor suffers a mechanical or electronic failure, 72788
or cannot meet the deadline for other reasons beyond the 72789
~~distributor's~~ person's control. 72790

(b) The board is unable to receive electronic submissions. 72791

Sec. 4729.80. (A) If the state board of pharmacy establishes 72792
and maintains a drug database pursuant to section 4729.75 of the 72793
Revised Code, the board is authorized or required to provide 72794
information from the database ~~in accordance with the following~~ 72795
only as follows: 72796

(1) On receipt of a request from a designated representative 72797
of a government entity responsible for the licensure, regulation, 72798
or discipline of health care professionals with authority to 72799
prescribe, administer, or dispense drugs, the board may provide to 72800
the representative information from the database relating to the 72801
professional who is the subject of an active investigation being 72802
conducted by the government entity or relating to a professional 72803
who is acting as an expert witness for the government entity in 72804
such an investigation. 72805

(2) On receipt of a request from a federal officer, or a 72806
state or local officer of this or any other state, whose duties 72807
include enforcing laws relating to drugs, the board shall provide 72808
to the officer information from the database relating to the 72809
person who is the subject of an active investigation of a drug 72810
abuse offense, as defined in section 2925.01 of the Revised Code, 72811
being conducted by the officer's employing government entity. 72812

(3) Pursuant to a subpoena issued by a grand jury, the board 72813
shall provide to the grand jury information from the database 72814
relating to the person who is the subject of an investigation 72815

being conducted by the grand jury. 72816

(4) Pursuant to a subpoena, search warrant, or court order in 72817
connection with the investigation or prosecution of a possible or 72818
alleged criminal offense, the board shall provide information from 72819
the database as necessary to comply with the subpoena, search 72820
warrant, or court order. 72821

(5) On receipt of a request from a prescriber or the 72822
prescriber's delegate approved by the board, the board shall 72823
provide to the prescriber a report of information from the 72824
database relating to a patient who is either a current patient of 72825
the prescriber or a potential patient of the prescriber based on a 72826
referral of the patient to the prescriber, if all of the following 72827
conditions are met: 72828

(a) The prescriber certifies in a form specified by the board 72829
that it is for the purpose of providing medical treatment to the 72830
patient who is the subject of the request; 72831

(b) The prescriber has not been denied access to the database 72832
by the board. 72833

(6) On receipt of a request from a pharmacist or the 72834
pharmacist's delegate approved by the board, the board shall 72835
provide to the pharmacist information from the database relating 72836
to a current patient of the pharmacist, if the pharmacist 72837
certifies in a form specified by the board that it is for the 72838
purpose of the pharmacist's practice of pharmacy involving the 72839
patient who is the subject of the request and the pharmacist has 72840
not been denied access to the database by the board. 72841

(7) On receipt of a request from an individual seeking the 72842
individual's own database information in accordance with the 72843
procedure established in rules adopted under section 4729.84 of 72844
the Revised Code, the board may provide to the individual the 72845
individual's own ~~database information~~ prescription history. 72846

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of

workers' compensation, the board shall provide to the 72879
administrator information from the database relating to a claimant 72880
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 72881
including information in the database related to prescriptions for 72882
the claimant that were not covered or reimbursed under Chapter 72883
4121., 4123., 4127., or 4131. of the Revised Code. 72884

(12) On receipt of a request from a prescriber or the 72885
prescriber's delegate approved by the board, the board shall 72886
provide to the prescriber information from the database relating 72887
to a patient's mother, if the prescriber certifies in a form 72888
specified by the board that it is for the purpose of providing 72889
medical treatment to a newborn or infant patient diagnosed as 72890
opioid dependent and the prescriber has not been denied access to 72891
the database by the board. 72892

(13) On receipt of a request from the director of health, the 72893
board shall provide to the director information from the database 72894
relating to the duties of the director or the department of health 72895
in implementing the Ohio violent death reporting system 72896
established under section 3701.93 of the Revised Code. 72897

(14) On receipt of a request from a requestor described in 72898
division (A)(1), (2), (5), or (6) of this section who is from or 72899
participating with another state's prescription monitoring 72900
program, the board may provide to the requestor information from 72901
the database, but only if there is a written agreement under which 72902
the information is to be used and disseminated according to the 72903
laws of this state. 72904

(15) On receipt of a request from a delegate of a retail 72905
dispensary licensed under Chapter 3796. of the Revised Code who is 72906
approved by the board to serve as the dispensary's delegate, the 72907
board shall provide to the delegate a report of information from 72908
the database pertaining only to a patient's use of medical 72909
marijuana, if both of the following conditions are met: 72910

(a) The delegate certifies in a form specified by the board 72911
that it is for the purpose of dispensing medical marijuana for use 72912
in accordance with Chapter 3796. of the Revised Code. 72913

(b) The retail dispensary or delegate has not been denied 72914
access to the database by the board. 72915

(16) On receipt of a request from a judge of a program 72916
certified by the Ohio supreme court as a specialized docket 72917
program for drugs, the board shall provide to the judge, or an 72918
employee of the program who is designated by the judge to receive 72919
the information, information from the database that relates 72920
specifically to a current or prospective program participant. 72921

(17) On receipt of a request from a coroner, deputy coroner, 72922
or coroner's delegate approved by the board, the board shall 72923
provide to the requestor information from the database relating to 72924
a deceased person about whom the coroner is conducting or has 72925
conducted an autopsy or investigation. 72926

(18) On receipt of a request from a prescriber, the board may 72927
provide to the prescriber a summary of the prescriber's 72928
prescribing record if such a record is created by the board. 72929
Information in the summary is subject to the confidentiality 72930
requirements of this chapter. 72931

(19)(a) On receipt of a request from a pharmacy's responsible 72932
person, the board may provide to the responsible person a summary 72933
of the pharmacy's dispensing record if such a record is created by 72934
the board. Information in the summary is subject to the 72935
confidentiality requirements of this chapter. 72936

(b) As used in division (A)(19)(a) of this section, 72937
"responsible person" has the same meaning as in rules adopted by 72938
the board under section 4729.26 of the Revised Code. 72939

(20) The board may provide information from the database 72940
without request to a prescriber or pharmacist who is authorized to 72941

use the database pursuant to this chapter. 72942

(21) On receipt of a request from a peer review committee, as 72943
defined in section 2305.25 of the Revised Code, the board shall 72944
provide to the committee information from the database relating to 72945
a health care professional who is subject to the committee's 72946
evaluation, supervision, or discipline if the information is to be 72947
used for one of those purposes. 72948

(22) Any personal health information submitted to the board 72949
pursuant to section 4729.772 of the Revised Code may be provided 72950
by the board only as authorized by the submitter of the 72951
information and in accordance with rules adopted under section 72952
4729.84 of the Revised Code. 72953

(B) The state board of pharmacy shall maintain a record of 72954
each individual or entity that requests information from the 72955
database pursuant to this section. In accordance with rules 72956
adopted under section 4729.84 of the Revised Code, the board may 72957
use the records to document and report statistics and law 72958
enforcement outcomes. 72959

The board may provide records of an individual's requests for 72960
database information only to the following: 72961

(1) A designated representative of a government entity that 72962
is responsible for the licensure, regulation, or discipline of 72963
health care professionals with authority to prescribe, administer, 72964
or dispense drugs who is involved in an active criminal or 72965
disciplinary investigation being conducted by the government 72966
entity of the individual who submitted the requests for database 72967
information; 72968

(2) A federal officer, or a state or local officer of this or 72969
any other state, whose duties include enforcing laws relating to 72970
drugs and who is involved in an active investigation being 72971
conducted by the officer's employing government entity of the 72972

individual who submitted the requests for database information; 72973

(3) A designated representative of the department of medicaid 72974
regarding a prescriber who is treating or has treated a recipient 72975
of a program administered by the department and who submitted the 72976
requests for database information. 72977

(C) Information contained in the database and any information 72978
obtained from it is confidential and is not a public record. 72979
Information contained in the records of requests for information 72980
from the database is confidential and is not a public record. 72981
Information contained in the database that does not identify a 72982
person, including any licensee or registrant of the board or other 72983
entity, may be released in summary, statistical, or aggregate 72984
form. 72985

~~(D) Information contained in the database may be provided 72986~~
~~only as expressly permitted in law, including any information 72987~~
~~contained in the database that relates to any person, including 72988~~
~~any licensee or registrant of the board or other entity. 72989~~

~~(E) A pharmacist or prescriber shall not be held liable in 72990~~
~~damages to any person in any civil action for injury, death, or 72991~~
~~loss to person or property on the basis that the pharmacist or 72992~~
~~prescriber did or did not seek or obtain information from the 72993~~
~~database. 72994~~

Sec. 4729.82. (A) If the state board of pharmacy establishes 72995
a drug database pursuant to section 4729.75 of the Revised Code, 72996
the information collected for the database shall be retained in 72997
the database and accessible to persons listed in division (A) of 72998
section 4729.80 of the Revised Code for at least ~~three~~ five years. 72999
~~Any~~ 73000

(B) Except as provided in division (C) of this section, any 73001
information that identifies a patient shall be destroyed after it 73002

has been retained for ~~three~~ five years unless a law enforcement 73003
agency or a government entity responsible for the licensure, 73004
regulation, or discipline of licensed health professionals 73005
authorized to prescribe drugs has submitted a written request to 73006
the board for retention of the information in accordance with 73007
rules adopted by the board under section 4729.84 of the Revised 73008
Code. 73009

(C) The board may retain information that identifies a 73010
patient for a period in excess of five years if the board 73011
considers retention of the information necessary to serve an 73012
investigatory or public health purpose. 73013

Sec. 4729.83. (A) If the state board of pharmacy establishes 73014
and maintains a drug database pursuant to section 4729.75 of the 73015
Revised Code, the board may use, for the purpose of establishing 73016
or maintaining the database, any portion of the licensure or 73017
registration fees collected under ~~section 4729.15, 4729.52, or 73018
4729.54 of the Revised Code for the licensing or registration of 73019
pharmacists, pharmacy interns, wholesale distributors of dangerous 73020
drugs, or terminal distributors of dangerous drugs~~ this chapter. 73021
The board shall not increase the amount of any of those fees 73022
solely for the purpose of establishing or maintaining the 73023
database. 73024

The board shall not impose any charge on a prescriber for the 73025
establishment or maintenance of the database. The board shall not 73026
charge any fees for the transmission of data to the database or 73027
for the receipt of information from the database, except that the 73028
board may charge a fee in accordance with rules adopted under 73029
section 4729.84 of the Revised Code to an individual who requests 73030
the individual's own database information under section 4729.80 of 73031
the Revised Code. 73032

(B) The board may accept grants, gifts, or donations for 73033

purposes of the drug database. Any money received shall be 73034
deposited into the state treasury to the credit of the drug 73035
database fund, which is hereby created. Money in the fund shall be 73036
used solely for purposes of the drug database. 73037

Sec. 4729.84. For purposes of establishing and maintaining a 73038
drug database pursuant to section 4729.75 of the Revised Code, the 73039
state board of pharmacy shall adopt rules in accordance with 73040
Chapter 119. of the Revised Code to carry out and enforce sections 73041
4729.75 to 4729.83 of the Revised Code. The rules shall specify 73042
all of the following: 73043

(A) A means of identifying each patient, each terminal 73044
distributor of dangerous drugs, each purchase at wholesale of 73045
dangerous drugs, and each retail dispensary licensed under Chapter 73046
3796. of the Revised Code about which information is entered into 73047
the drug database; 73048

(B) Requirements for the transmission of information from 73049
terminal distributors of dangerous drugs, manufacturers of 73050
dangerous drugs, outsourcing facilities, repackagers of dangerous 73051
drugs, wholesale distributors of dangerous drugs, prescribers, and 73052
retail dispensaries; 73053

(C) An electronic format for the submission of information 73054
from ~~terminal distributors, wholesale distributors, prescribers,~~ 73055
~~and retail dispensaries~~ persons identified in division (B) of this 73056
section; 73057

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 73058
~~distributor, prescriber, or retail dispensary~~ person unable to 73059
submit information electronically may obtain a waiver to submit 73060
information in another format; 73061

(E) A procedure whereby the board may grant a request from a 73062
law enforcement agency or a government entity responsible for the 73063

licensure, regulation, or discipline of licensed health 73064
professionals authorized to prescribe drugs that information that 73065
has been stored for three years be retained when the information 73066
pertains to an open investigation being conducted by the agency or 73067
entity; 73068

(F) A procedure whereby a ~~terminal distributor, wholesale~~ 73069
~~distributor, prescriber, or retail dispensary~~ person identified in 73070
division (B) of this section may apply for an extension to the 73071
time by which information must be transmitted to the board; 73072

(G) A procedure whereby a person or government entity to 73073
which the board is authorized to provide information may submit a 73074
request to the board for the information and the board may verify 73075
the identity of the requestor; 73076

(H) A procedure whereby the board can use the database 73077
request records required by division (B) of section 4729.80 of the 73078
Revised Code to document and report statistics and law enforcement 73079
outcomes; 73080

(I) A procedure whereby an individual may request the 73081
individual's own database information and the board may verify the 73082
identity of the requestor; 73083

(J) A reasonable fee that the board may charge under section 73084
4729.83 of the Revised Code for providing an individual with the 73085
individual's own database information pursuant to section 4729.80 73086
of the Revised Code; 73087

(K) The other specific dangerous drugs that, in addition to 73088
controlled substances, must be included in the database; 73089

(L) The types of pharmacies licensed as terminal distributors 73090
of dangerous drugs that are required to submit prescription 73091
information to the board pursuant to section 4729.77 of the 73092
Revised Code; 73093

(M) Additional data fields, recognized by the American society for automation in pharmacy, that licensed terminal distributors of dangerous drugs must submit to the board pursuant to section 4729.77 of the Revised Code; 73094
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(N) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code; 73098
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(O) Requirements for the transmission of information pursuant to section 4729.772 of the Revised Code and requirements for the release of such information by the board. 73101
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Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply: 73104
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(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~ (15) to (22), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows: 73107
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(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense; 73113
73114

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code; 73115
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(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the 73122
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information to a person who is approved by the board to serve as 73124
such a delegate of the prescriber, pharmacist, or retail 73125
dispensary; 73126

(d) When a prescriber or pharmacist includes the information 73127
in a medical record, as defined in section 3701.74 of the Revised 73128
Code. 73129

(2) No person shall provide false information to the state 73130
board of pharmacy with the intent to obtain or alter information 73131
contained in the drug database. 73132

(3) No person shall obtain drug database information by any 73133
means except as provided under section 4729.80 or 4729.81 of the 73134
Revised Code. 73135

(B) A person shall not use information obtained pursuant to 73136
division (A) of section 4729.80 of the Revised Code as evidence in 73137
any civil or administrative proceeding. 73138

(C)(1) Except as provided in division (C)(2) of this section, 73139
after providing notice and affording an opportunity for a hearing 73140
in accordance with Chapter 119. of the Revised Code, the board may 73141
restrict a person from obtaining further information from the drug 73142
database if any of the following is the case: 73143

(a) The person violates division (A)(1), (2), or (3) of this 73144
section; 73145

(b) The person is a requestor identified in division (A)(14) 73146
of section 4729.80 of the Revised Code and the board determines 73147
that the person's actions in another state would have constituted 73148
a violation of division (A)(1), (2), or (3) of this section; 73149

(c) The person fails to comply with division (B) of this 73150
section, regardless of the jurisdiction in which the failure to 73151
comply occurred; 73152

(d) The person creates, by clear and convincing evidence, a 73153

threat to the security of information contained in the database. 73154

(2) If the board determines that allegations regarding a 73155
person's actions warrant restricting the person from obtaining 73156
further information from the drug database without a prior 73157
hearing, the board may summarily impose the restriction. A 73158
telephone conference call may be used for reviewing the 73159
allegations and taking a vote on the summary restriction. The 73160
summary restriction shall remain in effect, unless removed by the 73161
board, until the board's final adjudication order becomes 73162
effective. 73163

(3) The board shall determine the extent to which the person 73164
is restricted from obtaining further information from the 73165
database. 73166

Sec. 4730.05. (A) There is hereby created the physician 73167
assistant policy committee of the state medical board. The 73168
president of the board shall appoint the members of the committee. 73169
The committee shall consist of the seven members specified in 73170
divisions (A)(1) to (3) of this section. When the committee is 73171
developing or revising policy and procedures for 73172
physician-delegated prescriptive authority for physician 73173
assistants, the committee shall include the two additional members 73174
specified in division (A)(4) of this section. 73175

(1) Three members of the committee shall be physicians. Of 73176
the physician members, one shall be a member of the state medical 73177
board, one shall be appointed from a list of five physicians 73178
recommended by the Ohio state medical association, and one shall 73179
be appointed from a list of five physicians recommended by the 73180
Ohio osteopathic association. At all times, the physician 73181
membership of the committee shall include at least one physician 73182
who is a supervising physician of a physician assistant, 73183
preferably with at least two years' experience as a supervising 73184

physician. 73185

(2) Three members shall be physician assistants appointed 73186
from a list of five individuals recommended by the Ohio 73187
association of physician assistants. 73188

(3) One member, who is not affiliated with any health care 73189
profession, shall be appointed to represent the interests of 73190
consumers. 73191

(4) The two additional members, appointed to serve only when 73192
the committee is developing or revising policy and procedures for 73193
physician-delegated prescriptive authority for physician 73194
assistants, shall be pharmacists. Of these members, one shall be 73195
appointed from a list of five clinical pharmacists recommended by 73196
the Ohio pharmacists association and one shall be appointed from 73197
the pharmacist members of the state board of pharmacy, preferably 73198
from among the members who are clinical pharmacists. 73199

The pharmacist members shall have voting privileges only for 73200
purposes of developing or revising policy and procedures for 73201
physician-delegated prescriptive authority for physician 73202
assistants. Presence of the pharmacist members shall not be 73203
required for the transaction of any other business. 73204

(B) Terms of office shall be for two years, with each term 73205
ending on the same day of the same month as did the term that it 73206
succeeds. Each member shall hold office from the date of being 73207
appointed until the end of the term for which the member was 73208
appointed. Members may be reappointed, except that a member may 73209
not be appointed to serve more than three consecutive terms. As 73210
vacancies occur, a successor shall be appointed who has the 73211
qualifications the vacancy requires. A member appointed to fill a 73212
vacancy occurring prior to the expiration of the term for which a 73213
predecessor was appointed shall hold office as a member for the 73214
remainder of that term. A member shall continue in office 73215

subsequent to the expiration date of the member's term until a 73216
successor takes office or until a period of sixty days has 73217
elapsed, whichever occurs first. 73218

(C) Each member of the committee shall receive ~~an amount~~ 73219
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 73220
~~Code for each day employed in the discharge of official duties as~~ 73221
~~a member, and shall also receive~~ the member's necessary and actual 73222
expenses incurred in the performance of official duties as a 73223
member. 73224

(D) The committee members specified in divisions (A)(1) to 73225
(3) of this section by a majority vote shall elect a chairperson 73226
from among those members. The members may elect a new chairperson 73227
at any time. 73228

(E) The state medical board may appoint assistants, clerical 73229
staff, or other employees as necessary for the committee to 73230
perform its duties adequately. 73231

(F) The committee shall meet at least four times a year and 73232
at such other times as may be necessary to carry out its 73233
responsibilities. 73234

Sec. 4730.40. (A) ~~Subject to division (B)~~ As used in this 73235
section, "medication-assisted treatment" has the same meaning as 73236
in section 340.01 of the Revised Code. 73237

(B) Except as provided in divisions (C) and (D) of this 73238
section, the physician assistant formulary adopted by the state 73239
medical board under section 4730.39 of the Revised Code may 73240
include any or all of the following drugs: 73241

(1) Schedule II, III, IV, and V controlled substances; 73242

(2) Drugs that under state or federal law may be dispensed 73243
only pursuant to a prescription by a licensed health professional 73244
authorized to prescribe drugs, as defined in section 4729.01 of 73245

the Revised Code; 73246

(3) Any drug that is not a dangerous drug, as defined in 73247
section 4729.01 of the Revised Code. 73248

~~(B)~~(C) The formulary adopted by the board shall include both 73249
of the following for use in medication-assisted treatment: 73250

(1) Drugs that contain buprenorphine; 73251

(2) Opioid antagonists, including oral and long-acting forms. 73252

(D) The formulary adopted by the board shall not include, and 73253
shall specify that it does not include, any drug or device used to 73254
perform or induce an abortion. 73255

Sec. 4730.55. (A) As used in this section: 73256

(1) "Controlled substance," "schedule III," "schedule IV," 73257
and "schedule V" have the same meanings as in section 3719.01 of 73258
the Revised Code. 73259

(2) "Medication-assisted treatment" has the same meaning as 73260
in section 340.01 of the Revised Code. 73261

(B) The state medical board shall adopt rules that establish 73262
standards and procedures to be followed by physician assistants in 73263
the use of all drugs approved by the United States food and drug 73264
administration for use in medication-assisted treatment, including 73265
controlled substances in schedule III, IV, or V. The rules shall 73266
address detoxification, relapse prevention, patient assessment, 73267
individual treatment planning, counseling and recovery supports, 73268
diversion control, and other topics selected by the board after 73269
considering best practices in medication-assisted treatment. 73270

The board may apply the rules to all circumstances in which a 73271
physician assistant prescribes drugs for use in 73272
medication-assisted treatment or limit the application of the 73273
rules to prescriptions for medication-assisted treatment issued 73274

for patients being treated in office-based practices or other 73275
practice types or locations specified by the board. 73276

(C) All rules adopted under this section shall be adopted in 73277
accordance with Chapter 119. of the Revised Code. The rules shall 73278
be consistent with rules adopted under sections 4723.51 and 73279
4731.056 of the Revised Code. 73280

Sec. 4730.56. (A) As used in this section: 73281

(1) "Community addiction services provider" has the same 73282
meaning as in section 5119.01 of the Revised Code. 73283

(2) "Medication-assisted treatment" has the same meaning as 73284
in section 340.01 of the Revised Code. 73285

(B) A physician assistant shall comply with section 3715.08 73286
of the Revised Code and rules adopted under section 4730.55 of the 73287
Revised Code when treating a patient with medication-assisted 73288
treatment or proposing to initiate such treatment. 73289

(C) A physician assistant who fails to comply with this 73290
section shall treat not more than thirty patients at any one time 73291
with medication-assisted treatment even if the facility or 73292
location at which the treatment is provided is either of the 73293
following: 73294

(1) Exempted by divisions (B)(2)(a) to (d) of section 73295
4729.553 of the Revised Code from being required to possess a 73296
category III terminal distributor of dangerous drugs license with 73297
an office-based opioid treatment classification; 73298

(2) A community addiction services provider that provides 73299
alcohol and drug addiction services that are certified by the 73300
department of mental health and addiction services under section 73301
5119.36 of the Revised Code. 73302

Sec. 4731.04. As used in this chapter: 73303

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 73304
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(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school. 73309
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(C) "Graduate medical education" means education received through any of the following: 73313
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(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 73315
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(2) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 73319
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(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada; 73325
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(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada. 73329
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(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including 73332
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touch, stroking, friction, vibration, percussion, kneading, 73335
stretching, compression, and joint movements within the normal 73336
physiologic range of motion; and adjunctive thereto, the external 73337
application of water, heat, cold, topical preparations, and 73338
mechanical devices. 73339

Sec. 4731.056. (A) As used in this section: 73340

(1) "Controlled substance," "schedule III," "schedule IV," 73341
and "schedule V" have the same meanings as in section 3719.01 of 73342
the Revised Code. 73343

(2) "Medication-assisted treatment" has the same meaning as 73344
in section 340.01 of the Revised Code. 73345

(3) "Physician" means an individual authorized by this 73346
chapter to practice medicine and surgery or osteopathic medicine 73347
and surgery. 73348

(B) The state medical board shall adopt rules ~~in accordance~~ 73349
~~with Chapter 119. of the Revised Code~~ that establish standards and 73350
procedures to be followed by physicians in the use of all drugs 73351
approved by the United States food and drug administration for use 73352
in medication-assisted treatment, including controlled substances 73353
in schedule III, IV, or V ~~to treat opioid dependence or addiction.~~ 73354
The rules shall address detoxification, relapse prevention, 73355
patient assessment, individual treatment planning, counseling and 73356
recovery supports, diversion control, and other topics selected by 73357
the board after considering best practices in medication-assisted 73358
treatment. The 73359

The board may limit the application of ~~apply~~ the rules to 73360
~~treatment provided through an~~ all circumstances in which a 73361
physician prescribes drugs for use in medication-assisted 73362
treatment or limit the application of the rules to prescriptions 73363
for medication-assisted treatment for patients being treated in 73364

office-based ~~practice~~ practices or other practice ~~type~~ types or 73365
~~location~~ locations specified by the board. 73366

(C) All rules adopted under this section shall be adopted in 73367
accordance with Chapter 119. of the Revised Code. The rules shall 73368
be consistent with rules adopted under sections 4723.51 and 73369
4730.55 of the Revised Code. 73370

Sec. 4731.07. (A) The state medical board shall keep a record 73371
of its proceedings. The minutes of a meeting of the board shall, 73372
on approval by the board, constitute an official record of its 73373
proceedings. 73374

(B) The board shall keep a register of applicants for 73375
certificates ~~to practice~~ issued under this chapter and Chapters 73376
4760., 4762., and 4774. of the Revised Code and licenses issued 73377
under this chapter and Chapters 4730. and 4778. of the Revised 73378
Code. The register shall show the name of the applicant and 73379
whether the applicant was granted or refused a certificate or 73380
license. With respect to applicants to practice medicine and 73381
surgery or osteopathic medicine and surgery, the register shall 73382
show the name of the institution that granted the applicant the 73383
degree of doctor of medicine or osteopathic medicine. The books 73384
and records of the board shall be prima-facie evidence of matters 73385
therein contained. 73386

Sec. ~~4731.081~~ 4731.08. In addition to any other eligibility 73387
requirement set forth in this chapter, each applicant for a 73388
~~certificate~~ license to practice medicine and surgery or 73389
osteopathic medicine and surgery shall comply with sections 73390
4776.01 to 4776.04 of the Revised Code. The state medical board 73391
shall not grant to an applicant a ~~certificate~~ license to practice 73392
medicine and surgery or osteopathic medicine and surgery unless 73393
the board, in its discretion, decides that the results of the 73394

criminal records check do not make the applicant ineligible for a
certificate license issued pursuant to section 4731.14 of the
Revised Code.

~~Sec. 4731.091 4731.09. (A) As used in this section and in
section 4731.092 of the Revised Code:~~

~~(1) "Graduate medical education" means education received
through any of the following:~~

~~(a) An internship or residency program conducted in the
United States and accredited by either the accreditation council
for graduate medical education of the American medical association
or the American osteopathic association;~~

~~(b) A clinical fellowship program conducted in the United
States at an institution with a residency program accredited by
either the accreditation council for graduate medical education of
the American medical association or the American osteopathic
association that is in a clinical field the same as or related to
the clinical field of the fellowship program;~~

~~(c) An internship program conducted in Canada and accredited
by the committee on accreditation of preregistration physician
training programs of the federation of provincial medical
licensing authorities of Canada;~~

~~(d) A residency program conducted in Canada and accredited by
either the royal college of physicians and surgeons of Canada or
the college of family physicians of Canada.~~

~~(2) "Fifth pathway training" means supervised clinical
training obtained in the United States as a substitute for the
internship or social service requirements of a foreign medical
school.~~

~~(B) To be eligible for admission to the examination conducted
by the state medical board under section 4731.13 of the Revised~~

~~Code, an applicant must meet the medical education and graduate~~ 73425
~~medical education requirements specified in any one of the~~ 73426
~~following and any additional requirements of division (C) of this~~ 73427
~~section~~ An applicant for a license to practice medicine and 73428
surgery or osteopathic medicine and surgery must meet all of the 73429
following requirements: 73430

(1) Be at least eighteen years of age and of good moral 73431
character; 73432

(2) Possess a high school diploma or a certificate of high 73433
school equivalence or have obtained the equivalent of such 73434
education as determined by the state medical board; 73435

(3) Have completed two years of undergraduate work in a 73436
college of arts and sciences or the equivalent of such education 73437
as determined by the board; 73438

(4) Meet one of the following medical education and graduate 73439
medical education requirements: 73440

(a) Hold a diploma from a medical school or osteopathic 73441
medical school that, at the time the diploma was issued, was a 73442
medical school accredited by the liaison committee on medical 73443
education or an osteopathic medical school accredited by the 73444
American osteopathic association and have successfully completed 73445
not less than ~~nine~~ twelve months of graduate medical education 73446
through the first-year level of graduate medical education or its 73447
equivalent as determined by the board; 73448

~~(2)~~(b) Hold certification from the educational commission for 73449
foreign medical graduates and have successfully completed not less 73450
than ~~nine~~ twenty-four months of graduate medical education through 73451
the ~~first-year~~ second-year level of graduate medical education or 73452
its equivalent as determined by the board; 73453

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 73454
program as recognized by the board under section ~~4731.092~~ 4731.091 73455

of the Revised Code and have successfully completed, subsequent to 73456
completing fifth pathway training, not less than ~~nine~~ twelve 73457
months of graduate medical education or its equivalent as 73458
determined by the board. 73459

(5) Have successfully passed an examination prescribed in 73460
rules adopted by the board to determine competency to practice 73461
medicine and surgery or osteopathic medicine and surgery; 73462

(6) Comply with section 4731.08 of the Revised Code; 73463

(7) Meet the requirements of section 4731.142 of the Revised 73464
Code if eligibility for the license applied for is based in part 73465
on certification from the educational commission for foreign 73466
medical graduates and the undergraduate education requirements 73467
established by this section were fulfilled at an institution 73468
outside of the United States. 73469

~~(C) If an applicant holding certification from the 73470
educational commission for foreign medical graduates received the 73471
core clinical instruction segment of the applicant's medical 73472
education at an institution in the United States, the board may 73473
require that to be eligible for admission to its examination, the 73474
applicant must have received the instruction at either of the 73475
following: 73476~~

~~(1) An institution that, at the time of the instruction, was 73477
a formal part of or had formal affiliation with a medical school 73478
accredited by the liaison committee on medical education or an 73479
osteopathic medical school accredited by the American osteopathic 73480
association. 73481~~

~~(2) An institution with, at the time of the instruction, a 73482
graduate medical education program accredited by either the 73483
accreditation council for graduate medical education of the 73484
American medical association or the American osteopathic 73485
association that is in a field the same as or related to the core 73486~~

elinical instruction (B) An applicant for a license to practice 73487
medicine and surgery or osteopathic medicine and surgery shall 73488
submit to the board an application in the form and manner 73489
prescribed by the board. The application must include all of the 73490
following: 73491

(1) Evidence satisfactory to the board to demonstrate that 73492
the applicant meets all of the requirements of division (A) of 73493
this section; 73494

(2) An affidavit from the applicant attesting to the accuracy 73495
and truthfulness of the information submitted under this section; 73496

(3) Consent to the release of the applicant's information; 73497

(4) Any other information the board requires. 73498

(C) An applicant for a license to practice medicine and 73499
surgery or osteopathic medicine and surgery shall include with the 73500
application a fee of three hundred five dollars, no part of which 73501
may be returned. An application is not considered submitted until 73502
the board receives the fee. 73503

(D) The board may conduct an investigation related to the 73504
application materials received pursuant to this section and may 73505
contact any individual, agency, or organization for 73506
recommendations or other information about the applicant. 73507

(E) The board shall conclude any investigation of an 73508
applicant conducted under section 4731.22 of the Revised Code not 73509
later than ninety days after receipt of a complete application 73510
unless the applicant agrees in writing to an extension or the 73511
board determines that there is a substantial question of a 73512
violation of this chapter or the rules adopted under it and 73513
notifies the applicant in writing of the reasons for continuation 73514
of the investigation. If the board determines that the applicant 73515
is not in violation of this chapter or the rules adopted under it, 73516
the board shall issue a license not later than forty-five days 73517

after making that determination. 73518

Sec. ~~4731.092~~ 4731.091. To be recognized by the state medical 73519
board as a qualified graduate of a fifth pathway training program, 73520
an applicant shall submit evidence satisfactory to the board that 73521
~~he~~ the applicant has done all of the following: 73522

(A) Studied medicine in a foreign medical school acknowledged 73523
by the world health organization and verified by a member state of 73524
that organization as operating within the state's jurisdiction at 73525
the time ~~he~~ the applicant studied medicine; 73526

(B) Successfully completed all the formal requirements of the 73527
foreign medical school except internship or social service 73528
requirements; 73529

(C) Prior to entrance into the fifth pathway training 73530
program, attained on a screening examination acceptable to the 73531
board a score satisfactory to a medical school accredited by the 73532
liaison committee on medical education; 73533

(D) Successfully completed one academic year of fifth pathway 73534
training at a hospital affiliated with a medical school accredited 73535
by the liaison committee on medical education. 73536

Sec. 4731.10. Upon the request of a person who holds a 73537
license or certificate to practice ~~in this state pursuant to~~ 73538
~~Chapter 4731. of the Revised Code~~ issued under this chapter and is 73539
seeking licensure in another state, the state medical board shall 73540
provide verification of the person's license or certificate to 73541
practice the person's profession in this state. The fee for such 73542
verification ~~shall be~~ is fifty dollars. 73543

Sec. 4731.14. (A) ~~As used in this section, "graduate medical~~ 73544
~~education" has the same meaning as in section 4731.091 of the~~ 73545
~~Revised Code~~ The state medical board shall review all applications 73546

submitted under section 4731.09 or 4731.296 of the Revised Code 73547
and determine whether each applicant meets the requirements for a 73548
license to practice medicine and surgery or osteopathic medicine 73549
and surgery. An affirmative vote of not fewer than six members of 73550
the board is necessary for the board to determine that an 73551
applicant meets the requirements for a license. 73552

~~(B) The state medical board shall issue its certificate to~~ 73553
~~practice medicine and surgery or osteopathic medicine and surgery~~ 73554
~~as follows:~~ 73555

~~(1) The board shall issue its certificate to each individual~~ 73556
~~who was admitted to the board's examination by meeting the~~ 73557
~~educational requirements specified in division (B)(1) or (3) of~~ 73558
~~section 4731.091 of the Revised Code if the individual passes the~~ 73559
~~examination, pays a certificate issuance fee of three hundred~~ 73560
~~dollars, and submits evidence satisfactory to the board that the~~ 73561
~~individual has successfully completed not less than twelve months~~ 73562
~~of graduate medical education or its equivalent as determined by~~ 73563
~~the board.~~ 73564

~~(2) Except as provided in section 4731.142 of the Revised~~ 73565
~~Code, the board shall issue its certificate to each individual who~~ 73566
~~was admitted to the board's examination by meeting the educational~~ 73567
~~requirements specified in division (B)(2) of section 4731.091 of~~ 73568
~~the Revised Code if the individual passes the examination, pays a~~ 73569
~~certificate issuance fee of three hundred dollars, submits~~ 73570
~~evidence satisfactory to the board that the individual has~~ 73571
~~successfully completed not less than twenty four months of~~ 73572
~~graduate medical education through the second year level of~~ 73573
~~graduate medical education or its equivalent as determined by the~~ 73574
~~board, and, if the individual passed the examination prior to~~ 73575
~~completing twenty four months of graduate medical education or its~~ 73576
~~equivalent, the individual continues to meet the moral character~~ 73577
~~requirements for admission to the board's examination.~~ 73578

~~(C) If the board determines that the evidence submitted with an application is satisfactory and the applicant meets the requirements for a license, the board shall issue to the applicant a license to practice medicine and surgery or osteopathic medicine and surgery, as applicable. If the applicant holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the license shall indicate that the applicant is authorized to practice medicine and surgery pursuant to the laws of this state. Each certificate license issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.~~ 73579
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(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician." 73604
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~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the~~ 73609
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~~certificate holder's practice is conducted and shall entitle the~~ 73611
~~holder to practice either medicine and surgery or osteopathic~~ 73612
~~medicine and surgery provided the certificate holder maintains~~ 73613
~~current registration as required by section 4731.281 of the~~ 73614
~~Revised Code and provided further that such certificate has not~~ 73615
~~been revoked, suspended, or limited by action of the state medical~~ 73616
~~board pursuant to this chapter~~ holder of a license issued under 73617
this section shall either provide verification of licensure status 73618
from the board's internet web site on request or prominently 73619
display a wall certificate in the license holder's office or place 73620
where the majority of the holder's practice is conducted. 73621

~~(E) An affirmative vote of not less than six members of the~~ 73622
~~board is required for the issuance of a certificate.~~ 73623

Sec. 4731.142. (A) Except as provided in division (B) of this 73624
section, an individual must demonstrate proficiency in spoken 73625
English, by passing an examination specified by the state medical 73626
board, to receive a ~~certificate~~ license to practice issued under 73627
section 4731.14 of the Revised Code if the individual's 73628
eligibility for the ~~certificate~~ license is based in part on 73629
certification from the educational commission for foreign medical 73630
graduates and fulfillment of the undergraduate requirements 73631
established by section 4731.09 of the Revised Code at an 73632
institution outside the United States. The board shall adopt rules 73633
specifying an acceptable examination and establishing the minimum 73634
score that demonstrates proficiency in spoken English. 73635

(B) An individual is not required to demonstrate proficiency 73636
in spoken English in accordance with division (A) of this section 73637
if any of the following apply: 73638

(1) The individual was required to demonstrate such 73639
proficiency as a condition of certification from the educational 73640
commission for foreign medical graduates; 73641

(2) For the five years immediately preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States; 73642
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(3) At the beginning of the five-year period preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant was receiving graduate medical education and, upon completion of that education, held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States. 73648
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Sec. 4731.143. (A) Each person holding a valid ~~certificate~~ license issued under this chapter authorizing the ~~certificate~~ license holder to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, who is not covered by medical malpractice insurance shall provide a patient with written notice of the ~~certificate~~ license holder's lack of that insurance coverage prior to providing nonemergency professional services to the patient. The notice shall be provided alone on its own page. The notice shall provide space for the patient to acknowledge receipt of the notice, and shall be in the following form: 73656
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"N O T I C E: 73667

Dr. (here state the full name of the ~~certificate~~ license holder) is not covered by medical malpractice insurance. 73668
73669
73670

The undersigned acknowledges the receipt of this notice. 73671

..... 73672
(Patient's Signature) 73673
..... 73674
(Date)" 73675

The ~~certificate~~ license holder shall obtain the patient's 73676
signature, acknowledging the patient's receipt of the notice, 73677
prior to providing nonemergency professional services to the 73678
patient. The ~~certificate~~ license holder shall maintain the signed 73679
notice in the patient's ~~file~~ medical record. 73680

(B) This section does not apply to any officer or employee of 73681
the state, as those terms are defined in section 9.85 of the 73682
Revised Code, who is immune from civil liability under section 73683
9.86 of the Revised Code or is entitled to indemnification 73684
pursuant to section 9.87 of the Revised Code, to the extent that 73685
the person is acting within the scope of the person's employment 73686
or official responsibilities. 73687

This section does not apply to a person who complies with 73688
division (B)(2) of section 2305.234 of the Revised Code. 73689

(C) As used in this section, "medical malpractice insurance" 73690
means insurance coverage against the legal liability of the 73691
insured and against loss, damage, or expense incident to a claim 73692
arising out of the death, disease, or injury of any person as the 73693
result of negligence or malpractice in rendering professional 73694
service by any licensed physician, podiatrist, or hospital, as 73695
those terms are defined in section 2305.113 of the Revised Code. 73696

Sec. 4731.15. (A)~~(1)~~ The state medical board also shall 73697
regulate the following limited branches of medicine: massage 73698
therapy and cosmetic therapy, and to the extent specified in 73699
section 4731.151 of the Revised Code, naprapathy and 73700
mechanotherapy. The board shall adopt rules governing the limited 73701
branches of medicine under its jurisdiction. The rules shall be 73702

adopted in accordance with Chapter 119. of the Revised Code. 73703

~~(2) As used in this chapter:~~ 73704

~~(a) "Cosmetic therapy" means the permanent removal of hair 73705
from the human body through the use of electric modalities 73706
approved by the board for use in cosmetic therapy, and 73707
additionally may include the systematic friction, stroking, 73708
slapping, and kneading or tapping of the face, neck, scalp, or 73709
shoulders. 73710~~

~~(b) "Massage therapy" means the treatment of disorders of the 73711
human body by the manipulation of soft tissue through the 73712
systematic external application of massage techniques including 73713
touch, stroking, friction, vibration, percussion, kneading, 73714
stretching, compression, and joint movements within the normal 73715
physiologic range of motion; and adjunctive thereto, the external 73716
application of water, heat, cold, topical preparations, and 73717
mechanical devices. 73718~~

(B) A certificate to practice a limited branch of medicine 73719
issued by the state medical board is valid for a two-year period, 73720
except when an initial certificate is issued for a shorter period 73721
or when division (C)(2) of this section is applicable. The 73722
certificate may be renewed in accordance with division (C) of this 73723
section. 73724

(C)(1) Except as provided in division (C)(2) of this section, 73725
~~all~~ both of the following apply with respect to the renewal of 73726
certificates to practice a limited branch of medicine: 73727

(a) Each person seeking to renew a certificate to practice a 73728
limited branch of medicine shall apply for biennial renewal with 73729
the state medical board in a manner prescribed by the board. An 73730
applicant for renewal shall pay a biennial renewal fee of one 73731
hundred dollars. 73732

(b) At least ~~six months~~ one month before a certificate 73733

expires, the board shall provide a renewal notice to the 73734
certificate holder. 73735

~~(c) At least three months before a certificate expires, the 73736
certificate holder shall submit the renewal application and 73737
biennial renewal fee to the board. 73738~~

(2) The board shall implement a staggered renewal system that 73739
is substantially similar to the staggered renewal system the board 73740
uses under division (A) of section 4731.281 of the Revised Code. 73741

(D) All persons who hold a certificate to practice a limited 73742
branch of medicine issued by the state medical board shall provide 73743
the board notice of any change of address. The notice shall be 73744
submitted to the board not later than thirty days after the change 73745
of address. 73746

(E) A certificate to practice a limited branch of medicine 73747
shall be automatically suspended if the certificate holder fails 73748
to renew the certificate in accordance with division (C) of this 73749
section. Continued practice after the suspension of the 73750
certificate to practice shall be considered as practicing in 73751
violation of sections 4731.34 and 4731.41 of the Revised Code. 73752

If a certificate to practice has been suspended pursuant to 73753
this division for two years or less, it may be reinstated. The 73754
board shall reinstate the certificate upon an applicant's 73755
submission of a renewal application and payment of ~~the biennial 73756
renewal a reinstatement fee and the applicable monetary penalty of 73757
one hundred twenty-five dollars.~~ With regard to reinstatement of a 73758
certificate to practice cosmetic therapy, the applicant also shall 73759
submit with the application a certification that the number of 73760
hours of continuing education necessary to have a suspended 73761
certificate reinstated have been completed, as specified in rules 73762
the board shall adopt in accordance with Chapter 119. of the 73763
Revised Code. ~~The penalty for reinstatement shall be twenty five 73764~~

dollars. 73765

If a certificate has been suspended pursuant to this division 73766
for more than two years, it may be restored. Subject to section 73767
4731.222 of the Revised Code, the board may restore the 73768
certificate upon an applicant's submission of a restoration 73769
application, ~~the biennial renewal fee, and the applicable monetary~~ 73770
~~penalty~~ a restoration fee of one hundred fifty dollars and 73771
compliance with sections 4776.01 to 4776.04 of the Revised Code. 73772
The board shall not restore to an applicant a certificate to 73773
practice unless the board, in its discretion, decides that the 73774
results of the criminal records check do not make the applicant 73775
ineligible for a certificate issued pursuant to section 4731.17 of 73776
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 73777

Sec. 4731.22. (A) The state medical board, by an affirmative 73778
vote of not fewer than six of its members, may limit, revoke, or 73779
suspend ~~an individual's~~ a license or certificate to practice or 73780
certificate to recommend, refuse to grant a license or certificate 73781
~~to an individual,~~ refuse to renew a license or certificate, refuse 73782
to reinstate a license or certificate, or reprimand or place on 73783
probation the holder of a license or certificate if the individual 73784
applying for or holding the license or certificate ~~holder~~ is found 73785
by the board to have committed fraud during the administration of 73786
the examination for a license or certificate to practice or to 73787
have committed fraud, misrepresentation, or deception in applying 73788
for, renewing, or securing any license or certificate to practice 73789
or certificate to recommend issued by the board. 73790

(B) The board, by an affirmative vote of not fewer than six 73791
members, shall, to the extent permitted by law, limit, revoke, or 73792
suspend ~~an individual's~~ a license or certificate to practice or 73793
certificate to recommend, refuse to issue a license or certificate 73794
~~to an individual,~~ refuse to renew a license or certificate, refuse 73795

to reinstate a license or certificate, or reprimand or place on 73796
probation the holder of a license or certificate for one or more 73797
of the following reasons: 73798

(1) Permitting one's name or one's license or certificate to 73799
practice to be used by a person, group, or corporation when the 73800
individual concerned is not actually directing the treatment 73801
given; 73802

(2) Failure to maintain minimal standards applicable to the 73803
selection or administration of drugs, or failure to employ 73804
acceptable scientific methods in the selection of drugs or other 73805
modalities for treatment of disease; 73806

(3) Except as provided in section 4731.97 of the Revised 73807
Code, selling, giving away, personally furnishing, prescribing, or 73808
administering drugs for other than legal and legitimate 73809
therapeutic purposes or a plea of guilty to, a judicial finding of 73810
guilt of, or a judicial finding of eligibility for intervention in 73811
lieu of conviction of, a violation of any federal or state law 73812
regulating the possession, distribution, or use of any drug; 73813

(4) Willfully betraying a professional confidence. 73814

For purposes of this division, "willfully betraying a 73815
professional confidence" does not include providing any 73816
information, documents, or reports under sections 307.621 to 73817
307.629 of the Revised Code to a child fatality review board; does 73818
not include providing any information, documents, or reports to 73819
the director of health pursuant to guidelines established under 73820
section 3701.70 of the Revised Code; does not include written 73821
notice to a mental health professional under section 4731.62 of 73822
the Revised Code; and does not include the making of a report of 73823
an employee's use of a drug of abuse, or a report of a condition 73824
of an employee other than one involving the use of a drug of 73825
abuse, to the employer of the employee as described in division 73826

(B) of section 2305.33 of the Revised Code. Nothing in this 73827
division affects the immunity from civil liability conferred by 73828
section 2305.33 or 4731.62 of the Revised Code upon a physician 73829
who makes a report in accordance with section 2305.33 or notifies 73830
a mental health professional in accordance with section 4731.62 of 73831
the Revised Code. As used in this division, "employee," 73832
"employer," and "physician" have the same meanings as in section 73833
2305.33 of the Revised Code. 73834

(5) Making a false, fraudulent, deceptive, or misleading 73835
statement in the solicitation of or advertising for patients; in 73836
relation to the practice of medicine and surgery, osteopathic 73837
medicine and surgery, podiatric medicine and surgery, or a limited 73838
branch of medicine; or in securing or attempting to secure any 73839
license or certificate to practice issued by the board. 73840

As used in this division, "false, fraudulent, deceptive, or 73841
misleading statement" means a statement that includes a 73842
misrepresentation of fact, is likely to mislead or deceive because 73843
of a failure to disclose material facts, is intended or is likely 73844
to create false or unjustified expectations of favorable results, 73845
or includes representations or implications that in reasonable 73846
probability will cause an ordinarily prudent person to 73847
misunderstand or be deceived. 73848

(6) A departure from, or the failure to conform to, minimal 73849
standards of care of similar practitioners under the same or 73850
similar circumstances, whether or not actual injury to a patient 73851
is established; 73852

(7) Representing, with the purpose of obtaining compensation 73853
or other advantage as personal gain or for any other person, that 73854
an incurable disease or injury, or other incurable condition, can 73855
be permanently cured; 73856

(8) The obtaining of, or attempting to obtain, money or 73857

anything of value by fraudulent misrepresentations in the course 73858
of practice; 73859

(9) A plea of guilty to, a judicial finding of guilt of, or a 73860
judicial finding of eligibility for intervention in lieu of 73861
conviction for, a felony; 73862

(10) Commission of an act that constitutes a felony in this 73863
state, regardless of the jurisdiction in which the act was 73864
committed; 73865

(11) A plea of guilty to, a judicial finding of guilt of, or 73866
a judicial finding of eligibility for intervention in lieu of 73867
conviction for, a misdemeanor committed in the course of practice; 73868

(12) Commission of an act in the course of practice that 73869
constitutes a misdemeanor in this state, regardless of the 73870
jurisdiction in which the act was committed; 73871

(13) A plea of guilty to, a judicial finding of guilt of, or 73872
a judicial finding of eligibility for intervention in lieu of 73873
conviction for, a misdemeanor involving moral turpitude; 73874

(14) Commission of an act involving moral turpitude that 73875
constitutes a misdemeanor in this state, regardless of the 73876
jurisdiction in which the act was committed; 73877

(15) Violation of the conditions of limitation placed by the 73878
board upon a license or certificate to practice; 73879

(16) Failure to pay license renewal fees specified in this 73880
chapter; 73881

(17) Except as authorized in section 4731.31 of the Revised 73882
Code, engaging in the division of fees for referral of patients, 73883
or the receiving of a thing of value in return for a specific 73884
referral of a patient to utilize a particular service or business; 73885

(18) Subject to section 4731.226 of the Revised Code, 73886
violation of any provision of a code of ethics of the American 73887

medical association, the American osteopathic association, the 73888
American podiatric medical association, or any other national 73889
professional organizations that the board specifies by rule. The 73890
state medical board shall obtain and keep on file current copies 73891
of the codes of ethics of the various national professional 73892
organizations. The individual whose license or certificate is 73893
being suspended or revoked shall not be found to have violated any 73894
provision of a code of ethics of an organization not appropriate 73895
to the individual's profession. 73896

For purposes of this division, a "provision of a code of 73897
ethics of a national professional organization" does not include 73898
any provision that would preclude the making of a report by a 73899
physician of an employee's use of a drug of abuse, or of a 73900
condition of an employee other than one involving the use of a 73901
drug of abuse, to the employer of the employee as described in 73902
division (B) of section 2305.33 of the Revised Code. Nothing in 73903
this division affects the immunity from civil liability conferred 73904
by that section upon a physician who makes either type of report 73905
in accordance with division (B) of that section. As used in this 73906
division, "employee," "employer," and "physician" have the same 73907
meanings as in section 2305.33 of the Revised Code. 73908

(19) Inability to practice according to acceptable and 73909
prevailing standards of care by reason of mental illness or 73910
physical illness, including, but not limited to, physical 73911
deterioration that adversely affects cognitive, motor, or 73912
perceptive skills. 73913

In enforcing this division, the board, upon a showing of a 73914
possible violation, may compel any individual authorized to 73915
practice by this chapter or who has submitted an application 73916
pursuant to this chapter to submit to a mental examination, 73917
physical examination, including an HIV test, or both a mental and 73918
a physical examination. The expense of the examination is the 73919

responsibility of the individual compelled to be examined. Failure 73920
to submit to a mental or physical examination or consent to an HIV 73921
test ordered by the board constitutes an admission of the 73922
allegations against the individual unless the failure is due to 73923
circumstances beyond the individual's control, and a default and 73924
final order may be entered without the taking of testimony or 73925
presentation of evidence. If the board finds an individual unable 73926
to practice because of the reasons set forth in this division, the 73927
board shall require the individual to submit to care, counseling, 73928
or treatment by physicians approved or designated by the board, as 73929
a condition for initial, continued, reinstated, or renewed 73930
authority to practice. An individual affected under this division 73931
shall be afforded an opportunity to demonstrate to the board the 73932
ability to resume practice in compliance with acceptable and 73933
prevailing standards under the provisions of the individual's 73934
license or certificate. For the purpose of this division, any 73935
individual who applies for or receives a license or certificate to 73936
practice under this chapter accepts the privilege of practicing in 73937
this state and, by so doing, shall be deemed to have given consent 73938
to submit to a mental or physical examination when directed to do 73939
so in writing by the board, and to have waived all objections to 73940
the admissibility of testimony or examination reports that 73941
constitute a privileged communication. 73942

(20) Except as provided in division (F)(1)(b) of section 73943
4731.282 of the Revised Code or when civil penalties are imposed 73944
under section 4731.225 ~~or 4731.282~~ of the Revised Code, and 73945
subject to section 4731.226 of the Revised Code, violating or 73946
attempting to violate, directly or indirectly, or assisting in or 73947
abetting the violation of, or conspiring to violate, any 73948
provisions of this chapter or any rule promulgated by the board. 73949

This division does not apply to a violation or attempted 73950
violation of, assisting in or abetting the violation of, or a 73951

conspiracy to violate, any provision of this chapter or any rule 73952
adopted by the board that would preclude the making of a report by 73953
a physician of an employee's use of a drug of abuse, or of a 73954
condition of an employee other than one involving the use of a 73955
drug of abuse, to the employer of the employee as described in 73956
division (B) of section 2305.33 of the Revised Code. Nothing in 73957
this division affects the immunity from civil liability conferred 73958
by that section upon a physician who makes either type of report 73959
in accordance with division (B) of that section. As used in this 73960
division, "employee," "employer," and "physician" have the same 73961
meanings as in section 2305.33 of the Revised Code. 73962

(21) The violation of section 3701.79 of the Revised Code or 73963
of any abortion rule adopted by the director of health pursuant to 73964
section 3701.341 of the Revised Code; 73965

(22) Any of the following actions taken by an agency 73966
responsible for authorizing, certifying, or regulating an 73967
individual to practice a health care occupation or provide health 73968
care services in this state or another jurisdiction, for any 73969
reason other than the nonpayment of fees: the limitation, 73970
revocation, or suspension of an individual's license to practice; 73971
acceptance of an individual's license surrender; denial of a 73972
license; refusal to renew or reinstate a license; imposition of 73973
probation; or issuance of an order of censure or other reprimand; 73974

(23) The violation of section 2919.12 of the Revised Code or 73975
the performance or inducement of an abortion upon a pregnant woman 73976
with actual knowledge that the conditions specified in division 73977
(B) of section 2317.56 of the Revised Code have not been satisfied 73978
or with a heedless indifference as to whether those conditions 73979
have been satisfied, unless an affirmative defense as specified in 73980
division (H)(2) of that section would apply in a civil action 73981
authorized by division (H)(1) of that section; 73982

(24) The revocation, suspension, restriction, reduction, or 73983

termination of clinical privileges by the United States department 73984
of defense or department of veterans affairs or the termination or 73985
suspension of a certificate of registration to prescribe drugs by 73986
the drug enforcement administration of the United States 73987
department of justice; 73988

(25) Termination or suspension from participation in the 73989
medicare or medicaid programs by the department of health and 73990
human services or other responsible agency for any act or acts 73991
that also would constitute a violation of division (B)(2), (3), 73992
(6), (8), or (19) of this section; 73993

(26) Impairment of ability to practice according to 73994
acceptable and prevailing standards of care because of habitual or 73995
excessive use or abuse of drugs, alcohol, or other substances that 73996
impair ability to practice. 73997

For the purposes of this division, any individual authorized 73998
to practice by this chapter accepts the privilege of practicing in 73999
this state subject to supervision by the board. By filing an 74000
application for or holding a license or certificate to practice 74001
under this chapter, an individual shall be deemed to have given 74002
consent to submit to a mental or physical examination when ordered 74003
to do so by the board in writing, and to have waived all 74004
objections to the admissibility of testimony or examination 74005
reports that constitute privileged communications. 74006

If it has reason to believe that any individual authorized to 74007
practice by this chapter or any applicant for licensure or 74008
certification to practice suffers such impairment, the board may 74009
compel the individual to submit to a mental or physical 74010
examination, or both. The expense of the examination is the 74011
responsibility of the individual compelled to be examined. Any 74012
mental or physical examination required under this division shall 74013
be undertaken by a treatment provider or physician who is 74014
qualified to conduct the examination and who is chosen by the 74015

board. 74016

Failure to submit to a mental or physical examination ordered 74017
by the board constitutes an admission of the allegations against 74018
the individual unless the failure is due to circumstances beyond 74019
the individual's control, and a default and final order may be 74020
entered without the taking of testimony or presentation of 74021
evidence. If the board determines that the individual's ability to 74022
practice is impaired, the board shall suspend the individual's 74023
license or certificate or deny the individual's application and 74024
shall require the individual, as a condition for initial, 74025
continued, reinstated, or renewed licensure or certification to 74026
practice, to submit to treatment. 74027

Before being eligible to apply for reinstatement of a license 74028
or certificate suspended under this division, the impaired 74029
practitioner shall demonstrate to the board the ability to resume 74030
practice in compliance with acceptable and prevailing standards of 74031
care under the provisions of the practitioner's license or 74032
certificate. The demonstration shall include, but shall not be 74033
limited to, the following: 74034

(a) Certification from a treatment provider approved under 74035
section 4731.25 of the Revised Code that the individual has 74036
successfully completed any required inpatient treatment; 74037

(b) Evidence of continuing full compliance with an aftercare 74038
contract or consent agreement; 74039

(c) Two written reports indicating that the individual's 74040
ability to practice has been assessed and that the individual has 74041
been found capable of practicing according to acceptable and 74042
prevailing standards of care. The reports shall be made by 74043
individuals or providers approved by the board for making the 74044
assessments and shall describe the basis for their determination. 74045

The board may reinstate a license or certificate suspended 74046

under this division after that demonstration and after the 74047
individual has entered into a written consent agreement. 74048

When the impaired practitioner resumes practice, the board 74049
shall require continued monitoring of the individual. The 74050
monitoring shall include, but not be limited to, compliance with 74051
the written consent agreement entered into before reinstatement or 74052
with conditions imposed by board order after a hearing, and, upon 74053
termination of the consent agreement, submission to the board for 74054
at least two years of annual written progress reports made under 74055
penalty of perjury stating whether the individual has maintained 74056
sobriety. 74057

(27) A second or subsequent violation of section 4731.66 or 74058
4731.69 of the Revised Code; 74059

(28) Except as provided in division (N) of this section: 74060

(a) Waiving the payment of all or any part of a deductible or 74061
copayment that a patient, pursuant to a health insurance or health 74062
care policy, contract, or plan that covers the individual's 74063
services, otherwise would be required to pay if the waiver is used 74064
as an enticement to a patient or group of patients to receive 74065
health care services from that individual; 74066

(b) Advertising that the individual will waive the payment of 74067
all or any part of a deductible or copayment that a patient, 74068
pursuant to a health insurance or health care policy, contract, or 74069
plan that covers the individual's services, otherwise would be 74070
required to pay. 74071

(29) Failure to use universal blood and body fluid 74072
precautions established by rules adopted under section 4731.051 of 74073
the Revised Code; 74074

(30) Failure to provide notice to, and receive acknowledgment 74075
of the notice from, a patient when required by section 4731.143 of 74076
the Revised Code prior to providing nonemergency professional 74077

services, or failure to maintain that notice in the patient's file 74078
medical record; 74079

(31) Failure of a physician supervising a physician assistant 74080
to maintain supervision in accordance with the requirements of 74081
Chapter 4730. of the Revised Code and the rules adopted under that 74082
chapter; 74083

(32) Failure of a physician or podiatrist to enter into a 74084
standard care arrangement with a clinical nurse specialist, 74085
certified nurse-midwife, or certified nurse practitioner with whom 74086
the physician or podiatrist is in collaboration pursuant to 74087
section 4731.27 of the Revised Code or failure to fulfill the 74088
responsibilities of collaboration after entering into a standard 74089
care arrangement; 74090

(33) Failure to comply with the terms of a consult agreement 74091
entered into with a pharmacist pursuant to section 4729.39 of the 74092
Revised Code; 74093

(34) Failure to cooperate in an investigation conducted by 74094
the board under division (F) of this section, including failure to 74095
comply with a subpoena or order issued by the board or failure to 74096
answer truthfully a question presented by the board in an 74097
investigative interview, an investigative office conference, at a 74098
deposition, or in written interrogatories, except that failure to 74099
cooperate with an investigation shall not constitute grounds for 74100
discipline under this section if a court of competent jurisdiction 74101
has issued an order that either quashes a subpoena or permits the 74102
individual to withhold the testimony or evidence in issue; 74103

(35) Failure to supervise an oriental medicine practitioner 74104
or acupuncturist in accordance with Chapter 4762. of the Revised 74105
Code and the board's rules for providing that supervision; 74106

(36) Failure to supervise an anesthesiologist assistant in 74107
accordance with Chapter 4760. of the Revised Code and the board's 74108

rules for supervision of an anesthesiologist assistant;	74109
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	74110 74111
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	74112 74113
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	74114 74115 74116
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	74117 74118 74119
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	74120 74121 74122 74123
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	74124 74125 74126 74127
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	74128 74129 74130 74131
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	74132 74133 74134 74135 74136
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain	74137 74138

management clinic classification unless the person operating the 74139
facility has obtained and maintains the license with the 74140
classification; 74141

(46) Owning a facility that is subject to licensure as a 74142
category III terminal distributor of dangerous drugs with a pain 74143
management clinic classification unless the facility is licensed 74144
with the classification; 74145

(47) Failure to comply with the requirement regarding 74146
maintaining notes described in division (B) of section 2919.191 of 74147
the Revised Code or failure to satisfy the requirements of section 74148
2919.191 of the Revised Code prior to performing or inducing an 74149
abortion upon a pregnant woman; 74150

(48) Failure to comply with the requirements in section 74151
3719.061 of the Revised Code before issuing for a minor a 74152
prescription for an opioid analgesic, as defined in section 74153
3719.01 of the Revised Code; 74154

(49) Failure to comply with the requirements of section 74155
4731.30 of the Revised Code or rules adopted under section 74156
4731.301 of the Revised Code when recommending treatment with 74157
medical marijuana; 74158

(50) Practicing at a facility, clinic, or other location that 74159
is subject to licensure as a category III terminal distributor of 74160
dangerous drugs with an office-based opioid treatment 74161
classification unless the person operating that place has obtained 74162
and maintains the license with the classification; 74163

(51) Owning a facility, clinic, or other location that is 74164
subject to licensure as a category III terminal distributor of 74165
dangerous drugs with an office-based opioid treatment 74166
classification unless that place is licensed with the 74167
classification. 74168

(C) Disciplinary actions taken by the board under divisions 74169

(A) and (B) of this section shall be taken pursuant to an 74170
adjudication under Chapter 119. of the Revised Code, except that 74171
in lieu of an adjudication, the board may enter into a consent 74172
agreement with an individual to resolve an allegation of a 74173
violation of this chapter or any rule adopted under it. A consent 74174
agreement, when ratified by an affirmative vote of not fewer than 74175
six members of the board, shall constitute the findings and order 74176
of the board with respect to the matter addressed in the 74177
agreement. If the board refuses to ratify a consent agreement, the 74178
admissions and findings contained in the consent agreement shall 74179
be of no force or effect. 74180

A telephone conference call may be utilized for ratification 74181
of a consent agreement that revokes or suspends an individual's 74182
license or certificate to practice or certificate to recommend. 74183
The telephone conference call shall be considered a special 74184
meeting under division (F) of section 121.22 of the Revised Code. 74185

If the board takes disciplinary action against an individual 74186
under division (B) of this section for a second or subsequent plea 74187
of guilty to, or judicial finding of guilt of, a violation of 74188
section 2919.123 of the Revised Code, the disciplinary action 74189
shall consist of a suspension of the individual's license or 74190
certificate to practice for a period of at least one year or, if 74191
determined appropriate by the board, a more serious sanction 74192
involving the individual's license or certificate to practice. Any 74193
consent agreement entered into under this division with an 74194
individual that pertains to a second or subsequent plea of guilty 74195
to, or judicial finding of guilt of, a violation of that section 74196
shall provide for a suspension of the individual's license or 74197
certificate to practice for a period of at least one year or, if 74198
determined appropriate by the board, a more serious sanction 74199
involving the individual's license or certificate to practice. 74200

(D) For purposes of divisions (B)(10), (12), and (14) of this 74201

section, the commission of the act may be established by a finding 74202
by the board, pursuant to an adjudication under Chapter 119. of 74203
the Revised Code, that the individual committed the act. The board 74204
does not have jurisdiction under those divisions if the trial 74205
court renders a final judgment in the individual's favor and that 74206
judgment is based upon an adjudication on the merits. The board 74207
has jurisdiction under those divisions if the trial court issues 74208
an order of dismissal upon technical or procedural grounds. 74209

(E) The sealing of conviction records by any court shall have 74210
no effect upon a prior board order entered under this section or 74211
upon the board's jurisdiction to take action under this section 74212
if, based upon a plea of guilty, a judicial finding of guilt, or a 74213
judicial finding of eligibility for intervention in lieu of 74214
conviction, the board issued a notice of opportunity for a hearing 74215
prior to the court's order to seal the records. The board shall 74216
not be required to seal, destroy, redact, or otherwise modify its 74217
records to reflect the court's sealing of conviction records. 74218

(F)(1) The board shall investigate evidence that appears to 74219
show that a person has violated any provision of this chapter or 74220
any rule adopted under it. Any person may report to the board in a 74221
signed writing any information that the person may have that 74222
appears to show a violation of any provision of this chapter or 74223
any rule adopted under it. In the absence of bad faith, any person 74224
who reports information of that nature or who testifies before the 74225
board in any adjudication conducted under Chapter 119. of the 74226
Revised Code shall not be liable in damages in a civil action as a 74227
result of the report or testimony. Each complaint or allegation of 74228
a violation received by the board shall be assigned a case number 74229
and shall be recorded by the board. 74230

(2) Investigations of alleged violations of this chapter or 74231
any rule adopted under it shall be supervised by the supervising 74232
member elected by the board in accordance with section 4731.02 of 74233

the Revised Code and by the secretary as provided in section 74234
4731.39 of the Revised Code. The president may designate another 74235
member of the board to supervise the investigation in place of the 74236
supervising member. No member of the board who supervises the 74237
investigation of a case shall participate in further adjudication 74238
of the case. 74239

(3) In investigating a possible violation of this chapter or 74240
any rule adopted under this chapter, or in conducting an 74241
inspection under division (E) of section 4731.054 of the Revised 74242
Code, the board may question witnesses, conduct interviews, 74243
administer oaths, order the taking of depositions, inspect and 74244
copy any books, accounts, papers, records, or documents, issue 74245
subpoenas, and compel the attendance of witnesses and production 74246
of books, accounts, papers, records, documents, and testimony, 74247
except that a subpoena for patient record information shall not be 74248
issued without consultation with the attorney general's office and 74249
approval of the secretary and supervising member of the board. 74250

(a) Before issuance of a subpoena for patient record 74251
information, the secretary and supervising member shall determine 74252
whether there is probable cause to believe that the complaint 74253
filed alleges a violation of this chapter or any rule adopted 74254
under it and that the records sought are relevant to the alleged 74255
violation and material to the investigation. The subpoena may 74256
apply only to records that cover a reasonable period of time 74257
surrounding the alleged violation. 74258

(b) On failure to comply with any subpoena issued by the 74259
board and after reasonable notice to the person being subpoenaed, 74260
the board may move for an order compelling the production of 74261
persons or records pursuant to the Rules of Civil Procedure. 74262

(c) A subpoena issued by the board may be served by a 74263
sheriff, the sheriff's deputy, or a board employee designated by 74264
the board. Service of a subpoena issued by the board may be made 74265

by delivering a copy of the subpoena to the person named therein, 74266
reading it to the person, or leaving it at the person's usual 74267
place of residence, usual place of business, or address on file 74268
with the board. When serving a subpoena to an applicant for or the 74269
holder of a license or certificate issued under this chapter, 74270
service of the subpoena may be made by certified mail, return 74271
receipt requested, and the subpoena shall be deemed served on the 74272
date delivery is made or the date the person refuses to accept 74273
delivery. If the person being served refuses to accept the 74274
subpoena or is not located, service may be made to an attorney who 74275
notifies the board that the attorney is representing the person. 74276

(d) A sheriff's deputy who serves a subpoena shall receive 74277
the same fees as a sheriff. Each witness who appears before the 74278
board in obedience to a subpoena shall receive the fees and 74279
mileage provided for under section 119.094 of the Revised Code. 74280

(4) All hearings, investigations, and inspections of the 74281
board shall be considered civil actions for the purposes of 74282
section 2305.252 of the Revised Code. 74283

(5) A report required to be submitted to the board under this 74284
chapter, a complaint, or information received by the board 74285
pursuant to an investigation or pursuant to an inspection under 74286
division (E) of section 4731.054 of the Revised Code is 74287
confidential and not subject to discovery in any civil action. 74288

The board shall conduct all investigations or inspections and 74289
proceedings in a manner that protects the confidentiality of 74290
patients and persons who file complaints with the board. The board 74291
shall not make public the names or any other identifying 74292
information about patients or complainants unless proper consent 74293
is given or, in the case of a patient, a waiver of the patient 74294
privilege exists under division (B) of section 2317.02 of the 74295
Revised Code, except that consent or a waiver of that nature is 74296
not required if the board possesses reliable and substantial 74297

evidence that no bona fide physician-patient relationship exists. 74298

The board may share any information it receives pursuant to 74299
an investigation or inspection, including patient records and 74300
patient record information, with law enforcement agencies, other 74301
licensing boards, and other governmental agencies that are 74302
prosecuting, adjudicating, or investigating alleged violations of 74303
statutes or administrative rules. An agency or board that receives 74304
the information shall comply with the same requirements regarding 74305
confidentiality as those with which the state medical board must 74306
comply, notwithstanding any conflicting provision of the Revised 74307
Code or procedure of the agency or board that applies when it is 74308
dealing with other information in its possession. In a judicial 74309
proceeding, the information may be admitted into evidence only in 74310
accordance with the Rules of Evidence, but the court shall require 74311
that appropriate measures are taken to ensure that confidentiality 74312
is maintained with respect to any part of the information that 74313
contains names or other identifying information about patients or 74314
complainants whose confidentiality was protected by the state 74315
medical board when the information was in the board's possession. 74316
Measures to ensure confidentiality that may be taken by the court 74317
include sealing its records or deleting specific information from 74318
its records. 74319

(6) On a quarterly basis, the board shall prepare a report 74320
that documents the disposition of all cases during the preceding 74321
three months. The report shall contain the following information 74322
for each case with which the board has completed its activities: 74323

(a) The case number assigned to the complaint or alleged 74324
violation; 74325

(b) The type of license or certificate to practice, if any, 74326
held by the individual against whom the complaint is directed; 74327

(c) A description of the allegations contained in the 74328

complaint; 74329

(d) The disposition of the case. 74330

The report shall state how many cases are still pending and 74331
shall be prepared in a manner that protects the identity of each 74332
person involved in each case. The report shall be a public record 74333
under section 149.43 of the Revised Code. 74334

(G) If the secretary and supervising member determine both of 74335
the following, they may recommend that the board suspend an 74336
individual's license or certificate to practice or certificate to 74337
recommend without a prior hearing: 74338

(1) That there is clear and convincing evidence that an 74339
individual has violated division (B) of this section; 74340

(2) That the individual's continued practice presents a 74341
danger of immediate and serious harm to the public. 74342

Written allegations shall be prepared for consideration by 74343
the board. The board, upon review of those allegations and by an 74344
affirmative vote of not fewer than six of its members, excluding 74345
the secretary and supervising member, may suspend a license or 74346
certificate without a prior hearing. A telephone conference call 74347
may be utilized for reviewing the allegations and taking the vote 74348
on the summary suspension. 74349

The board shall issue a written order of suspension by 74350
certified mail or in person in accordance with section 119.07 of 74351
the Revised Code. The order shall not be subject to suspension by 74352
the court during pendency of any appeal filed under section 119.12 74353
of the Revised Code. If the individual subject to the summary 74354
suspension requests an adjudicatory hearing by the board, the date 74355
set for the hearing shall be within fifteen days, but not earlier 74356
than seven days, after the individual requests the hearing, unless 74357
otherwise agreed to by both the board and the individual. 74358

Any summary suspension imposed under this division shall 74359
remain in effect, unless reversed on appeal, until a final 74360
adjudicative order issued by the board pursuant to this section 74361
and Chapter 119. of the Revised Code becomes effective. The board 74362
shall issue its final adjudicative order within seventy-five days 74363
after completion of its hearing. A failure to issue the order 74364
within seventy-five days shall result in dissolution of the 74365
summary suspension order but shall not invalidate any subsequent, 74366
final adjudicative order. 74367

(H) If the board takes action under division (B)(9), (11), or 74368
(13) of this section and the judicial finding of guilt, guilty 74369
plea, or judicial finding of eligibility for intervention in lieu 74370
of conviction is overturned on appeal, upon exhaustion of the 74371
criminal appeal, a petition for reconsideration of the order may 74372
be filed with the board along with appropriate court documents. 74373
Upon receipt of a petition of that nature and supporting court 74374
documents, the board shall reinstate the individual's license or 74375
certificate to practice. The board may then hold an adjudication 74376
under Chapter 119. of the Revised Code to determine whether the 74377
individual committed the act in question. Notice of an opportunity 74378
for a hearing shall be given in accordance with Chapter 119. of 74379
the Revised Code. If the board finds, pursuant to an adjudication 74380
held under this division, that the individual committed the act or 74381
if no hearing is requested, the board may order any of the 74382
sanctions identified under division (B) of this section. 74383

(I) The license or certificate to practice issued to an 74384
individual under this chapter and the individual's practice in 74385
this state are automatically suspended as of the date of the 74386
individual's second or subsequent plea of guilty to, or judicial 74387
finding of guilt of, a violation of section 2919.123 of the 74388
Revised Code. In addition, the license or certificate to practice 74389
or certificate to recommend issued to an individual under this 74390

chapter and the individual's practice in this state are 74391
automatically suspended as of the date the individual pleads 74392
guilty to, is found by a judge or jury to be guilty of, or is 74393
subject to a judicial finding of eligibility for intervention in 74394
lieu of conviction in this state or treatment or intervention in 74395
lieu of conviction in another jurisdiction for any of the 74396
following criminal offenses in this state or a substantially 74397
equivalent criminal offense in another jurisdiction: aggravated 74398
murder, murder, voluntary manslaughter, felonious assault, 74399
kidnapping, rape, sexual battery, gross sexual imposition, 74400
aggravated arson, aggravated robbery, or aggravated burglary. 74401
Continued practice after suspension shall be considered practicing 74402
without a license or certificate. 74403

The board shall notify the individual subject to the 74404
suspension by certified mail or in person in accordance with 74405
section 119.07 of the Revised Code. If an individual whose license 74406
or certificate is automatically suspended under this division 74407
fails to make a timely request for an adjudication under Chapter 74408
119. of the Revised Code, the board shall do whichever of the 74409
following is applicable: 74410

(1) If the automatic suspension under this division is for a 74411
second or subsequent plea of guilty to, or judicial finding of 74412
guilt of, a violation of section 2919.123 of the Revised Code, the 74413
board shall enter an order suspending the individual's license or 74414
certificate to practice for a period of at least one year or, if 74415
determined appropriate by the board, imposing a more serious 74416
sanction involving the individual's license or certificate to 74417
practice. 74418

(2) In all circumstances in which division (I)(1) of this 74419
section does not apply, enter a final order permanently revoking 74420
the individual's license or certificate to practice. 74421

(J) If the board is required by Chapter 119. of the Revised 74422

Code to give notice of an opportunity for a hearing and if the 74423
individual subject to the notice does not timely request a hearing 74424
in accordance with section 119.07 of the Revised Code, the board 74425
is not required to hold a hearing, but may adopt, by an 74426
affirmative vote of not fewer than six of its members, a final 74427
order that contains the board's findings. In that final order, the 74428
board may order any of the sanctions identified under division (A) 74429
or (B) of this section. 74430

(K) Any action taken by the board under division (B) of this 74431
section resulting in a suspension from practice shall be 74432
accompanied by a written statement of the conditions under which 74433
the individual's license or certificate to practice may be 74434
reinstated. The board shall adopt rules governing conditions to be 74435
imposed for reinstatement. Reinstatement of a license or 74436
certificate suspended pursuant to division (B) of this section 74437
requires an affirmative vote of not fewer than six members of the 74438
board. 74439

(L) When the board refuses to grant or issue a license or 74440
certificate to practice to an applicant, revokes an individual's 74441
license or certificate to practice, refuses to renew an 74442
individual's license or certificate to practice, or refuses to 74443
reinstate an individual's license or certificate to practice, the 74444
board may specify that its action is permanent. An individual 74445
subject to a permanent action taken by the board is forever 74446
thereafter ineligible to hold a license or certificate to practice 74447
and the board shall not accept an application for reinstatement of 74448
the license or certificate or for issuance of a new license or 74449
certificate. 74450

(M) Notwithstanding any other provision of the Revised Code, 74451
all of the following apply: 74452

(1) The surrender of a license or certificate issued under 74453
this chapter shall not be effective unless or until accepted by 74454

the board. A telephone conference call may be utilized for 74455
acceptance of the surrender of an individual's license or 74456
certificate to practice. The telephone conference call shall be 74457
considered a special meeting under division (F) of section 121.22 74458
of the Revised Code. Reinstatement of a license or certificate 74459
surrendered to the board requires an affirmative vote of not fewer 74460
than six members of the board. 74461

(2) An application for a license or certificate made under 74462
the provisions of this chapter may not be withdrawn without 74463
approval of the board. 74464

(3) Failure by an individual to renew a license or 74465
certificate to practice in accordance with this chapter or a 74466
certificate to recommend in accordance with rules adopted under 74467
section 4731.301 of the Revised Code shall not remove or limit the 74468
board's jurisdiction to take any disciplinary action under this 74469
section against the individual. 74470

(4) At the request of the board, a license or certificate 74471
holder shall immediately surrender to the board a license or 74472
certificate that the board has suspended, revoked, or permanently 74473
revoked. 74474

(N) Sanctions shall not be imposed under division (B)(28) of 74475
this section against any person who waives deductibles and 74476
copayments as follows: 74477

(1) In compliance with the health benefit plan that expressly 74478
allows such a practice. Waiver of the deductibles or copayments 74479
shall be made only with the full knowledge and consent of the plan 74480
purchaser, payer, and third-party administrator. Documentation of 74481
the consent shall be made available to the board upon request. 74482

(2) For professional services rendered to any other person 74483
authorized to practice pursuant to this chapter, to the extent 74484
allowed by this chapter and rules adopted by the board. 74485

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4731.221. If the state medical board has reason to

believe that any person who has been granted a license or 74516
certificate under this chapter is mentally ill or mentally 74517
incompetent, it may file in the probate court of the county in 74518
which such person has a legal residence an affidavit in the form 74519
prescribed in section 5122.11 of the Revised Code and signed by 74520
the board secretary or a member of the board secretary's staff, 74521
whereupon the same proceedings shall be had as provided in Chapter 74522
5122. of the Revised Code. The attorney general may represent the 74523
board in any proceeding commenced under this section. 74524

If any person who has been granted a license or certificate 74525
under this chapter is adjudged by a probate court to be mentally 74526
ill or mentally incompetent, the person's license or certificate 74527
shall be automatically suspended until such person has filed with 74528
the state medical board a certified copy of an adjudication by a 74529
probate court of the person's subsequent restoration to competency 74530
or has submitted to such board proof, satisfactory to the board, 74531
that the person has been discharged as having a restoration to 74532
competency in the manner and form provided in section 5122.38 of 74533
the Revised Code. The judge of such court shall forthwith notify 74534
the state medical board of an adjudication of mental illness or 74535
mental incompetence, and shall note any suspension of a license or 74536
certificate in the margin of the court's record of such license or 74537
certificate. 74538

Sec. 4731.222. (A) This section applies to both of the 74539
following: 74540

(1) An applicant seeking restoration of a license or 74541
certificate issued under this chapter that has been in a suspended 74542
or inactive state for any cause for more than two years; 74543

(2) An applicant seeking issuance of a license or certificate 74544
pursuant to section 4731.17, ~~4731.29,~~ or 4731.295, ~~4731.57,~~ ~~or~~ 74545
~~4731.571~~ of the Revised Code who for more than two years has not 74546

been engaged in the practice of medicine and surgery, osteopathic 74547
medicine and surgery, ~~pediatric medicine and surgery~~, or a limited 74548
branch of medicine as any of the following: 74549

(a) An active practitioner; 74550

(b) A participant in a program of graduate medical education, 74551
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 74552

(c) A student in a college of podiatry determined by the 74553
state medical board to be in good standing; 74554

(d) A student in a school, college, or institution giving 74555
instruction in a limited branch of medicine determined by the 74556
board to be in good standing under section 4731.16 of the Revised 74557
Code. 74558

(B) Before restoring a license or certificate to good 74559
standing for or issuing a license or certificate to an applicant 74560
subject to this section, the state medical board may impose terms 74561
and conditions including any one or more of the following: 74562

(1) Requiring the applicant to pass an oral or written 74563
examination, or both, to determine the applicant's present fitness 74564
to resume practice; 74565

(2) Requiring the applicant to obtain additional training and 74566
to pass an examination upon completion of such training; 74567

(3) Requiring an assessment of the applicant's physical 74568
skills for purposes of determining whether the applicant's 74569
coordination, fine motor skills, and dexterity are sufficient for 74570
performing medical evaluations and procedures in a manner that 74571
meets the minimal standards of care; 74572

(4) Requiring an assessment of the applicant's skills in 74573
recognizing and understanding diseases and conditions; 74574

(5) Requiring the applicant to undergo a comprehensive 74575
physical examination, which may include an assessment of physical 74576

abilities, evaluation of sensory capabilities, or screening for 74577
the presence of neurological disorders; 74578

(6) Restricting or limiting the extent, scope, or type of 74579
practice of the applicant. 74580

The board shall consider the moral background and the 74581
activities of the applicant during the period of suspension or 74582
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 74583
or 4731.52 of the Revised Code. The board shall not restore a 74584
license or certificate under this section unless the applicant 74585
complies with sections 4776.01 to 4776.04 of the Revised Code. 74586

Sec. 4731.223. (A) As used in this section, "prosecutor" has 74587
the same meaning as in section 2935.01 of the Revised Code. 74588

(B) Whenever any person holding a valid license or 74589
certificate issued pursuant to this chapter pleads guilty to, is 74590
subject to a judicial finding of guilt of, or is subject to a 74591
judicial finding of eligibility for intervention in lieu of 74592
conviction for a violation of Chapter 2907., 2925., or 3719. of 74593
the Revised Code or of any substantively comparable ordinance of a 74594
municipal corporation in connection with the person's practice, or 74595
for a second or subsequent time pleads guilty to, or is subject to 74596
a judicial finding of guilt of, a violation of section 2919.123 of 74597
the Revised Code, the prosecutor in the case, on forms prescribed 74598
and provided by the state medical board, shall promptly notify the 74599
board of the conviction or guilty plea. Within thirty days of 74600
receipt of that information, the board shall initiate action in 74601
accordance with Chapter 119. of the Revised Code to determine 74602
whether to suspend or revoke the license or certificate under 74603
section 4731.22 of the Revised Code. 74604

(C) The prosecutor in any case against any person holding a 74605
valid license or certificate issued pursuant to this chapter, on 74606
forms prescribed and provided by the state medical board, shall 74607

notify the board of any of the following: 74608

(1) A plea of guilty to, a finding of guilt by a jury or 74609
court of, or judicial finding of eligibility for intervention in 74610
lieu of conviction for a felony, or a case in which the trial 74611
court issues an order of dismissal upon technical or procedural 74612
grounds of a felony charge; 74613

(2) A plea of guilty to, a finding of guilt by a jury or 74614
court of, or judicial finding of eligibility for intervention in 74615
lieu of conviction for a misdemeanor committed in the course of 74616
practice, or a case in which the trial court issues an order of 74617
dismissal upon technical or procedural grounds of a charge of a 74618
misdemeanor, if the alleged act was committed in the course of 74619
practice; 74620

(3) A plea of guilty to, a finding of guilt by a jury or 74621
court of, or judicial finding of eligibility for intervention in 74622
lieu of conviction for a misdemeanor involving moral turpitude, or 74623
a case in which the trial court issues an order of dismissal upon 74624
technical or procedural grounds of a charge of a misdemeanor 74625
involving moral turpitude. 74626

The report shall include the name and address of the license 74627
or certificate holder, the nature of the offense for which the 74628
action was taken, and the certified court documents recording the 74629
action. 74630

Sec. 4731.224. (A) Within sixty days after the imposition of 74631
any formal disciplinary action taken by any health care facility, 74632
including a hospital, health care facility operated by a health 74633
insuring corporation, ambulatory surgical center, or similar 74634
facility, against any individual holding a valid license or 74635
certificate to practice issued pursuant to this chapter, the chief 74636
administrator or executive officer of the facility shall report to 74637
the state medical board the name of the individual, the action 74638

taken by the facility, and a summary of the underlying facts 74639
leading to the action taken. Upon request, the board shall be 74640
provided certified copies of the patient records that were the 74641
basis for the facility's action. Prior to release to the board, 74642
the summary shall be approved by the peer review committee that 74643
reviewed the case or by the governing board of the facility. As 74644
used in this division, "formal disciplinary action" means any 74645
action resulting in the revocation, restriction, reduction, or 74646
termination of clinical privileges for violations of professional 74647
ethics, or for reasons of medical incompetence, medical 74648
malpractice, or drug or alcohol abuse. "Formal disciplinary 74649
action" includes a summary action, an action that takes effect 74650
notwithstanding any appeal rights that may exist, and an action 74651
that results in an individual surrendering clinical privileges 74652
while under investigation and during proceedings regarding the 74653
action being taken or in return for not being investigated or 74654
having proceedings held. "Formal disciplinary action" does not 74655
include any action taken for the sole reason of failure to 74656
maintain records on a timely basis or failure to attend staff or 74657
section meetings. 74658

The filing or nonfiling of a report with the board, 74659
investigation by the board, or any disciplinary action taken by 74660
the board, shall not preclude any action by a health care facility 74661
to suspend, restrict, or revoke the individual's clinical 74662
privileges. 74663

In the absence of fraud or bad faith, no individual or entity 74664
that provides patient records to the board shall be liable in 74665
damages to any person as a result of providing the records. 74666

(B) If any individual authorized to practice under this 74667
chapter or any professional association or society of such 74668
individuals believes that a violation of any provision of this 74669

chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 74670
Revised Code, or any rule of the board has occurred, the 74671
individual, association, or society shall report to the board the 74672
information upon which the belief is based. This division does not 74673
require any treatment provider approved by the board under section 74674
4731.25 of the Revised Code or any employee, agent, or 74675
representative of such a provider to make reports with respect to 74676
an impaired practitioner participating in treatment or aftercare 74677
for substance abuse as long as the practitioner maintains 74678
participation in accordance with the requirements of section 74679
4731.25 of the Revised Code, and as long as the treatment provider 74680
or employee, agent, or representative of the provider has no 74681
reason to believe that the practitioner has violated any provision 74682
of this chapter or any rule adopted under it, other than the 74683
provisions of division (B)(26) of section 4731.22 of the Revised 74684
Code. This division does not require reporting by any member of an 74685
impaired practitioner committee established by a health care 74686
facility or by any representative or agent of a committee or 74687
program sponsored by a professional association or society of 74688
individuals authorized to practice under this chapter to provide 74689
peer assistance to practitioners with substance abuse problems 74690
with respect to a practitioner who has been referred for 74691
examination to a treatment program approved by the board under 74692
section 4731.25 of the Revised Code if the practitioner cooperates 74693
with the referral for examination and with any determination that 74694
the practitioner should enter treatment and as long as the 74695
committee member, representative, or agent has no reason to 74696
believe that the practitioner has ceased to participate in the 74697
treatment program in accordance with section 4731.25 of the 74698
Revised Code or has violated any provision of this chapter or any 74699
rule adopted under it, other than the provisions of division 74700
(B)(26) of section 4731.22 of the Revised Code. 74701

(C) Any professional association or society composed 74702

primarily of doctors of medicine and surgery, doctors of 74703
osteopathic medicine and surgery, doctors of podiatric medicine 74704
and surgery, or practitioners of limited branches of medicine that 74705
suspends or revokes an individual's membership for violations of 74706
professional ethics, or for reasons of professional incompetence 74707
or professional malpractice, within sixty days after a final 74708
decision shall report to the board, on forms prescribed and 74709
provided by the board, the name of the individual, the action 74710
taken by the professional organization, and a summary of the 74711
underlying facts leading to the action taken. 74712

The filing of a report with the board or decision not to file 74713
a report, investigation by the board, or any disciplinary action 74714
taken by the board, does not preclude a professional organization 74715
from taking disciplinary action against an individual. 74716

(D) Any insurer providing professional liability insurance to 74717
an individual authorized to practice under this chapter, or any 74718
other entity that seeks to indemnify the professional liability of 74719
such an individual, shall notify the board within thirty days 74720
after the final disposition of any written claim for damages where 74721
such disposition results in a payment exceeding twenty-five 74722
thousand dollars. The notice shall contain the following 74723
information: 74724

(1) The name and address of the person submitting the 74725
notification; 74726

(2) The name and address of the insured who is the subject of 74727
the claim; 74728

(3) The name of the person filing the written claim; 74729

(4) The date of final disposition; 74730

(5) If applicable, the identity of the court in which the 74731
final disposition of the claim took place. 74732

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the individual who is the subject of the reports or summaries. The

individual shall have the right to file a statement with the board 74765
concerning the correctness or relevance of the information. The 74766
statement shall at all times accompany that part of the record in 74767
contention. 74768

(H) An individual or entity that, pursuant to this section, 74769
reports to the board or refers an impaired practitioner to a 74770
treatment provider approved by the board under section 4731.25 of 74771
the Revised Code shall not be subject to suit for civil damages as 74772
a result of the report, referral, or provision of the information. 74773

(I) In the absence of fraud or bad faith, no professional 74774
association or society of individuals authorized to practice under 74775
this chapter that sponsors a committee or program to provide peer 74776
assistance to practitioners with substance abuse problems, no 74777
representative or agent of such a committee or program, and no 74778
member of the state medical board shall be held liable in damages 74779
to any person by reason of actions taken to refer a practitioner 74780
to a treatment provider approved under section 4731.25 of the 74781
Revised Code for examination or treatment. 74782

Sec. 4731.225. (A) If the holder of a license or certificate 74783
issued under this chapter violates division (A), (B), or (C) of 74784
section 4731.66 or section 4731.69 of the Revised Code, or if any 74785
other person violates division (B) or (C) of section 4731.66 or 74786
section 4731.69 of the Revised Code, the state medical board, 74787
pursuant to an adjudication under Chapter 119. of the Revised Code 74788
and an affirmative vote of not fewer than six of its members, 74789
shall: 74790

(1) For a first violation, impose a civil penalty of not more 74791
than five thousand dollars; 74792

(2) For each subsequent violation, impose a civil penalty of 74793
not more than twenty thousand dollars and, if the violator is a 74794
license or certificate holder, proceed under division (B)(27) of 74795

section 4731.22 of the Revised Code. 74796

(B)(1) If the holder of a license or certificate issued under 74797
this chapter violates any section of this chapter other than 74798
section 4731.281 or 4731.282 of the Revised Code or the sections 74799
specified in division (A) of this section, or violates any rule 74800
adopted under this chapter, the board may, pursuant to an 74801
adjudication under Chapter 119. of the Revised Code and an 74802
affirmative vote of not fewer than six of its members, impose a 74803
civil penalty. The amount of the civil penalty shall be determined 74804
by the board in accordance with the guidelines adopted under 74805
division (B)(2) of this section. The civil penalty may be in 74806
addition to any other action the board may take under section 74807
4731.22 of the Revised Code. 74808

(2) The board shall adopt and may amend guidelines regarding 74809
the amounts of civil penalties to be imposed under this section. 74810
Adoption or amendment of the guidelines requires the approval of 74811
not fewer than six board members. 74812

Under the guidelines, no civil penalty amount shall exceed 74813
twenty thousand dollars. 74814

(C) Amounts received from payment of civil penalties imposed 74815
under this section shall be deposited by the board in accordance 74816
with section 4731.24 of the Revised Code. Amounts received from 74817
payment of civil penalties imposed for violations of division 74818
(B)(26) of section 4731.22 of the Revised Code shall be used by 74819
the board solely for investigations, enforcement, and compliance 74820
monitoring. 74821

Sec. 4731.23. (A)(1)(a) The state medical board shall 74822
designate one or more attorneys at law who have been admitted to 74823
the practice of law, and who are classified as either 74824
administrative law attorney examiners or as administrative law 74825
attorney examiner administrators under the state job 74826

classification plan adopted under section 124.14 of the Revised 74827
Code, as hearing examiners, subject to Chapter 119. of the Revised 74828
Code, to conduct any hearing which the medical board is empowered 74829
to hold or undertake pursuant to Chapter 119. of the Revised Code. 74830

(b) Notwithstanding the requirement of division (A)(1)(a) of 74831
this section that the board designate as a hearing examiner an 74832
attorney who is classified as either an administrative law 74833
attorney examiner or an administrative law attorney examiner 74834
administrator, the board may, subject to section 127.16 of the 74835
Revised Code, enter into a personal service contract with an 74836
attorney admitted to the practice of law in this state to serve on 74837
a temporary basis as a hearing examiner. 74838

(2) The hearing examiner shall hear and consider the oral and 74839
documented evidence introduced by the parties and issue in writing 74840
proposed findings of fact and conclusions of law to the board for 74841
their consideration within thirty days following the close of the 74842
hearing. 74843

(B) The board shall be given copies of the transcript of the 74844
record hearing and all exhibits and documents presented by the 74845
parties at the hearing. 74846

(C) The board shall, upon the favorable vote of three 74847
members, allow the parties or their counsel the opportunity to 74848
present oral arguments on the proposed findings of fact and 74849
conclusions of law of the hearing examiner prior to the board's 74850
final action. 74851

(D) The board shall render a decision and take action within 74852
sixty days following the receipt of the hearing examiner's 74853
proposed findings of fact and conclusions of law or within any 74854
longer period mutually agreed upon by the board and the license or 74855
certificate holder. 74856

(E) The final decision of the board in any hearing which the 74857

board is empowered to undertake shall be in writing and contain 74858
findings of fact and conclusions of law. Copies of the decision 74859
shall be delivered to the parties personally or by certified mail. 74860
The decision shall be final upon delivery or mailing, except that 74861
the license or certificate holder may appeal in the manner 74862
provided by Chapter 119. of the Revised Code. 74863

Sec. 4731.26. Upon application by the holder of a license or 74864
certificate to practice issued under this chapter, the state 74865
medical board shall issue a duplicate license or certificate to 74866
replace one missing or damaged, to reflect a name change, or for 74867
any other reasonable cause. The fee for a duplicate license or 74868
certificate to practice shall be thirty-five dollars. 74869

Sec. 4731.281. (A)(1) Each person holding a ~~certificate~~ 74870
license issued under this chapter to practice medicine and 74871
surgery, osteopathic medicine and surgery, or podiatric medicine 74872
and surgery wishing to renew that ~~certificate~~ license shall apply 74873
to the board for renewal. Applications shall be submitted to the 74874
board in a manner prescribed by the board. Each application shall 74875
be accompanied by a biennial renewal fee of three hundred five 74876
dollars. Applications shall be submitted according to the 74877
following schedule: 74878

(a) Persons whose last name begins with the letters "A" 74879
through "B," on or before ~~April 1, 2001,~~ and the first day of 74880
~~April~~ July of every odd-numbered year ~~thereafter;~~ 74881

(b) Persons whose last name begins with the letters "C" 74882
through "D," on or before ~~January 1, 2001,~~ and the first day of 74883
~~January~~ April of every odd-numbered year ~~thereafter;~~ 74884

(c) Persons whose last name begins with the letters "E" 74885
through "G," on or before ~~October 1, 2000,~~ and the first day of 74886
~~October~~ January of every ~~even-numbered~~ odd-numbered year 74887

thereafter; 74888

(d) Persons whose last name begins with the letters "H" 74889
through "K," on or before ~~July 1, 2000,~~ and the first day of ~~July~~ 74890
October of every even-numbered year ~~thereafter;~~ 74891

(e) Persons whose last name begins with the letters "L" 74892
through "M," on or before ~~April 1, 2000,~~ and the first day of 74893
~~April~~ July of every even-numbered year ~~thereafter;~~ 74894

(f) Persons whose last name begins with the letters "N" 74895
through "R," on or before ~~January 1, 2000,~~ and the first day of 74896
~~January~~ April of every even-numbered year ~~thereafter;~~ 74897

(g) Persons whose last name begins with the letter "S," on or 74898
before ~~October 1, 1999,~~ and the first day of ~~October~~ January of 74899
every ~~odd-numbered~~ even-numbered year ~~thereafter;~~ 74900

(h) Persons whose last name begins with the letters "T" 74901
through "Z," on or before ~~July 1, 1999,~~ and the first day of ~~July~~ 74902
October of every odd-numbered year ~~thereafter.~~ 74903

The board shall deposit the fee in accordance with section 74904
4731.24 of the Revised Code, except that the board shall deposit 74905
twenty dollars of the fee into the state treasury to the credit of 74906
the physician loan repayment fund created by section 3702.78 of 74907
the Revised Code. 74908

(2) The board shall provide to every person holding a 74909
~~certificate~~ license to practice medicine and surgery, osteopathic 74910
medicine and surgery, or podiatric medicine and surgery, a renewal 74911
notice or may provide the notice to the person through the 74912
secretary of any recognized medical, osteopathic, or podiatric 74913
society, ~~according to the following schedule:~~ 74914

~~(a) To persons whose last name begins with the letters "A"~~ 74915
~~through "B," on or before January 1, 2001, and the first day of~~ 74916
~~January of every odd-numbered year thereafter;~~ 74917

~~(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even numbered year thereafter;~~

~~(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even numbered year thereafter;~~

~~(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even numbered year thereafter;~~

~~(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even numbered year thereafter;~~

~~(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd numbered year thereafter;~~

~~(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd numbered year thereafter;~~

~~(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd numbered year thereafter. The notice shall be provided to the person at least one month prior to the date on which the person's license expires.~~

(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board.

(5) The applicant shall provide in the application the

applicant's full name; the applicant's residence address, business address, and electronic mail address; the number of the applicant's ~~certificate~~ license to practice; and any other information required by the board.

(6)(a) Except as provided in division (A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(6)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.

(7) The applicant shall ~~include with the application a list of the names and addresses of~~ indicate whether the applicant currently collaborates, as that term is defined in section 4723.01 of the Revised Code, with any clinical nurse specialists,

certified nurse-midwives, or certified nurse practitioners with 74979
~~whom the applicant is currently collaborating, as defined in~~ 74980
~~section 4723.01 of the Revised Code.~~ 74981

(8) The applicant shall report any criminal offense to which 74982
the applicant has pleaded guilty, of which the applicant has been 74983
found guilty, or for which the applicant has been found eligible 74984
for intervention in lieu of conviction, since last ~~filing~~ 74985
submitting an application for a certificate license to practice or 74986
renewal of a certificate license. 74987

(9) The applicant shall execute and deliver the application 74988
to the board in a manner prescribed by the board. 74989

(B) The board shall renew a certificate license under this 74990
chapter to practice medicine and surgery, osteopathic medicine and 74991
surgery, or podiatric medicine and surgery upon application and 74992
qualification therefor in accordance with this section. A renewal 74993
shall be valid for a two-year period. 74994

(C) Failure of any certificate license holder to renew and 74995
comply with this section shall operate automatically to suspend 74996
the holder's certificate license to practice and if applicable, 74997
the holder's certificate to recommend issued under section 4731.30 74998
of the Revised Code. Continued practice after the suspension shall 74999
be considered as practicing in violation of section 4731.41, 75000
4731.43, or 4731.60 of the Revised Code. ~~if~~ 75001

If the certificate license has been suspended pursuant to 75002
this division for two years or less, it may be reinstated. The 75003
board shall reinstate a certificate license to practice suspended 75004
for failure to renew upon an applicant's submission of a renewal 75005
application, ~~the biennial renewal fee, and the applicable monetary~~ 75006
~~penalty. The penalty for reinstatement shall be one payment of a~~ 75007
reinstatement fee of four hundred five dollars. ~~if~~ 75008

If the certificate license has been suspended pursuant to 75009

this division for more than two years, it may be restored. Subject 75010
to section 4731.222 of the Revised Code, the board may restore a 75011
~~certificate license~~ to practice suspended for failure to renew 75012
upon an applicant's submission of a restoration application, ~~the~~ 75013
~~biennial renewal fee, and the applicable monetary penalty payment~~ 75014
~~of a restoration fee of five hundred five dollars,~~ and compliance 75015
with sections 4776.01 to 4776.04 of the Revised Code. The board 75016
shall not restore to an applicant a ~~certificate license~~ to 75017
practice unless the board, in its discretion, decides that the 75018
results of the criminal records check do not make the applicant 75019
ineligible for a ~~certificate license~~ issued pursuant to section 75020
4731.14, ~~or~~ 4731.56, ~~or~~ 4731.57 of the Revised Code. ~~The penalty~~ 75021
~~for restoration shall be two hundred dollars. The board shall~~ 75022
~~deposit the penalties in accordance with section 4731.24 of the~~ 75023
~~Revised Code. Any renewal reinstatement~~ or restoration of a 75024
~~certificate license~~ to practice under this section shall operate 75025
automatically to renew the holder's certificate to recommend. 75026

(D) ~~If an individual certifies completion of the number of~~ 75027
~~hours and type of continuing medical education required to renew~~ 75028
~~or reinstate a certificate to practice, and the board finds~~ 75029
~~through the random samples it conducts under this section or~~ 75030
~~through any other means that the individual did not complete the~~ 75031
~~requisite continuing medical education, the board may impose a~~ 75032
~~civil penalty of not more than five thousand dollars. The board's~~ 75033
~~finding shall be made pursuant to an adjudication under Chapter~~ 75034
~~119. of the Revised Code and by an affirmative vote of not fewer~~ 75035
~~than six members.~~ 75036

~~A civil penalty imposed under this division may be in~~ 75037
~~addition to or in lieu of any other action the board may take~~ 75038
~~under section 4731.22 of the Revised Code. The board shall deposit~~ 75039
~~civil penalties in accordance with section 4731.24 of the Revised~~ 75040
~~Code.~~ 75041

~~(E)~~ The state medical board may obtain information not 75042
protected by statutory or common law privilege from courts and 75043
other sources concerning malpractice claims against any person 75044
holding a ~~certificate~~ license to practice under this chapter or 75045
practicing as provided in section 4731.36 of the Revised Code. 75046

~~(F)~~(E) Each mailing sent by the board under division (A)(2) 75047
of this section to a person holding a ~~certificate~~ license to 75048
practice medicine and surgery or osteopathic medicine and surgery 75049
shall inform the applicant of the reporting requirement 75050
established by division (H) of section 3701.79 of the Revised 75051
Code. At the discretion of the board, the information may be 75052
included on the application for renewal or on an accompanying 75053
page. 75054

~~(G)~~(F) Each person holding a ~~certificate~~ license to practice 75055
medicine and surgery, osteopathic medicine and surgery, or 75056
podiatric medicine and surgery shall give notice to the board of 75057
~~any of the following changes~~ a change in the license holder's 75058
residence address, business address, or electronic mail address 75059
not later than thirty days after the change occurs~~+~~ 75060

~~(1) A change in the certificate holder's residence address,~~ 75061
~~business address, or electronic mail address;~~ 75062

~~(2) A change in the list provided under division (B)(7) of~~ 75063
~~this section of names and addresses of the nurses with whom the~~ 75064
~~certificate holder is collaborating.~~ 75065

Sec. 4731.282. (A)(1) Except as provided in division (D) of 75066
this section, each person holding a ~~certificate~~ license to 75067
practice medicine and surgery, osteopathic medicine and surgery, 75068
or podiatric medicine and surgery issued by the state medical 75069
board shall complete biennially not less than one hundred hours of 75070
continuing medical education that has been approved by the board. 75071

(2) Each person holding a ~~certificate~~ license to practice 75072
shall be given sufficient choice of continuing education programs 75073
to ensure that the person has had a reasonable opportunity to 75074
participate in continuing education programs that are relevant to 75075
the person's medical practice in terms of subject matter and 75076
level. 75077

(B) In determining whether a course, program, or activity 75078
qualifies for credit as continuing medical education, the board 75079
shall approve all of the following: 75080

(1) Continuing medical education completed by holders of 75081
~~certificates~~ licenses to practice medicine and surgery that is 75082
certified by the Ohio state medical association; 75083

(2) Continuing medical education completed by holders of 75084
~~certificates~~ licenses to practice osteopathic medicine and surgery 75085
that is certified by the Ohio osteopathic association; 75086

(3) Continuing medical education completed by holders of 75087
~~certificates~~ licenses to practice podiatric medicine and surgery 75088
that is certified by the Ohio podiatric medical association. 75089

(C) The board shall approve one or more continuing medical 75090
education courses of study included within the programs certified 75091
by the Ohio state medical association and the Ohio osteopathic 75092
association under divisions (B)(1) and (2) of this section that 75093
assist doctors of medicine and doctors of osteopathic medicine in 75094
both of the following: 75095

(1) Recognizing the signs of domestic violence and its 75096
relationship to child abuse; 75097

(2) Diagnosing and treating chronic pain, as defined in 75098
section 4731.052 of the Revised Code. 75099

(D) The board shall adopt rules providing for pro rata 75100
reductions by month of the number of hours of continuing education 75101

that must be completed for ~~certificate~~ license holders who are in 75102
their first renewal period, have been disabled by illness or 75103
accident, or have been absent from the country. The board shall 75104
adopt the rules in accordance with Chapter 119. of the Revised 75105
Code. 75106

(E) The board may require a random sample of holders of 75107
~~certificates~~ licenses to practice medicine and surgery, 75108
osteopathic medicine and surgery, or podiatric medicine and 75109
surgery to submit materials documenting completion of the required 75110
number of hours of continuing medical education. This division 75111
does not limit the board's authority to conduct investigations 75112
pursuant to section 4731.22 of the Revised Code. 75113

(F) ~~The board may impose a civil penalty of not more than~~ 75114
~~five thousand dollars if~~ (1) If, through a random sample conducted 75115
under division (E) of this section or any other means, ~~it~~ the 75116
board finds that an individual ~~falsely who~~ certified ~~that the~~ 75117
~~individual completed~~ completion of the number of hours and type of 75118
continuing medical education required ~~for renewal of~~ to renew, 75119
reinstate, or restore a certificate license to practice. ~~If the~~ 75120
~~civil penalty is imposed in addition to any other action the board~~ 75121
~~takes~~ did not complete the requisite continuing medical education, 75122
the board may do either of the following: 75123

(a) Take disciplinary action against the individual under 75124
section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, 75125
or both; 75126

(b) Permit the individual to agree in writing to complete the 75127
continuing medical education and pay a civil penalty. 75128

(2) The board's finding in any disciplinary action taken 75129
under division (F)(1)(a) of this section shall be made pursuant to 75130
an adjudication under Chapter 119. of the Revised Code and by an 75131
affirmative vote of not fewer than six of its members. 75132

~~(3) A civil penalty imposed under this division may be in addition to or in lieu of any other action the board takes under section 4731.22 of the Revised Code. paid under division (F)(1)(b) of this section or imposed under division (F)(1)(a) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

Sec. 4731.291. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in this state, who does not hold a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine or surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars.

An applicant for a training certificate shall furnish to the board ~~of~~ all of the following:

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character.

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship or residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(b) A clinical fellowship program at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical

field the same as or related to the clinical field of the 75163
fellowship program; 75164

(3) Information identifying the beginning and ending dates of 75165
the period for which the applicant has been accepted or appointed 75166
to participate in the internship, residency, or clinical 75167
fellowship program; 75168

(4) Any other information that the board requires. 75169

(B) If no grounds for denying a license or certificate under 75170
section 4731.22 of the Revised Code apply, and the applicant meets 75171
the requirements of division (A) of this section, the board shall 75172
issue a training certificate to the applicant. The board shall not 75173
require an examination as a condition of receiving a training 75174
certificate. 75175

A training certificate issued pursuant to this section shall 75176
be valid only for the period of ~~one year~~ three years, but may in 75177
the discretion of the board and upon application duly made, be 75178
renewed annually ~~for a maximum of five~~ thereafter for up to two 75179
additional years. The fee for renewal of a training certificate 75180
shall be thirty-five dollars. 75181

The board shall maintain a register of all individuals who 75182
hold training certificates. 75183

(C) The holder of a valid training certificate shall be 75184
entitled to perform such acts as may be prescribed by or 75185
incidental to the holder's internship, residency, or clinical 75186
fellowship program, but the holder shall not be entitled otherwise 75187
to engage in the practice of medicine and surgery or osteopathic 75188
medicine and surgery in this state. The holder shall limit 75189
activities under the certificate to the programs of the hospitals 75190
or facilities for which the training certificate is issued. The 75191
holder shall train only under the supervision of the physicians 75192
responsible for supervision as part of the internship, residency, 75193

or clinical fellowship program. A 75194

A training certificate may be revoked by the board upon 75195
proof, satisfactory to the board, that the holder thereof has 75196
engaged in practice in this state outside the scope of the 75197
internship, residency, or clinical fellowship program for which 75198
the training certificate has been issued, or upon proof, 75199
satisfactory to the board, that the holder thereof has engaged in 75200
unethical conduct or that there are grounds for action against the 75201
holder under section 4731.22 of the Revised Code. 75202

(D) The board may adopt rules as the board finds necessary to 75203
effect the purpose of this section. 75204

Sec. 4731.292. The state medical board may register, without 75205
examination, persons who are not citizens of the United States, 75206
but who hold the degree of doctor of medicine or the degree of 75207
doctor of osteopathic medicine and surgery, for the purpose of 75208
permitting such persons to practice in hospitals operated by the 75209
state. Registration pursuant to this section permits practice of 75210
medicine or osteopathic medicine and surgery in state operated 75211
institutions under the supervision of the medical staff of such 75212
institution until the next scheduled examination ~~conducted~~ 75213
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 75214
~~Revised Code in its rules.~~ 75215

An applicant for a limited certificate to practice medicine 75216
or osteopathic medicine and surgery shall furnish proof, 75217
satisfactory to the board, that: 75218

(A) ~~He~~ The applicant has filed an application for 75219
naturalization and that such application has not been rejected or 75220
withdrawn, or if not yet eligible to file an application for 75221
naturalization, ~~he~~ the applicant has filed a declaration of 75222
intention to become a citizen of the United States in an 75223
appropriate court of record. 75224

(B) ~~He~~ The applicant has successfully passed the educational council for foreign medical graduates test. 75225
75226

(C) ~~He~~ The applicant is at least eighteen years of age and of good moral character. 75227
75228

(D) ~~He~~ The applicant is a graduate of a medical or osteopathic school or college which is reputable and in good standing in the judgment of the board. 75229
75230
75231

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice and training within the physical confines of the institution for which the limited certificate to practice is granted. 75232
75233
75234

(F) The medical staff of the institution for which the limited certificate to practice is granted has approved in writing ~~his~~ the applicant's application for such certificate. 75235
75236
75237

(G) ~~He~~ The applicant will practice medicine or osteopathic medicine and surgery only under the supervision of the attending medical staff of the institution for which the limited certificate is granted. 75238
75239
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75241

(H) ~~He~~ The applicant has made application to take the state medical board examination as provided by this section. 75242
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Registration pursuant to this section shall be valid until such time as the applicant takes the state medical board examination. If the applicant passes the examination, ~~he~~ the applicant shall then be granted a limited certificate to practice medicine or osteopathic medicine and surgery. A holder of a limited certificate to practice, upon completion of the requisite training and upon receipt of ~~his~~ United States citizenship, shall be entitled to receive an unlimited ~~certificate~~ license to practice. 75244
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A limited certificate to practice issued pursuant to this section shall be valid for a period of one year only, but may be 75253
75254

renewed, in the discretion of the board and upon application duly 75255
made, annually, with the written approval of the medical staff of 75256
the institution for which the limited certificate to practice has 75257
been issued, but no limited certificate shall be renewed more than 75258
four times. The fee to be paid to the board for the issuances of 75259
the pre-examination registration permit to engage in limited 75260
practice shall be one hundred dollars; the fee to be paid for each 75261
renewal of a limited certificate shall be ten dollars. 75262

An applicant for a limited certificate to practice must take 75263
~~the an examination conducted under section 4731.13 of the Revised~~ 75264
~~Code prescribed by the board in its rules~~ at the first reasonable 75265
opportunity. Failure to take the examination at the first 75266
reasonable opportunity authorizes the termination of the 75267
pre-examination registration permit to engage in a limited 75268
practice as defined in this section. 75269

The holder of a valid limited certificate to practice may 75270
engage in the practice of medicine and surgery or osteopathic 75271
medicine and surgery only under the supervision of a member of the 75272
medical staff of the institution for which the limited certificate 75273
to practice has been issued, and only within physical confines of 75274
the institution so named. A limited certificate to practice may be 75275
revoked by the board upon proof, satisfactory to the board, that 75276
the holder thereof has engaged in the practice of medicine and 75277
surgery or osteopathic medicine and surgery in this state outside 75278
the scope of ~~his~~ the holder's certificate, or upon proof that the 75279
holder thereof has engaged in unethical conduct or has violated 75280
section 4731.22 of the Revised Code. 75281

The board may promulgate such additional rules and 75282
regulations as the board finds necessary to effect the purpose of 75283
this section. 75284

Sec. 4731.293. (A) The state medical board may issue, without 75285

examination, a clinical research faculty certificate to practice 75286
medicine and surgery, osteopathic medicine and surgery, or 75287
podiatric medicine and surgery to any person who applies for the 75288
certificate and provides to the board all of the following: 75289

(1) Evidence satisfactory to the board of all of the 75290
following: 75291

(a) That the applicant holds a current, unrestricted license 75292
to practice medicine and surgery ~~or~~, osteopathic medicine and 75293
surgery, or podiatric medicine and surgery issued by another state 75294
or country; 75295

(b) That the applicant has been appointed to serve in this 75296
state on the academic staff of a medical school accredited by the 75297
liaison committee on medical education ~~or~~, an osteopathic medical 75298
school accredited by the American osteopathic association, or a 75299
college of podiatric medicine and surgery in good standing with 75300
the board; 75301

(c) That the applicant is an international medical graduate 75302
who holds a medical degree from an educational institution listed 75303
in the international medical education directory. 75304

(2) An affidavit and supporting documentation from the dean 75305
of the ~~medical~~ school or college, or the department director or 75306
chairperson of a teaching hospital affiliated with the school or 75307
college, that the applicant is qualified to perform teaching and 75308
research activities and will be permitted to work only under the 75309
authority of the department director or chairperson of a teaching 75310
hospital affiliated with the ~~medical~~ school or college where the 75311
applicant's teaching and research activities will occur; 75312

(3) A description from the ~~medical~~ school, college, or 75313
teaching hospital of the scope of practice in which the applicant 75314
will be involved, including the types of teaching, research, and 75315
procedures in which the applicant will be engaged; 75316

(4) A description from the ~~medical school, college,~~ or 75317
teaching hospital of the type and amount of patient contact that 75318
will occur in connection with the applicant's teaching and 75319
research activities. 75320

(B) An applicant for an initial clinical research faculty 75321
certificate shall pay a fee of three hundred seventy-five dollars. 75322

(C) The holder of a clinical research faculty certificate may 75323
~~practice~~ do one of the following, as applicable: 75324

(1) Practice medicine and surgery or osteopathic medicine and 75325
surgery only as is incidental to the certificate holder's teaching 75326
or research duties at the medical school or a teaching hospital 75327
affiliated with the school; 75328

(2) Practice podiatric medicine and surgery only as is 75329
incidental to the certificate holder's teaching or research duties 75330
at the college of podiatric medicine and surgery or a teaching 75331
hospital affiliated with the college. The 75332

(D) The board may revoke a certificate on receiving proof 75333
satisfactory to the board that the certificate holder has engaged 75334
in practice in this state outside the scope of the certificate or 75335
that there are grounds for action against the certificate holder 75336
under section 4731.22 of the Revised Code. 75337

~~(D)~~(E) A clinical research faculty certificate is valid for 75338
three years, except that the certificate ceases to be valid if the 75339
holder's academic staff appointment ~~to the academic staff of the~~ 75340
~~school~~ described in division (A)(1)(b) of this section is no 75341
longer valid or the certificate is revoked pursuant to division 75342
~~(C)~~(D) of this section. 75343

~~(E)~~(F)(1) ~~Three months before a clinical research faculty~~ 75344
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 75345
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 75346
~~of renewal addressed to the certificate holder's last known~~ 75347

~~address~~ at least one month before the certificate expires. Failure 75348
of a certificate holder to receive a notice of renewal from the 75349
board shall not excuse the certificate holder from the 75350
requirements contained in this section. The notice shall inform 75351
the certificate holder of the renewal procedure. The notice also 75352
shall inform the certificate holder of the reporting requirement 75353
established by division (H) of section 3701.79 of the Revised 75354
Code. At the discretion of the board, the information may be 75355
included on the application for renewal or on an accompanying 75356
page. 75357

(2) A clinical research faculty certificate may be renewed 75358
for an additional three-year period. There is no limit on the 75359
number of times a certificate may be renewed. A person seeking 75360
renewal of a certificate shall apply to the board. The board shall 75361
provide the application for renewal in a form determined by the 75362
board. 75363

(3) An applicant is eligible for renewal if the applicant 75364
does all of the following: 75365

(a) Pays a renewal fee of three hundred seventy-five dollars; 75366

(b) Reports any criminal offense to which the applicant has 75367
pleaded guilty, of which the applicant has been found guilty, or 75368
for which the applicant has been found eligible for intervention 75369
in lieu of conviction, since last filing an application for a 75370
clinical research faculty certificate; 75371

(c) Provides to the board an affidavit and supporting 75372
documentation from the dean of the ~~medical~~ school or college, or 75373
the department director or chairperson of a teaching hospital 75374
affiliated with the school or college, that the applicant is in 75375
compliance with the applicant's current clinical research faculty 75376
certificate; 75377

(d) Provides evidence satisfactory to the board of all of the 75378

following: 75379

(i) That the applicant continues to maintain a current, 75380
unrestricted license to practice medicine and surgery ~~or~~, 75381
osteopathic medicine and surgery, or podiatric medicine and 75382
surgery issued by another state or country; 75383

(ii) That the applicant's initial appointment to serve in 75384
this state on the academic staff of a ~~medical~~ school or college is 75385
still valid or has been renewed; 75386

(iii) That the applicant has completed one hundred fifty 75387
hours of continuing medical education that meet the requirements 75388
set forth in section 4731.282 of the Revised Code. 75389

(4) Regardless of whether the certificate has expired, a 75390
person who was granted a visiting medical faculty certificate 75391
under this section as it existed immediately prior to June 6, 75392
2012, may apply for a clinical research faculty certificate as a 75393
renewal. The board may issue the clinical research faculty 75394
certificate if the applicant meets the requirements of division 75395
~~(E)~~(F)(3) of this section. The board may not issue a clinical 75396
research faculty certificate if the visiting medical faculty 75397
certificate was revoked. 75398

~~(F)~~(G) The board shall maintain a register of all persons who 75399
hold clinical research faculty certificates. 75400

~~(G)~~(H) The board may adopt any rules it considers necessary 75401
to implement this section. The rules shall be adopted in 75402
accordance with Chapter 119. of the Revised Code. 75403

Sec. 4731.294. (A) The state medical board may issue, without 75404
examination, a special activity certificate to any person seeking 75405
to practice medicine and surgery or osteopathic medicine and 75406
surgery in conjunction with a special activity, program, or event 75407
taking place in this state. 75408

(B) An applicant for a special activity certificate shall hold a telemedicine certificate issued under section 4731.296 of the Revised Code or submit evidence satisfactory to the board of all of the following:

(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following:

(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States;

(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic medicine and surgery in the United States.

(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09, ~~4731.091~~, and 4731.14 of the Revised Code.

(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest.

(C) The applicant shall pay a fee of one hundred twenty-five dollars unless the applicant holds a telemedicine certificate issued under section 4731.296 of the Revised Code. If the applicant holds a telemedicine certificate, the board shall not

charge a fee for issuing a certificate under this section. The 75440
board shall maintain a register of all persons who hold a special 75441
activity certificate. 75442

(D) The holder of a special activity certificate may practice 75443
medicine and surgery or osteopathic medicine and surgery only in 75444
conjunction with the special activity, event, or program for which 75445
the certificate is issued. The board may revoke a certificate on 75446
receiving proof satisfactory to the board that the holder of the 75447
certificate has engaged in practice in this state outside the 75448
scope of the certificate or that there are grounds for action 75449
against the certificate holder under section 4731.22 of the 75450
Revised Code. 75451

(E) A special activity certificate is valid for the shorter 75452
of thirty days or the duration of the special activity, program, 75453
or event. The certificate may not be renewed. 75454

(F) The state medical board shall adopt rules in accordance 75455
with Chapter 119. of the Revised Code that specify how often an 75456
applicant may be granted a certificate under this section. 75457

Sec. 4731.295. (A)(1) As used in this section: 75458

(a) "Free clinic" has the same meaning as in section 3701.071 75459
of the Revised Code. 75460

(b) "Indigent and uninsured person" and "operation" have the 75461
same meanings as in section 2305.234 of the Revised Code. 75462

(2) For the purposes of this section, a person shall be 75463
considered retired from practice if the person's license ~~or~~ 75464
~~certificate~~ has expired with the person's intention of ceasing to 75465
practice medicine and surgery or osteopathic medicine and surgery 75466
for remuneration. 75467

(B) The state medical board may issue, without examination, a 75468
volunteer's certificate to a person who is retired from practice 75469

so that the person may provide medical services to indigent and 75470
uninsured persons at any location, including a free clinic. The 75471
board shall deny issuance of a volunteer's certificate to a person 75472
who is not qualified under this section to hold a volunteer's 75473
certificate. 75474

(C) An application for a volunteer's certificate shall 75475
include all of the following: 75476

(1) A copy of the applicant's degree of medicine or 75477
osteopathic medicine. 75478

(2) One of the following, as applicable: 75479

(a) A copy of the applicant's most recent license ~~or~~ 75480
~~certificate~~ authorizing the practice of medicine and surgery or 75481
osteopathic medicine and surgery issued by a jurisdiction in the 75482
United States that licenses persons to practice medicine and 75483
surgery or osteopathic medicine and surgery. 75484

(b) A copy of the applicant's most recent license equivalent 75485
to a license to practice medicine and surgery or osteopathic 75486
medicine and surgery in one or more branches of the United States 75487
armed services that the United States government issued. 75488

(3) Evidence of one of the following, as applicable: 75489

(a) That the applicant has maintained for at least ten years 75490
prior to retirement full licensure in good standing in any 75491
jurisdiction in the United States that licenses persons to 75492
practice medicine and surgery or osteopathic medicine and surgery. 75493

(b) That the applicant has practiced for at least ten years 75494
prior to retirement in good standing as a doctor of medicine and 75495
surgery or osteopathic medicine and surgery in one or more of the 75496
branches of the United States armed services. 75497

(4) A notarized statement from the applicant, on a form 75498
prescribed by the board, that the applicant will not accept any 75499

form of remuneration for any medical services rendered while in 75500
possession of a volunteer's certificate. 75501

(D) The holder of a volunteer's certificate may provide 75502
medical services only to indigent and uninsured persons, but may 75503
do so at any location, including a free clinic. The holder shall 75504
not accept any form of remuneration for providing medical services 75505
while in possession of the certificate. Except in a medical 75506
emergency, the holder shall not perform any operation or deliver 75507
babies. The board may revoke a volunteer's certificate on 75508
receiving proof satisfactory to the board that the holder has 75509
engaged in practice in this state outside the scope of the 75510
certificate. 75511

(E)(1) A volunteer's certificate shall be valid for a period 75512
of three years, unless earlier revoked under division (D) of this 75513
section or pursuant to section 4731.22 of the Revised Code. A 75514
volunteer's certificate may be renewed upon the application of the 75515
holder. The board shall maintain a register of all persons who 75516
hold volunteer's certificates. The board shall not charge a fee 75517
for issuing or renewing a certificate pursuant to this section. 75518

(2) To be eligible for renewal of a volunteer's certificate 75519
the holder of the certificate shall certify to the board 75520
completion of one hundred fifty hours of continuing medical 75521
education that meets the requirements of section 4731.282 of the 75522
Revised Code regarding certification by private associations and 75523
approval by the board. The board may not renew a certificate if 75524
the holder has not complied with the continuing medical education 75525
requirements. Any entity for which the holder provides medical 75526
services may pay for or reimburse the holder for any costs 75527
incurred in obtaining the required continuing medical education 75528
credits. 75529

(3) The board shall issue a volunteer's certificate to each 75530
person who qualifies under this section for the certificate. The 75531

certificate shall state that the certificate holder is authorized 75532
to provide medical services pursuant to the laws of this state. 75533
The holder shall display the certificate prominently at the 75534
location where the holder primarily practices. 75535

(4) The holder of a volunteer's certificate issued pursuant 75536
to this section is subject to the immunity provisions regarding 75537
the provision of services to indigent and uninsured persons in 75538
section 2305.234 of the Revised Code. 75539

(F) The board shall adopt rules in accordance with Chapter 75540
119. of the Revised Code to administer and enforce this section. 75541

Sec. 4731.296. (A) For the purposes of this section, "the 75542
practice of telemedicine" means the practice of medicine in this 75543
state through the use of any communication, including oral, 75544
written, or electronic communication, by a physician located 75545
outside this state. 75546

(B) A person who wishes to practice telemedicine in this 75547
state shall file an application with the state medical board, 75548
together with a fee ~~in the amount of the fee described in division~~ 75549
~~(D) of section 4731.29 of the Revised Code~~ three hundred five 75550
dollars and shall comply with sections 4776.01 to 4776.04 of the 75551
Revised Code. If the board, in its discretion, decides that the 75552
results of the criminal records check do not make the person 75553
ineligible for a telemedicine certificate, the board may issue, 75554
without examination, a telemedicine certificate to a person who 75555
meets all of the following requirements: 75556

(1) The person holds a current, unrestricted license to 75557
practice medicine and surgery or osteopathic medicine and surgery 75558
issued by another state that requires license holders to complete 75559
at least fifty hours of continuing medical education every two 75560
years. 75561

(2) The person's principal place of practice is in that state. 75562
75563

(3) The person does not hold a ~~certificate~~ license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state. 75564
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(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections ~~4731.08~~, 4731.09, ~~4731.091~~, and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with ~~division (E) of section 4731.29~~ 4731.142 of the Revised Code. 75567
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(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code. 75573
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(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 75578
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(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 75585
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To be eligible for renewal, the holder of the certificate shall do both of the following: 75590
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(1) Pay a fee in the amount of the fee described in division 75592

(A)(1) of section 4731.281 of the Revised Code; 75593

(2) Certify to the board compliance with the continuing 75594
medical education requirements of the state in which the holder's 75595
principal place of practice is located. 75596

The board may require a random sample of persons holding a 75597
telemedicine certificate to submit materials documenting 75598
completion of the continuing medical education requirements 75599
described in this division. 75600

(F) The board shall convert a telemedicine certificate to a 75601
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 75602
Revised Code on receipt of a written request from the certificate 75603
holder. Once the telemedicine certificate is converted, the holder 75604
is subject to all requirements and privileges attendant to a 75605
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 75606
Revised Code, including continuing medical education requirements. 75607

Sec. 4731.298. (A) The state medical board shall issue, 75608
without examination, to an applicant who meets the requirements of 75609
this section a visiting clinical professional development 75610
certificate authorizing the practice of medicine and surgery or 75611
osteopathic medicine and surgery as part of the applicant's 75612
participation in a clinical professional development program. 75613

(B) To be eligible for a visiting clinical professional 75614
development certificate, an applicant shall provide to the board 75615
both of the following: 75616

(1) Documentation satisfactory to the board of all of the 75617
following: 75618

(a) Verification from the school or hospital conducting the 75619
program that the applicant has sufficient financial resources to 75620
support the applicant and any dependents based on the cost of 75621
living in the geographic area of the school or hospital conducting 75622

the program, including room, board, transportation, and related living expenses; 75623
75624

(b) Valid health and evacuation insurance for the duration of the applicant's stay in the United States; 75625
75626

(c) Professional liability insurance provided by the program or the school or hospital conducting the program for the duration of the applicant's participation in the program; 75627
75628
75629

(d) Proficiency in spoken English as demonstrated by passing the examination described in section 4731.142 of the Revised Code; 75630
75631

(e) A description from the school or hospital conducting the program of the scope of medical or surgical activities permitted during the applicant's participation in the program that includes all of the following: 75632
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(i) The type of practice in which the applicant will be involved; 75636
75637

(ii) The type of patient contact that will occur; 75638

(iii) The type of supervision the applicant will experience; 75639

(iv) A list of procedures the applicant will learn; 75640

(v) A list of any patient-based research projects in which the applicant will be involved; 75641
75642

(vi) Whether the applicant will act as a consultant to a person who holds a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter; 75643
75644
75645
75646

(vii) Any other details of the applicant's participation in the program. 75647
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(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant 75649
75650
75651

receiving the training. 75652

(2) Evidence satisfactory to the board that the applicant 75653
meets all of the following requirements: 75654

(a) Has been accepted for participation in a clinical 75655
professional development program of a medical school or 75656
osteopathic medical school in this state that is accredited by the 75657
liaison committee on medical education or the American osteopathic 75658
association or of a teaching hospital affiliated with such a 75659
medical school; 75660

(b) Is an international medical graduate who holds a medical 75661
degree from an educational institution listed in the international 75662
medical education directory; 75663

(c) Has practiced medicine and surgery or osteopathic 75664
medicine and surgery for at least five years after completing 75665
graduate medical education, including postgraduate residency and 75666
advanced training; 75667

(d) Has credentials that are primary-source verified by the 75668
educational commission for foreign medical graduates or the 75669
federation credentials verification service; 75670

(e) Holds a current, unrestricted license to practice 75671
medicine and surgery or osteopathic medicine and surgery issued in 75672
another country; 75673

(f) Agrees to comply with all state and federal laws 75674
regarding health, health care, and patient privacy; 75675

(g) Agrees to return to the applicant's home state or country 75676
at the conclusion of the clinical professional development 75677
program. 75678

(C) The applicant shall pay a fee of three hundred 75679
seventy-five dollars. The board shall maintain a register of all 75680
persons who hold visiting clinical professional development 75681

certificates. 75682

(D) The holder of a visiting clinical professional 75683
development certificate may practice medicine and surgery or 75684
osteopathic medicine and surgery only as part of the clinical 75685
professional development program in which the certificate holder 75686
participates. The certificate holder's practice must be under the 75687
direct supervision of a qualified faculty member of the medical 75688
school, osteopathic medical school, or teaching hospital 75689
conducting the program who holds a ~~certificate~~ license to practice 75690
medicine and surgery or osteopathic medicine and surgery issued 75691
under this chapter. 75692

The program in which the certificate holder participates 75693
shall ensure that the certificate holder does not do any of the 75694
following: 75695

(1) Write orders or prescribe medication; 75696

(2) Bill for services performed; 75697

(3) Occupy a residency or fellowship position approved by the 75698
accreditation council for graduate medical education; 75699

(4) Attempt to have participation in a clinical professional 75700
development program pursuant to this section counted toward 75701
meeting the graduate medical education requirements specified in 75702
section ~~4731.091~~ 4731.09 of the Revised Code. 75703

(E) The board may revoke a certificate issued under this 75704
section on receiving proof satisfactory to the board that the 75705
certificate holder has engaged in practice in this state outside 75706
the scope of the certificate or that there are grounds for action 75707
against the certificate holder under section 4731.22 of the 75708
Revised Code. 75709

(F) A visiting clinical professional development certificate 75710
is valid for the shorter of one year or the duration of the 75711

program in which the holder is participating. The certificate 75712
ceases to be valid if the holder resigns or is otherwise 75713
terminated from the program. The certificate may not be extended. 75714

(G) The program in which a certificate holder participates 75715
shall obtain from each patient or patient's parent or legal 75716
guardian written consent to any medical or surgical procedure or 75717
course of procedures in which the certificate holder participates. 75718

(H) The board may adopt any rules it considers necessary to 75719
implement this section. The rules shall be adopted in accordance 75720
with Chapter 119. of the Revised Code. 75721

Sec. 4731.299. (A) The state medical board may issue, without 75722
examination, to an applicant who meets all of the requirements of 75723
this section an expedited ~~certificate~~ license to practice medicine 75724
and surgery or osteopathic medicine and surgery by endorsement. 75725
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(B) An individual who seeks an expedited ~~certificate to~~ 75727
~~practice medicine and surgery or osteopathic medicine and surgery~~ 75728
license by endorsement shall file with the board a written 75729
application on a form prescribed and supplied by the board. The 75730
application shall include all of the information the board 75731
considers necessary to process it. 75732

(C) To be eligible to receive an expedited ~~certificate~~ 75733
license by endorsement, an applicant shall do both of the 75734
following: 75735

(1) Provide evidence satisfactory to the board that the 75736
applicant meets all of the following requirements: 75737

(a) Has passed one of the following: 75738

(i) Steps one, two, and three of the United States medical 75739
licensing examination; 75740

(ii) Levels one, two, and three of the comprehensive 75741

osteopathic medical licensing examination of the United States; 75742

(iii) Any other medical licensing examination recognized by 75743
the board. 75744

(b) For at least five years immediately preceding the date of 75745
application, has held a current, unrestricted license to practice 75746
medicine and surgery or osteopathic medicine and surgery issued by 75747
the licensing authority of another state or a Canadian province; 75748

(c) For at least two years immediately preceding the date of 75749
application, has actively practiced medicine and surgery or 75750
osteopathic medicine and surgery in a clinical setting; 75751

(d) Is in compliance with the medical education and training 75752
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 75753
Revised Code. 75754

(2) Certify to the board that all of the following are the 75755
case: 75756

(a) Not more than two malpractice claims have been filed 75757
against the applicant within a period of ten years and no 75758
malpractice claim against the applicant has resulted in total 75759
payment of more than five hundred thousand dollars. 75760

(b) The applicant does not have a criminal record according 75761
to the criminal records check required by section ~~4731.081~~ 4731.08 75762
of the Revised Code. 75763

(c) The applicant does not have a medical condition that 75764
could affect the applicant's ability to practice according to 75765
acceptable and prevailing standards of care. 75766

(d) No adverse action has been taken against the applicant by 75767
a health care institution. 75768

(e) To the applicant's knowledge, no federal agency, medical 75769
society, medical association, or branch of the United States 75770
military has investigated or taken action against the applicant. 75771

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited ~~certificate~~ license by endorsement shall comply with section ~~4731.08~~ 4731.08 of the Revised Code.

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(F) The secretary and supervising member of the board shall review all applications received under this section.

If the secretary and supervising member determine that an applicant meets the requirements for an expedited ~~certificate to practice medicine and surgery or osteopathic medicine and surgery~~ license by endorsement, the board shall issue the ~~certificate~~ license to the applicant.

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited ~~certificate to practice medicine and surgery or osteopathic medicine and surgery~~ license by endorsement, the application shall be treated as an application under section ~~4731.08~~ 4731.09 of the Revised Code.

(G) Each ~~certificate~~ license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.341. (A) The practice of medicine in all of its branches or the treatment of human ailments without the use of drugs or medicines and without operative surgery by any person not at that time holding a valid and current license or certificate as provided by Chapter 4723., 4725., or 4731. of the Revised Code is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(B) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of division (A) of this section, may on or after January 1, 1969, in accord with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming

within thirty days after notice by the secretary, the secretary 75833
shall request that the attorney general, the prosecuting attorney 75834
of the county in which the offense was committed or the offender 75835
resides, or the state medical board proceed as authorized in this 75836
section. 75837

Upon the filing of a verified petition in court, the court 75838
shall conduct a hearing on the petition and shall give the same 75839
preference to this proceeding as is given all proceedings under 75840
Chapter 119. of the Revised Code, irrespective of the position of 75841
the proceeding on the calendar of the court. 75842

Such injunction proceedings shall be in addition to, and not 75843
in lieu of, all penalties and other remedies provided in Chapters 75844
4723. and 4731. of the Revised Code. 75845

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised 75846
Code shall not prohibit service in case of emergency, domestic 75847
administration of family remedies, or provision of assistance to 75848
another individual who is self-administering drugs. 75849

Sections 4731.01 to 4731.47 of the Revised Code shall not 75850
apply to any of the following: 75851

(1) A commissioned medical officer of the armed forces of the 75852
United States or an employee of the veterans administration of the 75853
United States or the United States public health service in the 75854
discharge of the officer's or employee's professional duties; 75855

(2) A dentist authorized under Chapter 4715. of the Revised 75856
Code to practice dentistry when engaged exclusively in the 75857
practice of dentistry or when administering anesthetics in the 75858
practice of dentistry; 75859

(3) A physician or surgeon in another state or territory who 75860
is a legal practitioner of medicine or surgery therein when 75861
providing consultation to an individual holding a certificate 75862

license to practice issued under this chapter who is responsible 75863
for the examination, diagnosis, and treatment of the patient who 75864
is the subject of the consultation, if one of the following 75865
applies: 75866

(a) The physician or surgeon does not provide consultation in 75867
this state on a regular or frequent basis. 75868

(b) The physician or surgeon provides the consultation 75869
without compensation of any kind, direct or indirect, for the 75870
consultation. 75871

(c) The consultation is part of the curriculum of a medical 75872
school or osteopathic medical school of this state or a program 75873
described in division (A)(2) of section 4731.291 of the Revised 75874
Code. 75875

(4) A physician or surgeon in another state or territory who 75876
is a legal practitioner of medicine or surgery therein and 75877
provided services to a patient in that state or territory, when 75878
providing, not later than one year after the last date services 75879
were provided in another state or territory, follow-up services in 75880
person or through the use of any communication, including oral, 75881
written, or electronic communication, in this state to the patient 75882
for the same condition; 75883

(5) A physician or surgeon residing on the border of a 75884
contiguous state and authorized under the laws thereof to practice 75885
medicine and surgery therein, whose practice extends within the 75886
limits of this state. Such practitioner shall not either in person 75887
or through the use of any communication, including oral, written, 75888
or electronic communication, open an office or appoint a place to 75889
see patients or receive calls within the limits of this state. 75890

(6) A board, committee, or corporation engaged in the conduct 75891
described in division (A) of section 2305.251 of the Revised Code 75892
when acting within the scope of the functions of the board, 75893

committee, or corporation; 75894

(7) The conduct of an independent review organization 75895
accredited by the superintendent of insurance under section 75896
3922.13 of the Revised Code for the purpose of external reviews 75897
conducted under Chapter 3922. of the Revised Code. 75898

As used in division (A)(1) of this section, "armed forces of 75899
the United States" means the army, air force, navy, marine corps, 75900
coast guard, and any other military service branch that is 75901
designated by congress as a part of the armed forces of the United 75902
States. 75903

(B)(1) Subject to division (B)(2) of this section, this 75904
chapter does not apply to a person who holds a current, 75905
unrestricted license to practice medicine and surgery or 75906
osteopathic medicine and surgery in another state when the person, 75907
pursuant to a written agreement with an athletic team located in 75908
the state in which the person holds the license, provides medical 75909
services to any of the following while the team is traveling to or 75910
from or participating in a sporting event in this state: 75911

(a) A member of the athletic team; 75912

(b) A member of the athletic team's coaching, communications, 75913
equipment, or sports medicine staff; 75914

(c) A member of a band or cheerleading squad accompanying the 75915
athletic team; 75916

(d) The athletic team's mascot. 75917

(2) In providing medical services pursuant to division (B)(1) 75918
of this section, the person shall not provide medical services at 75919
a health care facility, including a hospital, an ambulatory 75920
surgical facility, or any other facility in which medical care, 75921
diagnosis, or treatment is provided on an inpatient or outpatient 75922
basis. 75923

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 75924
apply to any graduate of a podiatric school or college while 75925
performing those acts that may be prescribed by or incidental to 75926
participation in an accredited podiatric internship, residency, or 75927
fellowship program situated in this state approved by the state 75928
medical board. 75929

(D) This chapter does not apply to an oriental medicine 75930
practitioner or acupuncturist who complies with Chapter 4762. of 75931
the Revised Code. 75932

(E) This chapter does not prohibit the administration of 75933
drugs by any of the following: 75934

(1) An individual who is licensed or otherwise specifically 75935
authorized by the Revised Code to administer drugs; 75936

(2) An individual who is not licensed or otherwise 75937
specifically authorized by the Revised Code to administer drugs, 75938
but is acting pursuant to the rules for delegation of medical 75939
tasks adopted under section 4731.053 of the Revised Code; 75940

(3) An individual specifically authorized to administer drugs 75941
pursuant to a rule adopted under the Revised Code that is in 75942
effect on April 10, 2001, as long as the rule remains in effect, 75943
specifically authorizing an individual to administer drugs. 75944

(F) The exemptions described in divisions (A)(3), (4), and 75945
(5) of this section do not apply to a physician or surgeon whose 75946
~~eertificate~~ license to practice issued under this chapter is under 75947
suspension or has been revoked or permanently revoked by action of 75948
the state medical board. 75949

Sec. 4731.41. (A) No person shall practice medicine and 75950
surgery, or any of its branches, without the appropriate license 75951
or certificate from the state medical board to engage in the 75952
practice. No person shall advertise or claim to the public to be a 75953

practitioner of medicine and surgery, or any of its branches, 75954
without a license or certificate from the board. No person shall 75955
open or conduct an office or other place for such practice without 75956
a license or certificate from the board. No person shall conduct 75957
an office in the name of some person who has a license or 75958
certificate to practice medicine and surgery, or any of its 75959
branches. No person shall practice medicine and surgery, or any of 75960
its branches, after the person's license or certificate has been 75961
revoked, or, if suspended, during the time of such suspension. 75962

A license or certificate signed by the secretary of the board 75963
to which is affixed the official seal of the board to the effect 75964
that it appears from the records of the board that no such license 75965
or certificate to practice medicine and surgery, or any of its 75966
branches, in this state has been issued to the person specified 75967
therein, or that a license or certificate to practice, if issued, 75968
has been revoked or suspended, shall be received as prima-facie 75969
evidence of the record of the board in any court or before any 75970
officer of the state. 75971

(B) No license or certificate from the state medical board is 75972
required by a physician who comes into this state to practice 75973
medicine at a free-of-charge camp accredited by the SeriousFun 75974
children's network that specializes in providing therapeutic 75975
recreation, as defined in section 2305.231 of the Revised Code, 75976
for individuals with chronic illnesses as long as all of the 75977
following apply: 75978

(1) The physician provides documentation to the medical 75979
director of the camp that the physician is licensed and in good 75980
standing to practice medicine in another state; 75981

(2) The physician provides services only at the camp or in 75982
connection with camp events or camp activities that occur off the 75983
grounds of the camp; 75984

(3) The physician receives no compensation for the services; 75985

(4) The physician provides those services within this state 75986
for not more than thirty days per calendar year; 75987

(5) The camp has a medical director who holds an unrestricted 75988
license to practice medicine issued in accordance with division 75989
(A) of this section. 75990

Sec. 4731.43. No person shall announce or advertise ~~himself~~ 75991
that person as an osteopathic physician and surgeon, or shall 75992
practice as such, without a ~~certificate~~ license from the state 75993
medical board or without complying with all the provisions of law 75994
relating to such practice, or shall practice after such 75995
~~certificate~~ license has been revoked, or if suspended, during the 75996
time of such suspension. 75997

A ~~certificate~~ license certified by the secretary, under the 75998
official seal of the said board to the effect that it appears from 75999
the records of the board that no ~~certificate~~ license to practice 76000
osteopathic medicine and surgery has been issued to any person 76001
specified therein, or that a ~~certificate~~ license, if issued, has 76002
been revoked or suspended shall be received as prima-facie 76003
evidence of the record in any court or before any officer of the 76004
state. 76005

Sec. 4731.51. The practice of podiatric medicine and surgery 76006
consists of the medical, mechanical, and surgical treatment of 76007
ailments of the foot, the muscles and tendons of the leg governing 76008
the functions of the foot; and superficial lesions of the hand 76009
other than those associated with trauma. Podiatrists are permitted 76010
the use of such preparations, medicines, and drugs as may be 76011
necessary for the treatment of such ailments. A podiatrist may 76012
treat the local manifestations of systemic diseases as they appear 76013
in the hand and foot, but the patient shall be concurrently 76014

referred to a doctor of medicine or a doctor of osteopathic 76015
medicine and surgery for the treatment of the systemic disease 76016
itself. General anaesthetics may be used under this section only 76017
in colleges of podiatric medicine and surgery ~~approved by~~ in good 76018
standing with the state medical board ~~pursuant to section 4731.53~~ 76019
~~of the Revised Code~~ and in hospitals approved by the joint 76020
commission or the American osteopathic association. 76021

Hyperbaric oxygen therapy may be ordered by a podiatrist to 76022
treat ailments within the scope of practice of podiatry as set 76023
forth in this section and, in accordance with section 4731.511 of 76024
the Revised Code, the podiatrist may supervise hyperbaric oxygen 76025
therapy for the treatment of such ailments. 76026

The use of x-ray or radium for therapeutic purposes is not 76027
permitted. 76028

Sec. 4731.52. ~~Each~~ (A) A person who desires seeking a license 76029
to practice podiatric medicine and surgery ~~and is not now~~ 76030
~~authorized to do so~~ shall file with the ~~secretary of the state~~ 76031
medical board ~~a written~~ an application, ~~under oath, on a form in~~ 76032
the form and manner prescribed by the board ~~and furnish~~ 76033
~~satisfactory proof that the applicant is more than eighteen years~~ 76034
~~of age and of good moral character.~~ The application must include 76035
all of the following: 76036

(1) Evidence satisfactory to the board to demonstrate that 76037
the applicant meets all of the following requirements: 76038

(a) Is at least eighteen years of age and of good moral 76039
character; 76040

(b) Possesses a high school diploma or a certificate of high 76041
school equivalence or has obtained the equivalent of such 76042
education as determined by the board; 76043

(c) Has completed at least two years of undergraduate work in 76044

a college of arts and sciences or the equivalent of such education 76045
as determined by the board; 76046

(d) Holds a degree from a college of podiatric medicine and 76047
surgery that was in good standing with the board at the time the 76048
degree was granted, as determined by the board; 76049

(e) Has completed one year of postgraduate training in a 76050
podiatric internship, residency, or clinical fellowship program 76051
accredited by the council on podiatric medicine or the American 76052
podiatric medical association; 76053

(f) Has successfully passed an examination prescribed in 76054
rules adopted by the board to determine competency to practice 76055
podiatric medicine and surgery; 76056

(g) Has complied with section 4731.531 of the Revised Code. 76057

(2) An affidavit signed by the applicant attesting to the 76058
accuracy and truthfulness of the information submitted under this 76059
section; 76060

(3) Consent to the release of the applicant's information; 76061

(4) Any other information the board requires. 76062

(B) An applicant for a license to practice podiatric medicine 76063
and surgery shall include with the application a fee of three 76064
hundred five dollars, no part of which may be returned. An 76065
application is not considered submitted until the board receives 76066
the fee. 76067

(C) The board may conduct an investigation related to the 76068
application materials received pursuant to this section and may 76069
contact any individual, agency, or organization for 76070
recommendations or other information about the applicant. 76071

(D) The board shall conclude any investigation of an 76072
applicant conducted under section 4731.22 of the Revised Code not 76073
later than ninety days after receipt of a complete application 76074

unless the applicant agrees in writing to an extension or the 76075
board determines that there is a substantial question of a 76076
violation of this chapter or the rules adopted under it and 76077
notifies the applicant in writing of the reasons for continuation 76078
of the investigation. If the board determines that the applicant 76079
is not in violation of this chapter or the rules adopted under it, 76080
the board shall issue a license not later than forty-five days 76081
after making that determination. 76082

Sec. 4731.531. In addition to any other eligibility 76083
requirement set forth in this chapter, each applicant for a 76084
~~certificate~~ license to practice podiatric medicine and surgery 76085
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 76086
The state medical board shall not grant to an applicant a 76087
~~certificate~~ license to practice podiatric medicine and surgery 76088
unless the board, in its discretion, decides that the results of 76089
the criminal records check do not make the applicant ineligible 76090
for a ~~certificate~~ license issued pursuant to section 4731.56 ~~or~~ 76091
~~4731.57~~ of the Revised Code. 76092

Sec. 4731.56. (A) ~~The state medical board shall issue its~~ 76093
~~certificate to practice podiatric medicine and surgery to each~~ 76094
~~applicant who passes the examination conducted under section~~ 76095
~~4731.55 of the Revised Code and has paid the treasurer of the~~ 76096
~~state medical board a certificate issuance fee of three hundred~~ 76097
~~dollars. Each certificate shall be signed by the board's president~~ 76098
~~and secretary and attested by its seal~~ review all applications 76099
received under section 4731.52 of the Revised Code. The board 76100
shall determine whether an applicant meets the requirements for a 76101
license to practice podiatric medicine and surgery. An affirmative 76102
vote of not ~~less~~ fewer than six members of the ~~state medical~~ board 76103
is required to determine that an applicant meets the requirements 76104
for ~~issuance of a certificate~~ license. 76105

(B) If the board determines that the applicant meets the requirements for a license and that the documentation provided is satisfactory to the board, the board shall issue to the applicant a license to practice podiatric medicine and surgery. Each license shall be signed by the president and secretary of the board and attested by its seal. 76106
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(C) A ~~certificate~~ authorizing the person who holds a license to practice of podiatric medicine and surgery ~~permits the holder~~ the issued under this section may use of the title "Dr.," "doctor," "D.P.M.," "physician," or ~~the use of the title "surgeon"~~ when the title is qualified by letters or words showing that the holder of the certificate is a practitioner of podiatric medicine and surgery. The certificate "surgeon." 76112
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(D) The holder of a license issued under this section shall be either provide verification of licensure status from the board's internet web site on request or prominently ~~displayed~~ display a wall certificate in the ~~certificate~~ license holder's office or the place where a major portion of the ~~certificate~~ license holder's practice is conducted. 76119
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Sec. 4731.573. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a ~~certificate~~ license to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars. 76125
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An applicant for a training certificate shall furnish to the board all of the following: 76133
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(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character; 76135
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(2) Evidence satisfactory to the board that the applicant has
been accepted or appointed to participate in this state in one of
the following:

(a) An internship or residency program accredited by either
the council on podiatric medical education or the American
podiatric medical association;

(b) A clinical fellowship program at an institution with a
residency program accredited by either the council on podiatric
medical education or the American podiatric medical association
that is in a clinical field the same as or related to the clinical
field of the fellowship program.

(3) Information identifying the beginning and ending dates of
the period for which the applicant has been accepted or appointed
to participate in the internship, residency, or clinical
fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a license or certificate under
section 4731.22 of the Revised Code apply and the applicant meets
the requirements of division (A) of this section, the board shall
issue a training certificate to the applicant. The board shall not
require an examination as a condition of receiving a training
certificate.

A training certificate issued pursuant to this section shall
be valid only for the period of one year, but may in the
discretion of the board and upon application duly made, be renewed
annually for a maximum of five years. The fee for renewal of a
training certificate shall be thirty-five dollars.

The board shall maintain a register of all individuals who
hold training certificates.

(C) The holder of a valid training certificate shall be

entitled to perform such acts as may be prescribed by or 76167
incidental to the holder's internship, residency, or clinical 76168
fellowship program, but the holder shall not be entitled otherwise 76169
to engage in the practice of podiatric medicine and surgery in 76170
this state. The holder shall limit activities under the 76171
certificate to the programs of the hospitals or facilities for 76172
which the training certificate is issued. The holder shall train 76173
only under the supervision of the podiatrists responsible for 76174
supervision as part of the internship, residency, or clinical 76175
fellowship program. A training certificate may be revoked by the 76176
board upon proof, satisfactory to the board, that the holder 76177
thereof has engaged in practice in this state outside the scope of 76178
the internship, residency, or clinical fellowship program for 76179
which the training certificate has been issued, or upon proof, 76180
satisfactory to the board, that the holder thereof has engaged in 76181
unethical conduct or that there are grounds for action against the 76182
holder under section 4731.22 of the Revised Code. 76183

(D) The board may adopt rules as the board finds necessary to 76184
effect the purpose of this section. 76185

Sec. 4731.60. ~~(A)(1)~~ No person shall engage in the practice 76186
of podiatric medicine and surgery without a certificate from 76187
current, valid license to practice podiatric medicine and surgery 76188
issued by the state medical board; ~~no.~~ 76189

~~(2)~~ No person shall advertise or ~~announce as a practitioner~~ 76190
~~of~~ claim to be authorized to practice podiatric medicine and 76191
surgery ~~without~~ unless the person holds a certificate from 76192
current, valid license to practice podiatric medicine and surgery 76193
issued by the board; ~~no person shall open or conduct an office or~~ 76194
~~other place for such practice without a certificate from the~~ 76195
~~board; no person shall conduct an office in the name of some~~ 76196
~~person who has a certificate to practice podiatric medicine and~~ 76197

~~surgery; and no under this chapter.~~ 76198

(3) No person shall practice podiatric medicine and surgery 76199
after a ~~certificate~~ the person's license has been revoked, or if 76200
suspended, during the time of such suspension. 76201

(B) A ~~certificate~~ document that is signed by the president 76202
and secretary to ~~which is~~ of the board and has affixed the 76203
official seal of the board to the effect that it appears from the 76204
records of the board that ~~no such certificate~~ a license to 76205
practice podiatric medicine and surgery, ~~in the~~ this state has not 76206
been issued to ~~any such~~ a particular person ~~specified therein,~~ or 76207
that a ~~certificate~~ license, if issued, has been revoked or 76208
suspended, shall be received as prima-facie evidence of the record 76209
of ~~such~~ the board in any court or before any officer of this 76210
state. 76211

Sec. 4731.61. ~~The certificate of a podiatrist may be revoked,~~ 76212
~~limited, or suspended; the holder of~~ state medical board, by an 76213
affirmative vote of not fewer than six members, may limit, 76214
suspend, or revoke a ~~certificate may be placed~~ license to practice 76215
podiatric medicine and surgery, refuse to issue a license to an 76216
applicant, refuse to reinstate a license, or reprimand or place on 76217
probation or reprimanded; or an applicant may be refused 76218
registration or reinstatement the holder of a license for 76219
violations of section 4731.22 or sections 4731.51 to 4731.60 of 76220
the Revised Code ~~by an affirmative vote of not less than six~~ 76221
~~members of the state medical board.~~ 76222

This section does not preclude the application to, or limit 76223
the operation or effect upon, podiatrists of other sections of 76224
~~Chapter 4731. of the Revised Code~~ this chapter. 76225

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 76226
Revised Code: 76227

(A)(1) "Clinical laboratory services" means either of the following: 76228
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(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health; 76230
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(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. 76234
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(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens. 76237
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(B) "Designated health services" means any of the following: 76239

(1) Clinical laboratory services; 76240

(2) Home health care services; 76241

(3) Outpatient prescription drugs. 76242

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and: 76243
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(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use; 76245
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(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee. 76248
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(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program. 76252
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(E)(1) "Group practice" means a group of two or more holders 76258
of licenses or certificates under this chapter legally organized 76259
as a partnership, professional corporation or association, limited 76260
liability company, foundation, nonprofit corporation, faculty 76261
practice plan, or similar group practice entity, including an 76262
organization comprised of a nonprofit medical clinic that 76263
contracts with a professional corporation or association of 76264
physicians to provide medical services exclusively to patients of 76265
the clinic in order to comply with section 1701.03 of the Revised 76266
Code and including a corporation, limited liability company, 76267
partnership, or professional association described in division (B) 76268
of section 4731.226 of the Revised Code formed for the purpose of 76269
providing a combination of the professional services of 76270
optometrists who are licensed, certificated, or otherwise legally 76271
authorized to practice optometry under Chapter 4725. of the 76272
Revised Code, chiropractors who are licensed, certificated, or 76273
otherwise legally authorized to practice chiropractic or 76274
acupuncture under Chapter 4734. of the Revised Code, psychologists 76275
who are licensed, certificated, or otherwise legally authorized to 76276
practice psychology under Chapter 4732. of the Revised Code, 76277
registered or licensed practical nurses who are licensed, 76278
certificated, or otherwise legally authorized to practice nursing 76279
under Chapter 4723. of the Revised Code, pharmacists who are 76280
licensed, certificated, or otherwise legally authorized to 76281
practice pharmacy under Chapter 4729. of the Revised Code, 76282
physical therapists who are licensed, certificated, or otherwise 76283
legally authorized to practice physical therapy under sections 76284
4755.40 to 4755.56 of the Revised Code, occupational therapists 76285
who are licensed, certificated, or otherwise legally authorized to 76286
practice occupational therapy under sections 4755.04 to 4755.13 of 76287
the Revised Code, mechanotherapists who are licensed, 76288
certificated, or otherwise legally authorized to practice 76289
mechanotherapy under section 4731.151 of the Revised Code, and 76290

doctors of medicine and surgery, osteopathic medicine and surgery, 76291
or podiatric medicine and surgery who are licensed, certificated, 76292
or otherwise legally authorized for their respective practices 76293
under this chapter, and licensed professional clinical counselors, 76294
licensed professional counselors, independent social workers, 76295
social workers, independent marriage and family therapists, or 76296
marriage and family therapists who are licensed, certificated, or 76297
otherwise legally authorized for their respective practices under 76298
Chapter 4757. of the Revised Code to which all of the following 76299
apply: 76300

(a) Each physician who is a member of the group practice 76301
provides substantially the full range of services that the 76302
physician routinely provides, including medical care, 76303
consultation, diagnosis, or treatment, through the joint use of 76304
shared office space, facilities, equipment, and personnel. 76305

(b) Substantially all of the services of the members of the 76306
group are provided through the group and are billed in the name of 76307
the group and amounts so received are treated as receipts of the 76308
group. 76309

(c) The overhead expenses of and the income from the practice 76310
are distributed in accordance with methods previously determined 76311
by members of the group. 76312

(d) The group practice meets any other requirements that the 76313
state medical board applies in rules adopted under section 4731.70 76314
of the Revised Code. 76315

(2) In the case of a faculty practice plan associated with a 76316
hospital with a medical residency training program in which 76317
physician members may provide a variety of specialty services and 76318
provide professional services both within and outside the group, 76319
as well as perform other tasks such as research, the criteria in 76320
division (E)(1) of this section apply only with respect to 76321

services rendered within the faculty practice plan. 76322

(F) "Home health care services" and "immediate family" have 76323
the same meanings as in the rules adopted under section 4731.70 of 76324
the Revised Code. 76325

(G) "Hospital" has the same meaning as in section 3727.01 of 76326
the Revised Code. 76327

(H) A "referral" includes both of the following: 76328

(1) A request by a holder of a license or certificate under 76329
this chapter for an item or service, including a request for a 76330
consultation with another physician and any test or procedure 76331
ordered by or to be performed by or under the supervision of the 76332
other physician; 76333

(2) A request for or establishment of a plan of care by a 76334
license or certificate holder that includes the provision of 76335
designated health services. 76336

(I) "Third-party payer" has the same meaning as in section 76337
3901.38 of the Revised Code. 76338

Sec. 4731.66. (A) Except as provided in sections 4731.67 and 76339
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 76340
under this chapter to practice medicine and surgery, osteopathic 76341
medicine and surgery, or podiatric medicine and surgery shall 76342
refer a patient to a person for a designated health service if the 76343
~~certificate~~ license holder, or a member of the ~~certificate~~ license 76344
holder's immediate family, has either of the following financial 76345
relationships with the person: 76346

(1) An ownership or investment interest in the person whether 76347
through debt, equity, or other means; 76348

(2) Any compensation arrangement involving any remuneration, 76349
directly or indirectly, overtly or covertly, in cash or in kind. 76350

(B) No person to which a ~~certificate~~ license holder has referred a patient in violation of division (A) of this section shall bill the patient, any third-party payer, any governmental health care program, or any other person or governmental entity for the designated health service rendered pursuant to the referral.

(C) No person shall knowingly enter into an arrangement or scheme, including a cross-referral arrangement, that has a principal purpose of assuring referrals by a ~~certificate~~ license holder to a particular person that, if the ~~certificate~~ license holder directly made referrals to such person, would violate division (A) of this section.

Sec. 4731.67. Section 4731.66 of the Revised Code does not apply to any of the following referrals by the holder of a ~~certificate~~ license under this chapter:

(A) Referrals for physicians' services that are performed by or under the personal supervision of a physician in the same group practice as the referring physician;

(B) Referrals for clinical laboratory services by a ~~certificate~~ license holder specializing in the practice of pathology if those services are provided by or under the supervision of the pathologist pursuant to a consultation requested by another physician;

(C) Referrals for in-office ancillary services to which all of the following apply:

(1) The services are furnished by the referring physician, a physician in the same group practice as the referring physician, or individuals who are employed by the referring physician or the group practice and who are supervised by the referring physician or a physician in the group practice, and are furnished either:

(a) In a building in which the referring physician, or another physician in the same group practice as the referring physician, furnishes physicians' services unrelated to the furnishing of designated health services;

(b) In another building used by the referring physician's group practice for the centralized provision of the group's designated health services.

(2) The services are billed by the physician performing or supervising the services, the physician's group practice, or an entity wholly owned by the group practice.

(3) The physician's ownership or investment interest in the services described in this division meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(D) Referrals for in-office ancillary services if the third-party payer is aware of and has agreed in writing to reimburse the services notwithstanding the financial arrangement between the physician and the provider of such ancillary services.

(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation;

(F) Referrals to a hospital for designated health services, if all of the following apply:

(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section.

(2) The referring physician is authorized to perform services at the hospital.

(3) The ownership or investment interest is in the hospital

itself and not merely in a subdivision of the hospital. 76411

(G) Referrals to a hospital with which the ~~certificate~~ 76412
license holder's or immediate family member's financial 76413
relationship does not relate to the provision of designated health 76414
services; 76415

(H) Referrals to a laboratory located in a rural area as 76416
defined in section 1886(d)(2)(D) of the "Social Security Act," 49 76417
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the 76418
financial relationship consists of an ownership or investment 76419
interest described in division (A)(1) of section 4731.66 of the 76420
Revised Code, and not a compensation arrangement described in 76421
division (A)(2) of that section; 76422

(I) Any other referrals in which the financial relationship 76423
between the ~~certificate~~ license holder or immediate family member 76424
and the person furnishing services has been specified in rules 76425
adopted by the state medical board under section 4731.70 of the 76426
Revised Code. 76427

Sec. 4731.68. (A) Ownership of investment securities in a 76428
corporation, including bonds, debentures, notes, other debt 76429
instruments, or shares, shall not be considered an ownership or 76430
investment interest described in division (A)(1) of section 76431
4731.66 of the Revised Code if all of the following apply: 76432

(1) The securities were purchased on terms generally 76433
available to the public. 76434

(2) The corporation is listed for trading on the New York 76435
stock exchange or the American stock exchange or is a national 76436
market system security traded under an automated interdealer 76437
quotation system operated by the national association of 76438
securities dealers. 76439

(3) The corporation had, at the end of its most recent fiscal 76440

year, total assets exceeding one hundred million dollars. 76441

(B) Payments for the rental or lease of office space shall 76442
not be considered a compensation arrangement described in division 76443
(A)(2) of section 4731.66 of the Revised Code if all of the 76444
following apply: 76445

(1) There is a written agreement signed by the parties for 76446
the rental or lease of the space that does all of the following: 76447

(a) Specifies the space covered by the agreement and 76448
dedicated for the use of the lessee; 76449

(b) Provides for a term of rental or lease of at least one 76450
year; 76451

(c) Provides for payment on a periodic basis of an amount 76452
that is consistent with fair market value; 76453

(d) Provides for an amount of aggregate payments that does 76454
not directly or indirectly vary based on the volume or value of 76455
any referrals of business between the parties; 76456

(e) Would be commercially reasonable even if no referrals 76457
were made between the parties. 76458

(2) In the case of a rental or lease arrangement between a 76459
holder of a ~~certificate~~ license under this chapter or member of 76460
the ~~certificate~~ license holder's immediate family and another 76461
person in which the ~~certificate~~ license holder or family member 76462
also has an ownership or investment interest described in division 76463
(A)(1) of section 4731.66 of the Revised Code, the office space is 76464
in the same building as the building in which the ~~certificate~~ 76465
license holder or the ~~certificate~~ license holder's group practice 76466
has a practice. 76467

(3) The arrangement meets any other requirements that the 76468
state medical board applies in rules adopted under section 4731.70 76469
of the Revised Code. 76470

(C) An arrangement between a hospital and a ~~certificate~~ license holder or a member of the ~~certificate~~ license holder's immediate family for the employment of the ~~certificate~~ license holder or family member or for the provision of administrative services shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The arrangement is for identifiable services.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the hospital.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(D) Remuneration by a hospital of a ~~certificate~~ license holder to induce the ~~certificate~~ license holder to relocate to the geographic area served by the hospital in order to be a member of the hospital's medical staff shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The ~~certificate~~ license holder is not required to refer patients to the hospital.

(2) The amount of the remuneration is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder to the hospital.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(E) Remuneration of a ~~certificate~~ license holder or member of the ~~certificate~~ license holder's immediate family by a person other than a hospital shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The remuneration is for any of the following:

(a) Specific, identifiable services as the medical director or a member of a medical advisory board of the person;

(b) Specific, identifiable physicians' services furnished to an individual in a hospice if the physicians' services are payable by the individual's third-party payer only to the hospice;

(c) Specific, identifiable physicians' services furnished to a nonprofit blood center;

(d) Specific, identifiable administrative services other than direct patient care services in circumstances specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the person.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70

of the Revised Code. 76532

(F) Isolated financial transactions, including a one-time 76533
sale of property, shall not be considered a compensation 76534
arrangement described in division (A)(2) of section 4731.66 of the 76535
Revised Code if all of the following apply: 76536

(1) The amount of the remuneration under the arrangement is 76537
consistent with fair market value and is not determined in a 76538
manner that directly or indirectly takes into account the volume 76539
or value of any referrals by the ~~certificate~~ license holder. 76540

(2) The remuneration is provided pursuant to an agreement 76541
that would be commercially reasonable even if the ~~certificate~~ 76542
license holder made no referrals to the other parties to the 76543
transaction. 76544

(3) The transaction meets any other requirements that the 76545
state medical board applies in rules adopted under section 4731.70 76546
of the Revised Code. 76547

(G) Payment of the salary of a ~~certificate~~ license holder by 76548
the ~~certificate~~ license holder's group practice shall not be 76549
considered a compensation arrangement described in division (A)(2) 76550
of section 4731.66 of the Revised Code. 76551

Sec. 4731.76. On receipt of a notice pursuant to section 76552
3123.43 of the Revised Code, the state medical board shall comply 76553
with sections 3123.41 to 3123.50 of the Revised Code and any 76554
applicable rules adopted under section 3123.63 of the Revised Code 76555
with respect to a license or certificate issued pursuant to this 76556
chapter. 76557

Sec. 4731.82. (A) As used in this section: 76558

(1) "Fetal death" has the same meaning as in section 3705.01 76559
of the Revised Code, except that it does not include either of the 76560

following: 76561

(a) The product of human conception of at least twenty weeks of gestation; 76562
76563

(b) The purposeful termination of a pregnancy, as described in section 2919.11 of the Revised Code. 76564
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(2) "Physician" means an individual holding a ~~certificate~~ license issued under this chapter to practice medicine and surgery or osteopathic medicine and surgery ~~pursuant to this chapter~~. 76566
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(B) If a woman in the process of experiencing a fetal death or with the product of human conception as a result of a fetal death presents herself to a physician and is not referred to a hospital, the attending physician shall provide the woman with all of the following: 76569
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(1) A written statement, not longer than one page in length, that confirms that the woman was pregnant and that she subsequently suffered a miscarriage that resulted in a fetal death; 76574
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76577

(2) Notice of the right of the woman to apply for a fetal death certificate pursuant to section 3705.20 of the Revised Code; 76578
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(3) A short, general description of the attending physician's procedures for disposing of the product of a fetal death. 76580
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The attending physician may present the notice and description required by divisions (B)(2) and (B)(3) of this section through oral or written means. The physician shall document in the woman's medical record that all of the items required by this division were provided to the woman and shall place in the record a copy of the statement required by division (B)(1) of this section. 76582
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(C) A physician is immune from civil or criminal liability or professional disciplinary action with regard to any action taken 76589
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in good faith compliance with this section. 76591

Sec. 4731.83. (A) As used in this section: 76592

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 76593
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(2) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 76595
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(B) A physician shall comply with section 3715.08 of the Revised Code and rules adopted under section 4731.056 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 76598
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76600
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(C) A physician who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following: 76602
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76605

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 76606
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76609

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 76610
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Sec. 4731.85. The department of health shall establish a 76614
procedure to provide special recognition annually to one or more 76615
persons issued a ~~certificate~~ license under this chapter to 76616
practice medicine and surgery, osteopathic medicine and surgery, 76617
or podiatric medicine and surgery who volunteer medical services 76618
to medically underserved areas of this state or to charitable 76619

shelters or clinics. Any person may nominate a ~~certificate~~ license 76620
holder for consideration by the department. The department shall 76621
annually submit to newspapers of general circulation and other 76622
publications selected by the department a request for nominations. 76623
The request shall describe the required form and content of 76624
nominations and indicate a deadline for submitting nominations. 76625

The department may adopt criteria and guidelines for 76626
selecting nominees for recognition. The department shall publicize 76627
the names, professional accomplishments, and service contributions 76628
of the ~~certificate~~ license holders that it recognizes under this 76629
section. The department may purchase recognition awards and take 76630
other actions to honor such volunteers. 76631

Sec. 4736.01. As used in this chapter: 76632

(A) "Environmental health science" means the aspect of public 76633
health science that includes, but is not limited to, the following 76634
bodies of knowledge: air quality, food quality and protection, 76635
hazardous and toxic substances, consumer product safety, housing, 76636
institutional health and safety, community noise control, 76637
radiation protection, recreational facilities, solid and liquid 76638
waste management, vector control, drinking water quality, milk 76639
sanitation, and rabies control. 76640

(B) "Sanitarian" means a person who performs for compensation 76641
educational, investigational, technical, or administrative duties 76642
requiring specialized knowledge and skills in the field of 76643
environmental health science. 76644

(C) "Registered sanitarian" means a person who is registered 76645
as a sanitarian in accordance with this chapter. 76646

(D) "Sanitarian-in-training" means a person who is registered 76647
as a sanitarian-in-training in accordance with this chapter. 76648

(E) "Practice of environmental health" means consultation, 76649

instruction, investigation, inspection, or evaluation by an 76650
employee of a city health district, a general health district, the 76651
environmental protection agency, the department of health, or the 76652
department of agriculture requiring specialized knowledge, 76653
training, and experience in the field of environmental health 76654
science, with the primary purpose of improving or conducting 76655
administration or enforcement under any of the following: 76656

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 76657
3733. of the Revised Code; 76658

(2) Chapter 3734. of the Revised Code as it pertains to solid 76659
waste; 76660

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 76661
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 76662

(4) Rules adopted under former section 3701.34 of the Revised 76663
Code pertaining to rabies control or swimming pools; 76664

(5) Rules adopted under section 3701.935 of the Revised Code 76665
for school health and safety network inspections and rules adopted 76666
under section 3707.26 of the Revised Code for sanitary 76667
inspections. 76668

"Practice of environmental health" does not include sampling, 76669
testing, controlling of vectors, reporting of observations, or 76670
other duties that do not require application of specialized 76671
knowledge and skills in environmental health science performed 76672
under the supervision of a registered sanitarian. 76673

The ~~state board~~ director of ~~sanitarian registration~~ health 76674
may further define environmental health science in relation to 76675
specific functions in the practice of environmental health through 76676
rules adopted by the ~~board~~ director under Chapter 119. of the 76677
Revised Code. 76678

Sec. 4736.02. (A) There is hereby created the ~~state board of~~ 76679

sanitarian registration. ~~The board shall consist~~ advisory board 76680
consisting of seven members appointed by the director of health or 76681
~~his designated representative, the director of environmental~~ 76682
~~protection or his designated representative, and five members~~ 76683
~~appointed by the governor with the advice and consent of the~~ 76684
~~senate for terms established in accordance with rules adopted by~~ 76685
~~the director under section 4736.03 of the Revised Code. The~~ 76686
~~advisory board shall advise the director regarding the~~ 76687
~~registration of sanitarians-in-training and sanitarians,~~ 76688
~~continuing education requirements for sanitarians, the~~ 76689
~~administration of examinations prescribed by section 4736.09 of~~ 76690
~~the Revised Code, the education criteria required under section~~ 76691
~~4736.08 of the Revised Code, and any other matters as may be of~~ 76692
~~assistance to the director in the regulation of sanitarians and~~ 76693
~~sanitarians-in-training. Each~~ 76694

Each member appointed by the ~~governor~~ director shall be a 76695
registered sanitarian; ~~however, the initial five members appointed~~ 76696
~~by the governor shall be persons~~ who ~~meet~~ meets the education and 76697
experience requirements of section 4736.08 of the Revised Code for 76698
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 76699
~~appointed by the governor, at~~ At least one and not more than two 76700
of the members shall be employees of a general health district; at 76701
least one and not more than two shall be employees of a city 76702
health district; and at least one and not more than two shall be 76703
employed in private industry. Not more than one member may be 76704
employed by a university and not more than one member may be 76705
employed by an agency or department of the state. 76706

Within ninety days of the effective date of this ~~section~~ 76707
amendment, the ~~governor~~ director shall make initial appointments 76708
to the advisory board. ~~Of the initial appointments, two shall be~~ 76709
~~for terms ending one year after the effective date of this~~ 76710
~~section; two shall be for terms ending two years after that~~ 76711

~~effective date; and one shall be for a term ending three years 76712
after that effective date. Thereafter, terms of office shall be 76713
for three years, each term ending on the same day of the same 76714
month of the year as did the term which it succeeds. Each member 76715
shall hold office from the date of his appointment until the end 76716
of the term for which he was appointed. Any member appointed to 76717
fill a vacancy occurring prior to the expiration of the term for 76718
which his the member's predecessor was appointed shall hold office 76719
for the remainder of such term. Any member shall continue in 76720
office subsequent to the expiration date of his the member's term 76721
until his the member's successor takes office, or until a period 76722
of sixty days has elapsed, whichever occurs first. 76723~~

~~The governor may remove any member of the board for 76724
malfeasance, misfeasance, or nonfeasance after an adjudication 76725
hearing in accordance with Chapter 119. of the Revised Code. 76726~~

Sec. 4736.03. ~~The state board of sanitarian registration 76727
shall organize within thirty days after its initial members have 76728
been appointed by the governor. The board shall annually elect a 76729
chairman and a vice chairman from its members and shall elect a 76730
secretary to serve at the pleasure of the board. The chairman and 76731
the secretary may administer oaths. A majority of the board 76732
constitutes a quorum. Members shall be compensated for their 76733
necessary expenses incurred in the performance of their official 76734
duties. 76735~~

~~The ~~board~~ director of health shall adopt and may amend or 76736
rescind rules in accordance with Chapter 119. of the Revised Code 76737
governing the administration of the examinations prescribed by 76738
section 4736.09 of the Revised Code, prescribing the form for 76739
application, establishing criteria for determining what courses 76740
may be included toward fulfillment of the science course 76741
requirements of section 4736.08 of the Revised Code, determining 76742~~

the continuing education program requirements of section 4736.11 76743
of the Revised Code, and for the administration and enforcement of 76744
this chapter. 76745

The director shall adopt, in accordance with Chapter 119. of 76746
the Revised Code, rules establishing terms of office for members 76747
of the sanitarian advisory board created in section 4736.02 of the 76748
Revised Code. 76749

Sec. 4736.05. ~~The state board director of sanitarian 76750~~
~~registration health shall hold at least one meeting annually to 76751~~
review and evaluate applications for registration as sanitarians 76752
and sanitarians-in-training, conduct examinations, review and 76753
approve expenses, prepare and approve reports, and transact all 76754
other business as may be necessary to administer and enforce 76755
Chapter 4736. of the Revised Code. ~~Special meetings shall be 76756~~
~~called by the secretary upon written request of any three members 76757~~
~~of the board or upon the written request of ten registered 76758~~
~~sanitarians.~~ 76759

Sec. 4736.06. ~~(A) All receipts of the state board department 76760~~
~~of sanitarian registration health that are associated with 76761~~
sanitarian and sanitarian-in-training registration and renewal 76762
fees shall be deposited in the state treasury to the credit of the 76763
~~occupational licensing and regulatory general operations fund 76764~~
created in section 3701.83 of the Revised Code. 76765

~~All vouchers of the board shall be approved by the 76766~~
~~chairperson of the board or secretary, or both, as authorized by 76767~~
~~the board.~~ 76768

~~(B) The board may employ such persons as are necessary to 76769~~
~~administer and enforce this chapter.~~ 76770

Sec. 4736.07. The ~~state board director of sanitarian 76771~~

~~registration health~~ shall keep a record ~~of its proceedings and a~~ 76772
~~record~~ of all applications for registration, which shall include: 76773

(A) The name and address of each applicant; 76774

(B) The name and address of the employer or business 76775
connection of each applicant; 76776

(C) The date of the application; 76777

(D) The educational and experience qualifications of each 76778
applicant; 76779

(E) The date on which the ~~board~~ director reviewed and acted 76780
upon each application; 76781

(F) The action taken by the ~~board~~ director on each 76782
application; 76783

(G) A serial number of each certificate of registration 76784
issued by the ~~board~~ director. 76785

The ~~board~~ director shall prepare annually a list of the names 76786
and addresses of every person registered by it and a list of every 76787
person whose registration has been suspended or revoked within the 76788
previous year. 76789

Sec. 4736.08. An application for registration as a sanitarian 76790
shall be made to the ~~state board~~ director of ~~sanitarian~~ 76791
~~registration health~~ on a form prescribed by the ~~board~~ director and 76792
accompanied by the application fee prescribed in section 4736.12 76793
of the Revised Code. The ~~board~~ director shall register an 76794
applicant if the applicant ~~meets the requirements of section~~ 76795
~~4736.16 of the Revised Code or~~ is of good moral character, passes 76796
an examination conducted by the ~~board~~ director in accordance with 76797
section 4736.09 of the Revised Code, and meets the education and 76798
experience requirements of division (A), (B), or (C) of this 76799
section: 76800

(A) Graduated from an accredited college or university with 76801
at least a baccalaureate degree, including at least forty-five 76802
quarter units or thirty semester units of science courses approved 76803
by the ~~board~~ director; and completed at least two years of 76804
full-time employment as a sanitarian; 76805

(B) Graduated from an accredited college or university with 76806
at least a baccalaureate degree, completed a major in 76807
environmental health science which included an internship program 76808
approved by the ~~board~~ director; and completed at least one year of 76809
full-time employment as a sanitarian; 76810

(C) Graduated from an accredited college or university with a 76811
degree higher than a baccalaureate degree, including at least 76812
forty-five quarter units or thirty semester units of science 76813
courses approved by the ~~board~~ director; and completed at least one 76814
year of full-time employment as a sanitarian. 76815

Sec. 4736.09. Examinations required by section 4736.08 of the 76816
Revised Code shall be conducted not less than once each calendar 76817
year at such times and places as the ~~state-board~~ director of 76818
~~sanitarian registration~~ health prescribes. Such examinations shall 76819
be written and shall include applicable subjects in the field of 76820
environmental health science and such other subjects as the ~~board~~ 76821
director may prescribe. The examination shall be objective and 76822
practical. Any examination papers shall not disclose the name of 76823
the applicant, but shall be identified by a number assigned by the 76824
~~secretary of the board~~ director. The preparation of the 76825
examination shall be the responsibility of the ~~board~~ director; 76826
however, the ~~board~~ director may use material prepared by 76827
recognized examination agencies. 76828

No person shall be registered if ~~he~~ the person fails to meet 76829
the minimum grade requirements for the examination specified by 76830
the ~~board~~ director. An applicant who fails to meet such minimum 76831

grade requirements in ~~his~~ the applicant's first examination may be 76832
reexamined at any time and place specified by the ~~board~~ director, 76833
upon resubmission of ~~his~~ an application and payment of the fee 76834
prescribed in section 4736.12 of the Revised Code. 76835

Sec. 4736.10. Any person who meets the educational 76836
qualifications of division (A), (B), or (C) of section 4736.08 of 76837
the Revised Code, but does not meet the experience requirement of 76838
such division may make application to the ~~state board~~ director of 76839
~~sanitarian registration~~ health on a form prescribed by the ~~board~~ 76840
director for registration as a sanitarian-in-training. The ~~board~~ 76841
director shall register such person as a sanitarian-in-training 76842
upon payment of the fee required by section 4736.12 of the Revised 76843
Code, if ~~he~~ the person passes any examination which the ~~board~~ 76844
director may require for registration as a sanitarian-in-training. 76845
Any such examination shall be conducted in the same manner as the 76846
examination required for registration as a sanitarian under 76847
section 4736.09 of the Revised Code. 76848

A sanitarian-in-training shall apply for registration as a 76849
sanitarian within three years ~~of his~~ after registration as a 76850
sanitarian-in-training. The ~~board~~ director may extend the 76851
registration of any sanitarian-in-training who furnishes, in 76852
writing, sufficient cause for not applying for registration as a 76853
sanitarian within the three-year period. 76854

Sec. 4736.11. The ~~state board~~ director of ~~sanitarian~~ 76855
~~registration~~ health shall issue a certificate of registration to 76856
any applicant whom it registers as a sanitarian or a 76857
sanitarian-in-training. Such certificate shall bear: 76858

(A) The name of the person; 76859

(B) The date of issue; 76860

(C) A serial number, designated by the ~~board~~ director; 76861

(D) The ~~seal of the board and signature of the chairperson of~~ 76862
~~the board~~ director; 76863

(E) The designation "registered sanitarian" or 76864
"sanitarian-in-training." 76865

Certificates of registration shall expire annually on the 76866
date fixed by the ~~board~~ director and become invalid on that date 76867
unless renewed pursuant to this section. All registered 76868
sanitarians shall be required annually to complete a continuing 76869
education program in subjects relating to practices of the 76870
profession as a sanitarian to the end that the utilization and 76871
application of new techniques, scientific advancements, and 76872
research findings will assure comprehensive service to the public. 76873
The ~~board~~ director shall prescribe by rule a continuing education 76874
program for registered sanitarians to meet this requirement. The 76875
length of study for this program shall be determined by the ~~board~~ 76876
director but shall be not less than six nor more than twenty-five 76877
hours during the calendar year. At least once annually the ~~board~~ 76878
director shall provide to each registered sanitarian a list of 76879
courses approved by the ~~board~~ director as satisfying the program 76880
prescribed by rule. Upon the request of a registered sanitarian, 76881
the ~~secretary~~ director shall supply a list of applicable courses 76882
that the ~~board~~ director has approved. A certificate may be renewed 76883
for a period of one year at any time prior to the date of 76884
expiration upon payment of the renewal fee prescribed by section 76885
4736.12 of the Revised Code and upon showing proof of having 76886
complied with the continuing education requirements of this 76887
section. The ~~state board of sanitarian registration~~ director may 76888
waive the continuing education requirement in cases of certified 76889
illness or disability which prevents the attendance at any 76890
qualified educational seminars during the twelve months 76891
immediately preceding the annual certificate of registration 76892
renewal date. Certificates which expire may be reinstated under 76893

rules adopted by the ~~board~~ director. 76894

Sec. 4736.12. (A) The ~~state board~~ director of ~~sanitarian~~ 76895
~~registration~~ health shall charge the following fees: 76896

(1) To apply as a sanitarian-in-training, ~~eighty~~ sixty 76897
dollars; 76898

(2) For sanitarians-in-training to apply for registration as 76899
sanitarians, ~~eighty~~ sixty dollars. The applicant shall pay this 76900
fee only once regardless of the number of times the applicant 76901
takes an examination required under section 4736.08 of the Revised 76902
Code. 76903

(3) For persons other than sanitarians-in-training to apply 76904
for registration as sanitarians, ~~including persons meeting the~~ 76905
~~requirements of section 4736.16 of the Revised Code,~~ one hundred 76906
~~sixty~~ twenty dollars. The applicant shall pay this fee only once 76907
regardless of the number of times the applicant takes an 76908
examination required under section 4736.08 of the Revised Code. 76909

(4) The renewal fee for registered sanitarians shall be 76910
~~ninety~~ sixty-seven dollars and fifty cents. 76911

(5) The renewal fee for sanitarians-in-training shall be 76912
~~ninety~~ sixty-seven dollars and fifty cents. 76913

(6) For late application for renewal, an additional 76914
~~seventy-five~~ fifty-six dollars and twenty-five cents. 76915

The ~~board of sanitarian registration~~ director, with the 76916
approval of the controlling board, may establish fees in excess of 76917
the amounts provided in this section, provided that such fees do 76918
not exceed the amounts permitted by this section by more than 76919
fifty per cent. 76920

(B) The ~~board of sanitarian registration~~ director shall 76921
charge separate fees for examinations as required by section 76922
4736.08 of the Revised Code, provided that the fees are not in 76923

excess of the actual cost to the ~~board~~ department of health of 76924
conducting the examinations. 76925

(C) The ~~board of sanitarian registration~~ director may adopt 76926
rules establishing fees for all of the following: 76927

(1) Application for the registration of a training agency 76928
approved under rules adopted by the ~~board~~ director pursuant to 76929
section 4736.11 of the Revised Code and for the annual 76930
registration renewal of an approved training agency; 76931

(2) Application for the review of continuing education hours 76932
submitted for the ~~board's~~ director's approval by approved training 76933
agencies or by registered sanitarians or sanitarians-in-training; 76934

(3) Additional copies of pocket identification cards and wall 76935
certificates. 76936

Sec. 4736.13. The ~~state board~~ director of ~~sanitarian~~ 76937
~~registration~~ health may deny, refuse to renew, revoke, or suspend 76938
a certificate of registration in accordance with Chapter 119. of 76939
the Revised Code for unprofessional conduct, the practice of fraud 76940
or deceit in obtaining a certificate of registration, dereliction 76941
of duty, incompetence in the practice of environmental health 76942
science, or for other good and sufficient cause. 76943

Sec. 4736.14. The ~~state board~~ director of ~~sanitarian~~ 76944
~~registration~~ health may, upon application and proof of valid 76945
registration, issue a certificate of registration to any person 76946
who is or has been registered as a sanitarian by any other state, 76947
if the requirements of that state at the time of such registration 76948
are determined by the ~~board~~ director to be at least equivalent to 76949
the requirements of this chapter. 76950

Sec. 4736.15. No person shall engage in, or offer to engage 76951
in, the practice of environmental health without being registered 76952

in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the Revised Code. A sanitarian-in-training may engage in the practice of environmental health for a period not to exceed five years, provided ~~he~~ the sanitarian-in-training is supervised by a registered sanitarian. No person except a registered sanitarian shall use the title "registered sanitarian" or the abbreviation "R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a registered sanitarian. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4736.17. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~state board~~ director of ~~sanitarian registration~~ health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4736.18. The ~~state board~~ director of ~~sanitarian registration~~ health shall comply with section 4776.20 of the Revised Code.

Sec. 4745.01. (A) "Standard renewal procedure," as used in Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 4728., 4729., 4731., 4733., 4734., ~~4735.~~ 4739., 4741., 4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., and 4775. of the Revised Code, means the license renewal procedures specified in this chapter.

(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as

defined in this section, and authorized by the Revised Code to 76983
issue a license to engage in a specific profession, occupation, or 76984
occupational activity, or to have charge of and operate certain 76985
specified equipment, machinery, or premises. 76986

(C) "License," as used in this chapter, means a license, 76987
certificate, permit, card, or other authority issued or conferred 76988
by a licensing agency by authority of which the licensee has or 76989
claims the privilege to engage in the profession, occupation, or 76990
occupational activity, or to have control of and operate certain 76991
specific equipment, machinery, or premises, over which the 76992
licensing agency has jurisdiction. 76993

(D) "Licensee," as used in this chapter, means either the 76994
person to whom the license is issued or renewed by a licensing 76995
agency, or the person, partnership, or corporation at whose 76996
request the license is issued or renewed. 76997

(E) "Renewal" and "renewed," as used in this chapter and in 76998
the chapters of the Revised Code specified in division (A) of this 76999
section, includes the continuing licensing procedure provided in 77000
Chapter 3748. of the Revised Code and rules adopted under it and 77001
in sections 1321.05 and 3921.33 of the Revised Code, and as 77002
applied to those continuing licenses any reference in this chapter 77003
to the date of expiration of any license shall be construed to 77004
mean the due date of the annual or other fee for the continuing 77005
license. 77006

Sec. 4749.031. (A) The department of public safety shall be a 77007
participating public office for purposes of the retained applicant 77008
fingerprint database established under section 109.5721 of the 77009
Revised Code. The department shall elect to participate in the 77010
continuous record monitoring service for all persons licensed or 77011
registered under this chapter. When the superintendent of the 77012
bureau of criminal identification and investigation, under section 77013

109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is available.

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division ~~(F)~~(H) of section 109.5721 of the Revised Code.

Sec. 4751.03. (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members:

(1) Four members who are nursing home administrators, owners of nursing homes, or officers of corporations owning nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(2)(a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(b) At least one of the members described in division (A)(2)(a) of this section shall be a home health administrator, an owner of a home health agency, or an officer of a home health agency.

(3) One member who is a member of the academic community;

(4) One member who is a consumer of services offered in a long-term services and supports setting; 77044
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(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only; 77046
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(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only. 77050
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All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings. 77054
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(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms. 77059
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(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. 77065
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(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the 77073
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member so charged has been served with a written statement of 77075
charges and has been given an opportunity to be heard. 77076

(E) Each member of the board, except the member designated by 77077
the director of health and the member designated by the ombudsman, 77078
shall be paid in accordance with section 124.15 of the Revised 77079
Code and each member shall be reimbursed for the member's actual 77080
and necessary expenses incurred in the discharge of such duties. 77081

(F) The board shall elect annually from its membership a 77082
chairperson and a vice-chairperson. 77083

(G) The board shall hold and conduct meetings quarterly and 77084
at such other times as its business requires. A majority of the 77085
voting members of the board shall constitute a quorum. The 77086
affirmative vote of a majority of the voting members of the board 77087
is necessary for the board to act. 77088

(H) The board shall appoint a secretary who has no financial 77089
interest in a long-term services and supports setting, and may 77090
employ and prescribe the powers and duties of such employees and 77091
consultants as are necessary to carry out this chapter and the 77092
rules adopted under it. 77093

Sec. 4751.04. (A) The board of executives of long-term 77094
services and supports shall: 77095

(1) Develop, adopt, impose, and enforce regulations 77096
prescribing standards which must be met by individuals in order to 77097
receive a license as a nursing home administrator, which standards 77098
shall be designed to ensure that nursing home administrators are 77099
of good character and are otherwise suitable, and who, by training 77100
and experience, are qualified to serve as nursing home 77101
administrators; 77102

(2) Develop and apply appropriate techniques, including 77103
examinations and investigations, for determining whether an 77104

individual meets such standards; 77105

(3) Issue licenses and registrations to individuals 77106
determined, after application of such techniques, to meet such 77107
standards, ~~and revoke;~~ 77108

(4) Revoke or suspend licenses or registrations previously 77109
issued by the board or impose a civil penalty, fine, or any other 77110
sanction authorized by the board on an individual holding a 77111
license or registration, in any case where the individual ~~holding~~ 77112
~~such license or registration~~ is determined to have failed 77113
substantially to conform to the requirements of such standards; 77114

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 77115
procedures designed to ensure that individuals holding a temporary 77116
license, or licensed as nursing home administrators will, during 77117
any period that they serve as such, comply with Chapter 4751. of 77118
the Revised Code and the regulations adopted thereunder; 77119

~~(5)~~(6) Receive, investigate, and take appropriate action with 77120
respect to any charge or complaint filed with the board to the 77121
effect that any individual licensed as a nursing home 77122
administrator has failed to comply with Chapter 4751. of the 77123
Revised Code and the regulations adopted thereunder; 77124

~~(6)~~(7) Take such other actions as may be necessary to enable 77125
the state to meet the requirements set forth in the "Social 77126
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 77127
g; 77128

~~(7)~~(8) Pay all license and registration fees, civil 77129
penalties, and fines collected under Chapter 4751. of the Revised 77130
Code into the board of executives of long-term services and 77131
supports fund created by section 4751.14 of the Revised Code to be 77132
used in administering and enforcing this chapter and the rules 77133
adopted under it; 77134

~~(8)~~(9) Administer, or contract with a government or private 77135

entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;

~~(9)~~(10) Enter into a contract with the department of aging as required under section 4751.042 of the Revised Code;

~~(10)~~(11) Create opportunities for the education, training, and credentialing of nursing home administrators ~~and others,~~ persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. In carrying out this function, the board shall do the following:

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(i) Leadership;

(ii) Person-centered care;

(iii) Principles of management within both the business and regulatory environments;

(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration.

(B) In the administration and enforcement of Chapter 4751. of

the Revised Code, and the regulations adopted thereunder, the 77166
board is subject to Chapter 119. of the Revised Code and sections 77167
4743.01 and 4743.02 of the Revised Code except that a notice of 77168
appeal of an order of the board adopting, amending, or rescinding 77169
a rule or regulation does not operate as a stay of the effective 77170
date of such order as provided in section 119.11 of the Revised 77171
Code. The court, at its discretion, may grant a stay of any 77172
regulation in its application against the person filing the notice 77173
of appeal. 77174

Sec. 4751.043. (A) Training and education programs developed 77175
by the board of executives of long-term services and supports 77176
pursuant to division (A)(10) of section 4751.04 of the Revised 77177
Code may be conducted in person or through electronic media. The 77178
board may establish and charge a fee for the education and 77179
training programs. 77180

(B) The board may enter into a contract with a government or 77181
private entity to perform the board's duties under division 77182
(A)(10) of section 4751.04 of the Revised Code to develop and 77183
conduct education and training programs. If the board enters into 77184
such a contract, the contract may authorize the entity to pay any 77185
or all costs associated with the education or training programs 77186
and to collect and keep, as all or part of the entity's 77187
compensation under the contract, any fee an applicant for 77188
education or training pays to enroll in the education or training 77189
program. 77190

Sec. 4751.044. The board of executives of long-term services 77191
and supports shall approve continuing education courses for 77192
nursing home administrators. The board may establish a fee for 77193
approval of such courses that is adequate to cover any expense the 77194
board incurs in the approval process. 77195

Sec. 4751.10. The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports if such licensee or temporary licensee:

(A) Is unfit or incompetent by reason of negligence, habits, or other causes;

(B) Has willfully or repeatedly violated any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which the licensee or temporary licensee is the administrator;

(C) Is guilty of fraud or deceit in the practice of nursing home administration or in the licensee's or temporary licensee's admission to such practice;

(D) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony.

~~Proceedings under this section shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.~~

Sec. 4751.14. There is hereby created in the state treasury the board of executives of long-term services and supports fund. The fund shall consist of the amounts the board collects under this chapter as license and registration fees ~~collected under this chapter,~~ other fees, civil penalties, and fines. Money in the fund shall be used by the board of executives of long-term services and supports to administer and enforce this chapter and the rules adopted under it. Investment earnings of the fund shall be credited to the fund.

Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 of the Revised Code shall may be fined not ~~less than fifty nor~~ more than five hundred dollars for the first offense; for each subsequent offense such person shall may be fined not ~~less than one hundred nor~~ more than five hundred dollars or imprisoned for not more than ninety days, or both.

The imposition of fines pursuant to this section does not preclude the imposition of any civil penalties or fines authorized under section 4751.04 or any other section of the Revised Code.

Sec. 4762.14. (A) The state medical board shall investigate evidence that appears to show that any person has violated this chapter or the rules adopted under it. Any person may report to the board in a signed writing any information the person has that appears to show a violation of any provision of this chapter or the rules adopted under it. In the absence of bad faith, a person who reports such information or testifies before the board in an adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of reporting the information or providing testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and be recorded by the board.

(B) Investigations of alleged violations of this chapter or rules adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section ~~4762.15~~ 4762.17 of the Revised Code. The board's president may designate another member of the board to supervise the investigation in place of the supervising member. A member of the board who supervises the investigation of a case shall not participate in further adjudication of the case.

(C) In investigating a possible violation of this chapter or 77256
the rules adopted under it, the board may administer oaths, order 77257
the taking of depositions, issue subpoenas, and compel the 77258
attendance of witnesses and production of books, accounts, papers, 77259
records, documents, and testimony, except that a subpoena for 77260
patient record information shall not be issued without 77261
consultation with the attorney general's office and approval of 77262
the secretary and supervising member of the board. Before issuance 77263
of a subpoena for patient record information, the secretary and 77264
supervising member shall determine whether there is probable cause 77265
to believe that the complaint filed alleges a violation of this 77266
chapter or the rules adopted under it and that the records sought 77267
are relevant to the alleged violation and material to the 77268
investigation. The subpoena may apply only to records that cover a 77269
reasonable period of time surrounding the alleged violation. 77270

On failure to comply with any subpoena issued by the board 77271
and after reasonable notice to the person being subpoenaed, the 77272
board may move for an order compelling the production of persons 77273
or records pursuant to the Rules of Civil Procedure. 77274

A subpoena issued by the board may be served by a sheriff, 77275
the sheriff's deputy, or a board employee designated by the board. 77276
Service of a subpoena issued by the board may be made by 77277
delivering a copy of the subpoena to the person named therein, 77278
reading it to the person, or leaving it at the person's usual 77279
place of residence. When the person being served is an oriental 77280
medicine practitioner or acupuncturist, service of the subpoena 77281
may be made by certified mail, restricted delivery, return receipt 77282
requested, and the subpoena shall be deemed served on the date 77283
delivery is made or the date the person refuses to accept 77284
delivery. 77285

A sheriff's deputy who serves a subpoena shall receive the 77286
same fees as a sheriff. Each witness who appears before the board 77287

in obedience to a subpoena shall receive the fees and mileage 77288
provided for under section 119.094 of the Revised Code. 77289

(D) All hearings and investigations of the board shall be 77290
considered civil actions for the purposes of section 2305.252 of 77291
the Revised Code. 77292

(E) Information received by the board pursuant to an 77293
investigation is confidential and not subject to discovery in any 77294
civil action. 77295

The board shall conduct all investigations and proceedings in 77296
a manner that protects the confidentiality of patients and persons 77297
who file complaints with the board. The board shall not make 77298
public the names or any other identifying information about 77299
patients or complainants unless proper consent is given. 77300

The board may share any information it receives pursuant to 77301
an investigation, including patient records and patient record 77302
information, with law enforcement agencies, other licensing 77303
boards, and other governmental agencies that are prosecuting, 77304
adjudicating, or investigating alleged violations of statutes or 77305
administrative rules. An agency or board that receives the 77306
information shall comply with the same requirements regarding 77307
confidentiality as those with which the state medical board must 77308
comply, notwithstanding any conflicting provision of the Revised 77309
Code or procedure of the agency or board that applies when it is 77310
dealing with other information in its possession. In a judicial 77311
proceeding, the information may be admitted into evidence only in 77312
accordance with the Rules of Evidence, but the court shall require 77313
that appropriate measures are taken to ensure that confidentiality 77314
is maintained with respect to any part of the information that 77315
contains names or other identifying information about patients or 77316
complainants whose confidentiality was protected by the state 77317
medical board when the information was in the board's possession. 77318
Measures to ensure confidentiality that may be taken by the court 77319

include sealing its records or deleting specific information from 77320
its records. 77321

(F) The state medical board shall develop requirements for 77322
and provide appropriate initial training and continuing education 77323
for investigators employed by the board to carry out its duties 77324
under this chapter. The training and continuing education may 77325
include enrollment in courses operated or approved by the Ohio 77326
peace officer training council that the board considers 77327
appropriate under conditions set forth in section 109.79 of the 77328
Revised Code. 77329

(G) On a quarterly basis, the board shall prepare a report 77330
that documents the disposition of all cases during the preceding 77331
three months. The report shall contain the following information 77332
for each case with which the board has completed its activities: 77333

(1) The case number assigned to the complaint or alleged 77334
violation; 77335

(2) The type of certificate to practice, if any, held by the 77336
individual against whom the complaint is directed; 77337

(3) A description of the allegations contained in the 77338
complaint; 77339

(4) The disposition of the case. 77340

The report shall state how many cases are still pending, and 77341
shall be prepared in a manner that protects the identity of each 77342
person involved in each case. The report is a public record for 77343
purposes of section 149.43 of the Revised Code. 77344

Sec. 4765.01. As used in this chapter: 77345

(A) "First responder" means an individual who holds a 77346
current, valid certificate issued under section 4765.30 of the 77347
Revised Code to practice as a first responder. 77348

(B) "Emergency medical technician-basic" or "EMT-basic" means 77349
an individual who holds a current, valid certificate issued under 77350
section 4765.30 of the Revised Code to practice as an emergency 77351
medical technician-basic. 77352

(C) "Emergency medical technician-intermediate" or "EMT-I" 77353
means an individual who holds a current, valid certificate issued 77354
under section 4765.30 of the Revised Code to practice as an 77355
emergency medical technician-intermediate. 77356

(D) "Emergency medical technician-paramedic" or "paramedic" 77357
means an individual who holds a current, valid certificate issued 77358
under section 4765.30 of the Revised Code to practice as an 77359
emergency medical technician-paramedic. 77360

(E) "Ambulance" means any motor vehicle that is used, or is 77361
intended to be used, for the purpose of responding to emergency 77362
medical situations, transporting emergency patients, and 77363
administering emergency medical service to patients before, 77364
during, or after transportation. 77365

(F) "Cardiac monitoring" means a procedure used for the 77366
purpose of observing and documenting the rate and rhythm of a 77367
patient's heart by attaching electrical leads from an 77368
electrocardiograph monitor to certain points on the patient's body 77369
surface. 77370

(G) "Emergency medical service" means any of the services 77371
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 77372
the Revised Code that are performed by first responders, emergency 77373
medical technicians-basic, emergency medical 77374
technicians-intermediate, and paramedics. "Emergency medical 77375
service" includes such services performed before or during any 77376
transport of a patient, including transports between hospitals and 77377
transports to and from helicopters. 77378

(H) "Emergency medical service organization" means a public 77379

or private organization using first responders, EMTs-basic, 77380
EMTs-I, or paramedics, or a combination of first responders, 77381
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 77382
services. 77383

(I) "Physician" means an individual who holds a current, 77384
valid ~~certificate~~ license issued under Chapter 4731. of the 77385
Revised Code authorizing the practice of medicine and surgery or 77386
osteopathic medicine and surgery. 77387

(J) "Registered nurse" means an individual who holds a 77388
current, valid license issued under Chapter 4723. of the Revised 77389
Code authorizing the practice of nursing as a registered nurse. 77390

(K) "Volunteer" means a person who provides services either 77391
for no compensation or for compensation that does not exceed the 77392
actual expenses incurred in providing the services or in training 77393
to provide the services. 77394

(L) "Emergency medical service personnel" means first 77395
responders, emergency medical technicians-basic, emergency medical 77396
technicians-intermediate, emergency medical technicians-paramedic, 77397
and persons who provide medical direction to such persons. 77398

(M) "Hospital" has the same meaning as in section 3727.01 of 77399
the Revised Code. 77400

(N) "Trauma" or "traumatic injury" means severe damage to or 77401
destruction of tissue that satisfies both of the following 77402
conditions: 77403

(1) It creates a significant risk of any of the following: 77404

(a) Loss of life; 77405

(b) Loss of a limb; 77406

(c) Significant, permanent disfigurement; 77407

(d) Significant, permanent disability. 77408

(2) It is caused by any of the following:	77409
(a) Blunt or penetrating injury;	77410
(b) Exposure to electromagnetic, chemical, or radioactive energy;	77411 77412
(c) Drowning, suffocation, or strangulation;	77413
(d) A deficit or excess of heat.	77414
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	77415 77416
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	77417 77418 77419 77420 77421 77422 77423
(Q) "Trauma center" means all of the following:	77424
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	77425 77426
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	77427 77428 77429
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	77430 77431 77432
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	77433 77434 77435 77436
(R) "Pediatric" means involving a patient who is less than	77437

sixteen years of age. 77438

(S) "Adult" means involving a patient who is not a pediatric patient. 77439
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(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging. 77441
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(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft. 77444
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(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code. 77447
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(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code. 77449
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(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code. 77453
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(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code. 77455
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(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 77457
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(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services. 77459
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(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 77465
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Sec. 4765.02. (A)(1) There is hereby created the state board 77468
of emergency medical, fire, and transportation services within the 77469
division of emergency medical services of the department of public 77470
safety. The board shall consist of the members specified in this 77471
section who are residents of this state. The governor, with the 77472
advice and consent of the senate, shall appoint all members of the 77473
board, except the employee of the department of public safety 77474
designated by the director of public safety under this section to 77475
be a member of the board. In making the appointments, the governor 77476
shall appoint only members with background or experience in 77477
emergency medical services or trauma care and shall attempt to 77478
include members representing urban and rural areas, various 77479
geographical regions of the state, and various schools of 77480
training. 77481

(2) One member of the board shall be a physician certified by 77482
the American board of emergency medicine or the American 77483
osteopathic board of emergency medicine who is active in the 77484
practice of emergency medicine and is actively involved with an 77485
emergency medical service organization. The governor shall appoint 77486
this member from among three persons nominated by the Ohio chapter 77487
of the American college of emergency physicians and three persons 77488
nominated by the Ohio osteopathic association. One member shall be 77489
a physician certified by the American board of surgery or the 77490
American osteopathic board of surgery who is active in the 77491
practice of trauma surgery and is actively involved with emergency 77492
medical services. The governor shall appoint this member from 77493
among three persons nominated by the Ohio chapter of the American 77494
college of surgeons and three persons nominated by the Ohio 77495
osteopathic association. One member shall be a physician certified 77496
by the American academy of pediatrics or American osteopathic 77497
board of pediatrics who is active in the practice of pediatric 77498
emergency medicine and actively involved with an emergency medical 77499

service organization. The governor shall appoint this member from 77500
among three persons nominated by the Ohio chapter of the American 77501
academy of pediatrics and three persons nominated by the Ohio 77502
osteopathic association. One member shall be the administrator of 77503
a hospital located in this state. The governor shall appoint this 77504
member from among three persons nominated by OHA: the association 77505
for hospitals and health systems, three persons nominated by the 77506
Ohio osteopathic association, and three persons nominated by the 77507
association of Ohio children's hospitals. One member shall be an 77508
adult or pediatric trauma program manager or trauma program 77509
director who is involved in the daily management of a verified 77510
trauma center. The governor shall appoint this member from among 77511
three persons nominated by the Ohio nurses association, three 77512
persons nominated by the Ohio society of trauma nurse leaders, and 77513
three persons nominated by the Ohio state council of the emergency 77514
nurses association. One member shall be the chief of a fire 77515
department that is also an emergency medical service organization 77516
in which more than fifty per cent of the persons who provide 77517
emergency medical services are full-time paid employees. The 77518
governor shall appoint this member from among three persons 77519
nominated by the Ohio fire chiefs' association. One member shall 77520
be the chief of a fire department that is also an emergency 77521
medical service organization in which more than fifty per cent of 77522
the persons who provide emergency medical services are volunteers. 77523
The governor shall appoint this member from among three persons 77524
nominated by the Ohio fire chiefs' association. One member shall 77525
be a person who is certified to teach under section 4765.23 of the 77526
Revised Code and holds a valid certificate to practice as an EMT, 77527
AEMT, or paramedic. The governor shall appoint this member from 77528
among three persons nominated by the Ohio emergency medical 77529
technician instructors association and the Ohio 77530
instructor/coordinators' society. One member shall be an EMT, 77531
AEMT, or paramedic, and one member shall be a paramedic. The 77532

governor shall appoint these members from among three EMTs or 77533
AEMTs and three paramedics nominated by the Ohio association of 77534
professional fire fighters and three EMTs, three AEMTs, and three 77535
paramedics nominated by the northern Ohio fire fighters. One 77536
member shall be an EMT, AEMT, or paramedic, and one member shall 77537
be a paramedic. The governor shall appoint these members from 77538
among three EMTs or AEMTs and three paramedics nominated by the 77539
Ohio state firefighter's association. One member shall be a person 77540
whom the governor shall appoint from among an EMT, AEMT, or a 77541
paramedic nominated by the Ohio association of emergency medical 77542
services or the Ohio ambulance and medical transportation 77543
association. One member shall be an EMT, AEMT, or a paramedic, 77544
whom the governor shall appoint from among three persons nominated 77545
by the Ohio ambulance and medical transportation association. One 77546
member shall be a paramedic, whom the governor shall appoint from 77547
among three persons nominated by the Ohio ambulance and medical 77548
transportation association. One member shall be the owner or 77549
operator of a private emergency medical service organization whom 77550
the governor shall appoint from among three persons nominated by 77551
the Ohio ambulance and medical transportation association. One 77552
member shall be a member of a third-service emergency medical 77553
service agency or organization whom the governor shall appoint 77554
from among three persons nominated by the Ohio EMS chiefs 77555
association. One member shall be a provider of mobile intensive 77556
care unit transportation in this state whom the governor shall 77557
appoint from among three persons nominated by the Ohio association 77558
of critical care transport. One member shall be a provider of 77559
air-medical transportation in this state whom the governor shall 77560
appoint from among three persons nominated by the Ohio association 77561
of critical care transport. One member shall be the owner or 77562
operator of a nonemergency medical service organization in this 77563
state that provides ambulette services whom the governor shall 77564
appoint from among three persons nominated by the Ohio ambulance 77565

and medical transportation association. 77566

The governor may refuse to appoint any of the persons 77567
nominated by one or more organizations under division (A)(2) of 77568
this section, except the employee of the department of public 77569
safety designated by the director of public safety under this 77570
section to be a member of the board. In that event, the 77571
organization or organizations shall continue to nominate the 77572
required number of persons until the governor appoints to the 77573
board one or more of the persons nominated by the organization or 77574
organizations. 77575

The director of public safety shall designate an employee of 77576
the department of public safety to serve as a member of the board 77577
at the director's pleasure. This member shall serve as a liaison 77578
between the department and the division of emergency medical 77579
services in cooperation with the executive director of the board. 77580

(B) Terms of office of all members appointed by the governor 77581
shall be for three years, each term ending on the same day of the 77582
same month as did the term it succeeds. Each member shall hold 77583
office from the date of appointment until the end of the term for 77584
which the member was appointed. A member shall continue in office 77585
subsequent to the expiration date of the member's term until the 77586
member's successor takes office, or until a period of sixty days 77587
has elapsed, whichever occurs first. 77588

Each vacancy shall be filled in the same manner as the 77589
original appointment. A member appointed to fill a vacancy 77590
occurring prior to the expiration of the term for which the 77591
member's predecessor was appointed shall hold office for the 77592
remainder of the unexpired term. 77593

The term of a member shall expire if the member ceases to 77594
meet any of the requirements to be appointed as that member. The 77595
governor may remove any member from office for neglect of duty, 77596

malfeasance, misfeasance, or nonfeasance, after an adjudication 77597
hearing held in accordance with Chapter 119. of the Revised Code. 77598

(C) The members of the board shall serve without compensation 77599
but shall be reimbursed for their actual and necessary expenses 77600
incurred in carrying out their duties as board members. 77601

(D) The board shall organize by annually selecting a chair 77602
and vice-chair from among its members. The board may adopt bylaws 77603
to regulate its affairs. A majority of all members of the board 77604
shall constitute a quorum. No action shall be taken without the 77605
concurrence of a majority of all members of the board. The board 77606
shall meet at least four times annually and at the call of the 77607
chair. The chair shall call a meeting on the request of the 77608
executive director or the medical director of the board or on the 77609
written request of five members. The board shall maintain written 77610
or electronic records of its meetings. 77611

(E) Upon twenty-four hours' notice from a member of the 77612
board, the member's employer shall release the member from the 77613
member's employment duties to attend meetings of the full board. 77614
Nothing in this division requires the employer of a member of the 77615
board to compensate the member for time the member is released 77616
from employment duties under this paragraph, but any civil 77617
immunity, workers' compensation, disability, or similar coverage 77618
that applies to a member of the board as a result of the member's 77619
employment shall continue to apply while the member is released 77620
from employment duties under this paragraph. 77621

Sec. 4776.01. As used in this chapter: 77622

(A) "License" means an authorization evidenced by a license, 77623
certificate, registration, permit, card, or other authority that 77624
is issued or conferred by a licensing agency to a licensee or to 77625
an applicant for an initial license by which the licensee or 77626
initial license applicant has or claims the privilege to engage in 77627

a profession, occupation, or occupational activity, or, except in 77628
the case of the state dental board, to have control of and operate 77629
certain specific equipment, machinery, or premises, over which the 77630
licensing agency has jurisdiction. 77631

(B) Except as provided in section 4776.20 of the Revised 77632
Code, "licensee" means the person to whom the license is issued by 77633
a licensing agency. "Licensee" includes a person who, for purposes 77634
of section 3796.13 of the Revised Code, has complied with sections 77635
4776.01 to 4776.04 of the Revised Code and has been determined by 77636
the department of commerce or state board of pharmacy, as the 77637
applicable licensing agency, to meet the requirements for 77638
employment. 77639

(C) Except as provided in section 4776.20 of the Revised 77640
Code, "licensing agency" means any of the following: 77641

(1) The board authorized by Chapters 4701., 4717., 4725., 77642
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 77643
4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the 77644
Revised Code to issue a license to engage in a specific 77645
profession, occupation, or occupational activity, or to have 77646
charge of and operate certain ~~specified~~ specific equipment, 77647
machinery, or premises. 77648

(2) The state dental board, relative to its authority to 77649
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 77650
4715.27 of the Revised Code; 77651

(3) The department of commerce or state board of pharmacy, 77652
relative to its authority under Chapter 3796. of the Revised Code 77653
and any rules adopted under that chapter with respect to a person 77654
who is subject to section 3796.13 of the Revised Code. 77655

(D) "Applicant for an initial license" includes persons 77656
seeking a license for the first time and persons seeking a license 77657
by reciprocity, endorsement, or similar manner of a license issued 77658

in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code. 77659
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(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code. 77663
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(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 77666
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Sec. 4776.02. (A) An applicant for an initial license or restored license from a licensing agency, a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, or a person seeking to satisfy the requirements to be an employee of a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification under section 4729.553 of the Revised Code, ~~or a person seeking employment with an entity holding a license issued under Chapter 3796. of the Revised Code~~ shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant or person. The request shall be accompanied by a completed copy of the form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of that section, and the fee prescribed under division (C)(3) of that section. The applicant or person shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant or person. 77668
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An applicant or person requesting a criminal records check 77689

shall provide the bureau of criminal identification and 77690
investigation with the applicant's or person's name and address 77691
and, regarding an applicant, with the licensing agency's name and 77692
address. ~~If the person requesting the criminal records check is a 77693~~
~~person seeking employment with an entity holding a license under 77694~~
~~Chapter 3796. of the Revised Code, the person also shall provide 77695~~
~~the bureau with the name and address of the entity holding the 77696~~
~~license. 77697~~

(B) Upon receipt of the completed form, the set of 77698
fingerprint impressions, and the fee provided for in division (A) 77699
of this section, the superintendent of the bureau of criminal 77700
identification and investigation shall conduct a criminal records 77701
check of the applicant or person under division (B) of section 77702
109.572 of the Revised Code. Upon completion of the criminal 77703
records check, the superintendent shall do whichever of the 77704
following is applicable: 77705

(1) If the request was submitted by an applicant for an 77706
initial license or restored license, report the results of the 77707
criminal records check and any information the federal bureau of 77708
investigation provides to the licensing agency identified in the 77709
request for a criminal records check; 77710

(2) If the request was submitted by a person seeking to 77711
satisfy the requirements to be an employee of a pain management 77712
clinic or a person seeking to satisfy the requirements to be an 77713
employee of a facility, clinic, or other location that is subject 77714
to licensure as a category III terminal distributor of dangerous 77715
drugs with an office-based opioid treatment classification, do 77716
both of the following: 77717

(a) Report the results of the criminal records check and any 77718
information the federal bureau of investigation provides to the 77719
person who submitted the request; 77720

(b) Report the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code to the employer or potential employer specified in the request of the person who submitted the request and send a letter to that employer or potential employer regarding the information provided by the federal bureau of investigation that states whichever of the following is applicable:

(i) That based on that information there is no record of any conviction;

(ii) That based on that information the person who submitted the request may not meet the criteria that are specified in section 4729.552 or 4729.553 of the Revised Code, whichever is applicable.

~~(3) If the request was submitted by a person seeking employment with an entity holding a license issued under Chapter 3796. of the Revised Code, report the results of the criminal records check, including any information the federal bureau of investigation provides as part of the criminal records check, to both of the following:~~

~~(a) The person who submitted the request;~~

~~(b) The entity holding a license issued under Chapter 3796. of the Revised Code from which the person who submitted the request is seeking employment.~~

Sec. 4776.04. The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as

follows: 77751

(A) If the request for the criminal records check was 77752
submitted by an applicant for an initial license or restored 77753
license, as follows: 77754

(1) The superintendent of the bureau of criminal 77755
identification and investigation shall make the results available 77756
to the licensing agency for use in determining, under the agency's 77757
authorizing chapter of the Revised Code, whether the applicant who 77758
is the subject of the criminal records check should be granted a 77759
license under that chapter. 77760

(2) The licensing agency shall make the results available to 77761
the applicant who is the subject of the criminal records check. 77762

(B) If the request for the criminal records check was 77763
submitted by a person seeking to satisfy the requirements to be an 77764
employee of a pain management clinic as specified in section 77765
4729.552 of the Revised Code or a person seeking to satisfy the 77766
requirements to be an employee of a facility, clinic, or other 77767
location that is subject to licensure as a category III terminal 77768
distributor of dangerous drugs with an office-based opioid 77769
treatment classification, the superintendent of the bureau of 77770
criminal identification and investigation shall make the results 77771
available in accordance with the following: 77772

(1) The superintendent shall make the results of the criminal 77773
records check, including any information the federal bureau of 77774
investigation provides, available to the person who submitted the 77775
request and is the subject of the criminal records check. 77776

(2) The superintendent shall make the results of the portion 77777
of the criminal records check performed by the bureau of criminal 77778
identification and investigation under division (B)(1) of section 77779
109.572 of the Revised Code available to the employer or potential 77780

employer specified in the request of the person who submitted the 77781
request and shall send a letter of the type described in division 77782
(B)(2) of section 4776.02 of the Revised Code to that employer or 77783
potential employer regarding the information provided by the 77784
federal bureau of investigation that contains one of the types of 77785
statements described in that division. 77786

(C) If the request for the criminal records check was 77787
submitted by an applicant for a trainee license under section 77788
4776.021 of the Revised Code, as follows: 77789

(1) The superintendent of the bureau of criminal 77790
identification and investigation shall make the results available 77791
to the licensing agency or other agency identified in division (B) 77792
of section 4776.021 of the Revised Code for use in determining, 77793
under the agency's authorizing chapter of the Revised Code and 77794
division (D) of section 4776.021 of the Revised Code, whether the 77795
applicant who is the subject of the criminal records check should 77796
be granted a trainee license under that chapter and that division. 77797

(2) The licensing agency or other agency identified in 77798
division (B) of section 4776.021 of the Revised Code shall make 77799
the results available to the applicant who is the subject of the 77800
criminal records check. 77801

~~(D) If the request for the criminal records check was 77802
submitted by a person seeking employment with an entity holding a 77803
license issued under Chapter 3796. of the Revised Code, the 77804
superintendent shall make the results available in accordance with 77805
division (B)(3) of section 4776.02 of the Revised Code. 77806~~

Sec. 4776.20. (A) As used in this section: 77807

(1) "Licensing agency" means, in addition to each board 77808
identified in division (C) of section 4776.01 of the Revised Code, 77809
the board or other government entity authorized to issue a license 77810

under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 77811
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 77812
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 77813
4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 77814
"Licensing agency" includes an administrative officer that has 77815
authority to issue a license. 77816

(2) "Licensee" means, in addition to a licensee as described 77817
in division (B) of section 4776.01 of the Revised Code, the person 77818
to whom a license is issued by the board or other government 77819
entity authorized to issue a license under Chapters 4703., 4707., 77820
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 77821
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 77822
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 77823
~~4778.~~ and 4781. of the Revised Code. 77824

(3) "Prosecutor" has the same meaning as in section 2935.01 77825
of the Revised Code. 77826

(B) On a licensee's conviction of, plea of guilty to, 77827
judicial finding of guilt of, or judicial finding of guilt 77828
resulting from a plea of no contest to the offense of trafficking 77829
in persons in violation of section 2905.32 of the Revised Code, 77830
the prosecutor in the case shall promptly notify the licensing 77831
agency of the conviction, plea, or finding and provide the 77832
licensee's name and residential address. On receipt of this 77833
notification, the licensing agency shall immediately suspend the 77834
licensee's license. 77835

(C) If there is a conviction of, plea of guilty to, judicial 77836
finding of guilt of, or judicial finding of guilt resulting from a 77837
plea of no contest to the offense of trafficking in persons in 77838
violation of section 2905.32 of the Revised Code and all or part 77839
of the violation occurred on the premises of a facility that is 77840
licensed by a licensing agency, the prosecutor in the case shall 77841
promptly notify the licensing agency of the conviction, plea, or 77842

finding and provide the facility's name and address and the 77843
offender's name and residential address. On receipt of this 77844
notification, the licensing agency shall immediately suspend the 77845
facility's license. 77846

(D) Notwithstanding any provision of the Revised Code to the 77847
contrary, the suspension of a license under division (B) or (C) of 77848
this section shall be implemented by a licensing agency without a 77849
prior hearing. After the suspension, the licensing agency shall 77850
give written notice to the subject of the suspension of the right 77851
to request a hearing under Chapter 119. of the Revised Code. After 77852
a hearing is held, the licensing agency shall either revoke or 77853
permanently revoke the ~~licence~~ license of the subject of the 77854
suspension, unless it determines that the license holder has not 77855
been convicted of, pleaded guilty to, been found guilty of, or 77856
been found guilty based on a plea of no contest to the offense of 77857
trafficking in persons in violation of section 2905.32 of the 77858
Revised Code. 77859

Sec. 4781.04. (A) The manufactured homes commission shall 77860
adopt rules pursuant to Chapter 119. of the Revised Code to do all 77861
of the following: 77862

(1) Establish uniform standards that govern the installation 77863
of manufactured housing. ~~Not later than one hundred eighty days~~ 77864
~~after the secretary of the United States department of housing and~~ 77865
~~urban development adopts model standards for the installation of~~ 77866
~~manufactured housing or amends those standards, the commission~~ 77867
~~shall amend its standards as necessary to be that are consistent~~ 77868
with, and not less stringent than, the model standards for the 77869
design and installation of manufactured housing the secretary of 77870
the United States department of housing and urban development 77871
adopts ~~or any manufacturers' standards that the secretary~~ 77872
~~determines are equal to or not less stringent than the model~~ 77873

standards;	77874
(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the commission, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the commission establishes pursuant to this section.	77875 77876 77877 77878 77879 77880 77881 77882
(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the commission, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section.	77883 77884 77885 77886 77887 77888 77889 77890 77891 77892
(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;	77893 77894 77895 77896
(5) Establish a code of ethics for manufactured housing installers;	77897 77898
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	77899 77900
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	77901 77902 77903 77904

- (8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities; 77905
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- (9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson; 77907
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- (10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued. 77913
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- (11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code; 77928
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- (12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code; 77931
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- (13) Develop a policy regarding the maintenance of records 77935

for any inspection authorized or conducted pursuant to this 77936
chapter. Any record maintained under division (A)(13) of this 77937
section shall be a public record under section 149.43 of the 77938
Revised Code. 77939

(14) Carry out any other provision of this chapter. 77940

(B) The manufactured homes commission shall do all of the 77941
following: 77942

(1) Prepare and administer a licensure examination to 77943
determine an applicant's knowledge of manufactured housing 77944
installation and other aspects of installation the commission 77945
determines appropriate; 77946

(2) Select, provide, or procure appropriate examination 77947
questions and answers for the licensure examination and establish 77948
the criteria for successful completion of the examination; 77949

(3) Prepare and distribute any application form this chapter 77950
requires; 77951

(4) Receive applications for licenses and renewal of licenses 77952
and issue licenses to qualified applicants; 77953

(5) Establish procedures for processing, approving, and 77954
disapproving applications for licensure; 77955

(6) Retain records of applications for licensure, including 77956
all application materials submitted and a written record of the 77957
action taken on each application; 77958

(7) Review the design and plans for manufactured housing 77959
installations, foundations, and support systems; 77960

(8) Inspect a sample of homes at a percentage the commission 77961
determines to evaluate the construction and installation of 77962
manufactured housing installations, foundations, and support 77963
systems to determine compliance with the standards the commission 77964
adopts; 77965

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;	77966 77967 77968 77969
(10) Determine appropriate disciplinary actions for violations of this chapter;	77970 77971
(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours.	77972 77973 77974 77975 77976 77977
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	77978 77979 77980
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	77981 77982
(C) Nothing in this section, or in any rule adopted by the manufactured homes commission, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.	77983 77984 77985 77986 77987 77988 77989 77990
Sec. 4781.07. (A) Pursuant to rules the manufactured homes commission adopts, the commission may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the commission's enforcement authority, accept and approve plans and	77991 77992 77993 77994 77995

specifications for foundations, support systems and installations, 77996
and inspect manufactured housing foundations, support systems, and 77997
manufactured housing installations. Any certification is effective 77998
for three years. 77999

(B) Following an investigation and finding of facts that 78000
support its action, the commission may revoke or suspend 78001
certification. The commission may initiate an investigation on its 78002
own motion or the petition of a person affected by the enforcement 78003
or approval of plans. 78004

(C)(1) If a township, municipal corporation, or county does 78005
not have a building department that is certified pursuant to this 78006
section, it may designate by resolution or ordinance another 78007
building department that has been certified pursuant to this 78008
section to exercise the commission's enforcement authority, accept 78009
and approve plans and specifications for foundations, support 78010
systems and installations, and inspect manufactured housing 78011
foundations, support systems, and manufactured housing 78012
installations. The designation is effective upon acceptance by the 78013
designee. 78014

(2) An owner of a manufactured home or an operator of a 78015
manufactured home park may request an inspection and obtain an 78016
approval described in division (C)(1) of this section from any 78017
building department certified pursuant to this section designated 78018
by the township, municipal corporation, or county in which the 78019
owner's manufactured home or operator's manufactured home park is 78020
located. 78021

Sec. 4781.121. (A) The manufactured homes commission, 78022
pursuant to section 4781.04 of the Revised Code, may investigate 78023
any person who allegedly has committed a violation. If, after an 78024
investigation the commission determines that reasonable evidence 78025

exists that a person has committed a violation, within seven days 78026
after that determination, the commission shall send a written 78027
notice to that person in the same manner as prescribed in section 78028
119.07 of the Revised Code for licensees, except that the notice 78029
shall specify that a hearing will be held and specify the date, 78030
time, and place of the hearing. 78031

(B) The commission shall hold a hearing regarding the alleged 78032
violation in the same manner prescribed for an adjudication 78033
hearing under section 119.09 of the Revised Code. If the 78034
commission, after the hearing, determines that a violation has 78035
occurred, the commission, upon an affirmative vote of five of its 78036
members, may impose a fine not exceeding one thousand dollars per 78037
violation per day. The commission's determination is an order that 78038
the person may appeal in accordance with section 119.12 of the 78039
Revised Code. 78040

(C) If the person who allegedly committed a violation fails 78041
to appear for a hearing, the commission may request the court of 78042
common pleas of the county where the alleged violation occurred to 78043
compel the person to appear before the commission for a hearing. 78044

(D) If the commission assesses a person a civil penalty for a 78045
violation and the person fails to pay that civil penalty within 78046
the time period prescribed by the commission pursuant to section 78047
131.02 of the Revised Code, the commission shall forward to the 78048
attorney general the name of the person and the amount of the 78049
civil penalty for the purpose of collecting that civil penalty. In 78050
addition to the civil penalty assessed pursuant to this section, 78051
the person also shall pay any fee assessed by the attorney general 78052
for collection of the civil penalty. 78053

(E) The authority provided to the commission pursuant to this 78054
section, and any fine imposed under this section, shall be in 78055
addition to, and not in lieu of, all penalties and other remedies 78056
provided in this chapter. Any fines collected pursuant to this 78057

section shall be used solely to administer and enforce this 78058
chapter and rules adopted under it. Any fees collected pursuant to 78059
this section shall be transmitted to the treasurer of state and 78060
shall be credited to the manufactured homes commission regulatory 78061
fund created in section 4781.54 of the Revised Code and the rules 78062
adopted thereunder. The fees shall be used only for the purpose of 78063
administering and enforcing sections 4781.26 to 4781.35 of the 78064
Revised Code and the rules adopted thereunder. 78065

(F) As used in this section, "violation" means a violation of 78066
section 4781.11, 4781.16, ~~or~~ 4781.27, or 4781.57 or any rule 78067
adopted pursuant to section 4781.04~~7~~ of the Revised Code. 78068

Sec. 4781.281. (A) The manufactured homes commission may 78069
charge a fee for inspector certification. The fees shall include 78070
all of the following: 78071

(1) The nonrefundable certification fee for inspectors shall 78072
not be greater than fifty dollars for each three-year 78073
certification period. 78074

(2) The nonrefundable certification renewal fee for 78075
inspectors shall not be greater than fifty dollars. 78076

(3) The nonrefundable late fee for certification renewal 78077
shall not be greater than twenty-five dollars in addition to the 78078
renewal fee. 78079

(B) The commission may adopt rules pursuant to Chapter 119. 78080
of the Revised Code establishing fees less than those described in 78081
division (A) of this section. 78082

Sec. 4781.56. (A) The manufactured homes commission may 78083
contract with the board of health of a city or general health 78084
district to permit the commission to abate and remove, in 78085
accordance with sections 3707.01 to 3707.021 of the Revised Code, 78086
any abandoned or unoccupied manufactured home, mobile home, or 78087

recreational vehicle that constitutes a nuisance and that is 78088
located in a manufactured home park within the board of health's 78089
jurisdiction. Under the contract, the commission may receive 78090
complaints of abandoned or unoccupied manufactured homes, mobile 78091
homes, or recreational vehicles that constitute a nuisance and 78092
may, by order, compel the park operator to abate and remove the 78093
nuisance. The park operator shall pay any costs for the removal. 78094

(B) The sheriff, police officer, constable, or bailiff shall 78095
not be liable pursuant to the abatement or removal of any 78096
abandoned or unoccupied manufactured home, mobile home, or 78097
recreational vehicle pursuant to this section. 78098

Sec. 4781.57. The park operator of a manufactured home park 78099
shall ensure that all manufactured home park buildings, lots, 78100
streets, walkways, manufactured homes, mobile homes, and other 78101
facilities located in the manufactured home park shall be 78102
maintained in a condition satisfactory to the commission at all 78103
times. 78104

Sec. 4901.041. The chairperson of the public utilities 78105
commission shall not be a member of the governor's cabinet. 78106

Sec. 4905.02. (A) As used in this chapter, "public utility" 78107
includes every corporation, company, copartnership, person, or 78108
association, the lessees, trustees, or receivers of the foregoing, 78109
defined in section 4905.03 of the Revised Code, including any 78110
public utility that operates its utility not for profit, except 78111
the following: 78112

(1) An electric light company that operates its utility not 78113
for profit; 78114

(2) A public utility, other than a telephone company, that is 78115
owned and operated exclusively by and solely for the utility's 78116

customers, including any consumer or group of consumers	78117
purchasing, delivering, storing, or transporting, or seeking to	78118
purchase, deliver, store, or transport, natural gas exclusively by	78119
and solely for the consumer's or consumers' own intended use as	78120
the end user or end users and not for profit;	78121
(3) A public utility that is owned or operated by any	78122
municipal corporation;	78123
(4) A railroad as defined in sections 4907.02 and 4907.03 of	78124
the Revised Code;	78125
(5) Any provider, including a telephone company, with respect	78126
to its provision of any of the following:	78127
(a) Advanced services as defined in 47 C.F.R. 51.5;	78128
(b) Broadband service, however defined or classified by the	78129
federal communications commission;	78130
(c) Information service as defined in the "Telecommunications	78131
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20);	78132
(d) Subject to division (A) of section 4927.03 of the Revised	78133
Code, internet protocol-enabled services as defined in section	78134
4927.01 of the Revised Code;	78135
(e) Subject to division (A) of section 4927.03 of the Revised	78136
Code, any telecommunications service as defined in section 4927.01	78137
of the Revised Code to which both of the following apply:	78138
(i) The service was not commercially available on September	78139
13, 2010, the effective date of the amendment of this section by	78140
S.B. 162 of the 128th general assembly.	78141
(ii) The service employs technology that became available for	78142
commercial use only after September 13, 2010, the effective date	78143
of the amendment of this section by S.B. 162 of the 128th general	78144
assembly.	78145
(B)(1) "Public utility" includes a for-hire motor carrier	78146

even if the carrier is operated in connection with an entity 78147
described in division (A)(1), (2), (4), or (5) of this section. 78148

(2) Division (A) of this section shall not be construed to 78149
relieve a private motor carrier, operated in connection with an 78150
entity described in division (A)(1), (2), (4), or (5) of this 78151
section, from compliance with ~~any~~ either of the following: 78152

(a) Chapter 4923. of the Revised Code; 78153

(b) ~~Hazardous material regulation under section 4921.15 of 78154
the Revised Code and division (H) of section 4921.19 of the 78155
Revised Code, or rules adopted thereunder;~~ 78156

~~(c)~~ Rules governing unified carrier registration adopted 78157
under section 4921.11 of the Revised Code. 78158

Sec. 4906.01. As used in Chapter 4906. of the Revised Code: 78159

(A) "Person" means an individual, corporation, business 78160
trust, association, estate, trust, or partnership or any officer, 78161
board, commission, department, division, or bureau of the state or 78162
a political subdivision of the state, or any other entity. 78163

(B)(1) "Major utility facility" means: 78164

(a) Electric generating plant and associated facilities 78165
designed for, or capable of, operation at a capacity of fifty 78166
megawatts or more; 78167

(b) An electric transmission line and associated facilities 78168
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 78169

(c) A gas pipeline that is greater than five hundred feet in 78170
length, and its associated facilities, is more than nine inches in 78171
outside diameter and is designed for transporting gas at a maximum 78172
allowable operating pressure in excess of one hundred twenty-five 78173
pounds per square inch. 78174

(2) "Major utility facility" does not include any of the 78175

following:	78176
(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;	78177 78178
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;	78179 78180
(c) Electric distributing lines and associated facilities as defined by the power siting board;	78181 78182
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;	78183 78184 78185
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;	78186 78187 78188
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;	78189 78190
(g) Natural gas liquids finished product pipelines;	78191
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;	78192 78193 78194 78195
(i) Any natural gas liquids fractionation plant;	78196
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;	78197 78198 78199
(k) Any compressor stations used by the following:	78200
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;	78201 78202 78203
(ii) A natural gas liquids finished product pipeline, a	78204

natural gas liquids fractionation plant, or any pipeline upstream 78205
of a natural gas liquids fractionation plant; or 78206

(iii) A production operation as defined in section 1509.01 of 78207
the Revised Code. 78208

(C) "Commence to construct" means any clearing of land, 78209
excavation, or other action that would adversely affect the 78210
natural environment of the site or route of a major utility 78211
facility, but does not include surveying changes needed for 78212
temporary use of sites or routes for nonutility purposes, or uses 78213
in securing geological data, including necessary borings to 78214
ascertain foundation conditions. 78215

(D) "Certificate" means a certificate of environmental 78216
compatibility and public need issued by the power siting board 78217
under section 4906.10 of the Revised Code or a construction 78218
certificate issued by the board under rules adopted under division 78219
(E) or (F) of section 4906.03 of the Revised Code. 78220

(E) "Gas" means natural gas, flammable gas, or gas that is 78221
toxic or corrosive. 78222

(F) "Natural gas liquids finished product pipeline" means a 78223
pipeline that carries finished product natural gas liquids to the 78224
inlet of an interstate or intrastate finished product natural gas 78225
liquid transmission pipeline, rail loading facility, or other 78226
petrochemical or refinery facility. 78227

(G) "Natural gas liquids fractionation plant" means a 78228
facility that takes a feed of raw natural gas liquids and produces 78229
finished product natural gas liquids. 78230

(H) "Raw natural gas" means hydrocarbons that are produced in 78231
a gaseous state from gas wells and that generally include methane, 78232
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 78233
nonanes, and decanes, plus other naturally occurring impurities 78234
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 78235

and helium. 78236

(I) "Raw natural gas liquids" means naturally occurring 78237
hydrocarbons contained in raw natural gas that are extracted in a 78238
gas processing plant and liquefied and generally include mixtures 78239
of ethane, propane, butanes, and natural gasoline. 78240

(J) "Finished product natural gas liquids" means an 78241
individual finished product produced by a natural gas liquids 78242
fractionation plant as a liquid that meets the specifications for 78243
commercial products as defined by the gas processors association. 78244
Those products include ethane, propane, iso-butane, normal butane, 78245
and natural gasoline. 78246

Sec. 4906.10. (A) The power siting board shall render a 78247
decision upon the record either granting or denying the 78248
application as filed, or granting it upon such terms, conditions, 78249
or modifications of the construction, operation, or maintenance of 78250
the major utility facility as the board considers appropriate. The 78251
certificate shall be conditioned upon the facility being in 78252
compliance with standards and rules adopted under sections 78253
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 78254
of the Revised Code. An applicant may withdraw an application if 78255
the board grants a certificate on terms, conditions, or 78256
modifications other than those proposed by the applicant in the 78257
application. ~~The period of initial operation under a certificate 78258~~
~~shall expire two years after the date on which electric power is 78259~~
~~first generated by the facility. During the period of initial 78260~~
~~operation, the facility shall be subject to the enforcement and 78261~~
~~monitoring powers of the director of environmental protection 78262~~
~~under Chapters 3704., 3734., and 6111. of the Revised Code and to 78263~~
~~the emergency provisions under those chapters. If a major utility 78264~~
~~facility constructed in accordance with the terms and conditions 78265~~
~~of its certificate is unable to operate in compliance with all 78266~~

~~applicable requirements of state laws, rules, and standards 78267
pertaining to air pollution, the facility may apply to the 78268
director of environmental protection for a conditional operating 78269
permit under division (C) of section 3704.03 of the Revised Code 78270
and the rules adopted thereunder. The operation of a major utility 78271
facility in compliance with a conditional operating permit is not 78272
in violation of its certificate. After the expiration of the 78273
period of initial operation of a major utility facility, the 78274
facility shall be under the jurisdiction of the environmental 78275
protection agency and shall comply with all laws, rules, and 78276
standards pertaining to air pollution, water pollution, and solid 78277
and hazardous waste disposal. 78278~~

The board shall not grant a certificate for the construction, 78279
operation, and maintenance of a major utility facility, either as 78280
proposed or as modified by the board, unless it finds and 78281
determines all of the following: 78282

(1) The basis of the need for the facility if the facility is 78283
an electric transmission line or gas pipeline; 78284

(2) The nature of the probable environmental impact; 78285

(3) That the facility represents the minimum adverse 78286
environmental impact, considering the state of available 78287
technology and the nature and economics of the various 78288
alternatives, and other pertinent considerations; 78289

(4) In the case of an electric transmission line or 78290
generating facility, that the facility is consistent with regional 78291
plans for expansion of the electric power grid of the electric 78292
systems serving this state and interconnected utility systems and 78293
that the facility will serve the interests of electric system 78294
economy and reliability; 78295

(5) That the facility will comply with Chapters 3704., 3734., 78296
and 6111. of the Revised Code and all rules and standards adopted 78297

under those chapters and under sections 1501.33, 1501.34, and 78298
4561.32 of the Revised Code. In determining whether the facility 78299
will comply with all rules and standards adopted under section 78300
4561.32 of the Revised Code, the board shall consult with the 78301
office of aviation of the division of multi-modal planning and 78302
programs of the department of transportation under section 78303
4561.341 of the Revised Code. 78304

(6) That the facility will serve the public interest, 78305
convenience, and necessity; 78306

(7) In addition to the provisions contained in divisions 78307
(A)(1) to (6) of this section and rules adopted under those 78308
divisions, what its impact will be on the viability as 78309
agricultural land of any land in an existing agricultural district 78310
established under Chapter 929. of the Revised Code that is located 78311
within the site and alternative site of the proposed major utility 78312
facility. Rules adopted to evaluate impact under division (A)(7) 78313
of this section shall not require the compilation, creation, 78314
submission, or production of any information, document, or other 78315
data pertaining to land not located within the site and 78316
alternative site. 78317

(8) That the facility incorporates maximum feasible water 78318
conservation practices as determined by the board, considering 78319
available technology and the nature and economics of the various 78320
alternatives. 78321

(B) If the board determines that the location of all or a 78322
part of the proposed facility should be modified, it may condition 78323
its certificate upon that modification, provided that the 78324
municipal corporations and counties, and persons residing therein, 78325
affected by the modification shall have been given reasonable 78326
notice thereof. 78327

(C) A copy of the decision and any opinion issued therewith 78328

shall be served upon each party. 78329

Sec. 4906.13. (A) As used in this section and sections 78330
4906.20 and 4906.98 of the Revised Code, "economically significant 78331
wind farm" means wind turbines and associated facilities with a 78332
single interconnection to the electrical grid and designed for, or 78333
capable of, operation at an aggregate capacity of five or more 78334
megawatts but less than fifty megawatts. The term excludes any 78335
such wind farm in operation on ~~the effective date of this section~~ 78336
June 24, 2008. 78337

(B) No public agency or political subdivision of this state 78338
may require any approval, consent, permit, certificate, or other 78339
condition for the construction or ~~initial~~ operation of a major 78340
utility facility or economically significant wind farm authorized 78341
by a certificate issued pursuant to Chapter 4906. of the Revised 78342
Code. Nothing herein shall prevent the application of state laws 78343
for the protection of employees engaged in the construction of 78344
such facility or wind farm nor of municipal regulations that do 78345
not pertain to the location or design of, or pollution control and 78346
abatement standards for, a major utility facility or economically 78347
significant wind farm for which a certificate has been granted 78348
under this chapter. 78349

Sec. 4906.20. (A) No person shall commence to construct an 78350
economically significant wind farm in this state without first 78351
having obtained a certificate from the power siting board. An 78352
economically significant wind farm with respect to which such a 78353
certificate is required shall be constructed, operated, and 78354
maintained in conformity with that certificate and any terms, 78355
conditions, and modifications it contains. A certificate shall be 78356
issued only pursuant to this section. The certificate may be 78357
transferred, subject to the approval of the board, to a person 78358
that agrees to comply with those terms, conditions, and 78359

modifications. 78360

(B) The board shall adopt rules governing the certificating 78361
of economically significant wind farms under this section. Initial 78362
rules shall be adopted within one hundred twenty days after June 78363
24, 2008. 78364

(1) The rules shall provide for an application process for 78365
certificating economically significant wind farms that is 78366
identical to the extent practicable to the process applicable to 78367
certificating major utility facilities under sections 4906.06, 78368
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 78369
Revised Code and shall prescribe a reasonable schedule of 78370
application filing fees structured in the manner of the schedule 78371
of filing fees required for major utility facilities. The rules 78372
shall require an applicant to do all of the following: 78373

(a) Hold a public information meeting not later than ninety 78374
days prior to the filing of the application; 78375

(b) Provide notice that includes information on both the 78376
meeting and the wind turbine setback requirements under division 78377
(B)(2) of this section through both of the following methods: 78378

(i) Publication in a newspaper of general circulation in the 78379
area in which the economically significant wind farm is proposed 78380
to be constructed; 78381

(ii) A letter to each property owner of, and each tenant 78382
residing on, property that abuts the property on which the 78383
economically significant wind farm is proposed to be constructed. 78384

(2) Additionally, the rules shall prescribe reasonable 78385
regulations regarding any wind turbines and associated facilities 78386
of an economically significant wind farm, including, but not 78387
limited to, their location, erection, construction, 78388
reconstruction, change, alteration, maintenance, removal, use, or 78389

enlargement and including erosion control, aesthetics, 78390
recreational land use, wildlife protection, interconnection with 78391
power lines and with regional transmission organizations, 78392
independent transmission system operators, or similar 78393
organizations, ice throw, sound and noise levels, blade shear, 78394
shadow flicker, decommissioning, and necessary cooperation for 78395
site visits and enforcement investigations. 78396

(a) The rules also shall prescribe a minimum setback for a 78397
wind turbine of an economically significant wind farm. That 78398
minimum shall be equal to a horizontal distance, from the 78399
turbine's base to the property line of the wind farm property, 78400
equal to one and ~~one-tenth~~ two-tenths times the total height of 78401
the turbine structure as measured from its base to the tip of its 78402
highest blade and be at least one thousand ~~one~~ two hundred 78403
twenty-five feet in horizontal distance from the tip of the 78404
turbine's nearest blade at ninety degrees to ~~property line the~~ 78405
exterior of the nearest, habitable, residential structure, if any, 78406
located on adjacent property at the time of the certification 78407
application. 78408

(b)(i) For any existing certificates and amendments thereto, 78409
and existing certification applications that have been found by 78410
the chairperson to be in compliance with division (A) of section 78411
4906.06 of the Revised Code before the effective date of the 78412
amendment of this section by H.B. 59 of the 130th general 78413
assembly, September 29, 2013, the distance to the exterior of the 78414
nearest, habitable, residential structure shall be seven hundred 78415
fifty feet ~~instead of one thousand one hundred twenty five feet.~~ 78416

(ii) Any amendment made to an existing certificate after the 78417
effective date of the amendment of this section by H.B. 483 of the 78418
130th general assembly shall be subject to the setback provision 78419
of this section as amended by that act. The amendments to this 78420
section by that act shall not be construed to limit or abridge any 78421

rights or remedies in equity or under the common law. 78422

(c) The (i) Except as provided in division (B)(2)(c)(ii) of 78423
this section, the setback shall apply in all cases except those in 78424
which all owners of property adjacent to the wind farm property 78425
waive application of the setback to that property pursuant to a 78426
procedure the board shall establish by rule and except in which, 78427
in a particular case, the board determines that a setback greater 78428
than the minimum is necessary. 78429

(ii) Any owner or owners of a property may only waive 78430
application of the setback with respect to the owner's or owners' 78431
property. 78432

Sec. 4906.201. (A) An electric generating plant that consists 78433
of wind turbines and associated facilities with a single 78434
interconnection to the electrical grid that is designed for, or 78435
capable of, operation at an aggregate capacity of fifty megawatts 78436
or more is subject to the minimum setback requirements established 78437
in rules adopted by the power siting board under division (B)(2) 78438
of section 4906.20 of the Revised Code. 78439

(B)(1) For any existing certificates and amendments thereto, 78440
and existing certification applications that have been found by 78441
the chairperson to be in compliance with division (A) of section 78442
4906.06 of the Revised Code before the effective date of the 78443
amendment of this section by H.B. 59 of the 130th general 78444
assembly, September 29, 2013, the distance to the exterior of the 78445
nearest, habitable, residential structure shall be seven hundred 78446
fifty feet ~~instead of one thousand one hundred twenty five feet.~~ 78447

(2) Any amendment made to an existing certificate after the 78448
effective date of the amendment of this section by H.B. 483 of the 78449
130th general assembly, shall be subject to the setback provision 78450
of this section as amended by that act. The amendments to this 78451
section by that act shall not be construed to limit or abridge any 78452

rights or remedies in equity or under the common law. 78453

Sec. 4911.021. The consumers' counsel shall not operate a 78454
telephone call center for consumer complaints. ~~Any~~ However, for 78455
any calls received by the consumers' counsel concerning consumer 78456
complaints ~~shall be forwarded,~~ the consumers' counsel may assist 78457
consumers with their complaints or forward the calls to the public 78458
utilities commission's call center. 78459

Sec. 4921.01. As used in this chapter: 78460

(A) "Ambulance" has the same meaning as in section 4766.01 of 78461
the Revised Code. 78462

(B) "For-hire motor carrier" means a person engaged in the 78463
business of transporting persons or property by motor vehicle for 78464
compensation, except when engaged in any of the following in 78465
intrastate commerce: 78466

(1) The transportation of persons in taxicabs in the usual 78467
taxicab service; 78468

(2) The transportation of pupils in school ~~busses~~ buses 78469
operating to or from school sessions or school events; 78470

(3) The transportation of farm supplies to the farm or farm 78471
products from farm to market or to food fabricating plants; 78472

(4) The distribution of newspapers; 78473

(5) The transportation of crude petroleum incidental to 78474
gathering from wells and delivery to destination by ~~pipe-line~~ 78475
pipeline; 78476

(6) The transportation of injured, ill, or deceased persons 78477
by hearse or ambulance; 78478

(7) The transportation of compost (a combination of manure 78479
and sand or shredded bark mulch) or shredded bark mulch; 78480

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 78481
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(9) The operation of motor vehicles for contractors on public road work. 78485
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"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 78487
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Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with ~~hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.~~ 78492
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(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store. 78499
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(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following: 78502
78503

(1) Between a place in a state and a place outside of that state (including a place outside of the United States); 78504
78505

(2) Between two places in a state through another state or a place outside of the United States; 78506
78507

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States. 78508
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(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.

(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(I) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor vehicle.

Sec. 4921.19. (A) Every for-hire motor carrier operating in this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the

Revised Code, pay to the public utilities commission, for and on 78541
behalf of the treasurer of state, the following taxes: 78542

(1) For each motor vehicle used for transporting persons, 78543
thirty dollars; 78544

(2) For each commercial tractor, as defined in section 78545
4501.01 of the Revised Code, used for transporting property, 78546
thirty dollars; 78547

(3) For each other motor vehicle transporting property, 78548
twenty dollars. 78549

(B) Every for-hire motor carrier operating in this state 78550
solely in intrastate commerce shall, annually between the first 78551
day of May and the thirtieth day of June, pay to the commission, 78552
for and on behalf of the treasurer of state, the following taxes: 78553

(1) For each motor vehicle used for transporting persons, 78554
thirty dollars; 78555

(2) For each commercial tractor, as defined in section 78556
4501.01 of the Revised Code, used for transporting property, 78557
thirty dollars; 78558

(3) For each other motor vehicle transporting property, 78559
twenty dollars. 78560

(C) After a for-hire motor carrier has paid the applicable 78561
taxes under division (A) or (B) of this section and met all 78562
applicable requirements under section 4921.03 or division (C) of 78563
section 4921.13 of the Revised Code, the commission shall issue 78564
the carrier a tax receipt for each motor vehicle for which a tax 78565
has been paid under this section. The carrier shall keep the 78566
appropriate tax receipt in each motor vehicle operated by the 78567
carrier. The carrier shall maintain tax receipt records that 78568
specify to which motor vehicle each tax receipt is assigned. 78569

(D) A trailer used by a for-hire motor carrier shall not be 78570

taxed under this section. 78571

(E) The annual tax levied by division (B) of this section 78572
does not apply in those cases where the commission finds that the 78573
movement of agricultural commodities or foodstuffs produced 78574
therefrom requires a temporary and seasonal use of vehicular 78575
equipment for a period of not more than ninety days. In such 78576
event, the tax on the vehicular equipment shall be twenty-five per 78577
cent of the annual tax levied by division (B) of this section. If 78578
any vehicular equipment is used in excess of the ninety-day 78579
period, the annual tax levied by this section shall be paid. 78580

(F) All taxes levied by division (B) of this section shall be 78581
reckoned as from the beginning of the quarter in which the tax 78582
receipt is issued or as from when the use of equipment under any 78583
existing tax receipt began. 78584

(G) The fees for unified carrier registration pursuant to 78585
section 4921.11 of the Revised Code shall be identical to those 78586
established by the unified carrier registration act board as 78587
approved by the federal motor carrier safety administration for 78588
each year. 78589

~~(H)(1) The fees for uniform registration and a uniform permit 78590
as a carrier of hazardous materials pursuant to section 4921.15 of 78591
the Revised Code shall consist of the following: 78592~~

~~(a) A processing fee of fifty dollars; 78593~~

~~(b) An apportioned per truck registration fee, which shall be 78594
calculated by multiplying the percentage of a registrant's 78595
activity in this state times the percentage of the registrant's 78596
business that is hazardous materials related, times the number of 78597
vehicles owned or operated by the registrant, times a per truck 78598
fee determined by order of the commission following public notice 78599
and an opportunity for comment. 78600~~

~~(i) The percentage of a registrant's activity in this state 78601~~

~~shall be calculated by dividing the number of miles that the 78602
registrant travels in this state under the international 78603
registration plan, pursuant to section 4503.61 of the Revised 78604
Code, by the number of miles that the registrant travels 78605
nationwide under the international registration plan. Registrants 78606
that operate solely within this state shall use one hundred per 78607
cent as their percentage of activity. Registrants that do not 78608
register their vehicles through the international registration 78609
plan shall calculate activity in the state in the same manner as 78610
that required by the international registration plan. 78611~~

~~(ii) The percentage of a registrant's business that is 78612
hazardous materials related shall be calculated, for 78613
less than truckload shipments, by dividing the weight of all the 78614
registrant's hazardous materials shipments by the total weight of 78615
all shipments in the previous year. The percentage of a 78616
registrant's business that is hazardous materials related shall be 78617
calculated, for truckload shipments, by dividing the number of 78618
shipments for which placarding, marking of the vehicle, or 78619
manifesting, as appropriate, was required by regulations adopted 78620
under sections 4 to 6 of the "Hazardous Materials Transportation 78621
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 78622
by the total number of the registrant's shipments that transported 78623
any kind of goods in the previous year. A registrant that 78624
transports both less than truckload and truckload shipments of 78625
hazardous materials shall calculate the percentage of business 78626
that is hazardous materials related on a proportional basis. 78627~~

~~(iii) A registrant may utilize fiscal year, or calendar year, 78628
or other current company accounting data, or other publicly 78629
available information, in calculating the percentages required by 78630
divisions (H)(1)(b)(i) and (ii) of this section. 78631~~

~~(2) The commission, after notice and opportunity for a 78632
hearing, may assess each carrier a fee for any background 78633~~

~~investigation required for the issuance, for the purpose of 78634
section 3734.15 of the Revised Code, of a uniform permit as a 78635
carrier of hazardous wastes and fees related to investigations and 78636
proceedings for the denial, suspension, or revocation of a uniform 78637
permit as a carrier of hazardous materials. The fees shall not 78638
exceed the reasonable costs of the investigations and proceedings. 78639
The fee for a background investigation for a uniform permit as a 78640
carrier of hazardous wastes shall be six hundred dollars plus the 78641
costs of obtaining any necessary information not included in the 78642
permit application, to be calculated at the rate of thirty dollars 78643
per hour, not exceeding six hundred dollars, plus any fees payable 78644
to obtain necessary information. 78645~~

~~(I) The application fee for a certificate for the 78646
transportation of household goods issued pursuant to sections 78647
4921.30 to 4921.38 of the Revised Code shall be based on the 78648
certificate holder's gross revenue, in the prior year, for the 78649
intrastate transportation of household goods. The commission shall 78650
establish, by order, ranges of gross revenue and the fee for each 78651
range. The fees shall be set in amounts sufficient to carry out 78652
the purposes of sections 4921.30 to 4921.38 and 4923.99 of the 78653
Revised Code and, to the extent necessary, the commission shall 78654
make changes to the fee structure to ensure that neither over nor 78655
under collection of the fees occurs. The fees shall also take into 78656
consideration the revenue generated from the assessment of 78657
forfeitures under section 4923.99 of the Revised Code regarding 78658
the consumer protection provisions applicable to for hire motor 78659
carriers engaged in the transportation of household goods. 78660~~

~~(J)(I) The fees and taxes provided under this section shall 78661
be in addition to taxes, fees, and charges fixed and exacted by 78662
other sections of the Revised Code, except the assessments 78663
required by section 4905.10 of the Revised Code, but all fees, 78664
license fees, annual payments, license taxes, or taxes or other 78665~~

money exactions, except the general property tax, assessed, 78666
charged, fixed, or exacted by local authorities such as municipal 78667
corporations, townships, counties, or other local boards, or the 78668
officers of such subdivisions are illegal and, are superseded by 78669
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 78670
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 78671
4921. of the Revised Code, all local ordinances, resolutions, 78672
bylaws, and rules in force shall cease to be operative as to the 78673
persons in compliance, except that such local subdivisions may 78674
make reasonable local police regulations within their respective 78675
boundaries not inconsistent with sections 4503.04 and 4905.03 and 78676
Chapter 4921. of the Revised Code. 78677

Sec. 4921.21. (A) As used in this section, "adjusted credit 78678
amount" means the aggregate amount credited to the public 78679
utilities transportation safety fund, less the sum of ~~all~~ both of 78680
the following: 78681

(1) The fees collected by the public utilities commission, in 78682
accordance with the unified carrier registration plan under 78683
section 4921.11 of the Revised Code, that exceed the federal 78684
certification of revenue for each year of the plan; 78685

~~(2) The fees collected by the commission on behalf of other 78686
states under division (C) of section 4921.15 of the Revised Code;~~ 78687

~~(3) The forfeitures collected by the commission under section 78688
4923.99 of the Revised Code for violations of rules adopted under 78689
division (A)(2) of section 4923.04 of the Revised Code. 78690~~

(B)(1) There is hereby created in the state treasury the 78691
public utilities transportation safety fund. The fees collected in 78692
accordance with the unified carrier registration plan under 78693
section 4921.11 of the Revised Code, ~~the fees collected under 78694
section 4921.15 of the Revised Code,~~ the taxes and fees remitted 78695
under section 4921.19 of the Revised Code, the forfeitures imposed 78696

under section 4923.99 of the Revised Code, except as provided in 78697
division (B)(2) of this section, and the fines collected under 78698
section 4163.07 of the Revised Code shall be deposited into the 78699
state treasury to the credit of the public utilities 78700
transportation safety fund, until the adjusted credit amount in a 78701
fiscal year is equal to the total amount appropriated from the 78702
fund for the fiscal year. Once this point of parity is reached, 78703
any additional fees, taxes, forfeitures, or fines received during 78704
the fiscal year shall be credited to the general revenue fund, 78705
except as provided in division (B)(2) of this section, and except 78706
for ~~both of the following~~: 78707

~~(a) The fees collected in accordance with the unified carrier 78708
registration plan under section 4921.11 of the Revised Code, that 78709
exceed the federal certification of revenue for each year of the 78710
plan.~~ 78711

~~(b) The fees collected on behalf of other states under 78712
division (C) of section 4921.15 of the Revised Code.~~ 78713

(2) The first eight hundred thousand dollars of forfeitures 78714
collected under section 4923.99 of the Revised Code, for 78715
violations of rules adopted under division (A)(2) of section 78716
4923.04 of the Revised Code, during each fiscal year shall be 78717
credited to the public utilities transportation safety fund. Any 78718
forfeitures in excess of that amount shall be deposited into the 78719
general revenue fund. In each fiscal year, the commission shall 78720
distribute moneys from these forfeitures credited to the public 78721
utilities transportation safety fund for the purposes of emergency 78722
response planning and the training of safety, enforcement, and 78723
emergency services personnel in proper techniques for the 78724
management of hazardous materials releases that occur during 78725
transportation or otherwise. For these purposes, fifty per cent of 78726
all such moneys credited to the public utilities transportation 78727
safety fund shall be distributed to Cleveland state university, 78728

forty-five per cent shall be distributed to other educational 78729
institutions, state agencies, regional planning commissions, and 78730
political subdivisions, and five per cent shall be retained by the 78731
commission for the administration of this section and for training 78732
employees. However, if, in any such period, moneys from these 78733
forfeitures credited to the public utilities transportation safety 78734
fund equal an amount less than four hundred thousand dollars, the 78735
commission shall distribute, to the extent of the aggregate amount 78736
of those moneys, two hundred thousand dollars to Cleveland state 78737
university and the remainder to other educational institutions, 78738
state agencies, regional planning commissions, and political 78739
subdivisions. 78740

(C) The purpose of the public utilities transportation safety 78741
fund shall be for defraying all expenses incident to maintaining 78742
the nonrailroad transportation activities of the commission. 78743

(D) There is hereby created in the state treasury the federal 78744
commercial vehicle transportation systems fund. The fund shall 78745
consist of money received from the United States department of 78746
transportation's commercial vehicle intelligent transportation 78747
systems infrastructure deployment program. The public utilities 78748
commission shall use the fund to deploy the Ohio commercial 78749
vehicle information systems networks project and to improve safety 78750
of motor carrier operations through electronic exchange of data. 78751

(E) There is hereby created in the state treasury the motor 78752
carrier safety fund. The fund shall consist of money received from 78753
the United States department of transportation for motor carrier 78754
safety. The commission shall use the fund to administer the 78755
state's motor carrier safety assistance program and associated 78756
grants, including the motor carrier safety assistance program 78757
basic grant, the incentive grant, the high priority grants, the 78758
new entrant safety assurance grant, the safety data improvement 78759
grant, or their equivalents. 78760

(F) If the director of budget and management determines there is not sufficient money in the public utilities transportation safety fund, the director shall transfer money from the general revenue fund to the public utilities transportation safety fund in an amount up to the difference between the balance of the public utilities transportation safety fund and the appropriations from that fund. If the director subsequently determines during the fiscal year that the balance of the public utilities transportation safety fund exceeds the amount needed to support the appropriations from the fund, the director shall transfer the excess money, up to the amount of the original transfer, to the general revenue fund.

Sec. 4923.02. (A) As used in this chapter, "private motor carrier" does not include a person when engaged in any of the following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual taxicab service;

(2) The transportation of pupils in school busses operating to or from school sessions or school events;

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in

such amount as to recover only the person's share of the costs of 78791
operating the motor vehicle for such purpose; 78792

(9) The operation of motor vehicles for contractors on public 78793
road work. 78794

(B) The public utilities commission may grant a motor carrier 78795
operating in intrastate commerce a temporary exemption from some 78796
or all of the provisions of this chapter and the rules adopted 78797
under it, when either of the following applies: 78798

(1) The governor of this state has declared an emergency. 78799

(2) The chairperson of the commission or the chairperson's 78800
designee has declared a transportation-specific emergency. 78801

(C) The commission may adopt rules not incompatible with the 78802
requirements of the United States department of transportation to 78803
provide exemptions to motor carriers operating in intrastate 78804
commerce not otherwise identified in divisions (A) and (B) of this 78805
section. 78806

(D) Divisions (A) to (C) of this section shall not be 78807
construed to relieve a person from compliance with the following: 78808

(1) Rules adopted under division (A)(2) of section 4923.04 of 78809
the Revised Code, division (E) of section 4923.06 of the Revised 78810
Code, division (B) of section 4923.07 of the Revised Code, and 78811
section 4923.11 of the Revised Code; 78812

(2) Rules regarding commercial driver's licenses adopted 78813
under division (A)(1) of section 4923.04 of the Revised Code; 78814

~~(3) Rules adopted under section 4921.15 of the Revised Code 78815
regarding uniform registration and permitting of carriers of 78816
hazardous materials and other applicable provisions of that 78817
section and division (H) of section 4921.19 of the Revised Code. 78818~~

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. 78819

of the Revised Code, or rules adopted thereunder, is liable to the 78820
state for a forfeiture of not more than twenty-five thousand 78821
dollars for each day of each violation. The public utilities 78822
commission, after providing reasonable notice and the opportunity 78823
for a hearing in accordance with the procedural rules adopted 78824
under section 4901.13 of the Revised Code, shall assess, by order, 78825
a forfeiture upon a person whom the commission determines, by a 78826
preponderance of the evidence, committed the violation. In 78827
determining the amount of the forfeiture for a violation 78828
discovered during a driver or motor-vehicle inspection under 78829
section 4923.06 of the Revised Code, or discovered during a 78830
compliance review under section 4923.07 of the Revised Code, the 78831
commission shall, ~~to the extent practicable~~, not act in a manner 78832
incompatible with the applicable requirements of the United States 78833
department of transportation, ~~and, to the extent practicable~~, 78834
~~shall utilize a system comparable to the recommended civil penalty~~ 78835
~~procedure adopted by the commercial vehicle safety alliance. In~~ 78836
~~determining the amount of the forfeiture for a violation~~ 78837
~~discovered during a compliance review of a motor carrier under~~ 78838
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 78839
~~extent practicable, not act in a manner incompatible with the~~ 78840
~~civil penalty guidelines of the United States department of~~ 78841
~~transportation.~~ 78842

The attorney general, upon the written request of the 78843
commission, shall bring a civil action in the court of common 78844
pleas of Franklin county to collect a forfeiture assessed under 78845
this section. The commission shall account for the forfeitures 78846
collected under this section and pay them to the treasurer of 78847
state under section 4921.21 of the Revised Code. 78848

(2) The attorney general, upon the written request of the 78849
commission, shall bring an action for injunctive relief in the 78850
court of common pleas of Franklin county against any person who 78851

has violated or is violating any order issued by the commission to 78852
secure compliance with any provision of Chapter 4921. or 4923. of 78853
the Revised Code. The court of common pleas of Franklin county has 78854
jurisdiction to and may grant preliminary and permanent injunctive 78855
relief upon a showing that the person against whom the action is 78856
brought has violated or is violating any such order. The court 78857
shall give precedence to such an action over all other cases. 78858

(B) The amount of any forfeiture may be compromised at any 78859
time prior to collection of the forfeiture. The commission shall 78860
adopt rules governing the manner in which the amount of a 78861
forfeiture may be established by agreement prior to the hearing on 78862
the forfeiture before the commission. 78863

(C) The proceedings of the commission specified in division 78864
(A) of this section are subject to and governed by Chapter 4903. 78865
of the Revised Code, except as otherwise specifically provided in 78866
this section. The court of appeals of Franklin county has 78867
exclusive, original jurisdiction to review, modify, or vacate an 78868
order of the commission issued to secure compliance with any 78869
provision of Chapter 4921. or 4923. of the Revised Code. The court 78870
of appeals shall hear and determine those appeals in the same 78871
manner, and under the same standards, as the supreme court hears 78872
and determines appeals under Chapter 4903. of the Revised Code. 78873
The judgment of the court of appeals is final and conclusive 78874
unless reversed, vacated, or modified on appeal. Such appeals may 78875
be taken either by the commission or the person to whom the 78876
compliance order or forfeiture assessment was issued and shall 78877
proceed as in the case of appeals in civil actions as provided in 78878
the rules of appellate procedure and Chapter 2505. of the Revised 78879
Code. 78880

(D) Section 4903.11 of the Revised Code does not apply to an 78881
appeal of an order issued to secure compliance with Chapter 4921. 78882
or 4923. of the Revised Code or an order issued under division 78883

(A)(1) of this section assessing a forfeiture. Any person to whom 78884
any such order is issued who wishes to contest a compliance order, 78885
the fact of the violation, or the amount of the forfeiture shall 78886
file a notice of appeal, setting forth the order appealed from and 78887
the errors complained of, within sixty days after the entry of the 78888
order upon the journal of the commission. The notice of appeal 78889
shall be served, unless waived, upon the chairperson of the 78890
commission or, in the event of the chairperson's absence, upon any 78891
public utilities commissioner, or by leaving a copy at the office 78892
of the commission at Columbus. An order issued by the commission 78893
to secure compliance with Chapter 4921. or 4923. of the Revised 78894
Code or an order issued under division (A)(1) of this section 78895
assessing a forfeiture shall be reversed, vacated, or modified on 78896
appeal if, upon consideration of the record, the court is of the 78897
opinion that the order was unlawful or unreasonable. 78898

(E) Only for such violations that constitute violations of 78899
the "Hazardous Materials Transportation Uniform Safety Act of 78900
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 78901
regulations adopted under the act, the commission, in determining 78902
liability, shall use the same standard of culpability for civil 78903
forfeitures under this section as that set forth for civil 78904
penalties under section 12 of the "Hazardous Materials 78905
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 78906
U.S.C.A. App. 1809. The commission shall consider the assessment 78907
considerations for civil penalties specified in regulations 78908
adopted under the "Hazardous Materials Transportation Act," 88 78909
Stat. 2156 (1975), 49 U.S.C. 1801. 78910

Sec. 4927.13. (A) An incumbent local exchange carrier that is 78911
an eligible telecommunications carrier under 47 C.F.R. 54.201 78912
shall implement lifeline service ~~throughout the carrier's~~ 78913
~~traditional service area for its eligible residential customers~~ 78914
consistent with the requirements of federal law. 78915

- (1) Lifeline service shall consist of all of the following: 78916
- (a) ~~Flat rate, monthly, primary~~ Monthly access line service 78917
~~with touch-tone service,~~ at a recurring discount to the monthly 78918
basic local exchange service rate that provides for the maximum 78919
contribution of federally available assistance; 78920
- (b) Not more than once per customer at a single address in a 78921
twelve-month period, a waiver of all nonrecurring service order 78922
charges for establishing service; 78923
- (c) Free blocking of toll service, 900 service, and 976 78924
service. 78925
- The carrier may offer to lifeline service customers any other 78926
services and bundles or packages of services at the prevailing 78927
prices, less the lifeline discount. 78928
- (2) The carrier also shall offer special payment arrangements 78929
to lifeline service customers that have past due bills for 78930
regulated local service charges, with the initial payment not to 78931
exceed twenty-five dollars before service is installed, and the 78932
balance for regulated local service charges to be paid over six, 78933
equal, monthly payments. Lifeline service customers with past due 78934
bills for toll service charges shall have toll restricted service 78935
until the past due toll service charges have been paid or until 78936
the customer establishes service with another toll service 78937
provider. 78938
- (3)(a) Every incumbent local exchange carrier required to 78939
implement lifeline service under division (A) of this section 78940
shall establish an annual marketing budget for promoting lifeline 78941
service and performing outreach regarding lifeline service. All 78942
funds allocated to this budget shall be spent for the promotion 78943
and marketing of lifeline service and outreach regarding lifeline 78944
service and only for those purposes and not for any administrative 78945
costs of implementing lifeline service. All activities relating to 78946

the promotion of, marketing of, and outreach regarding lifeline 78947
service shall be coordinated through a single advisory board 78948
composed of staff of the public utilities commission, the office 78949
of the consumers' counsel, consumer groups representing low-income 78950
constituents, two representatives from the Ohio association of 78951
community action agencies, and, except as provided in division 78952
(A)(3)(b) of this section, every incumbent local exchange carrier 78953
required to implement lifeline service under division (A) of this 78954
section. The public utilities commission may review and approve 78955
decisions of the advisory board in accordance with commission 78956
rules, including decisions on how the lifeline marketing, 78957
promotion, and outreach activities are implemented. 78958

(b) Division (A)(3)(a) of this section does not apply to an 78959
incumbent local exchange carrier with fewer than fifty thousand 78960
access lines. 78961

(4) All other aspects of the carrier's state-specific 78962
lifeline service shall be consistent with federal requirements. 78963

(B) The rates, terms, and conditions for the carrier's 78964
lifeline service shall be tariffed in the manner prescribed by 78965
rule adopted by the public utilities commission. 78966

(C)(1) Eligibility for lifeline service under division (A) of 78967
this section shall be based on either of the following criteria: 78968

(a) An individual's verifiable participation in any federal 78969
or state low-income assistance program, specified in rules adopted 78970
by the commission, that limits assistance based on household 78971
income; 78972

(b) Other verification that an individual's household income 78973
is ~~at or below one hundred fifty per cent of the federal poverty~~ 78974
level consistent with the income eligibility threshold in 47 78975
C.F.R. 54.409(a)(1). 78976

The public utilities commission shall adopt rules 78977

establishing requirements for the implementation of automatic 78978
enrollment of eligible individuals for lifeline assistance. The 78979
public utilities commission shall work with the appropriate state 78980
agencies that administer federal or state low-income assistance 78981
programs and with carriers to negotiate and acquire information 78982
necessary to verify an individual's eligibility and the data 78983
necessary to automatically enroll eligible individuals for 78984
lifeline service. Every incumbent local exchange carrier required 78985
to implement lifeline service under division (A) of this section 78986
shall implement automatic enrollment in accordance with the 78987
applicable rules of the public utilities commission and to the 78988
extent that appropriate state agencies are able to accommodate the 78989
automatic enrollment. 78990

(2) The carrier shall provide written notification if the 78991
carrier determines that an individual is not eligible for lifeline 78992
service and shall provide the individual an additional thirty days 78993
to prove eligibility. 78994

(3) The carrier shall provide written customer notification 78995
if a customer's lifeline service is to be terminated due to 78996
failure to submit acceptable documentation for continued 78997
eligibility for that assistance and shall provide the customer an 78998
additional ~~sixty~~ thirty days to submit acceptable documentation of 78999
continued eligibility or dispute the carrier's findings regarding 79000
termination of the lifeline service. 79001

(D) An incumbent local exchange carrier required to implement 79002
lifeline service under division (A) of this section may recover 79003
from end users of the carrier's telecommunications service other 79004
than lifeline service customers, by a method approved by the 79005
public utilities commission, any lifeline service discounts and 79006
any other lifeline service expenses that the public utilities 79007
commission prescribes by rule and that are not recovered through 79008
federal or state funding, except for expenses incurred under 79009

division (A)(3)(a) of this section. A carrier seeking recovery of 79010
discounts or expenses shall, in accordance with rules adopted by 79011
the public utilities commission, apply to the public utilities 79012
commission for approval of the method of recovery. If the method 79013
of recovery includes a customer billing surcharge, the public 79014
utilities commission shall prescribe by rule how the surcharge is 79015
to be identified on customer bills. 79016

(E) Every incumbent local exchange carrier required to 79017
implement lifeline service under division (A) of this section 79018
shall annually file with the public utilities commission a report 79019
that identifies the number of its customers who receive, at the 79020
time of the filing of the report, lifeline service. 79021

Sec. 4928.01. (A) As used in this chapter: 79022

(1) "Ancillary service" means any function necessary to the 79023
provision of electric transmission or distribution service to a 79024
retail customer and includes, but is not limited to, scheduling, 79025
system control, and dispatch services; reactive supply from 79026
generation resources and voltage control service; reactive supply 79027
from transmission resources service; regulation service; frequency 79028
response service; energy imbalance service; operating 79029
reserve-spinning reserve service; operating reserve-supplemental 79030
reserve service; load following; back-up supply service; 79031
real-power loss replacement service; dynamic scheduling; system 79032
black start capability; and network stability service. 79033

(2) "Billing and collection agent" means a fully independent 79034
agent, not affiliated with or otherwise controlled by an electric 79035
utility, electric services company, electric cooperative, or 79036
governmental aggregator subject to certification under section 79037
4928.08 of the Revised Code, to the extent that the agent is under 79038
contract with such utility, company, cooperative, or aggregator 79039
solely to provide billing and collection for retail electric 79040

service on behalf of the utility company, cooperative, or 79041
aggregator. 79042

(3) "Certified territory" means the certified territory 79043
established for an electric supplier under sections 4933.81 to 79044
4933.90 of the Revised Code. 79045

(4) "Competitive retail electric service" means a component 79046
of retail electric service that is competitive as provided under 79047
division (B) of this section. 79048

(5) "Electric cooperative" means a not-for-profit electric 79049
light company that both is or has been financed in whole or in 79050
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 79051
7 U.S.C. 901, and owns or operates facilities in this state to 79052
generate, transmit, or distribute electricity, or a not-for-profit 79053
successor of such company. 79054

(6) "Electric distribution utility" means an electric utility 79055
that supplies at least retail electric distribution service. 79056

(7) "Electric light company" has the same meaning as in 79057
section 4905.03 of the Revised Code and includes an electric 79058
services company, but excludes any self-generator to the extent 79059
that it consumes electricity it so produces, sells that 79060
electricity for resale, or obtains electricity from a generating 79061
facility it hosts on its premises. 79062

(8) "Electric load center" has the same meaning as in section 79063
4933.81 of the Revised Code. 79064

(9) "Electric services company" means an electric light 79065
company that is engaged on a for-profit or not-for-profit basis in 79066
the business of supplying or arranging for the supply of only a 79067
competitive retail electric service in this state. "Electric 79068
services company" includes a power marketer, power broker, 79069
aggregator, or independent power producer but excludes an electric 79070
cooperative, municipal electric utility, governmental aggregator, 79071

or billing and collection agent. 79072

(10) "Electric supplier" has the same meaning as in section 79073
4933.81 of the Revised Code. 79074

(11) "Electric utility" means an electric light company that 79075
has a certified territory and is engaged on a for-profit basis 79076
either in the business of supplying a noncompetitive retail 79077
electric service in this state or in the businesses of supplying 79078
both a noncompetitive and a competitive retail electric service in 79079
this state. "Electric utility" excludes a municipal electric 79080
utility or a billing and collection agent. 79081

(12) "Firm electric service" means electric service other 79082
than nonfirm electric service. 79083

(13) "Governmental aggregator" means a legislative authority 79084
of a municipal corporation, a board of township trustees, or a 79085
board of county commissioners acting as an aggregator for the 79086
provision of a competitive retail electric service under authority 79087
conferred under section 4928.20 of the Revised Code. 79088

(14) A person acts "knowingly," regardless of the person's 79089
purpose, when the person is aware that the person's conduct will 79090
probably cause a certain result or will probably be of a certain 79091
nature. A person has knowledge of circumstances when the person is 79092
aware that such circumstances probably exist. 79093

(15) "Level of funding for low-income customer energy 79094
efficiency programs provided through electric utility rates" means 79095
the level of funds specifically included in an electric utility's 79096
rates on October 5, 1999, pursuant to an order of the public 79097
utilities commission issued under Chapter 4905. or 4909. of the 79098
Revised Code and in effect on October 4, 1999, for the purpose of 79099
improving the energy efficiency of housing for the utility's 79100
low-income customers. The term excludes the level of any such 79101
funds committed to a specific nonprofit organization or 79102

organizations pursuant to a stipulation or contract. 79103

(16) "Low-income customer assistance programs" means the 79104
percentage of income payment plan program, the home energy 79105
assistance program, the home weatherization assistance program, 79106
and the targeted energy efficiency and weatherization program. 79107

(17) "Market development period" for an electric utility 79108
means the period of time beginning on the starting date of 79109
competitive retail electric service and ending on the applicable 79110
date for that utility as specified in section 4928.40 of the 79111
Revised Code, irrespective of whether the utility applies to 79112
receive transition revenues under this chapter. 79113

(18) "Market power" means the ability to impose on customers 79114
a sustained price for a product or service above the price that 79115
would prevail in a competitive market. 79116

(19) "Mercantile customer" means a commercial or industrial 79117
customer if the electricity consumed is for nonresidential use and 79118
the customer consumes more than seven hundred thousand kilowatt 79119
hours per year or is part of a national account involving multiple 79120
facilities in one or more states. 79121

(20) "Municipal electric utility" means a municipal 79122
corporation that owns or operates facilities to generate, 79123
transmit, or distribute electricity. 79124

(21) "Noncompetitive retail electric service" means a 79125
component of retail electric service that is noncompetitive as 79126
provided under division (B) of this section. 79127

(22) "Nonfirm electric service" means electric service 79128
provided pursuant to a schedule filed under section 4905.30 of the 79129
Revised Code or pursuant to an arrangement under section 4905.31 79130
of the Revised Code, which schedule or arrangement includes 79131
conditions that may require the customer to curtail or interrupt 79132
electric usage during nonemergency circumstances upon notification 79133

by an electric utility. 79134

(23) "Percentage of income payment plan arrears" means funds 79135
eligible for collection through the percentage of income payment 79136
plan rider, but uncollected as of July 1, 2000. 79137

(24) "Person" has the same meaning as in section 1.59 of the 79138
Revised Code. 79139

(25) "Advanced energy project" means any technologies, 79140
products, activities, or management practices or strategies that 79141
facilitate the generation or use of electricity or energy and that 79142
reduce or support the reduction of energy consumption or support 79143
the production of clean, renewable energy for industrial, 79144
distribution, commercial, institutional, governmental, research, 79145
not-for-profit, or residential energy users, including, but not 79146
limited to, advanced energy resources and renewable energy 79147
resources. "Advanced energy project" also includes any project 79148
described in division (A), (B), or (C) of section 4928.621 of the 79149
Revised Code. 79150

(26) "Regulatory assets" means the unamortized net regulatory 79151
assets that are capitalized or deferred on the regulatory books of 79152
the electric utility, pursuant to an order or practice of the 79153
public utilities commission or pursuant to generally accepted 79154
accounting principles as a result of a prior commission 79155
rate-making decision, and that would otherwise have been charged 79156
to expense as incurred or would not have been capitalized or 79157
otherwise deferred for future regulatory consideration absent 79158
commission action. "Regulatory assets" includes, but is not 79159
limited to, all deferred demand-side management costs; all 79160
deferred percentage of income payment plan arrears; 79161
post-in-service capitalized charges and assets recognized in 79162
connection with statement of financial accounting standards no. 79163
109 (receivables from customers for income taxes); future nuclear 79164
decommissioning costs and fuel disposal costs as those costs have 79165

been determined by the commission in the electric utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

(27) "Retail electric service" means any service involved in supplying or arranging for the supply of electricity to ultimate consumers in this state, from the point of generation to the point of consumption. For the purposes of this chapter, retail electric service includes one or more of the following "service components": generation service, aggregation service, power marketing service, power brokerage service, transmission service, distribution service, ancillary service, metering service, and billing and collection service.

(28) "Starting date of competitive retail electric service" means January 1, 2001.

(29) "Customer-generator" means a user of a net metering system.

(30) "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by an electric service provider and the electricity generated by a customer-generator that is fed back to the electric service provider.

(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:

(a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;

(b) Is located on a customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities;	79196 79197
(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.	79198 79199
(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract.	79200 79201 79202 79203 79204 79205
(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.	79206 79207 79208
(34) "Advanced energy resource" means any of the following:	79209
(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;	79210 79211 79212 79213 79214
(b) Any distributed generation system consisting of customer cogeneration technology;	79215 79216
(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based	79217 79218 79219 79220 79221 79222 79223 79224 79225 79226

on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM);

(g) Demand-side management and any energy efficiency improvement;

(h) Any new, retrofitted, refueled, or repowered generating facility located in Ohio, including a simple or combined-cycle natural gas generating facility or a generating facility that uses biomass, coal, modular nuclear, or any other fuel as its input;

(i) Any uprated capacity of an existing electric generating facility if the uprated capacity results from the deployment of advanced technology.

"Advanced energy resource" does not include a waste energy recovery system that is, or has been, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(35) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.	79258 79259
(36) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.	79260 79261
(37)(a) "Renewable energy resource" means any of the following:	79262 79263
(i) Solar photovoltaic or solar thermal energy;	79264
(ii) Wind energy;	79265
(iii) Power produced by a hydroelectric facility;	79266
(iv) <u>Power produced by a small hydroelectric facility, which is a facility that operates, or is rated to operate, at an aggregate capacity of less than six megawatts;</u>	79267 79268 79269
(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;	79270 79271 79272 79273 79274
(v) (vi) Geothermal energy;	79275
(vi) (vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion;	79276 79277 79278 79279
(vii) (viii) Biomass energy;	79280
(viii) (ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a	79281 79282 79283 79284 79285 79286 79287

population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

~~(ix)~~(x) Biologically derived methane gas;

~~(x)~~(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

~~(xi)~~(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of this section may be included only if it was placed into service between January 1, 2002, and December 31, 2004; storage facility that will promote the better utilization of a renewable energy resource; or distributed generation system used by a customer to generate electricity from any such energy.

"Renewable energy resource" does not include a waste energy recovery system that is, or was, on or after January 1, 2012, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(b) As used in division (A)(37) of this section,

"hydroelectric facility" means a hydroelectric generating facility 79319
that is located at a dam on a river, or on any water discharged to 79320
a river, that is within or bordering this state or within or 79321
bordering an adjoining state and meets all of the following 79322
standards: 79323

(i) The facility provides for river flows that are not 79324
detrimental for fish, wildlife, and water quality, including 79325
seasonal flow fluctuations as defined by the applicable licensing 79326
agency for the facility. 79327

(ii) The facility demonstrates that it complies with the 79328
water quality standards of this state, which compliance may 79329
consist of certification under Section 401 of the "Clean Water Act 79330
of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates 79331
that it has not contributed to a finding by this state that the 79332
river has impaired water quality under Section 303(d) of the 79333
"Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 79334

(iii) The facility complies with mandatory prescriptions 79335
regarding fish passage as required by the federal energy 79336
regulatory commission license issued for the project, regarding 79337
fish protection for riverine, anadromous, and catadromous fish. 79338

(iv) The facility complies with the recommendations of the 79339
Ohio environmental protection agency and with the terms of its 79340
federal energy regulatory commission license regarding watershed 79341
protection, mitigation, or enhancement, to the extent of each 79342
agency's respective jurisdiction over the facility. 79343

(v) The facility complies with provisions of the "Endangered 79344
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 79345
amended. 79346

(vi) The facility does not harm cultural resources of the 79347
area. This can be shown through compliance with the terms of its 79348
federal energy regulatory commission license or, if the facility 79349

is not regulated by that commission, through development of a plan 79350
approved by the Ohio historic preservation office, to the extent 79351
it has jurisdiction over the facility. 79352

(vii) The facility complies with the terms of its federal 79353
energy regulatory commission license or exemption that are related 79354
to recreational access, accommodation, and facilities or, if the 79355
facility is not regulated by that commission, the facility 79356
complies with similar requirements as are recommended by resource 79357
agencies, to the extent they have jurisdiction over the facility; 79358
and the facility provides access to water to the public without 79359
fee or charge. 79360

(viii) The facility is not recommended for removal by any 79361
federal agency or agency of any state, to the extent the 79362
particular agency has jurisdiction over the facility. 79363

(c) The standards in divisions (A)(37)(b)(i) to (viii) of 79364
this section do not apply to a small hydroelectric facility under 79365
division (A)(37)(a)(iv) of this section. 79366

(38) "Waste energy recovery system" means either of the 79367
following: 79368

(a) A facility that generates electricity through the 79369
conversion of energy from either of the following: 79370

(i) Exhaust heat from engines or manufacturing, industrial, 79371
commercial, or institutional sites, except for exhaust heat from a 79372
facility whose primary purpose is the generation of electricity; 79373

(ii) Reduction of pressure in gas pipelines before gas is 79374
distributed through the pipeline, provided that the conversion of 79375
energy to electricity is achieved without using additional fossil 79376
fuels. 79377

(b) A facility at a state institution of higher education as 79378
defined in section 3345.011 of the Revised Code that recovers 79379

waste heat from electricity-producing engines or combustion 79380
turbines and that simultaneously uses the recovered heat to 79381
produce steam, provided that the facility was placed into service 79382
between January 1, 2002, and December 31, 2004. 79383

(39) "Smart grid" means capital improvements to an electric 79384
distribution utility's distribution infrastructure that improve 79385
reliability, efficiency, resiliency, or reduce energy demand or 79386
use, including, but not limited to, advanced metering and 79387
automation of system functions. 79388

(40) "Combined heat and power system" means the coproduction 79389
of electricity and useful thermal energy from the same fuel source 79390
designed to achieve thermal-efficiency levels of at least sixty 79391
per cent, with at least twenty per cent of the system's total 79392
useful energy in the form of thermal energy. 79393

(B) For the purposes of this chapter, a retail electric 79394
service component shall be deemed a competitive retail electric 79395
service if the service component is competitive pursuant to a 79396
declaration by a provision of the Revised Code or pursuant to an 79397
order of the public utilities commission authorized under division 79398
(A) of section 4928.04 of the Revised Code. Otherwise, the service 79399
component shall be deemed a noncompetitive retail electric 79400
service. 79401

Sec. 4928.143. (A) For the purpose of complying with section 79402
4928.141 of the Revised Code, an electric distribution utility may 79403
file an application for public utilities commission approval of an 79404
electric security plan as prescribed under division (B) of this 79405
section. The utility may file that application prior to the 79406
effective date of any rules the commission may adopt for the 79407
purpose of this section, and, as the commission determines 79408
necessary, the utility immediately shall conform its filing to 79409
those rules upon their taking effect. 79410

(B) Notwithstanding any other provision of Title XLIX of the Revised Code to the contrary except division (D) of this section, divisions (I), (J), and (K) of section 4928.20, division (E) of section 4928.64, and section 4928.69 of the Revised Code:

(1) An electric security plan shall include provisions relating to the supply and pricing of electric generation service. In addition, if the proposed electric security plan has a term longer than three years, it may include provisions in the plan to permit the commission to test the plan pursuant to division (E) of this section and any transitional conditions that should be adopted by the commission if the commission terminates the plan as authorized under that division.

(2) The plan may provide for or include, without limitation, any of the following:

(a) Automatic recovery of any of the following costs of the electric distribution utility, provided the cost is prudently incurred: the cost of fuel used to generate the electricity supplied under the offer; the cost of purchased power supplied under the offer, including the cost of energy and capacity, and including purchased power acquired from an affiliate; the cost of emission allowances; and the cost of federally mandated carbon or energy taxes;

(b) A reasonable allowance for construction work in progress for any of the electric distribution utility's cost of constructing an electric generating facility or for an environmental expenditure for any electric generating facility of the electric distribution utility, provided the cost is incurred or the expenditure occurs on or after January 1, 2009. Any such allowance shall be subject to the construction work in progress allowance limitations of division (A) of section 4909.15 of the Revised Code, except that the commission may authorize such an allowance upon the incurrence of the cost or occurrence of the

expenditure. No such allowance for generating facility 79443
construction shall be authorized, however, unless the commission 79444
first determines in the proceeding that there is need for the 79445
facility based on resource planning projections submitted by the 79446
electric distribution utility. Further, no such allowance shall be 79447
authorized unless the facility's construction was sourced through 79448
a competitive bid process, regarding which process the commission 79449
may adopt rules. An allowance approved under division (B)(2)(b) of 79450
this section shall be established as a nonbypassable surcharge for 79451
the life of the facility. 79452

(c) The establishment of a nonbypassable surcharge for the 79453
life of an electric generating facility that is owned or operated 79454
by the electric distribution utility, was sourced through a 79455
competitive bid process subject to any such rules as the 79456
commission adopts under division (B)(2)(b) of this section, and is 79457
newly used and useful on or after January 1, 2009, which surcharge 79458
shall cover all costs of the utility specified in the application, 79459
excluding costs recovered through a surcharge under division 79460
(B)(2)(b) of this section. However, no surcharge shall be 79461
authorized unless the commission first determines in the 79462
proceeding that there is need for the facility based on resource 79463
planning projections submitted by the electric distribution 79464
utility. Additionally, if a surcharge is authorized for a facility 79465
pursuant to plan approval under division (C) of this section and 79466
as a condition of the continuation of the surcharge, the electric 79467
distribution utility shall dedicate to Ohio consumers the capacity 79468
and energy and the rate associated with the cost of that facility. 79469
Before the commission authorizes any surcharge pursuant to this 79470
division, it may consider, as applicable, the effects of any 79471
decommissioning, deratings, and retirements. 79472

(d) Terms, conditions, or charges relating to limitations on 79473
customer shopping for retail electric generation service, 79474

bypassability, standby, back-up, or supplemental power service, 79475
default service, carrying costs, amortization periods, and 79476
accounting or deferrals, including future recovery of such 79477
deferrals, as would have the effect of stabilizing or providing 79478
certainty regarding retail electric service; 79479

(e) Automatic increases or decreases in any component of the 79480
standard service offer price; 79481

(f) Consistent with sections 4928.23 to 4928.2318 of the 79482
Revised Code, both of the following: 79483

(i) Provisions for the electric distribution utility to 79484
securitize any phase-in, inclusive of carrying charges, of the 79485
utility's standard service offer price, which phase-in is 79486
authorized in accordance with section 4928.144 of the Revised 79487
Code; 79488

(ii) Provisions for the recovery of the utility's cost of 79489
securitization. 79490

(g) Provisions relating to transmission, ancillary, 79491
congestion, or any related service required for the standard 79492
service offer, including provisions for the recovery of any cost 79493
of such service that the electric distribution utility incurs on 79494
or after that date pursuant to the standard service offer; 79495

(h) Provisions regarding the utility's distribution service, 79496
including, without limitation and notwithstanding any provision of 79497
Title XLIX of the Revised Code to the contrary, provisions 79498
regarding single issue ratemaking, a revenue decoupling mechanism 79499
or any other incentive ratemaking, and provisions regarding 79500
distribution infrastructure and modernization incentives for the 79501
electric distribution utility. The latter may include a long-term 79502
energy delivery infrastructure modernization plan for that utility 79503
or any plan providing for the utility's recovery of costs, 79504
including lost revenue, shared savings, and avoided costs, and a 79505

just and reasonable rate of return on such infrastructure 79506
modernization. As part of its determination as to whether to allow 79507
in an electric distribution utility's electric security plan 79508
inclusion of any provision described in division (B)(2)(h) of this 79509
section, the commission shall examine the reliability of the 79510
electric distribution utility's distribution system and ensure 79511
that customers' and the electric distribution utility's 79512
expectations are aligned and that the electric distribution 79513
utility is placing sufficient emphasis on and dedicating 79514
sufficient resources to the reliability of its distribution 79515
system. 79516

(i) Provisions under which the electric distribution utility 79517
may implement economic development, job retention, and energy 79518
efficiency programs, which provisions may allocate program costs 79519
across all classes of customers of the utility and those of 79520
electric distribution utilities in the same holding company 79521
system. 79522

(C)(1) The burden of proof in the proceeding shall be on the 79523
electric distribution utility. The commission shall issue an order 79524
under this division for an initial application under this section 79525
not later than one hundred fifty days after the application's 79526
filing date and, for any subsequent application by the utility 79527
under this section, not later than two hundred seventy-five days 79528
after the application's filing date. Subject to division (D) of 79529
this section, the commission by order shall approve or modify and 79530
approve an application filed under division (A) of this section if 79531
it finds that the electric security plan so approved, including 79532
its pricing and all other terms and conditions, including any 79533
deferrals and any future recovery of deferrals, is more favorable 79534
in the aggregate as compared to the expected results that would 79535
otherwise apply under section 4928.142 of the Revised Code. 79536
Additionally, if the commission so approves an application that 79537

contains a surcharge under division (B)(2)(b) or (c) of this 79538
section, the commission shall ensure that the benefits derived for 79539
any purpose for which the surcharge is established are reserved 79540
and made available to those that bear the surcharge. Otherwise, 79541
the commission by order shall disapprove the application. 79542

(2)(a) If the commission modifies and approves an application 79543
under division (C)(1) of this section, the electric distribution 79544
utility may withdraw the application, thereby terminating it, and 79545
may file a new standard service offer under this section or a 79546
standard service offer under section 4928.142 of the Revised Code. 79547

(b) If the utility terminates an application pursuant to 79548
division (C)(2)(a) of this section or if the commission 79549
disapproves an application under division (C)(1) of this section, 79550
the commission shall issue such order as is necessary to continue 79551
the provisions, terms, and conditions of the utility's most recent 79552
standard service offer, along with any expected increases or 79553
decreases in fuel costs from those contained in that offer, until 79554
a subsequent offer is authorized pursuant to this section or 79555
section 4928.142 of the Revised Code, respectively. 79556

(D) Regarding the rate plan requirement of division (A) of 79557
section 4928.141 of the Revised Code, if an electric distribution 79558
utility that has a rate plan that extends beyond December 31, 79559
2008, files an application under this section for the purpose of 79560
its compliance with division (A) of section 4928.141 of the 79561
Revised Code, that rate plan and its terms and conditions are 79562
hereby incorporated into its proposed electric security plan and 79563
shall continue in effect until the date scheduled under the rate 79564
plan for its expiration, and that portion of the electric security 79565
plan shall not be subject to commission approval or disapproval 79566
under division (C) of this section, and the earnings test provided 79567
for in division (F) of this section shall not apply until after 79568
the expiration of the rate plan. However, that utility may include 79569

in its electric security plan under this section, and the 79570
commission may approve, modify and approve, or disapprove subject 79571
to division (C) of this section, provisions for the incremental 79572
recovery or the deferral of any costs that are not being recovered 79573
under the rate plan and that the utility incurs during that 79574
continuation period to comply with section 4928.141, division (B) 79575
of section 4928.64, or division (A) of section 4928.66 of the 79576
Revised Code. 79577

(E)(1) If an electric security plan approved under division 79578
(C) of this section, except one withdrawn by the utility as 79579
authorized under that division, has a term, exclusive of phase-ins 79580
or deferrals, that exceeds three years from the effective date of 79581
the plan, the commission shall test the plan in the fourth year, 79582
and if applicable, every fourth year thereafter, to determine 79583
whether the plan, including its then-existing pricing and all 79584
other terms and conditions, including any deferrals and any future 79585
recovery of deferrals, continues to be more favorable in the 79586
aggregate and during the remaining term of the plan as compared to 79587
the expected results that would otherwise apply under section 79588
4928.142 of the Revised Code. The commission shall also determine 79589
the prospective effect of the electric security plan to determine 79590
if that effect is substantially likely to provide the electric 79591
distribution utility with a return on common equity that is 79592
significantly in excess of the return on common equity that is 79593
likely to be earned by publicly traded companies, including 79594
utilities, that face comparable business and financial risk, with 79595
such adjustments for capital structure as may be appropriate. The 79596
burden of proof for demonstrating that significantly excessive 79597
earnings will not occur shall be on the electric distribution 79598
utility. If the test results are in the negative or the commission 79599
finds that continuation of the electric security plan will result 79600
in a return on equity that is significantly in excess of the 79601
return on common equity that is likely to be earned by publicly 79602

traded companies, including utilities, that will face comparable 79603
business and financial risk, with such adjustments for capital 79604
structure as may be appropriate, during the balance of the plan, 79605
the commission may terminate the electric security plan, but not 79606
until it shall have provided interested parties with notice and an 79607
opportunity to be heard. The commission may impose such conditions 79608
on the plan's termination as it considers reasonable and necessary 79609
to accommodate the transition from an approved plan to the more 79610
advantageous alternative. In the event of an electric security 79611
plan's termination pursuant to this division, the commission shall 79612
permit the continued deferral and phase-in of any amounts that 79613
occurred prior to that termination and the recovery of those 79614
amounts as contemplated under that electric security plan. 79615

(2) The commission may consider the utility's credit rating 79616
when testing an electric security plan under division (E)(1) of 79617
this section. 79618

(F) With regard to the provisions that are included in an 79619
electric security plan under this section, the commission shall 79620
consider, following the end of each annual period of the plan, if 79621
any such adjustments resulted in excessive earnings as measured by 79622
whether the earned return on common equity of the electric 79623
distribution utility is significantly in excess of the return on 79624
common equity that was earned during the same period by publicly 79625
traded companies, including utilities, that face comparable 79626
business and financial risk, with such adjustments for capital 79627
structure as may be appropriate. Consideration also shall be given 79628
to the capital requirements of future committed investments in 79629
this state. The burden of proof for demonstrating that 79630
significantly excessive earnings did not occur shall be on the 79631
electric distribution utility. If the commission finds that such 79632
adjustments, in the aggregate, did result in significantly 79633
excessive earnings, it shall require the electric distribution 79634

utility to return to consumers the amount of the excess by 79635
prospective adjustments; provided that, upon making such 79636
prospective adjustments, the electric distribution utility shall 79637
have the right to terminate the plan and immediately file an 79638
application pursuant to section 4928.142 of the Revised Code. Upon 79639
termination of a plan under this division, rates shall be set on 79640
the same basis as specified in division (C)(2)(b) of this section, 79641
and the commission shall permit the continued deferral and 79642
phase-in of any amounts that occurred prior to that termination 79643
and the recovery of those amounts as contemplated under that 79644
electric security plan. In making its determination of 79645
significantly excessive earnings under this division, the 79646
commission shall not consider, directly or indirectly, the 79647
revenue, expenses, or earnings of any affiliate or parent company. 79648

(G)(1) The commission, in a proceeding regarding an electric 79649
security plan, may establish or upwardly adjust the rates the 79650
electric distribution utility is authorized to collect from its 79651
customers to ensure that the utility achieves and maintains at 79652
least a minimum credit rating. The rate adjustment shall be in an 79653
amount that the commission determines is just and reasonable, as 79654
well as necessary for the utility to achieve and maintain a target 79655
credit rating determined by the commission. 79656

(2) When making a rate adjustment under this division, the 79657
commission shall do the following: 79658

(a) Consider the potential benefits over time from an 79659
improved credit rating; 79660

(b) Consider the need to provide safe, reliable, and stable 79661
utility service in the state; 79662

(c) Determine the target credit rating, which may be a higher 79663
credit rating than the minimum credit rating; 79664

(d) Consider any and all matters that may adversely affect 79665

the target credit rating; 79666

(e) Determine the form of a rate adjustment under this division; 79667
79668

(f) Determine the duration of the rate adjustment based on the time period necessary to achieve and maintain the target credit rating. 79669
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(3) A rate adjustment approved under this section is not a transition charge and shall not be subject to the limitations for such charges under division (A) of section 4928.141 or sections 4928.31 to 4928.40 of the Revised Code or to any limitation relating to corporate separation plans under section 4928.17 of the Revised Code. 79672
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(4) As used in this division, "minimum credit rating" means the lowest credit rating that is rated as investment grade by independent entities in the business of establishing credit ratings. 79678
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Sec. 4928.64. (A)(1) As used in this section, "qualifying renewable energy resource" means a renewable energy resource, as defined in section 4928.01 of the Revised Code that ~~has:~~ 79682
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(a) ~~Has~~ a placed-in-service date on or after January 1, 1998, ~~or with respect to;~~ 79685
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(b) ~~Is~~ any run-of-the-river hydroelectric facility, ~~that has~~ an in-service date on or after January 1, 1980; ~~a renewable energy resource~~ 79687
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(c) ~~Is~~ a small hydroelectric facility; 79690

(d) ~~Is~~ created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or 79691
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(e) ~~Is~~ a mercantile customer-sited renewable energy resource, 79694

whether new or existing, that the mercantile customer commits for 79695
integration into the electric distribution utility's 79696
demand-response, energy efficiency, or peak demand reduction 79697
programs as provided under division (A)(2)(c) of section 4928.66 79698
of the Revised Code, including, but not limited to, any of the 79699
following: 79700

~~(a)~~(i) A resource that has the effect of improving the 79701
relationship between real and reactive power; 79702

~~(b)~~(ii) A resource that makes efficient use of waste heat or 79703
other thermal capabilities owned or controlled by a mercantile 79704
customer; 79705

~~(c)~~(iii) Storage technology that allows a mercantile customer 79706
more flexibility to modify its demand or load and usage 79707
characteristics; 79708

~~(d)~~(iv) Electric generation equipment owned or controlled by 79709
a mercantile customer that uses a renewable energy resource. 79710

(2) For the purpose of this section and as it considers 79711
appropriate, the public utilities commission may classify any new 79712
technology as such a qualifying renewable energy resource. 79713

(B)(1) By 2027 and thereafter, an electric distribution 79714
utility shall provide from qualifying renewable energy resources, 79715
including, at its discretion, qualifying renewable energy 79716
resources obtained pursuant to an electricity supply contract, a 79717
portion of the electricity supply required for its standard 79718
service offer under section 4928.141 of the Revised Code, and an 79719
electric services company shall provide a portion of its 79720
electricity supply for retail consumers in this state from 79721
qualifying renewable energy resources, including, at its 79722
discretion, qualifying renewable energy resources obtained 79723
pursuant to an electricity supply contract. That portion shall 79724
equal twelve and one-half per cent of the total number of kilowatt 79725

hours of electricity sold by the subject utility or company to any 79726
and all retail electric consumers whose electric load centers are 79727
served by that utility and are located within the utility's 79728
certified territory or, in the case of an electric services 79729
company, are served by the company and are located within this 79730
state. However, nothing in this section precludes a utility or 79731
company from providing a greater percentage. 79732

(2) The portion required under division (B)(1) of this 79733
section shall be generated from renewable energy resources, 79734
including one-half per cent from solar energy resources, in 79735
accordance with the following benchmarks: 79736

By end of year	Renewable energy resources	Solar energy resources	
2009	0.25%	0.004%	79738
2010	0.50%	0.010%	79739
2011	1%	0.030%	79740
2012	1.5%	0.060%	79741
2013	2%	0.090%	79742
2014	2.5%	0.12%	79743
2015	2.5%	0.12%	79744
2016	2.5%	0.12%	79745
2017	3.5%	0.15%	79746
2018	4.5%	0.18%	79747
2019	5.5%	0.22%	79748
2020	6.5%	0.26%	79749
2021	7.5%	0.3%	79750
2022	8.5%	0.34%	79751
2023	9.5%	0.38%	79752
2024	10.5%	0.42%	79753
2025	11.5%	0.46%	79754
2026 and each calendar year thereafter	12.5%	0.5%.	79755

(3) The qualifying renewable energy resources implemented by the utility or company shall be met either: 79756
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(a) Through facilities located in this state; or 79758

(b) With resources that can be shown to be deliverable into this state. 79759
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(C)(1) The commission annually shall review an electric distribution utility's or electric services company's compliance with the most recent applicable benchmark under division (B)(2) of this section and, in the course of that review, shall identify any undercompliance or noncompliance of the utility or company that it determines is weather-related, related to equipment or resource shortages for qualifying renewable energy resources as applicable, or is otherwise outside the utility's or company's control. 79761
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(2) Subject to the cost cap provisions of division (C)(3) of this section, if the commission determines, after notice and opportunity for hearing, and based upon its findings in that review regarding avoidable undercompliance or noncompliance, but subject to division (C)(4) of this section, that the utility or company has failed to comply with any such benchmark, the commission shall impose a renewable energy compliance payment on the utility or company. 79769
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(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, as follows: 79777
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(i) Three hundred dollars for 2014, 2015, and 2016; 79781

(ii) Two hundred fifty dollars for 2017 and 2018; 79782

(iii) Two hundred dollars for 2019 and 2020; 79783

(iv) Similarly reduced every two years thereafter through 2026 by fifty dollars, to a minimum of fifty dollars. 79784
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(b) The compliance payment pertaining to the renewable energy resource benchmarks under division (B)(2) of this section shall equal the number of additional renewable energy credits that the electric distribution utility or electric services company would have needed to comply with the applicable benchmark in the period under review times an amount that shall begin at forty-five dollars and shall be adjusted annually by the commission to reflect any change in the consumer price index as defined in section 101.27 of the Revised Code, but shall not be less than forty-five dollars.

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

(3) An electric distribution utility or an electric services company need not comply with a benchmark under division (B)(2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more. The cost of compliance shall be calculated as though any exemption from taxes and assessments had not been granted under section 5727.75 of the Revised Code.

(4)(a) An electric distribution utility or electric services company may request the commission to make a force majeure determination pursuant to this division regarding all or part of the utility's or company's compliance with any minimum benchmark under division (B)(2) of this section during the period of review occurring pursuant to division (C)(2) of this section. The

commission may require the electric distribution utility or 79818
electric services company to make solicitations for renewable 79819
energy resource credits as part of its default service before the 79820
utility's or company's request of force majeure under this 79821
division can be made. 79822

(b) Within ninety days after the filing of a request by an 79823
electric distribution utility or electric services company under 79824
division (C)(4)(a) of this section, the commission shall determine 79825
if qualifying renewable energy resources are reasonably available 79826
in the marketplace in sufficient quantities for the utility or 79827
company to comply with the subject minimum benchmark during the 79828
review period. In making this determination, the commission shall 79829
consider whether the electric distribution utility or electric 79830
services company has made a good faith effort to acquire 79831
sufficient qualifying renewable energy or, as applicable, solar 79832
energy resources to so comply, including, but not limited to, by 79833
banking or seeking renewable energy resource credits or by seeking 79834
the resources through long-term contracts. Additionally, the 79835
commission shall consider the availability of qualifying renewable 79836
energy or solar energy resources in this state and other 79837
jurisdictions in the PJM interconnection regional transmission 79838
organization, L.L.C., or its successor and the midcontinent 79839
independent system operator or its successor. 79840

(c) If, pursuant to division (C)(4)(b) of this section, the 79841
commission determines that qualifying renewable energy or solar 79842
energy resources are not reasonably available to permit the 79843
electric distribution utility or electric services company to 79844
comply, during the period of review, with the subject minimum 79845
benchmark prescribed under division (B)(2) of this section, the 79846
commission shall modify that compliance obligation of the utility 79847
or company as it determines appropriate to accommodate the 79848
finding. Commission modification shall not automatically reduce 79849

the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

(5) The commission shall establish a process to provide for at least an annual review of the renewable energy resource market in this state and in the service territories of the regional transmission organizations that manage transmission systems located in this state. The commission shall use the results of this study to identify any needed changes to the amount of the renewable energy compliance payment specified under divisions (C)(2)(a) and (b) of this section. Specifically, the commission may increase the amount to ensure that payment of compliance payments is not used to achieve compliance with this section in lieu of actually acquiring or realizing energy derived from qualifying renewable energy resources. However, if the commission finds that the amount of the compliance payment should be otherwise changed, the commission shall present this finding to the general assembly for legislative enactment.

(D) The commission annually shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report describing all of the following:

(1) The compliance of electric distribution utilities and electric services companies with division (B) of this section;

(2) The average annual cost of renewable energy credits purchased by utilities and companies for the year covered in the report;

(3) Any strategy for utility and company compliance or for encouraging the use of qualifying renewable energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts.

The commission shall begin providing the information described in division (D)(2) of this section in each report submitted after September 10, 2012. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

(E) All costs incurred by an electric distribution utility in complying with the requirements of this section shall be bypassable by any consumer that has exercised choice of supplier under section 4928.03 of the Revised Code.

Sec. 5101.074. If the department of job and family services receives money from a refund or reconciliation related to the medicaid program, the department shall transfer the money to the department of medicaid for deposit into the refunds and reconciliation fund created under section 5162.65 of the Revised Code.

Sec. 5101.09. (A) When the director of job and family services is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of

Chapter 4141. of the Revised Code; 79912

(b) The rule concerns a program administered by the 79913
department of job and family services, unless the statute 79914
authorizing the rule requires that it be adopted in accordance 79915
with section 111.15 of the Revised Code; 79916

(c) The statute authorizing the rule requires that the rule 79917
be adopted in accordance with Chapter 119. of the Revised Code. 79918

(2) Section 111.15 of the Revised Code, excluding division 79919
(D) of that section, if either of the following apply: 79920

(a) The rule concerns the day-to-day staff procedures and 79921
operations of the department or financial and operational matters 79922
between the department and another government entity or a private 79923
entity receiving a grant from the department, unless the statute 79924
authorizing the rule requires that it be adopted in accordance 79925
with Chapter 119. of the Revised Code; 79926

(b) The statute authorizing the rule requires that the rule 79927
be adopted in accordance with section 111.15 of the Revised Code 79928
and, by the terms of division (D) of that section, division (D) of 79929
that section does not apply to the rule. 79930

(3) Section 111.15 of the Revised Code, including division 79931
(D) of that section, if the statute authorizing the rule requires 79932
that the rule be adopted in accordance with that section and the 79933
rule is not exempt from the application of division (D) of that 79934
section. 79935

(B) Except as otherwise required by the Revised Code, the 79936
adoption of a rule in accordance with Chapter 119. of the Revised 79937
Code does not make the department of job and family services, a 79938
county family services agency, or a ~~workforce development agency~~ 79939
local board subject to the notice, hearing, or other requirements 79940
of sections 119.06 to 119.13 of the Revised Code. As used in this 79941
division, "~~workforce development agency~~ local board" has the same 79942

meaning as in section 6301.01 of the Revised Code. 79943

Sec. 5101.16. (A) As used in this section and sections 79944
5101.161 and 5101.162 of the Revised Code: 79945

(1) "Disability financial assistance" means the financial 79946
assistance program established under former Chapter 5115. of the 79947
Revised Code. 79948

(2) "Supplemental nutrition assistance program" means the 79949
program administered by the department of job and family services 79950
pursuant to section 5101.54 of the Revised Code. 79951

(3) "Ohio works first" means the program established by 79952
Chapter 5107. of the Revised Code. 79953

(4) "Prevention, retention, and contingency" means the 79954
program established by Chapter 5108. of the Revised Code. 79955

(5) "Public assistance expenditures" means expenditures for 79956
all of the following: 79957

(a) Ohio works first; 79958

(b) County administration of Ohio works first; 79959

(c) Prevention, retention, and contingency; 79960

(d) County administration of prevention, retention, and 79961
contingency; 79962

(e) Disability financial assistance; 79963

(f) County administration of disability financial assistance; 79964

(g) County administration of the supplemental nutrition 79965
assistance program; 79966

(h) County administration of medicaid, excluding 79967
administrative expenditures for transportation services covered by 79968
the medicaid program. 79969

~~(7)~~(6) "Title IV-A program" has the same meaning as in 79970

section 5101.80 of the Revised Code. 79971

(B) Each board of county commissioners shall pay the county 79972
share of public assistance expenditures in accordance with section 79973
5101.161 of the Revised Code. Except as provided in division (C) 79974
of this section, a county's share of public assistance 79975
expenditures is the sum of all of the following for state fiscal 79976
year 1998 and each state fiscal year thereafter: 79977

(1) The amount that is twenty-five per cent of the county's 79978
total expenditures for disability financial assistance and county 79979
administration of that program during the state fiscal year ending 79980
in the previous calendar year that the department of job and 79981
family services determines are allowable. 79982

(2) The amount that is ten per cent, or other percentage 79983
determined under division (D) of this section, of the county's 79984
total expenditures for county administration of the supplemental 79985
nutrition assistance program and medicaid (excluding 79986
administrative expenditures for transportation services covered by 79987
the medicaid program) during the state fiscal year ending in the 79988
previous calendar year that the department determines are 79989
allowable, less the amount of federal reimbursement credited to 79990
the county under division (E) of this section for the state fiscal 79991
year ending in the previous calendar year; 79992

(3) A percentage of the actual amount of the county share of 79993
program and administrative expenditures during federal fiscal year 79994
1994 for assistance and services, other than child care, provided 79995
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 79996
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 79997
enactment of the "Personal Responsibility and Work Opportunity 79998
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 79999
and family services shall determine the actual amount of the 80000
county share from expenditure reports submitted to the United 80001
States department of health and human services. The percentage 80002

shall be the percentage established in rules adopted under 80003
division (F) of this section. 80004

(C)(1) If a county's share of public assistance expenditures 80005
determined under division (B) of this section for a state fiscal 80006
year exceeds one hundred five per cent of the county's share for 80007
those expenditures for the immediately preceding state fiscal 80008
year, the department of job and family services shall reduce the 80009
county's share for expenditures under divisions (B)(1) and (2) of 80010
this section so that the total of the county's share for 80011
expenditures under division (B) of this section equals one hundred 80012
five per cent of the county's share of those expenditures for the 80013
immediately preceding state fiscal year. 80014

(2) A county's share of public assistance expenditures 80015
determined under division (B) of this section may be increased 80016
pursuant to section 5101.163 of the Revised Code and a sanction 80017
under section 5101.24 of the Revised Code. An increase made 80018
pursuant to section 5101.163 of the Revised Code may cause the 80019
county's share to exceed the limit established by division (C)(1) 80020
of this section. 80021

(D)(1) If the per capita tax duplicate of a county is less 80022
than the per capita tax duplicate of the state as a whole and 80023
division (D)(2) of this section does not apply to the county, the 80024
percentage to be used for the purpose of division (B)(2) of this 80025
section is the product of ten multiplied by a fraction of which 80026
the numerator is the per capita tax duplicate of the county and 80027
the denominator is the per capita tax duplicate of the state as a 80028
whole. The department of job and family services shall compute the 80029
per capita tax duplicate for the state and for each county by 80030
dividing the tax duplicate for the most recent available year by 80031
the current estimate of population prepared by the development 80032
services agency. 80033

(2) If the percentage of families in a county with an annual 80034

income of less than three thousand dollars is greater than the 80035
percentage of such families in the state and division (D)(1) of 80036
this section does not apply to the county, the percentage to be 80037
used for the purpose of division (B)(2) of this section is the 80038
product of ten multiplied by a fraction of which the numerator is 80039
the percentage of families in the state with an annual income of 80040
less than three thousand dollars a year and the denominator is the 80041
percentage of such families in the county. The department of job 80042
and family services shall compute the percentage of families with 80043
an annual income of less than three thousand dollars for the state 80044
and for each county by multiplying the most recent estimate of 80045
such families published by the development services agency, by a 80046
fraction, the numerator of which is the estimate of average annual 80047
personal income published by the bureau of economic analysis of 80048
the United States department of commerce for the year on which the 80049
census estimate is based and the denominator of which is the most 80050
recent such estimate published by the bureau. 80051

(3) If the per capita tax duplicate of a county is less than 80052
the per capita tax duplicate of the state as a whole and the 80053
percentage of families in the county with an annual income of less 80054
than three thousand dollars is greater than the percentage of such 80055
families in the state, the percentage to be used for the purpose 80056
of division (B)(2) of this section shall be determined as follows: 80057

(a) Multiply ten by the fraction determined under division 80058
(D)(1) of this section; 80059

(b) Multiply the product determined under division (D)(3)(a) 80060
of this section by the fraction determined under division (D)(2) 80061
of this section. 80062

(4) The department of job and family services shall 80063
determine, for each county, the percentage to be used for the 80064
purpose of division (B)(2) of this section not later than the 80065
first day of July of the year preceding the state fiscal year for 80066

which the percentage is used. 80067

(E) The department of job and family services shall credit to 80068
a county the amount of federal reimbursement the department 80069
receives from the United States departments of agriculture and 80070
health and human services for the county's expenditures for 80071
administration of the supplemental nutrition assistance program 80072
and medicaid (excluding administrative expenditures for 80073
transportation services covered by the medicaid program) that the 80074
department determines are allowable administrative expenditures. 80075

(F)(1) The director of job and family services shall adopt 80076
rules in accordance with section 111.15 of the Revised Code to 80077
establish all of the following: 80078

(a) The method the department is to use to change a county's 80079
share of public assistance expenditures determined under division 80080
(B) of this section as provided in division (C) of this section; 80081

(b) The allocation methodology and formula the department 80082
will use to determine the amount of funds to credit to a county 80083
under this section; 80084

(c) The method the department will use to change the payment 80085
of the county share of public assistance expenditures from a 80086
calendar-year basis to a state fiscal year basis; 80087

(d) The percentage to be used for the purpose of division 80088
(B)(3) of this section, which shall, except as provided in section 80089
5101.163 of the Revised Code, meet both of the following 80090
requirements: 80091

(i) The percentage shall not be less than seventy-five per 80092
cent nor more than eighty-two per cent; 80093

(ii) The percentage shall not exceed the percentage that the 80094
state's qualified state expenditures is of the state's historic 80095
state expenditures as those terms are defined in 42 U.S.C. 80096

609(a)(7).	80097
(e) Other procedures and requirements necessary to implement this section.	80098 80099
(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.	80100 80101 80102 80103 80104 80105 80106
Sec. 5101.17. In determining the need of any person under Chapter 5107. or 5115. of the Revised Code, the first eighty-five dollars plus one-half of the excess over eighty-five dollars of payments made to or in behalf of any person for or with respect to any month under Title I or II of the "Economic Opportunity Act of 1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be regarded as income or resources. No payments made under such titles shall be regarded as income or resources of another individual except to the extent that they are made available to the other individual. No grant made to any family under Title III of such act shall be regarded as income or resources in determining the need of any member of such family under Chapter 5107. or 5115. of the Revised Code.	80107 80108 80109 80110 80111 80112 80113 80114 80115 80116 80117 80118 80119
Sec. 5101.18. When the director of job and family services adopts rules under section 5107.05 <u>of the Revised Code</u> regarding income requirements for the Ohio works first program and under section 5115.03 of the Revised Code regarding income and resource requirements for the disability financial assistance program , the director shall determine what payments shall be regarded or disregarded. In making this determination, the director shall	80120 80121 80122 80123 80124 80125 80126

consider:	80127
(A) The source of the payment;	80128
(B) The amount of the payment;	80129
(C) The purpose for which the payment was made;	80130
(D) Whether regarding the payment as income would be in the public interest;	80131 80132
(E) Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department of job and family services and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code.	80133 80134 80135 80136 80137 80138
Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" means any or all of the following:	80139 80140 80141
(1) Ohio works first;	80142
(2) Prevention, retention, and contingency;	80143
(3) Disability financial assistance <u>provided prior to December 31, 2017, under former Chapter 5115. of the Revised Code;</u>	80144 80145
(4) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.	80146 80147
(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107.7 <u>or</u> 5108., or <u>former Chapter</u> 5115. of the Revised Code, the director of job and family services may furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after	80148 80149 80150 80151 80152 80153 80154 80155

receiving the name and social security number of an individual who 80156
receives public assistance, the director of administrative 80157
services, administrator, or board shall inform the auditor of 80158
state as to whether such individual is receiving wages or 80159
benefits, the amount of any wages or benefits being received, the 80160
social security number, and the address of the individual. The 80161
director of administrative services, administrator, boards, and 80162
any agent or employee of those officials and boards shall comply 80163
with the rules of the director of job and family services 80164
restricting the disclosure of information regarding recipients of 80165
public assistance. Any person who violates this provision shall 80166
thereafter be disqualified from acting as an agent or employee or 80167
in any other capacity under appointment or employment of any state 80168
board, commission, or agency. 80169

(C) The auditor of state may enter into a reciprocal 80170
agreement with the director of job and family services or 80171
comparable officer of any other state for the exchange of names, 80172
current or most recent addresses, or social security numbers of 80173
persons receiving public assistance under Title IV-A of the 80174
"Social Security Act," 42 U.S.C. 601 et seq. 80175

(D) The auditor of state shall retain, for not less than two 80176
years, at least one copy of all information received under this 80177
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 80178
5101.182, and 5505.04 of the Revised Code. 80179

(E) The auditor shall review the information described in 80180
division (D) of this section to determine whether overpayments 80181
were made to recipients of public assistance under Chapters 5107.7 80182
or 5108.7 and former Chapter 5115. of the Revised Code. The 80183
auditor of state shall initiate action leading to prosecution, 80184
where warranted, of recipients who received overpayments by 80185
forwarding the name of each recipient who received overpayment, 80186
together with other pertinent information, to the director of job 80187

and family services, the attorney general, and the county director 80188
of job and family services and county prosecutor of the county 80189
through which public assistance was received. 80190

(F) The auditor of state and the attorney general or their 80191
designees may examine any records, whether in computer or printed 80192
format, in the possession of the director of job and family 80193
services or any county director of job and family services. They 80194
shall provide safeguards which restrict access to such records to 80195
purposes directly connected with an audit or investigation, 80196
prosecution, or criminal or civil proceeding conducted in 80197
connection with the administration of the programs and shall 80198
comply with section 5101.27 of the Revised Code and rules adopted 80199
by the director of job and family services restricting the 80200
disclosure of information regarding recipients of public 80201
assistance. Any person who violates this provision shall 80202
thereafter be disqualified from acting as an agent or employee or 80203
in any other capacity under appointment or employment of any state 80204
board, commission, or agency. 80205

(G) Costs incurred by the auditor of state in carrying out 80206
the auditor of state's duties under this section shall be borne by 80207
the auditor of state. 80208

Sec. 5101.184. (A) The director of job and family services 80209
shall work with the tax commissioner to collect overpayments of 80210
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 80211
Chapter 5113., or section 5101.54 of the Revised Code from refunds 80212
of state income taxes for taxable year 1992 and thereafter that 80213
are payable to the recipients of such overpayments. 80214

Any overpayment of assistance, whether obtained by fraud or 80215
misrepresentation, as the result of an error by the recipient or 80216
by the agency making the payment, or in any other manner, may be 80217
collected under this section. Any reduction under section 5747.12 80218

or 5747.121 of the Revised Code to an income tax refund shall be 80219
made before a reduction under this section. No reduction shall be 80220
made under this section if the amount of the refund is less than 80221
twenty-five dollars after any reduction under section 5747.12 of 80222
the Revised Code. A reduction under this section shall be made 80223
before any part of the refund is contributed under section 80224
5747.113 of the Revised Code, or is credited under section 5747.12 80225
of the Revised Code against tax due in any subsequent year. 80226

The director and the tax commissioner, by rules adopted in 80227
accordance with Chapter 119. of the Revised Code, shall establish 80228
procedures to implement this division. The procedures shall 80229
provide for notice to a recipient of assistance and an opportunity 80230
for the recipient to be heard before the recipient's income tax 80231
refund is reduced. 80232

(B) The director of job and family services may enter into 80233
agreements with the federal government to collect overpayments of 80234
assistance from refunds of federal income taxes that are payable 80235
to recipients of the overpayments. 80236

Sec. 5101.20. (A) As used in this section of the Revised 80237
Code: 80238

(1) "Local area" has the same meaning as in section ~~101 of~~ 80239
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 80240
~~2801, as amended, and division (A) of section~~ 6301.01 of the 80241
Revised Code~~;~~. 80242

(2) "Chief elected official" has the same meaning as ~~in~~ 80243
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 80244
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 80245
elected official or officials" as defined in section 6301.01 of 80246
the Revised Code~~;~~. 80247

(3) "Grantee" means the chief elected officials of a local 80248

area. 80249

(4) "Local board" has the same meaning as in section 6301.01 of the Revised Code. 80250
80251

(5) "Planning region" has the same meaning as in section 6301.01 of the Revised Code. 80252
80253

(B) The director of job and family services shall enter into 80254
one or more written grant agreements with each local area under 80255
which ~~financial assistance is~~ allocated funds are awarded for 80256
workforce development activities included in the agreements. A 80257
grant agreement shall establish the terms and conditions governing 80258
the accountability for and use of grants provided by the 80259
department of job and family services to the grantee for the 80260
administration of workforce development activities funded under 80261
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 80262
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 80263
U.S.C. 3101 et seq. 80264

(C) The director may award grants to local areas only through grant agreements entered into under this section. 80265
80266

(D) In the case of a local area comprised of multiple 80267
political subdivisions, nothing in this section shall preclude the 80268
chief elected officials of a local area from entering into an 80269
agreement among themselves to distribute any liability for 80270
activities of the local area, but such an agreement shall not be 80271
binding on the department of job and family services. 80272

~~(D)~~(E) The written grant agreement entered into under 80273
division (B) of this section shall comply with all applicable 80274
federal and state laws governing workforce development activities 80275
and related funding. All Each local area is subject to all federal 80276
conditions and restrictions that apply to the use of ~~grants~~ 80277
~~received by~~ funds allotted to the department of job and family 80278
services ~~shall apply to the use of the grants received by the~~ and 80279

allocated to local areas from the department for workforce 80280
development activities. 80281

~~(E)~~(F) A written grant agreement entered into under division 80282
(B) of this section shall: 80283

(1) Identify as parties to the agreement the ~~chief elected~~ 80284
~~officials~~ representatives for the local area, including the chief 80285
elected official or officials, the local board, and the fiscal 80286
agent; 80287

(2) Provide for the incorporation of the planning region and 80288
local ~~workforce development~~ plan; 80289

(3) Include the chief elected official's or officials' 80290
assurance that the local area and any subgrantee or contractor of 80291
the local area will do all of the following: 80292

(a) Ensure that the ~~financial assistance awarded~~ funds 80293
allocated under the grant agreement ~~is~~ are used, and the workforce 80294
development duties included in the agreement are performed, in 80295
accordance with ~~requirements established by the department or any~~ 80296
~~of the following:~~ federal ~~or~~ and state law, the state plan for 80297
receipt of federal financial participation, grant agreements 80298
between the department and a federal agency, ~~or~~ executive orders, and 80299
and policies and guidance issued by the department; 80300

(b) Ensure ~~that the chief elected officials and any~~ 80301
~~subgrantee or contractor of the local area utilize~~ that the 80302
implementation and use of a financial management system and other 80303
accountability mechanisms ~~that~~ meet the requirements of federal 80304
and state law and are in accordance with the policies and 80305
procedures that the department establishes; 80306

(c) Require the chief elected officials and any subgrantee or 80307
contractor of the local area to do both of the following: 80308

(i) Monitor all private and government entities that receive 80309

~~a payment from financial assistance awarded funds allocated under~~ 80310
~~the grant agreement to ensure that each entity uses the payment~~ 80311
~~funds are utilized in accordance with requirements for the~~ 80312
~~workforce development duties included in the all applicable~~ 80313
~~federal and state laws, policies, and guidance, and with the terms~~ 80314
~~and conditions of the grant agreement;~~ 80315

(ii) Take action to recover ~~payments that are not used in~~ 80316
~~accordance with the requirements for the workforce development~~ 80317
~~duties that are included in the funds for expenditures that are~~ 80318
~~unallowable under federal or state law or under the terms of the~~ 80319
~~grant agreement.~~ 80320

(d) ~~Require the chief elected officials of a local area to~~ 80321
~~promptly reimburse the department the amount that represents the~~ 80322
~~amount a local area is responsible for of funds the department~~ 80323
~~pays to any entity~~ Promptly remit funds to the department that are 80324
payable to the state or federal government because of an adverse 80325
audit finding, adverse quality control finding, final disallowance 80326
of federal financial participation, or other sanction or penalty; 80327

(e) ~~Require chief elected officials of a local area to take~~ 80328
Take prompt corrective action if the department, auditor of state, 80329
~~federal agency, or other entity authorized by federal or state law~~ 80330
~~to determine compliance with requirements for a workforce~~ 80331
~~development duty included in the agreement~~ state or a federal 80332
agency determines compliance has not been achieved; noncompliance 80333
with state or federal law. 80334

(4) Provide that the ~~award of financial assistance allocation~~ 80335
is subject to the availability of federal funds and appropriations 80336
made by the general assembly; 80337

(5) Provide for annual financial, administrative, or other 80338
incentive awards, if any, to be provided in accordance with 80339
section 5101.23 of the Revised Code. 80340

(6) Establish the ~~method of~~ terms and conditions for amending 80341
or terminating the grant agreement and an expedited process for 80342
correcting terms or conditions of the agreement that the director 80343
and the chief elected officials agree are erroneous. 80344

(7) ~~Provide for~~ Permit the department of job and family 80345
services to ~~award financial assistance~~ allocate funds for the 80346
workforce development duties included in the agreement in 80347
accordance with a methodology for determining the amount of the 80348
award established by rules adopted under division ~~(F)~~(G) of this 80349
section. 80350

(8) Determine the dates that the grant agreement begins and 80351
ends. 80352

~~(F)~~(G)(1) The director shall adopt rules in accordance with 80353
section 111.15 of the Revised Code governing grant agreements. The 80354
director shall adopt the rules as if they were internal management 80355
rules. The rules shall establish methodologies to be used to 80356
determine the amount of ~~financial assistance~~ funds to be awarded 80357
under the agreements and may do any of the following: 80358

(a) Govern the establishment of consolidated funding 80359
allocations and other allocations; 80360

(b) Specify allowable uses of ~~financial assistance awarded~~ 80361
funds allocated under the agreements; 80362

(c) Establish reporting, cash management, audit, and other 80363
requirements the director determines are necessary to provide 80364
accountability for the use of ~~financial assistance awarded~~ funds 80365
allocated under the agreements and determine compliance with 80366
requirements established by the department or any of the 80367
following: a federal or state law, state plan for receipt of 80368
federal financial participation, grant agreement between the 80369
department and a federal entity, or executive order. 80370

(2) A requirement of a grant agreement established by a rule 80371

adopted under this division is applicable to a grant agreement 80372
without having to be restated in the grant agreement. 80373

Sec. 5101.201. ~~The~~ As the director of the state agency for 80374
the implementation of several workforce programs, the director of 80375
job and family services may enter into agreements with ~~one-stop~~ 80376
~~operators~~ local boards, as defined in section 6301.01 of the 80377
Revised Code, and one-stop other OhioMeansJobs center partners for 80378
the purpose of implementing the requirements of section 121 of the 80379
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 80380
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 80381

Sec. 5101.214. The director of job and family services may 80382
enter into a written agreement with one or more state agencies, as 80383
defined in section 117.01 of the Revised Code, and state 80384
universities and colleges to assist in the coordination, 80385
provision, or enhancement of the family services duties of a 80386
county family services agency or the workforce development 80387
activities of a ~~workforce development agency~~ local board, as 80388
defined in section 6301.01 of the Revised Code. The director also 80389
may enter into written agreements or contracts with, or issue 80390
grants to, private and government entities under which funds are 80391
provided for the enhancement or innovation of family services 80392
duties or workforce development activities on the state or local 80393
level. 80394

The director may adopt internal management rules in 80395
accordance with section 111.15 of the Revised Code to implement 80396
this section. 80397

Sec. 5101.23. Subject to the availability of funds, the 80398
department of job and family services may provide annual 80399
financial, administrative, or other incentive awards to county 80400
family services agencies and ~~workforce development agencies~~ local 80401

areas as defined in section 6301.01 of the Revised Code. A county 80402
family services agency or ~~workforce development agency~~ local area 80403
may spend ~~funds provided as a financial~~ an incentive award awarded 80404
under this section only for the purpose for which the funds are 80405
appropriated. The department may adopt internal management rules 80406
in accordance with section 111.15 of the Revised Code to establish 80407
the amounts of awards, methodology for distributing the awards, 80408
types of awards, and standards for administration ~~by the~~ 80409
~~department.~~ 80410

There is hereby created in the state treasury the social 80411
services incentive fund. The director of job and family services 80412
may request that the director of budget and management transfer 80413
funds in the Title IV-A reserve fund created under section 5101.82 80414
of the Revised Code and other funds appropriated for family 80415
services duties or workforce investment activities into the fund. 80416
If the director of budget and management determines that the funds 80417
identified by the director of job and family services are 80418
available and appropriate for transfer, the director of budget and 80419
management shall make the transfer. Money in the fund shall be 80420
used to provide incentive awards under this section. 80421

Sec. 5101.241. (A) As used in this section: 80422

(1) "Local area" and "chief elected official" have the same 80423
meaning as in section 5101.20 of the Revised Code. 80424

(2) "Responsible entity" means the chief elected officials of 80425
a local area. 80426

(B) The department of job and family services may take action 80427
under division (C) of this section against the responsible entity, 80428
regardless of who performs the workforce development activity, if 80429
the department determines any of the following are the case: 80430

(1) ~~A requirement~~ An entity has failed to comply with the 80431

~~terms and conditions of a grant agreement entered into executed 80432
between the department and a local area under section 5101.20 of 80433
the Revised Code that includes the workforce development activity, 80434
including a requirement for grant agreements established by rules 80435
adopted under that section, is not complied with; 80436~~

(2) A performance standard for the workforce development 80437
activity established by the federal government or the department 80438
is not met; 80439

(3) ~~A An entity has failed to comply with a workforce 80440
development activity requirement for the workforce development 80441
activity established by the department or any of the following is 80442
not complied with; 80443~~ a federal or state law, a state plan for 80443
receipt of federal financial participation, a grant agreement 80444
between the department and a federal agency, or an executive 80445
order; 80446

(4) The responsible entity is solely or partially 80447
responsible, as determined by the director of job and family 80448
services, for an adverse audit finding, adverse quality control 80449
finding, final disallowance of federal financial participation, or 80450
other sanction or penalty regarding the workforce development 80451
activity. 80452

(C) The department may take one or more of the following 80453
actions against the responsible entity when authorized by division 80454
(B)(1), (2), (3), or (4) of this section: 80455

(1) Require the responsible entity to submit to and comply 80456
with a corrective action plan, established or approved by the 80457
department, pursuant to a time schedule specified by the 80458
department; 80459

(2) Require the responsible entity to do one of the 80460
following: 80461

(a) Share with the department a final disallowance of federal 80462

financial participation or other sanction or penalty; 80463

(b) Reimburse the department the amount the department pays 80464
to the federal government or another entity that represents the 80465
amount the responsible entity is responsible for of an adverse 80466
audit finding, adverse quality control finding, final disallowance 80467
of federal financial participation, or other sanction or penalty 80468
issued by the federal government, auditor of state, or other 80469
entity; 80470

(c) Pay the federal government or another entity the amount 80471
that represents the amount the responsible entity is responsible 80472
for of an adverse audit finding, adverse quality control finding, 80473
final disallowance of federal financial participation, or other 80474
sanction or penalty issued by the federal government, auditor of 80475
state, or other entity; 80476

(d) Pay the department the amount that represents the amount 80477
the responsible entity is responsible for of an adverse audit 80478
finding, adverse quality control finding, or other sanction or 80479
penalty issued by the department. 80480

(3) Impose a financial or administrative sanction or adverse 80481
audit finding issued by the department against the responsible 80482
entity, which may be increased with each subsequent action taken 80483
against the responsible entity; 80484

(4) Perform or contract with a government or private entity 80485
for the entity to perform the workforce development activity until 80486
the department is satisfied that the responsible entity ensures 80487
that the activity will be performed to the department's 80488
satisfaction. If the department performs or contracts with an 80489
entity to perform the workforce development activity under 80490
division (C)(4) of this section, the department may withhold funds 80491
allocated to or reimbursements due to the responsible entity for 80492
the activity and use those funds to implement division (C)(4) of 80493

this section. 80494

(5) Request the attorney general to bring mandamus 80495
proceedings to compel the responsible entity to take or cease the 80496
actions listed in division (B) of this section. The attorney 80497
general shall bring any mandamus proceedings in the Franklin 80498
county court of appeals at the department's request. 80499

(6) If the department takes action under this division 80500
because of division (B)(3) of this section, withhold funds 80501
allocated or reimbursement due to the responsible entity until the 80502
department determines that the responsible entity is in compliance 80503
with the requirement. The department shall release the funds when 80504
the department determines that compliance has been achieved. 80505

(7) Issue a notice of intent to revoke approval of all or 80506
part of the local plan effected that conflicts with state or 80507
federal law and effectuate the revocation. 80508

(D) The department shall notify the responsible entity and 80509
the appropriate county auditor ~~when the department proposes to~~ 80510
~~take~~ before taking action under division (C) of this section. The 80511
notice shall be in writing and specify the proposed action ~~the~~ 80512
~~department proposes to take~~. The department shall send the notice 80513
by regular United States mail. Except as provided in division (E) 80514
of this section, the responsible entity may request an 80515
administrative review of a proposed action in accordance with 80516
administrative review procedures the department shall establish. 80517
The administrative review procedures shall comply with all of the 80518
following: 80519

(1) A request for an administrative review shall state 80520
specifically all of the following: 80521

(a) The proposed action specified in the notice from the 80522
department for which the review is requested; 80523

(b) The reason why the responsible entity believes the 80524

proposed action is inappropriate; 80525

(c) All facts and legal arguments that the responsible entity 80526
wants the department to consider; 80527

(d) The name of the person who will serve as the responsible 80528
entity's representative in the review. 80529

(2) If the department's notice specifies more than one 80530
proposed action and the responsible entity does not specify all of 80531
the proposed actions in its request pursuant to division (D)(1)(a) 80532
of this section, the proposed actions not specified in the request 80533
shall not be subject to administrative review and the parts of the 80534
notice regarding those proposed actions shall be final and binding 80535
on the responsible entity. 80536

(3) The responsible entity shall have fifteen calendar days 80537
after the department mails the notice to the responsible entity to 80538
send a written request to the department for an administrative 80539
review. The responsible entity and the department shall attempt to 80540
resolve informally any dispute and may develop a written 80541
resolution to the dispute at any time prior to submitting the 80542
written report described in division (D)(7) of this section to the 80543
director. 80544

(4) In the case of a proposed action under division (C)(2) of 80545
this section, the responsible entity may not include in its 80546
request disputes over a finding, final disallowance of federal 80547
financial participation, or other sanction or penalty issued by 80548
the federal government, auditor of state, or other entity other 80549
than the department. 80550

(5) If the responsible entity fails to request an 80551
administrative review within the required time, the responsible 80552
entity loses the right to request an administrative review of the 80553
proposed actions specified in the notice and the notice becomes 80554
final and binding on the responsible entity. 80555

(6) The director of job and family services shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees who are not involved in the department's proposal to take action against the responsible entity. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(2) of this section shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(2) of this section. The review panel is not required to make a stenographic record of its hearing or other proceedings.

(7) After finishing an administrative review, an administrative review panel appointed under division (D)(6) of this section shall submit a written report to the director setting forth its findings of fact, conclusions of law, and recommendations for action. The director may approve, modify, or disapprove the recommendations.

(8) The director's approval, modification, or disapproval under division (D)(7) of this section shall be final and binding on the responsible entity and shall not be subject to further review.

(E) The responsible entity is not entitled to an administrative review under division (D) of this section for any of the following:

(1) An action taken under division (C)(5) or (6) of this section;

(2) An action taken under section 5101.242 of the Revised

Code; 80587

(3) An action taken under division (C)(2) of this section if 80588
the federal government, auditor of state, or entity other than the 80589
department has identified the responsible entity as being solely 80590
or partially responsible for an adverse audit finding, adverse 80591
quality control finding, final disallowance of federal financial 80592
participation, or other sanction or penalty; 80593

(4) An adjustment to an allocation, cash draw, advance, or 80594
reimbursement to the responsible entity's local area that the 80595
department determines necessary for budgetary reasons; 80596

(5) Withholding of a cash draw or reimbursement due to 80597
noncompliance with a reporting requirement established in rules 80598
adopted under section 5101.243 of the Revised Code. 80599

(F) This section does not apply to other actions the 80600
department takes against the responsible entity pursuant to 80601
authority granted by another state law unless the other state law 80602
requires the department to take the action in accordance with this 80603
section. 80604

(G) The director of job and family services may adopt rules 80605
in accordance with Chapter 119. of the Revised Code as necessary 80606
to implement this section. 80607

(H) The governor may decertify a local ~~workforce development~~ 80608
board for any of the following reasons in accordance with 80609
subsection ~~(e) of section 117 of the "Workforce Investment Act of~~ 80610
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended~~ (c)(3) of section 80611
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 80612
3122: 80613

(1) Fraud or abuse; 80614

(2) Failure to carry out the requirements of the federal 80615
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 80616

~~amended, including failure to meet performance standards~~ 80617
~~established by the federal government for two consecutive years~~ 80618
~~"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et~~ 80619
~~seq. i~~ 80620

(3) Failure to meet local performance accountability measures 80621
for the local area for two consecutive program years, as specified 80622
in subsection (c)(3)(B) of section 107 of the "Workforce 80623
Innovation and Opportunity Act," 29 U.S.C. 3122. 80624

~~(I)(1) If the governor finds that access to basic "Workforce~~ 80625
~~Investment Act" services is not being provided in a local area,~~ 80626
~~the governor may declare an emergency and, in consultation with~~ 80627
~~the chief elected officials of the local area affected, arrange~~ 80628
~~for provision of these services through an alternative entity~~ 80629
~~during the time period in which resolution of the problem~~ 80630
~~preventing service delivery in the local area is pending~~ 80631
~~determines that there has been a substantial violation of a~~ 80632
~~specific provision of the "Workforce Innovation and Opportunity~~ 80633
~~Act," 29 U.S.C. 3101 et seq., and that corrective action has not~~ 80634
~~been taken, the governor shall take one of the following actions:~~ 80635

(a) Issue a notice of intent to revoke approval of all or 80636
part of a local plan affected by the violation; 80637

(b) Impose a reorganization plan. 80638

(2) A reorganization plan imposed under division (I)(1) of 80639
this section may include any of the following: 80640

(a) Decertifying the local board involved in the violation; 80641

(b) Prohibiting the use of eligible providers; 80642

(c) Selecting an alternate entity to administer the program 80643
for the local area involved in the violation; 80644

(d) Merging the local area with one or more other local 80645
areas; 80646

(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision. An 80647
80648

An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal. 80649
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Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code: 80653
80654

(A) "County agency" means a county department of job and family services or a public children services agency. 80655
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence. 80657
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(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency. 80665
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(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes 80671
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the peace officers and other law enforcement officers employed by 80677
the agency. 80678

(E) "Public assistance" means financial assistance or social 80679
services that are provided under a program administered by the 80680
department of job and family services or a county agency pursuant 80681
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 80682
Revised Code or an executive order issued under section 107.17 of 80683
the Revised Code. "Public assistance" does not mean medical 80684
assistance provided under a medical assistance program, as defined 80685
in section 5160.01 of the Revised Code. 80686

(F) "Public assistance recipient" means an applicant for or 80687
recipient or former recipient of public assistance. 80688

Sec. 5101.27. (A) Except as permitted by this section, 80689
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 80690
rules adopted under section 5101.30 of the Revised Code, or when 80691
required by federal law, no person or government entity shall 80692
solicit, disclose, receive, use, or knowingly permit, or 80693
participate in the use of any information regarding a public 80694
assistance recipient for any purpose not directly connected with 80695
the administration of a public assistance program. 80696

(B) To the extent permitted by federal law, the department of 80697
job and family services and county agencies shall do all of the 80698
following: 80699

(1) Release information regarding a public assistance 80700
recipient for purposes directly connected to the administration of 80701
the program to a government entity responsible for administering 80702
that public assistance program; 80703

(2) Provide information regarding a public assistance 80704
recipient to a law enforcement agency for the purpose of any 80705
investigation, prosecution, or criminal or civil proceeding 80706

relating to the administration of that public assistance program; 80707

(3) Provide, for purposes directly connected to the 80708
administration of a program that assists needy individuals with 80709
the costs of public utility services, information regarding a 80710
recipient of financial assistance provided under a program 80711
administered by the department or a county agency pursuant to 80712
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 80713
~~5115.07 of the Revised Code~~ to an entity administering the public 80714
utility services program. 80715

(C) To the extent permitted by federal law and section 80716
1347.08 of the Revised Code, the department and county agencies 80717
shall provide access to information regarding a public assistance 80718
recipient to all of the following: 80719

(1) The recipient; 80720

(2) The authorized representative; 80721

(3) The legal guardian of the recipient; 80722

(4) The attorney of the recipient, if the attorney has 80723
written authorization that complies with section 5101.272 of the 80724
Revised Code from the recipient. 80725

(D) To the extent permitted by federal law and subject to 80726
division (E) of this section, the department and county agencies 80727
may do both of the following: 80728

(1) Release information about a public assistance recipient 80729
if the recipient gives voluntary, written authorization that 80730
complies with section 5101.272 of the Revised Code; 80731

(2) Release information regarding a public assistance 80732
recipient to a state, federal, or federally assisted program that 80733
provides cash or in-kind assistance or services directly to 80734
individuals based on need or for the purpose of protecting 80735
children to a government entity responsible for administering a 80736

children's protective services program. 80737

(E) Except when the release is required by division (B), (C), 80738
or (D)(2) of this section, the department or county agency shall 80739
release the information only in accordance with the authorization. 80740
The department or county agency shall provide, at no cost, a copy 80741
of each written authorization to the individual who signed it. 80742

(F) The department of job and family services may adopt rules 80743
defining "authorized representative" for purposes of division 80744
(C)(2) of this section. 80745

Sec. 5101.28. (A)(1) On request of the department of job and 80746
family services or a county agency, a law enforcement agency shall 80747
provide information regarding public assistance recipients to 80748
enable the department or county agency to determine, for 80749
eligibility purposes, whether a recipient or a member of a 80750
recipient's assistance group is a fugitive felon or violating a 80751
condition of probation, a community control sanction, parole, or a 80752
post-release control sanction imposed under state or federal law. 80753

(2) A county agency may enter into a written agreement with a 80754
local law enforcement agency establishing procedures concerning 80755
access to information and providing for compliance with division 80756
(F) of this section. 80757

(B) To the extent permitted by federal law, the department 80758
and county agencies shall provide information regarding recipients 80759
of public assistance under a program administered by the state 80760
department or a county agency pursuant to Chapter 5107.7 or 5108.7 80761
~~or 5115.~~ of the Revised Code to law enforcement agencies on 80762
request for the purposes of investigations, prosecutions, and 80763
criminal and civil proceedings that are within the scope of the 80764
law enforcement agencies' official duties. 80765

(C) Information about a public assistance recipient shall be 80766

exchanged, obtained, or shared only if the department, county 80767
agency, or law enforcement agency requesting the information gives 80768
sufficient information to specifically identify the recipient. In 80769
addition to the recipient's name, identifying information may 80770
include the recipient's current or last known address, social 80771
security number, other identifying number, age, gender, physical 80772
characteristics, any information specified in an agreement entered 80773
into under division (A) of this section, or any information 80774
considered appropriate by the department or agency. 80775

(D)(1) The department and its officers and employees are not 80776
liable in damages in a civil action for any injury, death, or loss 80777
to person or property that allegedly arises from the release of 80778
information in accordance with divisions (A), (B), and (C) of this 80779
section. This section does not affect any immunity or defense that 80780
the department and its officers and employees may be entitled to 80781
under another section of the Revised Code or the common law of 80782
this state, including section 9.86 of the Revised Code. 80783

(2) The county agencies and their employees are not liable in 80784
damages in a civil action for any injury, death, or loss to person 80785
or property that allegedly arises from the release of information 80786
in accordance with divisions (A), (B), and (C) of this section. 80787
"Employee" has the same meaning as in division (B) of section 80788
2744.01 of the Revised Code. This section does not affect any 80789
immunity or defense that the county agencies and their employees 80790
may be entitled to under another section of the Revised Code or 80791
the common law of this state, including section 2744.02 and 80792
division (A)(6) of section 2744.03 of the Revised Code. 80793

(E) To the extent permitted by federal law, the department 80794
and county agencies shall provide access to information to the 80795
auditor of state acting pursuant to Chapter 117. or sections 80796
5101.181 and 5101.182 of the Revised Code and to any other 80797
government entity authorized by federal law to conduct an audit 80798

of, or similar activity involving, a public assistance program. 80799

(F) The auditor of state shall prepare an annual report on 80800
the outcome of the agreements required under division (A) of this 80801
section. The report shall include the number of fugitive felons, 80802
probation and parole violators, and violators of community control 80803
sanctions and post-release control sanctions apprehended during 80804
the immediately preceding year as a result of the exchange of 80805
information pursuant to that division. The auditor of state shall 80806
file the report with the governor, the president and minority 80807
leader of the senate, and the speaker and minority leader of the 80808
house of representatives. The state department, county agencies, 80809
and law enforcement agencies shall cooperate with the auditor of 80810
state's office in gathering the information required under this 80811
division. 80812

(G) To the extent permitted by federal law, the department of 80813
job and family services, county departments of job and family 80814
services, and employees of the departments may report to a public 80815
children services agency or other appropriate agency information 80816
on known or suspected physical or mental injury, sexual abuse or 80817
exploitation, or negligent treatment or maltreatment, of a child 80818
receiving public assistance, if circumstances indicate that the 80819
child's health or welfare is threatened. 80820

(H) As used in this section: 80821

(1) "Community control sanction" has the same meaning as in 80822
section 2929.01 of the Revised Code. 80823

(2) "Post-release control sanction" has the same meaning as 80824
in section 2967.01 of the Revised Code. 80825

Sec. 5101.32. (A) The department of job and family services 80826
shall work with the superintendent of the bureau of criminal 80827
identification and investigation to develop procedures and formats 80828

necessary to produce the notices described in division ~~(C)~~(D) of 80829
section 109.5721 of the Revised Code in a format that is 80830
acceptable for use by the department. The department may adopt 80831
rules in accordance with section 111.15 of the Revised Code, as if 80832
they were internal management rules, necessary for such 80833
collaboration. 80834

(B) The department of job and family services may adopt rules 80835
in accordance with Chapter 119. of the Revised Code necessary for 80836
utilizing the information received pursuant to section 109.5721 of 80837
the Revised Code, with a final effective date that is not later 80838
than December 31, 2008. 80839

Sec. 5101.33. (A) As used in this section, "benefits" means 80840
any of the following: 80841

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 80842
Revised Code; 80843

(2) Supplemental nutrition assistance program benefits 80844
provided under section 5101.54 of the Revised Code; 80845

(3) Any other program administered by the department of job 80846
and family services under which assistance is provided or service 80847
rendered; 80848

(4) Any other program, service, or assistance administered by 80849
a person or government entity that the department determines may 80850
be delivered through the medium of electronic benefit transfer. 80851

(B) The department of job and family services may make any 80852
payment or delivery of benefits to eligible individuals through 80853
the medium of electronic benefit transfer by doing all of the 80854
following: 80855

(1) Contracting with an agent to supply debit cards to the 80856
department of job and family services for use by such individuals 80857
in accessing their benefits and to credit such cards 80858

electronically with the amounts specified by the director of job and family services pursuant to law; 80859
80860

(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system; 80861
80862
80863
80864

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities; 80865
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80867
80868
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(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer; 80870
80871

(5) Satisfying any applicable requirements of federal and state law. 80872
80873

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following: 80874
80875
80876
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80878

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system; 80879
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80882

(2) A fee for having the benefits provided through the electronic benefit transfer system. 80883
80884

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic 80885
80886
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80888

benefit transfer in a designated county. 80889

(E) The department may adopt rules in accordance with Chapter 80890
119. of the Revised Code for the efficient administration of this 80891
section. 80892

Sec. 5101.35. (A) As used in this section: 80893

(1)(a) "Agency" means the following entities that administer 80894
a family services program: 80895

(i) The department of job and family services; 80896

(ii) A county department of job and family services; 80897

(iii) A public children services agency; 80898

(iv) A private or government entity administering, in whole 80899
or in part, a family services program for or on behalf of the 80900
department of job and family services or a county department of 80901
job and family services or public children services agency. 80902

(b) If the department of medicaid contracts with the 80903
department of job and family services to hear appeals authorized 80904
by section 5160.31 of the Revised Code regarding medical 80905
assistance programs, "agency" includes the department of medicaid. 80906

(2) "Appellant" means an applicant, participant, former 80907
participant, recipient, or former recipient of a family services 80908
program who is entitled by federal or state law to a hearing 80909
regarding a decision or order of the agency that administers the 80910
program. 80911

(3)(a) "Family services program" means all of the following: 80912

(i) A Title IV-A program as defined in section 5101.80 of the 80913
Revised Code; 80914

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 80915
~~5115.~~ of the Revised Code; 80916

(iii) Programs that provide assistance under section 80917
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 80918
Revised Code; 80919

(iv) Title XX social services provided under section 5101.46 80920
of the Revised Code, other than such services provided by the 80921
department of mental health and addiction services, the department 80922
of developmental disabilities, a board of alcohol, drug addiction, 80923
and mental health services, or a county board of developmental 80924
disabilities. 80925

(b) If the department of medicaid contracts with the 80926
department of job and family services to hear appeals authorized 80927
by section 5160.31 of the Revised Code regarding medical 80928
assistance programs, "family services program" includes medical 80929
assistance programs. 80930

(4) "Medical assistance program" has the same meaning as in 80931
section 5160.01 of the Revised Code. 80932

(B) Except as provided by divisions (G) and (H) of this 80933
section, an appellant who appeals under federal or state law a 80934
decision or order of an agency administering a family services 80935
program shall, at the appellant's request, be granted a state 80936
hearing by the department of job and family services. This state 80937
hearing shall be conducted in accordance with rules adopted under 80938
this section. The state hearing shall be recorded, but neither the 80939
recording nor a transcript of the recording shall be part of the 80940
official record of the proceeding. Except as provided in section 80941
5160.31 of the Revised Code, a state hearing decision is binding 80942
upon the agency and department, unless it is reversed or modified 80943
on appeal to the director of job and family services or a court of 80944
common pleas. 80945

(C) Except as provided by division (G) of this section, an 80946
appellant who disagrees with a state hearing decision may make an 80947

administrative appeal to the director of job and family services 80948
in accordance with rules adopted under this section. This 80949
administrative appeal does not require a hearing, but the director 80950
or the director's designee shall review the state hearing decision 80951
and previous administrative action and may affirm, modify, remand, 80952
or reverse the state hearing decision. An administrative appeal 80953
decision is the final decision of the department and, except as 80954
provided in section 5160.31 of the Revised Code, is binding upon 80955
the department and agency, unless it is reversed or modified on 80956
appeal to the court of common pleas. 80957

(D) An agency shall comply with a decision issued pursuant to 80958
division (B) or (C) of this section within the time limits 80959
established by rules adopted under this section. If a county 80960
department of job and family services or a public children 80961
services agency fails to comply within these time limits, the 80962
department may take action pursuant to section 5101.24 of the 80963
Revised Code. If another agency, other than the department of 80964
medicaid, fails to comply within the time limits, the department 80965
may force compliance by withholding funds due the agency or 80966
imposing another sanction established by rules adopted under this 80967
section. 80968

(E) An appellant who disagrees with an administrative appeal 80969
decision of the director of job and family services or the 80970
director's designee issued under division (C) of this section may 80971
appeal from the decision to the court of common pleas pursuant to 80972
section 119.12 of the Revised Code. The appeal shall be governed 80973
by section 119.12 of the Revised Code except that: 80974

(1) The person may appeal to the court of common pleas of the 80975
county in which the person resides, or to the court of common 80976
pleas of Franklin county if the person does not reside in this 80977
state. 80978

(2) The person may apply to the court for designation as an 80979

indigent and, if the court grants this application, the appellant 80980
shall not be required to furnish the costs of the appeal. 80981

(3) The appellant shall mail the notice of appeal to the 80982
department of job and family services and file notice of appeal 80983
with the court within thirty days after the department mails the 80984
administrative appeal decision to the appellant. For good cause 80985
shown, the court may extend the time for mailing and filing notice 80986
of appeal, but such time shall not exceed six months from the date 80987
the department mails the administrative appeal decision. Filing 80988
notice of appeal with the court shall be the only act necessary to 80989
vest jurisdiction in the court. 80990

(4) The department shall be required to file a transcript of 80991
the testimony of the state hearing with the court only if the 80992
court orders the department to file the transcript. The court 80993
shall make such an order only if it finds that the department and 80994
the appellant are unable to stipulate to the facts of the case and 80995
that the transcript is essential to a determination of the appeal. 80996
The department shall file the transcript not later than thirty 80997
days after the day such an order is issued. 80998

(F) The department of job and family services shall adopt 80999
rules in accordance with Chapter 119. of the Revised Code to 81000
implement this section, including rules governing the following: 81001

(1) State hearings under division (B) of this section. The 81002
rules shall include provisions regarding notice of eligibility 81003
termination and the opportunity of an appellant appealing a 81004
decision or order of a county department of job and family 81005
services to request a county conference with the county department 81006
before the state hearing is held. 81007

(2) Administrative appeals under division (C) of this 81008
section; 81009

(3) Time limits for complying with a decision issued under 81010

division (B) or (C) of this section; 81011

(4) Sanctions that may be applied against an agency under 81012
division (D) of this section. 81013

(G) The department of job and family services may adopt rules 81014
in accordance with Chapter 119. of the Revised Code establishing 81015
an appeals process for an appellant who appeals a decision or 81016
order regarding a Title IV-A program identified under division 81017
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 81018
Code that is different from the appeals process established by 81019
this section. The different appeals process may include having a 81020
state agency that administers the Title IV-A program pursuant to 81021
an interagency agreement entered into under section 5101.801 of 81022
the Revised Code administer the appeals process. 81023

(H) If an appellant receiving medicaid through a health 81024
insuring corporation that holds a certificate of authority under 81025
Chapter 1751. of the Revised Code is appealing a denial of 81026
medicaid services based on lack of medical necessity or other 81027
clinical issues regarding coverage by the health insuring 81028
corporation, the person hearing the appeal may order an 81029
independent medical review if that person determines that a review 81030
is necessary. The review shall be performed by a health care 81031
professional with appropriate clinical expertise in treating the 81032
recipient's condition or disease. The department shall pay the 81033
costs associated with the review. 81034

A review ordered under this division shall be part of the 81035
record of the hearing and shall be given appropriate evidentiary 81036
consideration by the person hearing the appeal. 81037

(I) The requirements of Chapter 119. of the Revised Code 81038
apply to a state hearing or administrative appeal under this 81039
section only to the extent, if any, specifically provided by rules 81040
adopted under this section. 81041

Sec. 5101.36. Any application for public assistance gives a 81042
right of subrogation to the department of job and family services 81043
for any workers' compensation benefits payable to a person who is 81044
subject to a support order, as defined in section 3119.01 of the 81045
Revised Code, on behalf of the applicant, to the extent of any 81046
public assistance payments made on the applicant's behalf. If the 81047
director of job and family services, in consultation with a child 81048
support enforcement agency and the administrator of the bureau of 81049
workers' compensation, determines that a person responsible for 81050
support payments to a recipient of public assistance is receiving 81051
workers' compensation, the director shall notify the administrator 81052
of the amount of the benefit to be paid to the department of job 81053
and family services. 81054

For purposes of this section, "public assistance" means Ohio 81055
works first provided under Chapter 5107. of the Revised Code; or 81056
prevention, retention, and contingency benefits and services 81057
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 81058
~~financial assistance provided under Chapter 5115. of the Revised~~ 81059
~~Code.~~ 81060

Sec. 5101.61. (A) As used in this section: 81061

(1) "Senior service provider" means any person who provides 81062
care or services to a person who is an adult as defined in 81063
division (B) of section 5101.60 of the Revised Code. 81064

(2) "Ambulatory health facility" means a nonprofit, public or 81065
proprietary freestanding organization or a unit of such an agency 81066
or organization that: 81067

(a) Provides preventive, diagnostic, therapeutic, 81068
rehabilitative, or palliative items or services furnished to an 81069
outpatient or ambulatory patient, by or under the direction of a 81070
physician or dentist in a facility which is not a part of a 81071

hospital, but which is organized and operated to provide medical 81072
care to outpatients; 81073

(b) Has health and medical care policies which are developed 81074
with the advice of, and with the provision of review of such 81075
policies, an advisory committee of professional personnel, 81076
including one or more physicians, one or more dentists, if dental 81077
care is provided, and one or more registered nurses; 81078

(c) Has a medical director, a dental director, if dental care 81079
is provided, and a nursing director responsible for the execution 81080
of such policies, and has physicians, dentists, nursing, and 81081
ancillary staff appropriate to the scope of services provided; 81082

(d) Requires that the health care and medical care of every 81083
patient be under the supervision of a physician, provides for 81084
medical care in a case of emergency, has in effect a written 81085
agreement with one or more hospitals and other centers or clinics, 81086
and has an established patient referral system to other resources, 81087
and a utilization review plan and program; 81088

(e) Maintains clinical records on all patients; 81089

(f) Provides nursing services and other therapeutic services 81090
in accordance with programs and policies, with such services 81091
supervised by a registered professional nurse, and has a 81092
registered professional nurse on duty at all times of clinical 81093
operations; 81094

(g) Provides approved methods and procedures for the 81095
dispensing and administration of drugs and biologicals; 81096

(h) Has established an accounting and record keeping system 81097
to determine reasonable and allowable costs; 81098

(i) "Ambulatory health facilities" also includes an 81099
alcoholism treatment facility approved by the joint commission on 81100
accreditation of healthcare organizations as an alcoholism 81101

treatment facility or certified by the department of mental health 81102
and addiction services, and such facility shall comply with other 81103
provisions of this division not inconsistent with such 81104
accreditation or certification. 81105

(3) "Community mental health facility" means a facility which 81106
provides community mental health services and is included in the 81107
comprehensive mental health plan for the alcohol, drug addiction, 81108
and mental health service district in which it is located. 81109

(4) "Community mental health service" means services, other 81110
than inpatient services, provided by a community mental health 81111
facility. 81112

(5) "Home health agency" means an institution or a distinct 81113
part of an institution operated in this state which: 81114

(a) Is primarily engaged in providing home health services; 81115

(b) Has home health policies which are established by a group 81116
of professional personnel, including one or more duly licensed 81117
doctors of medicine or osteopathy and one or more registered 81118
professional nurses, to govern the home health services it 81119
provides and which includes a requirement that every patient must 81120
be under the care of a duly licensed doctor of medicine or 81121
osteopathy; 81122

(c) Is under the supervision of a duly licensed doctor of 81123
medicine or doctor of osteopathy or a registered professional 81124
nurse who is responsible for the execution of such home health 81125
policies; 81126

(d) Maintains comprehensive records on all patients; 81127

(e) Is operated by the state, a political subdivision, or an 81128
agency of either, or is operated not for profit in this state and 81129
is licensed or registered, if required, pursuant to law by the 81130
appropriate department of the state, county, or municipality in 81131

which it furnishes services; or is operated for profit in this 81132
state, meets all the requirements specified in divisions (A)(5)(a) 81133
to (d) of this section, and is certified under Title XVIII of the 81134
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 81135
amended. 81136

(6) "Home health service" means the following items and 81137
services, provided, except as provided in division (A)(6)(g) of 81138
this section, on a visiting basis in a place of residence used as 81139
the patient's home: 81140

(a) Nursing care provided by or under the supervision of a 81141
registered professional nurse; 81142

(b) Physical, occupational, or speech therapy ordered by the 81143
patient's attending physician; 81144

(c) Medical social services performed by or under the 81145
supervision of a qualified medical or psychiatric social worker 81146
and under the direction of the patient's attending physician; 81147

(d) Personal health care of the patient performed by aides in 81148
accordance with the orders of a doctor of medicine or osteopathy 81149
and under the supervision of a registered professional nurse; 81150

(e) Medical supplies and the use of medical appliances; 81151

(f) Medical services of interns and residents-in-training 81152
under an approved teaching program of a nonprofit hospital and 81153
under the direction and supervision of the patient's attending 81154
physician; 81155

(g) Any of the foregoing items and services which: 81156

(i) Are provided on an outpatient basis under arrangements 81157
made by the home health agency at a hospital or skilled nursing 81158
facility; 81159

(ii) Involve the use of equipment of such a nature that the 81160
items and services cannot readily be made available to the patient 81161

in the patient's place of residence, or which are furnished at the 81162
hospital or skilled nursing facility while the patient is there to 81163
receive any item or service involving the use of such equipment. 81164

(7) "Representative of the office of the state long-term care 81165
program" has the same meaning as in section 173.14 of the Revised 81166
Code. 81167

Any attorney, physician, osteopath, podiatrist, chiropractor, 81168
dentist, psychologist, any employee of a hospital as defined in 81169
section 3701.01 of the Revised Code, any nurse licensed under 81170
Chapter 4723. of the Revised Code, any employee of an ambulatory 81171
health facility, any employee of a home health agency, any 81172
employee of a residential facility licensed under section 5119.34 81173
of the Revised Code that provides accommodations, supervision, and 81174
personal care services for three to sixteen unrelated adults, any 81175
employee of a nursing home, residential care facility, or home for 81176
the aging, as defined in section 3721.01 of the Revised Code, any 81177
senior service provider other than a representative of the office 81178
of the state long-term care program, any peace officer, coroner, 81179
member of the clergy, any employee of a community mental health 81180
facility, and any person engaged in professional counseling, 81181
social work, or marriage and family therapy having reasonable 81182
cause to believe that an adult is being abused, neglected, or 81183
exploited, or is in a condition which is the result of abuse, 81184
neglect, or exploitation shall immediately report such belief to 81185
the county department of job and family services. ~~This~~ 81186

This section does not apply to employees of any hospital or 81187
public hospital as defined in section 5122.01 of the Revised Code. 81188

(B) Any person having reasonable cause to believe that an 81189
adult has suffered abuse, neglect, or exploitation may report, or 81190
cause reports to be made of such belief to the department. 81191

This division applies to a representative of the office of 81192

the state long-term care program only to the extent permitted by 81193
federal law. 81194

(C) The reports made under this section shall be made orally 81195
or in writing except that oral reports shall be followed by a 81196
written report if a written report is requested by the department. 81197
Written reports shall include: 81198

(1) The name, address, and approximate age of the adult who 81199
is the subject of the report; 81200

(2) The name and address of the individual responsible for 81201
the adult's care, if any individual is, and if the individual is 81202
known; 81203

(3) The nature and extent of the alleged abuse, neglect, or 81204
exploitation of the adult; 81205

(4) The basis of the reporter's belief that the adult has 81206
been abused, neglected, or exploited. 81207

(D) Any person with reasonable cause to believe that an adult 81208
is suffering abuse, neglect, or exploitation who makes a report 81209
pursuant to this section or who testifies in any administrative or 81210
judicial proceeding arising from such a report, or any employee of 81211
the state or any of its subdivisions who is discharging 81212
responsibilities under section 5101.62 of the Revised Code shall 81213
be immune from civil or criminal liability on account of such 81214
investigation, report, or testimony, except liability for perjury, 81215
unless the person has acted in bad faith or with malicious 81216
purpose. 81217

(E) No employer or any other person with the authority to do 81218
so shall discharge, demote, transfer, prepare a negative work 81219
performance evaluation, or reduce benefits, pay, or work 81220
privileges, or take any other action detrimental to an employee or 81221
in any way retaliate against an employee as a result of the 81222
employee's having filed a report under this section. 81223

(F) The written or oral report provided for in this section 81224
and the investigatory report provided for in section 5101.62 of 81225
the Revised Code are confidential and are not public records, as 81226
defined in section 149.43 of the Revised Code. In accordance with 81227
rules adopted by the department of job and family services, 81228
information contained in the report shall upon request be made 81229
available to the adult who is the subject of the report and to 81230
legal counsel for the adult. 81231

(G) The county department of job and family services shall be 81232
available to receive the written or oral report provided for in 81233
this section twenty-four hours a day and seven days a week. 81234

Sec. 5101.802. (A) As used in this section: 81235

(1) "Custodian," "guardian," and "minor child" have the same 81236
meanings as in section 5107.02 of the Revised Code. 81237

(2) "Federal poverty guidelines" has the same meaning as in 81238
section 5101.46 of the Revised Code. 81239

(3) "Kinship caregiver" has the same meaning as in section 81240
5101.85 of the Revised Code. 81241

(B) Subject to division (E) of section 5101.801 of the 81242
Revised Code, there is hereby created the kinship permanency 81243
incentive program to promote permanency for a minor child in the 81244
legal and physical custody of a kinship caregiver. The program 81245
shall provide an initial one-time incentive payment to the kinship 81246
caregiver to defray the costs of initial placement of the minor 81247
child in the kinship caregiver's home. The program may provide 81248
additional permanency incentive payments for the minor child at 81249
six month intervals ~~for a total period not to exceed forty eight~~ 81250
~~months~~, based on the availability of funds. An eligible caregiver 81251
may receive a maximum of eight incentive payments per minor child. 81252

(C) A kinship caregiver may participate in the program if all 81253

of the following requirements are met: 81254

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section; 81255
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(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement; 81258
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(3) The kinship caregiver is either the minor child's custodian or guardian; 81263
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(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section; 81265
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(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines. 81268
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(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section. 81272
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(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following: 81278
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(1) The application process for the program; 81282

(2) The placement approval process through which a minor 81283

child is placed with a kinship caregiver for the kinship caregiver 81284
to be eligible for the program; 81285

(3) The initial and ongoing eligibility determination process 81286
for the program, including the computation of income eligibility; 81287

(4) The amount of the incentive payments provided under the 81288
program; 81289

(5) The method by which the incentive payments are provided 81290
to a kinship caregiver. 81291

(F) The amendments made to this section by Am. Sub. H.B. 119 81292
of the 127th general assembly shall not affect the eligibility of 81293
any kinship caregiver whose eligibility was established before 81294
June 30, 2007. 81295

Sec. 5107.05. The director of job and family services shall 81296
adopt rules to implement this chapter. The rules shall be 81297
consistent with Title IV-A, Title IV-D, federal regulations, state 81298
law, the Title IV-A state plan submitted to the United States 81299
secretary of health and human services under section 5101.80 of 81300
the Revised Code, amendments to the plan, and waivers granted by 81301
the United States secretary. Rules governing eligibility, program 81302
participation, and other applicant and participant requirements 81303
shall be adopted in accordance with Chapter 119. of the Revised 81304
Code. Rules governing financial and other administrative 81305
requirements applicable to the department of job and family 81306
services and county departments of job and family services shall 81307
be adopted in accordance with section 111.15 of the Revised Code. 81308

(A) The rules shall specify, establish, or govern all of the 81309
following: 81310

(1) A payment standard for Ohio works first based on federal 81311
and state appropriations that is increased in accordance with 81312
section 5107.04 of the Revised Code; 81313

(2) For the purpose of section 5107.04 of the Revised Code,	81314
the method of determining the amount of cash assistance an	81315
assistance group receives under Ohio works first;	81316
(3) Requirements for initial and continued eligibility for	81317
Ohio works first, including requirements regarding income,	81318
citizenship, age, residence, and assistance group composition;	81319
(4) For the purpose of section 5107.12 of the Revised Code,	81320
application and verification procedures, including the minimum	81321
information an application must contain;	81322
(5) The extent to which a participant of Ohio works first	81323
must notify, pursuant to section 5107.12 of the Revised Code, a	81324
county department of job and family services of additional income	81325
not previously reported to the county department;	81326
(6) For the purpose of section 5107.16 of the Revised Code,	81327
both of the following:	81328
(a) Standards for the determination of good cause for failure	81329
or refusal to comply in full with a provision of a	81330
self-sufficiency contract;	81331
(b) The compliance activities a member of an assistance group	81332
must complete for the member to be considered to have ceased to	81333
fail or refuse to comply in full with a provision of a	81334
self-sufficiency contract.	81335
(7) The department of job and family services providing	81336
written notice of a sanction under section 5107.161 of the Revised	81337
Code;	81338
(8) For the purpose of division (B) of section 5107.17 of the	81339
Revised Code, the circumstances under which the adult member of an	81340
assistance group or an assistance group's minor head of household	81341
whose failure or refusal, without good cause, to comply in full	81342
with a provision of a self-sufficiency contract causes a sanction	81343

under section 5107.16 of the Revised Code must enter into a new, 81344
or amend an existing, self-sufficiency contract before the 81345
assistance group may resume participation in Ohio works first 81346
following the sanction; 81347

(9) Requirements for the collection and distribution of 81348
support payments owed participants of Ohio works first pursuant to 81349
section 5107.20 of the Revised Code; 81350

(10) For the purpose of section 5107.22 of the Revised Code, 81351
what constitutes cooperating in establishing a minor child's 81352
paternity or establishing, modifying, or enforcing a child support 81353
order and good cause for failure or refusal to cooperate; 81354

(11) The requirements governing the LEAP program, including 81355
the definitions of "equivalent of a high school diploma" and "good 81356
cause," and the incentives provided under the LEAP program; 81357

(12) If the director implements section 5107.301 of the 81358
Revised Code, the requirements governing the award provided under 81359
that section, including the form that the award is to take and 81360
requirements an individual must satisfy to receive the award; 81361

(13) Circumstances under which a county department of job and 81362
family services may exempt a minor head of household or adult from 81363
participating in a work activity or developmental activity for all 81364
or some of the weekly hours otherwise required by section 5107.43 81365
of the Revised Code. 81366

(14) The maximum amount of time the department will subsidize 81367
positions created by state agencies and political subdivisions 81368
under division (C) of section 5107.52 of the Revised Code; 81369

(15) The implementation of sections 5107.71 to 5107.717 of 81370
the Revised Code by county departments of job and family services; 81371

(16) A domestic violence screening process to be used for the 81372
purpose of division (A) of section 5107.71 of the Revised Code; 81373

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. The rules also shall specify the amount of an assistance group's gross earned income that is to be disregarded for the purpose of division (D)(3) of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment under circumstances the rules specify.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in

section 5101.46 of the Revised Code, except that references to a 81404
person's family in the definition shall be deemed to be references 81405
to the person's assistance group. 81406

(3) "Gross income" means gross earned income and gross 81407
unearned income. 81408

(4) "Strike" means continuous concerted action in failing to 81409
report to duty; willful absence from one's position; or stoppage 81410
of work in whole from the full, faithful, and proper performance 81411
of the duties of employment, for the purpose of inducing, 81412
influencing, or coercing a change in wages, hours, terms, and 81413
other conditions of employment. "Strike" does not include a 81414
stoppage of work by employees in good faith because of dangerous 81415
or unhealthful working conditions at the place of employment that 81416
are abnormal to the place of employment. 81417

(B) Under the Ohio works first program, an assistance group 81418
shall receive, except as otherwise provided by this chapter, 81419
time-limited cash assistance. In the case of an assistance group 81420
that includes a minor head of household or adult, assistance shall 81421
be provided in accordance with the self-sufficiency contract 81422
entered into under section 5107.14 of the Revised Code. 81423

(C)(1) To be eligible to participate in Ohio works first, an 81424
assistance group must meet all of the following requirements: 81425

~~(1)~~(a) The assistance group, except as provided in division 81426
(E) of this section, must include at least one of the following: 81427

~~(a)~~(i) A minor child who, except as provided in section 81428
5107.24 of the Revised Code, resides with a parent, or specified 81429
relative caring for the child, or, to the extent permitted by 81430
Title IV-A and federal regulations adopted until Title IV-A, 81431
resides with a guardian or custodian caring for the child; 81432

~~(b)~~(ii) A parent residing with and caring for the parent's 81433
minor child who receives supplemental security income under Title 81434

XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 81435
U.S.C.A. 1383, as amended, or federal, state, or local adoption 81436
assistance; 81437

~~(e)~~(iii) A specified relative residing with and caring for a 81438
minor child who is related to the specified relative in a manner 81439
that makes the specified relative a specified relative and 81440
receives supplemental security income or federal, state, or local 81441
foster care or adoption assistance; 81442

~~(d)~~(iv) A woman at least six months pregnant. 81443

~~(2)~~(b) The assistance group must meet the income requirements 81444
established by division (D) of this section. 81445

~~(3)~~(c) No member of the assistance group may be involved in a 81446
strike. 81447

~~(4)~~(d) The assistance group must satisfy the requirements for 81448
Ohio works first established by this chapter and section 5101.83 81449
of the Revised Code. 81450

~~(5)~~(e) The assistance group must meet requirements for Ohio 81451
works first established by rules adopted under section 5107.05 of 81452
the Revised Code. 81453

(2) In addition to meeting the requirements specified in 81454
division (C)(1) of this section, a member of an assistance group 81455
who is required by section 5116.10 of the Revised Code to 81456
participate in the comprehensive case management and employment 81457
program must participate in that program to be eligible to 81458
participate in Ohio works first. 81459

(D)(1) Except as provided in division (D)(4) of this section, 81460
to determine whether an assistance group is initially eligible to 81461
participate in Ohio works first, a county department of job and 81462
family services shall do the following: 81463

(a) Determine whether the assistance group's gross income 81464

exceeds fifty per cent of the federal poverty guidelines. In 81465
making this determination, the county department shall disregard 81466
amounts that federal statutes or regulations and sections 5101.17 81467
and 5117.10 of the Revised Code require be disregarded. The 81468
assistance group is ineligible to participate in Ohio works first 81469
if the assistance group's gross income, less the amounts 81470
disregarded, exceeds fifty per cent of the federal poverty 81471
guidelines. 81472

(b) If the assistance group's gross income, less the amounts 81473
disregarded pursuant to division (D)(1)(a) of this section, does 81474
not exceed fifty per cent of the federal poverty guidelines, 81475
determine whether the assistance group's countable income is less 81476
than the payment standard. The assistance group is ineligible to 81477
participate in Ohio works first if the assistance group's 81478
countable income equals or exceeds the payment standard. 81479

(2) For the purpose of determining whether an assistance 81480
group meets the income requirement established by division 81481
(D)(1)(a) of this section, the annual revision that the United 81482
States department of health and human services makes to the 81483
federal poverty guidelines shall go into effect on the first day 81484
of July of the year for which the revision is made. 81485

(3) To determine whether an assistance group participating in 81486
Ohio works first continues to be eligible to participate, a county 81487
department of job and family services shall determine whether the 81488
assistance group's countable income continues to be less than the 81489
payment standard. In making this determination, the county 81490
department shall disregard ~~the first two hundred fifty dollars~~ an 81491
amount specified in rules adopted under section 5107.05 of the 81492
Revised Code and fifty per cent of the remainder of the assistance 81493
group's gross earned income. No amounts shall be disregarded from 81494
the assistance group's gross unearned income. The assistance group 81495
ceases to be eligible to participate in Ohio works first if its 81496

countable income, less the amounts disregarded, equals or exceeds 81497
the payment standard. 81498

(4) If an assistance group reapplies to participate in Ohio 81499
works first not more than four months after ceasing to 81500
participate, a county department of job and family services shall 81501
use the income requirement established by division (D)(3) of this 81502
section to determine eligibility for resumed participation rather 81503
than the income requirement established by division (D)(1) of this 81504
section. 81505

(E)(1) An assistance group may continue to participate in 81506
Ohio works first even though a public children services agency 81507
removes the assistance group's minor children from the assistance 81508
group's home due to abuse, neglect, or dependency if the agency 81509
does both of the following: 81510

(a) Notifies the county department of job and family services 81511
at the time the agency removes the children that it believes the 81512
children will be able to return to the assistance group within six 81513
months; 81514

(b) Informs the county department at the end of each of the 81515
first five months after the agency removes the children that the 81516
parent, guardian, custodian, or specified relative of the children 81517
is cooperating with the case plans prepared for the children under 81518
section 2151.412 of the Revised Code and that the agency is making 81519
reasonable efforts to return the children to the assistance group. 81520

(2) An assistance group may continue to participate in Ohio 81521
works first pursuant to division (E)(1) of this section for not 81522
more than six payment months. This division does not affect the 81523
eligibility of an assistance group that includes a woman at least 81524
six months pregnant. 81525

Sec. 5108.01. As used in this chapter: 81526

(A) "County family services planning committee" means the county family services planning committee established under section 329.06 of the Revised Code ~~or the board created by consolidation under division (C) of section 6301.06 of the Revised Code.~~

(B) "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A.

(C) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5116.01. As used in this chapter:

(A) "Certificate of high school equivalence" has the same meaning as in section 5107.40 of the Revised Code.

(B) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

(C) "In-school youth" has the same meaning as in section 129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(C).

(D) "Lead agency" means the local participating agency designated under section 5116.22 of the Revised Code to serve for a fiscal biennial period, or part thereof, as a county's lead agency for the purpose of the comprehensive case management and employment program.

(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county.

(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122.

<u>(G) "Ohio works first" has the same meaning as in section</u>	81557
<u>5107.02 of the Revised Code.</u>	81558
<u>(H) "Out-of-school youth" has the same meaning as in section</u>	81559
<u>129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29</u>	81560
<u>U.S.C. 3164(a)(1)(B).</u>	81561
<u>(I) "Prevention, retention, and contingency program" has the</u>	81562
<u>same meaning as in section 5108.01 of the Revised Code.</u>	81563
<u>(J) "Subcontractor" means an entity with which a local</u>	81564
<u>participating agency contracts to perform, on behalf of the local</u>	81565
<u>participating agency, one or more of the local participating</u>	81566
<u>agency's duties regarding the comprehensive case management and</u>	81567
<u>employment program.</u>	81568
<u>(K) "TANF block grant" means the temporary assistance for</u>	81569
<u>needy families block grant established by Title IV-A of the</u>	81570
<u>"Social Security Act," 42 U.S.C. 601 et seq.</u>	81571
<u>(L) "Work-eligible individual" has the same meaning as in 45</u>	81572
<u>C.F.R. 261.2(n).</u>	81573
<u>(M) "Workforce development activity" has the same meaning as</u>	81574
<u>in section 6301.01 of the Revised Code.</u>	81575
<u>(N) "Workforce development agency" means a public or private</u>	81576
<u>entity designated or certified by a local workforce development</u>	81577
<u>board to coordinate the delivery of workforce services for a</u>	81578
<u>county.</u>	81579
<u>(O) "Workforce Innovation and Opportunity Act" means Public</u>	81580
<u>Law 113-128, 29 U.S.C. 3101 et seq.</u>	81581
<u>(P) "Youth workforce investment activity funds" means funds</u>	81582
<u>allocated or granted under Title I, Subtitle B, Chapter 2 of the</u>	81583
<u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et</u>	81584
<u>seq., for youth workforce investment activities.</u>	81585

Sec. 5116.02. There is hereby established the comprehensive case management and employment program. The department of job and family services shall coordinate and supervise the administration of the program to the extent funds are available for this purpose under the TANF block grant or the Workforce Innovation and Opportunity Act.

Sec. 5116.03. The comprehensive case management and employment program is all of the following:

(A) A Title IV-A program for the purpose of division (A)(4)(c) of section 5101.80 of the Revised Code and, therefore, subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code;

(B) A workforce development activity and, therefore, subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code;

(C) A family services duty, notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, and, therefore, subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 5101.243 of the Revised Code.

Sec. 5116.06. (A) The director of job and family services shall adopt rules that are necessary to implement the comprehensive case management and employment program, including rules that do all of the following:

(1) Provide for the program to do both of the following:

(a) Help a work-eligible individual satisfy the work

<u>requirements of section 407 of the "Social Security Act," 42</u>	81615
<u>U.S.C. 607;</u>	81616
<u>(b) Help an Ohio works first participant who participates in</u>	81617
<u>the program do both of the following:</u>	81618
<u>(i) Satisfy other Ohio works first requirements, including</u>	81619
<u>requirements included in the participant's self-sufficiency</u>	81620
<u>contract entered into under section 5107.14 of the Revised Code;</u>	81621
<u>(ii) Obtain assistance or services the participant needs</u>	81622
<u>according to an assessment conducted under section 5107.70 of the</u>	81623
<u>Revised Code.</u>	81624
<u>(2) For the purpose of section 5116.11 of the Revised Code,</u>	81625
<u>establish procedures for both of the following:</u>	81626
<u>(a) Assessing the employment and training needs of</u>	81627
<u>individuals participating in the comprehensive case management and</u>	81628
<u>employment program;</u>	81629
<u>(b) Creating, reviewing, revising, and terminating individual</u>	81630
<u>opportunity plans.</u>	81631
<u>(3) For the purpose of section 5116.20 of the Revised Code,</u>	81632
<u>establish procedures, including procedures regarding timing, for a</u>	81633
<u>local workforce development board to decide whether to authorize</u>	81634
<u>the use of its youth workforce investment activity funds for the</u>	81635
<u>comprehensive case management and employment program;</u>	81636
<u>(4) Establish requirements for the plans required by division</u>	81637
<u>(A)(1) of section 5116.23 of the Revised Code;</u>	81638
<u>(5) For the purpose of division (A)(3) of section 5116.23 of</u>	81639
<u>the Revised Code, establish procedures for a lead agency to</u>	81640
<u>partner with the other local participating agency and</u>	81641
<u>subcontractors.</u>	81642
<u>(B) For the purposes of divisions (C) and (F) of section</u>	81643
<u>5116.10 of the Revised Code, the rules adopted under this section</u>	81644

may do either or both of the following: 81645

(1) Specify one or more additional mandatory participation groups that are required to participate in the comprehensive case management and employment program; 81646
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(2) Specify one or more additional voluntary participation groups that may volunteer to participate in the program. 81649
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(C) The rules adopted under this section shall be consistent with all of the following: 81651
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(1) The Title IV-A state plan prepared under section 5101.80 of the Revised Code, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of health and human services; 81653
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(2) The combined state plan authorized by section 103 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of labor. 81657
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(D) The rules adopted under division (A)(1)(a) of this section may deviate from Chapter 5107. of the Revised Code. 81661
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Sec. 5116.10. (A) Each work-eligible individual shall participate in the comprehensive case management and employment program as a condition of participating in Ohio works first if the individual is at least fourteen but not more than twenty-four years of age. 81663
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(B) Each individual who is an in-school youth or out-of-school youth shall participate in the comprehensive case management and employment program as a condition of enrollment in workforce development activities funded by the Workforce Innovation and Opportunity Act. 81668
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(C) Each individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised 81673
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Code as an additional mandatory participation group shall 81675
participate in the comprehensive case management and employment 81676
program if funds are available for the group under the TANF block 81677
grant or the Workforce Innovation and Opportunity Act. 81678

(D) Any Ohio works first participant who is not a 81679
work-eligible individual may volunteer to participate in the 81680
comprehensive case management and employment program if the 81681
participant is at least fourteen but not more than twenty-four 81682
years of age. 81683

(E) Any individual receiving benefits and services under the 81684
prevention, retention, and contingency program may volunteer to 81685
participate in the comprehensive case management and employment 81686
program if the individual is at least fourteen but not more than 81687
twenty-four years of age. 81688

(F) Any individual who is a member of a group, if any, 81689
specified in rules adopted under section 5116.06 of the Revised 81690
Code as a voluntary participation group may volunteer to 81691
participate in the comprehensive case management and employment 81692
program if funds are available for the group under the TANF block 81693
grant or the Workforce Innovation and Opportunity Act. 81694

Sec. 5116.11. In accordance with rules adopted under section 81695
5116.06 of the Revised Code, a lead agency shall provide for all 81696
of the following to occur: 81697

(A) An individual participating in the comprehensive case 81698
management and employment program undergoing an assessment of the 81699
individual's employment and training needs; 81700

(B) An individual opportunity plan being created for the 81701
individual as part of the assessment; 81702

(C) The individual opportunity plan being reviewed, revised, 81703
and terminated as appropriate. 81704

Sec. 5116.12. (A) An individual opportunity plan created 81705
under section 5116.11 of the Revised Code shall specify which of 81706
the following services, if any, an individual participating in the 81707
comprehensive case management and employment program needs: 81708

(1) Support for the individual to obtain a high school 81709
diploma or a certificate of high school equivalence; 81710

(2) Job placement; 81711

(3) Job retention support; 81712

(4) Other services that aid the individual in achieving the 81713
plan's goals. 81714

(B) The services an individual receives in accordance with an 81715
individual opportunity plan are inalienable by way of assignment, 81716
charge, or otherwise and exempt from execution, attachment, 81717
garnishment, and other similar processes. 81718

Sec. 5116.20. In accordance with rules adopted under section 81719
5116.06 of the Revised Code, each local workforce development 81720
board shall decide whether to authorize the use of its youth 81721
workforce investment activity funds for the comprehensive case 81722
management and employment program. The decision shall be made for 81723
each fiscal biennial period. A board's decision applies to all of 81724
the counties the board serves. 81725

Sec. 5116.21. If a local workforce development board decides 81726
under section 5116.20 of the Revised Code not to authorize the use 81727
of its youth workforce investment activity funds for the 81728
comprehensive case management and employment program for a fiscal 81729
biennial period, all of the following shall apply to that fiscal 81730
biennial period: 81731

(A) The board shall use its youth workforce investment 81732
activity funds in accordance with Section 129 of the "Workforce 81733

Innovation and Opportunity Act," 29 U.S.C. 3164. 81734

(B) No TANF block grant funds shall be made available to the board or any county the board serves for the comprehensive case management and employment program. 81735
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(C) The department of job and family services shall use available TANF block grant funds to administer, or to contract with a government or private entity to administer, the comprehensive case management and employment program in the counties the board serves. 81738
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Sec. 5116.22. (A) If a local workforce development board decides under section 5116.20 of the Revised Code to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period: 81743
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(1) Before the beginning of the fiscal biennial period, the board shall enter into a written agreement with department of job and family services that, to the extent permitted by federal law, requires the board and the counties the board serves to operate the comprehensive case management and employment program in accordance with the program's requirements, including the requirements established by this chapter, rules adopted under section 5116.06 of the Revised Code, and any other rules applicable to the program. 81749
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(2) Before the beginning of the fiscal biennial period, the board of county commissioners of each of the counties the local workforce development board serves shall designate either of the local participating agencies to serve as the county's lead agency for the purpose of the comprehensive case management and employment program. 81758
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(B) After a board of county commissioners designates a local participating agency to serve as the county's lead agency for a fiscal biennial period, the board may designate the other local participating agency to take over as the county's lead agency for the remainder of the fiscal biennial period. 81764
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(C) A board of county commissioners shall inform the department of job and family services of its designation of the lead agency under division (A)(2) of this section before the beginning of the fiscal biennial period for which the designation is made. A board shall notify the department of any redesignation of a lead agency under division (B) of this section not later than sixty days after the redesignation takes effect. 81769
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Sec. 5116.23. (A) Each lead agency, in consultation with the local workforce development board that serves the same county for which the lead agency has been designated to serve as lead agency, shall, in accordance with rules adopted under section 5116.06 of the Revised Code, do all of the following for the fiscal biennial period, or part thereof, for which it is so designated: 81776
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(1) Prepare and submit to the department of job and family services a plan containing standing procedures for determining and maintaining individuals' eligibility to participate in the comprehensive case management and employment program; 81782
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(2) Administer the program in the county for which it is designated to serve as lead agency; 81786
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(3) Partner with the other local participating agency and subcontractors to do both of the following: 81788
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(a) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors; 81790
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(b) Help both local participating agencies and any subcontractors to use their expertise in administering the 81792
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program. 81794

(B) If a board of county commissioners redesignates the lead 81795
agency under division (B) of section 5116.22 of the Revised Code 81796
during a fiscal biennial period, the new lead agency shall prepare 81797
and submit to the department of job and family services a new plan 81798
under division (A)(1) of this section not later than sixty days 81799
after the redesignation takes effect. 81800

(C) Each local workforce development board shall ensure that 81801
the plans prepared under division (A)(1) of this section by the 81802
lead agencies serving the same counties the board serves are 81803
included in the board's workforce development plan prepared under 81804
section 6301.07 of the Revised Code. 81805

Sec. 5116.24. A lead agency is responsible for all of the 81806
funds received for the comprehensive case management and 81807
employment program by the county for which the lead agency is 81808
designated to be the lead agency and shall use the funds in a 81809
manner consistent with federal and state law. The lead agency 81810
shall coordinate this responsibility with any entity that has been 81811
designated to serve as a local grant subrecipient or a local 81812
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 81813
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 81814

Sec. 5116.25. If a lead agency fails to enroll in the 81815
comprehensive case management and employment program an individual 81816
who is required by section 5116.10 of the Revised Code to 81817
participate in the program and to take corrective action that the 81818
department of job and family services requires the lead agency to 81819
take as a consequence of that failure, the department may take the 81820
action authorized by division (C)(5) of section 5101.24 of the 81821
Revised Code, including withholding and spending TANF block grant 81822
funds. 81823

Sec. 5117.10. (A) On or before the fifteenth day of January, 81824
the director of development services shall pay each applicant 81825
determined eligible for a payment under divisions (A) and (B) of 81826
section 5117.07 of the Revised Code one hundred twenty-five 81827
dollars. 81828

(B) The director may withhold from any payment to which a 81829
person would otherwise be entitled under division (A) of this 81830
section any amount that the director determines was erroneously 81831
received by such person in a preceding year under this or the 81832
program established under Am. Sub. H.B. 230, as amended by Am. 81833
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 81834
523 of the 112th general assembly, provided the director has 81835
employed all other legal methods reasonably available to obtain 81836
reimbursement for the erroneous payment or credit prior to the 81837
commencement of the current program year. 81838

(C) Payments made under this section and credits granted 81839
under section 5117.09 of the Revised Code shall not be considered 81840
income for the purpose of determining eligibility or the level of 81841
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 81842
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 81843
supplemental security income payments under Title XVI of the 81844
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 81845
amended; or any other program under which eligibility or the level 81846
of benefits or assistance is based upon need measured by income. 81847

Sec. 5119.01. (A) As used in this chapter: 81848

(1) "Addiction" means the chronic and habitual use of 81849
alcoholic beverages, the use of a drug of abuse as defined in 81850
section 3719.011 of the Revised Code, or the use of gambling by an 81851
individual to the extent that the individual no longer can control 81852
the individual's use of alcohol, the individual becomes physically 81853

or psychologically dependent on the drug, the individual's use of 81854
alcohol or drugs endangers the health, safety, or welfare of the 81855
individual or others, or the individual's gambling causes 81856
psychological, financial, emotional, marital, legal, or other 81857
difficulties endangering the health, safety, or welfare of the 81858
individual or others. 81859

(2) "Addiction services" means services, including 81860
intervention, for the treatment of persons with alcohol, drug, or 81861
gambling addictions, and for the prevention of such addictions. 81862

(3) "Alcohol and drug addiction services" means services, 81863
including intervention, for the treatment of alcoholics or persons 81864
who abuse drugs of abuse and for the prevention of alcoholism and 81865
drug addiction. 81866

(4) "Alcoholic" means a person suffering from alcoholism. 81867

(5) "Alcoholism" means the chronic and habitual use of 81868
alcoholic beverages by an individual to the extent that the 81869
individual no longer can control the individual's use of alcohol 81870
or endangers the health, safety, or welfare of the individual or 81871
others. 81872

(6) "Certifiable services and supports" means all of the 81873
following: 81874

(a) Alcohol and drug addiction services; 81875

(b) Mental health services; 81876

(c) The types of recovery supports that are specified in 81877
rules adopted under section 5119.36 of the Revised Code as 81878
requiring certification under that section. 81879

(7) "Community addiction services provider" means an agency, 81880
association, corporation, individual, or program that provides one 81881
or more of the following: 81882

(a) Alcohol and drug addiction services that are certified by 81883

the department of mental health and addiction services under 81884
section 5119.36 of the Revised Code; 81885

(b) Gambling addiction services; 81886

(c) Recovery supports that are related to alcohol and drug 81887
addiction services or gambling addiction services and paid for 81888
with federal, state, or local funds administered by the department 81889
of mental health and addiction services or a board of alcohol, 81890
drug addiction, and mental health services. 81891

(8) "Community mental health services provider" means an 81892
agency, association, corporation, individual, or program that 81893
provides either of the following: 81894

(a) Mental health services that are certified by the 81895
department of mental health and addiction services under section 81896
5119.36 of the Revised Code; 81897

(b) Recovery supports that are related to mental health 81898
services and paid for with federal, state, or local funds 81899
administered by the department of mental health and addiction 81900
services or a board of alcohol, drug addiction, and mental health 81901
services. 81902

(9) "Drug addiction" means the use of a drug of abuse, as 81903
defined in section 3719.011 of the Revised Code, by an individual 81904
to the extent that the individual becomes physically or 81905
psychologically dependent on the drug or endangers the health, 81906
safety, or welfare of the individual or others. 81907

(10) "Gambling addiction" means the use of gambling by an 81908
individual to the extent that it causes psychological, financial, 81909
emotional, marital, legal, or other difficulties endangering the 81910
health, safety, or welfare of the individual or others. 81911

(11) "Gambling addiction services" means services for the 81912
treatment of persons who have a gambling addiction and for the 81913

prevention of gambling addiction. 81914

(12) "Hospital" means a hospital or inpatient unit licensed 81915
by the department of mental health and addiction services under 81916
section 5119.33 of the Revised Code, and any institution, 81917
hospital, or other place established, controlled, or supervised by 81918
the department under Chapter 5119. of the Revised Code. 81919

(13) "Included opioid and co-occurring drug addiction 81920
services and recovery supports" means the addiction services and 81921
recovery supports that, pursuant to section 340.033 of the Revised 81922
Code, are included in the array of services and recovery supports 81923
for all levels of opioid and co-occurring drug addiction required, ~~7~~ 81924
~~except as otherwise authorized by a time limited waiver issued~~ 81925
~~under division (A)(1) of section 5119.221 of the Revised Code,~~ to 81926
be included in the community-based continuum of care established 81927
under section 340.032 of the Revised Code. 81928

(14) "Mental illness" means a substantial disorder of 81929
thought, mood, perception, orientation, or memory that grossly 81930
impairs judgment, behavior, capacity to recognize reality, or 81931
ability to meet the ordinary demands of life. 81932

(15) "Mental health services" means services for the 81933
assessment, care, or treatment of persons who have a mental 81934
illness and for the prevention of mental illness. 81935

(16) "Recovery supports" means assistance that is intended to 81936
help an individual who is an alcoholic or has a drug addiction or 81937
mental illness, or a member of such an individual's family, 81938
initiate and sustain the individual's recovery from alcoholism, 81939
drug addiction, or mental illness. "Recovery supports" does not 81940
mean alcohol and drug addiction services or mental health 81941
services. 81942

(17)(a) "Residence" means a person's physical presence in a 81943
county with intent to remain there, except in either of the 81944

following circumstances: 81945

(i) If a person is receiving a mental health treatment 81946
service at a facility that includes nighttime sleeping 81947
accommodations, "residence" means that county in which the person 81948
maintained the person's primary place of residence at the time the 81949
person entered the facility; 81950

(ii) If a person is committed pursuant to section 2945.38, 81951
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 81952
"residence" means the county where the criminal charges were 81953
filed. 81954

(b) When the residence of a person is disputed, the matter of 81955
residence shall be referred to the department of mental health and 81956
addiction services for investigation and determination. Residence 81957
shall not be a basis for a board of alcohol, drug addiction, and 81958
mental health services to deny services to any person present in 81959
the board's service district, and the board shall provide services 81960
for a person whose residence is in dispute while residence is 81961
being determined and for a person in an emergency situation. 81962

(B) Any reference in this chapter to a board of alcohol, drug 81963
addiction, and mental health services also refers to an alcohol 81964
and drug addiction services board or a community mental health 81965
board in a service district in which an alcohol and drug addiction 81966
services board or a community mental health board has been 81967
established under section 340.021 or former section 340.02 of the 81968
Revised Code. 81969

Sec. 5119.011. (A) Whenever the term "department of mental 81970
health," the term "Ohio department of mental health," the term 81971
"department of alcohol and drug addiction services," or the term 81972
"Ohio department of alcohol and drug addiction services" is used, 81973
referred to, or designated in any statute, rule, contract, grant, 81974
or other document, the use, reference, or designation shall be 81975

construed to mean the department of mental health and addiction services. 81976
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(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services. 81978
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Sec. 5119.19. (A)(1) As used in this section, "psychotropic drug" means, except as provided in division (A)(2) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following: 81984
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(a) Antipsychotic medications; 81989

(b) Antidepressant medications; 81990

(c) Anti-anxiety medications; 81991

(d) Mood stabilizing medications. 81992

(2) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder. 81993
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(B) There is hereby created the psychotropic drug reimbursement program. The program shall be administered by the department of mental health and addiction services. 81995
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The purpose of the program is to provide state reimbursement to counties for the cost of psychotropic drugs that are dispensed to inmates of county jails in this state. The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of such psychotropic drug costs incurred by the county. 81998
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(C) The director of mental health and addiction services may 82004

adopt rules as necessary to implement this section. The rules, if 82005
adopted, shall be adopted in accordance with Chapter 119. of the 82006
Revised Code. 82007

Sec. 5119.22. The director of mental health and addiction 82008
services, with respect to all mental health and addiction 82009
facilities, addiction services, mental health services, and 82010
recovery supports established and operated or provided under 82011
Chapter 340. of the Revised Code, shall do all of the following: 82012

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 82013
that may be necessary to carry out the purposes of this chapter 82014
and Chapters 340. and 5122. of the Revised Code. 82015

(B) Review and evaluate the community-based continuum of care 82016
required by section 340.032 of the Revised Code to be established 82017
in each service district, taking into account the findings and 82018
recommendations of the board of alcohol, drug addiction, and 82019
mental health services of the district submitted under division 82020
(A)(4) of section 340.03 of the Revised Code and the priorities 82021
and plans of the department of mental health and addiction 82022
services, including the needs of residents of the district 82023
currently receiving services in state-operated hospitals, and make 82024
recommendations for needed improvements to boards of alcohol, drug 82025
addiction, and mental health services; 82026

(C) At the director's discretion, provide to boards of 82027
alcohol, drug addiction, and mental health services state or 82028
federal funds, in addition to those allocated under section 82029
5119.23 of the Revised Code, for special programs or projects the 82030
director considers necessary but for which local funds are not 82031
available; 82032

(D) Establish criteria by which each board of alcohol, drug 82033
addiction, and mental health services reviews and evaluates the 82034
quality, effectiveness, and efficiency of the facility services, 82035

addiction services, mental health services, and recovery supports 82036
for which it contracts under section 340.036 of the Revised Code. 82037
The criteria shall include requirements ensuring appropriate 82038
utilization of the services and supports. The department shall 82039
assess each board's evaluation of the services and supports and 82040
the compliance of each board with this section, Chapter 340. of 82041
the Revised Code, and other state or federal law and regulations. 82042
The department, in cooperation with the board, periodically shall 82043
review and evaluate the quality, effectiveness, and efficiency of 82044
the facility services, addiction services, mental health services, 82045
and recovery supports for which each board contracts under section 82046
340.036 of the Revised Code and the facilities, addiction 82047
services, and mental health services that each board operates or 82048
provides under section 340.037 of the Revised Code. The department 82049
shall collect information that is necessary to perform these 82050
functions. 82051

(E) To the extent the director determines necessary and after 82052
consulting with boards of alcohol, drug addiction, and mental 82053
health services, community addiction services providers, and 82054
community mental health services providers, develop and operate, 82055
or contract for the operation of, a community behavioral health 82056
information system or systems. The department shall specify the 82057
information that must be provided by the boards and providers for 82058
inclusion in the system or systems. 82059

Boards of alcohol, drug addiction, and mental health 82060
services, community addiction services providers, and community 82061
mental health services providers shall submit information 82062
requested by the department in the form and manner and in 82063
accordance with time frames prescribed by the department. 82064
Information collected by the department may include all of the 82065
following: 82066

(1) Information on addiction services, mental health 82067

services, and recovery supports provided;	82068
(2) Financial information regarding expenditures of federal, state, or local funds;	82069 82070
(3) Information about persons served.	82071
The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.	82072 82073 82074 82075 82076
(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following:	82077 82078 82079 82080 82081
(1) Guidelines, including a timetable, for the boards' development and submission of proposed community addiction and mental health plans, budgets, and lists of addiction services, mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code;	82082 82083 82084 82085 82086
(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists;	82087 82088 82089
(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists;	82090 82091 82092
(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval;	82093 82094 82095 82096
(5) Procedures for issuing time-limited waivers under	82097

~~division (A)(1) of section 5119.221 of the Revised Code and~~ 82098
~~waivers under division (A)(2) of that section.~~ 82099

(G) Review each board's proposed community addiction and 82100
mental health plan, budget, and list of addiction services, mental 82101
health services, and recovery supports submitted pursuant to 82102
sections 340.03 and 340.08 of the Revised Code and approve or 82103
disapprove the plan, the budget, and the list in whole or in part. 82104
~~Except as otherwise authorized by a time limited waiver issued~~ 82105
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 82106
The director shall disapprove a board's proposed budget in whole 82107
or in part if the proposed budget would not make available in the 82108
board's service district the essential elements of the 82109
community-based continuum of care required by section 340.032 of 82110
the Revised Code, including, except as otherwise authorized by a 82111
time-limited waiver issued under section 5119.221 of the Revised 82112
Code, an array of addiction services and recovery supports for all 82113
levels of opioid and co-occurring drug addiction. 82114

Prior to a final decision to disapprove a plan, budget, or 82115
list in whole or in part, a representative of the director shall 82116
meet with the board and discuss the reason for the action the 82117
director proposes to take and any corrective action that should be 82118
taken to make the plan, budget, or list acceptable to the 82119
director. In addition, the director shall offer technical 82120
assistance to the board to assist it to make the plan, budget, or 82121
list acceptable. The director shall give the board a reasonable 82122
time in which to revise the plan, budget, or list. The board 82123
thereafter shall submit a revised plan, budget, or list or a new 82124
plan, budget, or list. 82125

(H) Approve or disapprove all or part of proposed amendments 82126
that a board of alcohol, drug addiction, or mental health services 82127
submits under section 340.03 or 340.08 of the Revised Code to an 82128
approved community addiction and mental health plan, budget, or 82129

list of addiction services, mental health services, and recovery supports. 82130
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If the director disapproves of all or part of any proposed amendment, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria. 82132
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Sec. 5119.221. (A) The director of mental health and addiction services, in accordance with procedures established under division (F)(5) of section 5119.22 of the Revised Code, may ~~do either or both of the following:~~ 82140
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~~(1) Subject to division (B) of this section,~~ issue to a board of alcohol, drug addiction, and mental health services a time-limited waiver of the requirement of section 340.032 of the Revised Code that a community based continuum of care include all of the essential elements specified in that section; 82144
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~~(2) Subject to division (C) of this section,~~ issue to a board a waiver of the requirement of section 340.033 of the Revised Code that ambulatory detoxification and medication-assisted treatment be included in the array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction. 82149
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~~(B) The director may not issue a time-limited waiver under division (A)(1) of this section unless the director determines that the board seeking the waiver has made reasonable efforts to include in the community based continuum of care the essential elements being waived. The waiver shall specify the amount of time for which it is issued and which of the essential elements are waived.~~ 82154
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~~(C) The director may not issue a waiver under division (A)(2) of this section unless made available within the borders of the board's service district if the director determines that both of the following apply:~~

(1) The board seeking the waiver has made reasonable efforts to make ambulatory detoxification and medication-assisted treatment available within the borders of the board's service district;

(2) Ambulatory detoxification and medication-assisted treatment can be made available through one or more contracts between the board seeking the waiver and community addiction services providers that are located not more than thirty miles beyond the borders of the board's service district ~~the board serves;~~

~~(2) The amount of time it takes for residents of the service district the board serves to travel to a community addiction services provider that provides ambulatory detoxification and medication assisted treatment does not impose a significant barrier to successful treatment.~~

(B) Each waiver issued under this section shall specify the amount of time for which it is in effect and whether it applies to ambulatory detoxification, medication-assisted treatment, or both.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction,

and mental health services.	82191
(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.	82192 82193 82194
(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.	82195 82196 82197
(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.	82198 82199 82200
(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.	82201 82202 82203
(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.	82204 82205 82206 82207 82208
(8) "Personal care services" means services including, but not limited to, the following:	82209 82210
(a) Assisting residents with activities of daily living;	82211
(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;	82212 82213
(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.	82214 82215 82216 82217
"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in	82218 82219 82220

division (A)(8) of this section to be considered to be providing 82221
personal care services. 82222

(9) "Room and board" means the provision of sleeping and 82223
living space, meals or meal preparation, laundry services, 82224
housekeeping services, or any combination thereof. 82225

(10) "Residential state supplement program" means the program 82226
~~administered established~~ under section 5119.41 of the Revised Code 82227
~~and related provisions of the Administrative Code under which the~~ 82228
~~state supplements the supplemental security income payments~~ 82229
~~received by aged, blind, or disabled adults under Title XVI of the~~ 82230
~~Social Security Act. Residential state supplement payments are~~ 82231
~~used for the provision of accommodations, supervision, and~~ 82232
~~personal care services to supplemental security income recipients~~ 82233
~~the department of mental health and addition services determines~~ 82234
~~are at risk of needing institutional care.~~ 82235

(11) "Supervision" means any of the following: 82236

(a) Observing a resident to ensure the resident's health, 82237
safety, and welfare while the resident engages in activities of 82238
daily living or other activities; 82239

(b) Reminding a resident to perform or complete an activity, 82240
such as reminding a resident to engage in personal hygiene or 82241
other self-care activities; 82242

(c) Assisting a resident in making or keeping an appointment. 82243

(12) "Unrelated" means that a resident is not related to the 82244
owner or operator of a residential facility or to the owner's or 82245
operator's spouse as a parent, grandparent, child, stepchild, 82246
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 82247
the child of an aunt or uncle. 82248

(B)(1) A "residential facility" is a publicly or privately 82249
operated home or facility that falls into one of the following 82250

categories:	82251
(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;	82252 82253 82254 82255
(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:	82256 82257
(i) One or two unrelated persons with mental illness;	82258
(ii) One or two unrelated adults who are receiving <u>payments</u> <u>under the</u> residential state supplement <u>payments program</u> ;	82259 82260
(iii) Three to sixteen unrelated adults.	82261
(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.	82262 82263
(2) "Residential facility" does not include any of the following:	82264 82265
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;	82266 82267 82268 82269 82270
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	82271 82272 82273
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	82274 82275
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	82276 82277 82278
(e) A nursing home, residential care facility, or home for	82279

the aging as defined in section 3721.02 of the Revised Code; 82280

(f) A facility licensed to provide methadone treatment under 82281
section 5119.391 of the Revised Code; 82282

(g) Any facility that receives funding for operating costs 82283
from the development services agency under any program established 82284
to provide emergency shelter housing or transitional housing for 82285
the homeless; 82286

(h) A terminal care facility for the homeless that has 82287
entered into an agreement with a hospice care program under 82288
section 3712.07 of the Revised Code; 82289

(i) A facility approved by the veterans administration under 82290
section 104(a) of the "Veterans Health Care Amendments of 1983," 82291
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 82292
the placement and care of veterans; 82293

(j) The residence of a relative or guardian of a person with 82294
mental illness. 82295

(C) Nothing in division (B) of this section shall be 82296
construed to permit personal care services to be imposed on a 82297
resident who is capable of performing the activity in question 82298
without assistance. 82299

(D) Except in the case of a residential facility described in 82300
division (B)(1)(a) of this section, members of the staff of a 82301
residential facility shall not administer medication to the 82302
facility's residents, but may do any of the following: 82303

(1) Remind a resident when to take medication and watch to 82304
ensure that the resident follows the directions on the container; 82305

(2) Assist a resident in the self-administration of 82306
medication by taking the medication from the locked area where it 82307
is stored, in accordance with rules adopted pursuant to this 82308
section, and handing it to the resident. If the resident is 82309

physically unable to open the container, a staff member may open 82310
the container for the resident. 82311

(3) Assist a physically impaired but mentally alert resident, 82312
such as a resident with arthritis, cerebral palsy, or Parkinson's 82313
disease, in removing oral or topical medication from containers 82314
and in consuming or applying the medication, upon request by or 82315
with the consent of the resident. If a resident is physically 82316
unable to place a dose of medicine to the resident's mouth without 82317
spilling it, a staff member may place the dose in a container and 82318
place the container to the mouth of the resident. 82319

(E)(1) Except as provided in division (E)(2) of this section, 82320
a person operating or seeking to operate a residential facility 82321
shall apply for licensure of the facility to the department of 82322
mental health and addiction services. The application shall be 82323
submitted by the operator. When applying for the license, the 82324
applicant shall pay to the department the application fee 82325
specified in rules adopted under division (L) of this section. The 82326
fee is nonrefundable. 82327

The department shall send a copy of an application to the 82328
ADAMHS board serving the county in which the person operates or 82329
seeks to operate the facility. The ADAMHS board shall review the 82330
application and provide to the department any information about 82331
the applicant or the facility that the board would like the 82332
department to consider in reviewing the application. 82333

(2) A person may not apply for a license to operate a 82334
residential facility if the person is or has been the owner, 82335
operator, or manager of a residential facility for which a license 82336
to operate was revoked or for which renewal of a license was 82337
refused for any reason other than nonpayment of the license 82338
renewal fee, unless both of the following conditions are met: 82339

(a) A period of not less than two years has elapsed since the 82340

date the director of mental health and addiction services issued 82341
the order revoking or refusing to renew the facility's license. 82342

(b) The director's revocation or refusal to renew the license 82343
was not based on an act or omission at the facility that violated 82344
a resident's right to be free from abuse, neglect, or 82345
exploitation. 82346

(F)(1) The department of mental health and addiction services 82347
shall inspect and license the operation of residential facilities. 82348
The department shall consider the past record of the facility and 82349
the applicant or licensee in arriving at its licensure decision. 82350

The department may issue full, probationary, and interim 82351
licenses. A full license shall expire up to three years after the 82352
date of issuance, a probationary license shall expire in a shorter 82353
period of time as specified in rules adopted by the director of 82354
mental health and addiction services under division (L) of this 82355
section, and an interim license shall expire ninety days after the 82356
date of issuance. A license may be renewed in accordance with 82357
rules adopted by the director under division (L) of this section. 82358
The renewal application shall be submitted by the operator. When 82359
applying for renewal of a license, the applicant shall pay to the 82360
department the renewal fee specified in rules adopted under 82361
division (L) of this section. The fee is nonrefundable. 82362

(2) The department may issue an order suspending the 82363
admission of residents to the facility or refuse to issue or renew 82364
and may revoke a license if it finds any of the following: 82365

(a) The facility is not in compliance with rules adopted by 82366
the director pursuant to division (L) of this section; 82367

(b) Any facility operated by the applicant or licensee has 82368
been cited for a pattern of serious noncompliance or repeated 82369
violations of statutes or rules during the period of current or 82370
previous licenses; 82371

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation. 82372
82373
82374

Proceedings initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code. An order issued pursuant to this division remains in effect during the pendency of those proceedings. 82375
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(G) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 82380
82381

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 82382
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (L) of this section. 82386
82387
82388

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 82389
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82392

(H)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows: 82393
82394

(a) Prior to issuance of a license for the facility; 82395

(b) Prior to renewal of the license; 82396

(c) To determine whether the facility has completed a plan of correction required pursuant to division (H)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it; 82397
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- (d) Upon complaint by any individual or agency; 82402
- (e) At any time the director considers an inspection to be 82403
necessary in order to determine whether the facility is in 82404
compliance with this section and rules adopted pursuant to this 82405
section. 82406
- (2) In conducting inspections the department may conduct an 82407
on-site examination and evaluation of the residential facility and 82408
its personnel, activities, and services. The department shall have 82409
access to examine and copy all records, accounts, and any other 82410
documents relating to the operation of the residential facility, 82411
including records pertaining to residents, and shall have access 82412
to the facility in order to conduct interviews with the operator, 82413
staff, and residents. Following each inspection and review, the 82414
department shall complete a report listing any deficiencies, and 82415
including, when appropriate, a time table within which the 82416
operator shall correct the deficiencies. The department may 82417
require the operator to submit a plan of correction describing how 82418
the deficiencies will be corrected. 82419
- (I) No person shall do any of the following: 82420
- (1) Operate a residential facility unless the facility holds 82421
a valid license; 82422
- (2) Violate any of the conditions of licensure after having 82423
been granted a license; 82424
- (3) Interfere with a state or local official's inspection or 82425
investigation of a residential facility; 82426
- (4) Violate any of the provisions of this section or any 82427
rules adopted pursuant to this section. 82428
- (J) The following may enter a residential facility at any 82429
time: 82430
- (1) Employees designated by the director of mental health and 82431

addiction services;	82432
(2) Employees of an ADAMHS board under either of the following circumstances:	82433 82434
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	82435 82436 82437
(b) When authorized by section 340.05 of the Revised Code.	82438
(3) Employees of a community mental health services provider under either of the following circumstances:	82439 82440
(a) When the provider has a person receiving services residing in the facility;	82441 82442
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	82443 82444
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	82445 82446 82447 82448 82449
The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	82450 82451 82452 82453
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	82454 82455 82456 82457 82458 82459
(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the	82460 82461

licensing and operation of residential facilities. The rules shall	82462
establish all of the following:	82463
(1) Minimum standards for the health, safety, adequacy, and	82464
cultural competency of treatment of and services for persons in	82465
residential facilities;	82466
(2) Procedures for the issuance, renewal, or revocation of	82467
the licenses of residential facilities;	82468
(3) Procedures for conducting background investigations for	82469
prospective or current operators, employees, volunteers, and other	82470
non-resident occupants who may have direct access to facility	82471
residents;	82472
(4) The fee to be paid when applying for a new residential	82473
facility license or renewing the license;	82474
(5) Procedures for the operator of a residential facility to	82475
follow when notifying the ADAMHS board serving the county in which	82476
the facility is located when the facility is serving residents	82477
with mental illness or severe mental disability, including the	82478
circumstances under which the operator is required to make such a	82479
notification;	82480
(6) Procedures for the issuance and termination of orders of	82481
suspension of admission of residents to a residential facility;	82482
(7) Measures to be taken by residential facilities relative	82483
to residents' medication;	82484
(8) Requirements relating to preparation of special diets;	82485
(9) The maximum number of residents who may be served in a	82486
residential facility;	82487
(10) The rights of residents of residential facilities and	82488
procedures to protect such rights;	82489
(11) Standards and procedures under which the director may	82490
waive the requirements of any of the rules adopted.	82491

(M)(1) The department may withhold the source of any 82492
complaint reported as a violation of this section when the 82493
department determines that disclosure could be detrimental to the 82494
department's purposes or could jeopardize the investigation. The 82495
department may disclose the source of any complaint if the 82496
complainant agrees in writing to such disclosure and shall 82497
disclose the source upon order by a court of competent 82498
jurisdiction. 82499

(2) Any person who makes a complaint under division (M)(1) of 82500
this section, or any person who participates in an administrative 82501
or judicial proceeding resulting from such a complaint, is immune 82502
from civil liability and is not subject to criminal prosecution, 82503
other than for perjury, unless the person has acted in bad faith 82504
or with malicious purpose. 82505

(N)(1) The director of mental health and addiction services 82506
may petition the court of common pleas of the county in which a 82507
residential facility is located for an order enjoining any person 82508
from operating a residential facility without a license or from 82509
operating a licensed facility when, in the director's judgment, 82510
there is a present danger to the health or safety of any of the 82511
occupants of the facility. The court shall have jurisdiction to 82512
grant such injunctive relief upon a showing that the respondent 82513
named in the petition is operating a facility without a license or 82514
there is a present danger to the health or safety of any residents 82515
of the facility. 82516

(2) When the court grants injunctive relief in the case of a 82517
facility operating without a license, the court shall issue, at a 82518
minimum, an order enjoining the facility from admitting new 82519
residents to the facility and an order requiring the facility to 82520
assist with the safe and orderly relocation of the facility's 82521
residents. 82522

(3) If injunctive relief is granted against a facility for 82523

operating without a license and the facility continues to operate 82524
without a license, the director shall refer the case to the 82525
attorney general for further action. 82526

(O) The director may fine a person for violating division (I) 82527
of this section. The fine shall be five hundred dollars for a 82528
first offense; for each subsequent offense, the fine shall be one 82529
thousand dollars. The director's actions in imposing a fine shall 82530
be taken in accordance with Chapter 119. of the Revised Code. 82531

Sec. 5119.41. (A) ~~As used in this section:~~ 82532

~~(1) "Nursing facility" has the same meaning as in section 82533
5165.01 of the Revised Code. 82534~~

~~(2) "Residential state supplement administrative agency" 82535
means the department of mental health and addiction services or, 82536
if the department designates an entity under division (C) of this 82537
section for a particular area, the designated entity. 82538~~

~~(3) "Residential state supplement program" means the program 82539
administered pursuant to this section. 82540~~

~~(B) The department of mental health and addiction services 82541
shall implement the residential state supplement program under 82542
which the state supplements the amounts received by aged, blind, 82543
or disabled adults as supplemental security income payments 82544
~~received by aged, blind, or disabled adults~~ under Title XVI of the 82545
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 82546
security benefits or social security disability insurance benefits 82547
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 82548
Residential state supplement payments shall be used for the 82549
provision of accommodations, supervision, and personal care 82550
services to ~~social security,~~ recipients of supplemental security 82551
income payments, social security benefits, and social security 82552
disability insurance ~~recipients~~ benefits who the department 82553~~

determines are at risk of needing institutional care. 82554

~~(C)~~ In implementing the program, the department may designate 82555
one or more entities to be responsible for providing 82556
administrative services regarding the program. The department may 82557
designate an entity ~~to be a residential state supplement~~ 82558
~~administrative agency under this division~~ either by entering into 82559
a contract with the entity to ~~serve in that capacity~~ provided the 82560
services or by otherwise delegating to the entity the 82561
responsibility to ~~serve in that capacity~~ provide the services. 82562

~~(D)~~ ~~For an individual to~~ (B) To be eligible for residential 82563
state supplement payments, ~~all of the following must be the case:~~ 82564

~~(1) Except as provided by division (C) of this section, the~~ 82565
~~individual must reside in one of the following living~~ 82566
~~arrangements:~~ 82567

~~(a) A residential care facility licensed by the department of~~ 82568
~~health under Chapter 3721. of the Revised Code or an assisted~~ 82569
~~living program as defined in section 173.51 of the Revised Code:~~ 82570

~~(b) A class two residential facility licensed by the~~ 82571
~~department of mental health and addiction services under section~~ 82572
~~5119.34 of the Revised Code.~~ 82573

~~(2) If a residential state supplement administrative agency~~ 82574
~~is aware that an individual enrolled in the program has mental~~ 82575
~~health needs, the agency shall refer the individual for an~~ 82576
~~assessment pursuant to division (A) of section 340.091 of the~~ 82577
~~Revised Code.~~ 82578

~~(3) The~~ an individual ~~satisfies~~ must satisfy all eligibility 82579
requirements established by rules adopted under ~~division (E) of~~ 82580
this section. 82581

~~(4) An individual residing in a living arrangement housing~~ 82582
~~more than sixteen individuals shall not be eligible for inclusion~~ 82583

~~in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~

~~(E)(C) The director of mental health and addiction services and the medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

~~The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.~~

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment ~~a person~~ an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled persons solely on a basis classifying disabilities as physical or mental. ~~The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not~~

~~receive supplemental security income payments. The rules may 82616
provide that these individuals may include individuals who receive 82617
other types of benefits, including, social security payments or 82618
social security disability insurance benefits provided under Title 82619
II of the "Social Security Act," 42 U.S.C. 401, et seq. 82620
Notwithstanding division (B) of this section, such payments may be 82621
made if funds are available for them. 82622~~

~~The director of mental health and addiction services may 82623
adopt rules establishing the method to be used to determine the 82624
amount an eligible individual will receive under the program. The 82625
amount the general assembly appropriates for the program may be a 82626
factor included in the method that director establishes. 82627~~

~~(F)(D) The county department of job and family services of 82628
the county in which an applicant for the residential state 82629
supplement program resides or the department of medicaid shall 82630
determine whether the applicant meets income and resource 82631
requirements for the program. 82632~~

~~The county department of job and family services or the 82633
department of medicaid shall notify each individual who is denied 82634
approval for payments under the program of the individual's right 82635
to a hearing. On request, the hearing shall be provided in 82636
accordance with section 5101.35 of the Revised Code. 82637~~

~~(G)(E) An individual in a licensed or certified living 82638
arrangement receiving state supplementation on November 15, 1990, 82639
under former section 5101.531 of the Revised Code shall not become 82640
ineligible for payments under this ~~section~~ program solely by 82641
reason of the individual's living arrangement as long as the 82642
individual remains in the living arrangement in which the 82643
individual resided on November 15, 1990. 82644~~

~~(H) The county department of job and family services from 82645
which the person is receiving benefits or the department of 82646~~

~~medicaid shall notify each person denied approval for payments 82647
under this section of the person's right to a hearing. On request, 82648
the hearing shall be provided in accordance with section 5101.35 82649
of the Revised Code. 82650~~

Sec. 5119.48. (A) The department of mental health and 82651
addiction services shall create the all roads lead to home 82652
program. The program shall include both of the following 82653
initiatives: 82654

(1) A media campaign. As part of the campaign, the department 82655
shall develop public service announcements and shall make the 82656
announcements available to television and radio media outlets. The 82657
announcements shall be made available beginning on January 1, 82658
2018, and at least twice annually, once between January and March 82659
of each year, and once in September of each year as part of 82660
national recovery month. 82661

(2) A web site as described in division (C) of this section. 82662

(B) The media campaign described in division (A)(1) of this 82663
section shall do all of the following: 82664

(1) Include messages to reduce the stigma associated with 82665
seeking help for drug addiction; 82666

(2) Provide directions for people who are in need of drug 82667
addiction assistance to a web-based location that includes all of 82668
the following: 82669

(a) Information on where to find help for drug addiction; 82670

(b) Information on intervention and referral options; 82671

(c) Contact information for county board drug addiction 82672
assistance authorities. 82673

(3) Prioritize its efforts in media markets that have the 82674
highest rates of drug overdose deaths in this state; 82675

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 82676
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(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components: 82679
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82681

(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director; 82682
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(2) Community detoxification and withdrawal management options and community treatment options; 82685
82686

(3) A searchable database of certified substance abuse providers organized by zip code; 82687
82688

(4) Information on recovery supports, including recovery housing; 82689
82690

(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 82691
82692

(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section. 82693
82694
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Sec. 5119.89. The director of mental health and addiction services shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 82696
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The department of mental health and addiction services and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer 82703
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and payer outreach activities and identification of trends and 82706
barriers to access and coverage in this state. The departments 82707
shall submit the report to the general assembly, the joint 82708
medicaid oversight committee, and the governor, not later than the 82709
thirtieth day of January of each year. 82710

Sec. 5120.035. (A) As used in this section: 82711

(1) "Community treatment provider" means a program that 82712
provides substance use disorder assessment and treatment for 82713
persons and that satisfies all of the following: 82714

(a) It is located outside of a state correctional 82715
institution. 82716

(b) It shall provide the assessment and treatment for 82717
qualified prisoners referred and transferred to it under this 82718
section in a suitable facility that is licensed pursuant to 82719
division (C) of section 2967.14 of the Revised Code. 82720

(c) All qualified prisoners referred and transferred to it 82721
under this section shall reside initially in the suitable facility 82722
specified in division (A)(1)(b) of this section while undergoing 82723
the assessment and treatment. 82724

(2) "Electronic monitoring device" has the same meaning as in 82725
section 2929.01 of the Revised Code. 82726

(3) "State correctional institution" has the same meaning as 82727
in section 2967.01 of the Revised Code. 82728

(4) "Qualified prisoner" means a person who satisfies all of 82729
the following: 82730

(a) The person is confined in a state correctional 82731
institution under a prison term imposed for a felony of the fourth 82732
or fifth degree that is not an offense of violence. 82733

(b) The person has not previously been convicted of or 82734

pleaded guilty to ~~an~~ a felony offense of violence and, within the 82735
preceding five years, has not been convicted of or pleaded guilty 82736
to a misdemeanor offense of violence. 82737

(c) The department of rehabilitation and correction 82738
determines, using a standardized assessment tool, that the person 82739
has a substance use disorder. 82740

(d) The person has not more than twelve months remaining to 82741
be served under the prison term described in division (A)(4)(a) of 82742
this section. 82743

(e) The person is not serving any prison term other than the 82744
term described in division (A)(4)(a) of this section. 82745

(f) The person is eighteen years of age or older. 82746

(g) The person does not show signs of drug or alcohol 82747
withdrawal and does not require medical detoxification. 82748

(h) As determined by the department of rehabilitation and 82749
correction, the person is physically and mentally capable of 82750
uninterrupted participation in the substance use disorder 82751
treatment program established under division (B) of this section. 82752

(B) The department of rehabilitation and correction shall 82753
establish and operate a program for community-based substance use 82754
disorder treatment for qualified prisoners. The purpose of the 82755
program shall be to provide substance use disorder assessment and 82756
treatment through community treatment providers to help reduce 82757
substance use relapses and recidivism for qualified prisoners 82758
while preparing them for reentry into the community and improving 82759
public safety. 82760

(C)(1) The department shall determine which qualified 82761
prisoners in its custody should be placed in the substance use 82762
disorder treatment program established under division (B) of this 82763
section. The department has full discretion in making that 82764

determination. If the department determines that a qualified 82765
prisoner should be placed in the program, the department may refer 82766
the prisoner to a community treatment provider the department has 82767
approved under division (E) of this section for participation in 82768
the program and transfer the prisoner from the state correctional 82769
institution to the provider's approved and licensed facility. 82770
Except as otherwise provided in division (C)(3) of this section, 82771
no prisoner shall be placed under the program in any facility 82772
other than a facility of a community treatment provider that has 82773
been so approved. If the department places a prisoner in the 82774
program, the prisoner shall receive credit against the prisoner's 82775
prison term for all time served in the provider's approved and 82776
licensed facility and may earn days of credit under section 82777
2967.193 of the Revised Code, but otherwise neither the placement 82778
nor the prisoner's participation in or completion of the program 82779
shall result in any reduction of the prisoner's prison term. 82780

(2) If the department places a prisoner in the substance use 82781
disorder treatment program, the prisoner does not satisfactorily 82782
participate in the program, and the prisoner has not served the 82783
prisoner's entire prison term, the department may remove the 82784
prisoner from the program and return the prisoner to a state 82785
correctional institution. 82786

(3) If the department places a prisoner in the substance use 82787
disorder treatment program and the prisoner is satisfactorily 82788
participating in the program, the department may permit the 82789
prisoner to reside at a residence approved by the department if 82790
the department determines, with input from the community treatment 82791
provider, that residing at the approved residence will help the 82792
prisoner prepare for reentry into the community and will help 82793
reduce substance use relapses and recidivism for the prisoner. If 82794
a prisoner is permitted under this division to reside at a 82795
residence approved by the department, the prisoner shall be 82796

monitored during the period of that residence by an electronic 82797
monitoring device. 82798

(D)(1) When a prisoner has been placed in the substance use 82799
disorder treatment program established under division (B) of this 82800
section, before the prisoner is released from custody of the 82801
department upon completion of the prisoner's prison term, the 82802
department shall conduct and prepare an evaluation of the 82803
prisoner, the prisoner's participation in the program, and the 82804
prisoner's needs regarding substance use disorder treatment upon 82805
release. Before the prisoner is released from custody of the 82806
department upon completion of the prisoner's prison term, the 82807
parole board or the court acting pursuant to an agreement under 82808
section 2967.29 of the Revised Code shall consider the evaluation, 82809
in addition to all other information and materials considered, as 82810
follows: 82811

(a) If the prisoner is a prisoner for whom post-release 82812
control is mandatory under section 2967.28 of the Revised Code, 82813
the board or court shall consider it in determining which 82814
post-release control sanction or sanctions to impose upon the 82815
prisoner under that section. 82816

(b) If the prisoner is a prisoner for whom post-release 82817
control is not mandatory under section 2967.28 of the Revised 82818
Code, the board or court shall consider it in determining whether 82819
a post-release control sanction is necessary and, if so, which 82820
post-release control sanction or sanctions to impose upon the 82821
prisoner under that section. 82822

(2) If the department determines that a prisoner it placed in 82823
the substance use disorder treatment program successfully 82824
completed the program and successfully completed a term of 82825
post-release control, if applicable, and if the prisoner submits 82826
an application under section 2953.32 of the Revised Code for 82827
sealing the record of the conviction, the director may issue a 82828

letter to the court in support of the application. 82829

(E)(1) The department shall accept applications from 82830
community treatment providers that satisfy the requirement 82831
specified in division (E)(2) of this section and that wish to 82832
participate in the substance use disorder treatment program 82833
established under division (B) of this section, and shall approve 82834
for participation in the program at least four and not more than 82835
eight of the providers that apply. To the extent feasible, the 82836
department shall approve one or more providers from each 82837
geographical quadrant of the state. 82838

(2) Each community treatment provider that applies under 82839
division (E)(1) of this section to participate in the program 82840
shall have the provider's alcohol and drug addiction services that 82841
provide substance use disorder treatment certified by the 82842
department of mental health and addiction services under section 82843
5119.36 of the Revised Code. A community treatment provider is not 82844
required to have the provider's halfway house or residential 82845
treatment certified by the department of mental health and 82846
addiction services. 82847

(F) The department of rehabilitation and correction shall 82848
adopt rules for the operation of the substance use disorder 82849
treatment program it establishes under division (B) of this 82850
section and shall operate the program in accordance with this 82851
section and those rules. The rules shall establish, at a minimum, 82852
all of the following: 82853

(1) Criteria that establish which qualified prisoners are 82854
eligible for the program; 82855

(2) Criteria that must be satisfied to transfer a qualified 82856
prisoner to a residence pursuant to division (C)(3) of this 82857
section; 82858

(3) Criteria for the removal of a prisoner from the program 82859

pursuant to division (C)(2) of this section; 82860

(4) Criteria for determining when an offender has 82861
successfully completed the program for purposes of division (D)(2) 82862
of this section; 82863

(5) Criteria for community treatment providers to provide 82864
assessment and treatment, including minimum standards for 82865
treatment. 82866

Sec. 5120.22. (A) The division of business administration 82867
shall examine the conditions of all buildings, grounds, and other 82868
property connected with the institutions under the control of the 82869
department of rehabilitation and correction, the methods of 82870
bookkeeping and storekeeping, and all matters relating to the 82871
management of such property. The division shall study and become 82872
familiar with the advantages and disadvantages of each as to 82873
location, freight rates, and efficiency of farm and equipment, for 82874
the purpose of aiding in the determination of the local and 82875
general requirements both for maintenance and improvements. 82876

(B) The division, with respect to the various types of 82877
state-owned housing under jurisdiction of the department, shall 82878
adopt, in accordance with section 111.15 of the Revised Code, 82879
rules governing maintenance of the housing and its usage by 82880
department personnel. The rules shall include a procedure for 82881
determining charges for rent and utilities, which the division 82882
shall assess against and collect from department personnel using 82883
the housing. All money collected for rent and utilities pursuant 82884
to the rules shall be deposited into the property receipts fund, 82885
which is hereby created in the state treasury. Money in the fund 82886
shall be used for any expenses necessary to provide housing of 82887
department employees, including but not limited to expenses for 82888
the acquisition, construction, operation, maintenance, repair, 82889
reconstruction, or demolition of land and buildings. 82890

(C) The division may enter into a lease or agreement with a state agency, political subdivision of the state, or private entity to use facilities or other property under the jurisdiction of the department that is not being utilized by the department. All money collected for leasing and services performed in accordance with the lease or agreement shall be deposited into the property receipts fund created under division (B) of this section. Money in the fund shall be used for any expenses resulting from the lease or agreement, including, but not limited to, expenses for services performed, construction, maintenance, repair, reconstruction, or demolition of the facilities or other property.

(D) If, after meeting the expenditure obligations required by divisions (B) and (C) of this section, the division determines that the property receipts fund has excess funds, the division may use money in the fund for services performed, construction, maintenance, repair, reconstruction, or demolition of any other facilities or property owned by the department.

Sec. 5120.55. (A) As used in this section, "licensed health professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A psychologist who holds a current, valid license issued 82921
under Chapter 4732. of the Revised Code that authorizes the 82922
practice of psychology as a licensed psychologist; 82923

(6) A registered nurse who holds a current, valid license 82924
issued under Chapter 4723. of the Revised Code that authorizes the 82925
practice of nursing as a registered nurse, including such a nurse 82926
who is also licensed to practice as an advanced practice 82927
registered nurse as defined in section 4723.01 of the Revised 82928
Code. 82929

(B)(1) The department of rehabilitation and correction may 82930
establish a recruitment program under which the department, by 82931
means of a contract entered into under division (C) of this 82932
section, agrees to repay all or part of the principal and interest 82933
of a government or other educational loan incurred by a licensed 82934
health professional who agrees to provide services to inmates of 82935
correctional institutions under the department's administration. 82936

(2)(a) For a physician to be eligible to participate in the 82937
program, the physician must have attended a school that was, 82938
during the time of attendance, a medical school or osteopathic 82939
medical school in this country accredited by the liaison committee 82940
on medical education or the American osteopathic association, a 82941
college of podiatry in this country ~~recognized as being~~ in good 82942
standing ~~under section 4731.53 of the Revised Code~~ with the state 82943
medical board, or a medical school, osteopathic medical school, or 82944
college of podiatry located outside this country that was 82945
acknowledged by the world health organization and verified by a 82946
member state of that organization as operating within that state's 82947
jurisdiction. 82948

(b) For a nurse to be eligible to participate in the program, 82949
the nurse must have attended a school that was, during the time of 82950
attendance, a nursing school in this country accredited by the 82951
commission on collegiate nursing education or the national league 82952

for nursing accrediting commission or a nursing school located 82953
outside this country that was acknowledged by the world health 82954
organization and verified by a member state of that organization 82955
as operating within that state's jurisdiction. 82956

(c) For a dentist to be eligible to participate in the 82957
program, the dentist must have attended a school that was, during 82958
the time of attendance, a dental college that enabled the dentist 82959
to meet the requirements specified in section 4715.10 of the 82960
Revised Code to be granted a license to practice dentistry. 82961

(d) For an optometrist to be eligible to participate in the 82962
program, the optometrist must have attended a school of optometry 82963
that was, during the time of attendance, approved by the state 82964
board of optometry. 82965

(e) For a psychologist to be eligible to participate in the 82966
program, the psychologist must have attended an educational 82967
institution that, during the time of attendance, maintained a 82968
specific degree program recognized by the state board of 82969
psychology as acceptable for fulfilling the requirement of 82970
division (B)(3) of section 4732.10 of the Revised Code. 82971

(C) The department shall enter into a contract with each 82972
licensed health professional it recruits under this section. Each 82973
contract shall include at least the following terms: 82974

(1) The licensed health professional agrees to provide a 82975
specified scope of medical, osteopathic medical, podiatric, 82976
optometric, psychological, nursing, or dental services to inmates 82977
of one or more specified state correctional institutions for a 82978
specified number of hours per week for a specified number of 82979
years. 82980

(2) The department agrees to repay all or a specified portion 82981
of the principal and interest of a government or other educational 82982
loan taken by the licensed health professional for the following 82983

expenses to attend, for up to a maximum of four years, a school 82984
that qualifies the licensed health professional to participate in 82985
the program: 82986

(a) Tuition; 82987

(b) Other educational expenses for specific purposes, 82988
including fees, books, and laboratory expenses, in amounts 82989
determined to be reasonable in accordance with rules adopted under 82990
division (D) of this section; 82991

(c) Room and board, in an amount determined to be reasonable 82992
in accordance with rules adopted under division (D) of this 82993
section. 82994

(3) The licensed health professional agrees to pay the 82995
department a specified amount, which shall be no less than the 82996
amount already paid by the department pursuant to its agreement, 82997
as damages if the licensed health professional fails to complete 82998
the service obligation agreed to or fails to comply with other 82999
specified terms of the contract. The contract may vary the amount 83000
of damages based on the portion of the service obligation that 83001
remains uncompleted. 83002

(4) Other terms agreed upon by the parties. 83003

The licensed health professional's lending institution or the 83004
~~Ohio board department of regents,~~ higher education may be a party 83005
to the contract. The contract may include an assignment to the 83006
department of rehabilitation and correction of the licensed health 83007
professional's duty to repay the principal and interest of the 83008
loan. 83009

(D) If the department of rehabilitation and correction elects 83010
to implement the recruitment program, it shall adopt rules in 83011
accordance with Chapter 119. of the Revised Code that establish 83012
all of the following: 83013

(1) Criteria for designating institutions for which licensed health professionals will be recruited;	83014 83015
(2) Criteria for selecting licensed health professionals for participation in the program;	83016 83017
(3) Criteria for determining the portion of a loan which the department will agree to repay;	83018 83019
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	83020 83021
(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;	83022 83023 83024
(6) Any other criteria or procedures necessary to implement the program.	83025 83026
<u>Sec. 5120.68. (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information:</u>	83027 83028 83029 83030
<u>(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution;</u>	83031 83032
<u>(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution;</u>	83033 83034
<u>(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration.</u>	83035 83036
<u>(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled.</u>	83037 83038 83039
Sec. 5122.32. (A) As used in this section:	83040
(1) "Quality assurance committee" means a committee that is	83041

appointed in the central office of the department of mental health 83042
and addiction services by the director of mental health and 83043
addiction services, a committee of a hospital or community setting 83044
program, or a duly authorized subcommittee of a committee of that 83045
nature and that is designated to carry out quality assurance 83046
program activities. 83047

(2) "Quality assurance program" means a comprehensive program 83048
within the department of mental health and addiction services to 83049
systematically review and improve the quality of medical and 83050
mental health services within the department and its hospitals and 83051
community setting programs, the safety and security of persons 83052
receiving or administering medical and mental health services 83053
within the department and its hospitals and community setting 83054
programs, and the efficiency and effectiveness of the utilization 83055
of staff and resources in the delivery of medical and mental 83056
health services within the department and its hospitals and 83057
community setting programs. "Quality assurance program" includes 83058
the central office quality assurance committees, morbidity and 83059
mortality review committees, quality assurance programs of 83060
community setting programs, quality assurance committees of 83061
hospitals operated by the department of mental health and 83062
addiction services, and the office of licensure and certification 83063
of the department. 83064

(3) "Quality assurance program activities" include collecting 83065
or compiling information and reports required by a quality 83066
assurance committee, receiving, reviewing, or implementing the 83067
recommendations made by a quality assurance committee, and 83068
credentialing, privileging, infection control, tissue review, peer 83069
review, utilization review including access to patient care 83070
records, patient care assessment records, and medical and mental 83071
health records, medical and mental health resource management, 83072
mortality and morbidity review, and identification and prevention 83073

of medical or mental health incidents and risks, whether performed 83074
by a quality assurance committee or by persons who are directed by 83075
a quality assurance committee. 83076

(4) "Quality assurance records" means the proceedings, 83077
discussion, records, findings, recommendations, evaluations, 83078
opinions, minutes, reports, and other documents or actions that 83079
emanate from quality assurance committees, quality assurance 83080
programs, or quality assurance program activities. "Quality 83081
assurance records" does not include aggregate statistical 83082
information that does not disclose the identity of persons 83083
receiving or providing medical or mental health services in 83084
department of mental health and addiction services hospitals or 83085
community setting programs. 83086

(B)(1) Except as provided in division (E) of this section, 83087
quality assurance records are confidential and are not public 83088
records under section 149.43 of the Revised Code, and shall be 83089
used only in the course of the proper functions of a quality 83090
assurance program. 83091

(2) Except as provided in division (E) of this section, no 83092
person who possesses or has access to quality assurance records 83093
and who knows that the records are quality assurance records shall 83094
willfully disclose the contents of the records to any person or 83095
entity. 83096

(C)(1) Except as provided in division (E) of this section, no 83097
quality assurance record shall be subject to discovery, and is not 83098
admissible in evidence, in any judicial or administrative 83099
proceeding. 83100

(2) Except as provided in division (E) of this section, no 83101
member of a quality assurance committee or a person who is 83102
performing a function that is part of a quality assurance program 83103
shall be permitted or required to testify in a judicial or 83104

administrative proceeding with respect to quality assurance 83105
records or with respect to any finding, recommendation, 83106
evaluation, opinion, or other action taken by the committee, 83107
member, or person. 83108

(3) Information, documents, or records otherwise available 83109
from original sources are not to be construed as being unavailable 83110
for discovery or admission in evidence in a judicial or 83111
administrative proceeding merely because they were presented to a 83112
quality assurance committee. No person testifying before a quality 83113
assurance committee or person who is a member of a quality 83114
assurance committee shall be prevented from testifying as to 83115
matters within the person's knowledge, but the witness cannot be 83116
asked about the witness' testimony before the quality assurance 83117
committee or about an opinion formed by the person as a result of 83118
the quality assurance committee proceedings. 83119

(D)(1) A person who, without malice and in the reasonable 83120
belief that the information is warranted by the facts known to the 83121
person, provides information to a person engaged in quality 83122
assurance program activities is not liable for damages in a civil 83123
action for injury, death, or loss to person or property to any 83124
person as a result of providing the information. 83125

(2) A member of a quality assurance committee, a person 83126
engaged in quality assurance program activities, and an employee 83127
of the department of mental health and addiction services shall 83128
not be liable in damages in a civil action for injury, death, or 83129
loss to person or property to any person for any acts, omissions, 83130
decisions, or other conduct within the scope of the functions of 83131
the quality assurance program. 83132

(3) Nothing in this section shall relieve any institution or 83133
individual from liability arising from the treatment of a patient. 83134

(E) Quality assurance records may be disclosed, and testimony 83135

may be provided concerning quality assurance records, only to the 83136
following persons or entities: 83137

(1) Persons who are employed or retained by the department of 83138
mental health and addiction services and who have authority to 83139
evaluate or implement the recommendations of a state-operated 83140
hospital, community setting program, or central office quality 83141
assurance committee; 83142

(2) Public or private agencies or organizations if needed to 83143
perform a licensing or accreditation function related to 83144
department of mental health and addiction services hospitals or 83145
community setting programs, or to perform monitoring of a hospital 83146
or program of that nature as required by law. 83147

(F) A disclosure of quality assurance records pursuant to 83148
division (E) of this section does not otherwise waive the 83149
confidential and privileged status of the disclosed quality 83150
assurance records. 83151

(G) Nothing in this section shall limit the access of the 83152
Ohio protection and advocacy system to records or personnel as 83153
required under section 5123.601 of the Revised Code. Nothing in 83154
this section shall limit the admissibility of documentary or 83155
testimonial evidence in an action brought by the Ohio protection 83156
and advocacy system in its own name or on behalf of a client. 83157

Sec. 5123.01. As used in this chapter: 83158

(A) "Chief medical officer" means the licensed physician 83159
appointed by the managing officer of an institution for persons 83160
with intellectual disabilities with the approval of the director 83161
of developmental disabilities to provide medical treatment for 83162
residents of the institution. 83163

(B) "Chief program director" means a person with special 83164
training and experience in the diagnosis and management of persons 83165

with developmental disabilities, certified according to division 83166
(C) of this section in at least one of the designated fields, and 83167
appointed by the managing officer of an institution for persons 83168
with intellectual disabilities with the approval of the director 83169
to provide habilitation and care for residents of the institution. 83170

(C) "Comprehensive evaluation" means a study, including a 83171
sequence of observations and examinations, of a person leading to 83172
conclusions and recommendations formulated jointly, with 83173
dissenting opinions if any, by a group of persons with special 83174
training and experience in the diagnosis and management of persons 83175
with developmental disabilities, which group shall include 83176
individuals who are professionally qualified in the fields of 83177
medicine, psychology, and social work, together with such other 83178
specialists as the individual case may require. 83179

(D) "Education" means the process of formal training and 83180
instruction to facilitate the intellectual and emotional 83181
development of residents. 83182

(E) "Habilitation" means the process by which the staff of 83183
the institution assists the resident in acquiring and maintaining 83184
those life skills that enable the resident to cope more 83185
effectively with the demands of the resident's own person and of 83186
the resident's environment and in raising the level of the 83187
resident's physical, mental, social, and vocational efficiency. 83188
Habilitation includes but is not limited to programs of formal, 83189
structured education and training. 83190

(F) "Health officer" means any public health physician, 83191
public health nurse, or other person authorized or designated by a 83192
city or general health district. 83193

(G) "Home and community-based services" means medicaid-funded 83194
home and community-based services specified in division (A)(1) of 83195
section 5166.20 of the Revised Code provided under the medicaid 83196

waiver components the department of developmental disabilities 83197
administers pursuant to section 5166.21 of the Revised Code. 83198
Except as provided in section 5123.0412 of the Revised Code, home 83199
and community-based services provided under the medicaid waiver 83200
component known as the transitions developmental disabilities 83201
waiver are to be considered to be home and community-based 83202
services for the purposes of this chapter, and Chapters 5124. and 83203
5126. of the Revised Code, only to the extent, if any, provided by 83204
the contract required by section 5166.21 of the Revised Code 83205
regarding the waiver. 83206

(H) "ICF/IID" has the same meaning as in section 5124.01 of 83207
the Revised Code. 83208

(I) "Indigent person" means a person who is unable, without 83209
substantial financial hardship, to provide for the payment of an 83210
attorney and for other necessary expenses of legal representation, 83211
including expert testimony. 83212

(J) "Institution" means a public or private facility, or a 83213
part of a public or private facility, that is licensed by the 83214
appropriate state department and is equipped to provide 83215
residential habilitation, care, and treatment for persons with 83216
intellectual disabilities. 83217

(K) "Licensed physician" means a person who holds a valid 83218
certificate issued under Chapter 4731. of the Revised Code 83219
authorizing the person to practice medicine and surgery or 83220
osteopathic medicine and surgery, or a medical officer of the 83221
government of the United States while in the performance of the 83222
officer's official duties. 83223

(L) "Managing officer" means a person who is appointed by the 83224
director of developmental disabilities to be in executive control 83225
of an institution under the jurisdiction of the department of 83226
developmental disabilities. 83227

(M) "Medicaid case management services" means case management services provided to an individual with a developmental disability that the state medicaid plan requires.

(N) "Intellectual disability" means a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Person with an intellectual disability subject to institutionalization by court order" means a person eighteen years of age or older with at least a moderate level of intellectual disability and in relation to whom, because of the person's disability, either of the following conditions exists:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

(P) "Moderate level of intellectual disability" means the condition in which a person, following a comprehensive evaluation, is found to have at least moderate deficits in overall intellectual functioning, as indicated by a full-scale intelligence quotient test score of fifty-five or below, and at least moderate deficits in adaptive behavior, as determined in accordance with the criteria established in the fifth edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

(Q) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or

a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness, as defined in division (A) of section 5122.01 of the Revised Code. 83259
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(2) It is manifested before age twenty-two. 83262

(3) It is likely to continue indefinitely. 83263

(4) It results in one of the following: 83264

(a) In the case of a person under three years of age, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules; 83265
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(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code; 83270
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(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency. 83274
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(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person. 83281
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"Developmental disability" includes intellectual disability. 83285

(R) "State institution" means an institution that is tax-supported and under the jurisdiction of the department of developmental disabilities. 83286
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(S) "Residence" and "legal residence" have the same meaning 83289
as "legal settlement," which is acquired by residing in Ohio for a 83290
period of one year without receiving general assistance prior to 83291
July 17, 1995, under former Chapter 5113. of the Revised Code, 83292
without receiving financial assistance prior to December 31, 2017, 83293
under former Chapter 5115. of the Revised Code, or assistance from 83294
a private agency that maintains records of assistance given. A 83295
person having a legal settlement in the state shall be considered 83296
as having legal settlement in the assistance area in which the 83297
person resides. No adult person coming into this state and having 83298
a spouse or minor children residing in another state shall obtain 83299
a legal settlement in this state as long as the spouse or minor 83300
children are receiving public assistance, care, or support at the 83301
expense of the other state or its subdivisions. For the purpose of 83302
determining the legal settlement of a person who is living in a 83303
public or private institution or in a home subject to licensing by 83304
the department of job and family services, the department of 83305
mental health and addiction services, or the department of 83306
developmental disabilities, the residence of the person shall be 83307
considered as though the person were residing in the county in 83308
which the person was living prior to the person's entrance into 83309
the institution or home. Settlement once acquired shall continue 83310
until a person has been continuously absent from Ohio for a period 83311
of one year or has acquired a legal residence in another state. A 83312
woman who marries a man with legal settlement in any county 83313
immediately acquires the settlement of her husband. The legal 83314
settlement of a minor is that of the parents, surviving parent, 83315
sole parent, parent who is designated the residential parent and 83316
legal custodian by a court, other adult having permanent custody 83317
awarded by a court, or guardian of the person of the minor, 83318
provided that: 83319

(1) A minor female who marries shall be considered to have 83320
the legal settlement of her husband and, in the case of death of 83321

her husband or divorce, she shall not thereby lose her legal settlement obtained by the marriage. 83322
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(2) A minor male who marries, establishes a home, and who has resided in this state for one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, ~~financial assistance under Chapter 5115. of the Revised Code,~~ or assistance from a private agency that maintains records of assistance given shall be considered to have obtained a legal settlement in this state. 83324
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(3) The legal settlement of a child under eighteen years of age who is in the care or custody of a public or private child caring agency shall not change if the legal settlement of the parent changes until after the child has been in the home of the parent for a period of one year. 83331
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No person, adult or minor, may establish a legal settlement in this state for the purpose of gaining admission to any state institution. 83336
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(T)(1) "Resident" means, subject to division (T)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution. 83339
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(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code. 83346
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(U) "Respondent" means the person whose detention, 83352

commitment, or continued commitment is being sought in any 83353
proceeding under this chapter. 83354

(V) "Working day" and "court day" mean Monday, Tuesday, 83355
Wednesday, Thursday, and Friday, except when such day is a legal 83356
holiday. 83357

(W) "Prosecutor" means the prosecuting attorney, village 83358
solicitor, city director of law, or similar chief legal officer 83359
who prosecuted a criminal case in which a person was found not 83360
guilty by reason of insanity, who would have had the authority to 83361
prosecute a criminal case against a person if the person had not 83362
been found incompetent to stand trial, or who prosecuted a case in 83363
which a person was found guilty. 83364

(X) "Court" means the probate division of the court of common 83365
pleas. 83366

(Y) "Supported living" and "residential services" have the 83367
same meanings as in section 5126.01 of the Revised Code. 83368

Sec. 5123.377. (A) As used in this section: 83369

(1) "Adult services" has the same meaning as in section 83370
5126.01 of the Revised Code. 83371

(2) "Community adult facility" means a facility in which 83372
adult services are provided or a facility associated with the 83373
provision of adult services. 83374

(3) "Renovation" means work done to a building to restore it 83375
to an acceptable condition and to make it functional for use by 83376
individuals with developmental disabilities. "Renovation" includes 83377
architectural and structural changes and the modernization of 83378
mechanical and electrical systems. "Renovation" does not include 83379
work that consists primarily of maintenance repairs and 83380
replacements necessary due to normal use, wear and tear, or 83381
deterioration. 83382

(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply:

(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999.

(2) The agreement requires the county board or board of county commissioners to use the community adult facility for at least forty years.

(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following:

(a) A statement of intent to close the facility and the anticipated date of closure;

(b) The number of individuals with developmental disabilities served in the facility at the time of application;

(c) Identification of alternative providers of services to be offered to those individuals;

(d) A commitment and demonstration that those individuals will receive services from the alternative providers;

(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:

(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under

the agreement; 83413

(ii) Use the proceeds of the sale for the acquisition, 83414
renovation, or accessibility modification of housing for 83415
individuals with developmental disabilities that complies with the 83416
requirements established by the director. 83417

(4) The director may establish a deadline by which the county 83418
board or board of county commissioners shall use the proceeds of a 83419
sale pursuant to division (B)(3)(e)(ii) of this section. The 83420
director may extend the deadline as many times as the director 83421
determines necessary. 83422

(C) Agreement terms that may be changed pursuant to division 83423
(B) of this section include terms regarding the length of time the 83424
facility must be used as a community adult facility. 83425

Sec. 5123.378. (A) As used in this section: 83426

(1) "Community early childhood facility" means a facility in 83427
which early childhood services are provided. 83428

(2) "Early childhood services" has the same meaning as in 83429
section 5126.01 of the Revised Code. 83430

(3) "Renovation" means work done to a building to restore it 83431
to an acceptable condition and to make it functional for use by 83432
individuals with developmental disabilities. "Renovation" includes 83433
architectural and structural changes and the modernization of 83434
mechanical and electrical systems. "Renovation" does not include 83435
work that consists primarily of maintenance repairs and 83436
replacements necessary due to normal use, wear and tear, or 83437
deterioration. 83438

(B) The director of developmental disabilities may change the 83439
terms of an agreement entered into with a county board of 83440
developmental disabilities or a board of county commissioners 83441
pursuant to section 5123.36 of the Revised Code or other statutory 83442

authority in effect before July 1, 1980, regarding the 83443
construction, acquisition, or renovation of a community early 83444
childhood facility if all of the following apply: 83445

(1) The agreement was entered into ~~during the period~~ 83446
~~beginning January 1, 1976, and ending on or before~~ December 31, 83447
1999. 83448

(2) The agreement requires the county board or board of 83449
county commissioners to use the community early childhood facility 83450
for at least fifteen years. 83451

(3) The county board or board of county commissioners submits 83452
to the director an application for a change in the agreement's 83453
terms that includes all of the following: 83454

(a) A statement of intent to close the facility and the 83455
anticipated date of closure; 83456

(b) The number of individuals with developmental disabilities 83457
served in the facility at the time of application; 83458

(c) A commitment and demonstration that those individuals 83459
will continue to receive services; 83460

(d) A resolution from the county board or board of county 83461
commissioners authorizing the application, including a commitment 83462
that if the facility is sold, the county board or board of county 83463
commissioners will do either of the following: 83464

(i) Reimburse the department of developmental disabilities 83465
the proceeds of the sale up to the outstanding balance owed under 83466
the agreement; 83467

(ii) Use the proceeds of the sale for the acquisition, 83468
renovation, or accessibility modification of housing for 83469
individuals with developmental disabilities that complies with the 83470
requirements established by the director. 83471

(4) The director may establish a deadline by which the county 83472

board or board of county commissioners shall use the proceeds of a 83473
sale pursuant to division (B)(3)(d)(ii) of this section. The 83474
director may extend the deadline as many times as the director 83475
determines necessary. 83476

(C) Agreement terms that may be changed pursuant to division 83477
(B) of this section include terms regarding the length of time the 83478
facility must be used as a community early childhood facility. 83479

Sec. 5123.38. (A) Except as provided in division (B) of this 83480
section, if an individual ~~receiving supported living or home and~~ 83481
~~community based services funded by a county board of developmental~~ 83482
~~disabilities~~ is committed to a state-operated ICF/IID pursuant to 83483
sections 5123.71 to 5123.76 of the Revised Code, the county board 83484
of developmental disabilities of the county from which the 83485
individual was ordered institutionalized is responsible for the 83486
nonfederal share of medicaid expenditures for the individual's 83487
care in the state-operated ICF/IID. The department of 83488
developmental disabilities shall collect the amount of the 83489
nonfederal share from the county board by either withholding that 83490
amount from funds the department has otherwise allocated to the 83491
county board or submitting an invoice for payment of that amount 83492
to the county board. 83493

(B) Division (A) of this section does not apply under ~~any~~ 83494
either of the following circumstances: 83495

(1) ~~The county board, not~~ Not later than ninety one hundred 83496
eighty days after the date of the commitment of ~~a person receiving~~ 83497
~~supported living~~ an individual, ~~commences funding of supported~~ 83498
~~living for an individual who resides in a state operated ICF/IID~~ 83499
~~on the date of the commitment or another eligible individual~~ 83500
~~designated by the department~~ the county board arranges for the 83501
provision of alternative services for the individual, and the 83502
individual is discharged from the ICF/IID. 83503

~~(2) The county board, not later than ninety days after the date of the commitment of a person receiving home and community based services, commences funding of home and community based services for an individual who resides in a state operated ICF/IID on the date of the commitment or another eligible individual designated by the department.~~

~~(3)~~ The director of developmental disabilities, after determining that circumstances warrant granting a waiver in an individual's case, grants the county board a waiver that exempts the county board from responsibility for the nonfederal share for that case.

Sec. 5123.47. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional.

(4) "Family member" means a parent, sibling, spouse, son,

daughter, grandparent, aunt, uncle, cousin, or guardian of the 83534
individual with a developmental disability if the individual with 83535
a developmental disability lives with the person and is dependent 83536
on the person to the extent that, if the supports were withdrawn, 83537
another living arrangement would have to be found. 83538

(5) "Health care professional" means any of the following: 83539

(a) A dentist who holds a valid license issued under Chapter 83540
4715. of the Revised Code; 83541

(b) A registered or licensed practical nurse who holds a 83542
valid license issued under Chapter 4723. of the Revised Code; 83543

(c) An optometrist who holds a valid license issued under 83544
Chapter 4725. of the Revised Code; 83545

(d) A pharmacist who holds a valid license issued under 83546
Chapter 4729. of the Revised Code; 83547

(e) A person who holds a valid license or certificate issued 83548
under Chapter 4731. of the Revised Code to practice medicine and 83549
surgery, osteopathic medicine and surgery, podiatric medicine and 83550
surgery, or a limited brand of medicine; 83551

(f) A physician assistant who holds a valid license issued 83552
under Chapter 4730. of the Revised Code; 83553

(g) An occupational therapist or occupational therapy 83554
assistant or a physical therapist or physical therapist assistant 83555
who holds a valid license issued under Chapter 4755. of the 83556
Revised Code; 83557

(h) A respiratory care professional who holds a valid license 83558
issued under Chapter 4761. of the Revised Code. 83559

(6) "Health care task" means a task that is prescribed, 83560
ordered, delegated, or otherwise directed by a health care 83561
professional acting within the scope of the professional's 83562
practice. "Health care task" includes the administration of oral 83563

and topical prescribed medications; administration of nutrition 83564
and medications through gastrostomy and jejunostomy tubes that are 83565
stable and labeled; administration of oxygen and metered dose 83566
inhaled medications; administration of insulin through 83567
subcutaneous injections, inhalation, and insulin pumps; and 83568
administration of prescribed medications for the treatment of 83569
metabolic glyceimic disorders through subcutaneous injections. 83570

(B) Except as provided in division (E) of this section, a 83571
family member of an individual with a developmental disability may 83572
authorize an unlicensed in-home care worker to perform health care 83573
tasks as part of the in-home care the worker provides to the 83574
individual, if all of the following apply: 83575

(1) The family member is the primary supervisor of the care. 83576

(2) The unlicensed in-home care worker has been selected by 83577
the family member or the individual receiving care and is under 83578
the direct supervision of the family member. 83579

(3) The unlicensed in-home care worker is providing the care 83580
through an employment or other arrangement entered into directly 83581
with the family member and is not otherwise employed by or under 83582
contract with a person or government entity to provide services to 83583
individuals with developmental disabilities. 83584

(4) The health care task is completed in accordance with 83585
standard, written instructions. 83586

(5) Performance of the health care task requires no judgment 83587
based on specialized health care knowledge or expertise. 83588

(6) The outcome of the health care task is reasonably 83589
predictable. 83590

(7) Performance of the health care task requires no complex 83591
observation of the individual receiving the care. 83592

(8) Improper performance of the health care task will result 83593

in only minimal complications that are not life-threatening. 83594

(C) A family member shall obtain a prescription, if 83595
applicable, and written instructions from a health care 83596
professional for the care to be provided to the individual. The 83597
family member shall authorize the unlicensed in-home care worker 83598
to provide the care by preparing a written document granting the 83599
authority. The family member shall provide the unlicensed in-home 83600
care worker with appropriate training and written instructions in 83601
accordance with the instructions obtained from the health care 83602
professional. The family member or a health care professional 83603
shall be available to communicate with the unlicensed in-home care 83604
worker either in person or by telecommunication while the in-home 83605
care worker performs a health care task. 83606

(D) A family member who authorizes an unlicensed in-home care 83607
worker to administer oral and topical prescribed medications or 83608
perform other health care tasks retains full responsibility for 83609
the health and safety of the individual receiving the care and for 83610
ensuring that the worker provides the care appropriately and 83611
safely. No entity that funds or monitors the provision of in-home 83612
care may be held liable for the results of the care provided under 83613
this section by an unlicensed in-home care worker, including such 83614
entities as the county board of developmental disabilities and the 83615
department of developmental disabilities. 83616

An unlicensed in-home care worker who is authorized under 83617
this section by a family member to provide care to an individual 83618
may not be held liable for any injury caused in providing the 83619
care, unless the worker provides the care in a manner that is not 83620
in accordance with the training and instructions received or the 83621
worker acts in a manner that constitutes willful or wanton 83622
misconduct. 83623

(E) A county board of developmental disabilities may evaluate 83624
the authority granted by a family member under this section to an 83625

unlicensed in-home care worker at any time it considers necessary 83626
and shall evaluate the authority on receipt of a complaint. If the 83627
board determines that a family member has acted in a manner that 83628
is inappropriate for the health and safety of the individual 83629
receiving the care, the authorization granted by the family member 83630
to an unlicensed in-home care worker is void, and the family 83631
member may not authorize other unlicensed in-home care workers to 83632
provide the care. In making such a determination, the board shall 83633
use appropriately licensed health care professionals and shall 83634
provide the family member an opportunity to file a complaint under 83635
section 5126.06 of the Revised Code. 83636

Sec. 5123.60. (A) As used in this section and section 83637
5123.601 of the Revised Code, "Ohio protection and advocacy 83638
system" means the nonprofit entity designated by the governor in 83639
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 83640
serve as the state's protection and advocacy system and client 83641
assistance program. 83642

(B) The Ohio protection and advocacy system shall provide 83643
both of the following: 83644

(1) Advocacy services for people with disabilities, as 83645
provided under section 101 of the "Developmental Disabilities 83646
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 83647
42 U.S.C. 15001; 83648

(2) A client assistance program, as provided under section 83649
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 83650
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 83651
U.S.C. 732. 83652

(C) The Ohio protection and advocacy system may establish any 83653
guidelines necessary for its operation. 83654

Sec. 5124.15. (A) Except as otherwise provided by section 83655

5124.101 of the Revised Code, sections 5124.151 to 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code;

(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code;

(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code;

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code.

(B) The total per medicaid day payment rate for an ICF/IID in peer group 3 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.

(C) The department shall adjust the total rate otherwise determined under division (A) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

(D) In addition to paying an ICF/IID provider the total rate determined for the provider's ICF/IID under divisions (A), (B), and (C) of this section for a fiscal year, the department, in accordance with section 5124.25 of the Revised Code, may pay the provider a rate add-on for pediatric ventilator-dependent outlier

ICF/IID services if the rate add-on is to be paid under that 83686
section and the department approves the provider's application for 83687
the rate add-on. The rate add-on is not to be part of the 83688
ICF/IID's total rate. 83689

Sec. 5124.25. (A) Subject to division (D) of this section, 83690
the department of developmental disabilities may pay a medicaid 83691
rate add-on to an ICF/IID provider for outlier ICF/IID services 83692
the ICF/IID provides to qualifying ventilator-dependent residents 83693
on or after ~~the effective date of this section~~ September 29, 2013, 83694
if the provider applies to the department of developmental 83695
disabilities to receive the rate add-on and the department 83696
approves the application. The department of developmental 83697
disabilities may approve a provider's application if both of the 83698
following apply: 83699

(1) The provider submits to the department of developmental 83700
disabilities a best practices protocol for providing outlier 83701
ICF/IID services under this section and the department of 83702
developmental disabilities determines that the protocol is 83703
acceptable; 83704

(2) The provider and ICF/IID meet all other eligibility 83705
requirements for the rate add-on established in rules authorized 83706
by this section. 83707

(B) An ICF/IID that has been approved by the department of 83708
developmental disabilities to provider outlier ICF/IID services 83709
under this section shall provide the services in accordance with 83710
both of the following: 83711

(1) The best practices protocol the department of 83712
developmental disabilities determined is acceptable; 83713

(2) Requirements regarding the services established in rules 83714
authorized by this section. 83715

(C) To qualify to receive outlier ICF/IID services from an ICF/IID under this section, a resident of the ICF/IID must be a medicaid recipient, ~~be under twenty two years of age,~~ be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section.

(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The department of developmental disabilities shall not pay the rate add-on unless the department of medicaid has approved the amount of the rate add-on or method by which the amount is to be determined.

Sec. 5126.0221. (A) As used in this section, "specialized services" has the same meaning as in section 5123.081 of the Revised Code.

(B) Except as provided in division (C) of section 5126.033 of the Revised Code, none of the following individuals may be employed by a county board of developmental disabilities:

(1) An employee of an agency contracting with the county board;

(2) An immediate family member of an employee of an agency contracting with the county board unless the county board adopts a resolution authorizing the immediate family member's employment with the county board or the employment is consistent with a policy adopted by the board establishing parameters for such employment and the policy is consistent with Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the Revised Code;

(3) ~~An individual with an immediate family member who serves as~~ Except for an individual employed by a county board before

~~October 31, 1980, the spouse, son, or daughter of a county commissioner of any of the counties county served by the county board unless the individual was an employee of the county board before October 31, 1980;.~~

(4) An individual who is employed by, has an ownership interest in, performs or provides administrative duties for, or is a member of the governing board of an entity that provides specialized services, regardless of whether the entity contracts with the county board to provide specialized services.

Sec. 5126.042. (A) As used in this section, ~~"emergency status" means a status that an individual with developmental disabilities has when the individual is at risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency status" may include a status resulting from one or more of the following situations:~~

~~(1) Loss of present residence for any reason, including legal action;~~

~~(2) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;~~

~~(3) Abuse, neglect, or exploitation of the individual;~~

~~(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;~~

~~(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker~~
"Department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to

section 5166.21 of the Revised Code. 83776

(B) If a county board of developmental disabilities 83777
determines that available resources are not sufficient to meet the 83778
needs of all individuals who request non-medicaid programs or 83779
services, it shall establish one or more waiting lists for the 83780
non-medicaid programs or services in accordance with its plan 83781
developed under section 5126.04 of the Revised Code. The board may 83782
establish priorities for making placements on its waiting lists 83783
established under this division. Any such priorities shall be 83784
consistent with the board's plan and applicable law. 83785

(C) If a county board determines that available resources are 83786
insufficient to ~~meet the needs of~~ enroll in department of 83787
developmental disabilities-administered medicaid waiver components 83788
all individuals who ~~request~~ are assessed as needing home and 83789
community-based services, it shall establish a waiting list for 83790
the services in accordance with rules adopted under this section. 83791
~~An individual's date of placement on the waiting list shall be the~~ 83792
~~date a request is made to the board for the individual to receive~~ 83793
~~the home and community based services. The board shall provide for~~ 83794
~~an individual who has an emergency status to receive priority~~ 83795
~~status on the waiting list. The board shall also provide for an~~ 83796
~~individual to whom any of the following apply to receive priority~~ 83797
~~status on the waiting list in accordance with rules adopted under~~ 83798
~~division (E) of this section:~~ 83799

~~(1) The individual is receiving supported living, family 83800
support services, or adult services for which no federal financial 83801
participation is received under the medicaid program;~~ 83802

~~(2) The individual's primary caregiver is at least sixty 83803
years of age;~~ 83804

~~(3) The individual has intensive needs as determined in 83805
accordance with rules adopted under division (E) of this section;~~ 83806

~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 83807
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~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 83809
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 83811
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting lists list established under division (C) of this section. The, including rules shall include procedures to be followed to that establish all of the following:~~ 83820
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date; 83826
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(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting lists list are not violated. As part of the rules adopted under this division, the department shall adopt rules establishing criteria a county board shall use under division (D) of this section in determining the order in which individuals with priority for home and community based services pursuant to 83831
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~~division (C) of this section will be offered the services~~ 83838
~~observed;~~ 83839

(3) Criteria a county board is to use to determine all of the 83840
following: 83841

(a) An individual's eligibility to be placed on the county 83842
board's waiting list; 83843

(b) The date an individual was assessed as needing home and 83844
community-based services; 83845

(c) The order in which individuals on the county board's 83846
waiting list are to be offered enrollment in a department of 83847
developmental disabilities-administered medicaid waiver component; 83848

(d) The department of developmental disabilities-administered 83849
medicaid waiver component in which an individual on the county 83850
board's waiting list is to be offered enrollment. 83851

(4) Grounds for removing an individual from the county 83852
board's waiting list. 83853

(E) The director shall consult with all of the following when 83854
adopting rules under division (D) of this section: 83855

(1) Individuals with developmental disabilities; 83856

(2) Associations representing individuals with developmental 83857
disabilities and the families of such individuals; 83858

(3) Associations representing providers of services to 83859
individuals with developmental disabilities; 83860

(4) The Ohio association of county boards serving people with 83861
developmental disabilities. 83862

(F) The following shall take precedence over the applicable 83863
provisions of this section: 83864

(1) Medicaid rules and regulations; 83865

(2) Any specific requirements that may be contained within a 83866

medicaid state plan amendment or department of 83867
disabilities-administered medicaid waiver ~~program that a county~~ 83868
~~board has authority to administer or~~ component with respect to 83869
which ~~it~~ a county board has authority to provide services, 83870
programs, or supports. 83871

Sec. 5126.054. (A) Each county board of developmental 83872
disabilities shall, by resolution, develop a three-calendar year 83873
plan that includes the following three components: 83874

(1) An assessment component that includes all of the 83875
following: 83876

(a) The number of individuals with developmental disabilities 83877
residing in the county who need the level of care provided by an 83878
ICF/IID, may seek home and community-based services, and are ~~given~~ 83879
~~priority placed~~ on a the county board's waiting list established 83880
for the services pursuant to section 5126.042 of the Revised Code; 83881
the service needs of those individuals; and the projected 83882
annualized cost for services; 83883

(b) The source of funds available to the county board to pay 83884
the nonfederal share of medicaid expenditures that the county 83885
board is required by sections 5126.059 and 5126.0510 of the 83886
Revised Code to pay; 83887

(c) Any other applicable information or conditions that the 83888
department of developmental disabilities requires as a condition 83889
of approving the component under section 5123.046 of the Revised 83890
Code. 83891

(2) A preliminary implementation component that specifies the 83892
number of individuals to be provided, during the first year that 83893
the plan is in effect, home and community-based services pursuant 83894
to their placement on the county board's waiting list ~~priority~~ 83895
~~given to them under~~ established for the services pursuant to 83896

section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive;

(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:

(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals ~~who have priority~~ placed on a the county board's waiting list established ~~under~~ for the services pursuant to section 5126.042 of the Revised Code;

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;

(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county

at the time the component is developed and to expand the services 83928
to accommodate the unmet need for those services in the county; 83929

(iii) To employ or contract with a business manager or enter 83930
into an agreement with another county board of developmental 83931
disabilities that employs or contracts with a business manager to 83932
have the business manager serve both county boards. No 83933
superintendent of a county board may serve as the county board's 83934
business manager. 83935

(iv) To employ or contract with a medicaid services manager 83936
or enter into an agreement with another county board of 83937
developmental disabilities that employs or contracts with a 83938
medicaid services manager to have the medicaid services manager 83939
serve both county boards. No superintendent of a county board may 83940
serve as the county board's medicaid services manager. 83941

(e) Programmatic and financial accountability measures and 83942
projected outcomes expected from the implementation of the plan; 83943

(f) Any other applicable information or conditions that the 83944
department requires as a condition of approving the component 83945
under section 5123.046 of the Revised Code. 83946

(B) A county board whose plan developed under division (A) of 83947
this section is approved by the department under section 5123.046 83948
of the Revised Code shall update and renew the plan in accordance 83949
with a schedule the department shall develop. 83950

Sec. 5149.10. (A)(1) The parole board shall consist of up to 83951
twelve members, one of whom shall be designated as chairperson by 83952
the director of the department of rehabilitation and correction 83953
and who shall continue as chairperson until a successor is 83954
designated, and any other personnel that are necessary for the 83955
orderly performance of the duties of the board. In addition to the 83956
rules authorized by section 5149.02 of the Revised Code, the chief 83957

of the adult parole authority, subject to the approval of the 83958
chief of the division of parole and community services and subject 83959
to this section, shall adopt rules governing the proceedings of 83960
the parole board. The rules shall provide for all of the 83961
following: 83962

(a) The convening of full board hearings,~~the;~~ 83963

(b) The procedures to be followed in full board hearings,~~and~~ 83964
~~general;~~ 83965

(c) General procedures to be followed in other hearings of 83966
the board and by the board's hearing officers.~~The rules also~~ 83967
~~shall require agreement by;~~ 83968

(d) A requirement that a majority of all the board members 83969
must agree to any recommendation of clemency transmitted to the 83970
governor; 83971

(e) For parole hearings, procedures for considering the 83972
report of the warden of the institution in which the eligible 83973
prisoner is incarcerated, submitted under section 5120.68 of the 83974
Revised Code. 83975

(2) When the board members sit as a full board, the 83976
chairperson shall preside. The chairperson shall also allocate the 83977
work of the parole board among the board members. The full board 83978
shall meet at least once each month. In the case of a tie vote on 83979
the full board, the chief of the adult parole authority shall cast 83980
the deciding vote. The chairperson may designate a person to serve 83981
in the chairperson's place. 83982

(3) Except for the chairperson and the member appointed under 83983
division (B) of this section, a member appointed to the parole 83984
board on or after ~~the effective date of this amendment~~ September 83985
30, 2011, shall be appointed to a six-year term. A member 83986
appointed as described in this division shall hold office from the 83987
date of appointment until the end of the term for which the member 83988

was appointed. A member appointed as described in this division is 83989
eligible for reappointment for another six-year term that may or 83990
may not be consecutive to the first six-year term. A member 83991
appointed as described in this division is not eligible for 83992
reappointment after serving two six-year terms whether or not 83993
served consecutively. Vacancies shall be filled in the same manner 83994
provided for original appointments. Any member appointed as 83995
described in this division to fill a vacancy occurring prior to 83996
the expiration date of the term for which the member's predecessor 83997
was appointed shall begin that member's first six-year term upon 83998
appointment, regardless of the time remaining in the term of the 83999
member's predecessor. A member appointed as described in this 84000
division shall continue in office subsequent to the expiration 84001
date of the member's term until the member's successor takes 84002
office or until a period of sixty days has elapsed, whichever 84003
occurs first. 84004

(4) Except as otherwise provided in division (B) of this 84005
section, no person shall be appointed a member of the board who is 84006
not qualified by education or experience in correctional work, 84007
including law enforcement, prosecution of offenses, advocating for 84008
the rights of victims of crime, probation, or parole, in law, in 84009
social work, or in a combination of the three categories. 84010

(B) The director of rehabilitation and correction, in 84011
consultation with the governor, shall appoint one member of the 84012
board, who shall be a person who has been a victim of crime or who 84013
is a member of a victim's family or who represents an organization 84014
that advocates for the rights of victims of crime. After 84015
appointment, this member shall be an unclassified employee of the 84016
department of rehabilitation and correction. 84017

The initial appointment shall be for a term ending four years 84018
after July 1, 1996. Thereafter, the term of office of the member 84019
appointed under this division shall be for four years, with each 84020

term ending on the same day of the same month as did the term that 84021
it succeeds. The member shall hold office from the date of 84022
appointment until the end of the term for which the member was 84023
appointed and may be reappointed. Vacancies shall be filled in the 84024
manner provided for original appointments. Any member appointed 84025
under this division to fill a vacancy occurring prior to the 84026
expiration date of the term for which the member's predecessor was 84027
appointed shall hold office as a member for the remainder of that 84028
term. The member appointed under this division shall continue in 84029
office subsequent to the expiration date of the member's term 84030
until the member's successor takes office or until a period of 84031
sixty days has elapsed, whichever occurs first. 84032

The member appointed under this division shall be compensated 84033
in the same manner as other board members and shall be reimbursed 84034
for actual and necessary expenses incurred in the performance of 84035
the member's duties. The member may vote on all cases heard by the 84036
full board under section 5149.101 of the Revised Code, has such 84037
duties as are assigned by the chairperson of the board, and shall 84038
coordinate the member's activities with the office of victims' 84039
services created under section 5120.60 of the Revised Code. 84040

As used in this division, "crime," "member of the victim's 84041
family," and "victim" have the meanings given in section 2930.01 84042
of the Revised Code. 84043

(C) The chairperson shall submit all recommendations for or 84044
against clemency directly to the governor. 84045

(D) The chairperson shall transmit to the chief of the adult 84046
parole authority all determinations for or against parole made by 84047
the board. Parole determinations are final and are not subject to 84048
review or change by the chief. 84049

(E) In addition to its duties pertaining to parole and 84050
clemency, if an offender is sentenced to a prison term pursuant to 84051

division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 84052
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 84053
Code, the parole board shall have control over the offender's 84054
service of the prison term during the entire term unless the board 84055
terminates its control in accordance with section 2971.04 of the 84056
Revised Code. The parole board may terminate its control over the 84057
offender's service of the prison term only in accordance with 84058
section 2971.04 of the Revised Code. 84059

Sec. 5149.311. (A) The department of rehabilitation and 84060
correction shall establish and administer the probation 84061
improvement grant and the probation incentive grant for common 84062
pleas, municipal, and county court probation departments and 84063
community-based correctional facilities that supervise offenders 84064
sentenced by courts of common pleas ~~or~~, municipal courts, or 84065
county courts. 84066

(B)(1) The probation improvement grant shall provide funding 84067
to common pleas, municipal, and county court probation departments 84068
and community-based correctional facilities to adopt policies and 84069
practices based on the latest research on how to reduce the number 84070
of offenders on probation supervision who violate the conditions 84071
of their supervision. 84072

(2) The department shall adopt rules for the distribution of 84073
the probation improvement grant, including ~~the~~ both of the 84074
following: 84075

(a) The formula for the allocation of the subsidy based on 84076
the number of offenders placed on probation annually in each 84077
jurisdiction; 84078

(b) The allocation of funds for the purpose of offsetting 84079
costs incurred by political subdivisions in relation to offenders 84080
who are prohibited from serving the term of imprisonment in an 84081
institution under the control of the department of rehabilitation 84082

and correction pursuant to division (B)(3)(c) of section 2929.34 84083
of the Revised Code. 84084

(C)(1) The probation incentive grant shall provide a 84085
performance-based level of funding to common pleas, municipal, and 84086
county court probation departments and community-based 84087
correctional facilities that are successful in reducing the number 84088
of offenders on probation supervision whose terms of supervision 84089
are revoked. 84090

(2) The department shall calculate annually any cost savings 84091
realized by the state from a reduction in the percentage of people 84092
who are incarcerated because their terms of supervised probation 84093
were revoked. The cost savings estimate shall be calculated for 84094
each jurisdiction served by the probation department or 84095
community-based correctional facility eligible for a grant under 84096
this section and be based on the difference from ~~fiscal year 2010~~ 84097
the average of such commitments from the five calendar years 84098
immediately preceding the calendar year in which application for 84099
the grant was made and the fiscal year under examination. 84100

(3) The department shall adopt rules that specify the subsidy 84101
amount to be appropriated to common pleas, municipal, and county 84102
court probation departments and community-based correctional 84103
facilities that successfully reduce the percentage of people on 84104
probation who are incarcerated because their terms of supervision 84105
are revoked. 84106

(D) The following stipulations apply to both the probation 84107
improvement grant and the probation incentive grant: 84108

(1) In order to be eligible for the probation improvement 84109
grant and the probation incentive grant, common pleas, municipal, 84110
and county courts must satisfy all requirements under sections 84111
2301.27 and 2301.30 of the Revised Code. Except for sentencing 84112
decisions made by a court when use of the risk assessment tool is 84113

discretionary, in order to be eligible for the probation 84114
improvement grant and the probation incentive grant, a court or 84115
community-based correctional facility must utilize the single 84116
validated risk assessment tool selected by the department of 84117
rehabilitation and correction under section 5120.114 of the 84118
Revised Code. 84119

(2) The department may deny a subsidy under this section to 84120
any applicant if the applicant fails to comply with the terms of 84121
any agreement entered into pursuant to any of the provisions of 84122
this section. 84123

(3) The department shall evaluate or provide for the 84124
evaluation of the policies, practices, and programs the common 84125
pleas, municipal, or county court probation departments or 84126
community-based correctional facilities utilize with the programs 84127
of subsidies established under this section and establish means of 84128
measuring their effectiveness. 84129

(4) The department shall specify the policies, practices, and 84130
programs for which common pleas, municipal, or county court 84131
probation departments or community-based correctional facilities 84132
may use the program subsidy and shall establish minimum standards 84133
of quality and efficiency that recipients of the subsidy must 84134
follow. The department shall give priority to supporting 84135
evidence-based policies and practices, as defined by the 84136
department. 84137

Sec. 5149.36. Subject to appropriations by the general 84138
assembly, the department of rehabilitation and correction shall 84139
award subsidies to eligible municipal corporations, counties, and 84140
groups of counties pursuant to the subsidy programs described in 84141
division (A)(1) of section 5149.31 of the Revised Code only in 84142
accordance with criteria that the department shall specify in 84143
rules adopted pursuant to Chapter 119. of the Revised Code. The 84144

criteria shall be designed to provide for subsidy awards only on 84145
the basis of demonstrated need and the satisfaction of specified 84146
priorities. The criteria shall ~~be consistent with the following:~~ 84147

~~(A) First require that priority shall be given to the 84148
continued funding of existing community corrections programs that 84149
satisfy the standards adopted pursuant to division (A)(2) of 84150
section 5149.31 of the Revised Code and that are designed to 84151
reduce the number of persons committed to state correctional 84152
institutions. 84153~~

~~(B) Second priority shall be given to new community 84154
corrections programs that are designed to reduce the number of 84155
persons committed to state correctional institutions or the number 84156
of persons committed to county, multicounty, municipal, 84157
municipal-county, or multicounty-municipal jails or workhouses. 84158~~

Sec. 5149.38. (A) In each target county and in each voluntary 84159
county, subject to division (B) of this section and not later than 84160
thirty days after the effective date of this section, a county 84161
commissioner representing the board of county commissioners of the 84162
county, the administrative judge of the general division of the 84163
court of common pleas of the county, the sheriff of the county, 84164
and an official from any municipality operating a local 84165
correctional facility in the county to which courts of the county 84166
sentence offenders shall agree to, sign, and submit to the 84167
department of rehabilitation and correction for its approval a 84168
memorandum of understanding that does both of the following: 84169

(1) Sets forth the plans by which the county will use grant 84170
money provided to the county in state fiscal year 2018 and 84171
succeeding state fiscal years under the targeting community 84172
alternatives to prison (T-CAP) program. 84173

(2) Specifies the manner in which the county will address a 84174
per diem reimbursement of local correctional facilities for 84175

prisoners who serve a prison term in the facility pursuant to 84176
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 84177
diem reimbursement rate shall be the rate determined in division 84178
(F)(1) of this section and shall be specified in the memorandum. 84179

(B) Two or more target counties or voluntary counties may 84180
join together to jointly establish a memorandum of understanding 84181
of the type described in division (A) of this section. Not later 84182
than thirty days after the effective date of this section, a 84183
county commissioner from each of the affiliating target counties 84184
or voluntary counties representing the county's board of county 84185
commissioners, the administrative judge of the general division of 84186
the court of common pleas of each affiliating target county or 84187
voluntary county, the sheriff of each affiliating target county or 84188
voluntary county, and an official from any municipality operating 84189
a local correctional facility in the affiliating target counties 84190
and voluntary counties to which courts of the counties sentence 84191
offenders shall agree to, sign, and submit to the department of 84192
rehabilitation and correction for its approval the memorandum of 84193
understanding. The memorandum of understanding shall set forth the 84194
plans by which, and specify the manner in which, the affiliating 84195
counties will complete the tasks identified in divisions (A)(1) 84196
and (2) of this section. 84197

(C) The department of rehabilitation and correction shall 84198
adopt rules establishing standards for approval of memorandums of 84199
understanding submitted to it under division (A) or (B) of this 84200
section. The department shall review the memorandums of 84201
understanding submitted to it and may require the county or 84202
counties that submit a memorandum to modify the memorandum. The 84203
director of rehabilitation and correction shall approve 84204
memorandums of understanding submitted to it under division (A) or 84205
(B) of this section that the director determines satisfy the 84206
standards adopted by the department within thirty days after 84207

receiving each memorandum submitted. 84208

(D) Any person responsible for agreeing to, signing, and 84209
submitting a memorandum of understanding under division (A) or (B) 84210
of this section may delegate the person's authority to do so to an 84211
employee of the agency, entity, or office served by the person. 84212

(E) The persons signing a memorandum of understanding under 84213
division (A) or (B) of this section, or their successors in 84214
office, may revise the memorandum as they determine necessary. Any 84215
revision of the memorandum shall be signed by the parties 84216
specified in division (A) or (B) of this section and submitted to 84217
the department of rehabilitation and correction for its approval 84218
under division (C) of this section within thirty days after the 84219
beginning of the state fiscal year. 84220

(F)(1) In each county, the sheriff shall determine the per 84221
diem costs for local correctional facilities in the county for the 84222
housing of prisoners who serve a term in the facility pursuant to 84223
division (B)(3)(c) of section 2929.34 of the Revised Code, as 84224
follows: 84225

(a) In calendar year 2017, not later than the date on which 84226
the appropriate representatives of the county enter into a 84227
contract with the department of rehabilitation and correction 84228
under the targeting community alternatives to prison (T-CAP) 84229
program, the sheriff shall determine the per diem costs for each 84230
of the facilities for the housing in the facility of prisoners 84231
serving a prison term for a felony in calendar year 2016. The per 84232
diem cost so determined shall apply in calendar year 2017. 84233

(b) Commencing in calendar year 2018, on or before the first 84234
day of February of each calendar year the sheriff shall determine 84235
the per diem costs for the preceding calendar year for each of the 84236
facilities for the housing in the facility of prisoners who serve 84237
a term in it pursuant to division (B)(3)(c) of section 2929.34 of 84238

the Revised Code. The per diem cost so determined shall apply in 84239
the calendar year in which the determination is made. 84240

(2) For each county, the per diem cost determined under 84241
division (F)(1) of this section that applies with respect to a 84242
facility in a specified calendar year shall be the per diem rate 84243
of reimbursement in that calendar year, under the targeting 84244
community alternatives to prison (T-CAP) program, for prisoners 84245
who serve a term in the facility pursuant to division (B)(3)(c) of 84246
section 2929.34 of the Revised Code. 84247

(3) The per diem costs of housing determined under division 84248
(F)(1) of this section for a facility shall be the actual costs of 84249
housing the specified prisoners in the facility, on a per diem 84250
basis. 84251

(G) As used in this section: 84252

(1) "Local correctional facility" means a facility of a type 84253
described in division (C) or (D) of section 2929.34 of the Revised 84254
Code. 84255

(2) "Target county" and "voluntary county" have the same 84256
meanings as in section 2929.34 of the Revised Code. 84257

Sec. 5153.113. (A)(1) As used in this section, "applicant" 84258
has the same meaning as in section 5153.111 of the Revised Code, 84259
and includes an intern applicant or a volunteer applicant. 84260

(2) "Intern applicant" means a trainee seeking practical 84261
educational and career experience who is under consideration for a 84262
position with a public children services agency to work, with or 84263
without monetary gain or compensation, as a person responsible for 84264
the care, custody, or control of a child; 84265

(3) "Volunteer applicant" means a person who is under 84266
consideration for a position with a public children services 84267
agency to perform services within the agency voluntarily, without 84268

monetary gain or compensation, as a person responsible for the 84269
care, custody, or control of a child. 84270

(B) Notwithstanding division (I)(1) of section 2151.421, 84271
section 5153.17, and any other section of the Revised Code 84272
pertaining to confidentiality, before a public children services 84273
agency employs an applicant, the executive director of the agency, 84274
or the executive director's designee within the agency, shall 84275
review promptly any information the agency determines to be 84276
relevant for the purpose of evaluating the fitness of the 84277
applicant, including, but not limited to, the following: 84278

(1) Abuse and neglect reports made pursuant to section 84279
2151.421 of the Revised Code of which the applicant is the subject 84280
where it has been determined that abuse or neglect occurred; 84281

(2) The final disposition of investigations of the abuse and 84282
neglect reports, or if the investigations have not been completed, 84283
the status of the investigations; 84284

(3) Any underlying documentation concerning the reports. 84285

(C) The information reviewed under division (B) of this 84286
section shall not include the name of the person or entity that 84287
made the report or participated in the making of the report of 84288
child abuse or neglect. 84289

(D) The director of job and family services shall adopt rules 84290
pursuant to Chapter 119. of the Revised Code to implement this 84291
section. 84292

Sec. 5160.052. The department of medicaid shall collaborate 84293
with the superintendent of the bureau of criminal identification 84294
and investigation to develop procedures and formats necessary to 84295
produce the notices described in division ~~(C)~~(D) of section 84296
109.5721 of the Revised Code in a format that is acceptable for 84297
use by the department. The medicaid director may adopt rules under 84298

section 5160.02 of the Revised Code necessary for such 84299
collaboration. Any such rules shall be adopted in accordance with 84300
section 111.15 of the Revised Code as if they were internal 84301
management rules. 84302

The medicaid director may adopt rules under section 5160.02 84303
of the Revised Code necessary for utilizing the information 84304
received pursuant to section 109.5721 of the Revised Code. The 84305
rules shall be adopted in accordance with Chapter 119. of the 84306
Revised Code. 84307

Sec. 5160.37. (A) A medical assistance recipient's enrollment 84308
in a medical assistance program gives an automatic right of 84309
recovery to the department of medicaid and a county department of 84310
job and family services against the liability of a third party for 84311
the cost of medical assistance paid on behalf of the recipient. 84312
When an action or claim is brought against a third party by a 84313
medical assistance recipient, any payment, settlement or 84314
compromise of the action or claim, or any court award or judgment, 84315
is subject to the recovery right of the department of medicaid or 84316
county department. Except in the case of a medical assistance 84317
recipient who receives medical assistance through a medicaid 84318
managed care organization, the department's or county department's 84319
claim shall not exceed the amount of medical assistance paid by 84320
the department or county department on behalf of the recipient. A 84321
payment, settlement, compromise, judgment, or award that excludes 84322
the cost of medical assistance paid for by the department or 84323
county department shall not preclude a department from enforcing 84324
its rights under this section. 84325

(B)(1) In the case of a medical assistance recipient who 84326
receives medical assistance through a medicaid managed care 84327
organization that has a capitation agreement with a provider, the 84328
amount of the department's or county department's claim shall be 84329

the amount the medicaid managed care organization would have paid 84330
in the absence of a capitation agreement. 84331

(2) In the case of a medical assistance recipient who 84332
receives medical assistance through a medicaid managed care 84333
organization that does not have a capitation agreement with a 84334
provider, the amount of the department's or county department's 84335
claim shall be the amount the medicaid managed care organization 84336
pays for medical assistance rendered to the recipient, even if 84337
that amount is more than the amount the department or county 84338
department pays to the medicaid managed care organization for the 84339
recipient's medical assistance. 84340

(C) A medical assistance recipient, and the recipient's 84341
attorney, if any, shall cooperate with the departments. In 84342
furtherance of this requirement, the medical assistance recipient, 84343
or the recipient's attorney, if any, shall, not later than thirty 84344
days after initiating informal recovery activity or filing a legal 84345
recovery action against a third party, provide written notice of 84346
the activity or action to the department of medicaid or county 84347
department if it has paid for medical assistance under a medical 84348
assistance program. 84349

(D) The written notice that must be given under division (C) 84350
of this section shall disclose the identity and address of any 84351
third party against whom the medical assistance recipient has or 84352
may have a right of recovery. 84353

(E) No settlement, compromise, judgment, or award or any 84354
recovery in any action or claim by a medical assistance recipient 84355
where the department or county department has a right of recovery 84356
shall be made final without first giving the department or county 84357
department written notice as described in division (C) of this 84358
section and a reasonable opportunity to perfect its rights of 84359
recovery. If the department or county department is not given the 84360
appropriate written notice, the medical assistance recipient and, 84361

if there is one, the recipient's attorney, are liable to reimburse 84362
the department or county department for the recovery received to 84363
the extent of medical assistance payments made by the department 84364
or county department. 84365

(F) The department or county department shall be permitted to 84366
enforce its recovery rights against the third party even though it 84367
accepted prior payments in discharge of its rights under this 84368
section if, at the time the department or county department 84369
received such payments, it was not aware that additional medical 84370
expenses had been incurred but had not yet been paid by the 84371
department or county department. The third party becomes liable to 84372
the department or county department as soon as the third party is 84373
notified in writing of the valid claims for recovery under this 84374
section. 84375

(G)(1) Subject to division (G)(2) of this section, the right 84376
of recovery of the department or county department does not apply 84377
to that portion of any judgment, award, settlement, or compromise 84378
of a claim, to the extent of attorneys' fees, costs, or other 84379
expenses incurred by a medical assistance recipient in securing 84380
the judgment, award, settlement, or compromise, or to the extent 84381
of medical, surgical, and hospital expenses paid by such recipient 84382
from the recipient's own resources. 84383

(2) Reasonable attorneys' fees, not to exceed one-third of 84384
the total judgment, award, settlement, or compromise, plus costs 84385
and other expenses incurred by the medical assistance recipient in 84386
securing the judgment, award, settlement, or compromise, shall 84387
first be deducted from the total judgment, award, settlement, or 84388
compromise. After fees, costs, and other expenses are deducted 84389
from the total judgment, award, settlement, or compromise, there 84390
shall be a rebuttable presumption that the department of medicaid 84391
or county department shall receive no less than one-half of the 84392
remaining amount, or the actual amount of medical assistance paid, 84393

whichever is less. A party may rebut the presumption in accordance with division (L)(1) or (2) of this section, as applicable.

(H) A right of recovery created by this section may be enforced separately or jointly by the department of medicaid or county department. To enforce its recovery rights, the department or county department may do any of the following:

(1) Intervene or join in any action or proceeding brought by the medical assistance recipient or on the recipient's behalf against any third party who may be liable for the cost of medical assistance paid;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of medical assistance paid;

(3) Initiate legal proceedings in conjunction with any injured, diseased, or disabled medical assistance recipient or the recipient's attorney or representative.

(I) A medical assistance recipient shall not assess attorney fees, costs, or other expenses against the department of medicaid or a county department when the department or county department enforces its right of recovery created by this section.

(J) The right of recovery given to the department under this section includes payments made by a third party under contract with a person having a duty to support.

(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim.

(L)(1) Prior to any payment to the department or a county department pursuant to the department's or county department's right of recovery under this section, a party that desires to

rebut the presumption in division (G) of this section shall submit 84424
to the department or county department a request for a hearing in 84425
accordance with the procedure the department establishes in rules 84426
required by division (O) of this section. The amount sought by the 84427
department or county department shall be held in escrow or in an 84428
interest on lawyers' trust account until the hearing examiner 84429
renders a decision or the case is otherwise concluded. A party 84430
successfully rebuts the presumption by a showing of clear and 84431
convincing evidence that a different allocation is warranted. 84432

(2) A medical assistance recipient who has repaid money, on 84433
or after September 29, 2007, to the department or a county 84434
department pursuant to the department's or county department's 84435
right of recovery under this section, section 5160.38 of the 84436
Revised Code, or former section 5101.58 or 5101.59 of the Revised 84437
Code may request a hearing to rebut the presumption in division 84438
(G) of this section. The request shall be made in accordance with 84439
the procedure the department establishes for this purpose in rules 84440
required by division (O) of this section. It must be made not 84441
later than one hundred eighty days after ~~the effective date of~~ 84442
~~this amendment~~ September 29, 2015, or ninety days after the 84443
payment is made, whichever is later. A party successfully rebuts 84444
the presumption by a showing of clear and convincing evidence that 84445
a different allocation is warranted. 84446

(3) With respect to a hearing requested under division (L)(1) 84447
or (2) of this section, all of the following are the case: 84448

(a) The hearing examiner may consider, but is not bound by 84449
the allocation of, medical expenses specified in a settlement 84450
agreement between the medical assistance recipient and the 84451
relevant third party; 84452

(b) The department or county department may raise affirmative 84453
defenses during the hearing, including the existence of a prior 84454
settlement with the medical assistance recipient, the doctrine of 84455

accord and satisfaction, or the common law principle of res 84456
judicata; 84457

(c) If the parties agree, live testimony shall not be 84458
presented at the hearing; 84459

(d) The hearing may be governed by rules adopted under 84460
section 5160.02 of the Revised Code. If such rules are adopted, 84461
Chapter 119. of the Revised Code applies to the hearing only to 84462
the extent specified in those rules; 84463

(e) The hearing examiner's decision is binding on the 84464
department or county department and the medical assistance 84465
recipient unless the decision is reversed or modified on appeal to 84466
the medicaid director as described in division (M) of this 84467
section. 84468

(M)(1) A medical assistance recipient who disagrees with a 84469
hearing examiner's decision under division (L) of this section may 84470
file an administrative appeal with the medicaid director in 84471
accordance with the procedure the department establishes for this 84472
purpose in rules required by division (O) of this section. A 84473
hearing is not required during the administrative appeal, but the 84474
director or the director's designee shall review the hearing 84475
examiner's decision and any prior relevant administrative action. 84476
After the review, the director or the director's designee shall 84477
affirm, modify, remand, or reverse the hearing decision. A 84478
decision made under this division is final and binding on the 84479
department or county department and the medical assistance 84480
recipient unless it is reversed or modified on appeal to a court 84481
of common pleas as described in division (N) of this section. 84482

(2) An administrative appeal may be governed by rules adopted 84483
under section 5160.02 of the Revised Code. If such rules are 84484
adopted, Chapter 119. of the Revised Code applies to an 84485
administrative appeal only to the extent specified in those rules. 84486

(N) A party to an administrative appeal described in division 84487
(M) of this section may file an appeal with a court of common 84488
pleas in accordance with section 119.12 of the Revised Code. 84489

(O) The medicaid director shall adopt rules under section 84490
5160.02 of the Revised Code as necessary to implement this 84491
section, including rules establishing procedures a party may use 84492
to request a hearing under division (L)(1) or (2) of this section 84493
or an administrative appeal under division (M)(1) of this section. 84494
The rules shall be adopted in accordance with Chapter 119. of the 84495
Revised Code. 84496

(P) Divisions (L) to (N) of this section are remedial in 84497
nature and shall be liberally construed by the courts of this 84498
state in accordance with section 1.11 of the Revised Code. Those 84499
divisions specify the sole remedy available to a party who claims 84500
the department or a county department has received or is to 84501
receive more money than entitled to receive under this section, 84502
section 5160.38 of the Revised Code, or former section 5101.58 or 84503
5101.59 of the Revised Code. 84504

Sec. 5160.40. (A) As used in this section, "business day" 84505
means any day of the week excluding Saturday, Sunday, and a legal 84506
holiday, as defined in section 1.14 of the Revised Code. 84507

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 84508
third party shall do all of the following: 84509

(1) Accept the department of medicaid's right of recovery 84510
under section 5160.37 of the Revised Code and the assignment of 84511
rights to the department that are described in section 5160.38 of 84512
the Revised Code; 84513

(2) Respond to an inquiry by the department regarding a claim 84514
for payment of a medical item or service that was submitted to the 84515
third party not later than six years after the date of the 84516

provision of such medical item or service;	84517
(3) <u>Respond to the department's request for payment of a</u>	84518
<u>claim described in division (B)(2) of this section not later than</u>	84519
<u>ninety business days after receipt of written proof of the claim,</u>	84520
<u>either by paying the claim or issuing a written denial to the</u>	84521
<u>department;</u>	84522
(4) Not charge a fee to do either of the following for a	84523
claim described in division (A) (B)(2) of this section:	84524
(a) Determine whether the claim should be paid;	84525
(b) Process the claim.	84526
(4) (5) Pay a claim described in division (A) (B)(2) of this	84527
section;	84528
(5) (6) Not deny a claim submitted by the department solely on	84529
the basis of the date of submission of the claim, type or format	84530
of the claim form, or a failure by the medical assistance	84531
recipient who is the subject of the claim to present proper	84532
documentation of coverage at the time of service, if both of the	84533
following have occurred:	84534
(a) The claim was submitted by the department not later than	84535
six years after the date of the provision of the medical item or	84536
service.	84537
(b) An action by the department to enforce its right of	84538
recovery under section 5160.37 of the Revised Code on the claim	84539
was commenced not later than six years after the department's	84540
submission of the claim.	84541
(6) (7) Consider the department's payment of a claim for a	84542
medical item or service to be the equivalent of the medical	84543
assistance recipient having obtained prior authorization for the	84544
item or service from the third party;	84545
(7) (8) Not deny a claim described in division (A) (6) <u>(B)(7)</u> of	84546

this section that is submitted by the department solely on the 84547
basis of the medical assistance recipient's failure to obtain 84548
prior authorization for the medical item or service. 84549

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 84550
this section, a third party shall treat a medicaid managed care 84551
organization as the department for a claim if the individual who 84552
is the subject of the claim received a medical item or service 84553
through a medicaid managed care organization and the department 84554
has assigned its right of recovery for the claim to the medicaid 84555
managed care organization. Even if the department assigned its 84556
right of recovery to a medicaid managed care organization, the 84557
department may, beginning one year from the date the organization 84558
paid the claim, recoup from a third party an amount that was 84559
assigned to the organization but not collected. 84560

~~(C)~~(D) If the department of medicaid, as permitted by 84561
division (K) of section 5160.37 of the Revised Code, assigns to a 84562
medical assistance provider the department's right of recovery for 84563
a claim for which it has notified the provider that it intends to 84564
recoup its prior payment for a claim, a third party shall treat 84565
the provider as the department and shall pay the provider the 84566
greater of the following: 84567

(1) The amount the department intends to recoup from the 84568
provider for the claim. 84569

(2) If the third party and the provider have an agreement 84570
that requires the third party to pay the provider at the time the 84571
provider presents the claim to the third party, the amount that is 84572
to be paid under that agreement. 84573

~~(D)~~(E) The time limitations associated with the requirements 84574
in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to 84575
submissions of claims to, and payments of claims by, a health 84576
insurer to which the "Social Security Act," section 84577

1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 84578

Sec. 5160.401. (A) A payment made by a third party under 84579
division ~~(A)(4)~~(B)(5) of section 5160.40 of the Revised Code on a 84580
claim for payment of a medical item or service provided to a 84581
medical assistance recipient is final on the date that is two 84582
years after the payment was made to the department of medicaid or 84583
the applicable medicaid managed care organization. After a claim 84584
is final, the claim is subject to adjustment only if an action for 84585
recovery of an overpayment was commenced under division (B) of 84586
this section before the date the claim became final and the 84587
recovery is agreed to by the department or medicaid managed care 84588
organization under division (C) of this section. 84589

(B) If a third party determines that it overpaid a claim for 84590
payment, the third party may seek to recover all or part of the 84591
overpayment by filing a notice of its intent to seek recovery with 84592
the department or medicaid managed care organization, as 84593
applicable. The notice of recovery must be filed in writing before 84594
the date the payment is final. The notice must specify all of the 84595
following: 84596

(1) The full name of the medical assistance recipient who 84597
received the medical item or service that is the subject of the 84598
claim; 84599

(2) The date or dates on which the medical item or service 84600
was provided; 84601

(3) The amount allegedly overpaid and the amount the third 84602
party seeks to recover; 84603

(4) The claim number and any other number the department or 84604
medicaid managed care organization has assigned to the claim; 84605

(5) The third party's rationale for seeking recovery; 84606

(6) The date the third party made the payment and the method 84607

of payment used; 84608

(7) If payment was made by check, the check number; 84609

(8) Whether the third party would prefer to receive the 84610
amount being sought by obtaining a payment from the department or 84611
medicaid managed care organization, either by check or electronic 84612
means, or by offsetting the amount from a future payment to be 84613
made to the department or medicaid managed care organization. 84614

(C) If the department or appropriate medicaid managed care 84615
organization determines that a notice of recovery was filed before 84616
the claim for payment is final and agrees to the amount sought by 84617
the third party, the department or medicaid managed care 84618
organization, as applicable, shall notify the third party in 84619
writing of its determination and agreement. Recovery of the amount 84620
shall proceed in accordance with the method specified by the third 84621
party pursuant to division (B)(8) of this section. 84622

Sec. 5162.021. The medicaid director shall adopt rules under 84623
sections 5160.02, 5162.02, ~~5163.03~~ 5163.02, ~~5164.04~~ 5164.02, 84624
~~5165.05~~ 5165.02, 5166.02, and 5167.02 of the Revised Code as 84625
necessary to authorize the directors of other state agencies to 84626
adopt rules regarding medicaid components, or aspects of medicaid 84627
components, the other state agencies administer pursuant to 84628
contracts entered into under section 5162.35 of the Revised Code. 84629

Sec. 5162.12. (A) The medicaid director shall enter into a 84630
contract with one or more persons to receive and process, on the 84631
director's behalf, requests for medicaid recipient or claims 84632
payment data, data from reports of audits conducted under section 84633
5165.109 of the Revised Code, or extracts or analyses of any of 84634
the foregoing data made by persons who intend to use the items 84635
prepared pursuant to the requests for commercial or academic 84636
purposes. 84637

(B) At a minimum, a contract entered into under this section shall do both of the following:

(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items;

(2) Require the contracting person to charge for an item prepared pursuant to a request a fee in an amount equal to one hundred two per cent of the cost the department of medicaid incurs in making the data used to prepare the item available to the contracting person.

(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:

(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section.

(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code.

(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts

or analyses of any of the foregoing data that are for any of the 84669
following purposes: 84670

(1) Treatment of medicaid recipients; 84671

(2) Payment of medicaid claims; 84672

(3) Establishment or management of medicaid third party 84673
liability pursuant to sections 5160.35 to 5160.43 of the Revised 84674
Code; 84675

(4) Compliance with the terms of an agreement the medicaid 84676
director enters into for purposes of administering the medicaid 84677
program; 84678

(5) Compliance with an operating protocol the executive 84679
director of the office of health transformation or the executive 84680
director's designee adopts under division (D) of section 191.06 of 84681
the Revised Code. 84682

Sec. 5162.16. A government entity that administers one or 84683
more components of the medicaid program and has reasonable cause 84684
to believe that an instance of fraud, waste, or abuse has occurred 84685
in the medicaid program shall inform the department of medicaid. 84686
The department shall collect the information in the medicaid data 84687
warehouse system established under section 5162.11 of the Revised 84688
Code. 84689

~~Sec. 5162.40. (A)(1) Except as provided in division (B) of 84690
this section, if If a state agency or political subdivision 84691
administers one or more components of the medicaid program ~~that~~ 84692
~~the United States department of health and human services~~ 84693
~~approved, and for which federal financial participation was~~ 84694
~~initially obtained, prior to January 1, 2002,~~ or administers one 84695
or more aspects of such a component, the department of medicaid 84696
may retain or collect not more than ten per cent of the federal 84697
financial participation the state agency or political subdivision 84698~~

obtains through an approved, administrative claim regarding the 84699
component or aspect of the component. If the department retains or 84700
collects a percentage of such federal financial participation, the 84701
percentage the department retains or collects shall be specified 84702
in a contract the department enters into with the state agency or 84703
political subdivision under section 5162.35 of the Revised Code. 84704

~~(2) Except as provided in division (B) of this section, if a 84705
state agency or political subdivision administers one or more 84706
components of the medicaid program that the United States 84707
department of health and human services approved on or after 84708
January 1, 2002, or administers one or more aspects of such a 84709
component, the department of medicaid shall retain or collect not 84710
less than three and not more than ten per cent of the federal 84711
financial participation the state agency or political subdivision 84712
obtains through an approved, administrative claim regarding the 84713
component or aspect of the component. The percentage the 84714
department retains or collects shall be specified in a contract 84715
the department enters into with the state agency or political 84716
subdivision under section 5162.35 of the Revised Code. 84717~~

(B) All amounts the department retains or collects under this 84718
section shall be deposited into the health ~~care services~~ 84719
administration care/medicaid support and recoveries fund created 84720
under section ~~5162.54~~ 5162.52 of the Revised Code. 84721

Sec. 5162.41. The department of medicaid may retain or 84722
collect a percentage of the federal financial participation 84723
included in a supplemental medicaid payment to one or more 84724
medicaid providers owned or operated by a state agency or 84725
political subdivision that brings the payment to such provider or 84726
providers to the upper payment limit established by 42 C.F.R. 84727
447.272. If the department retains or collects a percentage of 84728
that federal financial participation, the medicaid director shall 84729

adopt a rule under section 5162.02 of the Revised Code specifying 84730
the percentage the department is to retain or collect. All amounts 84731
the department retains or collects under this section shall be 84732
deposited into the health ~~care services administration~~ 84733
care/medicaid support and recoveries fund created under section 84734
~~5162.54~~ 5162.52 of the Revised Code. 84735

Sec. 5162.52. (A) The health care/medicaid support and 84736
recoveries fund is hereby created in the state treasury. All of 84737
the following shall be credited to the fund: 84738

(1) Except as otherwise provided by statute or as authorized 84739
by the controlling board, the nonfederal share of all 84740
medicaid-related revenues, collections, and recoveries; 84741

(2) Federal reimbursement received for payment adjustments 84742
made pursuant to the "Social Security Act," section 1923, 42 84743
U.S.C. 1396r-4, under the medicaid program to state mental health 84744
hospitals maintained and operated by the department of mental 84745
health and addiction services under division (A) of section 84746
5119.14 of the Revised Code; 84747

(3) Revenues the department of medicaid receives from another 84748
state agency for medicaid services pursuant to an interagency 84749
agreement, ~~other than such revenues required to be deposited into~~ 84750
~~the health care services administration fund created under section~~ 84751
~~5162.54 of the Revised Code;~~ 84752

(4) The ~~first seven hundred fifty thousand dollars~~ money the 84753
department of medicaid receives in a fiscal year for performing 84754
eligibility verification services necessary for compliance with 84755
the independent, certified audit requirement of 42 C.F.R. 455.304; 84756

(5) The nonfederal share of all rebates paid by drug 84757
manufacturers to the department of medicaid in accordance with a 84758
rebate agreement required by the "Social Security Act," section 84759

1927, 42 U.S.C. 1396r-8; 84760

(6) The nonfederal share of all supplemental rebates paid by 84761
drug manufacturers to the department of medicaid in accordance 84762
with the supplemental drug rebate program established under 84763
section 5164.755 of the Revised Code; 84764

(7) Amounts deposited into the fund pursuant to sections 84765
5162.12, 5162.40, and 5162.41 of the Revised Code; 84766

(8) The application fees charged to providers under section 84767
5164.31 of the Revised Code; 84768

(9) The fines collected under section 5165.1010 of the 84769
Revised Code; 84770

(10) Amounts from assessments on hospitals under section 84771
5168.06 of the Revised Code and intergovernmental transfers by 84772
governmental hospitals under section 5168.07 of the Revised Code 84773
that are deposited into the fund in accordance with the law. 84774

(B) The department of medicaid shall use money credited to 84775
the health care/medicaid support and recoveries fund to pay for 84776
medicaid services and ~~contracts~~ costs associated with the 84777
administration of the medicaid program. 84778

Sec. 5162.65. There is hereby created in the state treasury 84779
the refunds and reconciliation fund. 84780

Money the department of medicaid receives from a refund or 84781
reconciliation shall be deposited into the refunds and 84782
reconciliation fund if the department does not know the 84783
appropriate fund for the money at the time the department receives 84784
the money or if the money is to go to another government entity. 84785
Money transferred from the department of job and family services 84786
under section 5101.074 of the Revised Code also shall be deposited 84787
into the refunds and reconciliation fund. 84788

Money in the refunds and reconciliation fund, including money 84789

transferred from the department of job and family services, shall 84790
be transferred to the appropriate fund once the appropriate fund 84791
is identified or shall be transferred to another government 84792
entity, as appropriate. 84793

~~Sec. 5162.66. As used in this section, "deficiency" has the~~ 84794
~~same meaning as in section 5165.60 of the Revised Code.~~ 84795

The (A) There is hereby created in the state treasury the 84796
residents protection fund. All of the following shall be deposited 84797
into the fund: 84798

(1) The proceeds of all fines, including interest, collected 84799
under sections 5165.60 to 5165.89 of the Revised Code shall be 84800
deposited in the state treasury to the credit of the residents 84801
protection fund, which is hereby created. The; 84802

(2) The proceeds of all fines, including interest, collected 84803
under section 173.42 of the Revised Code shall be deposited in the 84804
state treasury to the credit of the residents protection fund; 84805

(3) The portions of civil money penalties and corresponding 84806
interest that are disbursed on or after July 1, 2017, to the 84807
department of medicaid pursuant to 42 C.F.R. 488.845. 84808

~~Money in the fund~~ (B)(1) Money deposited into the fund 84809
pursuant to divisions (A)(1) and (2) of this section shall be used 84810
for the protection all of the following: 84811

(a) Protection of the health or property of residents of 84812
nursing facilities in which the department of health finds 84813
deficiencies, including payment for the costs of relocation of 84814
residents to other facilities, maintenance; 84815

(b) Maintenance of operation of a facility pending correction 84816
of deficiencies or closure, and reimbursement; 84817

(c) Reimbursement of residents for the loss of money managed 84818
by the facility under section 3721.15 of the Revised Code. Money 84819

~~in the fund may also be used to make payments;~~ 84820

(d) Provision of funds for costs incurred by a temporary 84821
resident safety assurance manager appointed under section 5165.78 84822
of the Revised Code. 84823

(2) Subject to 42 C.F.R. 488.845(g)(2), money deposited into 84824
the fund pursuant to division (A)(3) of this section shall be used 84825
to improve the quality of medicaid services provided by 84826
medicare-certified home health agencies. 84827

(C) The fund shall be maintained and administered by the 84828
department of medicaid under rules developed in consultation with 84829
the departments of health and aging and adopted under section 84830
5162.02 of the Revised Code. The rules shall be adopted in 84831
accordance with Chapter 119. of the Revised Code. 84832

Sec. 5162.70. (A) As used in this section: 84833

(1) "CPI" means the consumer price index for all urban 84834
consumers as published by the United States bureau of labor 84835
statistics. 84836

(2) "CPI medical inflation rate" means the inflation rate for 84837
medical care, or the successor term for medical care, for the 84838
midwest region as specified in the CPI. 84839

(3) "JMOC projected medical inflation rate" means the 84840
following: 84841

(a) The projected medical inflation rate for a fiscal 84842
biennium determined by the actuary with which the joint medicaid 84843
oversight committee contracts under section 103.414 of the Revised 84844
Code if the committee agrees with the actuary's projected medical 84845
inflation rate for that fiscal biennium; 84846

(b) The different projected medical inflation rate for a 84847
fiscal biennium determined by the joint medicaid oversight 84848
committee under section 103.414 of the Revised Code if the 84849

committee disagrees with the projected medical inflation rate 84850
determined for that fiscal biennium by the actuary with which the 84851
committee contracts under that section. 84852

(4) "Successor term" means a term that the United States 84853
bureau of labor statistics uses in place of another term in 84854
revisions to the CPI. 84855

(B) The medicaid director shall implement reforms to the 84856
medicaid program that do all of the following: 84857

(1) Limit the growth in the per recipient per month cost of 84858
the medicaid program, as determined on an aggregate basis for all 84859
eligibility groups, for a fiscal biennium to not more than the 84860
lesser of the following: 84861

(a) The average annual increase in the CPI medical inflation 84862
rate for the most recent three-year period for which the necessary 84863
data is available as of the first day of the fiscal biennium, 84864
weighted by the most recent year of the three years; 84865

(b) The JMOC projected medical inflation rate for the fiscal 84866
biennium. 84867

(2) Achieve the limit in the growth of the per recipient per 84868
month cost of the medicaid program under division (B)(1) of this 84869
section by doing all of the following: 84870

(a) Improving the physical and mental health of medicaid 84871
recipients; 84872

(b) Providing for medicaid recipients to receive medicaid 84873
services in the most cost-effective and sustainable manner; 84874

(c) Removing barriers that impede medicaid recipients' 84875
ability to transfer to lower cost, and more appropriate, medicaid 84876
services, including home and community-based services; 84877

(d) Establishing medicaid payment rates that encourage value 84878
over volume and result in medicaid services being provided in the 84879

most efficient and effective manner possible;	84880
(e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible;	84881
(f) Integrating in the care management system established under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community-based services covered by medicaid.	84882
(f) Integrating in the care management system established under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community-based services covered by medicaid.	84883
under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community-based services covered by medicaid.	84884
health, behavioral health, nursing facility, and home and community-based services covered by medicaid.	84885
community-based services covered by medicaid.	84886
(3) Reduce the prevalence of comorbid health conditions among, and the mortality rates of, medicaid recipients;	84887
	84888
(4) Reduce infant mortality rates among medicaid recipients.	84889
(C) The medicaid director shall implement the reforms under this section in accordance with evidence-based strategies that include measurable goals.	84890
	84891
	84892
(D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.	84893
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	84899
Sec. 5163.01. As used in this chapter:	84900
"Caretaker relative" has the same meaning as in 42 C.F.R. 435.4 as that regulation is amended effective January 1, 2014.	84901
	84902
<u>"Expansion eligibility group" means the medicaid eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).</u>	84903
	84904
	84905
"Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	84906
	84907
<u>"Federal medical assistance percentage for the expansion</u>	84908

eligibility group" means the amount of the federal government's 84909
share of expenditures for medicaid services provided to medicaid 84910
recipients enrolled in the medicaid program on the basis of being 84911
included in the expansion eligibility group, as established by 84912
section 1905(y) of the "Social Security Act," 42 U.S.C. 1396d(y). 84913

"Federal poverty line" has the same meaning as in section 84914
5162.01 of the Revised Code. 84915

"Healthy start component" has the same meaning as in section 84916
5162.01 of the Revised Code. 84917

"Home and community-based services medicaid waiver component" 84918
has the same meaning as in section 5166.01 of the Revised Code. 84919

"Intermediate care facility for individuals with intellectual 84920
disabilities" and "ICF/IID" have the same meanings as in section 84921
5124.01 of the Revised Code. 84922

"Mandatory eligibility groups" means the groups of 84923
individuals that must be covered by the medicaid state plan as a 84924
condition of the state receiving federal financial participation 84925
for the medicaid program. 84926

"Medicaid buy-in for workers with disabilities program" means 84927
the component of the medicaid program established under sections 84928
5163.09 to 5163.098 of the Revised Code. 84929

"Medicaid services" has the same meaning as in section 84930
5164.01 of the Revised Code. 84931

"Medicaid waiver component" has the same meaning as in 84932
section 5166.01 of the Revised Code. 84933

"Nursing facility" and "nursing facility services" have the 84934
same meanings as in section 5165.01 of the Revised Code. 84935

"Optional eligibility groups" means the groups of individuals 84936
who may be covered by the medicaid state plan or a federal 84937
medicaid waiver and for whom the medicaid program receives federal 84938

financial participation. 84939

"Other medicaid-funded long-term care services" has the 84940
meaning specified in rules adopted under section 5163.02 of the 84941
Revised Code. 84942

"Supplemental security income program" means the program 84943
established by Title XVI of the "Social Security Act," 42 U.S.C. 84944
1381 et seq. 84945

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised 84946
Code, the medicaid program shall cover all mandatory eligibility 84947
groups. 84948

(B) The medicaid program shall cover all of the optional 84949
eligibility groups that state statutes require the medicaid 84950
program to cover. 84951

(C) The medicaid program may cover any of the optional 84952
eligibility groups to which either of the following applies: 84953

(1) State statutes expressly permit the medicaid program to 84954
cover the optional eligibility group. 84955

(2) ~~State statutes do not address whether the~~ The medicaid 84956
program ~~may cover~~ covers the optional eligibility group on the 84957
effective date of this amendment. 84958

(D) The medicaid program shall not cover ~~any~~ an optional 84959
eligibility group ~~that state~~ to which either of the following 84960
applies: 84961

(1) State statutes prohibit the medicaid program from 84962
covering the optional eligibility group. 84963

(2) Except as provided in divisions (B) and (C)(1) of this 84964
section, the medicaid program does not cover the optional 84965
eligibility group on the effective date of this amendment. 84966

Sec. 5163.15. (A) Except as provided in division (B) of this section, the medicaid program shall not cover the expansion eligibility group on or after July 1, 2018. 84967
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(B) An individual enrolled on June 30, 2018, in the medicaid program on the basis of being included in the expansion eligibility group may continue to be enrolled in the medicaid program until the earlier of the following: 84970
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(1) The date the individual ceases to meet the eligibility requirements for the medicaid program; 84974
84975

(2) If the federal medical assistance percentage for the expansion eligibility group is reduced by federal legislation enacted on or after July 1, 2018, the date the reduction takes effect. 84976
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(C) This section does not preclude an individual who meets the requirements for the expansion eligibility group from enrolling, or continuing to be enrolled, in the medicaid program if the individual is eligible for medicaid on the basis of being included in another eligibility group the medicaid program covers. 84980
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Sec. 5164.01. As used in this chapter: 84985

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code. 84986
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(B) "Behavioral health redesign" means proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services. 84988
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(C) "Clean claim" has the same meaning as in 42 C.F.R. 84995

<u>447.45(b).</u>	84996
<u>(D) "Community behavioral health services" means both of the following:</u>	84997
<u>(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;</u>	84998
<u>(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.</u>	84999
<u>(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).</u>	85000
(C) <u>(F) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.</u>	85001
(D) <u>(G) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.</u>	85002
<u>(H) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.</u>	85003
(E) <u>(I) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>	85004
(F) <u>(J) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	85005
(G) <u>(K) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.</u>	85006
(H) <u>(L) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.</u>	85007
(I) <u>(M) "Integrated care delivery system" and "ICDS" mean the</u>	85008
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demonstration project authorized by section 5164.91 of the Revised Code. 85025
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~~(J)~~(N) "Mandatory services" means the health care services 85027
and items that must be covered by the medicaid state plan as a 85028
condition of the state receiving federal financial participation 85029
for the medicaid program. 85030

~~(K)~~(O) "Medicaid managed care organization" has the same 85031
meaning as in section 5167.01 of the Revised Code. 85032

~~(L)~~(P) "Medicaid provider" means a person or government 85033
entity with a valid provider agreement to provide medicaid 85034
services to medicaid recipients. To the extent appropriate in the 85035
context, "medicaid provider" includes a person or government 85036
entity applying for a provider agreement, a former medicaid 85037
provider, or both. 85038

~~(M)~~(Q) "Medicaid services" means either or both of the 85039
following: 85040

(1) Mandatory services; 85041

(2) Optional services that the medicaid program covers. 85042

~~(N)~~(R) "Nursing facility" has the same meaning as in section 85043
5165.01 of the Revised Code. 85044

~~(O)~~(S) "Optional services" means the health care services and 85045
items that may be covered by the medicaid state plan or a federal 85046
medicaid waiver and for which the medicaid program receives 85047
federal financial participation. 85048

~~(P)~~(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 85049
440.120. 85050

~~(Q)~~(U) "Provider agreement" means an agreement to which all 85051
of the following apply: 85052

(1) It is between a medicaid provider and the department of 85053
medicaid; 85054

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 85055
85056

(3) It complies with 42 C.F.R. 431.107(b). 85057

~~(R)~~(V) "State plan home and community-based services" means 85058
home and community-based services that, as authorized by section 85059
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 85060
covered by the medicaid program pursuant to an amendment to the 85061
medicaid state plan. 85062

(W) "Terminal distributor of dangerous drugs" has the same 85063
meaning as in section 4729.01 of the Revised Code. 85064

Sec. 5164.10. The medicaid program may cover one or more 85065
state plan home and community-based services that the department 85066
of medicaid selects for coverage. A medicaid recipient of any age 85067
may receive a state plan home and community-based service if the 85068
recipient has countable income not exceeding two hundred 85069
twenty-five per cent of the federal poverty line, has a medical 85070
need for the service, and meets all other eligibility requirements 85071
for the service specified in rules adopted under section 5164.02 85072
of the Revised Code. The rules may not require a medicaid 85073
recipient to undergo a level of care determination to be eligible 85074
for a state plan home and community-based service. 85075

Sec. 5164.29. Not later than December 31, 2018, the 85076
department of medicaid shall develop and implement revisions to 85077
the system by which persons and government entities become and 85078
remain medicaid providers so that there is a single system of 85079
records for the system and the persons and government entities do 85080
not have to submit duplicate data to the state to become or remain 85081
medicaid providers for any component or aspect of a component of 85082
the medicaid program, including a component or aspect of a 85083
component administered by another state agency or political 85084

subdivision pursuant to a contract entered into under section 85085
5162.35 of the Revised Code. The departments of aging, 85086
developmental disabilities, and mental health and addiction 85087
services shall participate in the development of the revisions and 85088
shall utilize the revised system. 85089

Sec. 5164.31. (A) For the purpose of raising funds necessary 85090
to pay the expenses of implementing the provider screening 85091
requirements of subpart E of 42 C.F.R. Part 455 and except as 85092
provided in division (B) of this section, the department of 85093
medicaid shall collect an application fee from a medicaid provider 85094
before doing any of the following: 85095

(1) Entering into a provider agreement with a medicaid 85096
provider that seeks initial enrollment as a provider; 85097

(2) Entering into a provider agreement with a former medicaid 85098
provider that seeks re-enrollment as a provider; 85099

(3) Revalidating a medicaid provider's continued enrollment 85100
as a provider. 85101

(B) The department is not to collect an application fee from 85102
a medicaid provider that is exempt from paying the fee under 42 85103
C.F.R. 455.460(a). 85104

(C) The application fees shall be deposited into the health 85105
~~care services administration~~ care/medicaid support and recoveries 85106
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 85107
Application fees are nonrefundable when collected in accordance 85108
with 42 C.F.R. 455.460(a). 85109

(D) The medicaid director shall adopt rules under section 85110
5164.02 of the Revised Code as necessary to implement this 85111
section, including a rule establishing the amount of the 85112
application fee to be collected under this section. The amount of 85113
the application fee shall not be set at an amount that is more 85114

than necessary to pay for the expenses of implementing the 85115
provider screening requirements. 85116

Sec. 5164.34. (A) As used in this section: 85117

(1) "Criminal records check" has the same meaning as in 85118
section 109.572 of the Revised Code. 85119

(2) "Disqualifying offense" means any of the offenses listed 85120
or described in divisions (A)(3)(a) to (e) of section 109.572 of 85121
the Revised Code. 85122

(3) "Owner" means a person who has an ownership interest in a 85123
medicaid provider in an amount designated in rules authorized by 85124
this section. 85125

(4) "Person subject to the criminal records check 85126
requirement" means the following: 85127

(a) A medicaid provider who is notified under division (E)(1) 85128
of this section that the provider is subject to a criminal records 85129
check; 85130

(b) An owner or prospective owner, officer or prospective 85131
officer, or board member or prospective board member of a medicaid 85132
provider if, pursuant to division (E)(1)(a) of this section, the 85133
owner or prospective owner, officer or prospective officer, or 85134
board member or prospective board member is specified in 85135
information given to the provider under division (E)(1) of this 85136
section; 85137

(c) An employee or prospective employee of a medicaid 85138
provider if both of the following apply: 85139

(i) The employee or prospective employee is specified, 85140
pursuant to division (E)(1)(b) of this section, in information 85141
given to the provider under division (E)(1) of this section. 85142

(ii) The provider is not prohibited by division (D)(3)(b) of 85143

this section from employing the employee or prospective employee. 85144

(5) "Responsible entity" means the following: 85145

(a) With respect to a criminal records check required under 85146
this section for a medicaid provider, the department of medicaid 85147
or the department's designee; 85148

(b) With respect to a criminal records check required under 85149
this section for an owner or prospective owner, officer or 85150
prospective officer, board member or prospective board member, or 85151
employee or prospective employee of a medicaid provider, the 85152
provider. 85153

(B) This section does not apply to any of the following: 85154

(1) An individual who is subject to a criminal records check 85155
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 85156
5164.341 of the Revised Code ~~or any~~; 85157

(2) An individual who is subject to a database review or 85158
criminal records check under section 173.38, 173.381, 3701.881, or 85159
5164.342 of the Revised Code; 85160

(3) An individual who is an applicant or independent 85161
provider, both as defined in section 5164.341 of the Revised Code. 85162

(C) The department of medicaid may do any of the following: 85163

(1) Require that any medicaid provider submit to a criminal 85164
records check as a condition of obtaining or maintaining a 85165
provider agreement; 85166

(2) Require that any medicaid provider require an owner or 85167
prospective owner, officer or prospective officer, or board member 85168
or prospective board member of the provider submit to a criminal 85169
records check as a condition of being an owner, officer, or board 85170
member of the provider; 85171

(3) Require that any medicaid provider do the following: 85172

(a) If so required by rules authorized by this section, 85173
determine pursuant to a database review conducted under division 85174
(F)(1)(a) of this section whether any employee or prospective 85175
employee of the provider is included in a database; 85176

(b) Unless the provider is prohibited by division (D)(3)(b) 85177
of this section from employing the employee or prospective 85178
employee, require the employee or prospective employee to submit 85179
to a criminal records check as a condition of being an employee of 85180
the provider. 85181

(D)(1) The department or the department's designee shall deny 85182
or terminate a medicaid provider's provider agreement if the 85183
provider is a person subject to the criminal records check 85184
requirement and either of the following applies: 85185

(a) The provider fails to obtain the criminal records check 85186
after being given the information specified in division (G)(1) of 85187
this section. 85188

(b) Except as provided in rules authorized by this section, 85189
the provider is found by the criminal records check to have been 85190
convicted of or have pleaded guilty to a disqualifying offense, 85191
regardless of the date of the conviction or the date of entry of 85192
the guilty plea. 85193

(2) No medicaid provider shall permit a person to be an 85194
owner, officer, or board member of the provider if the person is a 85195
person subject to the criminal records check requirement and 85196
either of the following applies: 85197

(a) The person fails to obtain the criminal records check 85198
after being given the information specified in division (G)(1) of 85199
this section. 85200

(b) Except as provided in rules authorized by this section, 85201
the person is found by the criminal records check to have been 85202
convicted of or have pleaded guilty to a disqualifying offense, 85203

regardless of the date of the conviction or the date of entry of the guilty plea. 85204
85205

(3) No medicaid provider shall employ a person if any of the following apply: 85206
85207

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 85208
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 85211
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 85216
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 85218
85219
85220

(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 85221
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 85226
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(a) Which of the provider's owners or prospective owners, 85234
officers or prospective officers, or board members or prospective 85235
board members are subject to a criminal records check; 85236

(b) Which of the provider's employees or prospective 85237
employees are subject to division (C)(3) of this section. 85238

(2) At times designated in rules authorized by this section, 85239
a medicaid provider that is a person subject to the criminal 85240
records check requirement shall do the following: 85241

(a) Inform each person specified under division (E)(1)(a) of 85242
this section that the person is required to submit to a criminal 85243
records check as a condition of being an owner, officer, or board 85244
member of the provider; 85245

(b) Inform each person specified under division (E)(1)(b) of 85246
this section that the person is subject to division (C)(3) of this 85247
section. 85248

(F)(1) If a medicaid provider is a person subject to the 85249
criminal records check requirement, the department or the 85250
department's designee shall require the conduct of a criminal 85251
records check by the superintendent of the bureau of criminal 85252
identification and investigation. A medicaid provider shall 85253
require the conduct of a criminal records check by the 85254
superintendent with respect to each of the persons specified under 85255
division (E)(1)(a) of this section. With respect to each employee 85256
and prospective employee specified under division (E)(1)(b) of 85257
this section, a medicaid provider shall do the following: 85258

(a) If rules authorized by this section require the provider 85259
to conduct a database review to determine whether the employee or 85260
prospective employee is included in a database, conduct the 85261
database review in accordance with the rules; 85262

(b) Unless the provider is prohibited by division (D)(3)(b) 85263
of this section from employing the employee or prospective 85264

employee, require the conduct of a criminal records check of the 85265
employee or prospective employee by the superintendent. 85266

(2) If a person subject to the criminal records check 85267
requirement does not present proof of having been a resident of 85268
this state for the five-year period immediately prior to the date 85269
the criminal records check is requested or provide evidence that 85270
within that five-year period the superintendent has requested 85271
information about the person from the federal bureau of 85272
investigation in a criminal records check, the responsible entity 85273
shall require the person to request that the superintendent obtain 85274
information from the federal bureau of investigation as part of 85275
the criminal records check of the person. Even if the person 85276
presents proof of having been a resident of this state for the 85277
five-year period, the responsible entity may require that the 85278
person request that the superintendent obtain information from the 85279
federal bureau of investigation and include it in the criminal 85280
records check of the person. 85281

(G) Criminal records checks required by this section shall be 85282
obtained as follows: 85283

(1) The responsible entity shall provide each person subject 85284
to the criminal records check requirement information about 85285
accessing and completing the form prescribed pursuant to division 85286
(C)(1) of section 109.572 of the Revised Code and the standard 85287
impression sheet prescribed pursuant to division (C)(2) of that 85288
section. 85289

(2) The person subject to the criminal records check 85290
requirement shall submit the required form and one complete set of 85291
the person's fingerprint impressions directly to the 85292
superintendent for purposes of conducting the criminal records 85293
check using the applicable methods prescribed by division (C) of 85294
section 109.572 of the Revised Code. The person shall pay all fees 85295
associated with obtaining the criminal records check. 85296

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any

person other than the following:	85328
(1) The person who is the subject of the criminal records check or the person's representative;	85329 85330
(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	85331 85332
(3) The department's designee;	85333
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	85334 85335 85336
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	85337 85338 85339
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	85340 85341
(a) The denial or termination of a provider agreement;	85342
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	85343 85344
(c) A civil or criminal action regarding the medicaid program.	85345 85346
(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	85347 85348 85349 85350 85351
(1) Designate the categories of persons who are subject to a criminal records check under this section;	85352 85353
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a	85354 85355 85356

criminal records check to have been convicted of, pleaded guilty 85357
to, or been found eligible for intervention in lieu of conviction 85358
for a disqualifying offense; 85359

(3) Specify circumstances under which a medicaid provider may 85360
permit a person to be an employee, owner, officer, or board member 85361
of the provider when the person is found by a criminal records 85362
check conducted pursuant to this section to have been convicted of 85363
or have pleaded guilty to a disqualifying offense; 85364

(4) Specify all of the following: 85365

(a) The circumstances under which a database review must be 85366
conducted under division (F)(1)(a) of this section to determine 85367
whether an employee or prospective employee of a medicaid provider 85368
is included in a database; 85369

(b) The procedures for conducting the database review; 85370

(c) The databases that are to be checked; 85371

(d) The circumstances under which a medicaid provider is 85372
prohibited from employing a person who is found by the database 85373
review to be included in a database. 85374

Sec. 5164.341. (A) As used in this section: 85375

"Anniversary date" means the later of the effective date of 85376
the provider agreement relating to the independent provider or 85377
sixty days after September 26, 2003. 85378

"Applicant" means a person who has applied for a provider 85379
agreement to provide home and community-based services as an 85380
independent provider under a home and community-based medicaid 85381
waiver component administered by the department of medicaid. 85382

"Criminal records check" has the same meaning as in section 85383
109.572 of the Revised Code. 85384

"Disqualifying offense" means any of the offenses listed or 85385

described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 85386
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"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid. 85388
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(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies: 85393
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(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following: 85397
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(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed to division (C)(2) of that section; 85401
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee. 85406
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(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by ~~a criminal records check required by this section~~ either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea; 85409
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(a) A criminal records check required by this section; 85415

(b) In the case of an independent provider, a notice provided 85416
by the bureau of criminal identification and investigation under 85417
division (D) of section 109.5721 of the Revised Code. 85418

(C)(1) The department or the department's designee shall 85419
inform each applicant, at the time of initial application for a 85420
provider agreement, that the applicant is required to provide a 85421
set of the applicant's fingerprint impressions and that a criminal 85422
records check is required to be conducted as a condition of the 85423
department's approving the application. 85424

(2) ~~Beginning on September 26, 2003~~ Unless the department 85425
elects to receive notices about independent providers from the 85426
bureau of criminal identification and investigation pursuant to 85427
division (D) of section 109.5721 of the Revised Code, the 85428
department or the department's designee shall inform each 85429
independent provider on or before the time of the anniversary date 85430
of the provider agreement that the independent provider is 85431
required to provide a set of the independent provider's 85432
fingerprint impressions and that a criminal records check is 85433
required to be conducted. 85434

(D)(1) The department or the department's designee shall 85435
require an applicant to complete a criminal records check prior to 85436
entering into a provider agreement with the applicant. The 85437
department or the department's designee shall require an 85438
independent provider to complete a criminal records check at least 85439
annually unless the department elects to receive notices about 85440
independent providers from the bureau of criminal identification 85441
and investigation pursuant to division (D) of section 109.5721 of 85442
the Revised Code. If an applicant or independent provider for whom 85443
a criminal records check is required by this section does not 85444
present proof of having been a resident of this state for the 85445
five-year period immediately prior to the date the criminal 85446
records check is requested or provide evidence that within that 85447

five-year period the superintendent of the bureau of criminal 85448
identification and investigation has requested information about 85449
the applicant or independent provider from the federal bureau of 85450
investigation in a criminal records check, the department or the 85451
department's designee shall request that the applicant or 85452
independent provider obtain through the superintendent a criminal 85453
records request from the federal bureau of investigation as part 85454
of the criminal records check of the applicant or independent 85455
provider. Even if an applicant or independent provider for whom a 85456
criminal records check request is required by this section 85457
presents proof of having been a resident of this state for the 85458
five-year period, the department or the department's designee may 85459
request that the applicant or independent provider obtain 85460
information through the superintendent from the federal bureau of 85461
investigation in the criminal records check. 85462

(2) The department or the department's designee shall provide 85463
the following to each applicant and independent provider for whom 85464
a criminal records check is required by this section: 85465

(a) Information about accessing, completing, and forwarding 85466
to the superintendent of the bureau of criminal identification and 85467
investigation the form prescribed pursuant to division (C)(1) of 85468
section 109.572 of the Revised Code and the standard impression 85469
sheet prescribed pursuant to division (C)(2) of that section; 85470

(b) Written notification that the applicant or independent 85471
provider is to instruct the superintendent to submit the completed 85472
report of the criminal records check directly to the department or 85473
the department's designee. 85474

(3) Each applicant and independent provider for whom a 85475
criminal records check is required by this section shall pay to 85476
the bureau of criminal identification and investigation the fee 85477
prescribed pursuant to division (C)(3) of section 109.572 of the 85478
Revised Code for the criminal records check conducted of the 85479

applicant or independent provider. 85480

(E) ~~The~~ Neither the report of any criminal records check 85481
conducted by the bureau of criminal identification and 85482
investigation in accordance with section 109.572 of the Revised 85483
Code and pursuant to a request made under this section nor a 85484
notice provided by the bureau under division (D) of section 85485
109.5721 of the Revised Code is ~~not~~ a public record for the 85486
purposes of section 149.43 of the Revised Code and. Such a report 85487
or notice shall not be made available to any person other than the 85488
following: 85489

(1) The person who is the subject of the criminal records 85490
check or the person's representative; 85491

(2) The medicaid director and the staff of the department who 85492
are involved in the administration of the medicaid program; 85493

(3) The department's designee; 85494

(4) An individual receiving or deciding whether to receive 85495
home and community-based services from the person who is the 85496
subject of the criminal records check or notice from the bureau; 85497

(5) A court, hearing officer, or other necessary individual 85498
involved in a case dealing with either of the following: 85499

(a) A denial or termination of a provider agreement related 85500
to the criminal records check or notice from the bureau; 85501

(b) A civil or criminal action regarding the medicaid 85502
program. 85503

(F) The medicaid director shall adopt rules under section 85504
5164.02 of the Revised Code to implement this section. The rules 85505
shall specify circumstances under which the department or the 85506
department's designee may either approve an applicant's 85507
application or allow an independent provider to maintain an 85508
existing provider agreement even though the applicant or 85509

independent provider is found by a ~~criminal records check required~~ 85510
by this section either of the following to have been convicted of 85511
or have pleaded guilty to a disqualifying offense: 85512

(1) A criminal records check required by this section; 85513

(2) In the case of an independent provider, a notice provided 85514
by the bureau of criminal identification and investigation under 85515
division (D) of section 109.5721 of the Revised Code. 85516

Sec. 5164.342. (A) As used in this section: 85517

"Applicant" means a person who is under final consideration 85518
for employment with a waiver agency in a full-time, part-time, or 85519
temporary position that involves providing home and 85520
community-based services. 85521

"Community-based long-term care provider" means a provider as 85522
defined in section 173.39 of the Revised Code. 85523

"Community-based long-term care subcontractor" means a 85524
subcontractor as defined in section 173.38 of the Revised Code. 85525

"Criminal records check" has the same meaning as in section 85526
109.572 of the Revised Code. 85527

"Disqualifying offense" means any of the offenses listed or 85528
described in divisions (A)(3)(a) to (e) of section 109.572 of the 85529
Revised Code. 85530

"Employee" means a person employed by a waiver agency in a 85531
full-time, part-time, or temporary position that involves 85532
providing home and community-based services. 85533

"Waiver agency" means a person or government entity that 85534
provides home and community-based services under a home and 85535
community-based services medicaid waiver component administered by 85536
the department of medicaid, other than such a person or government 85537
entity that is certified under the medicare program. "Waiver 85538

agency" does not mean an independent provider as defined in 85539
section 5164.341 of the Revised Code. 85540

(B) This section does not apply to any individual who is 85541
subject to a database review or criminal records check under 85542
section 3701.881 of the Revised Code. If a waiver agency also is a 85543
community-based long-term care provider or community-based 85544
long-term care subcontractor, the waiver agency may provide for 85545
applicants and employees to undergo database reviews and criminal 85546
records checks in accordance with section 173.38 of the Revised 85547
Code rather than this section. 85548

(C) No waiver agency shall employ an applicant or continue to 85549
employ an employee in a position that involves providing home and 85550
community-based services if any of the following apply: 85551

(1) A review of the databases listed in division (E) of this 85552
section reveals any of the following: 85553

(a) That the applicant or employee is included in one or more 85554
of the databases listed in divisions (E)(1) to (5) of this 85555
section; 85556

(b) That there is in the state nurse aide registry 85557
established under section 3721.32 of the Revised Code a statement 85558
detailing findings by the director of health that the applicant or 85559
employee abused, neglected, or ~~abused~~ exploited a long-term care 85560
facility or residential care facility resident or misappropriated 85561
property of such a resident; 85562

(c) That the applicant or employee is included in one or more 85563
of the databases, if any, specified in rules authorized by this 85564
section and the rules prohibit the waiver agency from employing an 85565
applicant or continuing to employ an employee included in such a 85566
database in a position that involves providing home and 85567
community-based services. 85568

(2) After the applicant or employee is given the information 85569

and notification required by divisions (F)(2)(a) and (b) of this 85570
section, the applicant or employee fails to do either of the 85571
following: 85572

(a) Access, complete, or forward to the superintendent of the 85573
bureau of criminal identification and investigation the form 85574
prescribed to division (C)(1) of section 109.572 of the Revised 85575
Code or the standard impression sheet prescribed pursuant to 85576
division (C)(2) of that section; 85577

(b) Instruct the superintendent to submit the completed 85578
report of the criminal records check required by this section 85579
directly to the chief administrator of the waiver agency. 85580

(3) Except as provided in rules authorized by this section, 85581
the applicant or employee is found by a criminal records check 85582
required by this section to have been convicted of or have pleaded 85583
guilty to a disqualifying offense, regardless of the date of the 85584
conviction or date of entry of the guilty plea. 85585

(D) At the time of each applicant's initial application for 85586
employment in a position that involves providing home and 85587
community-based services, the chief administrator of a waiver 85588
agency shall inform the applicant of both of the following: 85589

(1) That a review of the databases listed in division (E) of 85590
this section will be conducted to determine whether the waiver 85591
agency is prohibited by division (C)(1) of this section from 85592
employing the applicant in the position; 85593

(2) That, unless the database review reveals that the 85594
applicant may not be employed in the position, a criminal records 85595
check of the applicant will be conducted and the applicant is 85596
required to provide a set of the applicant's fingerprint 85597
impressions as part of the criminal records check. 85598

(E) As a condition of employing any applicant in a position 85599
that involves providing home and community-based services, the 85600

chief administrator of a waiver agency shall conduct a database 85601
review of the applicant in accordance with rules authorized by 85602
this section. If rules authorized by this section so require, the 85603
chief administrator of a waiver agency shall conduct a database 85604
review of an employee in accordance with the rules as a condition 85605
of continuing to employ the employee in a position that involves 85606
providing home and community-based services. A database review 85607
shall determine whether the applicant or employee is included in 85608
any of the following: 85609

(1) The excluded parties list system that is maintained by 85610
the United States general services administration pursuant to 85611
subpart 9.4 of the federal acquisition regulation and available at 85612
the federal web site known as the system for award management; 85613

(2) The list of excluded individuals and entities maintained 85614
by the office of inspector general in the United States department 85615
of health and human services pursuant to the "Social Security 85616
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85617

(3) The registry of developmental disabilities employees 85618
established under section 5123.52 of the Revised Code; 85619

(4) The internet-based sex offender and child-victim offender 85620
database established under division (A)(11) of section 2950.13 of 85621
the Revised Code; 85622

(5) The internet-based database of inmates established under 85623
section 5120.66 of the Revised Code; 85624

(6) The state nurse aide registry established under section 85625
3721.32 of the Revised Code; 85626

(7) Any other database, if any, specified in rules authorized 85627
by this section. 85628

(F)(1) As a condition of employing any applicant in a 85629
position that involves providing home and community-based 85630

services, the chief administrator of a waiver agency shall require 85631
the applicant to request that the superintendent of the bureau of 85632
criminal identification and investigation conduct a criminal 85633
records check of the applicant. If rules authorized by this 85634
section so require, the chief administrator of a waiver agency 85635
shall require an employee to request that the superintendent 85636
conduct a criminal records check of the employee at times 85637
specified in the rules as a condition of continuing to employ the 85638
employee in a position that involves providing home and 85639
community-based services. However, a criminal records check is not 85640
required for an applicant or employee if the waiver agency is 85641
prohibited by division (C)(1) of this section from employing the 85642
applicant or continuing to employ the employee in a position that 85643
involves providing home and community-based services. If an 85644
applicant or employee for whom a criminal records check request is 85645
required by this section does not present proof of having been a 85646
resident of this state for the five-year period immediately prior 85647
to the date the criminal records check is requested or provide 85648
evidence that within that five-year period the superintendent has 85649
requested information about the applicant or employee from the 85650
federal bureau of investigation in a criminal records check, the 85651
chief administrator shall require the applicant or employee to 85652
request that the superintendent obtain information from the 85653
federal bureau of investigation as part of the criminal records 85654
check. Even if an applicant or employee for whom a criminal 85655
records check request is required by this section presents proof 85656
of having been a resident of this state for the five-year period, 85657
the chief administrator may require the applicant or employee to 85658
request that the superintendent include information from the 85659
federal bureau of investigation in the criminal records check. 85660

(2) The chief administrator shall provide the following to 85661
each applicant and employee for whom a criminal records check is 85662
required by this section: 85663

(a) Information about accessing, completing, and forwarding 85664
to the superintendent of the bureau of criminal identification and 85665
investigation the form prescribed pursuant to division (C)(1) of 85666
section 109.572 of the Revised Code and the standard impression 85667
sheet prescribed pursuant to division (C)(2) of that section; 85668

(b) Written notification that the applicant or employee is to 85669
instruct the superintendent to submit the completed report of the 85670
criminal records check directly to the chief administrator. 85671

(3) A waiver agency shall pay to the bureau of criminal 85672
identification and investigation the fee prescribed pursuant to 85673
division (C)(3) of section 109.572 of the Revised Code for any 85674
criminal records check required by this section. However, a waiver 85675
agency may require an applicant to pay to the bureau the fee for a 85676
criminal records check of the applicant. If the waiver agency pays 85677
the fee for an applicant, it may charge the applicant a fee not 85678
exceeding the amount the waiver agency pays to the bureau under 85679
this section if the waiver agency notifies the applicant at the 85680
time of initial application for employment of the amount of the 85681
fee and that, unless the fee is paid, the applicant will not be 85682
considered for employment. 85683

(G)(1) A waiver agency may employ conditionally an applicant 85684
for whom a criminal records check is required by this section 85685
prior to obtaining the results of the criminal records check if 85686
both of the following apply: 85687

(a) The waiver agency is not prohibited by division (C)(1) of 85688
this section from employing the applicant in a position that 85689
involves providing home and community-based services. 85690

(b) The chief administrator of the waiver agency requires the 85691
applicant to request a criminal records check regarding the 85692
applicant in accordance with division (F)(1) of this section not 85693
later than five business days after the applicant begins 85694

conditional employment. 85695

(2) A waiver agency that employs an applicant conditionally 85696
under division (G)(1) of this section shall terminate the 85697
applicant's employment if the results of the criminal records 85698
check, other than the results of any request for information from 85699
the federal bureau of investigation, are not obtained within the 85700
period ending sixty days after the date the request for the 85701
criminal records check is made. Regardless of when the results of 85702
the criminal records check are obtained, if the results indicate 85703
that the applicant has been convicted of or has pleaded guilty to 85704
a disqualifying offense, the waiver agency shall terminate the 85705
applicant's employment unless circumstances specified in rules 85706
authorized by this section exist that permit the waiver agency to 85707
employ the applicant and the waiver agency chooses to employ the 85708
applicant. 85709

(H) The report of any criminal records check conducted 85710
pursuant to a request made under this section is not a public 85711
record for the purposes of section 149.43 of the Revised Code and 85712
shall not be made available to any person other than the 85713
following: 85714

(1) The applicant or employee who is the subject of the 85715
criminal records check or the representative of the applicant or 85716
employee; 85717

(2) The chief administrator of the waiver agency that 85718
requires the applicant or employee to request the criminal records 85719
check or the administrator's representative; 85720

(3) The medicaid director and the staff of the department who 85721
are involved in the administration of the medicaid program; 85722

(4) The director of aging or the director's designee if the 85723
waiver agency also is a community-based long-term care provider or 85724
community-based long-term care subcontractor; 85725

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;	85726 85727 85728
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	85729 85730
(a) A denial of employment of the applicant or employee;	85731
(b) Employment or unemployment benefits of the applicant or employee;	85732 85733
(c) A civil or criminal action regarding the medicaid program.	85734 85735
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	85736 85737
(1) The rules may do the following:	85738
(a) Require employees to undergo database reviews and criminal records checks under this section;	85739 85740
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	85741 85742 85743
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	85744 85745 85746
(2) The rules shall specify all of the following:	85747
(a) The procedures for conducting a database review under this section;	85748 85749
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	85750 85751 85752 85753
(c) If the rules specify other databases to be checked as	85754

part of a database review, the circumstances under which a waiver 85755
agency is prohibited from employing an applicant or continuing to 85756
employ an employee who is found by the database review to be 85757
included in one or more of those databases; 85758

(d) The circumstances under which a waiver agency may employ 85759
an applicant or employee who is found by a criminal records check 85760
required by this section to have been convicted of or have pleaded 85761
guilty to a disqualifying offense. 85762

(J) The amendments made by H.B. 487 of the 129th general 85763
assembly to this section do not preclude the department of 85764
medicaid from taking action against a person for failure to comply 85765
with former division (H) of this section as that division existed 85766
on the day preceding January 1, 2013. 85767

Sec. 5164.37. (A) As used in this section: 85768

(1) "Independent provider" has the same meaning as in section 85769
5164.341 of the Revised Code. 85770

(2) "Noninstitutional medicaid provider" means any person or 85771
entity with a provider agreement other than a hospital, nursing 85772
facility, or ICF/IID. 85773

(3) "Owner" means any person having at least five per cent 85774
ownership in a noninstitutional medicaid provider. 85775

(B) Notwithstanding any provision of this chapter to the 85776
contrary, the department of medicaid shall take action under this 85777
section against a noninstitutional medicaid provider or its owner, 85778
officer, authorized agent, associate, manager, or employee. 85779

(C) Except as provided in division (D) of this section and in 85780
rules authorized by this section, on receiving notice and a copy 85781
of an indictment that is issued on or after September 29, 2007, 85782
and charges a noninstitutional medicaid provider or its owner, 85783
officer, authorized agent, associate, manager, or employee with 85784

committing an offense specified in division (E) of this section, 85785
the department shall suspend the provider agreement held by the 85786
noninstitutional medicaid provider. Subject to division (D) of 85787
this section, the department shall also terminate medicaid 85788
payments to the provider for medicaid services rendered. 85789

The suspension shall continue in effect until the proceedings 85790
in the criminal case are completed through dismissal of the 85791
indictment or through conviction, entry of a guilty plea, or 85792
finding of not guilty. If the department commences a process to 85793
terminate the suspended provider agreement, the suspension shall 85794
also continue in effect until the termination process is 85795
concluded. 85796

When subject to a suspension under this division, a provider, 85797
owner, officer, authorized agent, associate, manager, or employee 85798
shall not own or provide medicaid services to any other medicaid 85799
provider or risk contractor or arrange for, render, or order 85800
medicaid services for medicaid recipients during the period of 85801
suspension. During the period of suspension, the provider, owner, 85802
officer, authorized agent, associate, manager, or employee shall 85803
not receive direct payments under the medicaid program or indirect 85804
payments of medicaid funds in the form of salary, shared fees, 85805
contracts, kickbacks, or rebates from or through any other 85806
medicaid provider or risk contractor. 85807

(D)(1) The department shall not suspend a provider agreement 85808
or terminate medicaid payments under division (C) of this section 85809
if the provider or owner can demonstrate through the submission of 85810
written evidence that the provider or owner did not directly or 85811
indirectly sanction the action of its authorized agent, associate, 85812
manager, or employee that resulted in the indictment. 85813

(2) The termination of medicaid payments applies only to 85814
payments for medicaid services rendered subsequent to the date on 85815
which the notice required under division (F) of this section is 85816

sent. Claims for payment for medicaid services rendered by the 85817
provider prior to the issuance of the notice may be subject to 85818
prepayment review procedures whereby the department reviews claims 85819
to determine whether they are supported by sufficient 85820
documentation, are in compliance with state and federal statutes 85821
and rules, and are otherwise complete. 85822

(E)(1) In the case of a noninstitutional medicaid provider 85823
that is not an independent provider, the suspension of a provider 85824
agreement under division (C) of this section applies when an 85825
indictment charges a person with committing an act that would be a 85826
felony or misdemeanor under the laws of this state and the act 85827
relates to or results from either of the following: 85828

(a) Furnishing or billing for medicaid services under the 85829
medicaid program; 85830

(b) Participating in the performance of management or 85831
administrative services relating to furnishing medicaid services 85832
under the medicaid program. 85833

(2) In the case of a noninstitutional medicaid provider that 85834
is an independent provider, the suspension of a provider agreement 85835
under division (C) of this section applies when an indictment 85836
charges a person with committing an act that would constitute a 85837
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 85838
the Revised Code. 85839

(F) Not later than five days after suspending a provider 85840
agreement under division (C) of this section, the department shall 85841
send notice of the suspension to the affected provider or owner. 85842
In providing the notice, the department shall do all of the 85843
following: 85844

(1) Describe the indictment that was the cause of the 85845
suspension, without necessarily disclosing specific information 85846
concerning any ongoing civil or criminal investigation; 85847

(2) State that the suspension will continue in effect until 85848
the proceedings in the criminal case are completed through 85849
dismissal of the indictment or through conviction, entry of a 85850
guilty plea, or finding of not guilty and, if the department 85851
commences a process to terminate the suspended provider agreement, 85852
until the termination process is concluded; 85853

(3) Inform the provider or owner of the opportunity to submit 85854
to the department, not later than thirty days after receiving the 85855
notice, a request for a reconsideration pursuant to division (G) 85856
of this section. 85857

(G)(1) Pursuant to the procedure specified in division (G)(2) 85858
of this section, a noninstitutional medicaid provider or owner 85859
subject to a suspension under this section may request a 85860
reconsideration. The request shall be made not later than thirty 85861
days after receipt of the notice provided under division (F) of 85862
this section. The reconsideration is not subject to an 85863
adjudication hearing pursuant to Chapter 119. of the Revised Code. 85864

(2) In requesting a reconsideration, the provider or owner 85865
shall submit written information and documents to the department. 85866
The information and documents may pertain to any of the following 85867
issues: 85868

(a) Whether the determination to suspend the provider 85869
agreement was based on a mistake of fact, other than the validity 85870
of the indictment; 85871

(b) Whether any offense charged in the indictment resulted 85872
from an offense specified in division (E) of this section; 85873

(c) Whether the provider or owner can demonstrate that the 85874
provider or owner did not directly or indirectly sanction the 85875
action of its authorized agent, associate, manager, or employee 85876
that resulted in the indictment. 85877

(3) The department shall review the information and documents 85878

submitted in a request for reconsideration. After the review, the 85879
suspension may be affirmed, reversed, or modified, in whole or in 85880
part. The department shall notify the affected provider or owner 85881
of the results of the review. The review and notification of its 85882
results shall be completed not later than forty-five days after 85883
receiving the information and documents submitted in a request for 85884
reconsideration. 85885

(H) Rules adopted under section 5164.02 of the Revised Code 85886
may specify circumstances under which the department would not 85887
suspend a provider agreement pursuant to this section. 85888

Sec. 5164.57. (A)(1) Except as provided in ~~division~~ divisions 85889
(A)(2) and (3) of this section, the department of medicaid may 85890
recover a medicaid payment or portion of a payment made to a 85891
medicaid provider to which the provider is not entitled if the 85892
department notifies the provider of the overpayment during the 85893
five-year period immediately following the end of the state fiscal 85894
year in which the overpayment was made. 85895

(2) In the case of a hospital medicaid provider, if the 85896
department determines as a result of a medicare or medicaid cost 85897
report settlement that the provider received an amount under the 85898
medicaid program to which the provider is not entitled, the 85899
department may recover the overpayment if the department notifies 85900
the provider of the overpayment during the later of the following: 85901

(a) The five-year period immediately following the end of the 85902
state fiscal year in which the overpayment was made; 85903

(b) The one-year period immediately following the date the 85904
department receives from the United States centers for medicare 85905
and medicaid services a completed, audited, medicare cost report 85906
for the provider that applies to the state fiscal year in which 85907
the overpayment was made. 85908

(3) In the case of a nursing facility provider or ICF/IID provider, if the department determines, from data in the possession of the department or another state agency at the time the department makes the determination, that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the three-year period immediately following the end of the state fiscal year in which the overpayment is made.

(B) Among the overpayments that may be recovered under this section are the following:

(1) Payment for a medicaid service, or a day of service, not rendered;

(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate;

(3) Payment for a medicaid service, or day of service, that was paid by, or partially paid by, a third party, as defined in section 5160.35 of the Revised Code, and the third party's payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program;

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.

(C) The department may recover an overpayment under this section prior to or after any of the following:

(1) Adjudication of a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(2) Adjudication of a finding under any other provision of

state statutes governing the medicaid program or the rules adopted 85939
under those statutes; 85940

(3) Expiration of the time to issue a final fiscal audit that 85941
section 5164.38 of the Revised Code requires to be conducted in 85942
accordance with Chapter 119. of the Revised Code; 85943

(4) Expiration of the time to issue a finding under any other 85944
provision of state statutes governing the medicaid program or the 85945
rules adopted under those statutes. 85946

(D)(1) Subject to division (D)(2) of this section, the 85947
recovery of an overpayment under this section does not preclude 85948
the department from subsequently doing the following: 85949

(a) Issuing a final fiscal audit in accordance with Chapter 85950
119. of the Revised Code, as required under section 5164.38 of the 85951
Revised Code; 85952

(b) Issuing a finding under any other provision of state 85953
statutes governing the medicaid program or the rules adopted under 85954
those statutes. 85955

(2) A final fiscal audit or finding issued subsequent to the 85956
recovery of an overpayment under this section shall be reduced by 85957
the amount of the prior recovery, as appropriate. 85958

(E) Nothing in this section limits the department's authority 85959
to recover overpayments pursuant to any other provision of the 85960
Revised Code. 85961

Sec. 5164.752. In July of every even-numbered year, the 85962
department of medicaid shall initiate a confidential survey of the 85963
cost of dispensing drugs incurred by terminal distributors of 85964
dangerous drugs in this state. The survey shall be used as the 85965
basis for establishing the medicaid program's dispensing ~~fee~~ fees 85966
for terminal distributors in accordance with section 5164.753 of 85967
the Revised Code. The survey shall be completed and its results 85968

published not later than the last day of ~~October~~ November of the 85969
year in which it is conducted. 85970

Each terminal distributor that is a provider of drugs under 85971
the medicaid program shall participate in the survey. Except as 85972
necessary to publish the survey's results, a terminal 85973
distributor's responses to the survey are confidential and not a 85974
public record under section 149.43 of the Revised Code. 85975

The survey shall be conducted in conformance with the 85976
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 85977
shall include operational data and direct prescription expenses, 85978
professional services and personnel costs, and usual and customary 85979
overhead expenses of the terminal distributors surveyed. The 85980
survey shall compute and report the cost of dispensing ~~on a basis~~ 85981
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 85982
~~their customers for dispensing drugs.~~ 85983

Sec. 5164.753. In December of every even-numbered year, the 85984
medicaid director shall establish a dispensing ~~fee~~ fees, effective 85985
the following July, for terminal distributors of dangerous drugs 85986
that are providers of drugs under the medicaid program. In 85987
establishing ~~the~~ dispensing ~~fee~~ fees, the director shall take into 85988
consideration the results of the survey conducted under section 85989
5164.752 of the Revised Code. The director may establish 85990
dispensing fees that vary by terminal distributor, taking into 85991
consideration the volume of drugs a terminal distributor dispenses 85992
under the medicaid program or any other criteria the director 85993
considers relevant. 85994

Sec. 5164.761. Before the department of medicaid or 85995
department of mental health and addiction services updates 85996
medicaid billing codes or medicaid payment rates for community 85997
behavioral health services as part of the behavioral health 85998

redesign, the departments shall conduct a beta test of the 85999
updates. Any medicaid provider of community behavioral health 86000
services may volunteer to participate in the beta test. An update 86001
may not begin to be implemented outside of the beta test until at 86002
least half of the medicaid providers participating in the beta 86003
test are able to submit a clean claim for community behavioral 86004
health services under the beta test and receive the correct 86005
payment for the clean claim not later than thirty days after the 86006
date the clean claim is submitted. 86007

Sec. 5164.78. (A) The medicaid payment rates for the 86008
following neonatal and newborn services shall equal seventy-five 86009
per cent of the medicare payment rates for the services in effect 86010
on the date the services are provided to medicaid recipients 86011
eligible for the services: 86012

(1) Initial care for normal newborns; 86013

(2) Subsequent day, hospital care for normal newborns; 86014

(3) Same day, initial history and physical examination and 86015
discharge for normal newborns; 86016

(4) Initial neonatal critical care for children not more than 86017
twenty-eight days old; 86018

(5) Subsequent day, neonatal critical care for children not 86019
more than twenty-eight days old; 86020

(6) Subsequent day, pediatric critical care for children at 86021
least twenty-nine days but less than two years old; 86022

(7) Initial neonatal intensive care; 86023

(8) Subsequent day, neonatal intensive noncritical care for 86024
children weighing less than one thousand five hundred grams; 86025

(9) Subsequent day, neonatal intensive noncritical care for 86026
children weighing at least one thousand five hundred grams but not 86027

more than two thousand five hundred grams; 86028

(10) Subsequent day, neonatal noncritical care for children 86029
weighing more than two thousand five hundred grams but not more 86030
than five thousand grams. 86031

(B) The medicaid payment rates for other medicaid services 86032
selected by the medicaid director shall be less than the amount of 86033
the rates in effect on the effective date of this section so that 86034
the cost of the rates set pursuant to division (A) of this section 86035
do not increase medicaid expenditures. The director may not select 86036
any medicaid service for which the medicaid payment rate is 86037
determined in accordance with state statutes. 86038

Sec. 5165.01. As used in this chapter: 86039

(A) "Affiliated operator" means an operator affiliated with 86040
either of the following: 86041

(1) The exiting operator for whom the affiliated operator is 86042
to assume liability for the entire amount of the exiting 86043
operator's debt under the medicaid program or the portion of the 86044
debt that represents the franchise permit fee the exiting operator 86045
owes; 86046

(2) The entering operator involved in the change of operator 86047
with the exiting operator specified in division (A)(1) of this 86048
section. 86049

(B) "Allowable costs" are a nursing facility's costs that the 86050
department of medicaid determines are reasonable. Fines paid under 86051
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 86052
Code are not allowable costs. 86053

(C) "Ancillary and support costs" means all reasonable costs 86054
incurred by a nursing facility other than direct care costs, tax 86055
costs, or capital costs. "Ancillary and support costs" includes, 86056
but is not limited to, costs of activities, social services, 86057

pharmacy consultants, habilitation supervisors, qualified 86058
intellectual disability professionals, program directors, medical 86059
and habilitation records, program supplies, incontinence supplies, 86060
food, enterals, dietary supplies and personnel, laundry, 86061
housekeeping, security, administration, medical equipment, 86062
utilities, liability insurance, bookkeeping, purchasing 86063
department, human resources, communications, travel, dues, license 86064
fees, subscriptions, home office costs not otherwise allocated, 86065
legal services, accounting services, minor equipment, maintenance 86066
and repairs, help-wanted advertising, informational advertising, 86067
start-up costs, organizational expenses, other interest, property 86068
insurance, employee training and staff development, employee 86069
benefits, payroll taxes, and workers' compensation premiums or 86070
costs for self-insurance claims and related costs as specified in 86071
rules adopted under section 5165.02 of the Revised Code, for 86072
personnel listed in this division. "Ancillary and support costs" 86073
also means the cost of equipment, including vehicles, acquired by 86074
operating lease executed before December 1, 1992, if the costs are 86075
reported as administrative and general costs on the nursing 86076
facility's cost report for the cost reporting period ending 86077
December 31, 1992. 86078

(D) "Applicable calendar year" means the calendar year 86079
immediately preceding the calendar year that precedes the first of 86080
the state fiscal years for which a rebasing is conducted. 86081

(E) "Budget reduction adjustment factor" means the factor 86082
specified pursuant to or in section 5165.361 of the Revised Code 86083
for a state fiscal year. 86084

(F)(1) "Capital costs" means the actual expense incurred by a 86085
nursing facility for all of the following: 86086

(a) Depreciation and interest on any capital assets that cost 86087
five hundred dollars or more per item, including the following: 86088

(i) Buildings;	86089
(ii) Building improvements;	86090
(iii) Except as provided in division (C) of this section, equipment;	86091 86092
(iv) Transportation equipment.	86093
(b) Amortization and interest on land improvements and leasehold improvements;	86094 86095
(c) Amortization of financing costs;	86096
(d) Lease and rent of land, buildings, and equipment.	86097
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	86098 86099 86100
(E) (G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	86101 86102 86103
(F) (H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	86104 86105 86106 86107
(G) (I) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.	86108 86109 86110
(1) Actions that constitute a change of operator include the following:	86111 86112
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	86113 86114 86115
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering	86116 86117

operator, regardless of whether ownership of any or all of the 86118
real property or personal property associated with the nursing 86119
facility is also transferred; 86120

(c) A lease of the nursing facility to the entering operator 86121
or the exiting operator's termination of the exiting operator's 86122
lease; 86123

(d) If the exiting operator is a partnership, dissolution of 86124
the partnership; 86125

(e) If the exiting operator is a partnership, a change in 86126
composition of the partnership unless both of the following apply: 86127

(i) The change in composition does not cause the 86128
partnership's dissolution under state law. 86129

(ii) The partners agree that the change in composition does 86130
not constitute a change in operator. 86131

(f) If the operator is a corporation, dissolution of the 86132
corporation, a merger of the corporation into another corporation 86133
that is the survivor of the merger, or a consolidation of one or 86134
more other corporations to form a new corporation. 86135

(2) The following, alone, do not constitute a change of 86136
operator: 86137

(a) A contract for an entity to manage a nursing facility as 86138
the operator's agent, subject to the operator's approval of daily 86139
operating and management decisions; 86140

(b) A change of ownership, lease, or termination of a lease 86141
of real property or personal property associated with a nursing 86142
facility if an entering operator does not become the operator in 86143
place of an exiting operator; 86144

(c) If the operator is a corporation, a change of one or more 86145
members of the corporation's governing body or transfer of 86146
ownership of one or more shares of the corporation's stock, if the 86147

same corporation continues to be the operator. 86148

~~(H)~~(J) "Cost center" means the following: 86149

(1) Ancillary and support costs; 86150

(2) Capital costs; 86151

(3) Direct care costs; 86152

(4) Tax costs. 86153

~~(I)~~(K) "Custom wheelchair" means a wheelchair to which both 86154
of the following apply: 86155

(1) It has been measured, fitted, or adapted in consideration 86156
of either of the following: 86157

(a) The body size or disability of the individual who is to 86158
use the wheelchair; 86159

(b) The individual's period of need for, or intended use of, 86160
the wheelchair. 86161

(2) It has customized features, modifications, or components, 86162
such as adaptive seating and positioning systems, that the 86163
supplier who assembled the wheelchair, or the manufacturer from 86164
which the wheelchair was ordered, added or made in accordance with 86165
the instructions of the physician of the individual who is to use 86166
the wheelchair. 86167

~~(J)~~(L)(1) "Date of licensure" means the following: 86168

(a) In the case of a nursing facility that was required by 86169
law to be licensed as a nursing home under Chapter 3721. of the 86170
Revised Code when it originally began to be operated as a nursing 86171
home, the date the nursing facility was originally so licensed; 86172

(b) In the case of a nursing facility that was not required 86173
by law to be licensed as a nursing home when it originally began 86174
to be operated as a nursing home, the date it first began to be 86175
operated as a nursing home, regardless of the date the nursing 86176

facility was first licensed as a nursing home. 86177

(2) If, after a nursing facility's original date of 86178
licensure, more nursing home beds are added to the nursing 86179
facility, the nursing facility has a different date of licensure 86180
for the additional beds. This does not apply, however, to 86181
additional beds when both of the following apply: 86182

(a) The additional beds are located in a part of the nursing 86183
facility that was constructed at the same time as the continuing 86184
beds already located in that part of the nursing facility; 86185

(b) The part of the nursing facility in which the additional 86186
beds are located was constructed as part of the nursing facility 86187
at a time when the nursing facility was not required by law to be 86188
licensed as a nursing home. 86189

(3) The definition of "date of licensure" in this section 86190
applies in determinations of nursing facilities' medicaid payment 86191
rates but does not apply in determinations of nursing facilities' 86192
franchise permit fees. 86193

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs 86194
as reported on a cost report submitted under section 5165.10 of 86195
the Revised Code have been subjected to a desk review under 86196
section 5165.108 of the Revised Code and preliminarily determined 86197
to be allowable costs. 86198

~~(L)~~(N) "Direct care costs" means all of the following costs 86199
incurred by a nursing facility: 86200

(1) Costs for registered nurses, licensed practical nurses, 86201
and nurse aides employed by the nursing facility; 86202

(2) Costs for direct care staff, administrative nursing 86203
staff, medical directors, respiratory therapists, and except as 86204
provided in division ~~(L)~~(N)(8) of this section, other persons 86205
holding degrees qualifying them to provide therapy; 86206

(3) Costs of purchased nursing services;	86207
(4) Costs of quality assurance;	86208
(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions (L) (N)(1), (2), (4), and (8) of this section;	86209 86210 86211 86212 86213 86214
(6) Costs of consulting and management fees related to direct care;	86215 86216
(7) Allocated direct care home office costs;	86217
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	86218 86219 86220 86221 86222 86223
(9) Until January 1, 2014, costs of oxygen, wheelchairs, and resident transportation;	86224 86225
(10) Beginning January 1, 2014, costs of both of the following:	86226 86227
(a) Emergency oxygen;	86228
(b) Wheelchairs <u>Costs of wheelchairs</u> other than the following:	86229 86230
(i) (a) Custom wheelchairs;	86231
(ii) (b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	86232 86233 86234
(11) (10) Costs of other direct-care resources that are	86235

specified as direct care costs in rules adopted under section 86236
5165.02 of the Revised Code. 86237

~~(M)~~(O) "Dual eligible individual" has the same meaning as in 86238
section 5160.01 of the Revised Code. 86239

~~(N)~~(P) "Effective date of a change of operator" means the day 86240
the entering operator becomes the operator of the nursing 86241
facility. 86242

~~(O)~~(Q) "Effective date of a facility closure" means the last 86243
day that the last of the residents of the nursing facility resides 86244
in the nursing facility. 86245

~~(P)~~(R) "Effective date of an involuntary termination" means 86246
the date the department of medicaid terminates the operator's 86247
provider agreement for the nursing facility. 86248

~~(Q)~~(S) "Effective date of a voluntary withdrawal of 86249
participation" means the day the nursing facility ceases to accept 86250
new medicaid residents other than the individuals who reside in 86251
the nursing facility on the day before the effective date of the 86252
voluntary withdrawal of participation. 86253

~~(R)~~(T) "Entering operator" means the person or government 86254
entity that will become the operator of a nursing facility when a 86255
change of operator occurs or following an involuntary termination. 86256

~~(S)~~(U) "Exiting operator" means any of the following: 86257

(1) An operator that will cease to be the operator of a 86258
nursing facility on the effective date of a change of operator; 86259

(2) An operator that will cease to be the operator of a 86260
nursing facility on the effective date of a facility closure; 86261

(3) An operator of a nursing facility that is undergoing or 86262
has undergone a voluntary withdrawal of participation; 86263

(4) An operator of a nursing facility that is undergoing or 86264
has undergone an involuntary termination. 86265

~~(F)~~(V)(1) Subject to divisions ~~(F)~~(V)(2) and (3) of this section, "facility closure" means either of the following: 86266
86267

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents; 86268
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 86272
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(2) A facility closure occurs regardless of any of the following: 86278
86279

(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 86280
86281
86282
86283

(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 86284
86285

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 86286
86287
86288
86289

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 86290
86291
86292

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified 86293
86294
86295

bed in the nursing facility not later than thirty days after the 86296
evacuation occurs. 86297

~~(U)~~ "Fiscal year" means the fiscal year of this state, as 86298
specified in section 9.34 of the Revised Code. 86299

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 86300
sections 5168.40 to 5168.56 of the Revised Code. 86301

~~(W)~~(X) "Inpatient days" means both of the following: 86302

(1) All days during which a resident, regardless of payment 86303
source, occupies a bed in a nursing facility that is included in 86304
the nursing facility's medicaid-certified capacity; 86305

(2) Fifty per cent of the days for which payment is made 86306
under section 5165.34 of the Revised Code. 86307

~~(X)~~(Y) "Involuntary termination" means the department of 86308
medicaid's termination of the operator's provider agreement for 86309
the nursing facility when the termination is not taken at the 86310
operator's request. 86311

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 86312
recipient residing in a nursing facility who, for purposes of 86313
calculating the nursing facility's medicaid payment rate for 86314
direct care costs, is placed in either of the two lowest resource 86315
utilization groups, excluding any resource utilization group that 86316
is a default group used for residents with incomplete assessment 86317
data. 86318

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 86319
facility's expenditures that are necessary and proper to maintain 86320
an asset in a normally efficient working condition and that do not 86321
extend the useful life of the asset two years or more. 86322
"Maintenance and repair expenses" includes but is not limited to 86323
the costs of ordinary repairs such as painting and wallpapering. 86324

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 86325

nursing facility's beds that are certified for participation in 86326
medicaid as nursing facility beds. 86327

~~(BB)~~(CC) "Medicaid days" means both of the following: 86328

(1) All days during which a resident who is a medicaid 86329
recipient eligible for nursing facility services occupies a bed in 86330
a nursing facility that is included in the nursing facility's 86331
medicaid-certified capacity; 86332

(2) Fifty per cent of the days for which payment is made 86333
under section 5165.34 of the Revised Code. 86334

~~(CC)~~(DD) "Medicare skilled nursing facility market basket 86335
index" means the index established by the United States secretary 86336
of health and human services under section 1888(e)(5) of the 86337
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 86338

~~(EE)~~(1) "New nursing facility" means a nursing facility for 86339
which the provider obtains an initial provider agreement following 86340
medicaid certification of the nursing facility by the director of 86341
health, including such a nursing facility that replaces one or 86342
more nursing facilities for which a provider previously held a 86343
provider agreement. 86344

(2) "New nursing facility" does not mean a nursing facility 86345
for which the entering operator seeks a provider agreement 86346
pursuant to section 5165.511 or 5165.512 or (pursuant to section 86347
5165.515) section 5165.07 of the Revised Code. 86348

~~(DD)~~(FF) "Nursing facility" has the same meaning as in the 86349
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 86350

~~(EE)~~(GG) "Nursing facility services" has the same meaning as 86351
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 86352

~~(FF)~~(HH) "Nursing home" has the same meaning as in section 86353
3721.01 of the Revised Code. 86354

~~(GG)~~(II) "Operator" means the person or government entity 86355

responsible for the daily operating and management decisions for a nursing facility.

~~(HH)~~(JJ) (1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility:

(a) The land on which the nursing facility is located;

(b) The structure in which the nursing facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located;

(d) Any lease or sublease of the land or structure on or in which the nursing facility is located.

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary.

~~(II)~~(KK) "Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.

~~(JJ)~~(LL) "Provider" means an operator with a provider agreement.

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

~~(LL)~~(NN) "Purchased nursing services" means services that are

provided in a nursing facility by registered nurses, licensed 86386
practical nurses, or nurse aides who are not employees of the 86387
nursing facility. 86388

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 86389
that is appropriate and helpful to develop and maintain the 86390
operation of patient care facilities and activities, including 86391
normal standby costs, and that does not exceed what a prudent 86392
buyer pays for a given item or services. Reasonable costs may vary 86393
from provider to provider and from time to time for the same 86394
provider. 86395

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 86396
following using information from cost reports for an applicable 86397
calendar year that is later than the applicable calendar year used 86398
for the previous rebasing: 86399

(1) Each peer group's rate for ancillary and support costs as 86400
determined pursuant to division (C) of section 5165.16 of the 86401
Revised Code; 86402

(2) Each peer group's rate for capital costs as determined 86403
pursuant to division (C) of section 5165.17 of the Revised Code; 86404

(3) Each peer group's cost per case-mix unit as determined 86405
pursuant to division (C) of section 5165.19 of the Revised Code; 86406

(4) Each nursing facility's rate for tax costs as determined 86407
pursuant to section 5165.21 of the Revised Code. 86408

(OO) "Related party" means an individual or organization 86409
that, to a significant extent, has common ownership with, is 86410
associated or affiliated with, has control of, or is controlled 86411
by, the provider. 86412

(1) An individual who is a relative of an owner is a related 86413
party. 86414

(2) Common ownership exists when an individual or individuals 86415

possess significant ownership or equity in both the provider and 86416
the other organization. Significant ownership or equity exists 86417
when an individual or individuals possess five per cent ownership 86418
or equity in both the provider and a supplier. Significant 86419
ownership or equity is presumed to exist when an individual or 86420
individuals possess ten per cent ownership or equity in both the 86421
provider and another organization from which the provider 86422
purchases or leases real property. 86423

(3) Control exists when an individual or organization has the 86424
power, directly or indirectly, to significantly influence or 86425
direct the actions or policies of an organization. 86426

(4) An individual or organization that supplies goods or 86427
services to a provider shall not be considered a related party if 86428
all of the following conditions are met: 86429

(a) The supplier is a separate bona fide organization. 86430

(b) A substantial part of the supplier's business activity of 86431
the type carried on with the provider is transacted with others 86432
than the provider and there is an open, competitive market for the 86433
types of goods or services the supplier furnishes. 86434

(c) The types of goods or services are commonly obtained by 86435
other nursing facilities from outside organizations and are not a 86436
basic element of patient care ordinarily furnished directly to 86437
patients by nursing facilities. 86438

(d) The charge to the provider is in line with the charge for 86439
the goods or services in the open market and no more than the 86440
charge made under comparable circumstances to others by the 86441
supplier. 86442

~~(OO)~~(RR) "Relative of owner" means an individual who is 86443
related to an owner of a nursing facility by one of the following 86444
relationships: 86445

(1) Spouse;	86446
(2) Natural parent, child, or sibling;	86447
(3) Adopted parent, child, or sibling;	86448
(4) Stepparent, stepchild, stepbrother, or stepsister;	86449
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	86450 86451
(6) Grandparent or grandchild;	86452
(7) Foster caregiver, foster child, foster brother, or foster sister.	86453 86454
(PP) <u>(SS)</u> "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.	86455 86456
(QQ) <u>(TT)</u> "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).	86457 86458 86459
(RR) <u>(UU)</u> " <u>State fiscal year</u> " means the fiscal year of this <u>state, as specified in section 9.34 of the Revised Code.</u>	86460 86461
<u>(VV)</u> "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.	86462 86463
(SS) <u>(WW)</u> "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.	86464 86465 86466
(TT) <u>(XX)</u> "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	86467 86468
(UU) <u>(YY)</u> "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	86469 86470
(VV) <u>(ZZ)</u> "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	86471 86472 86473 86474

Sec. 5165.106. If a nursing facility provider required by 86475
section 5165.10 of the Revised Code to file a cost report for the 86476
nursing facility fails to file the cost report by the date it is 86477
due or the date, if any, to which the due date is extended 86478
pursuant to division (D) of that section, or files an incomplete 86479
or inadequate report for the nursing facility under that section, 86480
the department of medicaid shall provide immediate written notice 86481
to the provider that the provider agreement for the nursing 86482
facility will be terminated in thirty days unless the provider 86483
submits a complete and adequate cost report for the nursing 86484
facility within thirty days. During the thirty-day termination 86485
period or any additional time allowed for an appeal of the 86486
proposed termination of a provider agreement, the provider shall 86487
be paid the nursing facility's then current per medicaid day 86488
payment rate, minus the dollar amount by which nursing facility's 86489
per medicaid day payment rates are reduced during state fiscal 86490
year 2013 in accordance with division (A)(2) of section 5111.26 of 86491
the Revised Code (renumbered as section 5165.10 of the Revised 86492
Code by H.B. 59 of the 130th general assembly) as that section 86493
existed on the day immediately preceding September 29, 2013. On 86494
the first day of each July, the department shall adjust the amount 86495
of the reduction in effect during the previous twelve months to 86496
reflect the rate of inflation during the preceding twelve months, 86497
as shown in the consumer price index for all items for all urban 86498
consumers for the north central region, published by the United 86499
States bureau of labor statistics. 86500

Sec. 5165.1010. (A) Subject to division (D) of this section, 86501
the department of medicaid shall fine the provider of a nursing 86502
facility if the report of an audit conducted under section 86503
5165.109 of the Revised Code regarding a cost report for the 86504
nursing facility includes either of the following: 86505

(1) Adverse findings that exceed three per cent of the total amount of medicaid-allowable costs reported in the cost report;	86506 86507
(2) Adverse findings that exceed twenty per cent of medicaid-allowable costs for a particular cost center reported in the cost report.	86508 86509 86510
(B) A fine issued under this section shall equal the greatest of the following:	86511 86512
(1) If the adverse findings exceed three per cent but do not exceed ten per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of three per cent of those reported costs or ten thousand dollars;	86513 86514 86515 86516
(2) If the adverse findings exceed ten per cent but do not exceed twenty per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of six per cent of those reported costs or twenty-five thousand dollars;	86517 86518 86519 86520
(3) If the adverse findings exceed twenty per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of ten per cent of those reported costs or fifty thousand dollars;	86521 86522 86523 86524
(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;	86525 86526 86527 86528 86529
(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;	86530 86531 86532 86533 86534
(6) If the adverse findings exceed thirty per cent of	86535

medicaid-allowable costs for a particular cost center reported in 86536
the cost report, the greater of ten per cent of the total amount 86537
of medicaid-allowable costs reported in the cost report or fifty 86538
thousand dollars. 86539

(C) Fines paid under this section shall be deposited into the 86540
health ~~care services administration~~ care/medicaid support and 86541
recoveries fund created under section ~~5162.54~~ 5162.52 of the 86542
Revised Code. 86543

(D) The department may not collect a fine under this section 86544
until all appeal rights relating to the audit report that is the 86545
basis for the fine are exhausted. 86546

Sec. 5165.15. Except as otherwise provided by sections 86547
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 86548
per medicaid day payment rate that the department of medicaid 86549
shall pay a nursing facility provider for nursing facility 86550
services the provider's nursing facility provides during a state 86551
fiscal year shall be determined as follows: 86552

(A) Determine the sum of all of the following: 86553

(1) The per medicaid day payment rate for ancillary and 86554
support costs determined for the nursing facility under section 86555
5165.16 of the Revised Code; 86556

(2) The per medicaid day payment rate for capital costs 86557
determined for the nursing facility under section 5165.17 of the 86558
Revised Code; 86559

(3) The per medicaid day payment rate for direct care costs 86560
determined for the nursing facility under section 5165.19 of the 86561
Revised Code; 86562

(4) The per medicaid day payment rate for tax costs 86563
determined for the nursing facility under section 5165.21 of the 86564
Revised Code; 86565

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code, 86566
86567
86568

~~(6) Sixteen~~ (B) To the sum determined under division (A) of this section, add the following: 86569
86570

(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents; 86571
86572

(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following: 86573
86574
86575

(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year; 86576
86577
86578

(b) The difference between the following: 86579

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section; 86580
86581
86582
86583
86584

(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section. 86585
86586
86587

(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state fiscal year 2020, the amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year. 86588
86589
86590
86591
86592

~~(B)(C)~~ From the sum determined under division ~~(A)(B)~~ of this section, subtract one dollar and seventy-nine cents. 86593
86594

~~(C)(D)~~ To the difference determined under division ~~(B)(C)~~ of 86595

this section, add the per medicaid day quality payment rate 86596
determined for the nursing facility under section 5165.25 of the 86597
Revised Code. 86598

Sec. 5165.151. (A) The total per medicaid day payment rate 86599
determined under section 5165.15 of the Revised Code shall not be 86600
the initial rate for nursing facility services provided by a new 86601
nursing facility. Instead, the initial total per medicaid day 86602
payment rate for nursing facility services provided by a new 86603
nursing facility shall be determined in the following manner: 86604

(1) The initial rate for ancillary and support costs shall be 86605
the rate for the new nursing facility's peer group determined 86606
under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 86607

(2) The initial rate for capital costs shall be the rate for 86608
the new nursing facility's peer group determined under division 86609
~~(D)~~(C) of section 5165.17 of the Revised Code; 86610

(3) The initial rate for direct care costs shall be the 86611
product of the cost per case-mix unit determined under division 86612
~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing 86613
facility's peer group and the new nursing facility's case-mix 86614
score determined under division (B) of this section. 86615

(4) The initial rate for tax costs shall be the following: 86616

(a) If the provider of the new nursing facility submits to 86617
the department of medicaid the nursing facility's projected tax 86618
costs for the calendar year in which the provider obtains an 86619
initial provider agreement for the new nursing facility, an amount 86620
determined by dividing those projected tax costs by the number of 86621
inpatient days the nursing facility would have for that calendar 86622
year if its occupancy rate were one hundred per cent; 86623

(b) If division (A)(4)(a) of this section does not apply, the 86624
median rate for tax costs for the new nursing facility's peer 86625

group in which the nursing facility is placed under division 86626
~~(C)~~(B) of section 5165.16 of the Revised Code. 86627

(5) The quality payment shall be the mean quality payment 86628
rate determined for nursing facilities under section 5165.25 of 86629
the Revised Code. 86630

(6) Fourteen dollars and sixty-five cents shall be added to 86631
the sum of the rates and payment specified in divisions (A)(1) to 86632
(5) of this section. 86633

(B) For the purpose of division (A)(3) of this section, a new 86634
nursing facility's case-mix score shall be the following: 86635

(1) Unless the new nursing facility replaces an existing 86636
nursing facility that participated in the medicaid program 86637
immediately before the new nursing facility begins participating 86638
in the medicaid program, the median annual average case-mix score 86639
for the new nursing facility's peer group; 86640

(2) If the nursing facility replaces an existing nursing 86641
facility that participated in the medicaid program immediately 86642
before the new nursing facility begins participating in the 86643
medicaid program, the semiannual case-mix score most recently 86644
determined under section 5165.192 of the Revised Code for the 86645
replaced nursing facility as adjusted, if necessary, to reflect 86646
any difference in the number of beds in the replaced and new 86647
nursing facilities. 86648

(C) Subject to division (D) of this section, the department 86649
of medicaid shall adjust the rates established under division (A) 86650
of this section effective the first day of July, to reflect new 86651
rate calculations for all nursing facilities under this chapter. 86652

(D) If a rate for direct care costs is determined under this 86653
section for a new nursing facility using the median annual average 86654
case-mix score for the new nursing facility's peer group, the rate 86655
shall be redetermined to reflect the new nursing facility's actual 86656

semiannual average case-mix score determined under section 86657
5165.192 of the Revised Code after the new nursing facility 86658
submits its first two quarterly assessment data that qualify for 86659
use in calculating a case-mix score in accordance with rules 86660
authorized by section 5165.192 of the Revised Code. If the new 86661
nursing facility's quarterly submissions do not qualify for use in 86662
calculating a case-mix score, the department shall continue to use 86663
the median annual average case-mix score for the new nursing 86664
facility's peer group in lieu of the new nursing facility's 86665
semiannual case-mix score until the new nursing facility submits 86666
two consecutive quarterly assessment data that qualify for use in 86667
calculating a case-mix score. 86668

Sec. 5165.153. (A) The total per medicaid day payment rate 86669
determined under section 5165.15 of the Revised Code shall not be 86670
paid for nursing facility services provided by a nursing facility, 86671
or discrete unit of a nursing facility, designated by the 86672
department of medicaid as an outlier nursing facility or unit. 86673
Instead, the provider of a designated outlier nursing facility or 86674
unit shall be paid each state fiscal year a total per medicaid day 86675
payment rate that the department shall prospectively determine in 86676
accordance with a methodology established in rules authorized by 86677
this section. 86678

(B) The department may designate a nursing facility, or 86679
discrete unit of a nursing facility, as an outlier nursing 86680
facility or unit if the nursing facility or unit serves residents 86681
who have either of the following: 86682

(1) Diagnoses or special care needs that require direct care 86683
resources that are not measured adequately by the resident 86684
assessment instrument specified in rules authorized by section 86685
5165.191 of the Revised Code; 86686

(2) Diagnoses or special care needs specified in rules 86687

authorized by this section as otherwise qualifying for 86688
consideration under this section. 86689

(C) Notwithstanding any other provision of this chapter 86690
(except section 5165.156 of the Revised Code), the costs incurred 86691
by a designated outlier nursing facility or unit shall not be 86692
considered in establishing medicaid payment rates for other 86693
nursing facilities or units. 86694

(D) The medicaid director shall adopt rules under section 86695
5165.02 of the Revised Code as necessary to implement this 86696
section. 86697

(1)(a) The rules shall do both of the following: 86698

(i) Specify the criteria and procedures the department will 86699
apply when designating a nursing facility, or discrete unit of a 86700
nursing facility, as an outlier nursing facility or unit; 86701

(ii) Establish a methodology for prospectively determining 86702
the total per medicaid day payment rate that will be paid each 86703
state fiscal year for nursing facility services provided by a 86704
designated outlier nursing facility or unit. 86705

(b) The rules authorized by division (D)(1)(a)(i) of this 86706
section regarding the criteria for designating outlier nursing 86707
facilities and units shall do both of the following: 86708

(i) Provide for consideration of whether all of the allowable 86709
costs of a nursing facility, or discrete unit of a nursing 86710
facility, would be paid by a rate determined under section 5165.15 86711
of the Revised Code; 86712

(ii) Specify the minimum number of nursing facility beds that 86713
a nursing facility, or discrete unit of a nursing facility, must 86714
have to be designated an outlier nursing facility or unit, which 86715
may vary based on the diagnoses or special care needs of the 86716
residents served by the nursing facility or unit. 86717

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology to consider the historical costs of providing nursing facility services to the residents of designated outlier nursing facilities and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility receive authorization from the department before admitting or retaining a resident.

(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier nursing facility or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting that authorization.

Sec. 5165.154. (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5165.15 of the Revised Code

shall not be paid for nursing facility services that a nursing facility not designated as an outlier nursing facility or unit provides to a resident who meets the criteria for admission to a designated outlier nursing facility or unit, as specified in rules authorized by section 5165.153 of the Revised Code. Instead, the provider of a nursing facility providing nursing facility services to such a resident shall be paid each state fiscal year a total per medicaid day payment rate that the department of medicaid shall prospectively determine in accordance with a methodology established in rules authorized by this section.

(B) The medicaid director may adopt rules under section 5165.02 of the Revised Code to implement this section. The rules may require that a nursing facility receive authorization from the department before admitting or retaining a resident who meets the criteria for admission to a designated outlier nursing facility or unit. If the director adopts such rules, the rules shall specify the criteria and procedures the department will apply when granting the authorization.

Sec. 5165.157. (A) The medicaid director shall establish an alternative purchasing model for nursing facility services provided by designated discrete units of nursing facilities to medicaid recipients with specialized health care needs. The director shall do all of the following with regard to the model:

(1) Establish criteria that a discrete unit of a nursing facility must meet to be designated as a unit that, under the alternative purchasing model, may admit and provide nursing facility services to medicaid recipients with specialized health care needs;

(2) Specify the health care conditions that medicaid recipients must have to have specialized health care needs, which

may include dependency on a ventilator, severe traumatic brain 86778
injury, the need to be admitted to a long-term acute care hospital 86779
or rehabilitation hospital if not for nursing facility services, 86780
and other serious health care conditions; 86781

(3) For each fiscal year, set the total per medicaid day 86782
payment rate for nursing facility services provided by designated 86783
discrete units of nursing facilities under the alternative 86784
purchasing model at either of the following: 86785

(a) ~~Sixty~~ Thirty-four per cent of the statewide average of 86786
the total per medicaid day payment rate for long-term acute care 86787
hospital services as of the first day of the fiscal year; 86788

(b) Another amount determined in accordance with an 86789
alternative methodology that includes improved health outcomes as 86790
a factor in determining the payment rate; 86791

(4) Require, to the extent the director considers necessary, 86792
a medicaid recipient to obtain prior authorization for admission 86793
to a long-term acute care hospital or rehabilitation hospital as a 86794
condition of medicaid payment for long-term acute care hospital or 86795
rehabilitation hospital services. 86796

(B) The criteria established under division (A)(1) of this 86797
section shall provide for a discrete unit of a nursing facility to 86798
be excluded from the alternative purchasing model if the unit is 86799
paid for nursing facility services in accordance with section 86800
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 86801
may require the provider of a nursing facility that has a discrete 86802
unit designated for participation in the alternative purchasing 86803
model to report health outcome measurement data to the department 86804
of medicaid. 86805

(C) A discrete unit of a nursing facility that provides 86806
nursing facility services to medicaid recipients with specialized 86807
health care needs under the alternative purchasing model shall be 86808

paid for those services in accordance with division (A)(3) of this 86809
section instead of the total per medicaid day payment rate 86810
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 86811
of the Revised Code. 86812

~~Sec. 5165.16. (A) As used in this section:~~ 86813

~~(1) "Applicable calendar year" means the following:~~ 86814

~~(a) For the purpose of the department of medicaid's initial 86815
determination under division (D) of this section of each peer 86816
group's rate for ancillary and support costs, calendar year 2003;~~ 86817

~~(b) For the purpose of the department's rebasings, the 86818
calendar year the department selects.~~ 86819

~~(2) "Rebasing" means a redetermination under division (D) of 86820
this section of each peer group's rate for ancillary and support 86821
costs using information from cost reports for an applicable 86822
calendar year that is later than the applicable calendar year used 86823
for the previous determination of such rates.~~ 86824

~~(B) The department of medicaid shall determine each nursing 86825
facility's per medicaid day payment rate for ancillary and support 86826
costs. A nursing facility's rate shall be the rate determined 86827
under division ~~(D)~~(C) of this section for the nursing facility's 86828
peer group. However, for the period beginning October 1, 2013, and 86829
ending on the first day of the first rebasing, the rate for a 86830
nursing facility located in Mahoning or Stark county shall be the 86831
rate determined for the following:~~ 86832

~~(1) If the nursing facility has fewer than one hundred beds, 86833
the nursing facilities in peer group three;~~ 86834

~~(2) If the nursing facility has one hundred or more beds, the 86835
nursing facilities in peer group four.~~ 86836

~~(C)(B) For the purpose of determining nursing facilities' 86837
rates for ancillary and support costs, the department shall 86838~~

establish six peer groups- 86839

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 86840
composed as follows: 86841

~~(a)~~(1) Each nursing facility located in any of the following 86842
counties shall be placed in peer group one or two: Brown, Butler, 86843
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86844
located in any of those counties that has fewer than one hundred 86845
beds shall be placed in peer group one. Each nursing facility 86846
located in any of those counties that has one hundred or more beds 86847
shall be placed in peer group two. 86848

~~(b)~~(2) Each nursing facility located in any of the following 86849
counties shall be placed in peer group three or four: Allen, 86850
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 86851
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 86852
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86853
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86854
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 86855
nursing facility located in any of those counties that has fewer 86856
than one hundred beds shall be placed in peer group three. Each 86857
nursing facility located in any of those counties that has one 86858
hundred or more beds shall be placed in peer group four. 86859

~~(c)~~(3) Each nursing facility located in any of the following 86860
counties shall be placed in peer group five or six: Adams, ~~Allen~~, 86861
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86862
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86863
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86864
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 86865
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 86866
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 86867
Washington, Wayne, Williams, and Wyandot. Each nursing facility 86868
located in any of those counties that has fewer than one hundred 86869
beds shall be placed in peer group five. Each nursing facility 86870

located in any of those counties that has one hundred or more beds 86871
shall be placed in peer group six. 86872

~~(2) Beginning with the first rebasing, the peer groups shall 86873
be composed as they are under division (C)(1) of this section 86874
except as follows: 86875~~

~~(a) Each nursing facility that has fewer than one hundred 86876
beds and is located in Allen, Mahoning, Stark, or Trumbull county 86877
shall be placed in peer group three rather than peer group five. 86878~~

~~(b) Each nursing facility that has one hundred or more beds 86879
and is located in Allen, Mahoning, Stark, or Trumbull county shall 86880
be placed in peer group four rather than peer group six. 86881~~

~~(D)(C)(1) The department shall determine the rate for 86882
ancillary and support costs for each peer group established under 86883
division (C)(B) of this section. The department is not required to 86884
conduct a rebasing more than once every ten years. Except as 86885
necessary to implement the amendments made to this section by Am. 86886
Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general 86887
assembly, the rate for ancillary and support costs determined 86888
under this division for a peer group shall be used for subsequent 86889
years until the department conducts a rebasing. To determine a 86890
peer group's rate for ancillary and support costs, the department 86891
shall do all of the following: 86892~~

~~(a) Subject to division (D)(C)(2) of this section, determine 86893
the rate for ancillary and support costs for each nursing facility 86894
in the peer group for the applicable calendar year by using the 86895
greater of the nursing facility's actual inpatient days for the 86896
applicable calendar year or the inpatient days the nursing 86897
facility would have had for the applicable calendar year if its 86898
occupancy rate had been ninety per cent; 86899~~

~~(b) Subject to division (D)(C)(3) of this section, identify 86900
which nursing facility in the peer group is at the twenty-fifth 86901~~

percentile of the rate for ancillary and support costs for the 86902
applicable calendar year determined under division ~~(D)~~(C)(1)(a) of 86903
this section; 86904

(c) Multiply the rate for ancillary and support costs 86905
determined under division ~~(D)~~(C)(1)(a) of this section for the 86906
nursing facility identified under division ~~(D)~~(C)(1)(b) of this 86907
section by the rate of inflation for the eighteen-month period 86908
beginning on the first day of July of the applicable calendar year 86909
and ending the last day of December of the calendar year 86910
immediately following the applicable calendar year using the 86911
following: 86912

(i) ~~Until the first rebasing occurs, the consumer price index~~ 86913
~~for all items for all urban consumers for the north central~~ 86914
~~region, published by the United States bureau of labor statistics,~~ 86915
~~as that index existed on July 1, 2005;~~ 86916

~~(ii) Effective with the first rebasing and except~~ Except as 86917
provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 86918
consumer price index for all items for all urban consumers for the 86919
midwest region, published by the United States bureau of labor 86920
statistics; 86921

~~(iii)~~(ii) If the United States bureau of labor statistics 86922
ceases to publish the index specified in division 86923
~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau 86924
subsequently publishes that covers urban consumers' prices for 86925
items for the region that includes this state. 86926

(d) ~~Until the first rebasing occurs, increase~~ For state 86927
fiscal year 2020 and each state fiscal year thereafter (other than 86928
the first state fiscal year in a group of consecutive state fiscal 86929
years for which a rebasing is conducted), adjust the amount 86930
calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and~~ 86931
~~eight hundredths per cent using the difference between the~~ 86932

<u>following:</u>	86933
<u>(i) The medicare skilled nursing facility market basket index</u>	86934
<u>determined for the federal fiscal year that begins during the</u>	86935
<u>state fiscal year immediately preceding the state fiscal year for</u>	86936
<u>which the adjustment is being made under division (C)(1)(d) of</u>	86937
<u>this section;</u>	86938
<u>(ii) The budget reduction adjustment factor for the state</u>	86939
<u>fiscal year for which the adjustment is being made under division</u>	86940
<u>(C)(1)(d) of this section.</u>	86941
(2) For the purpose of determining a nursing facility's	86942
occupancy rate under division (D) (C)(1)(a) of this section, the	86943
department shall include any beds that the nursing facility	86944
removes from its medicaid-certified capacity unless the nursing	86945
facility also removes the beds from its licensed bed capacity.	86946
(3) In making the identification under division (D) (C)(1)(b)	86947
of this section, the department shall exclude both of the	86948
following:	86949
(a) Nursing facilities that participated in the medicaid	86950
program under the same provider for less than twelve months in the	86951
applicable calendar year;	86952
(b) Nursing facilities whose ancillary and support costs are	86953
more than one standard deviation from the mean desk-reviewed,	86954
actual, allowable, per diem ancillary and support cost for all	86955
nursing facilities in the nursing facility's peer group for the	86956
applicable calendar year.	86957
(4) The department shall not redetermine a peer group's rate	86958
for ancillary and support costs under this division based on	86959
additional information that it receives after the rate is	86960
determined. The department shall redetermine a peer group's rate	86961
for ancillary and support costs only if the department made an	86962
error in determining the rate based on information available to	86963

the department at the time of the original determination. 86964

~~Sec. 5165.17. (A) As used in this section:~~ 86965

~~(1) "Applicable calendar year" means the following:~~ 86966

~~(a) For the purpose of the department of medicaid's initial 86967~~

~~determination under division (D) of this section of each peer 86968~~

~~group's rate for capital costs, calendar year 2003;~~ 86969

~~(b) For the purpose of the department's rebasings, the 86970~~

~~calendar year the department selects.~~ 86971

~~(2) "Rebasing" means a redetermination under division (D) of 86972~~

~~this section of each peer group's rate for capital costs using 86973~~

~~information from cost reports for an applicable calendar year that 86974~~

~~is later than the applicable calendar year used for the previous 86975~~

~~determination of such rates.~~ 86976

~~(B) The department of medicaid shall determine each nursing 86977~~

~~facility's per medicaid day payment rate for capital costs. A 86978~~

~~nursing facility's rate shall be the rate determined under 86979~~

~~division (D)(C) of this section. However, for the period beginning 86980~~

~~October 1, 2013, and ending on the first day of the first 86981~~

~~rebasing, the rate for a nursing facility located in Mahoning or 86982~~

~~Stark county shall be the rate determined for the following:~~ 86983

~~(1) If the nursing facility has fewer than one hundred beds, 86984~~

~~the nursing facilities in peer group three;~~ 86985

~~(2) If the nursing facility has one hundred or more beds, the 86986~~

~~nursing facilities in peer group four.~~ 86987

~~(C)(B) For the purpose of determining nursing facilities' 86988~~

~~rates for capital costs, the department shall establish six peer 86989~~

~~groups.~~ 86990

~~(1) Until the first rebasing occurs, the peer groups shall be 86991~~

~~composed as follows:~~ 86992

~~(a)~~ Each nursing facility located in any of the following 86993
counties shall be placed in peer group one or two: Brown, Butler, 86994
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86995
located in any of those counties that has fewer than one hundred 86996
beds shall be placed in peer group one. Each nursing facility 86997
located in any of those counties that has one hundred or more beds 86998
shall be placed in peer group two. 86999

~~(b)~~(2) Each nursing facility located in any of the following 87000
counties shall be placed in peer group three or four: Allen, 87001
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 87002
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 87003
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 87004
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 87005
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 87006
nursing facility located in any of those counties that has fewer 87007
than one hundred beds shall be placed in peer group three. Each 87008
nursing facility located in any of those counties that has one 87009
hundred or more beds shall be placed in peer group four. 87010

~~(c)~~(3) Each nursing facility located in any of the following 87011
counties shall be placed in peer group five or six: Adams, ~~Allen~~, 87012
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 87013
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 87014
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 87015
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 87016
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 87017
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 87018
Washington, Wayne, Williams, and Wyandot. Each nursing facility 87019
located in any of those counties that has fewer than one hundred 87020
beds shall be placed in peer group five. Each nursing facility 87021
located in any of those counties that has one hundred or more beds 87022
shall be placed in peer group six. 87023

~~(2) Beginning with the first rebasing, the peer groups shall~~ 87024

~~be composed as they are under division (C)(1) of this section~~ 87025
~~except as follows:~~ 87026

~~(a) Each nursing facility that has fewer than one hundred~~ 87027
~~beds and is located in Allen, Mahoning, Stark, or Trumbull county~~ 87028
~~shall be placed in peer group three rather than peer group five.~~ 87029

~~(b) Each nursing facility that has one hundred or more beds~~ 87030
~~and is located in Allen, Mahoning, Stark, or Trumbull county shall~~ 87031
~~be placed in peer group four rather than peer group six.~~ 87032

~~(D)(C)(1) The department shall determine the rate for capital~~ 87033
~~costs for each peer group established under division (C)(B) of~~ 87034
~~this section. The department is not required to conduct a rebasing~~ 87035
~~more than once every ten years. Except as necessary to implement~~ 87036
~~the amendments made to this section by Am. Sub. H.B. 153 and Sub.~~ 87037
~~H.B. 303, both of the 129th general assembly, the rate for capital~~ 87038
~~costs determined under this division for a peer group shall be~~ 87039
~~used for subsequent years until the department conducts a~~ 87040
~~rebasings. To determine a peer group's rate for capital costs, the~~ 87041
~~department shall do both of the following:~~ 87042

~~(a) Determine the rate for capital costs for the nursing~~ 87043
~~facility in the peer group that is at the twenty-fifth percentile~~ 87044
~~of the rate for capital costs for the applicable calendar year;~~ 87045

~~(b) Until the first rebasing occurs, increase For state~~ 87046
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 87047
~~the first state fiscal year in a group of consecutive state fiscal~~ 87048
~~years for which a rebasing is conducted), adjust the amount~~ 87049
~~calculated under division (D)(C)(1)(a) of this section by five and~~ 87050
~~eight hundredths per cent using the difference between the~~ 87051
~~following:~~ 87052

~~(i) The medicare skilled nursing facility market basket index~~ 87053
~~determined for the federal fiscal year that begins during the~~ 87054
~~state fiscal year immediately preceding the state fiscal year for~~ 87055

which the adjustment is being made under division (C)(1)(a) of this section; 87056
87057

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section. 87058
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(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following: 87061
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(a) Subject to division ~~(D)~~(C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent; 87065
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(b) Exclude both of the following: 87070

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 87071
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(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 87074
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(3) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity. 87078
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(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional 87084
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information that it receives after the rate is determined. The 87086
department shall redetermine a peer group's rate for capital costs 87087
only if the department made an error in determining the rate based 87088
on information available to the department at the time of the 87089
original determination. 87090

~~(E)~~(D) Buildings shall be depreciated using the straight line 87091
method over forty years or over a different period approved by the 87092
department. Components and equipment shall be depreciated using 87093
the straight-line method over a period designated in rules adopted 87094
under section 5165.02 of the Revised Code, consistent with the 87095
guidelines of the American hospital association, or over a 87096
different period approved by the department. Any rules authorized 87097
by this division that specify useful lives of buildings, 87098
components, or equipment apply only to assets acquired on or after 87099
July 1, 1993. Depreciation for costs paid or reimbursed by any 87100
government agency shall not be included in capital costs unless 87101
that part of the payment under this chapter is used to reimburse 87102
the government agency. 87103

~~(F)~~(E) The capital cost basis of nursing facility assets 87104
shall be determined in the following manner: 87105

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 87106
for purposes of calculating the rates to be paid for facilities 87107
with dates of licensure on or before June 30, 1993, the capital 87108
cost basis of each asset shall be equal to the desk-reviewed, 87109
actual, allowable, capital cost basis that is listed on the 87110
facility's cost report for the calendar year preceding the state 87111
fiscal year during which the rate will be paid. 87112

(2) For facilities with dates of licensure after June 30, 87113
1993, the capital cost basis shall be determined in accordance 87114
with the principles of the medicare program, except as otherwise 87115
provided in this chapter. 87116

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 87117
if a provider transfers an interest in a facility to another 87118
provider after June 30, 1993, there shall be no increase in the 87119
capital cost basis of the asset if the providers are related 87120
parties or the provider to which the interest is transferred 87121
authorizes the provider that transferred the interest to continue 87122
to operate the facility under a lease, management agreement, or 87123
other arrangement. If the previous sentence does not prohibit the 87124
adjustment of the capital cost basis under this division, the 87125
basis of the asset shall be adjusted by one-half of the change in 87126
the consumer price index for all items for all urban consumers, as 87127
published by the United States bureau of labor statistics, during 87128
the time that the transferor held the asset. 87129

(4) If a provider transfers an interest in a facility to 87130
another provider who is a related party, the capital cost basis of 87131
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 87132
this section if all of the following conditions are met: 87133

(a) The related party is a relative of owner; 87134

(b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 87135
section, the provider making the transfer retains no ownership 87136
interest in the facility; 87137

(c) The department determines that the transfer is an arm's 87138
length transaction pursuant to rules adopted under section 5165.02 87139
of the Revised Code. The rules shall provide that a transfer is an 87140
arm's length transaction if all of the following apply: 87141

(i) Once the transfer goes into effect, the provider that 87142
made the transfer has no direct or indirect interest in the 87143
provider that acquires the facility or the facility itself, 87144
including interest as an owner, officer, director, employee, 87145
independent contractor, or consultant, but excluding interest as a 87146
creditor. 87147

(ii) The provider that made the transfer does not reacquire 87148
an interest in the facility except through the exercise of a 87149
creditor's rights in the event of a default. If the provider 87150
reacquires an interest in the facility in this manner, the 87151
department shall treat the facility as if the transfer never 87152
occurred when the department calculates its reimbursement rates 87153
for capital costs. 87154

(iii) The transfer satisfies any other criteria specified in 87155
the rules. 87156

(d) Except in the case of hardship caused by a catastrophic 87157
event, as determined by the department, or in the case of a 87158
provider making the transfer who is at least sixty-five years of 87159
age, not less than twenty years have elapsed since, for the same 87160
facility, the capital cost basis was adjusted most recently under 87161
division ~~(F)~~(E)(4) of this section or actual, allowable capital 87162
costs was determined most recently under division ~~(G)~~(F)(9) of 87163
this section. 87164

~~(G)~~(F) As used in this division: 87165

"Imputed interest" means the lesser of the prime rate plus 87166
two per cent or ten per cent. 87167

"Lease expense" means lease payments in the case of an 87168
operating lease and depreciation expense and interest expense in 87169
the case of a capital lease. 87170

"New lease" means a lease, to a different lessee, of a 87171
nursing facility that previously was operated under a lease. 87172

(1) Subject to division ~~(B)~~(A) of this section, for a lease 87173
of a facility that was effective on May 27, 1992, the entire lease 87174
expense is an actual, allowable capital cost during the term of 87175
the existing lease. The entire lease expense also is an actual, 87176
allowable capital cost if a lease in existence on May 27, 1992, is 87177
renewed under either of the following circumstances: 87178

(a) The renewal is pursuant to a renewal option that was in 87179
existence on May 27, 1992; 87180

(b) The renewal is for the same lease payment amount and 87181
between the same parties as the lease in existence on May 27, 87182
1992. 87183

(2) Subject to division ~~(B)~~(A) of this section, for a lease 87184
of a facility that was in existence but not operated under a lease 87185
on May 27, 1992, actual, allowable capital costs shall include the 87186
lesser of the annual lease expense or the annual depreciation 87187
expense and imputed interest expense that would be calculated at 87188
the inception of the lease using the lessor's entire historical 87189
capital asset cost basis, adjusted by one-half of the change in 87190
the consumer price index for all items for all urban consumers, as 87191
published by the United States bureau of labor statistics, during 87192
the time the lessor held each asset until the beginning of the 87193
lease. 87194

(3) Subject to division ~~(B)~~(A) of this section, for a lease 87195
of a facility with a date of licensure on or after May 27, 1992, 87196
that is initially operated under a lease, actual, allowable 87197
capital costs shall include the annual lease expense if there was 87198
a substantial commitment of money for construction of the facility 87199
after December 22, 1992, and before July 1, 1993. If there was not 87200
a substantial commitment of money after December 22, 1992, and 87201
before July 1, 1993, actual, allowable capital costs shall include 87202
the lesser of the annual lease expense or the sum of the 87203
following: 87204

(a) The annual depreciation expense that would be calculated 87205
at the inception of the lease using the lessor's entire historical 87206
capital asset cost basis; 87207

(b) The greater of the lessor's actual annual amortization of 87208
financing costs and interest expense at the inception of the lease 87209

or the imputed interest expense calculated at the inception of the 87210
lease using seventy per cent of the lessor's historical capital 87211
asset cost basis. 87212

(4) Subject to division ~~(B)~~(A) of this section, for a lease 87213
of a facility with a date of licensure on or after May 27, 1992, 87214
that was not initially operated under a lease and has been in 87215
existence for ten years, actual, allowable capital costs shall 87216
include the lesser of the annual lease expense or the annual 87217
depreciation expense and imputed interest expense that would be 87218
calculated at the inception of the lease using the entire 87219
historical capital asset cost basis of one-half of the change in 87220
the consumer price index for all items for all urban consumers, as 87221
published by the United States bureau of labor statistics, during 87222
the time the lessor held each asset until the beginning of the 87223
lease. 87224

(5) Subject to division ~~(B)~~(A) of this section, for a new 87225
lease of a facility that was operated under a lease on May 27, 87226
1992, actual, allowable capital costs shall include the lesser of 87227
the annual new lease expense or the annual old lease payment. If 87228
the old lease was in effect for ten years or longer, the old lease 87229
payment from the beginning of the old lease shall be adjusted by 87230
one-half of the change in the consumer price index for all items 87231
for all urban consumers, as published by the United States bureau 87232
of labor statistics, from the beginning of the old lease to the 87233
beginning of the new lease. 87234

(6) Subject to division ~~(B)~~(A) of this section, for a new 87235
lease of a facility that was not in existence or that was in 87236
existence but not operated under a lease on May 27, 1992, actual, 87237
allowable capital costs shall include the lesser of annual new 87238
lease expense or the annual amount calculated for the old lease 87239
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 87240
applicable. If the old lease was in effect for ten years or 87241

longer, the lessor's historical capital asset cost basis shall be, 87242
for purposes of calculating the annual amount under division 87243
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 87244
of the change in the consumer price index for all items for all 87245
urban consumers, as published by the United States bureau of labor 87246
statistics, from the beginning of the old lease to the beginning 87247
of the new lease. 87248

In the case of a lease under division ~~(G)~~(F)(3) of this 87249
section of a facility for which a substantial commitment of money 87250
was made after December 22, 1992, and before July 1, 1993, the old 87251
lease payment shall be adjusted for the purpose of determining the 87252
annual amount. 87253

(7) For any revision of a lease described in division 87254
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 87255
subsequent lease of a facility operated under such a lease, other 87256
than execution of a new lease, the portion of actual, allowable 87257
capital costs attributable to the lease shall be the same as 87258
before the revision or subsequent lease. 87259

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 87260
if a provider leases an interest in a facility to another provider 87261
who is a related party or previously operated the facility, the 87262
related party's or previous operator's actual, allowable capital 87263
costs shall include the lesser of the annual lease expense or the 87264
reasonable cost to the lessor. 87265

(9) If a provider leases an interest in a facility to another 87266
provider who is a related party, regardless of the date of the 87267
lease, the related party's actual, allowable capital costs shall 87268
include the annual lease expense, subject to the limitations 87269
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 87270
the following conditions are met: 87271

(a) The related party is a relative of owner; 87272

(b) If the lessor retains an ownership interest, it is, 87273
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 87274
in only the real property and any improvements on the real 87275
property; 87276

(c) The department determines that the lease is an arm's 87277
length transaction pursuant to rules adopted under section 5165.02 87278
of the Revised Code. The rules shall provide that a lease is an 87279
arm's length transaction if all of the following apply: 87280

(i) Once the lease goes into effect, the lessor has no direct 87281
or indirect interest in the lessee or, except as provided in 87282
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 87283
including interest as an owner, officer, director, employee, 87284
independent contractor, or consultant, but excluding interest as a 87285
lessor. 87286

(ii) The lessor does not reacquire an interest in the 87287
facility except through the exercise of a lessor's rights in the 87288
event of a default. If the lessor reacquires an interest in the 87289
facility in this manner, the department shall treat the facility 87290
as if the lease never occurred when the department calculates its 87291
reimbursement rates for capital costs. 87292

(iii) The lease satisfies any other criteria specified in the 87293
rules. 87294

(d) Except in the case of hardship caused by a catastrophic 87295
event, as determined by the department, or in the case of a lessor 87296
who is at least sixty-five years of age, not less than twenty 87297
years have elapsed since, for the same facility, the capital cost 87298
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 87299
section or actual, allowable capital costs were determined most 87300
recently under division ~~(G)~~(F)(9) of this section. 87301

(10) This division does not apply to leases of specific items 87302
of equipment. 87303

~~Sec. 5165.19. (A) As used in this section:~~ 87304

~~(1) "Applicable calendar year" means the following:~~ 87305

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's cost per case mix unit, calendar year 2003;~~ 87306
87307
87308

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~ 87309
87310

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's cost per case mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.~~ 87311
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~~(B) Semiannually, the department of medicaid shall determine each nursing facility's per medicaid day payment rate for direct care costs by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division ~~(D)~~(C) of this section for the facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be determined semiannually by multiplying the facility's semiannual case mix score determined under section 5165.192 of the Revised Code by the cost per case mix unit determined under division (D) of this section for the nursing facilities in peer group two.~~ 87316
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~~(C)(B) For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.~~ 87329
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~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~ 87332
87333

~~(a)~~ Each nursing facility located in any of the following 87334
counties shall be placed in peer group one: Brown, Butler, 87335
Clermont, Clinton, Hamilton, and Warren. 87336

~~(b)~~(2) Each nursing facility located in any of the following 87337
counties shall be placed in peer group two: Allen, Ashtabula, 87338
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 87339
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 87340
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 87341
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 87342
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 87343

~~(c)~~(3) Each nursing facility located in any of the following 87344
counties shall be placed in peer group three: Adams, ~~Allen~~, 87345
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 87346
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 87347
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 87348
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 87349
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 87350
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 87351
Washington, Wayne, Williams, and Wyandot. 87352

~~(2)~~ Beginning with the first rebasing, the peer groups shall 87353
be composed as they are under division ~~(C)~~(1) of this section 87354
except that each nursing facility located in Allen, Mahoning, 87355
Stark, or Trumbull county shall be placed in peer group two rather 87356
than peer group three. 87357

~~(D)~~(C)(1) The department shall determine a cost per case-mix 87358
unit for each peer group established under division ~~(C)~~(B) of this 87359
section. The department is not required to conduct a rebasing more 87360
than once every ten years. Except as necessary to implement the 87361
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 87362
303, both of the 129th general assembly, and H.B. 59 of the 130th 87363
general assembly, the cost per case-mix unit determined under this 87364
division for a peer group shall be used for subsequent years until 87365

the department conducts a rebasing. To determine a peer group's 87366
cost per case-mix unit, the department shall do all of the 87367
following: 87368

(a) Determine the cost per case-mix unit for each nursing 87369
facility in the peer group for the applicable calendar year by 87370
dividing each facility's desk-reviewed, actual, allowable, per 87371
diem direct care costs for the applicable calendar year by the 87372
facility's annual average case-mix score determined under section 87373
5165.192 of the Revised Code for the applicable calendar year; 87374

(b) Subject to division ~~(D)~~(C)(2) of this section, identify 87375
which nursing facility in the peer group is at the twenty-fifth 87376
percentile of the cost per case-mix units determined under 87377
division ~~(D)~~(C)(1)(a) of this section; 87378

(c) Calculate the amount that is two per cent above the cost 87379
per case-mix unit determined under division ~~(D)~~(C)(1)(a) of this 87380
section for the nursing facility identified under division 87381
~~(D)~~(C)(1)(b) of this section; 87382

(d) Using the index specified in division ~~(D)~~(C)(3) of this 87383
section, multiply the rate of inflation for the eighteen-month 87384
period beginning on the first day of July of the applicable 87385
calendar year and ending the last day of December of the calendar 87386
year immediately following the applicable calendar year by the 87387
amount calculated under division ~~(D)~~(C)(1)(c) of this section; 87388

~~(e) Add the following to the amount calculated under division 87389
(D)(1)(d) of this section: 87390~~

~~(i) Until the earlier of January 1, 2014, or when the first 87391
rebasing occurs, one dollar and eighty eight cents; 87392~~

~~(ii) Unless the first rebasing occurs before January 1, 2014, 87393
beginning January 1, 2014, and until the first rebasing occurs, 87394
eighty six cents. 87395~~

~~(f) Until the first rebasing occurs, increase~~ For state 87396
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 87397
~~the first state fiscal year in a group of consecutive state fiscal~~ 87398
~~years for which a rebasing is conducted), adjust the amount~~ 87399
calculated under division ~~(D)(C)(1)(e)(d)~~ of this section ~~by five~~ 87400
~~and eight hundredths per cent using the difference between the~~ 87401
following: 87402

(i) The medicare skilled nursing facility market basket index 87403
determined for the federal fiscal year that begins during the 87404
state fiscal year immediately preceding the state fiscal year for 87405
which the adjustment is being made under division (C)(1)(e) of 87406
this section; 87407

(ii) The budget reduction adjustment factor for the state 87408
fiscal year for which the adjustment is being made under division 87409
(C)(1)(e) of this section. 87410

(2) In making the identification under division ~~(D)(C)(1)(b)~~ 87411
of this section, the department shall exclude both of the 87412
following: 87413

(a) Nursing facilities that participated in the medicaid 87414
program under the same provider for less than twelve months in the 87415
applicable calendar year; 87416

(b) Nursing facilities whose cost per case-mix unit is more 87417
than one standard deviation from the mean cost per case-mix unit 87418
for all nursing facilities in the nursing facility's peer group 87419
for the applicable calendar year. 87420

(3) The following index shall be used for the purpose of the 87421
calculation made under division ~~(D)(C)(1)(d)~~ of this section: 87422

~~(a) Until the first rebasing occurs, the employment cost~~ 87423
~~index for total compensation, health services component, published~~ 87424
~~by the United States bureau of labor statistics, as the index~~ 87425
~~existed on July 1, 2005;~~ 87426

~~(b)~~ ~~Effective with the first rebasing and except~~ Except as 87427
provided in division ~~(D)(C)(3)(e)(b)~~ of this section, the 87428
employment cost index for total compensation, nursing and 87429
residential care facilities occupational group, published by the 87430
United States bureau of labor statistics; 87431

~~(e)(b)~~ If the United States bureau of labor statistics ceases 87432
to publish the index specified in division ~~(D)(C)(3)(b)(a)~~ of this 87433
section, the index the bureau subsequently publishes that covers 87434
nursing facilities' staff costs. 87435

(4) The department shall not redetermine a peer group's cost 87436
per case-mix unit under this division based on additional 87437
information that it receives after the peer group's per case-mix 87438
unit is determined. The department shall redetermine a peer 87439
group's cost per case-mix unit only if it made an error in 87440
determining the peer group's cost per case-mix unit based on 87441
information available to the department at the time of the 87442
original determination. 87443

Sec. 5165.192. (A)(1) Except as provided in division (B) of 87444
this section and in accordance with the process specified in rules 87445
authorized by this section, the department of medicaid shall do 87446
all of the following: 87447

(a) Every quarter, determine the following two case-mix 87448
scores for each nursing facility: 87449

(i) A quarterly case-mix score that includes each resident 87450
who is a medicaid recipient and is not a low resource utilization 87451
resident; 87452

(ii) A quarterly case-mix score that includes each resident 87453
regardless of payment source. 87454

(b) Every six months, determine a semiannual average case-mix 87455
score for each nursing facility by using the quarterly case-mix 87456

scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section; 87457
87458

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section. 87459
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(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 87463
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(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code; 87465
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(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services; 87467
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(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program. 87470
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(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply: 87474
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(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter; 87480
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87482

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter; 87483
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87485

(c) The nursing facility was assigned a case-mix score for 87486

the immediately preceding calendar quarter. 87487

(2) Before assigning a case-mix score to a nursing facility 87488
due to the submission of incorrect resident assessment data, the 87489
department shall permit the provider to correct the data. The 87490
department may assign the case-mix score if the provider fails to 87491
submit the corrected resident assessment data not later than the 87492
earlier of the forty-fifth day after the end of the calendar 87493
quarter to which the data pertains or the deadline for submission 87494
of such corrections established by regulations adopted by the 87495
United States department of health and human services under Title 87496
XVIII and Title XIX. 87497

(3) If, for more than six months in a calendar year, a 87498
provider is paid a rate determined for a nursing facility using a 87499
case-mix score assigned to the nursing facility under division 87500
(B)(1) of this section, the department may assign the nursing 87501
facility a cost per case-mix unit that is five per cent less than 87502
the nursing facility's actual or assigned cost per case-mix unit 87503
for the immediately preceding calendar year. The department may 87504
use the assigned cost per case-mix unit, instead of determining 87505
the nursing facility's actual cost per case-mix unit in accordance 87506
with section 5165.19 of the Revised Code, to establish the nursing 87507
facility's rate for direct care costs for the fiscal year 87508
immediately following the calendar year for which the cost per 87509
case-mix unit is assigned. 87510

(4) The department shall take action under division (B)(1), 87511
(2), or (3) of this section only in accordance with rules 87512
authorized by this section. The department shall not take an 87513
action that affects rates for prior payment periods except in 87514
accordance with sections 5165.41 and 5165.42 of the Revised Code. 87515

(C) The medicaid director shall adopt rules under section 87516
5165.02 of the Revised Code as necessary to implement this 87517
section. 87518

(1) The rules shall do all of the following:	87519
(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;	87520 87521
(b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;	87522 87523 87524
(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;	87525 87526 87527 87528
(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:	87529 87530
(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;	87531 87532
(ii) Prohibit <u>Allow</u> the use of the index maximizer element of the methodology;	87533 87534
(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;	87535 87536 87537
(iv) Make other changes the department determines are necessary.	87538 87539
(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;	87540 87541 87542
(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.	87543 87544 87545 87546 87547 87548

(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

~~Sec. 5165.21. (A) As used in this section:~~

~~(1) "Applicable calendar year" means the following:~~

~~(a) For the purpose of the department of medicaid's initial determination under this section of nursing facilities' rate for tax costs, calendar year 2003;~~

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~

~~(2) "Rebasing" means a redetermination under division (B) of this section of each nursing facility's rate for tax costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~

~~(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Sub. H.B. 303 of the 129th general assembly, the rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until~~

the department conducts a rebasing. To determine a nursing 87579
facility's rate for tax costs ~~and except as provided in division~~ 87580
~~(C) of this section~~, the department shall do both of the 87581
following: 87582

~~(1)(A)~~ Divide the nursing facility's desk-reviewed, actual, 87583
allowable tax costs paid for the applicable calendar year by the 87584
number of inpatient days the nursing facility would have had if 87585
its occupancy rate had been one hundred per cent during the 87586
applicable calendar year; 87587

~~(2) Until the first rebasing occurs, increase (B) For state~~ 87588
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 87589
~~the first state fiscal year in a group of consecutive state fiscal~~ 87590
~~years for which a rebasing is conducted), adjust the amount~~ 87591
calculated under division ~~(B)(1)(A)~~ of this section ~~by five and~~ 87592
~~eight hundredths per cent using the difference between the~~ 87593
following: 87594

(1) The medicare skilled nursing facility market basket index 87595
determined for the federal fiscal year that begins during the 87596
state fiscal year immediately preceding the state fiscal year for 87597
which the adjustment is being made under division (B) of this 87598
section; 87599

(2) The budget reduction adjustment factor for the state 87600
fiscal year for which the adjustment is being made under division 87601
(B) of this section. 87602

~~(C) If a nursing facility had a credit regarding its real~~ 87603
~~estate taxes reflected on its cost report for calendar year 2003,~~ 87604
the department shall determine, as follows, its rate for tax costs 87605
for the period beginning on July 1, 2010, and ending on the first 87606
day of the fiscal year for which the department first conducts a 87607
rebasing: 87608

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 87609

~~allowable tax costs paid for calendar year 2004 by the number of 87610
inpatient days the nursing facility would have had if its 87611
occupancy rate had been one hundred per cent during calendar year 87612
2004; 87613~~

~~(2) Until the first rebasing occurs, increase the amount 87614
calculated under division (C)(1) of this section by five and eight 87615
hundredths per cent. 87616~~

Sec. 5165.23. (A) Each state fiscal year, the department of 87617
medicaid shall determine the critical access incentive payment for 87618
each nursing facility that qualifies as a critical access nursing 87619
facility. To qualify as a critical access nursing facility for a 87620
state fiscal year, a nursing facility must meet all of the 87621
following requirements: 87622

(1) The nursing facility must be located in an area that, on 87623
December 31, 2011, was designated an empowerment zone under the 87624
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 87625

(2) The nursing facility must have an occupancy rate of at 87626
least eighty-five per cent as of the last day of the calendar year 87627
immediately preceding the state fiscal year. 87628

(3) The nursing facility must have a medicaid utilization 87629
rate of at least sixty-five per cent as of the last day of the 87630
calendar year immediately preceding the state fiscal year. 87631

~~(4) The nursing facility must have been awarded at least five 87632
points for meeting accountability measures under section 5165.25 87633
of the Revised Code for the fiscal year and at least one of the 87634
five points must have been awarded for meeting the accountability 87635
measures identified in divisions (C)(9), (10), (11), (12), and 87636
(14) of section 5165.25 of the Revised Code. 87637~~

(B) A critical access nursing facility's critical access 87638
incentive payment for a state fiscal year shall equal five per 87639

cent of the portion of the nursing facility's total per medicaid 87640
day payment rate for the state fiscal year that is the sum of the 87641
rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of 87642
section 5165.15 of the Revised Code. 87643

Sec. 5165.25. (A) As used in this section: 87644

(1) "Long-stay resident" means an individual who has resided 87645
in a nursing facility for at least one hundred one days. 87646

(2) "Measurement period" means the following: 87647

(a) For state fiscal year 2017, the period beginning July 1, 87648
2015, and ending December 31, 2015; 87649

(b) For each subsequent state fiscal year, the calendar year 87650
immediately preceding the calendar year in which the state fiscal 87651
year begins. 87652

(3) "Nurse aide" has the same meaning as in section 3721.21 87653
of the Revised Code. 87654

(4) "Short-stay resident" means a nursing facility resident 87655
who is not a long-stay resident. 87656

(B)(1) Using all of the funds made available for a state 87657
fiscal year by the rate reductions under division ~~(B)~~(C) of 87658
section 5165.15 of the Revised Code, the department of medicaid 87659
shall determine a per medicaid day quality payment rate to be paid 87660
for that state fiscal year to each nursing facility that meets at 87661
least one of the quality indicators specified in division (B)(2) 87662
of this section for the measurement period. The largest quality 87663
payment rate for a state fiscal year shall be paid to nursing 87664
facilities that meet all of the quality indicators for the 87665
measurement period. 87666

(2) The following are the quality indicators to be used for 87667
the purpose of division (B)(1) of this section: 87668

(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers ~~and not.~~ 87669
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(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers. 87672
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~~(b)(c)~~ Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication ~~and not.~~ 87674
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87676

(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication. 87677
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~~(c) The number of the nursing facility's residents who had avoidable inpatient hospital admissions did not exceed the target rate.~~ 87680
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~~(d)(e)~~ Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss. 87683
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(f) The nursing facility's employee retention rate is at least the target rate. 87685
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~~(e)(g)~~ The nursing facility utilized the nursing home version of the preferences for everyday living inventory for all of its residents. 87687
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(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. ~~The amount specified for division (B)(2)(a) of this section may differ from the amount specified for division (B)(2)(b) of this section and the amount specified for short stay residents may differ from the amount specified for long stay residents.~~ The department also shall specify the target rate for the purpose of division (B)(2)~~(e)~~(f) of this section ~~and~~ 87690
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~~the target rate for the purpose of division (B)(2)(d) of this section. In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~ 87699
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(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short-stay residents who newly received an antipsychotic medication in conjunction with hospice care; 87704
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(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long-stay residents who received antipsychotic medication in conjunction with hospice care. 87708
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(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be the following: 87712
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(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year; 87723
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(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately 87728
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preceding the state fiscal year, the mean per medicaid day quality 87730
payment rate for all nursing facilities for the state fiscal year. 87731

Sec. 5165.34. (A) The department of medicaid may make 87732
medicaid payments to a nursing facility provider under this 87733
chapter to reserve a bed for a recipient during a temporary 87734
absence under conditions prescribed by the department, to include 87735
hospitalization for an acute condition, visits with relatives and 87736
friends, and participation in therapeutic programs outside the 87737
facility, when the resident's plan of care provides for such 87738
absence and federal financial participation for the payments is 87739
available. 87740

(B) The maximum period for which payments may be made to 87741
reserve a bed in a nursing facility shall not exceed thirty days 87742
in a calendar year. 87743

(C) The department shall establish the per medicaid day 87744
payment rates for reserving beds under this section. In 87745
establishing the per medicaid day payment rates, the department 87746
shall set the per medicaid day payment rate at an amount equal to 87747
the following: 87748

(1) In the case of a nursing facility that had an occupancy 87749
rate exceeding ninety-five per cent, an amount not exceeding fifty 87750
per cent of the per medicaid day payment rate the provider would 87751
be paid if the recipient were not absent from the nursing facility 87752
that day; 87753

(2) In the case of a nursing facility that had an occupancy 87754
rate not exceeding ninety-five per cent, an amount not exceeding 87755
eighteen per cent of the per medicaid day payment rate the 87756
provider would be paid if the recipient were not absent from the 87757
nursing facility that day. 87758

(D) For the purpose of setting a nursing facility's per 87759

medicaid day payment rate to reserve a bed for a day during the 87760
period beginning on ~~the effective date of this amendment~~ September 87761
29, 2013, and ending December 31, 2013, the department shall 87762
determine the nursing facility's occupancy rate by using 87763
information reported on the nursing facility's cost report for 87764
calendar year 2012. For the purpose of setting a nursing 87765
facility's per medicaid day payment rate to reserve a bed for 87766
January 1, 2014, or thereafter, the department shall determine the 87767
nursing facility's occupancy rate by using information reported on 87768
the nursing facility's cost report for the calendar year preceding 87769
the state fiscal year in which the reservation falls. 87770

Sec. 5165.36. The department of medicaid shall conduct a 87771
rebasng at least once every five state fiscal years. When the 87772
department conducts a rebasing for a state fiscal year, it shall 87773
conduct the rebasing for each cost center. 87774

Sec. 5165.361. It is the general assembly's intent to specify 87775
in statute the factor to be used for state fiscal year 2020 and 87776
each state fiscal year thereafter (other than the first state 87777
fiscal year in a group of consecutive state fiscal years for which 87778
a rebasing is conducted) as the budget reduction adjustment factor 87779
for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, 87780
and 5165.21 of the Revised Code. The budget reduction adjustment 87781
factor to be used for a state fiscal year shall not exceed the 87782
medicare skilled nursing facility market basket index determined 87783
for the federal fiscal year that begins during the state fiscal 87784
year immediately preceding the state fiscal year for which the 87785
budget reduction adjustment factor is being used. If the general 87786
assembly fails to specify in statute the factor to be used for a 87787
state fiscal year as the budget reduction adjustment factor, the 87788
budget reduction adjustment factor shall be zero. 87789

Sec. 5165.37. The department of medicaid shall make its best 87790
efforts each year to calculate nursing facilities' medicaid 87791
payment rates under this chapter in time to pay the rates by the 87792
fifteenth day of August of each state fiscal year. If the 87793
department is unable to calculate the rates so that they can be 87794
paid by that date, the department shall pay each provider the rate 87795
calculated for the provider's nursing facilities under this 87796
chapter at the end of the previous state fiscal year. If the 87797
department also is unable to calculate the rates to pay the rates 87798
by the fifteenth day of September and the fifteenth day of 87799
October, the department shall pay the previous state fiscal year's 87800
rate to make those payments. The department may increase by five 87801
per cent the previous state fiscal year's rate paid for any 87802
nursing facility pursuant to this section at the request of the 87803
provider. The department shall use rates calculated for the 87804
current state fiscal year to make the payments due by the 87805
fifteenth day of November. 87806

If the rate paid to a provider for a nursing facility 87807
pursuant to this section is lower than the rate calculated for the 87808
nursing facility for the current state fiscal year, the department 87809
shall pay the provider the difference between the two rates for 87810
the number of days for which the provider was paid for the nursing 87811
facility pursuant to this section. If the rate paid for a nursing 87812
facility pursuant to this section is higher than the rate 87813
calculated for it for the current state fiscal year, the provider 87814
shall refund to the department the difference between the two 87815
rates for the number of days for which the provider was paid for 87816
the nursing facility pursuant to this section. 87817

Sec. 5165.41. (A) The department of medicaid shall 87818
redetermine a provider's medicaid payment rate for a nursing 87819
facility using revised information if any of the following results 87820

in a determination that the provider received a higher medicaid 87821
payment rate for the nursing facility than the provider was 87822
entitled to receive: 87823

(1) The provider properly amends a cost report for the 87824
nursing facility under section 5165.107 of the Revised Code; 87825

(2) The department makes a finding based on an audit under 87826
section 5165.109 of the Revised Code; 87827

(3) The department makes a finding based on an exception 87828
review of resident assessment data conducted under section 87829
5165.193 of the Revised Code after the effective date of the 87830
nursing facility's rate for direct care costs that is based on the 87831
resident assessment data; 87832

(4) The department makes a finding based on a post-payment 87833
review conducted under section 5165.49 of the Revised Code. 87834

(B) The department shall apply the redetermined rate to the 87835
periods when the provider received the incorrect rate to determine 87836
the amount of the overpayment. The provider shall refund the 87837
amount of the overpayment. The department may charge the provider 87838
the following amount of interest from the time the overpayment was 87839
made: 87840

(1) If the overpayment resulted from costs reported for 87841
calendar year 1993, the interest shall be no greater than one and 87842
one-half times the current average bank prime rate. 87843

(2) If the overpayment resulted from costs reported for a 87844
subsequent calendar year: 87845

(a) The interest shall be no greater than two times the 87846
current average bank prime rate if the overpayment was no more 87847
than one per cent of the total medicaid payments to the provider 87848
for the state fiscal year for which the overpayment was made. 87849

(b) The interest shall be no greater than two and one-half 87850

times the current average bank prime rate if the overpayment was 87851
more than one per cent of the total medicaid payments to the 87852
provider for the state fiscal year for which the overpayment was 87853
made. 87854

Sec. 5165.42. In addition to the other penalties authorized 87855
by this chapter, the department of medicaid may impose the 87856
following penalties on a nursing facility provider: 87857

(A) If the provider does not furnish invoices or other 87858
documentation that the department requests during an audit within 87859
sixty days after the request, a fine of no more than the greater 87860
of the following: 87861

(1) One thousand dollars per audit; 87862

(2) Twenty-five per cent of the cumulative amount by which 87863
the costs for which documentation was not furnished increased the 87864
total medicaid payments to the provider during the state fiscal 87865
year for which the costs were used to determine a rate. 87866

(B) If an exiting operator or owner fails to provide notice 87867
of a facility closure or voluntary withdrawal of participation in 87868
the medicaid program as required by section 5165.50 of the Revised 87869
Code, or an exiting operator or owner and entering operator fail 87870
to provide notice of a change of operator as required by section 87871
5165.51 of the Revised Code, a fine of not more than the current 87872
average bank prime rate plus four per cent of the last two monthly 87873
payments. 87874

Sec. 5165.52. (A) On receipt of a written notice under 87875
section 5165.50 of the Revised Code of a facility closure or 87876
voluntary withdrawal of participation, on receipt of a written 87877
notice under section 5165.51 of the Revised Code of a change of 87878
operator, or on the effective date of an involuntary termination, 87879
the department of medicaid shall estimate the amount of any 87880

overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program, including a franchise permit fee.

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the medicaid director shall establish in rules authorized by section 5165.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable:

(1) Refunds due the department under section 5165.41 of the Revised Code;

(2) Interest owed to the department and United States centers for medicare and medicaid services;

(3) Final civil monetary and other penalties for which all right of appeal has been exhausted;

(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last state fiscal year or portion thereof in which the exiting operator participated in the medicaid program;

(5) Other amounts the department determines are applicable.

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5165.50 of the Revised Code of the facility closure or voluntary withdrawal of participation; the

department receives the notice under section 5165.51 of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" means the system established under section 5167.03 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 87941
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 87943
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 87945
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 87947
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 87949
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 87955
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 87957
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 87959
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code. 87961
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 87967
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

~~"Ohio transitions II aging carve out program" means the home and community based services medicaid waiver component that is known as Ohio transitions II aging carve out and was created pursuant to section 5166.11 of the Revised Code.~~

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.16. (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following:

(1) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52

of the Revised Code; 88001

~~(2) The choices program, unless it is terminated pursuant to division (B) of section 173.53 of the Revised Code;~~ 88002
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~~(3)~~ The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code; 88004
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~~(4)~~(3) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 88007
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~~(5) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.~~ 88009
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 88011
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(1) The department of medicaid shall administer it; 88015

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component. 88016
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(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in 88021
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the ODA or MCD medicaid waiver component. 88031

(D) An ICDS participant's disenrollment from an ODA or MCD 88032
medicaid waiver component and enrollment in the ICDS medicaid 88033
waiver component resulting from division (B)(2) or (C) of this 88034
section shall be accomplished without a disruption in the 88035
participant's services under the components. 88036

Sec. 5166.22. (A) Subject to division (B) of this section, 88037
when the department of developmental disabilities allocates 88038
enrollment numbers to a county board of developmental disabilities 88039
for home and community-based services specified in division (A)(1) 88040
of section 5166.20 of the Revised Code and provided under any of 88041
the medicaid waiver components that the department administers 88042
under section 5166.21 of the Revised Code, the department shall 88043
consider all of the following: 88044

(1) The number of individuals with developmental disabilities 88045
~~who are on a~~ placed on the county board's waiting list ~~the county~~ 88046
~~board establishes under~~ established for the services pursuant to 88047
section 5126.042 of the Revised Code ~~for those services and are~~ 88048
~~given priority on the waiting list;~~ 88049

(2) The implementation component required by division (A)(3) 88050
of section 5126.054 of the Revised Code of the county board's plan 88051
approved under section 5123.046 of the Revised Code; 88052

(3) Anything else the department considers necessary to 88053
enable the county boards board to provide ~~those~~ the services to 88054
individuals ~~in accordance with the priority requirements for~~ 88055
placed on the county board's waiting lists list established ~~under~~ 88056
for the services pursuant to section 5126.042 of the Revised Code 88057
~~for those services.~~ 88058

(B) Division (A) of this section applies to home and 88059
community-based services provided under the medicaid waiver 88060

component known as the transitions developmental disabilities 88061
waiver only to the extent, if any, provided by the contract 88062
required by section 5166.21 of the Revised Code regarding the 88063
component. 88064

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 88065
the Revised Code: 88066

(1) "Adult" means an individual at least eighteen years of 88067
age. 88068

(2) "Appropriate director" means the following: 88069

(a) The medicaid director in the context of ~~all~~ both of the 88070
following: 88071

(i) The Ohio home care waiver program, unless it is 88072
terminated pursuant to section 5166.12 of the Revised Code; 88073

(ii) ~~The Ohio transitions II aging carve out program, unless~~ 88074
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 88075

~~(iii)~~ The integrated care delivery system medicaid waiver 88076
component authorized by section 5166.16 of the Revised Code. 88077

(b) The director of aging in the context of the 88078
medicaid-funded component of the PASSPORT program, unless it is 88079
terminated pursuant to division (C) of section 173.52 of the 88080
Revised Code. 88081

(3) "Authorized representative" means the following: 88082

(a) In the case of a consumer who is a minor, the consumer's 88083
parent, custodian, or guardian; 88084

(b) In the case of a consumer who is an adult, an individual 88085
selected by the consumer pursuant to section 5166.3010 of the 88086
Revised Code to act on the consumer's behalf for purposes 88087
regarding home care attendant services. 88088

(4) "Authorizing health care professional" means a health 88089

care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

(9) "Guardian" has the same meaning as in section 2111.01 of

the Revised Code.	88120
(10) "Health care professional" means a physician or registered nurse.	88121 88122
(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.	88123 88124 88125 88126
(12) "Home care attendant services" means all of the following as provided by a home care attendant:	88127 88128
(a) Personal care aide services;	88129
(b) Assistance with the self-administration of medication;	88130
(c) Assistance with nursing tasks.	88131
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	88132 88133
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	88134 88135
(15) "Minor" means an individual under eighteen years of age.	88136
(16) "Participating medicaid waiver component" means all of the following:	88137 88138
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	88139 88140 88141
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	88142 88143
(c) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;	88144 88145
(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.	88146 88147

(17) "Physician" means an individual authorized under Chapter 88148
4731. of the Revised Code to practice medicine and surgery or 88149
osteopathic medicine and surgery. 88150

(18) "Practice of nursing as a registered nurse," "practice 88151
of nursing as a licensed practical nurse," and "registered nurse" 88152
have the same meanings as in section 4723.01 of the Revised Code. 88153
"Registered nurse" includes an advanced practice registered nurse, 88154
as defined in section 4723.01 of the Revised Code. 88155

(19) "Schedule II," "schedule III," "schedule IV," and 88156
"schedule V" have the same meanings as in section 3719.01 of the 88157
Revised Code. 88158

(B) Participating medicaid waiver components may cover home 88159
care attendant services in accordance with sections 5166.30 to 88160
5166.3010 of the Revised Code and rules adopted under section 88161
5166.02 of the Revised Code. 88162

Sec. 5166.37. The medicaid director shall establish a 88163
medicaid waiver component under which an individual eligible, 88164
subject to section 5163.15 of the Revised Code, for medicaid on 88165
the basis of being included in the expansion eligibility group 88166
must satisfy at least one of the following requirements to be able 88167
to enroll in medicaid as part of the expansion eligibility group: 88168

(A) Be at least fifty-five years of age; 88169

(B) Be employed; 88170

(C) Be enrolled in school or an occupational training 88171
program; 88172

(D) Be participating in an alcohol and drug addiction 88173
treatment program; 88174

(E) Have intensive physical health care needs or serious 88175
mental illness. 88176

Sec. 5166.38. As used in this section, "institution for mental diseases" has the same meaning as in 42 C.F.R. 435.1010. 88177
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The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases. 88179
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Before creating the waiver component, the department shall do all of the following to determine where, when, and how services are to be provided under the waiver component: 88184
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(A) Participate in the centers for medicare and medicaid services' innovation accelerator program; 88187
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(B) With the assistance of the innovation accelerator program and using data obtained from the certification of services under section 5119.36 of the Revised Code and from claims for payment for the provision of services, conduct an inventory of the treatment capacity of mental health and substance use disorder treatment providers; 88189
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(C) With the assistance of the innovation accelerator program, assess the community-based continuum of care established by each board of alcohol, drug addiction, and mental health services under section 340.032 of the Revised Code, including an assessment of the ability of patients who are discharged from institutions for mental diseases to be integrated into the continuum of care. 88195
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Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code: 88202
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(1) "Adult" means an individual who is at least eighteen years of age. 88204
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(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.	88206 88207
(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 5166.404 of the Revised Code.	88208 88209 88210 88211 88212 88213 88214 88215
(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:	88216 88217 88218
(a) The amount of contributions to the account;	88219
(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.	88220 88221
(5) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).	88222 88223 88224
(6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts.	88225 88226 88227 88228 88229
(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.	88230 88231 88232
(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and (c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a)	88233 88234 88235

and (c)(3). 88236

(9) "Ward of the state" means ~~both of the following~~: an 88237
individual who is a ward, as defined in section 2111.01 of the 88238
Revised Code. 88239

(10) "Workforce development activity" and "~~workforce~~ 88240
~~development agency local board~~" have the same meanings as in 88241
section 6301.01 of the Revised Code. 88242

(B) The medicaid director shall establish a medicaid waiver 88243
component to be known as the healthy Ohio program. Each adult 88244
medicaid recipient, other than a ward of the state, determined to 88245
be eligible for medicaid on the basis of either of the following 88246
shall participate in the healthy Ohio program: 88247

(1) On the basis of being included in the category identified 88248
by the department of medicaid as covered families and children; 88249

(2) ~~On~~ Subject to section 5163.15 of the Revised Code, on the 88250
basis of being included in the expansion eligibility group 88251
~~described in section 1902(a)(10)(A)(i)(VIII) of the "Social~~ 88252
~~Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).~~ 88253

(C) Except as provided in section 5166.406 of the Revised 88254
Code, a healthy Ohio program participant shall not receive 88255
medicaid services under the fee-for-service component of medicaid 88256
or participate in the care management system. 88257

Sec. 5166.405. (A) A healthy Ohio program participant's 88258
participation in the program shall cease if any of the following 88259
applies: 88260

(1) Unless the participant is pregnant, a monthly installment 88261
payment to the participant's buckeye account is sixty days late. 88262

(2) The participant fails to submit documentation needed for 88263
a redetermination of the participant's eligibility for medicaid 88264
before the sixty-first day after the documentation is requested. 88265

(3) The participant becomes eligible for medicaid on a basis 88266
other than being included in the category identified by the 88267
department of medicaid as covered families and children or being 88268
included in the expansion eligibility group ~~described in section~~ 88269
~~1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C.~~ 88270
~~1396a(a)(10)(A)(i)(VIII).~~ 88271

(4) The participant becomes a ward of the state. 88272

(5) The participant ceases to be eligible for medicaid. 88273

(6) The participant exhausts the annual or lifetime payout 88274
limit specified in division (D) of section 5166.401 of the Revised 88275
Code. 88276

(7) The participant requests that the participant's 88277
participation be terminated. 88278

(B) A healthy Ohio program participant who ceases to 88279
participate in the program under division (A)(1) or (2) of this 88280
section may not resume participation until the former participant 88281
pays the full amount of the monthly installment payment or submits 88282
the documentation needed for the former participant's medicaid 88283
eligibility redetermination. The former participant shall not be 88284
transferred to the fee-for-service component of medicaid or the 88285
care management system as a result of ceasing to participate in 88286
the healthy Ohio program under division (A)(1) or (2) of this 88287
section. 88288

(C) Except as provided in section 5166.407 of the Revised 88289
Code, a healthy Ohio program participant who ceases to participate 88290
in the program shall be provided the contributions that are in the 88291
participant's buckeye account at the time the participant ceases 88292
participation. 88293

Sec. 5166.408. Each county department of job and family 88294
services shall offer to refer to a ~~workforce development agency~~ 88295

local board each healthy Ohio program participant who resides in 88296
the county served by the county department and is either 88297
unemployed or employed for less than an average of twenty hours 88298
per week. The referral shall include information about the 88299
workforce development activities available from the ~~workforce~~ 88300
~~development agency~~ local board. A participant may refuse to accept 88301
the referral and to participate in the workforce development 88302
activities without any affect on the participant's eligibility 88303
for, or participation in, the healthy Ohio program. 88304

Sec. 5167.01. As used in this chapter: 88305

(A) "Controlled substance" has the same meaning as in section 88306
3719.01 of the Revised Code. 88307

(B) "Dual eligible individual" has the same meaning as in 88308
section 5160.01 of the Revised Code. 88309

(C) "Emergency services" has the same meaning as in the 88310
"Social Security Act," section 1932(b)(2), 42 U.S.C. 88311
1396u-2(b)(2). 88312

~~(D) "Home and community based services medicaid waiver~~ 88313
~~component" has the same meaning as in section 5166.01 of the~~ 88314
~~Revised Code.~~ 88315

~~(E)~~ "Medicaid managed care organization" means a managed care 88316
organization under contract with the department of medicaid 88317
pursuant to section 5167.10 of the Revised Code. 88318

~~(F)~~(E) "Medicaid waiver component" has the same meaning as in 88319
section 5166.01 of the Revised Code. 88320

~~(G)~~(F) "Nursing facility services" has the same meaning as in 88321
section 5165.01 of the Revised Code. 88322

~~(H)~~(G) "Prescribed drug" has the same meaning as in section 88323
5164.01 of the Revised Code. 88324

~~(I)~~(H) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement.

~~(J)~~(I) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties.

The department shall designate the medicaid recipients who are required or permitted to participate in the care management system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established under section 5166.40 of the Revised Code shall participate in the ~~care management~~ system.

Neither home and community-based services available under a medicaid waiver component nor nursing facility services shall be included in the care management system, except that ICDS participants may be required or permitted to obtain such services under the care management system. Medicaid recipients who receive such services may be designated for voluntary or mandatory participation in the care management system in order to receive other health care services included in the system.

The department may require or permit participants in the care management system to obtain health care services from providers designated by the department. The department may require or permit participants to obtain health care services through medicaid managed care organizations.

~~Sec. 5167.04. (A) Subject to division (B) of this section,~~ 88356
~~the The department of medicaid shall include alcohol, drug~~ 88357
~~addiction, and mental health services covered by medicaid in the~~ 88358
~~care management system established under section 5167.03 of the~~ 88359
~~Revised Code.~~ 88360

~~(B) All of the following apply to the manner in which~~ 88361
~~division (A) of this section is implemented:~~ 88362

~~(1) The department shall begin to include the services in the~~ 88363
~~system not later than Code. The services shall not be included in~~ 88364
~~the system before January 1, 2018.~~ 88365

~~(2) Before January 1, 2018, any proposal by the department to~~ 88366
~~include all or part of the services in all or part of the system~~ 88367
~~is subject to review by the joint medicaid oversight committee~~ 88368
~~under division (B) of section 103.42 of the Revised Code. The~~ 88369
~~department may implement the proposal only if the committee~~ 88370
~~approves the proposal.~~ 88371

~~(3) On and after January 1, 2018, any proposal by the~~ 88372
~~department to include all or part of the services in all or part~~ 88373
~~of the system is subject to monitoring by the committee under~~ 88374
~~division (A) or (C) of section 103.42 of the Revised Code, but~~ 88375
~~approval by the committee is no longer required before the~~ 88376
~~proposal may be implemented.~~ 88377

Sec. 5167.121. (A) If the department of medicaid requires a 88378
medicaid managed care organization to submit to the department 88379
pharmacy claims that the organization or its designee pays for 88380
pharmacy services provided to medicaid recipients enrolled in the 88381
organization, the organization shall include both of the following 88382
with each pharmacy claim submitted to the department on or after 88383
January 1, 2018: 88384

(1) The amount that was charged to the organization for the 88385

pharmacy service; 88386

(2) The amount the organization or its designee paid to the 88387
pharmacy provider or the pharmacy provider's designee for the 88388
pharmacy service. 88389

(B) The department shall penalize a medicaid managed care 88390
organization that fails to comply with division (A) of this 88391
section. The department shall specify the penalty in rules adopted 88392
under section 5167.02 of the Revised Code or in the contract that 88393
the department enters into with the organization under section 88394
5167.10 of the Revised Code. 88395

(C) The information a medicaid managed care organization 88396
submits to the department under division (A) of this section is 88397
not a public record under section 149.43 of the Revised Code. 88398

Sec. 5167.18. Each contract the department of medicaid enters 88399
into with a managed care organization under section 5167.10 of the 88400
Revised Code shall require the managed care organization to comply 88401
with federal and state efforts to identify fraud, waste, and abuse 88402
in the medicaid program. 88403

Sec. 5167.30. (A)(1) The department of medicaid shall 88404
establish a managed care performance payment program. Under the 88405
program, the department may provide payments to medicaid managed 88406
care organizations that meet performance standards established by 88407
the department. 88408

(2) In establishing performance standards, the department may 88409
consult any of the following: 88410

(a) Any quality measurements developed under the pediatric 88411
quality measures program established pursuant to the "Social 88412
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 88413

(b) Any core set of adult health quality measures for 88414

medicaid eligible adults used for purposes of the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under that section of the "Social Security Act";

(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance.

(3) The standards that must be met to receive the payments may be specified in the contract the department enters into with a medicaid managed care organization.

(4) If a medicaid managed care organization meets the performance standards established by the department, the department shall make one or more performance payments to the organization. The amount of each performance payment, the number of payments, and the schedule for making the payments shall be established by the department. The payments shall be discontinued if the department determines that the organization no longer meets the performance standards. The department shall not make or discontinue payments based on any performance standard that has been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations. The sum of all withholdings under this division shall not exceed ~~two~~ five per cent of the total of all premium payments made to all medicaid managed care organizations.

Each medicaid managed care organization shall agree to the

withholding as a condition of receiving or maintaining its 88446
provider agreement with the department. 88447

When the amount is established and each time the amount is 88448
modified thereafter, the department shall certify the amount to 88449
the director of budget and management and begin withholding the 88450
amount from each premium the department pays to a medicaid managed 88451
care organization. 88452

Sec. 5167.34. A medicaid managed care organization, its 88453
officers, employees, or other persons associated with the managed 88454
care organization are not liable in a civil action for damages or 88455
other relief for furnishing information to the department of 88456
medicaid regarding potential fraud, waste, or abuse in the 88457
medicaid program. 88458

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the 88459
Revised Code: 88460

(A) "Bad debt," "charity care," "courtesy care," and 88461
"contractual allowances" have the same meanings given these terms 88462
in regulations adopted under Title XVIII of the "Social Security 88463
Act," 42 U.S.C. 1395 et seq. 88464

(B) "Cost reporting period" means the twelve-month period 88465
used by a hospital in reporting costs for purposes of Title XVIII 88466
of the "Social Security Act," 42 U.S.C. 1395 et seq. 88467

(C) "Disproportionate share hospital" means a hospital that 88468
meets the definition of a disproportionate share hospital in rules 88469
adopted under section 5168.02 of the Revised Code. 88470

(D) "Federal poverty line" means the official poverty line 88471
defined by the United States office of management and budget based 88472
on the most recent data available from the United States bureau of 88473
the census and revised by the United States secretary of health 88474
and human services pursuant to the "Omnibus Budget Reconciliation 88475

Act of 1981," section 673(2), 42 U.S.C. 9902(2). 88476

(E) "Governmental hospital" means a county hospital with more 88477
than five hundred registered beds or a state-owned and -operated 88478
hospital with more than five hundred registered beds. 88479

(F)(1) "Hospital" means a nonfederal hospital to which either 88480
of the following applies: 88481

(a) The hospital is registered under section 3701.07 of the 88482
Revised Code as a general medical and surgical hospital or a 88483
pediatric general hospital, and provides inpatient hospital 88484
services, as defined in 42 C.F.R. 440.10; 88485

(b) The hospital is recognized under the medicare program as 88486
a cancer hospital and is exempt from the medicare prospective 88487
payment system. 88488

(2) "Hospital" does not include a hospital operated by a 88489
health insuring corporation that has been issued a certificate of 88490
authority under section 1751.05 of the Revised Code or a hospital 88491
that does not charge patients for services. 88492

(G) "Indigent care pool" means the sum of the following: 88493

(1) The total of assessments to be paid in a program year by 88494
all hospitals under section 5168.06 of the Revised Code, less the 88495
assessments deposited into the health ~~care services administration~~ 88496
care/medicaid support and recoveries fund created under section 88497
~~5162.54~~ 5162.52 of the Revised Code; 88498

(2) The total amount of intergovernmental transfers required 88499
to be made in the same program year by governmental hospitals 88500
under section 5168.07 of the Revised Code, less the amount of 88501
transfers deposited into the health ~~care services administration~~ 88502
care/medicaid support and recoveries fund created under section 88503
~~5162.54~~ 5162.52 of the Revised Code; 88504

(3) The total amount of federal matching funds that will be 88505

made available in the same program year as a result of funds 88506
distributed by the department of medicaid to hospitals under 88507
section 5168.09 of the Revised Code. 88508

(H) "Intergovernmental transfer" means any transfer of money 88509
by a governmental hospital under section 5168.07 of the Revised 88510
Code. 88511

(I) "Medicaid services" has the same meaning as in section 88512
5164.01 of the Revised Code. 88513

(J) "Program year" means a period beginning the first day of 88514
October, or a later date designated in rules adopted under section 88515
5168.02 of the Revised Code, and ending the thirtieth day of 88516
September, or an earlier date designated in rules adopted under 88517
that section. 88518

(K) "Registered beds" means the total number of hospital beds 88519
registered with the department of health, as reported in the most 88520
recent "directory of registered hospitals" published by the 88521
department of health. 88522

(L) "Third-party payer" means any person or government entity 88523
that may be liable by law or contract to make payment to or on 88524
behalf of an individual for health care services. "Third-party 88525
payer" does not include a hospital. 88526

(M) "Total facility costs" means the total costs for all 88527
services rendered to all patients, including the direct, indirect, 88528
and overhead cost to the hospital of all services, supplies, 88529
equipment, and capital related to the care of patients, regardless 88530
of whether patients are enrolled in a health insuring corporation, 88531
excluding costs associated with providing skilled nursing services 88532
in distinct-part nursing facility units, as shown on the 88533
hospital's cost report filed under section 5168.05 of the Revised 88534
Code. Effective October 1, 1993, if rules adopted under section 88535
5168.02 of the Revised Code so provide, "total facility costs" may 88536

exclude costs associated with providing care to recipients of any 88537
of the governmental programs listed in division (B) of that 88538
section. 88539

(N) "Uncompensated care" means bad debt and charity care. 88540

Sec. 5168.02. (A) The medicaid director shall adopt rules in 88541
accordance with Chapter 119. of the Revised Code for the purpose 88542
of administering sections 5168.01 to 5168.14 of the Revised Code, 88543
including rules that do all of the following: 88544

(1) Define as a "disproportionate share hospital" any 88545
hospital included under the "Social Security Act," section 88546
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 88547
determines appropriate; 88548

(2) Prescribe the form for submission of cost reports under 88549
section 5168.05 of the Revised Code; 88550

(3) Establish, in accordance with division (A) of section 88551
5168.06 of the Revised Code, the assessment rate or rates to be 88552
applied to hospitals under that section; 88553

(4) Establish schedules for hospitals to pay installments on 88554
their assessments under section 5168.06 of the Revised Code and 88555
for governmental hospitals to pay installments on their 88556
intergovernmental transfers under section 5168.07 of the Revised 88557
Code; 88558

(5) Establish procedures to notify hospitals of adjustments 88559
made under division (B)(2)(b) of section 5168.06 of the Revised 88560
Code in the amount of installments on their assessment; 88561

(6) Establish procedures to notify hospitals of adjustments 88562
made under division (D) of section 5168.08 of the Revised Code in 88563
the total amount of their assessment and to adjust for the 88564
remainder of the program year the amount of the installments on 88565
the assessments; 88566

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section. 88567
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The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 88570
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(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 88573
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(1) Medicaid recipients; 88576

~~(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~ 88577
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~~(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;~~ 88579
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~~(4)(3) Medicare beneficiaries;~~ 88581

~~(5)(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;~~ 88582
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~~(6)(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.~~ 88584
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Sec. 5168.06. (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under 88588
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section 5168.02 of the Revised Code. The department shall assess 88597
all hospitals uniformly and in a manner consistent with federal 88598
statutes and regulations. During any program year, the department 88599
shall not assess any hospital more than two per cent of the 88600
hospital's total facility costs. 88601

The department shall establish an assessment rate or rates 88602
each program year that will do both of the following: 88603

(1) Yield funds that, when combined with intergovernmental 88604
transfers and federal matching funds, will produce a program of 88605
sufficient size to pay a substantial portion of the indigent care 88606
provided by hospitals; 88607

(2) Yield funds that, when combined with intergovernmental 88608
transfers and federal matching funds, will produce amounts for 88609
distribution to disproportionate share hospitals that do not 88610
exceed, in the aggregate, the limits prescribed by the United 88611
States health care financing administration under the "Social 88612
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 88613

(B)(1) Except as provided in division (B)(3) of this section, 88614
each hospital shall pay its assessment in periodic installments in 88615
accordance with a schedule established in rules adopted under 88616
section 5168.02 of the Revised Code. 88617

(2) The installments shall be equal in amount, unless either 88618
of the following applies: 88619

(a) The department makes adjustments during a program year 88620
under division (D) of section 5168.08 of the Revised Code in the 88621
total amount of hospitals' assessments; 88622

(b) The medicaid director determines that adjustments in the 88623
amounts of installments are necessary for the administration of 88624
sections 5168.01 to 5168.14 of the Revised Code and that unequal 88625
installments will not create cash flow difficulties for hospitals. 88626

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.09. The medicaid director shall adopt rules under section 5168.02 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of medicaid may classify similar hospitals 88657
into groups and allocate funds for distribution within each group. 88658

(B) The department shall establish a method of allocating 88659
funds to hospitals, taking into consideration the relative amount 88660
of indigent care provided by each hospital or group of hospitals. 88661
The amount to be allocated shall be based on any combination of 88662
the following indicators of indigent care that the director 88663
considers appropriate: 88664

(1) Total costs, volume, or proportion of services to 88665
recipients of the medical assistance program, including recipients 88666
enrolled in health insuring corporations; 88667

(2) Total costs, volume, or proportion of services to 88668
low-income patients in addition to medicaid recipients, which may 88669
include recipients of Title V of the "Social Security Act," 42 88670
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 88671
~~assistance provided under Chapter 5115. of the Revised Code;~~ 88672

(3) The amount of uncompensated care provided by the hospital 88673
or group of hospitals; 88674

(4) Other factors that the director considers to be 88675
appropriate indicators of indigent care. 88676

(C) The department shall distribute funds to each hospital or 88677
group of hospitals in a manner that first may provide for an 88678
additional distribution to individual hospitals that provide a 88679
high proportion of indigent care in relation to the total care 88680
provided by the hospital or in relation to other hospitals. The 88681
department shall establish a formula to distribute the remainder 88682
of the funds. The formula shall be consistent with the "Social 88683
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 88684
on any combination of the indicators of indigent care listed in 88685
division (B) of this section that the director considers 88686
appropriate. 88687

(D) The department shall distribute funds to each hospital in 88688
installments not later than ten working days after the deadline 88689
established in rules for each hospital to pay an installment on 88690
its assessment under section 5168.06 of the Revised Code. In the 88691
case of a governmental hospital that makes intergovernmental 88692
transfers, the department shall pay an installment under this 88693
section not later than ten working days after the earlier of that 88694
deadline or the deadline established in rules for the governmental 88695
hospital to pay an installment on its intergovernmental transfer. 88696
If the amount in the hospital care assurance program fund created 88697
under section 5168.11 of the Revised Code and the portion of the 88698
health care - federal fund created under section 5162.50 of the 88699
Revised Code that is credited to that fund pursuant to division 88700
(B) of section 5168.11 of the Revised Code are insufficient to 88701
make the total distributions for which hospitals are eligible to 88702
receive in any period, the department shall reduce the amount of 88703
each distribution by the percentage by which the amount and 88704
portion are insufficient. The department shall distribute to 88705
hospitals any amounts not distributed in the period in which they 88706
are due as soon as moneys are available in the funds. 88707

Sec. 5168.10. Except for moneys deposited into the health 88708
~~care services administration~~ care/medicaid support and recoveries 88709
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 88710
the department of medicaid shall not use money paid to the 88711
department under sections 5168.06 and 5168.07 of the Revised Code 88712
or money that the department pays to hospitals under section 88713
5168.09 of the Revised Code to replace any funds appropriated by 88714
the general assembly for the medicaid program. 88715

Sec. 5168.11. (A) Except as provided in section ~~5162.54~~ 88716
5162.52 of the Revised Code, all payments of assessments by 88717
hospitals under section 5168.06 of the Revised Code and all 88718

intergovernmental transfers under section 5168.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5168.09 of the Revised Code.

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of 88750
payments made and funds received by hospitals under sections 88751
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 88752
amounts that, due to errors by the department, a hospital should 88753
not have been required to pay but did pay, should have been 88754
required to pay but did not pay, should not have received but did 88755
receive, or should have received but did not receive, the 88756
department shall: 88757

(1) Make payments to any hospital that the audit reveals paid 88758
amounts it should not have been required to pay or did not receive 88759
amounts it should have received; 88760

(2) Take action to recover from a hospital any amounts that 88761
the audit reveals it should have been required to pay but did not 88762
pay or that it should not have received but did receive. 88763

Payments made under division (D)(1) of this section shall be 88764
made from the hospital care assurance program fund. Amounts 88765
recovered under division (D)(2) of this section shall be deposited 88766
to the credit of that fund. Any hospital may appeal the amount the 88767
hospital is to be paid under division (D)(1) or the amount that is 88768
to be recovered from the hospital under division (D)(2) of this 88769
section to the court of common pleas of Franklin county. 88770

Sec. 5168.14. (A) Each hospital that receives funds 88771
distributed under sections 5168.01 to 5168.14 of the Revised Code 88772
shall provide, without charge to the individual, basic, medically 88773
necessary hospital-level services to individuals who are residents 88774
of this state, are not medicaid recipients, and whose income is at 88775
or below the federal poverty line. ~~Recipients of disability~~ 88776
~~financial assistance provided under Chapter 5115. of the Revised~~ 88777
~~Code qualify for services under this section.~~ The medicaid 88778
director shall adopt rules under section 5168.02 of the Revised 88779
Code specifying the hospital services to be provided under this 88780

section. 88781

(B) Nothing in this section shall be construed to prevent a 88782
hospital from requiring an individual to apply for the medicaid 88783
program before the hospital processes an application under this 88784
section. Hospitals may bill any third-party payer for services 88785
rendered under this section. Hospitals may bill the medicaid 88786
program, in accordance with state statutes governing the medicaid 88787
program and rules adopted under those statutes, for medicaid 88788
services rendered under this section if the individual becomes a 88789
medicaid recipient. Hospitals may bill individuals for services 88790
under this section if all of the following apply: 88791

(1) The hospital has an established post-billing procedure 88792
for determining the individual's income and canceling the charges 88793
if the individual is found to qualify for services under this 88794
section. 88795

(2) The initial bill, and at least the first follow-up bill, 88796
is accompanied by a written statement that does all of the 88797
following: 88798

(a) Explains that individuals with income at or below the 88799
federal poverty line are eligible for services without charge; 88800

(b) Specifies the federal poverty line for individuals and 88801
families of various sizes at the time the bill is sent; 88802

(c) Describes the procedure required by division (C)(1) of 88803
this section. 88804

(3) The hospital complies with any additional rules adopted 88805
under section 5168.02 of the Revised Code. 88806

Notwithstanding division (B) of this section, a hospital 88807
providing care to an individual under this section is subrogated 88808
to the rights of any individual to receive compensation or 88809
benefits from any person or governmental entity for the hospital 88810

goods and services rendered. 88811

(C) Each hospital shall collect and report to the department 88812
of medicaid, in the form and manner prescribed by the department, 88813
information on the number and identity of patients served pursuant 88814
to this section. 88815

(D) This section applies beginning May 22, 1992, regardless 88816
of whether rules specifying the services to be provided have been 88817
adopted. Nothing in this section alters the scope or limits the 88818
obligation of any governmental entity or program, including the 88819
program awarding reparations to victims of crime under sections 88820
2743.51 to 2743.72 of the Revised Code and the program for 88821
medically handicapped children established under section 3701.023 88822
of the Revised Code, to pay for hospital services in accordance 88823
with state or local law. 88824

Sec. 5168.26. (A) The medicaid director shall adopt rules in 88825
accordance with Chapter 119. of the Revised Code as necessary to 88826
implement sections 5168.20 to 5168.28 of the Revised Code, 88827
including rules that specify the percentage of hospitals' total 88828
facility costs to be used in calculating hospitals' assessments 88829
under section 5168.21 of the Revised Code. 88830

(B) The rules adopted under this section may do the 88831
following: 88832

(1) Provide that a hospital's total facility costs for the 88833
purpose of the assessment under section 5168.21 of the Revised 88834
Code exclude any of the following: 88835

(a) A hospital's costs associated with providing care to 88836
recipients of any of the following: 88837

(i) The medicaid program; 88838

(ii) The medicare program; 88839

(iii) ~~The disability financial assistance program established~~ 88840

~~under Chapter 5115. of the Revised Code;~~ 88841

~~(iv)~~ The program for medically handicapped children 88842
established under section 3701.023 of the Revised Code; 88843

~~(v)~~(iv) Services provided under the maternal and child health 88844
services block grant established under Title V of the "Social 88845
Security Act," 42 U.S.C. 701 et seq. 88846

(b) Any other category of hospital costs the director deems 88847
appropriate under federal law and regulations governing the 88848
medicaid program. 88849

(2) Subject to division (C) of this section, provide for the 88850
percentage of hospitals' total facility costs used in calculating 88851
hospitals' assessments to vary for different hospitals. 88852

(C) Before adopting rules authorized by division (B)(2) of 88853
this section that establish varied percentages to be used in 88854
calculating hospitals' assessments, the director shall obtain a 88855
waiver from the United States secretary of health and human 88856
services under the "Social Security Act," section 1903(w)(3)(E), 88857
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 88858
the assessments to not be imposed uniformly. 88859

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 88860
Revised Code: 88861

(A) "Basic health care services" means all of the services 88862
listed in division (A)(1) of section 1751.01 of the Revised Code. 88863

(B) "Care management system" means the system established 88864
under section 5167.03 of the Revised Code. 88865

(C) "Dual eligible individual" has the same meaning as in 88866
section 5160.01 of the Revised Code. 88867

(D) "Franchise fee" means the fee imposed on health insuring 88868
corporation plans under section 5168.76 of the Revised Code. 88869

(E) "Health insuring corporation" has the same meaning as in section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services. 88870
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(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following: 88876
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(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services; 88882
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(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f); 88887
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(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 88890
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(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 88892
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(1) For the part of the fiscal year before the change takes 88900

effect, the percentage in effect before the change; 88901

(2) For the part of the fiscal year beginning with the date 88902
the indirect guarantee percentage changes, the new percentage. 88903

(H) "Medicaid managed care organization" has the same meaning 88904
as in section 5167.01 of the Revised Code. 88905

(I) "Medicaid provider" has the same meaning as in section 88906
5164.01 of the Revised Code. 88907

(J) "Ohio medicaid member month" means a month in which a 88908
medicaid recipient residing in this state is enrolled in a health 88909
insuring corporation plan. 88910

(K) "Other Ohio member month" means a month in which a 88911
resident of this state who is not a medicaid recipient is enrolled 88912
in a health insuring corporation plan. 88913

(L) "Rate year" means the fiscal year for which a franchise 88914
fee is imposed. 88915

Sec. 5168.76. (A) For the purposes specified in section 88916
5168.85 of the Revised Code and subject to sections 5168.82, 88917
5168.83, and 5168.84 of the Revised Code, a franchise fee is 88918
hereby imposed each month beginning with July 2017 on each health 88919
insuring corporation plan. The franchise fee shall have a 88920
component based on Ohio medicaid member months and another 88921
component based on other Ohio member months. 88922

(B) The department of medicaid shall determine the amount of 88923
the monthly franchise fee to be imposed on a health insuring 88924
corporation plan under the component based on Ohio medicaid member 88925
months. The determination shall be made as part of the process of 88926
determining the annual capitated payment rates to be paid to 88927
medicaid managed care organizations under the care management 88928
system. The following rates shall be used as part of the 88929
determination: 88930

<u>CUMULATIVE TOTAL NUMBER OF OHIO</u>	<u>APPLICABLE RATE</u>	88931
<u>MEDICAID MEMBER MONTHS</u>		
<u>For the first 250,000</u>	<u>\$56</u>	88932
<u>For 250,001 to 500,000</u>	<u>\$45</u>	88933
<u>For 500,001 and above</u>	<u>\$26</u>	88934

(C) The amount of the monthly franchise fee to be imposed on a health insuring corporation plan under the component based on other Ohio member months shall be determined by multiplying the number of other Ohio member months that the health insuring corporation plan had for the month by the applicable rate or rates. The applicable rate or rates to be used in the calculation for a health insuring corporation plan for a month shall depend on the cumulative total number of other Ohio member months the health insuring corporation plan had for all of a rate year's months that ended before the beginning of the month in which the franchise fee is due.

The following table shows the applicable rate or rates:

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>	88947
<u>MEMBER MONTHS</u>		
<u>For the first 150,000</u>	<u>\$2</u>	88948
<u>For 150,001 and above</u>	<u>\$1</u>	88949

Sec. 5168.77. The component of the monthly franchise fee based on Ohio medicaid member months is due not later than the fifth business day of the month immediately following the month for which it is imposed. The component of the monthly franchise fee based on other Ohio member months is due not later than the last day of September of the calendar year in which the rate year ends, and the total amount due under that component for all of the months of the rate year shall be paid in one payment.

If a health insuring corporation administers multiple health insuring corporation plans, the corporation shall pay the total

amount due for all of the plans under the component of the 88961
franchise fee based on Ohio medicaid member months in one payment 88962
and pay the total amount due for all of the plans under the 88963
component of the franchise fee based on other Ohio member months 88964
in one payment. 88965

Sec. 5168.78. The department of medicaid may request that a 88966
health insuring corporation provide the department documentation 88967
the department needs to verify the amount of the franchise fees 88968
imposed on the health insuring corporation plans administered by 88969
the corporation and to ensure the corporation's compliance with 88970
sections 5168.75 to 5168.86 of the Revised Code. On receipt of the 88971
request, the health insuring corporation shall provide the 88972
department the requested documentation. The department also may 88973
review relevant documentation possessed by other entities for the 88974
purpose of making such verifications. 88975

Sec. 5168.79. If the department of medicaid determines that 88976
the amount of a franchise fee that a health insuring corporation 88977
paid is less than the amount it should have paid, the department 88978
shall notify the health insuring corporation. Except as otherwise 88979
provided by the results of a reconsideration conducted under 88980
section 5168.80 of the Revised Code, the health insuring 88981
corporation shall pay the amount due. 88982

Sec. 5168.80. A health insuring corporation may request a 88983
reconsideration of a determination made by the department of 88984
medicaid under section 5168.79 of the Revised Code. A 88985
reconsideration may be requested solely on the grounds that the 88986
department made a material error in making the determination. A 88987
request for a reconsideration must be received by the department 88988
not later than fifteen days after the date the department notifies 88989
the health insuring corporation of the department's determination 88990

and must include written materials setting forth the basis for the 88991
reconsideration. If a health insuring corporation requests a 88992
reconsideration within the time required, the department shall 88993
reconsider the determination and issue a final decision not later 88994
than thirty days after the date the department receives the 88995
request. 88996

Sec. 5168.81. If a health insuring corporation fails to pay 88997
the full amount of a component of a franchise fee when due, the 88998
department of medicaid may assess a ten per cent penalty on the 88999
amount due for each month or fraction thereof that the component 89000
of the franchise fee is overdue. 89001

Sec. 5168.82. The franchise fee shall not be imposed on any 89002
health insuring corporation plan unless there is in effect a 89003
waiver authorizing the franchise fee issued by the United States 89004
secretary of health and human services pursuant to section 89005
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 89006
1396b(w)(3)(E). 89007

Sec. 5168.83. If the total amount of franchise fees imposed 89008
on all health insuring corporation plans under section 5168.76 of 89009
the Revised Code during a fiscal year exceeds the indirect 89010
guarantee percentage of the net patient revenue for all health 89011
insuring corporations for that fiscal year and seventy-five per 89012
cent or more of all health insuring corporations receive enhanced 89013
medicaid payments or other state payments equal to seventy-five 89014
per cent or more of the total franchise fees imposed on their 89015
health insuring corporation plans, the department of medicaid 89016
shall refund the excess amount of the franchise fees to the health 89017
insuring corporations. 89018

Sec. 5168.84. If the United States centers for medicare and 89019

medicaid services determines that the franchise fee is an 89020
impermissible health care-related tax under the section 1903(w) of 89021
the "Social Security Act," 42 U.S.C. 1396b(w), the department of 89022
medicaid shall do either of the following as appropriate: 89023

(A) Modify the imposition of the franchise fee, including (if 89024
necessary) the amount of the franchise fee, in a manner needed for 89025
the United States centers to reverse its determination; 89026

(B) Take all necessary actions to cease the imposition of the 89027
franchise fee until the determination is reversed. 89028

Sec. 5168.85. (A) There is hereby created in the state 89029
treasury the health insuring corporation franchise fee fund. All 89030
payments and penalties paid by health insuring corporations under 89031
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 89032
be deposited into the fund. Money in the fund shall be used to 89033
make medicaid payments to medicaid providers and medicaid managed 89034
care organizations. 89035

(B) Any interest or other investment proceeds earned on money 89036
in the fund shall be credited to the fund and used to make 89037
medicaid payments in accordance with division (A) of this section. 89038

Sec. 5168.86. The medicaid director may adopt rules in 89039
accordance with Chapter 119. as necessary to implement sections 89040
5168.75 to 5168.86 of the Revised Code. 89041

Sec. 5168.99. (A) The medicaid director shall impose a 89042
penalty for each day that a hospital fails to report the 89043
information required under section 5168.05 of the Revised Code on 89044
or before the dates specified in that section. The amount of the 89045
penalty shall be established by the director in rules adopted 89046
under section 5168.02 of the Revised Code. 89047

(B) In addition to any other remedy available to the 89048
department of medicaid under law to collect unpaid assessments and 89049
transfers under sections 5168.01 to 5168.14 of the Revised Code, 89050
the director shall impose a penalty of ten per cent of the amount 89051
due on any hospital that fails to pay assessments or make 89052
intergovernmental transfers by the dates required by rules adopted 89053
under section 5168.02 of the Revised Code. 89054

(C) In addition to any other remedy available to the 89055
department of medicaid under law to collect unpaid assessments 89056
imposed under section 5168.21 of the Revised Code, the director 89057
shall impose a penalty of ten per cent of the amount due on any 89058
hospital that fails to pay the assessment by the date it is due. 89059

(D) The director shall waive the penalties provided for in 89060
this section for good cause shown by the hospital. 89061

(E) All penalties imposed under this section shall be 89062
deposited into the health ~~care administration~~ care/medicaid 89063
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 89064
the Revised Code. 89065

Sec. 5501.91. (A) As used in this section, "port authority" 89066
means a port authority created under Chapter 4582. of the Revised 89067
Code. 89068

(B) There is hereby established the Ohio maritime assistance 89069
program, which the department of transportation shall administer. 89070
Under the program, a municipal corporation or port authority may 89071
apply to the department for a grant to be used as prescribed in 89072
division (D) of this section. In order to be eligible for a grant 89073
under this section, a municipal corporation or port authority is 89074
required to meet either of the following requirements: 89075

(1) At the time of application for a grant, the municipal 89076
corporation or port authority has an active marine cargo terminal 89077

located on the shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 89078
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(2) The grant application is for the planning and construction of a new marine cargo terminal located on the shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 89080
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(C)(1) Every applicant for a grant shall submit with its application a written business justification for the investment that indicates the operational and market need for the project in a form the director of transportation shall prescribe. 89083
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(2) The department shall evaluate all grant applications according to the following criteria: 89087
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(a) The degree to which the proposed project will increase the efficiency or capacity of maritime cargo terminal operations; 89089
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(b) Whether the project will result in the handling of new types of cargo or an increase in cargo volume; 89091
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(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, or import goods to Ohio for use in manufacturing or for value-added distribution; 89093
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(d) Any other criteria the director determines to be appropriate. 89097
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(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 89099
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(D) A municipal corporation or port authority shall use a grant awarded under this section only for any of the following purposes: 89102
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(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 89105
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(2) Construction of wharves, quay walls, bulkheads, jetties, 89108
revetments, breakwaters, shipping channels, dredge disposal 89109
facilities, projects for the beneficial use of dredge material, 89110
and other structures and improvements directly related to maritime 89111
commerce and harbor infrastructure; 89112

(3) Construction and repair of warehouses, transit sheds, 89113
railroad tracks, roadways, gates and gatehouses, fencing, bridges, 89114
offices, ship yards, and other improvements needed for marine 89115
cargo terminal and associated uses, including ship yards; 89116

(4) Acquisition of cargo handling equipment, including mobile 89117
shore cranes, stationary cranes, tow motors, fork lifts, yard 89118
tractors, craneways, conveyor and bulk material handling 89119
equipment, and all types of ship loading and unloading equipment; 89120

(5) Operating funds for marine cargo terminal operations and 89121
associated uses. 89122

(E) A municipal corporation or port authority shall pay a 89123
matching amount not to exceed one dollar for each grant dollar 89124
received for the proposed project. 89125

(F) The director of transportation, in accordance with 89126
Chapter 119. of the Revised Code, shall adopt rules governing the 89127
program established under this section, including the grant 89128
application, evaluation, award processes, and how the grant money 89129
may be spent by a municipal corporation or port authority. 89130

Sec. 5502.01. (A) The department of public safety shall 89131
administer and enforce the laws relating to the registration, 89132
licensing, sale, and operation of motor vehicles and the laws 89133
pertaining to the licensing of drivers of motor vehicles. 89134

The department shall compile, analyze, and publish statistics 89135
relative to motor vehicle accidents and the causes of them, 89136
prepare and conduct educational programs for the purpose of 89137

promoting safety in the operation of motor vehicles on the 89138
highways, and conduct research and studies for the purpose of 89139
promoting safety on the highways of this state. 89140

(B) The department shall administer the laws and rules 89141
relative to trauma and emergency medical services specified in 89142
Chapter 4765. of the Revised Code and any laws and rules relative 89143
to medical transportation services specified in Chapter 4766. of 89144
the Revised Code. 89145

(C) The department shall administer and enforce the laws 89146
contained in Chapters 4301. and 4303. of the Revised Code and 89147
enforce the rules and orders of the liquor control commission 89148
pertaining to retail liquor permit holders. 89149

(D) The department shall administer the laws governing the 89150
state emergency management agency and shall enforce all additional 89151
duties and responsibilities as prescribed in the Revised Code 89152
related to emergency management services. 89153

(E) The department shall conduct investigations pursuant to 89154
Chapter 5101. of the Revised Code in support of the duty of the 89155
department of job and family services to administer the 89156
supplemental nutrition assistance program throughout this state. 89157
The department of public safety shall conduct investigations 89158
necessary to protect the state's property rights and interests in 89159
the supplemental nutrition assistance program. 89160

(F) The department of public safety shall enforce compliance 89161
with orders and rules of the public utilities commission and 89162
applicable laws in accordance with Chapters 4905., 4921., and 89163
4923. of the Revised Code regarding commercial motor vehicle 89164
transportation safety, economic, and hazardous materials 89165
requirements. 89166

(G) Notwithstanding Chapter 4117. of the Revised Code, the 89167
department of public safety may establish requirements for its 89168

enforcement personnel, including its enforcement agents described 89169
in section 5502.14 of the Revised Code, that include standards of 89170
conduct, work rules and procedures, and criteria for eligibility 89171
as law enforcement personnel. 89172

(H) The department shall administer, maintain, and operate 89173
the Ohio criminal justice network. The Ohio criminal justice 89174
network shall be a computer network that supports state and local 89175
criminal justice activities. The network shall be an electronic 89176
repository for various data, which may include arrest warrants, 89177
notices of persons wanted by law enforcement agencies, criminal 89178
records, prison inmate records, stolen vehicle records, vehicle 89179
operator's licenses, and vehicle registrations and titles. 89180

(I) The department shall coordinate all homeland security 89181
activities of all state agencies and shall be a liaison between 89182
state agencies and local entities for those activities and related 89183
purposes. 89184

(J) Beginning July 1, 2004, the department shall administer 89185
and enforce the laws relative to private investigators and 89186
security service providers specified in Chapter 4749. of the 89187
Revised Code. 89188

(K) The department shall administer criminal justice services 89189
in accordance with sections 5502.61 to 5502.66 of the Revised 89190
Code. 89191

(L) The department shall coordinate security measures and 89192
operations, and may direct the department of administrative 89193
services to implement any security measures and operations the 89194
department of public safety requires, at the Vern Riffe Center and 89195
the James A. Rhodes state office tower. 89196

Sec. 5502.13. The department of public safety shall maintain 89197
an investigative unit in order to conduct investigations and other 89198

enforcement activity authorized by Chapters 4301., 4303., 5101., 89199
5107., and 5108.,~~and 5115.~~ and sections 2903.12, 2903.13, 89200
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 89201
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 89202
of the Revised Code. The director of public safety shall appoint 89203
the employees of the unit who are necessary, designate the 89204
activities to be performed by those employees, and prescribe their 89205
titles and duties. 89206

Sec. 5502.1321. (A) There is hereby created the Ohio 89207
investigative unit contingency fund, which shall be in the custody 89208
of the treasurer of state but shall not be part of the state 89209
treasury. All money seized during investigations or other 89210
enforcement activities of the investigative unit of the department 89211
of public safety prior to January 1, 2017 shall be deposited into 89212
the fund. The director of public safety shall transfer money upon 89213
resolution of all legal proceedings in accordance with Chapter 89214
2981. of the Revised Code. 89215

(B) There is hereby created the Ohio investigative unit 89216
custodial fund, which shall be in the custody of the treasurer of 89217
state, but shall not be part of the state treasury. All money 89218
seized during investigations or other enforcement activities of 89219
the investigative unit of the department of public safety on and 89220
after January 1, 2017, shall be deposited into the fund. The 89221
director of public safety shall transfer money upon resolution of 89222
all legal proceedings in accordance with Chapter 2981. of the 89223
Revised Code. 89224

Sec. 5502.68. (A) There is hereby created in the state 89225
treasury the drug law enforcement fund. Ninety-seven per cent of 89226
three dollars and fifty cents out of each ten-dollar court cost 89227
imposed pursuant to section 2949.094 of the Revised Code shall be 89228
credited to the fund. Money in the fund shall be used only in 89229

accordance with this section to award grants to counties, 89230
municipal corporations, townships, township police districts, and 89231
joint police districts to defray the expenses that a drug task 89232
force organized in the county, or in the county in which the 89233
municipal corporation, township, or district is located, incurs in 89234
performing its functions related to the enforcement of the state's 89235
drug laws and other state laws related to illegal drug activity. 89236

The division of criminal justice services shall administer 89237
all money deposited into the drug law enforcement fund and, by 89238
rule adopted under Chapter 119. of the Revised Code, shall 89239
establish procedures for a county, municipal corporation, 89240
township, township police district, or joint police district to 89241
apply for money from the fund to defray the expenses that a drug 89242
task force organized in the county, or in the county in which the 89243
municipal corporation, township, or district is located, incurs in 89244
performing its functions related to the enforcement of the state's 89245
drug laws and other state laws related to illegal drug activity, 89246
procedures and criteria for determining eligibility of applicants 89247
to be provided money from the fund, and procedures and criteria 89248
for determining the amount of money to be provided out of the fund 89249
to eligible applicants. 89250

(B) The procedures and criteria established under division 89251
(A) of this section for applying for money from the fund shall 89252
include, but shall not be limited to, a provision requiring a 89253
county, municipal corporation, township, township police district, 89254
or joint police district that applies for money from the fund to 89255
specify in its application the amount of money desired from the 89256
fund, provided that the cumulative amount requested in all 89257
applications submitted for any single drug task force may not 89258
exceed more than two hundred fifty thousand dollars in any 89259
calendar year for that task force. 89260

(C) The procedures and criteria established under division 89261
(A) of this section for determining eligibility of applicants to 89262
be provided money from the fund and for determining the amount of 89263
money to be provided out of the fund to eligible applicants shall 89264
include, but not be limited to, all of the following: 89265

(1) Provisions requiring that, in order to be eligible to be 89266
provided money from the fund, a drug task force that applies for 89267
money from the fund must provide evidence that the drug task force 89268
will receive a local funding match of at least twenty-five per 89269
cent of the task force's projected operating costs in the period 89270
of time covered by the grant; 89271

(2) Provisions requiring that money from the fund be 89272
allocated and provided to drug task forces that apply for money 89273
from the fund in accordance with the following priorities: 89274

(a) Drug task forces that apply, that are in existence on the 89275
date of the application, and that are determined to be eligible 89276
applicants, and to which either of the following applies shall be 89277
given first priority to be provided money from the fund: 89278

(i) Drug task forces that received funding through the 89279
division of criminal justice services in calendar year 2007; 89280

(ii) Drug task forces in a county that has a population that 89281
exceeds seven hundred fifty thousand. 89282

(b) If any moneys remain in the fund after all drug task 89283
forces that apply, that are in existence on the date of the 89284
application, that are determined to be eligible applicants, and 89285
that satisfy the criteria set forth in division (C)(2)(a)(i) or 89286
(ii) of this section are provided money from the fund as described 89287
in division (C)(2)(a) of this section, the following categories of 89288
drug task forces that apply and that are determined to be eligible 89289
applicants shall be given priority to be provided money from the 89290
fund in the order in which they apply for money from the fund: 89291

(i) Drug task forces that are not in existence on the date of the application; 89292
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(ii) Drug task forces that are in existence on the date of the application but that do not satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section. 89294
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(D) The procedures and criteria established under division (A) of this section for determining the amount of money to be provided out of the fund to eligible applicants shall include, but shall not be limited to, a provision specifying that the cumulative amount provided to any single drug task force may not exceed more than two hundred fifty thousand dollars in any calendar year. 89297
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(E) Any drug task force for which a grant is awarded by the division of criminal justice services under this section shall comply with all grant requirements established by the division, including a requirement that the drug task force report its activities through the El Paso intelligence center information technology systems. 89304
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(F) As used in this section, "drug task force" means a drug task force organized in any county by the sheriff of the county, the prosecuting attorney of the county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint police district in the county to perform functions related to the enforcement of state drug laws and other state laws related to illegal drug activity. 89310
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Sec. 5503.02. (A) The state highway patrol shall enforce the laws of the state relating to the titling, registration, and licensing of motor vehicles; enforce on all roads and highways, notwithstanding section 4513.39 of the Revised Code, the laws 89319
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relating to the operation and use of vehicles on the highways; 89323
enforce and prevent the violation of the laws relating to the 89324
size, weight, and speed of commercial motor vehicles and all laws 89325
designed for the protection of the highway pavements and 89326
structures on the highways; investigate and enforce rules and laws 89327
of the public utilities commission governing the transportation of 89328
persons and property by motor carriers and report violations of 89329
such rules and laws to the commission; enforce against any motor 89330
carrier as defined in section 4923.01 of the Revised Code those 89331
rules and laws that, if violated, may result in a forfeiture as 89332
provided in section 4923.99 of the Revised Code; investigate and 89333
report violations of all laws relating to the collection of excise 89334
taxes on motor vehicle fuels; and regulate the movement of traffic 89335
on the roads and highways of the state, notwithstanding section 89336
4513.39 of the Revised Code. 89337

The patrol, whenever possible, shall determine the identity 89338
of the persons who are causing or who are responsible for the 89339
breaking, damaging, or destruction of any improved surfaced 89340
roadway, structure, sign, marker, guardrail, or other appurtenance 89341
constructed or maintained by the department of transportation and 89342
shall arrest the persons who are responsible for the breaking, 89343
damaging, or destruction and bring them before the proper 89344
officials for prosecution. 89345

State highway patrol troopers shall investigate and report 89346
all motor vehicle accidents on all roads and highways outside of 89347
municipal corporations. The superintendent of the patrol or any 89348
state highway patrol trooper may arrest, without a warrant, any 89349
person, who is the driver of or a passenger in any vehicle 89350
operated or standing on a state highway, whom the superintendent 89351
or trooper has reasonable cause to believe is guilty of a felony, 89352
under the same circumstances and with the same power that any 89353
peace officer may make such an arrest. 89354

The superintendent or any state highway patrol trooper may 89355
enforce the criminal laws on all state properties and state 89356
institutions, owned or leased by the state, and, when so ordered 89357
by the governor in the event of riot, civil disorder, or 89358
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 89359
Revised Code, arrest offenders against the criminal laws wherever 89360
they may be found within the state if the violations occurred 89361
upon, or resulted in injury to person or property on, state 89362
properties or state institutions, or under the conditions 89363
described in division (B) of this section. This authority of the 89364
superintendent and any state highway patrol trooper to enforce the 89365
criminal laws shall extend to the Lake Erie Correctional 89366
Institution, to the same extent as if that prison were owned by 89367
this state. 89368

(B) In the event of riot, civil disorder, or insurrection, or 89369
the reasonable threat of riot, civil disorder, or insurrection, 89370
and upon request, as provided in this section, of the sheriff of a 89371
county or the mayor or other chief executive of a municipal 89372
corporation, the governor may order the state highway patrol to 89373
enforce the criminal laws within the area threatened by riot, 89374
civil disorder, or insurrection, as designated by the governor, 89375
upon finding that law enforcement agencies within the counties 89376
involved will not be reasonably capable of controlling the riot, 89377
civil disorder, or insurrection and that additional assistance is 89378
necessary. In cities in which the sheriff is under contract to 89379
provide exclusive police services pursuant to section 311.29 of 89380
the Revised Code, in villages, and in the unincorporated areas of 89381
the county, the sheriff has exclusive authority to request the use 89382
of the patrol. In cities in which the sheriff does not exclusively 89383
provide police services, the mayor, or other chief executive 89384
performing the duties of mayor, has exclusive authority to request 89385
the use of the patrol. 89386

The superintendent or any state highway patrol trooper may 89387
enforce the criminal laws within the area designated by the 89388
governor during the emergency arising out of the riot, civil 89389
disorder, or insurrection until released by the governor upon 89390
consultation with the requesting authority. State highway patrol 89391
troopers shall never be used as peace officers in connection with 89392
any strike or labor dispute. 89393

When a request for the use of the patrol is made pursuant to 89394
this division, the requesting authority shall notify the law 89395
enforcement authorities in contiguous communities and the sheriff 89396
of each county within which the threatened area, or any part of 89397
the threatened area, lies of the request, but the failure to 89398
notify the authorities or a sheriff shall not affect the validity 89399
of the request. 89400

(C) Any person who is arrested by the superintendent or a 89401
state highway patrol trooper shall be taken before any court or 89402
magistrate having jurisdiction of the offense with which the 89403
person is charged. Any person who is arrested or apprehended 89404
within the limits of a municipal corporation shall be brought 89405
before the municipal court or other tribunal of the municipal 89406
corporation. 89407

(D)(1) State highway patrol troopers have the same right and 89408
power of search and seizure as other peace officers. 89409

No state official shall command, order, or direct any state 89410
highway patrol trooper to perform any duty or service that is not 89411
authorized by law. The powers and duties conferred on the patrol 89412
are supplementary to, and in no way a limitation on, the powers 89413
and duties of sheriffs or other peace officers of the state. 89414

(2)(a) A state highway patrol trooper, pursuant to the policy 89415
established by the superintendent of the state highway patrol 89416
under division (D)(2)(b) of this section, may render emergency 89417

assistance to any other peace officer who has arrest authority 89418
under section 2935.03 of the Revised Code, if both of the 89419
following apply: 89420

(i) There is a threat of imminent physical danger to the 89421
peace officer, a threat of physical harm to another person, or any 89422
other serious emergency situation; 89423

(ii) Either the peace officer requests emergency assistance, 89424
or it appears that the peace officer is unable to request 89425
emergency assistance and the circumstances observed by the state 89426
highway patrol trooper reasonably indicate that emergency 89427
assistance is appropriate, or the peace officer requests emergency 89428
assistance and in the request the peace officer specifies a 89429
particular location and the state highway patrol trooper arrives 89430
at that location prior to the time that the peace officer arrives 89431
at that location and the circumstances observed by the state 89432
highway patrol trooper reasonably indicate that emergency 89433
assistance is appropriate. 89434

(b) The superintendent of the state highway patrol shall 89435
establish, within sixty days of August 8, 1991, a policy that sets 89436
forth the manner and procedures by which a state highway patrol 89437
trooper may render emergency assistance to any other peace officer 89438
under division (D)(2)(a) of this section. The policy shall include 89439
a provision that a state highway patrol trooper never be used as a 89440
peace officer in connection with any strike or labor dispute. 89441

(3)(a) A state highway patrol trooper who renders emergency 89442
assistance to any other peace officer under the policy established 89443
by the superintendent pursuant to division (D)(2)(b) of this 89444
section shall be considered to be performing regular employment 89445
for the purposes of compensation, pension, indemnity fund rights, 89446
workers' compensation, and other rights or benefits to which the 89447
trooper may be entitled as incident to regular employment. 89448

(b) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section retains personal immunity from liability as specified in section 9.86 of the Revised Code.

(c) A state highway patrol trooper who renders emergency assistance under the policy established by the superintendent pursuant to division (D)(2)(b) of this section has the same authority as the peace officer for or with whom the state highway patrol trooper is providing emergency assistance.

(E)(1) Subject to the availability of funds specifically appropriated by the general assembly for security detail purposes, the state highway patrol shall provide security as follows:

(a) For the governor;

(b) At the direction of the governor, for other officials of the state government of this state; officials of the state governments of other states who are visiting this state; officials of the United States government who are visiting this state; officials of the governments of foreign countries or their political subdivisions who are visiting this state; or other officials or dignitaries who are visiting this state, including, but not limited to, members of trade missions;

(c) For the capitol square, as defined in section 105.41 of the Revised Code;

(d) For the Vern Riffe center and the James A. Rhodes state office tower, as directed by the department of public safety;

(e) For other state property.

(2) To carry out the security responsibilities of the patrol listed in division (E)(1) of this section, the superintendent may assign state highway patrol troopers to a separate unit that is

responsible for security details. The number of troopers assigned 89479
to particular security details shall be determined by the 89480
superintendent. 89481

(3) The superintendent and any state highway patrol trooper, 89482
when providing security pursuant to division (E)(1)(a) or (b) of 89483
this section, have the same arrest powers as other peace officers 89484
to apprehend offenders against the criminal laws who endanger or 89485
threaten the security of any person being protected, no matter 89486
where the offense occurs. 89487

The superintendent, any state highway patrol trooper, and any 89488
special police officer designated under section 5503.09 of the 89489
Revised Code, ~~when~~ if providing security pursuant to division 89490
(E)(1)(c) of this section, shall enforce any rules governing 89491
capitol square adopted by the capitol square review and advisory 89492
board. 89493

(F) The governor may order the state highway patrol to 89494
undertake major criminal investigations that involve state 89495
property interests. If an investigation undertaken pursuant to 89496
this division results in either the issuance of a no bill or the 89497
filing of an indictment, the superintendent shall file a complete 89498
and accurate report of the investigation with the president of the 89499
senate, the speaker of the house of representatives, the minority 89500
leader of the senate, and the minority leader of the house of 89501
representatives within fifteen days after the issuance of the no 89502
bill or the filing of an indictment. If the investigation does not 89503
have as its result any prosecutorial action, the superintendent 89504
shall, upon reporting this fact to the governor, file a complete 89505
and accurate report of the investigation with the president of the 89506
senate, the speaker of the house of representatives, the minority 89507
leader of the senate, and the minority leader of the house of 89508
representatives. 89509

(G) The superintendent may purchase or lease real property 89510

and buildings needed by the patrol, negotiate the sale of real 89511
property owned by the patrol, rent or lease real property owned or 89512
leased by the patrol, and make or cause to be made repairs to all 89513
property owned or under the control of the patrol. Any instrument 89514
by which real property is acquired pursuant to this division shall 89515
identify the agency of the state that has the use and benefit of 89516
the real property as specified in section 5301.012 of the Revised 89517
Code. 89518

Sections 123.01 and 125.02 of the Revised Code do not limit 89519
the powers granted to the superintendent by this division. 89520

Sec. 5511.11. The department of transportation shall design 89521
and erect suitable markers that indicate the existence and 89522
location of Urbana university located in the municipal corporation 89523
of Urbana along the eastbound and westbound lanes of interstate 89524
route number seventy at each of the following exit ramps: 89525

(A) State route number twenty-nine in Madison county; 89526

(B) State route number sixty-eight in Clark county. 89527

Sec. 5515.07. (A) The director of transportation, in 89528
accordance with Chapter 119. of the Revised Code, shall adopt 89529
rules consistent with the safety of the traveling public and 89530
consistent with the national policy to govern the use and control 89531
of rest areas within the limits of the right-of-way of interstate 89532
highways and other state highways and in other areas within the 89533
limits of the right-of-way of interstate highways. 89534

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this 89535
section or as otherwise authorized by applicable federal law or 89536
federal regulations, no person shall engage in selling or offering 89537
for sale or exhibiting for purposes of sale, goods, products, 89538
merchandise, or services within the bounds of rest areas within 89539
the limits of the right-of-way of interstate highways and other 89540

state highways, or in other areas within the limits of the 89541
right-of-way of interstate highways, unless the director issues a 89542
permit in accordance with section 5515.01 of the Revised Code. 89543
Notwithstanding any rules adopted by the director to the contrary 89544
or any other policy changes proposed by the director, each 89545
district deputy director of the department of transportation shall 89546
continue to implement any program allowing organizations to 89547
dispense free coffee or similar items after obtaining a permit 89548
that operated within the district prior to January 1, 1997. Each 89549
district deputy director shall operate such program within the 89550
district in the same manner as the program was operated prior to 89551
that date. 89552

~~(C)~~(2) In accordance with rules adopted under division (A) of 89553
this section, the director may cause vending machines to be placed 89554
within each rest area that is able to accommodate the machines. 89555
The vending machines shall dispense food, drink, and other 89556
appropriate articles. 89557

~~(D)~~ This (3) The prohibition under division (B)(1) of this 89558
section does not apply to the sale of goods, products, 89559
merchandise, or services required for the emergency repair of 89560
motor vehicles or emergency medical treatment, or to the 89561
department of transportation as provided in section 5515.08 of the 89562
Revised Code. 89563

(C) The director shall not close any rest area that is 89564
located within the limits of the right-of-way of a scenic byway 89565
designated under section 5516.05 of the Revised Code. 89566

Sec. 5516.20. A sign may be displayed adjacent to an 89567
interstate highway system that uses light-emitting diode lighting 89568
if the sign is located within the boundaries of a tourism 89569
development district designated by a township under section 503.56 89570
of the Revised Code or a municipal corporation under section 89571

715.014 of the Revised Code except to the extent limited or 89572
prohibited by this chapter, any rule adopted under this chapter, 89573
or any zoning regulation adopted by a county, municipal 89574
corporation, or other local zoning authority with jurisdiction. 89575

Sec. 5575.02. After the board of township trustees has 89576
decided to proceed with a road improvement, it shall advertise for 89577
bids once, not later than two weeks prior to the date fixed for 89578
the letting of contracts, in a newspaper of general circulation 89579
within the township. Such notice shall state that copies of the 89580
surveys, plans, profiles, cross sections, ~~estimates,~~ and 89581
specifications for such improvement are on file with the board, 89582
and the time within which bids will be received. The board may let 89583
the work as a whole or in convenient sections, as it determines. 89584
The contract shall be awarded to the lowest and best bidder who 89585
meets the requirements of section 153.54 of the Revised Code, and 89586
shall be let upon the basis of lump sum bids, unless the board 89587
orders that it be let upon the basis of unit price bids, in which 89588
event it shall be let upon such basis. 89589

The board is not required to provide notice of the project 89590
cost estimate when advertising for bids under this section. 89591

Sec. 5575.03. No contract for any road improvement shall be 89592
awarded at a price more than ten per cent in excess of the 89593
estimated cost. The bids received shall be opened at the time 89594
stated in the notice. If no bids are made that equal one hundred 89595
ten per cent of the estimate or less, the board of township 89596
trustees shall either readvertise ~~at~~ based upon the original 89597
estimate, or request an amended estimate from the county engineer, 89598
who shall proceed to make such an estimate as provided in section 89599
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 89600
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 89601
The board is not required to provide notice of the estimate or 89602

amended estimate when readvertising under this section. 89603

No contract shall be awarded for any road improvement without 89604
the certification as to funding required under section 5705.41 of 89605
the Revised Code. The board may reject all bids. 89606

Sec. 5577.081. (A) Except when transferring unfinished 89607
aggregate material between facilities that are under the control 89608
of the same owner or operator that is subject to Chapter 1514. of 89609
the Revised Code or when unloading or loading finished aggregate 89610
product within a ten-mile radius of a surface mining operation 89611
that is permitted and regulated under that chapter, all vehicles 89612
entering or leaving such an operation that have a gross vehicle 89613
weight as defined in division (JJ) of section 4501.01 of the 89614
Revised Code that is in excess of sixty-six thousand pounds shall 89615
use the specific roads designated pursuant to sections 303.14 and 89616
303.141 or 519.14 and 519.141 of the Revised Code as the primary 89617
means of ingress to and egress from the facilities or operation. 89618

(B) The owner or operator of a surface mining operation that 89619
is permitted under Chapter 1514. of the Revised Code and that is 89620
subject to the use of specific roads as the primary means of 89621
ingress to and egress from the operation pursuant to sections 89622
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 89623
post a sign in a conspicuous location to inform the drivers of 89624
trucks entering and leaving the operation of the roads to use as 89625
the primary means of ingress to and egress from the operation. 89626

(C)(1) Whoever violates this section shall receive a written 89627
warning in such a manner that it becomes a part of the person's 89628
permanent record that is maintained by the bureau of motor 89629
vehicles and assists in monitoring violations of this section. 89630

(2) A person who commits a second offense within one year 89631
after committing the first offense is guilty of a minor 89632
misdemeanor. 89633

(3) A person who commits a third or subsequent offense within one year after committing the first offense is guilty of a misdemeanor of the fourth degree.

(D) Fine money that is collected under division (C) of this section shall be deposited in the state treasury to the credit of the ~~surface~~ mining regulation and safety fund created in section ~~1514.06~~ 1513.30 of the Revised Code.

Sec. 5595.03. (A) A resolution of a board of county commissioners undertaking a regional transportation improvement project must include a cooperative agreement containing all of the following:

(1) A description or analysis of the deficiencies of the existing transportation system in the counties participating in the project and of projected needs or deficiencies of the system in ensuing years under reasonable assumptions about development, population trends, and other factors affecting transportation infrastructure in the counties;

(2) A comprehensive list of the transportation improvements to be completed as part of the project, including a general description of each improvement, schedules of the projected beginning and end of each improvement, and the estimated cost of each improvement;

(3) Directives regarding the operations and reporting requirements of the governing board;

(4) ~~The number of years~~ Subject to division (E) of this section, the period for which the agreement is to be in effect;

(5) Any other terms the board of county commissioners considers necessary or conducive to communicate the intentions of the cooperative agreement and to ensure its effective implementation by the governing board.

(B) A board of county commissioners that intends to undertake a regional transportation improvement project shall hold at least one public hearing on the proposed cooperative agreement before adopting a resolution approving the agreement. The board of county commissioners shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the county. During the thirty-day period before the public hearing, the proposed cooperative agreement shall be made available for public inspection at the offices of each county that will be a party to the agreement.

(C) If the cooperative agreement is approved by each county that will be a party to the agreement, one of the participating counties shall send a copy of the agreement to the director of transportation. The director shall evaluate the agreement and determine if the transportation improvements specified in the agreement are in the best interest of the transportation facilities of this state, as defined in section 5501.01 of the Revised Code. If the director approves the agreement, the director shall send notice of approval to each county that is a party to the agreement. Unless otherwise provided in the cooperative agreement, the agreement is effective immediately upon approval by the director. If the director does not approve the agreement, the director shall send notice of denial to each county that is a party to the agreement. The notice of denial shall include the reason or reasons for the denial and recommendations for ways in which the agreement may be changed to meet the approval of the director. If the director does not make a determination within ninety days after receiving a cooperative agreement under this section, the director is deemed to have approved the agreement and, unless otherwise provided in the agreement, the agreement is effective immediately. No cooperative agreement is effective without actual or constructive approval by the director under this section.

(D) The cooperative agreement governing a regional transportation improvement project may be amended at any time by majority vote of the governing board and of the boards of county commissioners of each of the participating counties and with the approval of the director of transportation obtained in the same manner as approval of the original agreement.

(E) The period for which a cooperative agreement adopted or amended under this section is in effect shall not exceed fifteen years following the effective date of the original agreement or, if the agreement authorizes the governing board to issue securities, twenty years following the first issuance of securities by the governing board.

Sec. 5595.06. (A) The governing board of a regional transportation improvement project, pursuant to the cooperative agreement, may request and receive pledges of revenue from the state, the counties that are parties to the agreement, and any political subdivision or taxing unit located within any of those counties. Except as provided in division (B) of this section, the pledged revenues shall be used solely for the purpose of funding the transportation improvements prescribed by the cooperative agreement, the debt charges on any securities issued by the governing board under section 5595.05 of the Revised Code, and the expenses of the governing board. The state, the counties, and any political subdivision or taxing unit located within such a county may pledge revenue to the governing board from any of the following sources:

(1) The general revenue fund of the state;

(2) License tax revenue derived from an annual motor vehicle license tax imposed pursuant to section 4504.22 of the Revised Code;

(3) Payments in lieu of taxes derived under section 5709.42,

5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 89728
real property for which such payments are made will benefit from 89729
the proposed transportation improvements; 89730

(4) Income tax revenue derived from a joint economic 89731
development district or joint economic development zone 89732
established pursuant to section 715.69, 715.691, 715.70, 715.71, 89733
or 715.72 of the Revised Code if the district or zone will benefit 89734
from the proposed transportation improvements; 89735

(5) Revenue derived from special assessments levied in a 89736
special improvement district created under Chapter 1710. of the 89737
Revised Code if the district will benefit from the proposed 89738
transportation improvements; 89739

(6) Revenue from an income source of a new community district 89740
established pursuant to section 349.03 of the Revised Code if the 89741
district will benefit from the proposed transportation 89742
improvements; 89743

(7) Income tax revenue derived from a tax levied by a 89744
municipal corporation in accordance with Chapter 718. of the 89745
Revised Code if the municipal corporation will benefit from the 89746
proposed transportation improvements and revenue from the tax may 89747
lawfully be applied to that purpose under the ordinance or 89748
resolution levying the tax; 89749

(8) Sales and use tax revenue derived from a tax levied under 89750
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 89751
5741.023 of the Revised Code if the county or transit authority 89752
will benefit from the proposed transportation improvements and 89753
revenue from the tax may lawfully be applied to that purpose under 89754
the resolution levying the tax. 89755

(B) The governing board shall use license tax revenue pledged 89756
to the project under division (A)(2) of this section for the 89757
purpose of funding transportation improvements described in the 89758

cooperative agreement and any other supplemental transportation 89759
improvements necessary to complete the project. If the board 89760
intends to use any of the license tax revenue for supplemental 89761
improvements not described in the agreement, the board, before 89762
submitting a request for license tax revenue to a board of county 89763
commissioners under section 4504.22 of the Revised Code, shall 89764
adopt a resolution allocating the revenue among the improvements 89765
described in the agreement and such supplemental improvements not 89766
described in the agreement. The amount used for supplemental 89767
improvements may not exceed five dollars for each motor vehicle on 89768
which the motor vehicle license tax is collected. If the motor 89769
vehicle license tax is approved, the governing board shall 89770
allocate the revenue only in accordance with the resolution. The 89771
allocation may not be changed unless a proposition to change the 89772
allocation is approved by the majority of electors voting on the 89773
proposition in each county that is a party to the cooperative 89774
agreement. Such a proposition may be proposed by resolution of the 89775
governing board certified to the board of county commissioners of 89776
each county, and, upon receiving such a certified resolution, each 89777
board of county commissioners shall certify identical resolutions 89778
to the respective county board of elections for placement on the 89779
questions and issues ballot at the next succeeding election 89780
occurring at least ninety days after the resolution is certified 89781
to the board of elections. 89782

(C) Pledges of revenue under division (A) of this section may 89783
take any form and may be made subject to any terms that are 89784
mutually agreeable between the revenue contributor and the 89785
governing board. Pledges may be effectuated through periodic or 89786
one-time fixed payments, in variable installments based on 89787
estimated increases in tax revenue attributable to the activities 89788
of the regional transportation improvement project, or through any 89789
other means negotiated by the revenue contributor and the 89790
government board. 89791

As used in this division, "revenue contributor" means the state, the counties that are parties to the cooperative agreement, or any political subdivision or taxing unit located within any of those participating counties, that pledges revenue to a regional transportation improvement project under division (A) of this section.

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~~Sec. 5595.13. Upon completion of the transportation improvements listed in the cooperative agreement, fulfillment of all contractual duties assumed by the governing board, and repayment of all bonds issued by the governing board, the A regional transportation improvement project and the its governing board shall dissolve~~ are dissolved by operation of law on the date specified in the cooperative agreement. The governing board shall fulfill all contractual duties assumed by the board and repay all bonds issued by the board before that date. Upon dissolution of the regional transportation improvement project, the boards of county commissioners that created the regional transportation improvement project shall assume title to all real and personal property acquired by the board in the fulfillment of its duties under this chapter. The property shall be divided and distributed in accordance with the cooperative agreement. Unless otherwise provided by contract, pledges of revenue to the governing board from the state or a political subdivision or taxing unit shall terminate by operation of law upon the dissolution of the regional transportation improvement project. Unless otherwise provided in the cooperative agreement, unencumbered funds held by the governing board on the date the regional transportation improvement district is dissolved shall be proportionally distributed to the state and each political subdivision and taxing unit that pledged revenue to the project based on the ratio that the amount contributed by the state, political subdivision, or taxing unit bears to the total amount contributed by the state and

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all political subdivisions and taxing units over the full duration 89824
of the project. 89825

Sec. 5703.052. (A) There is hereby created in the state 89826
treasury the tax refund fund, from which refunds shall be paid for 89827
taxes illegally or erroneously assessed or collected, or for any 89828
other reason overpaid, that are levied by Chapter 4301., 4305., 89829
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 89830
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 89831
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 89832
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 89833
wireless 9-1-1 charges illegally or erroneously assessed or 89834
collected, or for any other reason overpaid, that are levied by 89835
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 89836
shall be paid from the fund. Refunds for amounts illegally or 89837
erroneously assessed or collected by the tax commissioner, or for 89838
any other reason overpaid, that are due under section 1509.50 of 89839
the Revised Code shall be paid from the fund. Refunds for amounts 89840
illegally or erroneously assessed or collected by the 89841
commissioner, or for any other reason overpaid to the 89842
commissioner, under sections 718.80 to 718.95 of the Revised Code 89843
shall be paid from the fund. However, refunds for taxes levied 89844
under section 5739.101 of the Revised Code shall not be paid from 89845
the tax refund fund, but shall be paid as provided in section 89846
5739.104 of the Revised Code. 89847

(B)(1) Upon certification by the tax commissioner to the 89848
treasurer of state of a tax refund, a wireless 9-1-1 charge 89849
refund, or another amount refunded, or by the superintendent of 89850
insurance of a domestic or foreign insurance tax refund, the 89851
treasurer of state shall place the amount certified to the credit 89852
of the fund. The certified amount transferred shall be derived 89853
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 89854

other amount from which the refund arose. 89855

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 89856
or other amount that is not levied by the state or that was 89857
illegally or erroneously distributed to a taxing jurisdiction, the 89858
tax commissioner shall recover the amount of that refund from the 89859
next distribution of that tax, fee, wireless 9-1-1 charge, or 89860
other amount that otherwise would be made to the taxing 89861
jurisdiction. If the amount to be recovered would exceed 89862
twenty-five per cent of the next distribution of that tax, fee, 89863
wireless 9-1-1 charge, or other amount, the commissioner may 89864
spread the recovery over more than one future distribution, taking 89865
into account the amount to be recovered and the amount of the 89866
anticipated future distributions. In no event may the commissioner 89867
spread the recovery over a period to exceed thirty-six months. 89868

Sec. 5703.053. As used in this section, "postal service" 89869
means the United States postal service. 89870

An application to the tax commissioner for a tax refund under 89871
section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 5727.91, 89872
5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 89873
5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 89874
of the Revised Code or division (B) of section 5703.05 of the 89875
Revised Code, or a fee refunded under section 3734.905 of the 89876
Revised Code, that is received after the last day for filing under 89877
such section shall be considered to have been filed in a timely 89878
manner if: 89879

(A) The application is delivered by the postal service and 89880
the earliest postal service postmark on the cover in which the 89881
application is enclosed is not later than the last day for filing 89882
the application; 89883

(B) The application is delivered by the postal service, the 89884
only postmark on the cover in which the application is enclosed 89885

was affixed by a private postal meter, the date of that postmark 89886
is not later than the last day for filing the application, and the 89887
application is received within seven days of such last day; or 89888

(C) The application is delivered by the postal service, no 89889
postmark date was affixed to the cover in which the application is 89890
enclosed or the date of the postmark so affixed is not legible, 89891
and the application is received within seven days of the last day 89892
for making the application. 89893

Sec. 5703.054. The tax commissioner shall prescribe the form 89894
that the signature and declaration, if any, shall take on any 89895
document required to be filed with the commissioner and on any 89896
document required under Chapter 718., 3734., 3769., 4303., or 89897
4305. or Title LVII of the Revised Code to be filed with the 89898
treasurer of state. The commissioner may authorize an electronic 89899
or other alternative form of filing of any document required to be 89900
filed with the commissioner or the treasurer of state under 89901
Chapter 3734., 3769., 4303., or 4305. or Title LVII of the Revised 89902
Code. 89903

Sec. 5703.056. (A) As used in any section of the Revised Code 89904
that requires the tax commissioner to use certified mail or 89905
personal service or that requires or permits a payment to be made 89906
or a document to be submitted to the tax commissioner or the board 89907
of tax appeals by mail or personal service, and as used in any 89908
section of Chapter 718., 3734., 3769., 4303., or 4305. or Title 89909
LVII of the Revised Code that requires or permits a payment to be 89910
made or a document to be submitted to the treasurer of state by 89911
mail: 89912

(1) "Certified mail," "express mail," "United States mail," 89913
"United States postal service," and similar terms include any 89914
delivery service authorized pursuant to division (B) of this 89915

section.	89916
(2) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of this section.	89917 89918 89919
(B) The tax commissioner may authorize the use of a delivery service for the delivery of any payment or document described in division (A) of this section if the commissioner finds that the delivery service:	89920 89921 89922 89923
(1) Is available to the general public;	89924
(2) Is at least as timely and reliable on a regular basis as the United States postal service;	89925 89926
(3) Records electronically to a database kept in the regular course of its business, and marks on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery;	89927 89928 89929 89930
(4) Records electronically to a database kept in the regular course of its business the date on which the payment or document was given by the delivery service to the person who signed the receipt of delivery and the name of the person who signed the receipt; and	89931 89932 89933 89934 89935
(5) Meets any other criteria that the tax commissioner may by rule prescribe.	89936 89937
(C) In any section of the Revised Code referring to the date any payment or document is received by the tax commissioner by mail, personal service, or electronically or by a person receiving a document or payment from the tax commissioner by mail, the payment or document shall be considered to be received on one of the following dates, as applicable, except as provided in section 5703.053 or 5703.37 of the Revised Code:	89938 89939 89940 89941 89942 89943 89944
(1) For a document or payment sent by certified mail, express	89945

mail, United States mail, foreign mail, or a delivery service 89946
authorized for use under division (B) of this section, the date of 89947
the postmark placed by the postal or delivery service on the 89948
sender's receipt or, if the sender was not issued a postmarked 89949
sender's receipt, the date of the postmark placed by the postal or 89950
delivery service on the package containing the payment or 89951
document. 89952

(2) For personal service to the tax commissioner, the date 89953
the payment or document is received in any of the tax 89954
commissioner's offices during business hours. 89955

(3) For a document filed or sent electronically or a payment 89956
made electronically, the date on the timestamp assigned by the 89957
first electronic system receiving that payment or document. 89958

(D) As used in divisions (A) and (C) of this section 89959
"electronically" includes by facsimile, if applicable. 89960

Sec. 5703.0510. (A) Notwithstanding any other provision of 89961
the Revised Code that requires a taxpayer to provide a tax credit 89962
certificate to the tax commissioner upon the commissioner's 89963
request, any person claiming a credit against a tax or fee 89964
administered by the commissioner shall provide a copy of any 89965
accompanying certificate issued by the director of development 89966
services or by another state agency, if applicable, demonstrating 89967
the person's eligibility for the credit claimed. 89968

(B) If the commissioner prescribes a form for the purpose of 89969
tracking the credits claimed by a person against any tax or fee 89970
administered by the commissioner, the person shall provide the 89971
completed form and a copy of any certificate described in division 89972
(A) of this section on or before the due date of the return, 89973
report, or schedule for the tax or fee against which the credit is 89974
claimed. 89975

(C) If a person fails to provide a certificate or form as required under this section, the commissioner shall deny the credit claimed by the person until such certificate or form is provided to the commissioner. Any amount denied under this section may be assessed in the same manner as the underlying tax or fee.

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Sec. 5703.19. (A) To carry out the purposes of the laws that the tax commissioner is required to administer, the commissioner or any person employed by the commissioner for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person or public utility subject to those laws, and may examine under oath any officer, agent, or employee of that person or public utility. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection.

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(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 to 3734.9014, of the Revised Code.

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Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be

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disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

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(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

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(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under

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compulsion of legal process. Whoever violates this provision shall 90039
thereafter be disqualified from acting as an officer or employee 90040
or in any other capacity under appointment or employment of the 90041
office of internal audit. 90042

(3) As provided by section 6103(d)(2) of the Internal Revenue 90043
Code, any federal tax returns or federal tax information that the 90044
department has acquired from the internal revenue service, through 90045
federal and state statutory authority, may be disclosed to the 90046
auditor of state or the office of internal audit solely for 90047
purposes of an audit of the department. 90048

(4) For purposes of Chapter 3739. of the Revised Code, an 90049
agent of the department of taxation may share information with the 90050
division of state fire marshal that the agent finds during the 90051
course of an investigation. 90052

(C) Division (A) of this section does not prohibit any of the 90053
following: 90054

(1) Divulging information contained in applications, 90055
complaints, and related documents filed with the department under 90056
section 5715.27 of the Revised Code or in applications filed with 90057
the department under section 5715.39 of the Revised Code; 90058

(2) Providing information to the office of child support 90059
within the department of job and family services pursuant to 90060
section 3125.43 of the Revised Code; 90061

(3) Disclosing to the motor vehicle repair board any 90062
information in the possession of the department that is necessary 90063
for the board to verify the existence of an applicant's valid 90064
vendor's license and current state tax identification number under 90065
section 4775.07 of the Revised Code; 90066

(4) Providing information to the administrator of workers' 90067
compensation pursuant to sections 4123.271 and 4123.591 of the 90068
Revised Code; 90069

- (5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 90070
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- (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 90073
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- (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 90077
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- (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 90085
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- (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 90087
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- (10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 90092
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- (11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 90094
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- (12) Disclosing to the department of natural resources information in the possession of the department of taxation that 90099
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is necessary for the department of taxation to verify the 90101
taxpayer's compliance with section 5749.02 of the Revised Code or 90102
to allow the department of natural resources to enforce Chapter 90103
1509. of the Revised Code; 90104

(13) Disclosing to the department of job and family services, 90105
industrial commission, and bureau of workers' compensation 90106
information in the possession of the department of taxation solely 90107
for the purpose of identifying employers that misclassify 90108
employees as independent contractors or that fail to properly 90109
report and pay employer tax liabilities. The department of 90110
taxation shall disclose only such information that is necessary to 90111
verify employer compliance with law administered by those 90112
agencies. 90113

(14) Disclosing to the Ohio casino control commission 90114
information in the possession of the department of taxation that 90115
is necessary to verify a casino operator's compliance with section 90116
5747.063 or 5753.02 of the Revised Code and sections related 90117
thereto; 90118

(15) Disclosing to the state lottery commission information 90119
in the possession of the department of taxation that is necessary 90120
to verify a lottery sales agent's compliance with section 5747.064 90121
of the Revised Code. 90122

(16) Disclosing to the development services agency 90123
information in the possession of the department of taxation that 90124
is necessary to ensure compliance with the laws of this state 90125
governing taxation and to verify information reported to the 90126
development services agency for the purpose of evaluating 90127
potential tax credits, grants, or loans. Such information shall 90128
not include information received from the internal revenue service 90129
the disclosure of which is prohibited by section 6103 of the 90130
Internal Revenue Code. No officer, employee, or agent of the 90131
development services agency shall disclose any information 90132

provided to the development services agency by the department of 90133
taxation under division (C)(16) of this section except when 90134
disclosure of the information is necessary for, and made solely 90135
for the purpose of facilitating, the evaluation of potential tax 90136
credits, grants, or loans. 90137

(17) Disclosing to the department of insurance information in 90138
the possession of the department of taxation that is necessary to 90139
ensure a taxpayer's compliance with the requirements with any tax 90140
credit administered by the development services agency and claimed 90141
by the taxpayer against any tax administered by the superintendent 90142
of insurance. No officer, employee, or agent of the department of 90143
insurance shall disclose any information provided to the 90144
department of insurance by the department of taxation under 90145
division (C)(17) of this section. 90146

(18) Disclosing to the division of liquor control information 90147
in the possession of the department of taxation that is necessary 90148
for the division and department to comply with the requirements of 90149
sections 4303.26 and 4303.271 of the Revised Code. 90150

Sec. 5703.26. No person shall knowingly make, present, aid, 90151
or assist in the preparation or presentation of a false or 90152
fraudulent report, return, schedule, statement, claim, or document 90153
authorized or required by law to be filed with the department of 90154
taxation, the treasurer of state, a county auditor, a county 90155
treasurer, or a county clerk of courts, or knowingly procure, 90156
counsel, or advise the preparation or presentation of such report, 90157
return, schedule, statement, claim, or document, or knowingly 90158
change, alter, or amend, or knowingly procure, counsel, or advise 90159
such change, alteration, or amendment of the records upon which 90160
such report, return, schedule, statement, claim, or document is 90161
based with intent to defraud the state or any of its subdivisions. 90162

If the report, return, schedule, statement, claim, or 90163

document involves the application for or renewal of a license, 90164
such acts or conduct may result in the denial or revocation of the 90165
license. 90166

With respect to such acts or conduct, no conviction shall be 90167
had under any other section of the Revised Code. 90168

Sec. 5703.371. For purposes of sections 718.80 to 718.95 and 90169
Title LVIII of the Revised Code, any foreign corporation, owning or 90170
using a part or all of its capital or property in this state, 90171
which is not authorized by the secretary of state to transact 90172
business in this state, shall be conclusively presumed to have 90173
designated the secretary of state as its agent for the service of 90174
process in any action against such corporation to recover taxes 90175
which the tax commissioner is by law required to administer. 90176
Pursuant to such service, suit may be brought in Franklin county, 90177
or in any county in which such corporation owns or uses its 90178
capital or property. Such service shall be made upon the secretary 90179
of state by leaving with ~~him~~ the secretary of state, or with an 90180
assistant secretary of state, triplicate copies of such process, 90181
together with an affidavit of the tax commissioner, showing the 90182
last known address of such corporation. Upon receipt of such 90183
process and affidavit the secretary of state shall forthwith give 90184
notice by certified mail to the corporation at the address 90185
specified in the affidavit and forward together therewith a copy 90186
of such process. The secretary of state shall retain a copy of 90187
such process in ~~his~~ the secretary of state's files, keep a record 90188
of any such process served upon ~~him~~ the secretary of state, and 90189
record therein the time of such service and ~~his~~ the secretary of 90190
state's action thereafter with respect thereto. 90191

The provisions of this section do not affect any right to 90192
serve process upon a foreign corporation in any other manner 90193
permitted by law. 90194

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the Revised Code: 90195
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(A) "Tax" includes only those taxes imposed on tangible personal property listed in accordance with Chapter 5711. of the Revised Code and, taxes imposed under Chapters 5733., 5736., 5739., 5741., 5747., and 5751. of the Revised Code, and the tax administered under sections 718.80 to 718.95 of the Revised Code. 90197
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(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code. 90202
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(C) "Audit" means the examination of a taxpayer or the inspection of the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax. 90205
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(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 718.90, 5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 of the Revised Code. 90208
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(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located. 90212
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Sec. 5703.57. (A) As used in this section, "Ohio business gateway" has the same meaning as in section 718.01 of the Revised Code. 90214
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(B) There is hereby created the Ohio business gateway steering committee to direct the continuing development of the Ohio business gateway and to oversee its operations. The committee shall provide general oversight regarding operation of the Ohio business gateway and shall recommend to the department of administrative services enhancements that will improve the Ohio business gateway. The committee shall consider all banking, technological, administrative, and other issues associated with 90217
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the Ohio business gateway and shall make recommendations regarding 90225
the type of reporting forms or other tax documents to be filed 90226
through the Ohio business gateway. 90227

(C) The committee shall consist of: 90228

(1) The following members, appointed by the governor with the 90229
advice and consent of the senate: 90230

(a) Not more than four representatives of the business 90231
community; 90232

(b) Not more than ~~three representatives~~ one representative of 90233
municipal tax administrators, as defined in section 718.01 of the 90234
Revised Code, selected from a list of candidates provided by the 90235
Ohio municipal league; and 90236

(c) Not more than two tax practitioners. 90237

(2) The following ex officio members: 90238

(a) The director or other highest officer of each state 90239
agency that has tax reporting forms or other tax documents filed 90240
with it through the Ohio business gateway or the director's 90241
designee; 90242

(b) The secretary of state or the secretary of state's 90243
designee; 90244

(c) The treasurer of state or the treasurer of state's 90245
designee; 90246

(d) The director of budget and management or the director's 90247
designee; 90248

(e) The state chief information officer or the officer's 90249
designee; 90250

(f) The tax commissioner or the tax commissioner's designee; 90251
~~and~~ 90252

(g) The director of development or the director's designee; 90253

(h) The governor or the governor's designee. 90254

An appointed member shall serve until the member resigns or 90255
is removed by the governor. Vacancies shall be filled in the same 90256
manner as original appointments. 90257

(D) A vacancy on the committee does not impair the right of 90258
the other members to exercise all the functions of the committee. 90259
The presence of a majority of the members of the committee 90260
constitutes a quorum for the conduct of business of the committee. 90261
The concurrence of at least a majority of the members of the 90262
committee is necessary for any action to be taken by the 90263
committee. On request, each member of the committee shall be 90264
reimbursed for the actual and necessary expenses incurred in the 90265
discharge of the member's duties. 90266

(E) The committee is a part of the department of taxation for 90267
administrative purposes. 90268

(F) Each year, the governor shall select a member of the 90269
committee to serve as chairperson. The chairperson shall appoint 90270
an official or employee of the department of taxation to act as 90271
the committee's secretary. The secretary shall keep minutes of the 90272
committee's meetings and a journal of all meetings, proceedings, 90273
findings, and determinations of the committee. 90274

(G) The committee may hire professional, technical, and 90275
clerical staff needed to support its activities. 90276

(H) The committee shall meet as often as necessary to perform 90277
its duties. 90278

Sec. 5703.70. (A) On the filing of an application for refund 90279
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 90280
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 90281
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 90282
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 90283

of the Revised Code, or an application for compensation under 90284
section 5739.061 of the Revised Code, if the tax commissioner 90285
determines that the amount of the refund or compensation to which 90286
the applicant is entitled is less than the amount claimed in the 90287
application, the commissioner shall give the applicant written 90288
notice by ordinary mail of the amount. The notice shall be sent to 90289
the address shown on the application unless the applicant notifies 90290
the commissioner of a different address. The applicant shall have 90291
sixty days from the date the commissioner mails the notice to 90292
provide additional information to the commissioner or request a 90293
hearing, or both. 90294

(B) If the applicant neither requests a hearing nor provides 90295
additional information to the tax commissioner within the time 90296
prescribed by division (A) of this section, the commissioner shall 90297
take no further action, and the refund or compensation amount 90298
denied becomes final. 90299

(C)(1) If the applicant requests a hearing within the time 90300
prescribed by division (A) of this section, the tax commissioner 90301
shall assign a time and place for the hearing and notify the 90302
applicant of such time and place, but the commissioner may 90303
continue the hearing from time to time as necessary. After the 90304
hearing, the commissioner may make such adjustments to the refund 90305
or compensation as the commissioner finds proper, and shall issue 90306
a final determination thereon. 90307

(2) If the applicant does not request a hearing, but provides 90308
additional information, within the time prescribed by division (A) 90309
of this section, the commissioner shall review the information, 90310
make such adjustments to the refund or compensation as the 90311
commissioner finds proper, and issue a final determination 90312
thereon. 90313

(3) The commissioner shall serve a copy of the final 90314

determination made under division (C)(1) or (2) of this section on 90315
the applicant in the manner provided in section 5703.37 of the 90316
Revised Code, and the decision is final, subject to appeal under 90317
section 5717.02 of the Revised Code. 90318

(D) The tax commissioner shall certify to the director of 90319
budget and management and treasurer of state for payment from the 90320
tax refund fund created by section 5703.052 of the Revised Code, 90321
the amount of the refund to be refunded under division (B) or (C) 90322
of this section. The commissioner also shall certify to the 90323
director and treasurer of state for payment from the general 90324
revenue fund the amount of compensation to be paid under division 90325
(B) or (C) of this section. 90326

Sec. 5703.75. This section applies to any tax, fee, or charge 90327
payable to the state and administered by the tax commissioner, 90328
except the tax administered under sections 718.80 to 718.95 of the 90329
Revised Code. If the total amount of any such tax, fee, or charge 90330
shown to be due on a return, amended return, or notice does not 90331
exceed one dollar, the taxpayer or person liable for the tax, fee, 90332
or charge shall not be required to remit the amount due. If the 90333
total amount of ~~a taxpayer's~~ an overpayment of any such tax, fee, 90334
or charge does not exceed one dollar, the tax commissioner shall 90335
not be required to refund the overpayment. 90336

Sec. 5705.03. (A) The taxing authority of each subdivision 90337
may levy taxes annually, subject to the limitations of sections 90338
5705.01 to 5705.47 of the Revised Code, on the real and personal 90339
property within the subdivision for the purpose of paying the 90340
current operating expenses of the subdivision and acquiring or 90341
constructing permanent improvements. The taxing authority of each 90342
subdivision and taxing unit shall, subject to the limitations of 90343
such sections, levy such taxes annually as are necessary to pay 90344
the interest and sinking fund on and retire at maturity the bonds, 90345

notes, and certificates of indebtedness of such subdivision and 90346
taxing unit, including levies in anticipation of which the 90347
subdivision or taxing unit has incurred indebtedness. 90348

(B)(1) When a taxing authority determines that it is 90349
necessary to levy a tax outside the ten-mill limitation for any 90350
purpose authorized by the Revised Code, the taxing authority shall 90351
certify to the county auditor a resolution or ordinance requesting 90352
that the county auditor certify to the taxing authority the total 90353
current tax valuation of the subdivision, and the number of mills 90354
required to generate a specified amount of revenue, or the dollar 90355
amount of revenue that would be generated by a specified number of 90356
mills. The resolution or ordinance shall state ~~the~~ all of the 90357
following: 90358

(a) The purpose of the tax, ~~whether;~~ 90359

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a 90360
replacement of an existing tax, ~~and the~~ or a renewal or 90361
replacement of an existing tax with an increase or a decrease; 90362

(c) The section of the Revised Code authorizing submission of 90363
the question of the tax; 90364

(d) The term of years of the tax or if the tax is for a 90365
continuing period of time; 90366

(e) That the tax is to be levied upon the entire territory of 90367
the subdivision or, if authorized by the Revised Code, a 90368
description of the portion of the territory of the subdivision in 90369
which the tax is to be levied; 90370

(f) The date of the election at which the question of the tax 90371
shall appear on the ballot; 90372

(g) That the ballot measure shall be submitted to the entire 90373
territory of the subdivision or, if authorized by the Revised 90374
Code, a description of the portion of the territory of the 90375

subdivision to which the ballot measure shall be submitted; 90376

(h) The tax year in which the tax will first be levied and 90377
the calendar year in which the tax will first be collected; 90378

(i) Each such county in which the subdivision has territory. 90379

~~If~~ 90380

If a subdivision is located in more than one county, the 90381
county auditor shall obtain from the county auditor of each other 90382
county in which the subdivision is located the current tax 90383
valuation for the portion of the subdivision in that county. The 90384
county auditor shall issue the certification to the taxing 90385
authority within ten days after receiving the taxing authority's 90386
resolution or ordinance requesting it. 90387

(2) When considering the tangible personal property component 90388
of the tax valuation of the subdivision, the county auditor shall 90389
take into account the assessment percentages prescribed in section 90390
5711.22 of the Revised Code. The tax commissioner may issue rules, 90391
orders, or instructions directing how the assessment percentages 90392
must be utilized. 90393

(3) ~~If, upon~~ Upon receiving the certification from the county 90394
auditor, the taxing authority ~~proceeds~~ may adopt a resolution or 90395
ordinance stating the rate of the tax levy, expressed in mills for 90396
each one dollar in tax valuation as estimated by the county 90397
auditor, and that the taxing authority will proceed with the 90398
submission of the question of the tax to electors, ~~the~~. The taxing 90399
authority shall certify ~~its~~ this resolution or ordinance, 90400
~~accompanied by~~ a copy of the county auditor's certification, and 90401
the resolution or ordinance the taxing authority adopted under 90402
division (B)(1) of this section to the county auditor and to the 90403
proper county board of elections in the manner and within the time 90404
prescribed by the section of the Revised Code governing submission 90405
of the question, ~~and shall include with its certification the rate~~ 90406

~~of the tax levy, expressed in mills for each one dollar in tax~~ 90407
~~valuation as estimated by the county auditor.~~ The county board of 90408
elections shall not submit the question of the tax to electors 90409
unless a copy of the county auditor's certification accompanies 90410
the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing 90411
authority certifies to the board. Before requesting a taxing 90412
authority to submit a tax levy, any agency or authority authorized 90413
to make that request shall first request the certification from 90414
the county auditor provided under this section. 90415

(4) This division is supplemental to, and not in derogation 90416
of, any similar requirement governing the certification by the 90417
county auditor of the tax valuation of a subdivision or necessary 90418
tax rates for the purposes of the submission of the question of a 90419
tax in excess of the ten-mill limitation, including sections 90420
133.18 and 5705.195 of the Revised Code. 90421

(C) All taxes levied on property shall be extended on the tax 90422
list and duplicate by the county auditor of the county in which 90423
the property is located, and shall be collected by the county 90424
treasurer of such county in the same manner and under the same 90425
laws and rules as are prescribed for the assessment and collection 90426
of county taxes. The proceeds of any tax levied by or for any 90427
subdivision when received by its fiscal officer shall be deposited 90428
in its treasury to the credit of the appropriate fund. 90429

Sec. 5705.16. A resolution of the taxing authority of any 90430
political subdivision shall be passed by a majority of all the 90431
members thereof, declaring the necessity for the transfer of funds 90432
authorized by section 5705.15 of the Revised Code, and such taxing 90433
authority shall ~~prepare~~ submit to the tax commissioner a petition 90434
~~addressed to the court of common pleas of the county in which the~~ 90435
~~funds are held. The petition shall set forth~~ that includes the 90436
name and amount of the fund, the fund to which it is desired to be 90437

transferred, a copy of such resolution with a full statement of 90438
the proceedings pertaining to its passage, and the reason or 90439
necessity for the transfer. ~~A duplicate copy of said petition~~ 90440
~~shall be forwarded to the tax commissioner for the commissioner's~~ 90441
~~examination and approval.~~ The commissioner shall approve the 90442
transfer of such funds upon determining each of the following: 90443

(A) The petition states sufficient facts; 90444

(B) That there are good reasons, or that a necessity exists, 90445
for the transfer; 90446

(C) No injury will result from the transfer of such funds. 90447

If the petition is disapproved by the commissioner, it shall 90448
be returned within ten days of its receipt to the officers who 90449
submitted it, with a memorandum of the commissioner's objections, 90450
and the taxing authority shall not transfer the funds as requested 90451
by the petition. This disapproval shall not prejudice a later 90452
application for approval. If the petition is approved by the 90453
commissioner, it shall be ~~forwarded~~ returned within ten days of 90454
its receipt to ~~the clerk of the court of common pleas of the~~ 90455
~~county to whose court of common pleas the petition is addressed,~~ 90456
~~marked with the approval of the commissioner. If the commissioner~~ 90457
~~approves the petition, the commissioner shall notify immediately~~ 90458
~~the officers who submitted the petition, who then may file the~~ 90459
~~petition in the court to which it is addressed, and the taxing~~ 90460
authority may transfer the funds as requested by the petition. 90461

~~The petitioner shall give notice of the filing, object, and~~ 90462
~~prayer of the petition, and of the time when it will be heard. The~~ 90463
~~notice shall be given by one publication in a newspaper of general~~ 90464
~~circulation in the territory to be affected by such transfer of~~ 90465
~~funds. If there is no such newspaper, the notice shall be posted~~ 90466
~~in ten conspicuous places within the territory for a period of~~ 90467
~~four weeks.~~ 90468

~~The petition may be heard at the time stated in the notice, 90469
or as soon thereafter as convenient for the court. Any person who 90470
objects to the prayer of such petition shall file the person's 90471
objections in such cause on or before the time fixed in the notice 90472
for hearing, and that person shall be entitled to be heard. 90473~~

~~If, upon hearing, the court finds that the notice has been 90474
given as required by this section, that the petition states 90475
sufficient facts, that there are good reasons, or that a necessity 90476
exists, for the transfer, and that no injury will result 90477
therefrom, it shall grant the prayer of the petition and order the 90478
petitioners to make such transfer. 90479~~

~~A copy of the findings, orders, and judgments of the court 90480
shall be certified by the clerk and entered on the records of the 90481
petitioning officers or board, and thereupon the petitioners may 90482
make the transfer of funds as directed by the court. All costs of 90483
such proceedings shall be paid by the petitioners, except that if 90484
objections are filed the court may order such objectors to pay all 90485
or a portion of the costs. 90486~~

Sec. 5705.233. (A) As used in this section, "criminal justice 90487
facility" means any facility located within the county in which a 90488
tax is levied under this section and for which the board of 90489
commissioners of such county may make an appropriation under 90490
section 307.45 of the Revised Code. 90491

(B) The board of county commissioners of any county, at any 90492
time, may declare by resolution that it may be necessary for the 90493
county to issue general obligation bonds for permanent 90494
improvements to a criminal justice facility, including the 90495
acquisition, construction, enlargement, renovation, or maintenance 90496
of such a facility. The resolution shall state all of the 90497
following: 90498

(1) The necessity and purpose of the bond issue; 90499

(2) The date of the general or special election at which the question shall be submitted to the electors; 90500
90501

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid; 90502
90503
90504

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities. 90505
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On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. Division (B) of section 5705.03 of the Revised Code does not apply to tax levy proceedings initiated under this section. 90508
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(C) After receiving the county auditor's certification under division (B) of this section, the board of county commissioners may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future criminal justice requirements of the county; that it is necessary to issue general obligation bonds of the county for permanent improvements to a criminal justice facility and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; that it is necessary for a specified number of years or for a continuing period of time to levy additional taxes in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, maintenance, and financing of permanent improvements to such a criminal justice facility or to pay for operating 90517
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expenses of the facility and other criminal justice services for 90532
which the board may make an appropriation under section 307.45 of 90533
the Revised Code, or both; and that the question of the bonds and 90534
taxes shall be submitted to the electors of the county at a 90535
general or special election, which shall not be earlier than 90536
ninety days after certification of the resolution to the board of 90537
elections, and the date of which shall be consistent with section 90538
3501.01 of the Revised Code. The resolution shall specify all of 90539
the following: 90540

(1) The county auditor's estimate of the average annual 90541
property tax rate required throughout the stated maturity of the 90542
bonds to pay debt charges on the bonds; 90543

(2) The proposed rate of the tax, if any, for operating 90544
expenses and criminal justice services, the first year the tax 90545
will be levied, and the number of years it will be levied, or that 90546
it will be levied for a continuing period of time; 90547

(3) The proposed rate of the tax, if any, for permanent 90548
improvements to a criminal justice facility, the first year the 90549
tax will be levied, and the number of years it will be levied, or 90550
that it will be levied for a continuing period of time. 90551

The resolution shall go into immediate effect upon its 90552
passage, and no publication of it is necessary other than that 90553
provided in the notice of election. The board of county 90554
commissioners shall certify a copy of the resolution, along with 90555
copies of the auditor's estimate and its resolution under division 90556
(B) of this section, to the board of elections immediately after 90557
its adoption. 90558

(D) The board of elections shall make the arrangements for 90559
the submission of the question proposed under division (C) of this 90560
section to the electors of the county, and the election shall be 90561
conducted, canvassed, and certified in the same manner as regular 90562

elections in the county for the election of county officers. The 90563
resolution shall be put before the electors as one ballot 90564
question, with a favorable vote indicating approval of the bond 90565
issue, the levy to pay debt charges on the bonds and any 90566
anticipatory securities, the operating expenses and criminal 90567
justice services levy, and the permanent improvements levy, as 90568
those levies may be proposed. The board of elections shall publish 90569
notice of the election in a newspaper of general circulation in 90570
the county once a week for two consecutive weeks, or as provided 90571
in section 7.16 of the Revised Code, before the election. If a 90572
board of elections operates and maintains a web site, that board 90573
also shall post notice of the election on its web site for thirty 90574
days before the election. The notice of election shall state all 90575
of the following: 90576

(1) The principal amount of the proposed bond issue; 90577

(2) The permanent improvements for which the bonds are to be 90578
issued; 90579

(3) The maximum number of years over which the principal of 90580
the bonds may be paid; 90581

(4) The estimated additional average annual property tax rate 90582
to pay the debt charges on the bonds, as certified by the county 90583
auditor; 90584

(5) The proposed rate of the additional tax, if any, for 90585
operating expenses and criminal justice services; 90586

(6) The number of years the operating expenses or criminal 90587
justice services tax will be in effect, or that it will be in 90588
effect for a continuing period of time; 90589

(7) The proposed rate of the additional tax, if any, for 90590
permanent improvements; 90591

(8) The number of years the permanent improvements tax will 90592

be in effect, or that it will be in effect for a continuing period 90593
of time; 90594

(9) The time and place of the election. 90595

(E) The form of the ballot for an election under this section 90596
is as follows: 90597

"Shall be authorized to do the following: 90598

(1) Issue bonds for the purpose of in the 90599
principal amount of \$....., to be repaid annually over a maximum 90600
period of years, and levy a property tax outside the 90601
ten-mill limitation, estimated by the county auditor to average 90602
over the bond repayment period mills for each one dollar of 90603
tax valuation, which amounts to (rate expressed in cents or 90604
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 90605
tax valuation, to pay the annual debt charges on the bonds, and to 90606
pay debt charges on any notes issued in anticipation of those 90607
bonds?" 90608

If either a levy for permanent improvements or a levy for 90609
operating expenses and criminal justice services is proposed, or 90610
both are proposed, the ballot also shall contain the following 90611
language, as appropriate: 90612

"(2) Levy an additional property tax to provide funds for the 90613
acquisition, construction, enlargement, renovation, maintenance, 90614
and financing of permanent improvements to a criminal justice 90615
facility at a rate not exceeding mills for each one dollar 90616
of tax valuation, which amounts to (rate expressed in 90617
cents or dollars and cents) for each \$100 of tax valuation, for 90618
..... (number of years of the levy, or a continuing period of 90619
time)? 90620

(3) Levy an additional property tax to pay operating expenses 90621
of a criminal justice facility and provide other criminal justice 90622
services at a rate not exceeding mills for each one dollar 90623

of tax valuation, which amounts to (rate expressed in 90624
cents or dollars and cents) for each \$100 of tax valuation, for 90625
..... (number of years of the levy, or a continuing period of 90626
time)? 90627

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)		90628
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"	90629

(F) The board of elections promptly shall certify the results 90630
of the election to the tax commissioner and the county auditor. If 90631
a majority of the electors voting on the question vote for it, the 90632
board of county commissioners may proceed with issuance of the 90633
bonds and the levy and collection of the property tax for the debt 90634
service on the bonds and any anticipatory securities in the same 90635
manner and subject to the same limitations as for securities 90636
issued under section 133.18 of the Revised Code, and with the levy 90637
and collection of the property tax or taxes for operating expenses 90638
and criminal justice services and for permanent improvements at 90639
the additional rate or any lesser rate in excess of the ten-mill 90640
limitation. Any securities issued by the board of commissioners 90641
under this section are Chapter 133. securities, as that term is 90642
defined in section 133.01 of the Revised Code. 90643

(G)(1) After the approval of a tax for operating expenses and 90644
criminal justice services under this section and before the time 90645
the first collection and distribution from the levy can be made, 90646
the board of county commissioners may anticipate a fraction of the 90647
proceeds of the levy and issue anticipation notes in a principal 90648
amount not exceeding fifty per cent of the total estimated 90649
proceeds of the tax to be collected during the first year of the 90650
levy. 90651

(2) After the approval of a tax under this section for 90652
permanent improvements to a criminal justice facility, the board 90653
of county commissioners may anticipate a fraction of the proceeds 90654
of the tax and issue anticipation notes in a principal amount not 90655

exceeding fifty per cent of the total estimated proceeds of the 90656
tax remaining to be collected in each year over a period of five 90657
years after issuance of the notes. 90658

Anticipation notes under this section shall be issued as 90659
provided in section 133.24 of the Revised Code. Notes issued under 90660
division (G) of this section shall have principal payments during 90661
each year after the year of their issuance over a period not to 90662
exceed five years, and may have a principal payment in the year of 90663
their issuance. 90664

(H) A tax for operating expenses and criminal justice 90665
services or for permanent improvements levied under this section 90666
for a specified number of years may be renewed or replaced in the 90667
same manner as a tax for current operating expenses or permanent 90668
improvements levied under section 5705.19 of the Revised Code. A 90669
tax levied under this section for a continuing period of time may 90670
be decreased in accordance with section 5705.261 of the Revised 90671
Code. 90672

Sec. 5709.12. (A) As used in this section, "independent 90673
living facilities" means any residential housing facilities and 90674
related property that are not a nursing home, residential care 90675
facility, or residential facility as defined in division (A) of 90676
section 5701.13 of the Revised Code. 90677

(B) Lands, houses, and other buildings belonging to a county, 90678
township, or municipal corporation and used exclusively for the 90679
accommodation or support of the poor, or leased to the state or 90680
any political subdivision for public purposes shall be exempt from 90681
taxation. Real and tangible personal property belonging to 90682
institutions that is used exclusively for charitable purposes 90683
shall be exempt from taxation, including real property belonging 90684
to an institution that is a nonprofit corporation that receives a 90685
grant under the Thomas Alva Edison grant program authorized by 90686

division (C) of section 122.33 of the Revised Code at any time 90687
during the tax year and being held for leasing or resale to 90688
others. If, at any time during a tax year for which such property 90689
is exempted from taxation, the corporation ceases to qualify for 90690
such a grant, the director of development shall notify the tax 90691
commissioner, and the tax commissioner shall cause the property to 90692
be restored to the tax list beginning with the following tax year. 90693
All property owned and used by a nonprofit organization 90694
exclusively for a home for the aged, as defined in section 5701.13 90695
of the Revised Code, also shall be exempt from taxation. 90696

(C)(1) If a home for the aged described in division (B)(1) of 90697
section 5701.13 of the Revised Code is operated in conjunction 90698
with or at the same site as independent living facilities, the 90699
exemption granted in division (B) of this section shall include 90700
kitchen, dining room, clinic, entry ways, maintenance and storage 90701
areas, and land necessary for access commonly used by both 90702
residents of the home for the aged and residents of the 90703
independent living facilities. Other facilities commonly used by 90704
both residents of the home for the aged and residents of 90705
independent living units shall be exempt from taxation only if the 90706
other facilities are used primarily by the residents of the home 90707
for the aged. Vacant land currently unused by the home, and 90708
independent living facilities and the lands connected with them 90709
are not exempt from taxation. Except as provided in division 90710
(A)(1) of section 5709.121 of the Revised Code, property of a home 90711
leased for nonresidential purposes is not exempt from taxation. 90712

(2) Independent living facilities are exempt from taxation if 90713
they are operated in conjunction with or at the same site as a 90714
home for the aged described in division (B)(2) of section 5701.13 90715
of the Revised Code; operated by a corporation, association, or 90716
trust described in division (B)(1)(b) of that section; operated 90717
exclusively for the benefit of members of the corporation, 90718

association, or trust who are retired, aged, or infirm; and 90719
provided to those members without charge in consideration of their 90720
service, without compensation, to a charitable, religious, 90721
fraternal, or educational institution. For the purposes of 90722
division (C)(2) of this section, "compensation" does not include 90723
furnishing room and board, clothing, health care, or other 90724
necessities, or stipends or other de minimis payments to defray 90725
the cost thereof. 90726

(D)(1) A private corporation established under federal law, 90727
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 90728
as amended, the objects of which include encouraging the 90729
advancement of science generally, or of a particular branch of 90730
science, the promotion of scientific research, the improvement of 90731
the qualifications and usefulness of scientists, or the increase 90732
and diffusion of scientific knowledge is conclusively presumed to 90733
be a charitable or educational institution. A private corporation 90734
established as a nonprofit corporation under the laws of a state 90735
that is exempt from federal income taxation under section 90736
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 90737
U.S.C.A. 1, as amended, and that has as its principal purpose one 90738
or more of the foregoing objects also is conclusively presumed to 90739
be a charitable or educational institution. 90740

The fact that an organization described in this division 90741
operates in a manner that results in an excess of revenues over 90742
expenses shall not be used to deny the exemption granted by this 90743
section, provided such excess is used, or is held for use, for 90744
exempt purposes or to establish a reserve against future 90745
contingencies; and, provided further, that such excess may not be 90746
distributed to individual persons or to entities that would not be 90747
entitled to the tax exemptions provided by this chapter. Nor shall 90748
the fact that any scientific information diffused by the 90749
organization is of particular interest or benefit to any of its 90750

individual members be used to deny the exemption granted by this 90751
section, provided that such scientific information is available to 90752
the public for purchase or otherwise. 90753

(2) Division (D)(2) of this section does not apply to real 90754
property exempted from taxation under this section and division 90755
(A)(3) of section 5709.121 of the Revised Code and belonging to a 90756
nonprofit corporation described in division (D)(1) of this section 90757
that has received a grant under the Thomas Alva Edison grant 90758
program authorized by division (C) of section 122.33 of the 90759
Revised Code during any of the tax years the property was exempted 90760
from taxation. 90761

When a private corporation described in division (D)(1) of 90762
this section sells all or any portion of a tract, lot, or parcel 90763
of real estate that has been exempt from taxation under this 90764
section and section 5709.121 of the Revised Code, the portion sold 90765
shall be restored to the tax list for the year following the year 90766
of the sale and, except in connection with a sale and transfer of 90767
such a tract, lot, or parcel to a county land reutilization 90768
corporation organized under Chapter 1724. of the Revised Code, a 90769
charge shall be levied against the sold property in an amount 90770
equal to the tax savings on such property during the four tax 90771
years preceding the year the property is placed on the tax list. 90772
The tax savings equals the amount of the additional taxes that 90773
would have been levied if such property had not been exempt from 90774
taxation. 90775

The charge constitutes a lien of the state upon such property 90776
as of the first day of January of the tax year in which the charge 90777
is levied and continues until discharged as provided by law. The 90778
charge may also be remitted for all or any portion of such 90779
property that the tax commissioner determines is entitled to 90780
exemption from real property taxation for the year such property 90781
is restored to the tax list under any provision of the Revised 90782

Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 90783
5709.41, 5709.45, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 90784
5709.84, upon an application for exemption covering the year such 90785
property is restored to the tax list filed under section 5715.27 90786
of the Revised Code. 90787

(E)(1) Real property held by an organization organized and 90788
operated exclusively for charitable purposes as described under 90789
section 501(c)(3) of the Internal Revenue Code and exempt from 90790
federal taxation under section 501(a) of the Internal Revenue 90791
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 90792
of constructing or rehabilitating residences for eventual transfer 90793
to qualified low-income families through sale, lease, or land 90794
installment contract, shall be exempt from taxation. 90795

The exemption shall commence on the day title to the property 90796
is transferred to the organization and shall continue to the end 90797
of the tax year in which the organization transfers title to the 90798
property to a qualified low-income family. In no case shall the 90799
exemption extend beyond the second succeeding tax year following 90800
the year in which the title was transferred to the organization. 90801
If the title is transferred to the organization and from the 90802
organization to a qualified low-income family in the same tax 90803
year, the exemption shall continue to the end of that tax year. 90804
The proportionate amount of taxes that are a lien but not yet 90805
determined, assessed, and levied for the tax year in which title 90806
is transferred to the organization shall be remitted by the county 90807
auditor for each day of the year that title is held by the 90808
organization. 90809

Upon transferring the title to another person, the 90810
organization shall file with the county auditor an affidavit 90811
affirming that the title was transferred to a qualified low-income 90812
family or that the title was not transferred to a qualified 90813
low-income family, as the case may be; if the title was 90814

transferred to a qualified low-income family, the affidavit shall 90815
identify the transferee by name. If the organization transfers 90816
title to the property to anyone other than a qualified low-income 90817
family, the exemption, if it has not previously expired, shall 90818
terminate, and the property shall be restored to the tax list for 90819
the year following the year of the transfer and a charge shall be 90820
levied against the property in an amount equal to the amount of 90821
additional taxes that would have been levied if such property had 90822
not been exempt from taxation. The charge constitutes a lien of 90823
the state upon such property as of the first day of January of the 90824
tax year in which the charge is levied and continues until 90825
discharged as provided by law. 90826

The application for exemption shall be filed as otherwise 90827
required under section 5715.27 of the Revised Code, except that 90828
the organization holding the property shall file with its 90829
application documentation substantiating its status as an 90830
organization organized and operated exclusively for charitable 90831
purposes under section 501(c)(3) of the Internal Revenue Code and 90832
its qualification for exemption from federal taxation under 90833
section 501(a) of the Internal Revenue Code, and affirming its 90834
intention to construct or rehabilitate the property for the 90835
eventual transfer to qualified low-income families. 90836

As used in this division, "qualified low-income family" means 90837
a family whose income does not exceed two hundred per cent of the 90838
official federal poverty guidelines as revised annually in 90839
accordance with section 673(2) of the "Omnibus Budget 90840
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 90841
amended, for a family size equal to the size of the family whose 90842
income is being determined. 90843

(2) Real property constituting a retail store, including the 90844
land on which the retail store is located, that is owned and 90845
operated by an organization described in division (E)(1) of this 90846

section shall be exempt from taxation if the retail store sells 90847
primarily donated items suitable for residential housing purposes 90848
and if the proceeds of such sales are used solely for the purposes 90849
of the organization. 90850

(F)(1) Real property that is acquired and held by a county 90851
land reutilization corporation organized under Chapter 1724. of 90852
the Revised Code and that is not exempt from taxation under 90853
Chapter 5722. of the Revised Code shall be deemed real property 90854
used for a public purpose and shall be exempt from taxation until 90855
sold or transferred by the corporation. Notwithstanding section 90856
5715.27 of the Revised Code, a county land reutilization 90857
corporation is not required to apply to any county or state agency 90858
in order to qualify for the exemption. 90859

(2) Real property that is acquired and held by an electing 90860
subdivision other than a county land reutilization corporation on 90861
or after April 9, 2009, for the public purpose of implementing an 90862
effective land reutilization program or for a related public 90863
purpose, and that is not exempt from taxation under Chapter 5722. 90864
of the Revised Code, shall be exempt from taxation until sold or 90865
transferred by the electing subdivision. Notwithstanding section 90866
5715.27 of the Revised Code, an electing subdivision is not 90867
required to apply to any county or state agency in order to 90868
qualify for an exemption with respect to property acquired or held 90869
for such purposes on or after such date, regardless of how the 90870
electing subdivision acquires the property. 90871

As used in this section, "electing subdivision" and "land 90872
reutilization program" have the same meanings as in section 90873
5722.01 of the Revised Code, and "county land reutilization 90874
corporation" means a county land reutilization corporation 90875
organized under Chapter 1724. of the Revised Code and any 90876
subsidiary wholly owned by such a county land reutilization 90877
corporation that is identified as "a wholly owned subsidiary of a 90878

county land reutilization corporation" in the deed of conveyance 90879
transferring title to the subsidiary. 90880

In lieu of the application for exemption otherwise required 90881
to be filed as required under section 5715.27 of the Revised Code, 90882
a county land reutilization corporation holding the property 90883
shall, upon the request of any county or state agency, submit its 90884
articles of incorporation substantiating its status as a county 90885
land reutilization corporation. 90886

(G) Real property that is owned by an organization described 90887
under section 501(c)(3) of the Internal Revenue Code and exempt 90888
from federal income taxation under section 501(a) of the Internal 90889
Revenue Code and that is used by that organization exclusively for 90890
receiving, processing, or distributing human blood, tissues, eyes, 90891
or organs or for research and development thereof shall be exempt 90892
from taxation. 90893

(H) Real property that is owned by an organization described 90894
under section 501(c)(3) of the Internal Revenue Code and exempt 90895
from federal income taxation under section 501(a) of the Internal 90896
Revenue Code and that received a loan from the federal small 90897
business administration as a participating intermediary in the 90898
federal microloan program under 15 U.S.C. 636(m) shall be exempt 90899
from taxation if the property is used by that organization 90900
primarily for small business lending, economic development, job 90901
training, entrepreneur education, or associated administrative 90902
purposes as such a participating intermediary. 90903

Sec. 5709.17. The following property shall be exempted from 90904
taxation: 90905

(A) Real estate held or occupied by an association or 90906
corporation, organized or incorporated under the laws of this 90907
state relative to soldiers' memorial associations, or monumental 90908
building associations, ~~or cemetery associations or corporations,~~ 90909

~~which and that,~~ in the opinion of the trustees, directors, or 90910
managers thereof, is necessary and proper to carry out the object 90911
intended for such association or corporation; 90912

(B) Real estate and tangible personal property held or 90913
occupied by a veterans' organization that qualifies for exemption 90914
from taxation under section 501(c)(19) or 501(c)(23) of the 90915
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 90916
amended, and is incorporated under the laws of this state or the 90917
United States, except real estate held by such an organization for 90918
the production of rental income in excess of thirty-six thousand 90919
dollars in a tax year, before accounting for any cost or expense 90920
incurred in the production of such income. For the purposes of 90921
this division, rental income includes only income arising directly 90922
from renting the real estate to others for consideration. 90923

(C) Tangible personal property held by a corporation 90924
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 90925
section 501(c)(3) of the Internal Revenue Code, and exempt from 90926
taxation under section 501(a) of the Internal Revenue Code shall 90927
be exempt from taxation if it is property obtained as described in 90928
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 90929

(D) Real estate held or occupied by a fraternal organization 90930
and used primarily for meetings of and the administration of the 90931
fraternal organization or for providing, on a not-for-profit 90932
basis, educational or health services, except real estate held by 90933
such an organization for the production of rental income in excess 90934
of thirty-six thousand dollars in a tax year before accounting for 90935
any cost or expense incurred in the production of such income. As 90936
used in this division, "rental income" has the same meaning as in 90937
division (B) of this section, and "fraternal organization" means a 90938
domestic fraternal society, order, or association operating under 90939
the lodge, council, or grange system that qualifies for exemption 90940
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 90941

the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 90942
as amended; that provides financial support for charitable 90943
purposes, as defined in division (B)(12) of section 5739.02 of the 90944
Revised Code; and that operates under a state governing body that 90945
has been operating in this state for at least eighty-five years. 90946

Sec. 5709.212. (A) With every application for an exempt 90947
facility certificate filed pursuant to section 5709.21 of the 90948
Revised Code, the applicant shall pay a fee equal to one-half of 90949
one per cent of the total exempt facility project cost, not to 90950
exceed two thousand dollars. ~~One half of the fee received with~~ 90951
~~applications for exempt facility certificates shall be credited to~~ 90952
~~the exempt facility administrative fund, which is hereby created~~ 90953
~~in the state treasury, for appropriation to the department of~~ 90954
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 90955
~~the Revised Code.~~ If the director of environmental protection is 90956
required to provide the opinion for an application, ~~one half of~~ 90957
the fee shall be credited to the non-Title V clean air fund 90958
created in section 3704.035 of the Revised Code for use in 90959
administering section 5709.211 of the Revised Code, unless the 90960
application is for an industrial water pollution control facility. 90961
If the application is for an industrial water pollution control 90962
facility, ~~one half of~~ the fee shall be credited to the surface 90963
water protection fund created in section 6111.038 of the Revised 90964
Code for use in administering section 5709.211 of the Revised 90965
Code. If the director of development is required to provide the 90966
opinion for an application, ~~one half of~~ the fee for each exempt 90967
facility application shall be credited to the exempt facility 90968
inspection fund, which is hereby created in the state treasury, 90969
for appropriation to the ~~department of~~ development services agency 90970
for use in administering section 5709.211 of the Revised Code. 90971

An applicant is not entitled to any tax exemption under 90972
section 5709.25 of the Revised Code until the fee required by this 90973

section is paid. The fee required by this section is not 90974
refundable, and is due with the application for an exempt facility 90975
certificate even if an exempt facility certificate ultimately is 90976
not issued or is withdrawn. Any application submitted without 90977
payment of the fee shall be deemed incomplete until the fee is 90978
paid. 90979

(B) The application fee imposed under division (A) of this 90980
section for a jointly owned facility shall be equal to one-half of 90981
one per cent of the total exempt facility project cost, not to 90982
exceed two thousand dollars for each facility that is the subject 90983
of the application. 90984

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 of 90985
the Revised Code: 90986

(1) "Downtown redevelopment district" or "district" means an 90987
area not more than ten acres enclosed by a continuous boundary in 90988
which at least one historic building is being, or will be, 90989
rehabilitated. 90990

(2) "Historic building" and "rehabilitation" have the same 90991
meanings as in section 149.311 of the Revised Code. 90992

(3) "Public infrastructure improvement" has the same meaning 90993
as in section 5709.40 of the Revised Code. 90994

(4) "Improvement" means the increase in the assessed value of 90995
real property that would first appear on the tax list after the 90996
effective date of an ordinance adopted under this section were it 90997
not for the exemption granted by the ordinance. 90998

(5) "Innovation district" means an area located entirely 90999
within a downtown redevelopment district, enclosed by a continuous 91000
boundary, and equipped with a high-speed broadband network capable 91001
of download speeds of at least one hundred gigabits per second. 91002

(6) "Qualified business" means a business primarily engaged, 91003

or primarily organized to engage, in a trade or business that 91004
involves research and development, technology transfer, 91005
bio-technology, information technology, or the application of new 91006
technology developed through research and development or acquired 91007
through technology transfer. 91008

(7) "Information technology" means the branch of technology 91009
devoted to the study and application of data and the processing 91010
thereof; the automatic acquisition, storage, manipulation or 91011
transformation, management, movement, control, display, switching, 91012
interchange, transmission or reception of data, and the 91013
development or use of hardware, software, firmware, and procedures 91014
associated with this processing. "Information technology" includes 91015
matters concerned with the furtherance of computer science and 91016
technology, design, development, installation, and implementation 91017
of information systems and applications that in turn will be 91018
licensed or sold to a specific target market. "Information 91019
technology" does not include the creation of a distribution method 91020
for existing products and services. 91021

(8) "Research and development" means designing, creating, or 91022
formulating new or enhanced products, equipment, or processes, and 91023
conducting scientific or technological inquiry and experimentation 91024
in the physical sciences with the goal of increasing scientific 91025
knowledge that may reveal the bases for new or enhanced products, 91026
equipment, or processes. 91027

(9) "Technology transfer" means the transfer of technology 91028
from one sector of the economy to another, including the transfer 91029
of military technology to civilian applications, civilian 91030
technology to military applications, or technology from public or 91031
private research laboratories to military or civilian 91032
applications. 91033

(B) For the purposes of promoting rehabilitation of historic 91034
buildings, creating jobs, and encouraging economic development in 91035

commercial and mixed-use commercial and residential areas, and for 91036
the purpose of funding transportation improvements that will 91037
benefit such areas, the legislative authority of a municipal 91038
corporation may adopt an ordinance creating a downtown 91039
redevelopment district and declaring improvements to parcels 91040
within the district to be a public purpose and exempt from 91041
taxation. Downtown redevelopment districts shall not be created in 91042
areas used exclusively for residential purposes and shall not be 91043
utilized for development or redevelopment of residential areas. 91044

The ordinance shall specify all of the following: 91045

(1) The boundary of the district; 91046

(2) The county treasurer's permanent parcel number associated 91047
with each parcel included in the district; 91048

(3) The parcel or parcels within the district that include a 91049
historic building that is being or will be rehabilitated; 91050

(4) The proposed life of the district; 91051

(5) An economic development plan for the district that 91052
includes all of the following: 91053

(a) A statement describing the principal purposes and goals 91054
to be served by creating the district; 91055

(b) An explanation of how the municipal corporation will 91056
collaborate with businesses and property owners within the 91057
district to develop strategies for achieving such purposes and 91058
goals; 91059

(c) A plan for using the service payments provided for in 91060
section 5709.46 of the Revised Code to promote economic 91061
development and job creation within the district. 91062

Not more than seventy per cent of improvements to parcels 91063
within a downtown redevelopment district may be exempted from 91064
taxation under this section. A district may not include a parcel 91065

that is exempted from taxation under this section or section 91066
5709.40 or 5709.41 of the Revised Code on the effective date of 91067
the ordinance. Except as provided in division (F) of this section, 91068
the life of a downtown redevelopment district shall not exceed ten 91069
years. 91070

A municipal corporation may adopt more than one ordinance 91071
under division (B) of this section. A single such ordinance may 91072
create more than one downtown redevelopment district. 91073

(C) For the purposes of attracting and facilitating growth of 91074
qualified businesses and supporting the economic development 91075
efforts of business incubators and accelerators, the legislative 91076
authority of a municipal corporation may designate an innovation 91077
district within a proposed or existing downtown redevelopment 91078
district. The life of the innovation district shall be identical 91079
to the downtown redevelopment district in which the innovation 91080
district is located. In addition to the requirements in division 91081
(B) of this section, an ordinance creating a downtown 91082
redemption district that includes an innovation district shall 91083
specify all of the following: 91084

(1) The boundary of the innovation district; 91085

(2) The permanent parcel number associated with each parcel 91086
included in the innovation district; 91087

(3) An economic development plan for the innovation district 91088
that meets the criteria prescribed by division (B)(5) of this 91089
section. 91090

(D) At least thirty days before adopting an ordinance under 91091
division (B) of this section, the legislative authority of the 91092
municipal corporation shall conduct a public hearing on the 91093
proposed ordinance and the accompanying economic development plan. 91094
At least thirty days before the public hearing, the legislative 91095
authority shall give notice of the public hearing and the proposed 91096

ordinance by first class mail to every real property owner whose 91097
property is located within the boundaries of the proposed district 91098
that is the subject of the proposed ordinance. 91099

(E) Revenue derived from downtown redevelopment district 91100
service payments may be used by the municipal corporation for any 91101
of the following purposes: 91102

(1) To finance or support loans, deferred loans, or grants to 91103
owners of historic buildings within the downtown redevelopment 91104
district. Such loans or grants shall be awarded upon the condition 91105
that the loan or grant amount may be used by the owner only to 91106
rehabilitate the historic building. A municipal corporation that 91107
awards a loan or grant under this division shall develop a plan 91108
for tracking the loan or grant recipient's use of the loan or 91109
grant and monitoring the progress of the recipient's 91110
rehabilitation project. 91111

(2) To make contributions to a special improvement district 91112
for use under section 1710.14 of the Revised Code, to a community 91113
improvement corporation for use under section 1724.12 of the 91114
Revised Code, or to a nonprofit corporation, as defined in section 91115
1702.01 of the Revised Code, the primary purpose of which is 91116
redeveloping historic buildings and historic districts for use by 91117
the corporation to rehabilitate a historic building within the 91118
downtown redevelopment district or to otherwise promote or enhance 91119
the district. Amounts contributed under division (E)(2) of this 91120
section shall not exceed the property tax revenue that would have 91121
been generated by twenty per cent of the assessed value of the 91122
exempted improvements within the downtown redevelopment district. 91123

(3) To finance or support loans to owners of one or more 91124
buildings located within the district that do not qualify as 91125
historic buildings. Such loans shall be awarded upon the condition 91126
that the loan amount may be used by the owner only to make repairs 91127
and improvements to the building or buildings. A municipal 91128

corporation that awards a loan under this division shall develop a 91129
plan for tracking the loan recipient's use of the loan and 91130
monitoring the progress of the recipient's repairs or 91131
improvements. 91132

(4) To finance public infrastructure improvements within the 91133
downtown redevelopment district. If revenue generated by the 91134
downtown redevelopment district will be used to finance public 91135
infrastructure improvements, the economic development plan 91136
described by division (B)(5) of this section shall identify 91137
specific projects that are being or will be undertaken within the 91138
district and describe how such infrastructure improvements will 91139
accommodate additional demands on the existing infrastructure 91140
within the district. A municipal corporation shall not use service 91141
payments derived from a downtown redevelopment district to repair 91142
or replace police or fire equipment. 91143

(5) To finance or support loans, deferred loans, or grants to 91144
qualified businesses or to incubators and accelerators that 91145
provide services and capital to qualified businesses within an 91146
innovation district. Such loans or grants shall be awarded upon 91147
the condition that the loan or grant shall be used by the 91148
recipient to start or develop one or more qualified businesses 91149
within the innovation district. A municipal corporation that 91150
awards a loan or grant under this division shall develop a plan 91151
for tracking the loan or grant recipient's use of the loan or 91152
grant and monitoring the establishment and growth of the qualified 91153
business. 91154

(F) Notwithstanding division (B) of this section, 91155
improvements to parcels located within a downtown redevelopment 91156
district may be exempted from taxation under this section for up 91157
to thirty years if either of the following apply: 91158

(1) The ordinance creating the redevelopment district 91159
specifies that payments in lieu of taxes shall be paid to the 91160

city, local, or exempted village, and joint vocational school 91161
district or districts in which the redevelopment district is 91162
located in the amount of the taxes that would have been payable to 91163
the school district or districts if the improvements had not been 91164
exempted from taxation. 91165

(2) The municipal corporation creating the district obtains 91166
the approval under division (G) of this section of the board of 91167
education of each city, local, and exempted village school 91168
district within which the district will be located. 91169

(G)(1) The legislative authority of a municipal corporation 91170
seeking the approval of a school district for the purpose of 91171
division (G)(2) of this section shall send notice of the proposed 91172
ordinance to the school district not later than forty-five 91173
business days before it intends to adopt the ordinance. The notice 91174
shall include a copy of the proposed ordinance and shall indicate 91175
the date on which the legislative authority intends to adopt the 91176
ordinance. The board of education of the school district, by 91177
resolution adopted by a majority of the board, may do any of the 91178
following: 91179

(a) Approve the exemption for the number of years specified 91180
in the proposed ordinance; 91181

(b) Disapprove the exemption for the number of years in 91182
excess of ten; 91183

(c) Approve the exemption on the condition that the 91184
legislative authority and the board negotiate an agreement 91185
providing for compensation to the school district equal in value 91186
to a percentage of the amount of taxes exempted in the eleventh 91187
and subsequent years of the exemption period or other mutually 91188
agreeable compensation. If an agreement is negotiated under this 91189
division, the legislative authority shall compensate all joint 91190
vocational school districts within which the downtown 91191

redevelopment district is located at the same rate and under the 91192
same terms received by the city, local, or exempted village school 91193
district. 91194

(2) The board of education shall certify a resolution adopted 91195
under division (G)(1) of this section to the legislative authority 91196
of the municipal corporation not later than fourteen days before 91197
the date the legislative authority intends to adopt the ordinance 91198
as indicated in the notice. If the board of education approves the 91199
ordinance or negotiates a mutually acceptable compensation 91200
agreement with the legislative authority, the legislative 91201
authority may enact the ordinance in its current form. If the 91202
board disapproves of the ordinance and fails to negotiate a 91203
mutually acceptable compensation agreement with the legislative 91204
authority, the legislative authority may exempt improvements to 91205
parcels within the downtown redevelopment district for not more 91206
than ten years. If the board fails to certify a resolution to the 91207
legislative authority within the time prescribed by this division, 91208
the legislative authority may adopt the ordinance and may exempt 91209
improvements to parcels within the downtown redevelopment district 91210
for the period of time specified in the notice delivered to the 91211
board of education. The legislative authority may adopt the 91212
ordinance at any time after the board of education certifies its 91213
resolution approving the exemption to the legislative authority 91214
or, if the board approves the exemption on the condition that a 91215
mutually acceptable compensation agreement be negotiated, at any 91216
time after the compensation agreement is agreed to by the board 91217
and the legislative authority. 91218

(3) If a board of education has adopted a resolution waiving 91219
its right to approve exemptions from taxation under this section 91220
and the resolution remains in effect, approval of exemptions by 91221
the board is not required under division (G) of this section. If a 91222
board of education has adopted a resolution allowing a legislative 91223

authority to deliver the notice required under division (G)(1) of 91224
this section fewer than forty-five business days before the 91225
legislative authority's adoption of the ordinance, the legislative 91226
authority shall deliver the notice to the board not later than the 91227
number of days before such adoption as prescribed by the board in 91228
its resolution. If a board of education adopts a resolution 91229
waiving its right to approve agreements or shortening the 91230
notification period, the board shall certify a copy of the 91231
resolution to the legislative authority. If the board of education 91232
rescinds such a resolution, it shall certify notice of the 91233
rescission to the legislative authority. 91234

(4) If the legislative authority is not required by division 91235
(G) of this section to notify the board of education of the 91236
legislative authority's intent to create a downtown redevelopment 91237
district, the legislative authority shall comply with the notice 91238
requirements imposed under section 5709.83 of the Revised Code, 91239
unless the board has adopted a resolution under that section 91240
waiving its right to receive such a notice. 91241

(H) Service payments in lieu of taxes that are attributable 91242
to any amount by which the effective tax rate of either a renewal 91243
levy with an increase or a replacement levy exceeds the effective 91244
tax rate of the levy renewed or replaced, or that are attributable 91245
to an additional levy, for a levy authorized by the voters for any 91246
of the following purposes on or after January 1, 2006, and which 91247
are provided pursuant to an ordinance creating a downtown 91248
redevelopment district under division (B) of this section shall be 91249
distributed to the appropriate taxing authority as required under 91250
division (C) of section 5709.46 of the Revised Code in an amount 91251
equal to the amount of taxes from that additional levy or from the 91252
increase in the effective tax rate of such renewal or replacement 91253
levy that would have been payable to that taxing authority from 91254
the following levies were it not for the exemption authorized 91255

under division (B) of this section:	91256
(1) A tax levied under division (L) of section 5705.19 or	91257
section 5705.191 of the Revised Code for community mental	91258
retardation and developmental disabilities programs and services	91259
pursuant to Chapter 5126. of the Revised Code;	91260
(2) A tax levied under division (Y) of section 5705.19 of the	91261
Revised Code for providing or maintaining senior citizens services	91262
or facilities;	91263
(3) A tax levied under section 5705.22 of the Revised Code	91264
for county hospitals;	91265
(4) A tax levied by a joint-county district or by a county	91266
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	91267
for alcohol, drug addiction, and mental health services or	91268
facilities;	91269
(5) A tax levied under section 5705.23 of the Revised Code	91270
for library purposes;	91271
(6) A tax levied under section 5705.24 of the Revised Code	91272
for the support of children services and the placement and care of	91273
children;	91274
(7) A tax levied under division (Z) of section 5705.19 of the	91275
Revised Code for the provision and maintenance of zoological park	91276
services and facilities under section 307.76 of the Revised Code;	91277
(8) A tax levied under section 511.27 or division (H) of	91278
section 5705.19 of the Revised Code for the support of township	91279
park districts;	91280
(9) A tax levied under division (A), (F), or (H) of section	91281
5705.19 of the Revised Code for parks and recreational purposes of	91282
a joint recreation district organized pursuant to division (B) of	91283
section 755.14 of the Revised Code;	91284
(10) A tax levied under section 1545.20 or 1545.21 of the	91285

Revised Code for park district purposes;	91286
(11) A tax levied under section 5705.191 of the Revised Code	91287
for the purpose of making appropriations for public assistance;	91288
human or social services; public relief; public welfare; public	91289
health and hospitalization; and support of general hospitals;	91290
(12) A tax levied under section 3709.29 of the Revised Code	91291
for a general health district program.	91292
(I) An exemption from taxation granted under this section	91293
commences with the tax year specified in the ordinance so long as	91294
the year specified in the ordinance commences after the effective	91295
date of the ordinance. If the ordinance specifies a year	91296
commencing before the effective date of the ordinance or specifies	91297
no year whatsoever, the exemption commences with the tax year in	91298
which an exempted improvement first appears on the tax list and	91299
that commences after the effective date of the ordinance. In lieu	91300
of stating a specific year, the ordinance may provide that the	91301
exemption commences in the tax year in which the value of an	91302
improvement exceeds a specified amount or in which the	91303
construction of one or more improvements is completed, provided	91304
that such tax year commences after the effective date of the	91305
ordinance.	91306
Except as otherwise provided in this division, the exemption	91307
ends on the date specified in the ordinance as the date the	91308
improvement ceases to be a public purpose or the downtown	91309
redevelopment district expires, whichever occurs first. The	91310
exemption of an improvement within a downtown redevelopment	91311
district may end on a later date, as specified in the ordinance,	91312
if the legislative authority and the board of education of the	91313
city, local, or exempted village school district within which the	91314
parcel or district is located have entered into a compensation	91315
agreement under section 5709.82 of the Revised Code with respect	91316
to the improvement, and the board of education has approved the	91317

term of the exemption under division (G) of this section, but in 91318
no case shall the improvement be exempted from taxation for more 91319
than thirty years. Exemptions shall be claimed and allowed in the 91320
same manner as in the case of other real property exemptions. If 91321
an exemption status changes during a year, the procedure for the 91322
apportionment of the taxes for that year is the same as in the 91323
case of other changes in tax exemption status during the year. 91324

(J) Additional municipal financing of the projects and 91325
services described in division (E) of this section may be provided 91326
by any methods that the municipal corporation may otherwise use 91327
for financing such projects and services. If the municipal 91328
corporation issues bonds or notes to finance such projects and 91329
services and pledges money from the municipal downtown 91330
redevelopment district fund to pay the interest on and principal 91331
of the bonds or notes, the bonds or notes are not subject to 91332
Chapter 133. of the Revised Code. 91333

(K) The municipal corporation, not later than fifteen days 91334
after the adoption of an ordinance under this section, shall 91335
submit to the director of development services a copy of the 91336
ordinance. On or before the thirty-first day of March of each 91337
year, the municipal corporation shall submit a status report to 91338
the director of development services. The report shall indicate, 91339
in the manner prescribed by the director, the progress of the 91340
projects and services during each year that an exemption remains 91341
in effect, including a summary of the receipts from service 91342
payments in lieu of taxes; expenditures of money from the funds 91343
created under section 5709.47 of the Revised Code; a description 91344
of the projects and services financed with such expenditures; and 91345
a quantitative summary of changes in employment and private 91346
investment resulting from each project and service. 91347

(L) Nothing in this section shall be construed to prohibit a 91348
legislative authority from declaring to be a public purpose 91349

improvements with respect to more than one parcel. 91350

(M)(1) The owner of real property located in a downtown 91351
redevelopment district may enter into an agreement with the 91352
municipal corporation that created the district to impose a 91353
redevelopment charge on the property to cover all or part of the 91354
cost of services, facilities, and improvements provided within the 91355
district under division (E) of this section. The agreement shall 91356
include the following: 91357

(a) The amount of the redevelopment charge. The redevelopment 91358
charge may be a fixed dollar amount or an amount determined on the 91359
basis of the assessed valuation of the property or all or part of 91360
the profits, gross receipts, or other revenues of a business 91361
operating on the property, including rentals received from leases 91362
of the property. If the property is leased to one or more tenants, 91363
the redevelopment charge may be itemized as part of the lease 91364
rate. 91365

(b) The termination date of the redevelopment charge. The 91366
redevelopment charge shall not be charged after the expiration or 91367
termination of the downtown redevelopment district. 91368

(c) The terms by which the municipal corporation shall 91369
collect the redevelopment charge. 91370

(d) The purposes for which the redevelopment charge may be 91371
used by the municipal corporation. The redevelopment charge shall 91372
be used only for those purposes described by division (E) of this 91373
section. The agreement may specify any or all of such purposes. 91374

(2) Redevelopment charges collected by a municipal 91375
corporation under division (M) of this section shall be deposited 91376
to the municipal downtown redevelopment district fund created 91377
under section 5709.47 of the Revised Code. 91378

(3) An agreement by a property owner under division (M) of 91379
this section is hereby deemed to be a covenant running with the 91380

land. The covenant is fully binding on behalf of and enforceable 91381
by the municipal corporation against any person acquiring an 91382
interest in the land and all of that person's successors and 91383
assigns. 91384

(4) No purchase agreement for real estate or any interest in 91385
real estate upon which a redevelopment charge is levied shall be 91386
enforceable by the seller or binding upon the purchaser unless the 91387
purchase agreement specifically refers to the redevelopment 91388
charge. If a conveyance of such real estate or interest in such 91389
real estate is made pursuant to a purchase agreement that does not 91390
make such reference, the redevelopment charge shall continue to be 91391
a covenant running with the land fully binding on behalf of and 91392
enforceable by the municipal corporation against the person 91393
accepting the conveyance pursuant to the purchase agreement. 91394

(5) If a redevelopment charge is not paid when due, the 91395
overdue amount shall be collected according to the terms of the 91396
agreement. If the agreement does not specify a procedure for 91397
collecting overdue redevelopment charges, the municipal 91398
corporation may certify the charge to the county auditor. The 91399
county auditor shall enter the unpaid charge on the tax list and 91400
duplicate of real property opposite the parcel against which it is 91401
charged and certify the charge to the county treasurer. The unpaid 91402
redevelopment charge is a lien on property against which it is 91403
charged from the date the charge is entered on the tax list, and 91404
shall be collected in the manner provided for the collection of 91405
real property taxes. Once the charge is collected, it shall be 91406
paid immediately to the municipal corporation. 91407

Sec. 5709.48. (A) As used in this section, "regional 91408
transportation improvement project" has the same meaning as in 91409
section 5595.01 of the Revised Code. 91410

(B) For the purposes described in division (A) of section 91411

5595.06 of the Revised Code, the boards of county commissioners of one or more counties that are participants in a regional transportation improvement project may, by resolution, create a transportation financing district and declare improvements to parcels within the district to be a public purpose and exempt from taxation.

(C) A transportation financing district may include territory in more than one county as long as each such county is a party to the resolution creating the district and a participant in the regional transportation improvement project funded by the district. A district shall not include areas used exclusively for residential purposes. A district shall not include any parcel that is or has been exempted from taxation under this section or section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the Revised Code. Counties may designate parcels within the boundaries of a district that are not included in the district. Counties may designate noncontiguous parcels located outside the boundaries of the district that are included in the district.

Counties may adopt more than one resolution under division (B) of this section. A single such resolution may create more than one transportation financing district.

(D) A resolution creating a transportation financing district shall specify all of the following:

(1) A description of the territory included in the district;

(2) The county treasurer's permanent parcel number associated with each parcel included in the district;

(3) The percentage of improvements to be exempted from taxation and the duration of the exemption, which shall not exceed the remaining number of years the cooperative agreement for the regional transportation improvement district, described under section 5595.03 of the Revised Code, is in effect;

(4) A plan for the district that describes the principal purposes and goals to be served by the district and explains how the use of service payments provided for by section 5709.49 of the Revised Code will economically benefit owners of property within the district. 91443
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(E)(1) Before adopting a resolution under division (B) of this section, the board or boards of county commissioners of the participating counties shall notify and obtain the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district. A subdivision or taxing unit's approval or disapproval of the proposed district shall be in the form of an ordinance or resolution. The board or boards may negotiate an agreement with a subdivision or taxing unit providing for compensation equal in value to a percentage of the amount of taxes exempted or some other mutually agreeable compensation. 91448
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(2) A subdivision or taxing unit may adopt an ordinance or resolution waiving its right to approve or receive notice of transportation financing districts proposed under this section. If a subdivision or taxing unit has adopted such an ordinance or resolution, the terms of that ordinance or resolution supersede the requirements of division (E)(1) of this section. One or more boards of county commissioners may negotiate an agreement with a subdivision or taxing unit providing for some mutually agreeable compensation in exchange for the subdivision or taxing unit adopting such an ordinance or resolution. If a subdivision or taxing unit has adopted such an ordinance or resolution, it shall certify a copy to the board of county commissioners of the county or counties in which the subdivision or taxing unit is located. If the subdivision or taxing unit rescinds such an ordinance or resolution, it shall certify notice of the rescission to the same board or boards. 91459
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(F) After notifying and obtaining the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district as required under division (E) of this section, the boards of county commissioners of the participating counties shall notify and obtain the approval of every real property owner whose property is included in the proposed district.

(G)(1) If the resolution creating the transportation financing district is approved by the board of county commissioners of each county in which the district is located, one of the counties shall send a copy of the resolution and documentation sufficient to prove that the requirements of divisions (E) and (F) of this section have been met to the director of development services. The director shall evaluate the resolution and documentation to determine if the counties have fully complied with the requirements of this section. If the director approves the resolution, the director shall send notice of approval to each county that is a party to the resolution. If the director does not approve the resolution, the director shall send notice of denial to each county that is a party to the resolution. The notice of denial shall include the reason or reasons for the denial. If the director does not make a determination within ninety days after receiving a resolution under this section, the director is deemed to have approved the resolution. No resolution creating a transportation financing district is effective without actual or constructive approval by the director under this section.

(2) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or

specifies no year whatsoever, the exemption commences with the tax 91507
year in which an exempted improvement first appears on the tax 91508
list and that commences after the effective date of the 91509
resolution. In lieu of stating a specific year, the resolution may 91510
provide that the exemption commences in the tax year in which the 91511
value of an improvement exceeds a specified amount or in which the 91512
construction of one or more improvements is completed, provided 91513
that such tax year commences after the effective date of the 91514
resolution. 91515

(3) Except as otherwise provided in this division, the 91516
exemption ends on the date specified in the resolution as the date 91517
the improvement ceases to be a public purpose or the regional 91518
transportation improvement project funded by the service payments 91519
dissolves under section 5595.13 of the Revised Code, whichever 91520
occurs first. Exemptions shall be claimed and allowed in the same 91521
manner as in the case of other real property exemptions. If an 91522
exemption status changes during a year, the procedure for the 91523
apportionment of the taxes for that year is the same as in the 91524
case of other changes in tax exemption status during the year. 91525

(H) Service payments in lieu of taxes that are attributable 91526
to any amount by which the effective tax rate of either a renewal 91527
levy with an increase or a replacement levy exceeds the effective 91528
tax rate of the levy renewed or replaced, or that are attributable 91529
to an additional levy, for a levy authorized by the voters for any 91530
of the following purposes on or after January 1, 2006, and which 91531
are provided pursuant to a resolution creating a transportation 91532
financing district under this section shall be distributed to the 91533
appropriate taxing authority as required under division (C) of 91534
section 5709.49 of the Revised Code in an amount equal to the 91535
amount of taxes from that additional levy or from the increase in 91536
the effective tax rate of such renewal or replacement levy that 91537
would have been payable to that taxing authority from the 91538

<u>following levies were it not for the exemption authorized under</u>	91539
<u>this section:</u>	91540
<u>(1) A tax levied under division (L) of section 5705.19 or</u>	91541
<u>section 5705.191 of the Revised Code for community mental</u>	91542
<u>retardation and developmental disabilities programs and services</u>	91543
<u>pursuant to Chapter 5126. of the Revised Code;</u>	91544
<u>(2) A tax levied under division (Y) of section 5705.19 of the</u>	91545
<u>Revised Code for providing or maintaining senior citizens services</u>	91546
<u>or facilities;</u>	91547
<u>(3) A tax levied under section 5705.22 of the Revised Code</u>	91548
<u>for county hospitals;</u>	91549
<u>(4) A tax levied by a joint-county district or by a county</u>	91550
<u>under section 5705.19, 5705.191, or 5705.221 of the Revised Code</u>	91551
<u>for alcohol, drug addiction, and mental health services or</u>	91552
<u>facilities;</u>	91553
<u>(5) A tax levied under section 5705.23 of the Revised Code</u>	91554
<u>for library purposes;</u>	91555
<u>(6) A tax levied under section 5705.24 of the Revised Code</u>	91556
<u>for the support of children services and the placement and care of</u>	91557
<u>children;</u>	91558
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	91559
<u>Revised Code for the provision and maintenance of zoological park</u>	91560
<u>services and facilities under section 307.76 of the Revised Code;</u>	91561
<u>(8) A tax levied under section 511.27 or division (H) of</u>	91562
<u>section 5705.19 of the Revised Code for the support of township</u>	91563
<u>park districts;</u>	91564
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	91565
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	91566
<u>a joint recreation district organized pursuant to division (B) of</u>	91567
<u>section 755.14 of the Revised Code;</u>	91568

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 91569
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 91571
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 91575
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(I) The resolution creating a transportation financing district may be amended at any time by majority vote of the boards of county commissioners of each county in which the district is located and with the approval of the director of development services obtained in the same manner as approval of the original resolution. 91577
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Sec. 5709.49. (A) A county that has declared an improvement to be a public purpose under section 5709.48 of the Revised Code shall require the owner of any structure located on the parcel to make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payment of real property taxes. Each such payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the improvement if it were not exempt from taxation. If any reduction in the levies otherwise applicable to such exempt property is made by the county budget commission under section 5705.31 of the Revised Code, the amount of the service payment in lieu of taxes shall be calculated as if such reduction in levies had not been made. 91583
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(B) Moneys collected as service payments in lieu of taxes from a parcel shall be distributed at the same time and in the same manner as real property tax payments. However, subject to 91597
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division (C) of this section or section 5709.913 of the Revised Code, the entire amount so collected shall be distributed to the county in which the parcel is located. If a resolution adopted under section 5709.48 of the Revised Code specifies that service payments shall be paid to another subdivision or taxing unit in which the parcel is located, the county treasurer shall distribute the portion of the service payments to that subdivision or taxing unit in an amount equal to the property tax payments the subdivision or taxing unit would have received from the portion of the parcel's improvement exempted from taxation had the improvement not been exempted, or some other amount as directed in the resolution. The treasurer shall maintain a record of the service payments in lieu of taxes made from property in each transportation financing district.

(C) If annual service payments in lieu of taxes are required under this section, the county treasurer shall distribute to the appropriate taxing authorities the portion of the service payments that represent payments required under division (H) of section 5709.48 of the Revised Code.

(D) Nothing in this section or section 5709.48 of the Revised Code affects the taxes levied against that portion of the value of any parcel of property that is not exempt from taxation.

Sec. 5709.50. (A) A county that grants a tax exemption under section 5709.48 of the Revised Code shall establish a regional transportation improvement project fund into which shall be deposited service payments in lieu of taxes distributed to the county under section 5709.49 of the Revised Code. Money in the regional transportation improvement project fund shall be used to compensate subdivisions and taxing units within which exempted parcels are located pursuant to agreements entered into by the county under division (E) of section 5709.48 of the Revised Code.

The remainder shall be dispensed to the governing board of the regional transportation improvement project and used for the purposes described in the resolution creating the transportation financing district. 91631
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(B) Any incidental surplus remaining in the regional transportation improvement project fund or an account of that fund upon dissolution of the fund or account shall be transferred to the general fund of the county. 91635
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Sec. 5709.62. (A) In any municipal corporation that is 91639
defined by the United States office of management and budget as a 91640
principal city of a metropolitan statistical area, the legislative 91641
authority of the municipal corporation may designate one or more 91642
areas within its municipal corporation as proposed enterprise 91643
zones. Upon designating an area, the legislative authority shall 91644
petition the director of development services for certification of 91645
the area as having the characteristics set forth in division 91646
(A)(1) of section 5709.61 of the Revised Code as amended by 91647
Substitute Senate Bill No. 19 of the 120th general assembly. 91648
Except as otherwise provided in division (E) of this section, on 91649
and after July 1, 1994, legislative authorities shall not enter 91650
into agreements under this section unless the legislative 91651
authority has petitioned the director and the director has 91652
certified the zone under this section as amended by that act; 91653
however, all agreements entered into under this section as it 91654
existed prior to July 1, 1994, and the incentives granted under 91655
those agreements shall remain in effect for the period agreed to 91656
under those agreements. Within sixty days after receiving such a 91657
petition, the director shall determine whether the area has the 91658
characteristics set forth in division (A)(1) of section 5709.61 of 91659
the Revised Code, and shall forward the findings to the 91660
legislative authority of the municipal corporation. If the 91661

director certifies the area as having those characteristics, and 91662
thereby certifies it as a zone, the legislative authority may 91663
enter into an agreement with an enterprise under division (C) of 91664
this section. 91665

(B) Any enterprise that wishes to enter into an agreement 91666
with a municipal corporation under division (C) of this section 91667
shall submit a proposal to the legislative authority of the 91668
municipal corporation on a form prescribed by the director of 91669
development services, together with the application fee 91670
established under section 5709.68 of the Revised Code. The form 91671
shall require the following information: 91672

(1) An estimate of the number of new employees whom the 91673
enterprise intends to hire, or of the number of employees whom the 91674
enterprise intends to retain, within the zone at a facility that 91675
is a project site, and an estimate of the amount of payroll of the 91676
enterprise attributable to these employees; 91677

(2) An estimate of the amount to be invested by the 91678
enterprise to establish, expand, renovate, or occupy a facility, 91679
including investment in new buildings, additions or improvements 91680
to existing buildings, machinery, equipment, furniture, fixtures, 91681
and inventory; 91682

(3) A listing of the enterprise's current investment, if any, 91683
in a facility as of the date of the proposal's submission. 91684

The enterprise shall review and update the listings required 91685
under this division to reflect material changes, and any agreement 91686
entered into under division (C) of this section shall set forth 91687
final estimates and listings as of the time the agreement is 91688
entered into. The legislative authority may, on a separate form 91689
and at any time, require any additional information necessary to 91690
determine whether an enterprise is in compliance with an agreement 91691
and to collect the information required to be reported under 91692

section 5709.68 of the Revised Code. 91693

(C) Upon receipt and investigation of a proposal under 91694
division (B) of this section, if the legislative authority finds 91695
that the enterprise submitting the proposal is qualified by 91696
financial responsibility and business experience to create and 91697
preserve employment opportunities in the zone and improve the 91698
economic climate of the municipal corporation, the legislative 91699
authority, ~~on or before October 15, 2017,~~ may do one of the 91700
following: 91701

(1) Enter into an agreement with the enterprise under which 91702
the enterprise agrees to establish, expand, renovate, or occupy a 91703
facility and hire new employees, or preserve employment 91704
opportunities for existing employees, in return for one or more of 91705
the following incentives: 91706

(a) Exemption for a specified number of years, not to exceed 91707
fifteen, of a specified portion, up to seventy-five per cent, of 91708
the assessed value of tangible personal property first used in 91709
business at the project site as a result of the agreement. If an 91710
exemption for inventory is specifically granted in the agreement 91711
pursuant to this division, the exemption applies to inventory 91712
required to be listed pursuant to sections 5711.15 and 5711.16 of 91713
the Revised Code, except that, in the instance of an expansion or 91714
other situations in which an enterprise was in business at the 91715
facility prior to the establishment of the zone, the inventory 91716
that is exempt is that amount or value of inventory in excess of 91717
the amount or value of inventory required to be listed in the 91718
personal property tax return of the enterprise in the return for 91719
the tax year in which the agreement is entered into. 91720

(b) Exemption for a specified number of years, not to exceed 91721
fifteen, of a specified portion, up to seventy-five per cent, of 91722
the increase in the assessed valuation of real property 91723
constituting the project site subsequent to formal approval of the 91724

agreement by the legislative authority; 91725

(c) Provision for a specified number of years, not to exceed 91726
fifteen, of any optional services or assistance that the municipal 91727
corporation is authorized to provide with regard to the project 91728
site. 91729

(2) Enter into an agreement under which the enterprise agrees 91730
to remediate an environmentally contaminated facility, to spend an 91731
amount equal to at least two hundred fifty per cent of the true 91732
value in money of the real property of the facility prior to 91733
remediation as determined for the purposes of property taxation to 91734
establish, expand, renovate, or occupy the remediated facility, 91735
and to hire new employees or preserve employment opportunities for 91736
existing employees at the remediated facility, in return for one 91737
or more of the following incentives: 91738

(a) Exemption for a specified number of years, not to exceed 91739
fifteen, of a specified portion, not to exceed fifty per cent, of 91740
the assessed valuation of the real property of the facility prior 91741
to remediation; 91742

(b) Exemption for a specified number of years, not to exceed 91743
fifteen, of a specified portion, not to exceed one hundred per 91744
cent, of the increase in the assessed valuation of the real 91745
property of the facility during or after remediation; 91746

(c) The incentive under division (C)(1)(a) of this section, 91747
except that the percentage of the assessed value of such property 91748
exempted from taxation shall not exceed one hundred per cent; 91749

(d) The incentive under division (C)(1)(c) of this section. 91750

(3) Enter into an agreement with an enterprise that plans to 91751
purchase and operate a large manufacturing facility that has 91752
ceased operation or announced its intention to cease operation, in 91753
return for exemption for a specified number of years, not to 91754
exceed fifteen, of a specified portion, up to one hundred per 91755

cent, of the assessed value of tangible personal property used in 91756
business at the project site as a result of the agreement, or of 91757
the assessed valuation of real property constituting the project 91758
site, or both. 91759

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 91760
section, the portion of the assessed value of tangible personal 91761
property or of the increase in the assessed valuation of real 91762
property exempted from taxation under those divisions may exceed 91763
seventy-five per cent in any year for which that portion is 91764
exempted if the average percentage exempted for all years in which 91765
the agreement is in effect does not exceed sixty per cent, or if 91766
the board of education of the city, local, or exempted village 91767
school district within the territory of which the property is or 91768
will be located approves a percentage in excess of seventy-five 91769
per cent. 91770

(2) Notwithstanding any provision of the Revised Code to the 91771
contrary, the exemptions described in divisions (C)(1)(a), (b), 91772
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 91773
be for up to fifteen years if the board of education of the city, 91774
local, or exempted village school district within the territory of 91775
which the property is or will be located approves a number of 91776
years in excess of ten. 91777

(3) For the purpose of obtaining the approval of a city, 91778
local, or exempted village school district under division (D)(1) 91779
or (2) of this section, the legislative authority shall deliver to 91780
the board of education a notice not later than forty-five days 91781
prior to approving the agreement, excluding Saturdays, Sundays, 91782
and legal holidays as defined in section 1.14 of the Revised Code. 91783
The notice shall state the percentage to be exempted, an estimate 91784
of the true value of the property to be exempted, and the number 91785
of years the property is to be exempted. The board of education, 91786
by resolution adopted by a majority of the board, shall approve or 91787

disapprove the agreement and certify a copy of the resolution to 91788
the legislative authority not later than fourteen days prior to 91789
the date stipulated by the legislative authority as the date upon 91790
which approval of the agreement is to be formally considered by 91791
the legislative authority. The board of education may include in 91792
the resolution conditions under which the board would approve the 91793
agreement, including the execution of an agreement to compensate 91794
the school district under division (B) of section 5709.82 of the 91795
Revised Code. The legislative authority may approve the agreement 91796
at any time after the board of education certifies its resolution 91797
approving the agreement to the legislative authority, or, if the 91798
board approves the agreement conditionally, at any time after the 91799
conditions are agreed to by the board and the legislative 91800
authority. 91801

If a board of education has adopted a resolution waiving its 91802
right to approve agreements and the resolution remains in effect, 91803
approval of an agreement by the board is not required under this 91804
division. If a board of education has adopted a resolution 91805
allowing a legislative authority to deliver the notice required 91806
under this division fewer than forty-five business days prior to 91807
the legislative authority's approval of the agreement, the 91808
legislative authority shall deliver the notice to the board not 91809
later than the number of days prior to such approval as prescribed 91810
by the board in its resolution. If a board of education adopts a 91811
resolution waiving its right to approve agreements or shortening 91812
the notification period, the board shall certify a copy of the 91813
resolution to the legislative authority. If the board of education 91814
rescinds such a resolution, it shall certify notice of the 91815
rescission to the legislative authority. 91816

(4) The legislative authority shall comply with section 91817
5709.83 of the Revised Code unless the board of education has 91818
adopted a resolution under that section waiving its right to 91819

receive such notice. 91820

(E) This division applies to zones certified by the director 91821
of development services under this section prior to July 22, 1994. 91822

~~On or before October 15, 2017, the~~ The legislative authority 91823
that designated a zone to which this division applies may enter 91824
into an agreement with an enterprise if the legislative authority 91825
finds that the enterprise satisfies one of the criteria described 91826
in divisions (E)(1) to (5) of this section: 91827

(1) The enterprise currently has no operations in this state 91828
and, subject to approval of the agreement, intends to establish 91829
operations in the zone; 91830

(2) The enterprise currently has operations in this state 91831
and, subject to approval of the agreement, intends to establish 91832
operations at a new location in the zone that would not result in 91833
a reduction in the number of employee positions at any of the 91834
enterprise's other locations in this state; 91835

(3) The enterprise, subject to approval of the agreement, 91836
intends to relocate operations, currently located in another 91837
state, to the zone; 91838

(4) The enterprise, subject to approval of the agreement, 91839
intends to expand operations at an existing site in the zone that 91840
the enterprise currently operates; 91841

(5) The enterprise, subject to approval of the agreement, 91842
intends to relocate operations, currently located in this state, 91843
to the zone, and the director of development services has issued a 91844
waiver for the enterprise under division (B) of section 5709.633 91845
of the Revised Code. 91846

The agreement shall require the enterprise to agree to 91847
establish, expand, renovate, or occupy a facility in the zone and 91848
hire new employees, or preserve employment opportunities for 91849

existing employees, in return for one or more of the incentives 91850
described in division (C) of this section. 91851

(F) All agreements entered into under this section shall be 91852
in the form prescribed under section 5709.631 of the Revised Code. 91853
After an agreement is entered into under this section, if the 91854
legislative authority revokes its designation of a zone, or if the 91855
director of development services revokes a zone's certification, 91856
any entitlements granted under the agreement shall continue for 91857
the number of years specified in the agreement. 91858

(G) Except as otherwise provided in this division, an 91859
agreement entered into under this section shall require that the 91860
enterprise pay an annual fee equal to the greater of one per cent 91861
of the dollar value of incentives offered under the agreement or 91862
five hundred dollars; provided, however, that if the value of the 91863
incentives exceeds two hundred fifty thousand dollars, the fee 91864
shall not exceed two thousand five hundred dollars. The fee shall 91865
be payable to the legislative authority once per year for each 91866
year the agreement is effective on the days and in the form 91867
specified in the agreement. Fees paid shall be deposited in a 91868
special fund created for such purpose by the legislative authority 91869
and shall be used by the legislative authority exclusively for the 91870
purpose of complying with section 5709.68 of the Revised Code and 91871
by the tax incentive review council created under section 5709.85 91872
of the Revised Code exclusively for the purposes of performing the 91873
duties prescribed under that section. The legislative authority 91874
may waive or reduce the amount of the fee charged against an 91875
enterprise, but such a waiver or reduction does not affect the 91876
obligations of the legislative authority or the tax incentive 91877
review council to comply with section 5709.68 or 5709.85 of the 91878
Revised Code. 91879

(H) When an agreement is entered into pursuant to this 91880
section, the legislative authority authorizing the agreement shall 91881

forward a copy of the agreement to the director of development 91882
services and to the tax commissioner within fifteen days after the 91883
agreement is entered into. If any agreement includes terms not 91884
provided for in section 5709.631 of the Revised Code affecting the 91885
revenue of a city, local, or exempted village school district or 91886
causing revenue to be forgone by the district, including any 91887
compensation to be paid to the school district pursuant to section 91888
5709.82 of the Revised Code, those terms also shall be forwarded 91889
in writing to the director of development services along with the 91890
copy of the agreement forwarded under this division. 91891

(I) After an agreement is entered into, the enterprise shall 91892
file with each personal property tax return required to be filed, 91893
or annual report required to be filed under section 5727.08 of the 91894
Revised Code, while the agreement is in effect, an informational 91895
return, on a form prescribed by the tax commissioner for that 91896
purpose, setting forth separately the property, and related costs 91897
and values, exempted from taxation under the agreement. 91898

(J) Enterprises may agree to give preference to residents of 91899
the zone within which the agreement applies relative to residents 91900
of this state who do not reside in the zone when hiring new 91901
employees under the agreement. 91902

(K) An agreement entered into under this section may include 91903
a provision requiring the enterprise to create one or more 91904
temporary internship positions for students enrolled in a course 91905
of study at a school or other educational institution in the 91906
vicinity, and to create a scholarship or provide another form of 91907
educational financial assistance for students holding such a 91908
position in exchange for the student's commitment to work for the 91909
enterprise at the completion of the internship. 91910

(L) The tax commissioner's authority in determining the 91911
accuracy of any exemption granted by an agreement entered into 91912
under this section is limited to divisions (C)(1)(a) and (b), 91913

(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 91914
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 91915
and, as authorized by law, to enforcing any modification to, or 91916
revocation of, that agreement by the legislative authority of a 91917
municipal corporation or the director of development services. 91918

Sec. 5709.63. (A) With the consent of the legislative 91919
authority of each affected municipal corporation or of a board of 91920
township trustees, a board of county commissioners may, in the 91921
manner set forth in section 5709.62 of the Revised Code, designate 91922
one or more areas in one or more municipal corporations or in 91923
unincorporated areas of the county as proposed enterprise zones. A 91924
board of county commissioners may designate no more than one area 91925
within a township, or within adjacent townships, as a proposed 91926
enterprise zone. The board shall petition the director of 91927
development services for certification of the area as having the 91928
characteristics set forth in division (A)(1) or (2) of section 91929
5709.61 of the Revised Code as amended by Substitute Senate Bill 91930
No. 19 of the 120th general assembly. Except as otherwise provided 91931
in division (D) of this section, on and after July 1, 1994, boards 91932
of county commissioners shall not enter into agreements under this 91933
section unless the board has petitioned the director and the 91934
director has certified the zone under this section as amended by 91935
that act; however, all agreements entered into under this section 91936
as it existed prior to July 1, 1994, and the incentives granted 91937
under those agreements shall remain in effect for the period 91938
agreed to under those agreements. The director shall make the 91939
determination in the manner provided under section 5709.62 of the 91940
Revised Code. 91941

Any enterprise wishing to enter into an agreement with the 91942
board under division (B) or (D) of this section shall submit a 91943
proposal to the board on the form and accompanied by the 91944
application fee prescribed under division (B) of section 5709.62 91945

of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, ~~on or before October 15, 2017,~~ and with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, may do either of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(a) When the facility is located in a municipal corporation, the board may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the

assessed value of tangible personal property first used in 91977
business at a project site as a result of the agreement. If an 91978
exemption for inventory is specifically granted in the agreement 91979
pursuant to this division, the exemption applies to inventory 91980
required to be listed pursuant to sections 5711.15 and 5711.16 of 91981
the Revised Code, except, in the instance of an expansion or other 91982
situations in which an enterprise was in business at the facility 91983
prior to the establishment of the zone, the inventory that is 91984
exempt is that amount or value of inventory in excess of the 91985
amount or value of inventory required to be listed in the personal 91986
property tax return of the enterprise in the return for the tax 91987
year in which the agreement is entered into. 91988

(ii) Exemption for a specified number of years, not to exceed 91989
fifteen, of a specified portion, up to sixty per cent, of the 91990
increase in the assessed valuation of real property constituting 91991
the project site subsequent to formal approval of the agreement by 91992
the board; 91993

(iii) Provision for a specified number of years, not to 91994
exceed fifteen, of any optional services or assistance the board 91995
is authorized to provide with regard to the project site; 91996

(iv) The incentive described in division (C)(2) of section 91997
5709.62 of the Revised Code. 91998

(2) Enter into an agreement with an enterprise that plans to 91999
purchase and operate a large manufacturing facility that has 92000
ceased operation or has announced its intention to cease 92001
operation, in return for exemption for a specified number of 92002
years, not to exceed fifteen, of a specified portion, up to one 92003
hundred per cent, of tangible personal property used in business 92004
at the project site as a result of the agreement, or of real 92005
property constituting the project site, or both. 92006

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 92007

this section, the portion of the assessed value of tangible 92008
personal property or of the increase in the assessed valuation of 92009
real property exempted from taxation under those divisions may 92010
exceed sixty per cent in any year for which that portion is 92011
exempted if the average percentage exempted for all years in which 92012
the agreement is in effect does not exceed fifty per cent, or if 92013
the board of education of the city, local, or exempted village 92014
school district within the territory of which the property is or 92015
will be located approves a percentage in excess of sixty per cent. 92016

(b) Notwithstanding any provision of the Revised Code to the 92017
contrary, the exemptions described in divisions (B)(1)(b)(i), 92018
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 92019
fifteen years if the board of education of the city, local, or 92020
exempted village school district within the territory of which the 92021
property is or will be located approves a number of years in 92022
excess of ten. 92023

(c) For the purpose of obtaining the approval of a city, 92024
local, or exempted village school district under division 92025
(C)(1)(a) or (b) of this section, the board of county 92026
commissioners shall deliver to the board of education a notice not 92027
later than forty-five days prior to approving the agreement, 92028
excluding Saturdays, Sundays, and legal holidays as defined in 92029
section 1.14 of the Revised Code. The notice shall state the 92030
percentage to be exempted, an estimate of the true value of the 92031
property to be exempted, and the number of years the property is 92032
to be exempted. The board of education, by resolution adopted by a 92033
majority of the board, shall approve or disapprove the agreement 92034
and certify a copy of the resolution to the board of county 92035
commissioners not later than fourteen days prior to the date 92036
stipulated by the board of county commissioners as the date upon 92037
which approval of the agreement is to be formally considered by 92038
the board of county commissioners. The board of education may 92039

include in the resolution conditions under which the board would 92040
approve the agreement, including the execution of an agreement to 92041
compensate the school district under division (B) of section 92042
5709.82 of the Revised Code. The board of county commissioners may 92043
approve the agreement at any time after the board of education 92044
certifies its resolution approving the agreement to the board of 92045
county commissioners, or, if the board of education approves the 92046
agreement conditionally, at any time after the conditions are 92047
agreed to by the board of education and the board of county 92048
commissioners. 92049

If a board of education has adopted a resolution waiving its 92050
right to approve agreements and the resolution remains in effect, 92051
approval of an agreement by the board of education is not required 92052
under division (C) of this section. If a board of education has 92053
adopted a resolution allowing a board of county commissioners to 92054
deliver the notice required under this division fewer than 92055
forty-five business days prior to approval of the agreement by the 92056
board of county commissioners, the board of county commissioners 92057
shall deliver the notice to the board of education not later than 92058
the number of days prior to such approval as prescribed by the 92059
board of education in its resolution. If a board of education 92060
adopts a resolution waiving its right to approve agreements or 92061
shortening the notification period, the board of education shall 92062
certify a copy of the resolution to the board of county 92063
commissioners. If the board of education rescinds such a 92064
resolution, it shall certify notice of the rescission to the board 92065
of county commissioners. 92066

(2) The board of county commissioners shall comply with 92067
section 5709.83 of the Revised Code unless the board of education 92068
has adopted a resolution under that section waiving its right to 92069
receive such notice. 92070

(D) This division applies to zones certified by the director 92071

of development services under this section prior to July 22, 1994. 92072

~~On or before October 15, 2017, and with~~ With the consent of 92073
the legislative authority of each affected municipal corporation 92074
or board of township trustees of each affected township, the board 92075
of county commissioners that designated a zone to which this 92076
division applies may enter into an agreement with an enterprise if 92077
the board finds that the enterprise satisfies one of the criteria 92078
described in divisions (D)(1) to (5) of this section: 92079

(1) The enterprise currently has no operations in this state 92080
and, subject to approval of the agreement, intends to establish 92081
operations in the zone; 92082

(2) The enterprise currently has operations in this state 92083
and, subject to approval of the agreement, intends to establish 92084
operations at a new location in the zone that would not result in 92085
a reduction in the number of employee positions at any of the 92086
enterprise's other locations in this state; 92087

(3) The enterprise, subject to approval of the agreement, 92088
intends to relocate operations, currently located in another 92089
state, to the zone; 92090

(4) The enterprise, subject to approval of the agreement, 92091
intends to expand operations at an existing site in the zone that 92092
the enterprise currently operates; 92093

(5) The enterprise, subject to approval of the agreement, 92094
intends to relocate operations, currently located in this state, 92095
to the zone, and the director of development services has issued a 92096
waiver for the enterprise under division (B) of section 5709.633 92097
of the Revised Code. 92098

The agreement shall require the enterprise to agree to 92099
establish, expand, renovate, or occupy a facility in the zone and 92100
hire new employees, or preserve employment opportunities for 92101
existing employees, in return for one or more of the incentives 92102

described in division (B) of this section. 92103

(E) All agreements entered into under this section shall be 92104
in the form prescribed under section 5709.631 of the Revised Code. 92105
After an agreement under this section is entered into, if the 92106
board of county commissioners revokes its designation of a zone, 92107
or if the director of development services revokes a zone's 92108
certification, any entitlements granted under the agreement shall 92109
continue for the number of years specified in the agreement. 92110

(F) Except as otherwise provided in this division, an 92111
agreement entered into under this section shall require that the 92112
enterprise pay an annual fee equal to the greater of one per cent 92113
of the dollar value of incentives offered under the agreement or 92114
five hundred dollars; provided, however, that if the value of the 92115
incentives exceeds two hundred fifty thousand dollars, the fee 92116
shall not exceed two thousand five hundred dollars. The fee shall 92117
be payable to the board of county commissioners once per year for 92118
each year the agreement is effective on the days and in the form 92119
specified in the agreement. Fees paid shall be deposited in a 92120
special fund created for such purpose by the board and shall be 92121
used by the board exclusively for the purpose of complying with 92122
section 5709.68 of the Revised Code and by the tax incentive 92123
review council created under section 5709.85 of the Revised Code 92124
exclusively for the purposes of performing the duties prescribed 92125
under that section. The board may waive or reduce the amount of 92126
the fee charged against an enterprise, but such waiver or 92127
reduction does not affect the obligations of the board or the tax 92128
incentive review council to comply with section 5709.68 or 5709.85 92129
of the Revised Code, respectively. 92130

(G) With the approval of the legislative authority of a 92131
municipal corporation or the board of township trustees of a 92132
township in which a zone is designated under division (A) of this 92133
section, the board of county commissioners may delegate to that 92134

legislative authority or board any powers and duties of the board 92135
of county commissioners to negotiate and administer agreements 92136
with regard to that zone under this section. 92137

(H) When an agreement is entered into pursuant to this 92138
section, the board of county commissioners authorizing the 92139
agreement or the legislative authority or board of township 92140
trustees that negotiates and administers the agreement shall 92141
forward a copy of the agreement to the director of development 92142
services and to the tax commissioner within fifteen days after the 92143
agreement is entered into. If any agreement includes terms not 92144
provided for in section 5709.631 of the Revised Code affecting the 92145
revenue of a city, local, or exempted village school district or 92146
causing revenue to be foregone by the district, including any 92147
compensation to be paid to the school district pursuant to section 92148
5709.82 of the Revised Code, those terms also shall be forwarded 92149
in writing to the director of development services along with the 92150
copy of the agreement forwarded under this division. 92151

(I) After an agreement is entered into, the enterprise shall 92152
file with each personal property tax return required to be filed, 92153
or annual report that is required to be filed under section 92154
5727.08 of the Revised Code, while the agreement is in effect, an 92155
informational return, on a form prescribed by the tax commissioner 92156
for that purpose, setting forth separately the property, and 92157
related costs and values, exempted from taxation under the 92158
agreement. 92159

(J) Enterprises may agree to give preference to residents of 92160
the zone within which the agreement applies relative to residents 92161
of this state who do not reside in the zone when hiring new 92162
employees under the agreement. 92163

(K) An agreement entered into under this section may include 92164
a provision requiring the enterprise to create one or more 92165
temporary internship positions for students enrolled in a course 92166

of study at a school or other educational institution in the 92167
vicinity, and to create a scholarship or provide another form of 92168
educational financial assistance for students holding such a 92169
position in exchange for the student's commitment to work for the 92170
enterprise at the completion of the internship. 92171

(L) The tax commissioner's authority in determining the 92172
accuracy of any exemption granted by an agreement entered into 92173
under this section is limited to divisions (B)(1)(b)(i) and (ii), 92174
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 92175
this section as it pertains to divisions (C)(2)(a), (b), and (c) 92176
of section 5709.62 of the Revised Code, and divisions (B)(1) to 92177
(10) of section 5709.631 of the Revised Code and, as authorized by 92178
law, to enforcing any modification to, or revocation of, that 92179
agreement by the board of county commissioners or the director of 92180
development services or, if the board's powers and duties are 92181
delegated under division (G) of this section, by the legislative 92182
authority of a municipal corporation or board of township 92183
trustees. 92184

Sec. 5709.632. (A)(1) The legislative authority of a 92185
municipal corporation defined by the United States office of 92186
management and budget as a principal city of a metropolitan 92187
statistical area may, in the manner set forth in section 5709.62 92188
of the Revised Code, designate one or more areas in the municipal 92189
corporation as a proposed enterprise zone. 92190

(2) With the consent of the legislative authority of each 92191
affected municipal corporation or of a board of township trustees, 92192
a board of county commissioners may, in the manner set forth in 92193
section 5709.62 of the Revised Code, designate one or more areas 92194
in one or more municipal corporations or in unincorporated areas 92195
of the county as proposed urban jobs and enterprise zones, except 92196
that a board of county commissioners may designate no more than 92197

one area within a township, or within adjacent townships, as a 92198
proposed urban jobs and enterprise zone. 92199

(3) The legislative authority or board of county 92200
commissioners may petition the director of development services 92201
for certification of the area as having the characteristics set 92202
forth in division (A)(3) of section 5709.61 of the Revised Code. 92203
Within sixty days after receiving such a petition, the director 92204
shall determine whether the area has the characteristics set forth 92205
in that division and forward the findings to the legislative 92206
authority or board of county commissioners. If the director 92207
certifies the area as having those characteristics and thereby 92208
certifies it as a zone, the legislative authority or board may 92209
enter into agreements with enterprises under division (B) of this 92210
section. Any enterprise wishing to enter into an agreement with a 92211
legislative authority or board of county commissioners under this 92212
section and satisfying one of the criteria described in divisions 92213
(B)(1) to (5) of this section shall submit a proposal to the 92214
legislative authority or board on the form prescribed under 92215
division (B) of section 5709.62 of the Revised Code and shall 92216
review and update the estimates and listings required by the form 92217
in the manner required under that division. The legislative 92218
authority or board may, on a separate form and at any time, 92219
require any additional information necessary to determine whether 92220
an enterprise is in compliance with an agreement and to collect 92221
the information required to be reported under section 5709.68 of 92222
the Revised Code. 92223

(B) Prior to entering into an agreement with an enterprise, 92224
the legislative authority or board of county commissioners shall 92225
determine whether the enterprise submitting the proposal is 92226
qualified by financial responsibility and business experience to 92227
create and preserve employment opportunities in the zone and to 92228
improve the economic climate of the municipal corporation or 92229

municipal corporations or the unincorporated areas in which the 92230
zone is located and to which the proposal applies, and whether the 92231
enterprise satisfies one of the following criteria: 92232

(1) The enterprise currently has no operations in this state 92233
and, subject to approval of the agreement, intends to establish 92234
operations in the zone; 92235

(2) The enterprise currently has operations in this state 92236
and, subject to approval of the agreement, intends to establish 92237
operations at a new location in the zone that would not result in 92238
a reduction in the number of employee positions at any of the 92239
enterprise's other locations in this state; 92240

(3) The enterprise, subject to approval of the agreement, 92241
intends to relocate operations, currently located in another 92242
state, to the zone; 92243

(4) The enterprise, subject to approval of the agreement, 92244
intends to expand operations at an existing site in the zone that 92245
the enterprise currently operates; 92246

(5) The enterprise, subject to approval of the agreement, 92247
intends to relocate operations, currently located in this state, 92248
to the zone, and the director of development services has issued a 92249
waiver for the enterprise under division (B) of section 5709.633 92250
of the Revised Code. 92251

(C) If the legislative authority or board determines that the 92252
enterprise is so qualified and satisfies one of the criteria 92253
described in divisions (B)(1) to (5) of this section, the 92254
legislative authority or board may, after complying with section 92255
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 92256
and, in the case of a board of commissioners, with the consent of 92257
the legislative authority of each affected municipal corporation 92258
or of the board of township trustees, enter into an agreement with 92259
the enterprise under which the enterprise agrees to establish, 92260

expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the

legislative authority or board and shall be used by the 92293
legislative authority or board exclusively for the purpose of 92294
complying with section 5709.68 of the Revised Code and by the tax 92295
incentive review council created under section 5709.85 of the 92296
Revised Code exclusively for the purposes of performing the duties 92297
prescribed under that section. The legislative authority or board 92298
may waive or reduce the amount of the fee charged against an 92299
enterprise, but such waiver or reduction does not affect the 92300
obligations of the legislative authority or board or the tax 92301
incentive review council to comply with section 5709.68 or 5709.85 92302
of the Revised Code, respectively. 92303

(F) With the approval of the legislative authority of a 92304
municipal corporation or the board of township trustees of a 92305
township in which a zone is designated under division (A)(2) of 92306
this section, the board of county commissioners may delegate to 92307
that legislative authority or board any powers and duties of the 92308
board to negotiate and administer agreements with regard to that 92309
zone under this section. 92310

(G) When an agreement is entered into pursuant to this 92311
section, the legislative authority or board of commissioners 92312
authorizing the agreement shall forward a copy of the agreement to 92313
the director of development services and to the tax commissioner 92314
within fifteen days after the agreement is entered into. If any 92315
agreement includes terms not provided for in section 5709.631 of 92316
the Revised Code affecting the revenue of a city, local, or 92317
exempted village school district or causing revenue to be forgone 92318
by the district, including any compensation to be paid to the 92319
school district pursuant to section 5709.82 of the Revised Code, 92320
those terms also shall be forwarded in writing to the director of 92321
development services along with the copy of the agreement 92322
forwarded under this division. 92323

(H) After an agreement is entered into, the enterprise shall 92324

file with each personal property tax return required to be filed 92325
while the agreement is in effect, an informational return, on a 92326
form prescribed by the tax commissioner for that purpose, setting 92327
forth separately the property, and related costs and values, 92328
exempted from taxation under the agreement. 92329

(I) An agreement entered into under this section may include 92330
a provision requiring the enterprise to create one or more 92331
temporary internship positions for students enrolled in a course 92332
of study at a school or other educational institution in the 92333
vicinity, and to create a scholarship or provide another form of 92334
educational financial assistance for students holding such a 92335
position in exchange for the student's commitment to work for the 92336
enterprise at the completion of the internship. 92337

Sec. 5709.64. (A) If an enterprise has been granted an 92338
incentive for the current calendar year under an agreement entered 92339
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 92340
Code, it may apply, on or before the thirtieth day of April of 92341
that year, to the director of development, on a form prescribed by 92342
the director, for a tax incentive qualification certificate. The 92343
enterprise qualifies for an initial certificate if, on or before 92344
the last day of the calendar year immediately preceding that in 92345
which application is made, it satisfies all of the following 92346
requirements: 92347

(1) The enterprise has established, expanded, renovated, or 92348
occupied a facility pursuant to the agreement under section 92349
5709.62, 5709.63, or 5709.632 of the Revised Code. 92350

(2) The enterprise has hired new employees to fill nonretail 92351
positions at the facility, at least twenty-five per cent of whom 92352
at the time they were employed were at least one of the following: 92353

(a) Unemployed persons who had resided at least six months in 92354
the county in which the enterprise's project site is located; 92355

(b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located; 92356
92357
92358

(c) Participants of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, financial assistance under former Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located; 92359
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(d) ~~Handicapped persons~~ Eligible individuals with disabilities, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located; 92367
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(e) Residents for at least one year of a zone located in the county in which the enterprise's project site is located. 92371
92372

The director of development shall, by rule, establish criteria for determining what constitutes a nonretail position at a facility. 92373
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(3) The average number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the calendar year in which application is made exceeds the maximum number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the first year the enterprise satisfies the requirements set forth in divisions (A)(1) and (2) of this section. If the enterprise is engaged in a business which, because of its seasonal nature, customarily enables the enterprise to operate at full capacity only during regularly recurring periods of the year, the average number of positions attributable to the 92376
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enterprise in the municipal corporation during each period of the 92387
calendar year immediately preceding the calendar year in which 92388
application is made must exceed only the maximum number of 92389
positions attributable to the enterprise in each corresponding 92390
period of the calendar year immediately preceding the first year 92391
the enterprise satisfies the requirements of divisions (A)(1) and 92392
(2) of this section. The director of development shall, by rule, 92393
prescribe methods for determining whether an enterprise is engaged 92394
in a seasonal business and for determining the length of the 92395
corresponding periods to be compared. 92396

(4) The enterprise has not closed or reduced employment at 92397
any place of business in the state for the primary purpose of 92398
establishing, expanding, renovating, or occupying a facility. The 92399
legislative authority of any municipal corporation or the board of 92400
county commissioners of any county that concludes that an 92401
enterprise has closed or reduced employment at a place of business 92402
in that municipal corporation or county for the primary purpose of 92403
establishing, expanding, renovating, or occupying a facility in a 92404
zone may appeal to the director to determine whether the 92405
enterprise has done so. Upon receiving such an appeal, the 92406
director shall investigate the allegations and make such a 92407
determination before issuing an initial or renewal tax incentive 92408
qualification certificate under this section. 92409

Within sixty days after receiving an application under this 92410
division, the director shall review, investigate, and verify the 92411
application and determine whether the enterprise qualifies for a 92412
certificate. The application shall include an affidavit executed 92413
by the applicant verifying that the enterprise satisfies the 92414
requirements of division (A)(2) of this section, and shall contain 92415
such information and documents as the director requires, by rule, 92416
to ascertain whether the enterprise qualifies for a certificate. 92417
If the director finds the enterprise qualified, the director shall 92418

issue a tax incentive qualification certificate, which shall bear 92419
as its date of issuance the thirtieth day of June of the year of 92420
application, and shall state that the applicant is entitled to 92421
receive, for the taxable year that includes the certificate's date 92422
of issuance, the tax incentives provided under section 5709.65 of 92423
the Revised Code with regard to the facility to which the 92424
certificate applies. If an enterprise is issued an initial 92425
certificate, it may apply, on or before the thirtieth day of April 92426
of each succeeding calendar year for which it has been granted an 92427
incentive under an agreement entered pursuant to section 5709.62, 92428
5709.63, or 5709.632 of the Revised Code, for a renewal 92429
certificate. Subsequent to its initial certification, the 92430
enterprise qualifies for up to three successive renewal 92431
certificates if, on or before the last day of the calendar year 92432
immediately preceding that in which the application is made, it 92433
satisfies all the requirements of divisions (A)(1) to (4) of this 92434
section, and neither the zone's designation nor the zone's 92435
certification has been revoked prior to the fifteenth day of June 92436
of the year in which the application is made. The application 92437
shall include an affidavit executed by the applicant verifying 92438
that the enterprise satisfies the requirements of division (A)(2) 92439
of this section. An enterprise with ten or more supervisory 92440
personnel at the facility to which a certificate applies qualifies 92441
for any subsequent renewal certificates only if it meets all of 92442
the foregoing requirements and, in addition, at least ten per cent 92443
of those supervisory personnel are employees who, when first hired 92444
by the enterprise, satisfied at least one of the criteria 92445
specified in divisions (A)(2)(a) to (e) of this section. If the 92446
enterprise qualifies, a renewal certificate shall be issued 92447
bearing as its date of issuance the thirtieth day of June of the 92448
year of application. The director shall send copies of the initial 92449
certificate, and each renewal certificate, by certified mail, to 92450
the enterprise, the tax commissioner, the board of county 92451

commissioners, and the chief executive of the municipal 92452
corporation in which the facility to which the certificate applies 92453
is located. 92454

(B) If the director determines that an enterprise is not 92455
qualified for an initial or renewal tax incentive qualification 92456
certificate, the director shall send notice of this determination, 92457
specifying the reasons for it, by certified mail, to the 92458
applicant, the tax commissioner, the board of county 92459
commissioners, and the chief executive of the municipal 92460
corporation in which the facility to which the certificate would 92461
have applied is located. Within thirty days after receiving such a 92462
notice, an enterprise may request, in writing, a hearing before 92463
the director for the purpose of reviewing the application and the 92464
reasons for the determination. Within sixty days after receiving a 92465
request for a hearing, the director shall afford one and, within 92466
thirty days after the hearing, shall issue a redetermination of 92467
the enterprise's qualification for a certificate. If the 92468
enterprise is found to be qualified, the director shall proceed in 92469
the manner provided under division (A) of this section. If the 92470
enterprise is found to be unqualified, the director shall send 92471
notice of this finding, by certified mail, to the applicant, the 92472
tax commissioner, the board of county commissioners, and the chief 92473
executive of the municipal corporation in which the facility to 92474
which the certificate would have applied is located. The 92475
director's redetermination that an enterprise is unqualified may 92476
be appealed to the board of tax appeals in the manner provided 92477
under section 5717.02 of the Revised Code. 92478

Sec. 5709.68. (A) On or before the thirty-first day of March 92479
each year, a municipal corporation or county that has entered into 92480
an agreement with an enterprise under section 5709.62, 5709.63, or 92481
5709.632 of the Revised Code shall submit to the director of 92482
development services and the board of education of each school 92483

district of which a municipal corporation or township to which 92484
such an agreement applies is a part a report on all of those 92485
agreements in effect during the preceding calendar year. The 92486
report shall include all of the following information: 92487

(1) The designation, assigned by the director of development 92488
services, of each urban jobs and enterprise zone within the 92489
municipal corporation or county, the date each zone was certified, 92490
the name of each municipal corporation or township within each 92491
zone, and the total population of each zone according to the most 92492
recent data available; 92493

(2) The number of enterprises that are subject to those 92494
agreements and the number of full-time employees subject to those 92495
agreements within each zone, each according to the most recent 92496
data available and identified and categorized by the appropriate 92497
standard industrial code, and the rate of unemployment in the 92498
municipal corporation or county in which the zone is located for 92499
each year since each zone was certified; 92500

(3) The number of agreements approved and executed during the 92501
calendar year for which the report is submitted, the total number 92502
of agreements in effect on the thirty-first day of December of the 92503
preceding calendar year, the number of agreements that expired 92504
during the calendar year for which the report is submitted, and 92505
the number of agreements scheduled to expire during the calendar 92506
year in which the report is submitted. For each agreement that 92507
expired during the calendar year for which the report is 92508
submitted, the municipal corporation or county shall include the 92509
amount of taxes exempted and the estimated dollar value of any 92510
other incentives provided under the agreement. 92511

(4) The number of agreements receiving compliance reviews by 92512
the tax incentive review council in the municipal corporation or 92513
county during the calendar year for which the report is submitted, 92514
including all of the following information: 92515

(a) The number of agreements the terms of which an enterprise 92516
has complied with, indicating separately for each agreement the 92517
value of the real and personal property exempted pursuant to the 92518
agreement and a comparison of the stipulated and actual schedules 92519
for hiring new employees, for retaining existing employees, for 92520
the amount of payroll of the enterprise attributable to these 92521
employees, and for investing in establishing, expanding, 92522
renovating, or occupying a facility; 92523

(b) The number of agreements the terms of which an enterprise 92524
has failed to comply with, indicating separately for each 92525
agreement the value of the real and personal property exempted 92526
pursuant to the agreement and a comparison of the stipulated and 92527
actual schedules for hiring new employees, for retaining existing 92528
employees, for the amount of payroll of the enterprise 92529
attributable to these employees, and for investing in 92530
establishing, expanding, renovating, or occupying a facility; 92531

(c) The number of agreements about which the tax incentive 92532
review council made recommendations to the legislative authority 92533
of the municipal corporation or county, and the number of those 92534
recommendations that have not been followed; 92535

(d) The number of agreements rescinded during the calendar 92536
year for which the report is submitted. 92537

(5) The number of enterprises that are subject to agreements 92538
that expanded within each zone, including the number of new 92539
employees hired and existing employees retained by each 92540
enterprise, and the number of new enterprises that are subject to 92541
agreements and that established within each zone, including the 92542
number of new employees hired by each enterprise; 92543

(6)(a) The number of enterprises that are subject to 92544
agreements and that closed or reduced employment at any place of 92545
business within the state for the primary purpose of establishing, 92546

expanding, renovating, or occupying a facility, indicating 92547
separately for each enterprise the political subdivision in which 92548
the enterprise closed or reduced employment at a place of business 92549
and the number of full-time employees transferred and retained by 92550
each such place of business; 92551

(b) The number of enterprises that are subject to agreements 92552
and that closed or reduced employment at any place of business 92553
outside the state for the primary purpose of establishing, 92554
expanding, renovating, or occupying a facility. 92555

(7) For each agreement in effect during any part of the 92556
preceding year, the number of employees employed by the enterprise 92557
at the project site immediately prior to formal approval of the 92558
agreement, the number of employees employed by the enterprise at 92559
the project site on the thirty-first day of December of the 92560
preceding year, the payroll of the enterprise for the preceding 92561
year, the amount of taxes paid on tangible personal property 92562
situated at the project site and the amount of those taxes that 92563
were not paid because of the exemption granted under the 92564
agreement, and the amount of taxes paid on real property 92565
constituting the project site and the amount of those taxes that 92566
were not paid because of the exemption granted under the 92567
agreement. If an agreement was entered into under section 5709.632 92568
of the Revised Code with an enterprise described in division 92569
(B)(2) of that section, the report shall include the number of 92570
employee positions at all of the enterprise's locations in this 92571
state. If an agreement is conditioned on a waiver issued under 92572
division (B) of section 5709.633 of the Revised Code on the basis 92573
of the circumstance described in division (B)(3)(a) or (b) of that 92574
section, the report shall include the number of employees at the 92575
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 92576
section, respectively. 92577

(B) Upon the failure of a municipal corporation or county to 92578

comply with division (A) of this section: 92579

(1) Beginning on the first day of April of the calendar year 92580
in which the municipal corporation or county fails to comply with 92581
that division, the municipal corporation or county shall not enter 92582
into any agreements with an enterprise under section 5709.62, 92583
5709.63, or 5709.632 of the Revised Code until the municipal 92584
corporation or county has complied with division (A) of this 92585
section. 92586

(2) On the first day of each ensuing calendar month until the 92587
municipal corporation or county complies with division (A) of this 92588
section, the director of development services shall either order 92589
the proper county auditor to deduct from the next succeeding 92590
payment of taxes to the municipal corporation or county under 92591
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 92592
amount equal to one thousand dollars for each calendar month the 92593
municipal corporation or county fails to comply with that 92594
division, or order the county auditor to deduct that amount from 92595
the next succeeding payment to the municipal corporation or county 92596
from the undivided local government fund under section 5747.51 of 92597
the Revised Code. At the time such a payment is made, the county 92598
auditor shall comply with the director's order by issuing a 92599
warrant, drawn on the fund from which the money would have been 92600
paid, to the director of development services, who shall deposit 92601
the warrant into the state enterprise zone program administration 92602
fund created in division (C) of this section. 92603

(C) The director, by rule, shall establish the state's 92604
application fee for applications submitted to a municipal 92605
corporation or county to enter into an agreement under section 92606
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 92607
the amount of the fee, the director shall consider the state's 92608
cost of administering the enterprise zone program, including the 92609
cost of reviewing the reports required under division (A) of this 92610

section. The director may change the amount of the fee at the 92611
times and in the increments the director considers necessary. Any 92612
municipal corporation or county that receives an application shall 92613
collect the application fee and remit the fee for deposit in the 92614
state treasury to the credit of the ~~business assistance tax~~ 92615
incentives operating fund created in section 122.174 of the 92616
Revised Code. 92617

(D) On or before the thirtieth day of June each year, the 92618
director of development services shall certify to the tax 92619
commissioner the information described under division (A)(7) of 92620
this section, derived from the reports submitted to the director 92621
under this section. 92622

On the basis of the information certified under this 92623
division, the tax commissioner annually shall submit a report to 92624
the governor, the speaker of the house of representatives, the 92625
president of the senate, and the chairpersons of the ways and 92626
means committees of the respective houses of the general assembly, 92627
indicating for each enterprise zone the amount of state and local 92628
taxes that were not required to be paid because of exemptions 92629
granted under agreements entered into under section 5709.62, 92630
5709.63, or 5709.632 of the Revised Code and the amount of 92631
additional taxes paid from the payroll of new employees. 92632

Sec. 5709.92. (A) As used in this section: 92633

(1) "School district" means a city, local, or exempted 92634
village school district. 92635

(2) "Joint vocational school district" means a joint 92636
vocational school district created under section 3311.16 of the 92637
Revised Code, and includes a cooperative education school district 92638
created under section 3311.52 or 3311.521 of the Revised Code and 92639
a county school financing district created under section 3311.50 92640
of the Revised Code. 92641

(3) "Total resources" means, for purposes of calculating the payments made to school districts under division (C)(1) of this section, the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)~~(3)~~(4)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4) "Total resources" means, for the purpose of calculating the payments to be made to school districts under division (C)(2) of this section, the sum of the amounts described in divisions (A)(4)(a) to (f) of this section less any reduction required under division (C)(4)(a) of this section. 92672
92673
92674
92675
92676

(a) The state education aid for fiscal year 2017; 92677

(b) The sum of the payments received by the district in fiscal year 2017 under divisions (C)(1) and (D) of this section; 92678
92679

(c) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2016, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code; 92680
92681
92682
92683
92684
92685
92686

(d) Revenue received during calendar year 2016 from an income tax levied under Chapter 5748. of the Revised Code; 92687
92688

(e) Distributions received during calendar year 2016 from taxes levied under section 718.09 or 718.10 of the Revised Code; 92689
92690

(f) Distributions received during fiscal year 2017 from the gross casino revenue county student fund. 92691
92692

(5) "Total resources" means, for the purpose of calculating the payments to be made to joint vocational school districts under division (C)(3) of this section, the sum of the amounts described in divisions (A)(5)(a) to (d) of this section less any reduction required under division (C)(4)(a) of this section. 92693
92694
92695
92696
92697

(a) The state education aid for fiscal year 2017; 92698

(b) The sum of the payments received by the district in fiscal year 2017 under division (C)(1) of this section; 92699
92700

(c) The district's taxes charged and payable against all 92701

property on the tax list of real and public utility property for 92702
current expense purposes for tax year 2016, including taxes 92703
charged and payable from emergency levies charged and payable 92704
under sections 5705.194 to 5705.197 of the Revised Code; 92705

(d) Distributions received during fiscal year 2017 from the 92706
gross casino revenue county student fund. 92707

(6)(a) "State education aid" for a school district means the 92708
sum of state amounts computed for the district under sections 92709
3317.022 and 3317.0212 of the Revised Code after any amounts are 92710
added or subtracted under Section ~~263.240~~ 263.230 of Am. Sub. H.B. 92711
~~59 64~~ of the ~~130th~~ 131st general assembly, entitled "TRANSITIONAL 92712
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 92713

(b) "State education aid" for a joint vocational district 92714
means the amount computed for the district under section 3317.16 92715
of the Revised Code after any amounts are added or subtracted 92716
under Section ~~263.250~~ 263.240 of Am. Sub. H.B. ~~59 64~~ of the ~~130th~~ 92717
131st general assembly, entitled "TRANSITIONAL AID FOR JOINT 92718
VOCATIONAL SCHOOL DISTRICTS." 92719

~~(5)(7)~~ (7) "Taxes charged and payable" means taxes charged and 92720
payable after the reduction required by section 319.301 of the 92721
Revised Code but before the reductions required by sections 92722
319.302 and 323.152 of the Revised Code. 92723

~~(6)(8)~~ (8) "Capacity quintile" means the capacity measure 92724
quintiles determined under division (B) of this section. 92725

~~(7)(9)~~ (9) "Threshold per cent" means the following: 92726

(a) For a school district in the lowest capacity quintile, 92727
one per cent for fiscal year 2016 and two per cent for fiscal year 92728
2017. 92729

(b) For a school district in the second lowest capacity 92730
quintile, one and one-fourth per cent for fiscal year 2016 and two 92731

and one-half per cent for fiscal year 2017. 92732

(c) For a school district in the third lowest capacity 92733
quintile, one and one-half per cent for fiscal year 2016 and three 92734
per cent for fiscal year 2017. 92735

(d) For a school district in the second highest capacity 92736
quintile, one and three-fourths per cent for fiscal year 2016 and 92737
three and one-half per cent for fiscal year 2017. 92738

(e) For a school district in the highest capacity quintile, 92739
two per cent for fiscal year 2016 and four per cent for fiscal 92740
year 2017. 92741

(f) For a joint vocational school district, two per cent for 92742
fiscal year 2016 and four per cent for fiscal year 2017. 92743

~~(8)~~(10) "Current expense allocation" means the sum of the 92744
payments received by a school district or joint vocational school 92745
district in fiscal year 2015 for current expense levy losses under 92746
division (C)(3) of section 5727.85 and division (C)(12) of section 92747
5751.21 of the Revised Code as they existed at that time, less any 92748
reduction required under division (C)~~(3)~~(4)(b) of this section. 92749

~~(9)~~(11) "Non-current expense allocation" means the sum of the 92750
payments received by a school district or joint vocational school 92751
district in fiscal year 2015 for levy losses under division 92752
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 92753
5751.21 of the Revised Code, as they existed at that time, and 92754
levy losses in fiscal year 2015 under division (H) of section 92755
5727.84 of the Revised Code as that section existed at that time 92756
attributable to levies for and payments received for losses on 92757
levies intended to generate money for maintenance of classroom 92758
facilities. 92759

~~(10)~~(12) "Operating TPP fixed-sum levy losses" means the sum 92760
of payments received by a school district in fiscal year 2015 for 92761
levy losses under division (E) of section 5751.21 of the Revised 92762

Code, excluding levy losses for debt purposes. 92763

~~(11)~~(13) "Operating S.B. 3 fixed-sum levy losses" means the 92764
sum of payments received by the school district in fiscal year 92765
2015 for levy losses under division (H) of section 5727.84 of the 92766
Revised Code, excluding levy losses for debt purposes. 92767

~~(12)~~(14) "TPP fixed-sum debt levy losses" means the sum of 92768
payments received by a school district in fiscal year 2015 for 92769
levy losses under division (E) of section 5751.21 of the Revised 92770
Code for debt purposes. 92771

~~(13)~~(15) "S.B. 3 fixed-sum debt levy losses" means the sum of 92772
payments received by the school district in fiscal year 2015 for 92773
levy losses under division (H) of section 5727.84 of the Revised 92774
Code for debt purposes. 92775

~~(14)~~(16) "Qualifying levies" means qualifying levies 92776
described in section 5751.20 of the Revised Code as that section 92777
was in effect before July 1, 2015. 92778

~~(15)~~(17) "Total taxable value" has the same meaning as in 92779
section 3317.02 of the Revised Code. 92780

(B) The department of education shall rank all school 92781
districts in the order of districts' capacity measures determined 92782
under former section 3317.018 of the Revised Code from lowest to 92783
highest, and divide such ranking into quintiles, with the first 92784
quintile containing the twenty per cent of school districts having 92785
the lowest capacity measure and the fifth quintile containing the 92786
twenty per cent of school districts having the highest capacity 92787
measure. This calculation and ranking shall be performed once, in 92788
fiscal year 2016. 92789

(C)(1) In fiscal year 2016, payments shall be made to school 92790
districts and joint vocational school districts equal to the sum 92791
of the amounts described in divisions (C)(1)(a) or (b) and 92792
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 92793

made to school districts and joint vocational school districts 92794
equal to the amount described in division (C)(1)(a) or (b) of this 92795
section. 92796

(a) If the ratio of the current expense allocation to total 92797
resources is equal to or less than the district's threshold per 92798
cent, zero; 92799

(b) If the ratio of the current expense allocation to total 92800
resources is greater than the district's threshold per cent, the 92801
difference between the current expense allocation and the product 92802
of the threshold percentage and total resources; 92803

(c) For fiscal year 2016, the product of the non-current 92804
expense allocation multiplied by fifty per cent. 92805

(2) In fiscal year 2018 and subsequent fiscal years, payments 92806
shall be made to school districts ~~and other than~~ joint vocational 92807
school districts equal to the following amounts: 92808

(a) For fiscal year 2018, the greater of the amounts 92809
described in division (C)(2)(a)(i) or (ii) of this section. 92810

(i) The difference obtained by subtracting the amount 92811
described in division (C)(2)~~(b)~~(a)(i)(II) of this section from the 92812
amount described in division (C)(2)(a)(i)(I) of this section, 92813
provided that such amount is greater than zero. 92814

~~(a)(I)~~ The sum of the payments received by the district under 92815
division (C)(1)(b) ~~or (C)(2)~~ of this section for ~~the immediately~~ 92816
~~preceding~~ fiscal year 2017; 92817

~~(b)(II)~~ One-sixteenth of one per cent of the average of the 92818
total taxable value of the district for tax years 2014, 2015, and 92819
2016. 92820

(ii) The difference obtained by subtracting the amount 92821
described in division (C)(2)(a)(ii)(II) of this section from the 92822
amount described in division (C)(2)(a)(ii)(I) of this section, 92823

provided that such amount is greater than zero. 92824

(I) The sum of the payments received by the district in 92825
fiscal year 2017 under division (C)(1)(b) of this section and 92826
Section 263.325 of Am. Sub. H.B. 64 of the 131st general assembly, 92827
as amended by Sub. S.B. 208 of the 131st general assembly; 92828

(II) Three and one-half per cent of the district's total 92829
resources. 92830

(b) For fiscal year 2019, the difference obtained by 92831
subtracting the amount described in division (C)(2)(b)(ii) of this 92832
section from the amount described in division (C)(2)(b)(i) of this 92833
section, provided that such amount is greater than zero. 92834

(i) The payments received by the district for fiscal year 92835
2018 under division (C)(2)(a) of this section; 92836

(ii) One-sixteenth of one per cent of the average of the 92837
total taxable value of the district for tax years 2015, 2016, and 92838
2017. 92839

(c) For fiscal year 2020 and subsequent fiscal years, the 92840
difference obtained by subtracting the amount described in 92841
division (C)(2)(c)(ii) of this section from the amount described 92842
in division (C)(2)(c)(i) of this section, provided that such 92843
amount is greater than zero. 92844

(i) The payments received by the district under division 92845
(C)(2) of this section for the immediately preceding fiscal year; 92846

(ii) One-fourth of one-tenth of one per cent of the average 92847
of the total taxable value of the district for tax years 2016, 92848
2017, and 2018. 92849

(3) In fiscal year 2018 and subsequent fiscal years, payments 92850
shall be made to joint vocational school districts equal to the 92851
difference obtained by subtracting the amount described in 92852
division (C)(3)(b) of this section from the amount described in 92853

division (C)(3)(a) of this section, provided that such amount is 92854
greater than zero. 92855

(a) The sum of the payments received by the district under 92856
division (C)(1)(b) or (3) of this section for the immediately 92857
preceding fiscal year; 92858

(b) Three and one-half per cent of the district's total 92859
resources. 92860

(4)(a) "Total resources" used to compute payments under 92861
division (C)(1) of this section shall be reduced to the extent 92862
that payments distributed in fiscal year 2015 were attributable to 92863
levies no longer charged and payable for tax year 2014. "Total 92864
resources" used to compute payments under divisions (C)(2) and (3) 92865
of this section shall be reduced to the extent that payments 92866
distributed in fiscal year 2017 were attributable to levies no 92867
longer charged and payable for tax year 2016. 92868

(b) "Current expense allocation" used to compute payments 92869
under division (C)(1) of this section shall be reduced to the 92870
extent that the payments distributed in fiscal year 2015 were 92871
attributable to levies no longer charged and payable for tax year 92872
2014. 92873

~~(4)~~(5) The department of education shall report to each 92874
school district and joint vocational school district the 92875
apportionment of the payments under division (C)(1) of this 92876
section among the district's funds based on qualifying levies. 92877

(D)(1) Payments in the following amounts shall be made to 92878
school districts and joint vocational school districts in tax 92879
years 2016 through 2021: 92880

(a) In tax year 2016, the sum of the district's operating TPP 92881
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 92882

(b) In tax year 2017, the sum of the district's operating TPP 92883

fixed-sum levy losses and eighty per cent of operating S.B. 3 92884
fixed-sum levy losses. 92885

(c) In tax year 2018, the sum of eighty per cent of the 92886
district's operating TPP fixed-sum levy losses and sixty per cent 92887
of its operating S.B. 3 fixed-sum levy losses. 92888

(d) In tax year 2019, the sum of sixty per cent of the 92889
district's operating TPP fixed-sum levy losses and forty per cent 92890
of its operating S.B. 3 fixed-sum levy losses. 92891

(e) In tax year 2020, the sum of forty per cent of the 92892
district's operating TPP fixed-sum levy losses and twenty per cent 92893
of its operating S.B. 3 fixed-sum levy losses. 92894

(f) In tax year 2021, twenty per cent of the district's 92895
operating TPP fixed-sum levy losses. 92896

No payment shall be made under division (D)(1) of this 92897
section after tax year 2021. 92898

(2) Amounts are payable under division (D) of this section 92899
for fixed-sum levy losses only to the extent of such losses for 92900
qualifying levies that remain in effect for the current tax year. 92901
For this purpose, a qualifying levy levied under section 5705.194 92902
or 5705.213 of the Revised Code remains in effect for the current 92903
tax year only if a tax levied under either of those sections is 92904
charged and payable for the current tax year for an annual sum at 92905
least equal to the annual sum levied by the board of education for 92906
tax year 2004 under those sections less the amount of the payment 92907
under this division. 92908

(E)(1) For fixed-sum levies for debt purposes, payments shall 92909
be made to school districts and joint vocational school districts 92910
equal to one hundred per cent of the district's fixed-sum levy 92911
loss determined under division (E) of section 5751.20 and division 92912
(H) of section 5727.84 of the Revised Code as in effect before 92913
July 1, 2015, and paid in tax year 2014. No payment shall be made 92914

for qualifying levies that are no longer charged and payable. 92915

(2) Beginning in 2016, by the thirty-first day of January of 92916
each year, the tax commissioner shall review the calculation of 92917
fixed-sum levy loss for debt purposes determined under division 92918
(E) of section 5751.20 and division (H) of section 5727.84 of the 92919
Revised Code as in effect before July 1, 2015. If the commissioner 92920
determines that a fixed-sum levy that had been scheduled to be 92921
reimbursed in the current year is no longer charged and payable, a 92922
revised calculation for that year and all subsequent years shall 92923
be made. 92924

(F)(1) For taxes levied within the ten-mill limitation for 92925
debt purposes in tax year 1998 in the case of electric company tax 92926
value losses, and in tax year 1999 in the case of natural gas 92927
company tax value losses, payments shall be made to school 92928
districts and joint vocational school districts equal to one 92929
hundred per cent of the loss computed under division (D) of 92930
section 5727.85 of the Revised Code as in effect before July 1, 92931
2015, as if the tax were a fixed-rate levy, but those payments 92932
shall extend through fiscal year 2016. 92933

(2) For taxes levied within the ten-mill limitation for debt 92934
purposes in tax year 2005, payments shall be made to school 92935
districts and joint vocational school districts equal to one 92936
hundred per cent of the loss computed under division (D) of 92937
section 5751.21 of the Revised Code as in effect before July 1, 92938
2015, as if the tax were a fixed-rate levy, but those payments 92939
shall extend through fiscal year 2018. 92940

(G) If all the territory of a school district or joint 92941
vocational school district is merged with another district, or if 92942
a part of the territory of a school district or joint vocational 92943
school district is transferred to an existing or newly created 92944
district, the department of education, in consultation with the 92945
tax commissioner, shall adjust the payments made under this 92946

section as follows: 92947

(1) For a merger of two or more districts, fixed-sum levy 92948
losses, total resources, current expense allocation, and 92949
non-current expense allocation of the successor district shall be 92950
the sum of such items for each of the districts involved in the 92951
merger. 92952

(2) If property is transferred from one district to a 92953
previously existing district, the amount of the total resources, 92954
current expense allocation, and non-current expense allocation 92955
that shall be transferred to the recipient district shall be an 92956
amount equal to the total resources, current expense allocation, 92957
and non-current expense allocation of the transferor district 92958
times a fraction, the numerator of which is the number of pupils 92959
being transferred to the recipient district, measured, in the case 92960
of a school district, by formula ADM as defined in section 3317.02 92961
of the Revised Code or, in the case of a joint vocational school 92962
district, by formula ADM as defined for a joint vocational school 92963
district in that section, and the denominator of which is the 92964
formula ADM of the transferor district. 92965

(3) After December 31, 2010, if property is transferred from 92966
one or more districts to a district that is newly created out of 92967
the transferred property, the newly created district shall be 92968
deemed not to have any total resources, current expense 92969
allocation, total allocation, or non-current expense allocation. 92970

(4) If the recipient district under division (G)(2) of this 92971
section or the newly created district under division (G)(3) of 92972
this section is assuming debt from one or more of the districts 92973
from which the property was transferred and any of the districts 92974
losing the property had fixed-sum levy losses, the department of 92975
education, in consultation with the tax commissioner, shall make 92976
an equitable division of the reimbursements for those losses. 92977

(H) The payments required by divisions (C), (D), (E), and (F) 92978
of this section shall be distributed periodically to each school 92979
and joint vocational school district by the department of 92980
education unless otherwise provided for. Except as provided in 92981
division (D) of this section, if a levy that is a qualifying levy 92982
is not charged and payable in any year after 2014, payments to the 92983
school district or joint vocational school district shall be 92984
reduced to the extent that the payments distributed in fiscal year 92985
2015 were attributable to the levy loss of that levy. 92986

Sec. 5713.051. (A) As used in this section: 92987

(1) "Oil" means all grades of crude oil. 92988

(2) "Gas" means all forms of natural gas. 92989

(3) "Well" means an oil or gas well or an oil and gas well. 92990

(4) "M.C.F." means one thousand cubic feet. 92991

(5) "Commonly metered wells" means two or more wells that 92992
share the same meter. 92993

(6) "Total production" means the total amount of oil, 92994
measured in barrels, and the total amount of gas, measured in 92995
M.C.F., of all oil and gas actually produced and sold from a 92996
single well that is developed and producing on the tax lien date. 92997
For commonly metered wells, "total production" means the total 92998
amount of oil, measured in barrels, and the total amount of gas, 92999
measured in M.C.F., of all oil and gas actually produced and sold 93000
from the commonly metered wells divided by the number of the 93001
commonly metered wells. 93002

(7) "Flush production" means total production from a single 93003
well during the first twelve calendar months during not more than 93004
two consecutive calendar years after a well first begins to 93005
produce. For commonly metered wells, "flush production" means 93006
total production during the first twelve calendar months during 93007

not more than two consecutive calendar years after a well first 93008
begins to produce from all wells with flush production divided by 93009
the number of those wells. 93010

(8) "Production through secondary recovery methods" means 93011
total production from a single well where mechanically induced 93012
pressure, such as air, nitrogen, carbon dioxide, or water 93013
pressure, is used to stimulate and maintain production in the oil 93014
and gas reservoir, exclusive of any flush production. For commonly 93015
metered wells, "production through secondary recovery methods" 93016
means total production from all wells with production through 93017
secondary recovery methods divided by the number of ~~the~~ those 93018
wells. 93019

(9) "Stabilized production" means total production reduced, 93020
if applicable, by the greater of forty-two and one-half per cent 93021
of flush production or fifty per cent of production through 93022
secondary recovery methods. 93023

(10) "Average daily production" means stabilized production 93024
divided by three hundred sixty-five, provided the well was in 93025
production at the beginning of the calendar year. If the well was 93026
not in production at the beginning of the calendar year, "average 93027
daily production" means stabilized production divided by the 93028
number of days beginning with the day the well went into 93029
production in the calendar year and ending with the thirty-first 93030
day of December. 93031

(11) "Gross price" means the unweighted average price per 93032
barrel of oil or the average price per M.C.F. of gas produced from 93033
Ohio wells and first sold during the five-year period ending with 93034
the calendar year immediately preceding the tax lien date, as 93035
reported by the department of natural resources. 93036

(12) "Average annual decline rate" means the amount of yearly 93037
decline in oil and gas production of a well after flush production 93038

has ended. For the purposes of this section, the average annual decline rate is thirteen per cent. 93039
93040

(13) "Gross revenue" means the gross revenue from a well during a ten-year discount period with production assumed to be one barrel of oil or one M.C.F. of gas during the first year of production and declining at the annual average annual decline rate during the remaining nine years of the ten-year discount period, as follows: 93041
93042
93043
93044
93045
93046

(a) First year: one barrel or one M.C.F. multiplied by gross price; 93047
93048

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by gross price; 93049
93050

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price; 93051
93052

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price; 93053
93054

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price; 93055
93056

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price; 93057
93058

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price; 93059
93060

(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price; 93061
93062

(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price; 93063
93064

(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price. 93065
93066

(14) "Average royalty expense" means the annual cost of 93067

royalties paid by all working interest owners in a well. For the 93068
purposes of this section, the average royalty expense is fifteen 93069
per cent of annual gross revenue. 93070

(15) "Average operating expense" means the annual cost of 93071
operating and maintaining a producing well after it first begins 93072
production. For the purposes of this section, the average 93073
operating expense is forty per cent of annual gross revenue. 93074

(16) "Average capital recovery expense" means the annual 93075
capitalized investment cost of a developed and producing well. For 93076
the purposes of this section, average capital recovery expense is 93077
thirty per cent of annual gross revenue. 93078

(17) "Discount rate" means the rate used to determine the 93079
present net worth of one dollar during each year of the ten-year 93080
discount period assuming the net income stream projected for each 93081
year of the ten-year discount period is received at the half-year 93082
point. For the purposes of this section, the discount rate equals 93083
thirteen per cent plus the rate per annum prescribed by division 93084
(B) of section 5703.47 of the Revised Code and determined by the 93085
tax commissioner in October of the calendar year immediately 93086
preceding the tax lien date. 93087

(B) The true value in money of oil reserves constituting real 93088
property on tax lien dates January 1, 2007, and thereafter with 93089
respect to a developed and producing well that has not been the 93090
subject of a recent arm's length sale, exclusive of personal 93091
property necessary to recover the oil, shall be determined under 93092
division (B)(1) or (2) of this section. 93093

(1) For ~~wells~~ oil reserves for which average daily production 93094
of oil from a well is one barrel or more in the calendar year 93095
preceding the tax lien date, the true value in money equals the 93096
average daily production of oil from the well multiplied by the 93097
net present value of one barrel of oil, where: 93098

(a) Net present value of one barrel of oil = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and

(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense.

(2) For ~~wells~~ oil reserves for which average daily production of oil from a well is less than one barrel in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well, if any, in the calendar year preceding the tax lien date multiplied by sixty per cent of the net present value of one barrel of oil as computed under division (B)(1) of this section.

(C) The true value in money of gas reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the gas, shall be determined under division (C)(1) or (2) of this section.

(1) For ~~wells~~ gas reserves for which average daily production of gas from a well is eight M.C.F. or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of gas from the well multiplied by the net present value of one M.C.F. of gas, where:

(a) Net present value of one M.C.F. of gas = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and

(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and

average capital recovery expense. 93130

(2) For wells gas reserves for which average daily production 93131
of gas from a well is less than eight M.C.F. in the calendar year 93132
preceding the tax lien date, the true value in money equals the 93133
average daily production of the well, if any, in the calendar year 93134
preceding the tax lien date multiplied by fifty per cent of the 93135
net present value of one M.C.F. as computed under division (C)(1) 93136
of this section. 93137

(D) No method other than the method described in this section 93138
shall be used to determine the true value in money of oil or gas 93139
reserves for property tax purposes. 93140

Sec. 5713.31. At any time after the first Monday in January 93141
and prior to the first Monday in March of any year, an owner of 93142
agricultural land may file an application with the county auditor 93143
of the county in which such land is located, requesting the 93144
auditor to value the land for real property tax purposes at the 93145
current value such land has for agricultural use, in accordance 93146
with section 5715.01 of the Revised Code and the rules adopted by 93147
the commissioner for the valuation of such land. An owner's first 93148
application with respect to the owner's land shall be in the form 93149
of an initial application. Each application filed in ensuing 93150
consecutive years after the initial application by that owner 93151
shall be in the form of a renewal application. The commissioner 93152
shall prescribe the form of the initial and the renewal 93153
application, but the renewal application shall require no more 93154
information than is necessary to establish the applicant's 93155
continued eligibility to have the applicant's land valued for 93156
agricultural use, for all lots, parcels, or tracts of land, or 93157
portions thereof, within a county, that have been valued at the 93158
current value of such land for agricultural use in the preceding 93159
tax year. If, on the first day of January of the tax year, any 93160

portion of the applicant's agricultural land is used for a 93161
conservation practice or devoted to a land retirement or 93162
conservation program under an agreement with an agency of the 93163
federal government, the applicant shall so indicate on the initial 93164
or renewal application. 93165

On or before the second Tuesday after the first Monday in 93166
March, the auditor shall determine whether the current owner of 93167
any lot, parcel, or tract of land or portion thereof contained in 93168
the preceding tax year's agricultural land tax list failed to file 93169
an initial or renewal application, as appropriate, for the current 93170
tax year with respect to such lot, parcel, or tract or portion 93171
thereof. The auditor shall forthwith notify, by certified mail, 93172
each owner who failed to file an application that unless 93173
application is filed with the auditor prior to the first Monday of 93174
April of the current year, the land will be valued for real 93175
property tax purposes in the current tax year at its true value in 93176
money and that the recoupment required by sections 5713.34 and 93177
5713.35 of the Revised Code will be placed on the current year's 93178
tax list and duplicate for collection. 93179

Each initial application shall be accompanied by a fee of 93180
twenty-five dollars. Application fees shall be paid into the 93181
county treasury to the credit of the real estate assessment fund 93182
created under section 325.31 of the Revised Code. 93183

Upon receipt of an application and payment of the required 93184
fee the auditor shall determine whether the information contained 93185
therein is correct and the application complete. 93186

If the auditor determines the information is incorrect or the 93187
application is incomplete, the auditor shall return the 93188
application to the applicant by certified mail with an enumeration 93189
of the items which are incorrect or incomplete. An applicant may 93190
file an amended application, without charge, within fifteen days 93191
of the receipt of the returned application. 93192

If the auditor determines the application or amended application is complete and the information therein is correct, the auditor shall, prior to the first Monday in August, view or cause to be viewed the land described in the application and determine whether the land is land devoted exclusively to agricultural use.

If the auditor determines, which determination shall be made as of the first Monday of August, annually, that the land is land devoted exclusively to agricultural use, the auditor shall appraise it for real property tax purposes in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of land devoted exclusively to agricultural use and such appraised value shall be the value used by the auditor in determining the taxable value of such land for the current tax year under section 5713.03 of the Revised Code and as shown on the general tax list compiled under section 319.28 of the Revised Code.

The auditor shall enter on the real property record required under section 5713.03 of the Revised Code for the tract, lot, or parcel of land so appraised, in addition to the other information required to be recorded thereon, its value as land devoted exclusively to agricultural use based on the values determined by the commissioner for each soil type present in the tract, lot, or parcel. Subject to division (A)(1) of section 5713.34 of the Revised Code, tracts, lots, or parcels of land or portions thereof used for a conservation practice or devoted to a land retirement or conservation program under an agreement with an agency of the federal government on the first day of January of the tax year shall be valued at the lowest valued of all soil types listed in the commissioner's annual publication of the per-acre agricultural use values for each soil type in the state. For the purposes of this section and division (A)(1) of section 5713.34 of the Revised

Code, "conservation practice" shall not include the use of cover 93225
crops. 93226

Sec. 5713.33. (A) The county auditor shall make and maintain 93227
an "agricultural land tax list," on forms prescribed by the tax 93228
commissioner, listing each tract, lot or parcel of land which has 93229
been valued for tax purposes as land devoted exclusively to 93230
agricultural use under section 5713.31 of the Revised Code, 93231
showing: 93232

~~(A)~~(1) The name of the owner; 93233

~~(B)~~(2) A description of the land; 93234

~~(C)~~(3) The current agricultural use value and taxable value 93235
of the land as land devoted exclusively to agricultural use, as 93236
provided by section 5713.31 of the Revised Code; 93237

~~(D)~~(4) The true value, and taxable value, of the land as 93238
determined in accordance with Section 2, Article XII, of the Ohio 93239
Constitution; 93240

~~(E)~~(5) The dollar amount of real property taxes levied 93241
against such land under section 319.30 of the Revised Code for the 93242
current tax year; 93243

~~(F)~~(6) The dollar amount of real property taxes which would 93244
have been levied against such land for the current tax year under 93245
section 319.30 of the Revised Code if it had been valued for tax 93246
purposes in accordance with Section 2, Article XII, of the Ohio 93247
Constitution; 93248

~~(G)~~(7) The dollar difference between the amounts shown in 93249
divisions ~~(E)~~(A)(5) and ~~(F)~~(6) of this section. 93250

(B) Annually, upon determining the sums to be levied upon 93251
each tract and lot of real property under section 319.30 of the 93252
Revised Code, the county auditor shall enter upon the 93253
"agricultural land tax list" for each tract, lot or parcel of land 93254

valued under section 5713.31 of the Revised Code for the current 93255
tax year the appropriate figures for the current tax year, as 93256
required by this section. 93257

(C) Annually, the tax commissioner shall make available 93258
electronically a report that aggregates, by taxing district, the 93259
information described in divisions (A)(3) and (4) of this section 93260
for all such land for the preceding tax year. The report shall be 93261
compiled in such a manner that the information can be indexed and 93262
sorted by county and by school district. 93263

Sec. 5713.34. (A)(1) Upon the conversion of all or any 93264
portion of a tract, lot, or parcel of land devoted exclusively to 93265
agricultural use a portion of the tax savings upon such converted 93266
land shall be recouped as provided for by Section 36, Article II, 93267
Ohio Constitution by levying a charge on such land in an amount 93268
equal to the amount of the tax savings on the converted land 93269
during the three tax years immediately preceding the year in which 93270
the conversion occurs. If the auditor discovers that agricultural 93271
land valued at the lowest valued soil type, pursuant to section 93272
5713.31 of the Revised Code, because of its use for a conservation 93273
practice or devotion to a land retirement or conservation program 93274
ceases to be used or devoted to such purposes sooner than 93275
thirty-six months after the initial certification, the auditor 93276
shall levy a charge on such agricultural land in an amount equal 93277
to the reduction in taxes resulting from the land's valuation at 93278
the lowest valued soil type, rather than valuation at its actual 93279
soil type, in all preceding years the land was so valued, not to 93280
exceed the most recent three years. The charge charges levied 93281
under this section shall constitute a lien of the state upon such 93282
converted land as of the first day of January of the tax year in 93283
which the charge is levied and shall continue until discharged as 93284
provided by law. 93285

(2) Upon the conversion of an adequately described portion of a tract, lot, or parcel of land, the county auditor shall divide any numbered permanent parcel into economic units and value each unit individually for the purpose of levying the charge under division (A)(1) of this section against only the converted portion.

(3) A charge shall not be levied under this section for the conversion of a portion of a tract, lot, or parcel of land devoted exclusively to agricultural use if the conversion is incident to the construction or installation of an energy facility, as defined in section 5727.01 of the Revised Code, and if the remaining portion of the tract, lot, or parcel continues to be devoted exclusively to agricultural use.

(B) Except as otherwise provided in division (C) or (D) of this section, a public entity that acquires by any means and converts land devoted exclusively to agricultural use and a private entity granted the power of eminent domain that acquires by any means and converts land devoted exclusively to agricultural use shall pay the charge levied by division (A) of this section and shall not, directly or indirectly, transfer the charge to the person from whom the land is acquired. A person injured by a violation of this division may recover, in a civil action, any damages resulting from the violation.

(C) The charge levied by division (A)(1) of this section does not apply to the conversion of land acquired by a public entity by means other than eminent domain and thereafter used exclusively for a public purpose that leaves the land principally undeveloped when either of the following conditions applies:

(1) In the case of land so acquired and converted by a park district created under Chapter 1545. of the Revised Code, the land is located within the boundaries of the park district.

(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located within the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

If all or any portion of a tract, lot, or parcel of such land is later developed or otherwise converted to a purpose other than one of the purposes enumerated under division (E)(1) of this section, the charge levied by division (A)(1) of this section shall be levied against such developed or converted land as otherwise required by that division.

The county auditor of the county in which the land is located shall determine annually whether all or any portion of a tract, lot, or parcel of land formerly converted to a purpose enumerated under division (E)(1) of this section has been developed in such a way or converted to such a purpose as to require the charge levied by division (A)(1) of this section to be levied against the land so developed or converted.

(D) Division (B) of this section does not apply to a public entity that acquires by means other than eminent domain and converts land devoted exclusively to agricultural use to use for public, active or passive, outdoor education, recreation, or similar open space uses when either of the following conditions applies:

(1) In the case of land so acquired and converted by a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of the park district.

(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of

any city, local, exempted village, or joint vocational school 93348
district that is wholly or partially located within the boundaries 93349
of the public entity that so acquired and converted the land. 93350

(E) As used in divisions (C) and (D) of this section: 93351

(1) "Principally undeveloped" means a parcel of real property 93352
that is used for public, active or passive, outdoor education, 93353
recreation, or similar open space uses and contains only the 93354
structures, roadways, and other facilities that are necessary for 93355
such uses. 93356

(2) "Public entity" means any political subdivision of this 93357
state or any agency or instrumentality of a political subdivision. 93358

Sec. 5715.01. (A) The tax commissioner shall direct and 93359
supervise the assessment for taxation of all real property. The 93360
commissioner shall adopt, prescribe, and promulgate rules for the 93361
determination of true value and taxable value of real property by 93362
uniform rule for such values and for the determination of the 93363
current agricultural use value of land devoted exclusively to 93364
agricultural use. ~~The~~ 93365

(1) ~~The~~ uniform rules shall prescribe methods of determining 93366
the true value and taxable value of real property ~~and shall also~~ 93367
~~prescribe the method for determining the current agricultural use~~ 93368
~~value of land devoted exclusively to agricultural use, which~~ 93369
~~method shall reflect standard and modern appraisal techniques that~~ 93370
~~take into consideration: the productivity of the soil under normal~~ 93371
~~management practices; the average price patterns of the crops and~~ 93372
~~products produced to determine the income potential to be~~ 93373
~~capitalized; the market value of the land for agricultural use;~~ 93374
~~and other pertinent factors.~~ The rules shall provide that in 93375
determining the true value of lands or improvements thereon for 93376
tax purposes, all facts and circumstances relating to the value of 93377
the property, its availability for the purposes for which it is 93378

constructed or being used, its obsolete character, if any, the 93379
income capacity of the property, if any, and any other factor that 93380
tends to prove its true value shall be used. In determining the 93381
true value of minerals or rights to minerals for the purpose of 93382
real property taxation, the tax commissioner shall not include in 93383
the value of the minerals or rights to minerals the value of any 93384
tangible personal property used in the recovery of those minerals. 93385

(2) The uniform rules shall prescribe the method for 93386
determining the current agricultural use value of land devoted 93387
exclusively to agricultural use, which method shall reflect 93388
standard and modern appraisal techniques that take into 93389
consideration the productivity of the soil under normal management 93390
practices, typical cropping and land use patterns, the average 93391
price patterns of the crops and products produced and the typical 93392
production costs to determine the net income potential to be 93393
capitalized, and other pertinent factors. 93394

In determining the agricultural land capitalization rate to 93395
be applied to the net income potential from agricultural use, the 93396
commissioner shall use standard and modern appraisal techniques. 93397
In calculating the capitalization rate for any year, the 93398
commissioner shall comply with both of the following requirements: 93399

(a) The commissioner shall use an equity yield rate equal to 93400
the greater of (i) the average of the total rates of return on 93401
farm equity for the twenty-five most recent years for which those 93402
rates have been calculated and published by the United States 93403
department of agriculture economic research service or (ii) the 93404
loan interest rate the commissioner uses for that year to 93405
calculate the capitalization rate; 93406

(b) The commissioner shall not use a method that includes in 93407
the computation buildup of equity or appreciation with respect to 93408
the agricultural land. 93409

The commissioner shall add to the overall capitalization rate 93410
a tax additur. The sum of the overall capitalization rate and the 93411
tax additur shall represent as nearly as possible the rate of 93412
return a prudent investor would expect from an average or typical 93413
farm in this state considering only agricultural factors. 93414

The commissioner shall annually determine and announce the 93415
overall capitalization rate, tax additur, agricultural land 93416
capitalization rate, and the individual components used in 93417
computing such amounts in a determination, finding, computation, 93418
or order of the commissioner published simultaneously with the 93419
commissioner's annual publication of the per-acre agricultural use 93420
values for each soil type. 93421

(B) The taxable value shall be that per cent of true value in 93422
money, or current agricultural use value in the case of land 93423
valued in accordance with section 5713.31 of the Revised Code, the 93424
commissioner by rule establishes, but it shall not exceed 93425
thirty-five per cent. The uniform rules shall also prescribe 93426
methods of making the appraisals set forth in section 5713.03 of 93427
the Revised Code. The taxable value of each tract, lot, or parcel 93428
of real property and improvements thereon, determined in 93429
accordance with the uniform rules and methods prescribed thereby, 93430
shall be the taxable value of the tract, lot, or parcel for all 93431
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 93432
5717.01 to 5717.06 of the Revised Code. County auditors shall, 93433
under the direction and supervision of the commissioner, be the 93434
chief assessing officers of their respective counties, and shall 93435
list and value the real property within their respective counties 93436
for taxation in accordance with this section and sections 5713.03 93437
and 5713.31 of the Revised Code and with such rules of the 93438
commissioner. There shall also be a board in each county, known as 93439
the county board of revision, which shall hear complaints and 93440
revise assessments of real property for taxation. 93441

(C) The commissioner shall neither adopt nor enforce any rule 93442
that requires true value for any tax year to be any value other 93443
than the true value in money on the tax lien date of such tax year 93444
or that requires taxable value to be obtained in any way other 93445
than by reducing the true value, or in the case of land valued in 93446
accordance with section 5713.31 of the Revised Code, its current 93447
agricultural use value, by a specified, uniform percentage. 93448

Sec. 5715.20. (A) Whenever a county board of revision renders 93449
a decision on a complaint filed under section 5715.19 of the 93450
Revised Code or on an application for remission under section 93451
5715.39 of the Revised Code, it shall certify its action by 93452
certified mail to the person in whose name the property is listed 93453
or sought to be listed and ~~to the complainant~~, if the complainant 93454
or applicant is not the person in whose name the property is 93455
listed or sought to be listed, to the complainant or applicant. A 93456
person's time to file an appeal under section 5717.01 of the 93457
Revised Code commences with the mailing of notice of the decision 93458
to that person as provided in this section. The tax commissioner's 93459
time to file an appeal under section 5717.01 of the Revised Code 93460
commences with the last mailing to a person required to be mailed 93461
notice of the decision as provided in this division. 93462

(B) The tax commissioner may order the county auditor to send 93463
to the commissioner the decisions of the board of revision 93464
rendered on complaints filed under section 5715.19 of the Revised 93465
Code or on applications for remission filed under section 5715.39 93466
of the Revised Code in the manner and for the time period that the 93467
commissioner prescribes. Nothing in this division extends the 93468
commissioner's time to file an appeal under section 5717.01 of the 93469
Revised Code. 93470

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 93471
this section and in section 3735.67 of the Revised Code, the 93472

owner, a vendee in possession under a purchase agreement or a land 93473
contract, the beneficiary of a trust, or a lessee for an initial 93474
term of not less than thirty years of any property may file an 93475
application with the tax commissioner, on forms prescribed by the 93476
commissioner, requesting that such property be exempted from 93477
taxation and that taxes, interest, and penalties be remitted as 93478
provided in division (C) of section 5713.08 of the Revised Code. 93479

(2) If the property that is the subject of the application 93480
for exemption is any of the following, the application shall be 93481
filed with the county auditor of the county in which the property 93482
is listed for taxation: 93483

(a) A public road or highway; 93484

(b) Property belonging to the federal government of the 93485
United States; 93486

(c) Additions or other improvements to an existing building 93487
or structure that belongs to the state or a political subdivision, 93488
as defined in section 5713.081 of the Revised Code, and that is 93489
exempted from taxation as property used exclusively for a public 93490
purpose; 93491

~~(d) Property of the boards of trustees and of the housing 93492
commissions of the state universities, the northeastern Ohio 93493
universities college of medicine, and of the state to be exempted 93494
under section 3345.17 of the Revised Code. 93495~~

(B) The board of education of any school district may request 93496
the tax commissioner or county auditor to provide it with 93497
notification of applications for exemption from taxation for 93498
property located within that district. If so requested, the 93499
commissioner or auditor shall send to the board on a monthly basis 93500
reports that contain sufficient information to enable the board to 93501
identify each property that is the subject of an exemption 93502
application, including, but not limited to, the name of the 93503

property owner or applicant, the address of the property, and the 93504
auditor's parcel number. The commissioner or auditor shall mail 93505
the reports by the fifteenth day of the month following the end of 93506
the month in which the commissioner or auditor receives the 93507
applications for exemption. 93508

(C) A board of education that has requested notification 93509
under division (B) of this section may, with respect to any 93510
application for exemption of property located in the district and 93511
included in the commissioner's or auditor's most recent report 93512
provided under that division, file a statement with the 93513
commissioner or auditor and with the applicant indicating its 93514
intent to submit evidence and participate in any hearing on the 93515
application. The statements shall be filed prior to the first day 93516
of the third month following the end of the month in which that 93517
application was docketed by the commissioner or auditor. A 93518
statement filed in compliance with this division entitles the 93519
district to submit evidence and to participate in any hearing on 93520
the property and makes the district a party for purposes of 93521
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 93522
the commissioner's or auditor's decision to the board of tax 93523
appeals. 93524

(D) The commissioner or auditor shall not hold a hearing on 93525
or grant or deny an application for exemption of property in a 93526
school district whose board of education has requested 93527
notification under division (B) of this section until the end of 93528
the period within which the board may submit a statement with 93529
respect to that application under division (C) of this section. 93530
The commissioner or auditor may act upon an application at any 93531
time prior to that date upon receipt of a written waiver from each 93532
such board of education, or, in the case of exemptions authorized 93533
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 93534
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 93535

of the Revised Code, upon the request of the property owner. 93536
Failure of a board of education to receive the report required in 93537
division (B) of this section shall not void an action of the 93538
commissioner or auditor with respect to any application. The 93539
commissioner or auditor may extend the time for filing a statement 93540
under division (C) of this section. 93541

(E) A complaint may also be filed with the commissioner or 93542
auditor by any person, board, or officer authorized by section 93543
5715.19 of the Revised Code to file complaints with the county 93544
board of revision against the continued exemption of any property 93545
granted exemption by the commissioner or auditor under this 93546
section. 93547

(F) An application for exemption and a complaint against 93548
exemption shall be filed prior to the thirty-first day of December 93549
of the tax year for which exemption is requested or for which the 93550
liability of the property to taxation in that year is requested. 93551
The commissioner or auditor shall consider such application or 93552
complaint in accordance with procedures established by the 93553
commissioner, determine whether the property is subject to 93554
taxation or exempt therefrom, and, if the commissioner makes the 93555
determination, certify the determination to the auditor. Upon 93556
making the determination or receiving the commissioner's 93557
determination, the auditor shall correct the tax list and 93558
duplicate accordingly. If a tax certificate has been sold under 93559
section 5721.32 or 5721.33 of the Revised Code with respect to 93560
property for which an exemption has been requested, the tax 93561
commissioner or auditor shall also certify the findings to the 93562
county treasurer of the county in which the property is located. 93563

(G) Applications and complaints, and documents of any kind 93564
related to applications and complaints, filed with the tax 93565
commissioner or county auditor under this section are public 93566
records within the meaning of section 149.43 of the Revised Code. 93567

(H) If the commissioner or auditor determines that the use of property or other facts relevant to the taxability of property that is the subject of an application for exemption or a complaint under this section has changed while the application or complaint was pending, the commissioner or auditor may make the determination under division (F) of this section separately for each tax year beginning with the year in which the application or complaint was filed or the year for which remission of taxes under division (C) of section 5713.08 of the Revised Code was requested, and including each subsequent tax year during which the application or complaint is pending before the commissioner or auditor.

Sec. 5715.39. (A) The tax commissioner may remit real property taxes, manufactured home taxes, penalties, and interest found by the commissioner to have been illegally assessed. The commissioner also may remit any penalty charged against any real property or manufactured or mobile home that was the subject of an application for exemption from taxation under section 5715.27 of the Revised Code if the commissioner determines that the applicant requested such exemption in good faith. The commissioner shall include notice of the remission in the commissioner's certification to the county auditor required under that section.

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty for late payment of any real property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the county auditor or county treasurer in the performance of a statutory duty relating to the levy or collection of such tax.

(2) In cases other than those described in division (B)(1) of this section, and except as provided in division (B)(5) of this

section, the taxpayer failed to receive a tax bill or a correct 93599
tax bill, and the taxpayer made a good faith effort to obtain such 93600
bill within thirty days after the last day for payment of the tax. 93601

(3) The tax was not timely paid because of the death or 93602
serious injury of the taxpayer, or the taxpayer's confinement in a 93603
hospital within sixty days preceding the last day for payment of 93604
the tax if, in any case, the tax was subsequently paid within 93605
sixty days after the last day for payment of such tax. 93606

(4) The taxpayer demonstrates that the full payment was 93607
properly deposited in the mail in sufficient time for the envelope 93608
to be postmarked by the United States postal service on or before 93609
the last day for payment of such tax. A private meter postmark on 93610
an envelope is not a valid postmark for purposes of establishing 93611
the date of payment of such tax. 93612

(5) With respect to the first payment due after a taxpayer 93613
fully satisfies a mortgage against a parcel of real property, the 93614
mortgagee failed to notify the treasurer of the satisfaction of 93615
the mortgage, and the tax bill was not sent to the taxpayer. 93616

(C) If the auditor determines that remission is not required 93617
under division (B) of this section, the auditor shall present the 93618
application to the board of revision. The board of revision shall 93619
review the auditor's determination and remit a penalty for late 93620
payment of any real property taxes or manufactured homes taxes if 93621
~~in cases other than those described in division~~ the board 93622
determines that any of divisions (B)(1) to (5) of this section 93623
applies or if it determines that the taxpayer's failure to make 93624
timely payment of the tax is due to reasonable cause and not 93625
willful neglect. 93626

(D) ~~The taxpayer, upon application within sixty days after~~ 93627
~~the mailing of the county auditor's or board of revision's~~ 93628
~~decision, may request the tax commissioner to review the denial of~~ 93629

~~the remission of a penalty by the auditor or board. The~~ 93630
~~application may be filed in person or by certified mail. If the~~ 93631
~~application is filed by certified mail, the date of the United~~ 93632
~~States postmark placed on the sender's receipt by the postal~~ 93633
~~service shall be treated as the date of filing. The commissioner~~ 93634
~~shall consider the application, determine whether the penalty~~ 93635
~~should be remitted, and certify the determination to the taxpayer,~~ 93636
~~to the county treasurer, and to the county auditor, who shall~~ 93637
~~correct the tax list and duplicate accordingly. The commissioner~~ 93638
may issue orders and instructions for the uniform implementation 93639
of this section by all county boards of revision, county auditors, 93640
and county treasurers, and such orders and instructions shall be 93641
followed by such officers and boards. 93642

(E) This section shall not provide to the taxpayer any remedy 93643
with respect to any matter that the taxpayer may be authorized to 93644
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 93645
the Revised Code. 93646

~~(F) Applications for remission, and documents of any kind~~ 93647
~~related to those applications, filed with the tax commissioner~~ 93648
~~under this section are public records within the meaning of~~ 93649
~~section 149.43 of the Revised Code unless otherwise excepted under~~ 93650
~~that section.~~ 93651

Sec. 5717.04. This section does not apply to any decision and 93652
order of the board made pursuant to section 5703.021 of the 93653
Revised Code. Any such decision and order shall be conclusive upon 93654
all parties and may not be appealed. 93655

The proceeding to obtain a reversal, vacation, or 93656
modification of a decision of the board of tax appeals shall be by 93657
appeal to ~~the supreme court or~~ the court of appeals for the county 93658
in which the property taxed is ~~situate~~ situated or in which the 93659
taxpayer resides. If the taxpayer is a corporation, then the 93660

proceeding to obtain such reversal, vacation, or modification 93661
shall be by appeal to ~~the supreme court or to~~ the court of appeals 93662
for the county in which the property taxed is ~~situate~~ situated, or 93663
the county of residence of the agent for service of process, tax 93664
notices, or demands, or the county in which the corporation has 93665
its principal place of business. In all other instances, the 93666
proceeding to obtain such reversal, vacation, or modification 93667
shall be by appeal to the court of appeals for Franklin county. 93668

Appeals from decisions of the board determining appeals from 93669
decisions of county boards of revision may be instituted by any of 93670
the persons who were parties to the appeal before the board of tax 93671
appeals, by the person in whose name the property involved in the 93672
appeal is listed or sought to be listed, if such person was not a 93673
party to the appeal before the board of tax appeals, or by the 93674
county auditor of the county in which the property involved in the 93675
appeal is located. 93676

Appeals from decisions of the board of tax appeals 93677
determining appeals from final determinations by the tax 93678
commissioner of any preliminary, amended, or final tax 93679
assessments, reassessments, valuations, determinations, findings, 93680
computations, or orders made by the commissioner may be instituted 93681
by any of the persons who were parties to the appeal or 93682
application before the board, by the person in whose name the 93683
property is listed or sought to be listed, if the decision 93684
appealed from determines the valuation or liability of property 93685
for taxation and if any such person was not a party to the appeal 93686
or application before the board, by the taxpayer or any other 93687
person to whom the decision of the board appealed from was by law 93688
required to be sent, by the director of budget and management if 93689
the revenue affected by the decision of the board appealed from 93690
would accrue primarily to the state treasury, by the county 93691
auditor of the county to the undivided general tax funds of which 93692

the revenues affected by the decision of the board appealed from 93693
would primarily accrue, or by the tax commissioner. 93694

Appeals from decisions of the board upon all other appeals or 93695
applications filed with and determined by the board may be 93696
instituted by any of the persons who were parties to such appeal 93697
or application before the board, by any persons to whom the 93698
decision of the board appealed from was by law required to be 93699
sent, or by any other person to whom the board sent the decision 93700
appealed from, as authorized by section 5717.03 of the Revised 93701
Code. 93702

Such appeals shall be taken within thirty days after the date 93703
of the entry of the decision of the board on the journal of its 93704
proceedings, as provided by such section, by the filing by 93705
appellant of a notice of appeal with the court of appeals to which 93706
the appeal is taken and the board. If the appeal is of a decision 93707
of the board on an action originally brought under section 5717.01 93708
of the Revised Code, the appellant also shall submit, at the same 93709
time, a copy of the notice of appeal to the county board of 93710
revision and the county auditor. If a timely notice of appeal is 93711
filed by a party, any other party may file a notice of appeal 93712
within ten days of the date on which the first notice of appeal 93713
was filed or within the time otherwise prescribed in this section, 93714
whichever is later. A notice of appeal shall set forth the 93715
decision of the board appealed from and the errors therein 93716
complained of. Proof of the filing of such notice with the board 93717
of tax appeals shall be filed with the court of appeals to which 93718
the appeal is being taken. The court of appeals in which notice of 93719
appeal is first filed shall have exclusive jurisdiction of the 93720
appeal. 93721

In all such appeals the commissioner or all persons to whom 93722
the decision of the board appealed from is required by such 93723
section to be sent, other than the appellant, shall be made 93724

appellees. Unless waived, notice of the appeal shall be served 93725
upon all appellees by certified mail. The prosecuting attorney 93726
shall represent the county auditor in any such appeal in which the 93727
auditor is a party. If the commissioner is not a party to the 93728
appeal or application before the board, the ~~supreme court or a~~ 93729
court of appeals shall not dismiss an appeal of the board's 93730
decision because of the failure to make the commissioner an 93731
appellee or to serve the notice of appeal to the commissioner as 93732
otherwise required under this section. 93733

The board, upon written demand filed by an appellant, shall 93734
within thirty days after the filing of such demand file with the 93735
court of appeals to which the appeal is being taken a certified 93736
transcript of the record of the proceedings of the board 93737
pertaining to the decision complained of and the evidence 93738
considered by the board in making such decision. 93739

If upon hearing and consideration of such record and evidence 93740
the court of appeals decides that the decision of the board 93741
appealed from is reasonable and lawful it shall affirm the same, 93742
but if the court decides that such decision of the board is 93743
unreasonable or unlawful, the court shall reverse and vacate the 93744
decision or modify it and enter final judgment in accordance with 93745
such modification. 93746

The clerk of the court of appeals shall certify the judgment 93747
of the court to the board, which shall certify such judgment to 93748
such public officials or take such other action in connection 93749
therewith as is required to give effect to the decision. ~~The~~ 93750
~~"taxpayer" includes any person required to return any property for~~ 93751
~~taxation.~~ 93752

Any party to the appeal shall have the right to appeal from 93753
the judgment of the court of appeals on questions of law, as in 93754
other cases. 93755

As used in this section, "taxpayer" includes any person 93756
required to return any property for taxation. 93757

Sec. 5725.33. (A) Except as otherwise provided in this 93758
section, terms used in this section have the same meaning as 93759
section 45D of the Internal Revenue Code, any related proposed, 93760
temporary, or final regulations promulgated under the Internal 93761
Revenue Code, any rules or guidance of the internal revenue 93762
service or the United States department of the treasury, and any 93763
related rules or guidance issued by the community development 93764
financial institutions fund of the United States department of the 93765
treasury, as such law, regulations, rules, and guidance exist on 93766
October 16, 2009. 93767

As used in this section: 93768

(1) "Adjusted purchase price" means the amount paid for the 93769
portion of a qualified equity investment approved or certified by 93770
the director of development services for a qualified community 93771
development entity in accordance with rules adopted under division 93772
(E) of this section. 93773

(2) "Applicable percentage" means zero per cent for each of 93774
the first two credit allowance dates, seven per cent for the third 93775
credit allowance date, and eight per cent for the four following 93776
credit allowance dates. 93777

(3) "Credit allowance date" means the date, on or after 93778
January 1, 2010, a qualified equity investment is made and each of 93779
the six anniversary dates thereafter. For qualified equity 93780
investments made after October 16, 2009, but before January 1, 93781
2010, the initial credit allowance date is January 1, 2010, and 93782
each of the six anniversary dates thereafter is on the first day 93783
of January of each year. 93784

(4) "Qualified community development entity" includes only 93785

entities: 93786

(a) That have entered into an allocation agreement with the 93787
community development financial institutions fund of the United 93788
States department of the treasury with respect to credits 93789
authorized by section 45D of the Internal Revenue Code; 93790

(b) Whose service area includes any portion of this state; 93791
and 93792

(c) That will designate an equity investment in such entities 93793
as a qualified equity investment for purposes of both section 45D 93794
of the Internal Revenue Code and this section. 93795

(5) "Qualified equity investment" is limited to an equity 93796
investment in a qualified community development entity that: 93797

(a) Is acquired after October 16, 2009, at its original 93798
issuance solely in exchange for cash; 93799

(b) Has at least eighty-five per cent of its cash purchase 93800
price used by the qualified community development entity to make 93801
qualified low-income community investments in qualified active 93802
low-income community businesses in this state, provided that in 93803
the seventh year after a qualified equity investment is made, only 93804
seventy-five per cent of such cash purchase price must be used by 93805
the qualified community development entity to make qualified 93806
low-income community investments in those businesses; and 93807

(c) Is designated by the issuer as a qualified equity 93808
investment. 93809

"Qualified equity investment" includes any equity investment 93810
that would, but for division (A)(5)(a) of this section, be a 93811
qualified equity investment in the hands of the taxpayer if such 93812
investment was a qualified equity investment in the hands of a 93813
prior holder. 93814

(B) There is hereby allowed a nonrefundable credit against 93815

the tax imposed by section 5725.18 of the Revised Code for an 93816
insurance company holding a qualified equity investment on the 93817
credit allowance date occurring in the calendar year for which the 93818
tax is due. The credit shall equal the applicable percentage of 93819
the adjusted purchase price, subject to divisions (B)(1) and (2) 93820
of this section: 93821

(1) For the purpose of calculating the amount of qualified 93822
low-income community investments held by a qualified community 93823
development entity, an investment shall be considered held by a 93824
qualified community development entity even if the investment has 93825
been sold or repaid, provided that, at any time before the seventh 93826
anniversary of the issuance of the qualified equity investment, 93827
the qualified community development entity reinvests an amount 93828
equal to the capital returned to or received or recovered by the 93829
qualified community development entity from the original 93830
investment, exclusive of any profits realized and costs incurred 93831
in the sale or repayment, in another qualified low-income 93832
community investment in this state within twelve months of the 93833
receipt of such capital. If the qualified low-income community 93834
investment is sold or repaid after the sixth anniversary of the 93835
issuance of the qualified equity investment, the qualified 93836
low-income community investment shall be considered held by the 93837
qualified community development entity through the seventh 93838
anniversary of the qualified equity investment's issuance. 93839

(2) The qualified low-income community investment made in 93840
this state shall equal the sum of the qualified low-income 93841
community investments in each qualified active low-income 93842
community business in this state, not to exceed two million five 93843
hundred sixty-four thousand dollars, in which the qualified 93844
community development entity invests, including such investments 93845
in any such businesses in this state related to that qualified 93846
active low-income community business through majority ownership or 93847

control. 93848

The credit shall be claimed in the order prescribed by 93849
section 5725.98 of the Revised Code. If the amount of the credit 93850
exceeds the amount of tax otherwise due after deducting all other 93851
credits in that order, the excess may be carried forward and 93852
applied to the tax due for not more than four ensuing years. 93853

By claiming a tax credit under this section, an insurance 93854
company waives its rights under section 5725.222 of the Revised 93855
Code with respect to the time limitation for the assessment of 93856
taxes as it relates to credits claimed that later become subject 93857
to recapture under division (E) of this section. 93858

~~(C) The amount of qualified equity investments on the basis 93859
of which credits may be claimed under this section and sections 93860
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 93861
the amount, estimated by the director of development, that would 93862
cause the total amount of credits allowed each fiscal year to 93863
exceed ten million dollars, computed without regard to the 93864
potential for taxpayers to carry tax credits forward to later 93865
years~~ The aggregate amount of credit allocations made by the 93866
director of development services under this section and sections 93867
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 93868
shall not exceed ten million dollars. 93869

(D) If any amount of the federal tax credit allowed for a 93870
qualified equity investment for which a credit was received under 93871
this section is recaptured under section 45D of the Internal 93872
Revenue Code, or if the director of development services 93873
determines that an investment for which a tax credit is claimed 93874
under this section is not a qualified equity investment or that 93875
the proceeds of an investment for which a tax credit is claimed 93876
under this section are used to make qualified low-income community 93877
investments other than in a qualified active low-income community 93878
business in this state, all or a portion of the credit received on 93879

account of that investment shall be paid by the insurance company 93880
that received the credit to the superintendent of insurance. The 93881
amount to be recovered shall be determined by the director of 93882
development services pursuant to rules adopted under division (E) 93883
of this section. The director shall certify any amount due under 93884
this division to the superintendent of insurance, and the 93885
superintendent shall notify the treasurer of state of the amount 93886
due. Upon notification, the treasurer shall invoice the insurance 93887
company for the amount due. The amount due is payable not later 93888
than thirty days after the date the treasurer invoices the 93889
insurance company. The amount due shall be considered to be tax 93890
due under section 5725.18 of the Revised Code, and may be 93891
collected by assessment without regard to the time limitations 93892
imposed under section 5725.222 of the Revised Code for the 93893
assessment of taxes by the superintendent. All amounts collected 93894
under this division shall be credited as revenue from the tax 93895
levied under section 5725.18 of the Revised Code. 93896

(E) The tax credits authorized under this section and 93897
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 93898
be administered by the development services agency. The director 93899
of development services, in consultation with the tax commissioner 93900
and the superintendent of insurance, pursuant to Chapter 119. of 93901
the Revised Code, shall adopt rules for the administration of this 93902
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 93903
Code. The rules shall provide for determining the recovery of 93904
credits under division (D) of this section and under sections 93905
5726.54, 5729.16, and 5733.58 of the Revised Code, including 93906
prorating the amount of the credit to be recovered on any 93907
reasonable basis, the manner in which credits may be allocated 93908
among claimants, and the amount of any application or other fees 93909
to be charged in connection with a recovery. 93910

(F) ~~There is hereby created in the state treasury the new~~ 93911

~~markets tax credit operating fund.~~ The director of development 93912
services is authorized to charge reasonable application and other 93913
fees in connection with the administration of tax credits 93914
authorized by this section and sections 5726.54, 5729.16, and 93915
5733.58 of the Revised Code. Any such fees collected shall be 93916
credited to the tax incentives operating fund created in section 93917
122.174 of the Revised Code. ~~The director of development services~~ 93918
~~shall use money in the fund to pay expenses related to the~~ 93919
~~administration of tax credits authorized under sections 5725.33,~~ 93920
~~5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 93921

(G) Tax credits earned or allocated to a pass-through entity, 93922
as that term is defined in section 5733.04 of the Revised Code, 93923
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 93924
Code may be allocated to persons having a direct or indirect 93925
ownership interest in the pass-through entity for such persons' 93926
direct use in accordance with the provisions of any mutual 93927
agreement between such persons. 93928

Sec. 5725.98. (A) To provide a uniform procedure for 93929
calculating the amount of tax imposed by section 5725.18 of the 93930
Revised Code that is due under this chapter, a taxpayer shall 93931
claim any credits and offsets against tax liability to which it is 93932
entitled in the following order: 93933

(1) The credit for an insurance company or insurance company 93934
group under section 5729.031 of the Revised Code; 93935

(2) The credit for eligible employee training costs under 93936
section 5725.31 of the Revised Code; 93937

(3) The credit for purchasers of qualified low-income 93938
community investments under section 5725.33 of the Revised Code; 93939

(4) The nonrefundable job retention credit under division (B) 93940
of section 122.171 of the Revised Code; 93941

(5) <u>The nonrefundable credit for investments in rural business and high-growth industry funds under section 122.152 of the Revised Code;</u>	93942
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	93944
(6) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	93945
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	93947
(6) (7) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.	93948
	93949
(7) (8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before <u>September 29, 2015</u> , the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	93950
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(8) (9) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	93955
	93956
(9) (10) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	93957
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	93961
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Sec. 5726.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5726.02 of the Revised Code, a taxpayer shall claim any credits to which the	93969
	93970
	93971

taxpayer is entitled under this chapter in the following order:	93972
(1) The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;	93973 93974
(2) The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;	93975 93976 93977
(3) The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;	93978 93979
(4) The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;	93980 93981
(5) The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	93982 93983
(6) <u>The nonrefundable credit for investments in rural business and high-growth industry funds under section 122.152 of the Revised Code;</u>	93984 93985 93986
<u>(7)</u> The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	93987 93988
(7) <u>(8)</u> The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	93989 93990 93991 93992
(8) <u>(9)</u> The refundable motion picture production credit under section 5726.55 of the Revised Code.	93993 93994
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or	93995 93996 93997 93998 93999 94000 94001

indirectly, a credit more than once for a taxable year. 94002

Sec. 5727.26. (A) The tax commissioner may make an 94003
assessment, based on any information in the commissioner's 94004
possession, against any natural gas company or combined company 94005
that fails to file a return or pay any tax, interest, or 94006
additional charge as required by sections 5727.24 to 5727.29 of 94007
the Revised Code. The commissioner shall give the company assessed 94008
written notice of the assessment as provided in section 5703.37 of 94009
the Revised Code. With the notice, the commissioner shall provide 94010
instructions on how to petition for reassessment and request a 94011
hearing on the petition. A penalty of up to fifteen per cent may 94012
be added to all amounts assessed under this section. The tax 94013
commissioner may adopt rules providing for the imposition and 94014
remission of the penalty. 94015

(B) Unless the company assessed, within sixty days after 94016
service of the notice of assessment, files with the tax 94017
commissioner, either personally or by certified mail, a written 94018
petition signed by the company's authorized agent having knowledge 94019
of the facts, the assessment becomes final, and the amount of the 94020
assessment is due and payable from the company assessed to the 94021
~~treasurer of state~~ commissioner. The petition shall indicate the 94022
objections of the company assessed, but additional objections may 94023
be raised in writing if received by the commissioner prior to the 94024
date shown on the final determination. 94025

If a petition for reassessment has been properly filed, the 94026
commissioner shall proceed under section 5703.60 of the Revised 94027
Code. 94028

(C) After an assessment becomes final, if any portion of the 94029
assessment, including accrued interest, remains unpaid, a 94030
certified copy of the tax commissioner's entry making the 94031
assessment final may be filed in the office of the clerk of the 94032

court of common pleas in the county in which the natural gas 94033
company's or combined company's principal place of business is 94034
located, or in the office of the clerk of court of common pleas of 94035
Franklin county. 94036

Immediately on the filing of the entry, the clerk shall enter 94037
judgment for the state against the company assessed in the amount 94038
shown on the entry. The judgment may be filed by the clerk in a 94039
loose-leaf book entitled, "special judgments for the public 94040
utility excise tax on natural gas and combined companies," and 94041
shall have the same effect as other judgments. Execution shall 94042
issue upon the judgment at the request of the tax commissioner, 94043
and all laws applicable to sales on execution shall apply to sales 94044
made under the judgment. 94045

If the assessment is not paid in its entirety within sixty 94046
days after the day the assessment was issued, the portion of the 94047
assessment consisting of tax due shall bear interest at the rate 94048
per annum prescribed by section 5703.47 of the Revised Code from 94049
the day the tax commissioner issues the assessment until it is 94050
paid or until it is certified to the attorney general for 94051
collection under section 131.02 of the Revised Code, whichever 94052
comes first. If the unpaid portion of the assessment is certified 94053
to the attorney general for collection, the entire unpaid portion 94054
of the assessment shall bear interest at the rate per annum 94055
prescribed by section 5703.47 of the Revised Code from the date of 94056
certification until the date it is paid in its entirety. Interest 94057
shall be paid in the same manner as the tax and may be collected 94058
by the issuance of an assessment under this section. 94059

(D) If the tax commissioner believes that collection of the 94060
tax will be jeopardized unless proceedings to collect or secure 94061
collection of the tax are instituted without delay, the 94062
commissioner may issue a jeopardy assessment against the company 94063
liable for the tax. Immediately upon the issuance of the jeopardy 94064

assessment, the commissioner shall file an entry with the clerk of 94065
the court of common pleas in the manner prescribed by division (C) 94066
of this section. Notice of the jeopardy assessment shall be served 94067
on the company assessed or the company's authorized agent in the 94068
manner provided in section 5703.37 of the Revised Code within five 94069
days of the filing of the entry with the clerk. The total amount 94070
assessed is immediately due and payable, unless the company 94071
assessed files a petition for reassessment in accordance with 94072
division (B) of this section and provides security in a form 94073
satisfactory to the commissioner and in an amount sufficient to 94074
satisfy the unpaid balance of the assessment. Full or partial 94075
payment of the assessment does not prejudice the commissioner's 94076
consideration of the petition for reassessment. 94077

(E) The tax commissioner shall immediately forward to the 94078
treasurer of state all amounts that the tax commissioner receives 94079
under this section, and such amounts shall be considered revenue 94080
arising from the tax imposed by section 5727.24 of the Revised 94081
Code. 94082

(F) No assessment shall be made or issued against a natural 94083
gas company or combined company for the tax imposed by section 94084
5727.24 of the Revised Code more than four years after the return 94085
date for the period in which the tax was reported, or more than 94086
four years after the return for the period was filed, whichever is 94087
later. 94088

Sec. 5727.28. (A) The ~~treasurer of state~~ tax commissioner 94089
shall refund to a natural gas company or combined company subject 94090
to the tax imposed by section 5727.24 of the Revised Code, the 94091
amount of tax paid illegally or erroneously, or paid on an illegal 94092
or erroneous assessment. Applications for a refund shall be filed 94093
with the tax commissioner, on a form prescribed by the 94094
commissioner, within four years of the illegal or erroneous 94095

payment of the tax. 94096

On the filing of the application, the commissioner shall 94097
determine the amount of refund to which the applicant is entitled. 94098
If the amount is not less than that claimed, the commissioner 94099
shall ~~certify the amount to~~ notify the director of budget and 94100
management and ~~treasurer of state for payment~~ issue the refund 94101
from the tax refund fund under section 5703.052 of the Revised 94102
Code. If the amount is less than that claimed, the commissioner 94103
shall proceed in accordance with section 5703.70 of the Revised 94104
Code. 94105

If the application for refund is for taxes paid on an illegal 94106
or erroneous assessment, the commissioner shall include in the 94107
certified amount interest calculated at the rate per annum 94108
prescribed by section 5703.47 of the Revised Code from the date of 94109
overpayment to the date of the commissioner's certification. 94110

(B) If a natural gas company or combined company entitled to 94111
a refund of taxes under this section, or section 5703.70 of the 94112
Revised Code, is indebted to the state for any tax or fee 94113
administered by the tax commissioner that is paid to the state, or 94114
any charge, penalty, or interest arising from such a tax or fee, 94115
the amount refundable may be applied in satisfaction of that debt. 94116
If the amount refundable is less than the amount of the debt, it 94117
may be applied in partial satisfaction of the debt. If the amount 94118
refundable is greater than the amount of the debt, the amount 94119
remaining after satisfaction of the debt shall be refunded. 94120

(C) In lieu of granting a refund under division (A) or (B) of 94121
this section, the tax commissioner may allow a natural gas company 94122
or combined company to claim a credit of the amount of the tax 94123
refund on the return for the period during which the tax became 94124
refundable. The commissioner may require the company to submit 94125
information to support a claim for a credit under this division, 94126
and the commissioner may disallow the credit if the information is 94127

not provided. 94128

Sec. 5727.31. (A) Each public utility subject to the excise 94129
tax imposed by section 5727.30 of the Revised Code, annually, on 94130
or before the first day of August, shall file with the tax 94131
commissioner a statement in such form as the commissioner 94132
prescribes and shall pay any amount due. 94133

(B)(1) Annually, on or before the fifteenth day of October of 94134
the current year, each public utility whose estimated excise taxes 94135
for the current year as based upon the statement required to be 94136
filed in that year by division (A) of this section are one 94137
thousand dollars or more shall file with the ~~treasurer of state~~ 94138
commissioner a report, in such form as the ~~tax~~ commissioner 94139
prescribes, showing the amount of excise tax estimated to be 94140
charged or levied pursuant to law for the current year upon the 94141
basis of such annual statement, and shall remit a portion of the 94142
estimated excise taxes shown to be due by the report. The portion 94143
of the estimated excise taxes due at the time the report is filed 94144
shall be one-third of its total excise taxes estimated to be 94145
charged or levied for the current year based upon the annual 94146
statement filed under division (A) of this section. 94147

(2) Annually, on or before the first day of March and June, 94148
each public utility whose excise taxes as based upon its last 94149
preceding annual statement filed under division (A) of this 94150
section prior to the first day of January were one thousand 94151
dollars or more shall file with the ~~treasurer of state~~ 94152
commissioner a report, in such form as the ~~tax~~ commissioner 94153
prescribes, showing the amount of excise tax charged or levied 94154
pursuant to law upon the basis of such annual statement, and shall 94155
remit a portion of the excise taxes shown to be due by each such 94156
report. The portion of the excise taxes due at the time each such 94157
report is filed shall be one-third of its total excise taxes so 94158

charged or levied based upon such annual statement. 94159

(C) Any public utility subject to the excise taxes imposed by 94160
section 5727.30 of the Revised Code whose tax as certified under 94161
section 5727.38 of the Revised Code in a year equals or exceeds 94162
the amount specified for that year in section 5727.311 of the 94163
Revised Code shall make the payments required under this section 94164
in the second ensuing and each succeeding year in the manner 94165
prescribed by section 5727.311 of the Revised Code, except as 94166
otherwise prescribed by that section. 94167

(D)(1) For purposes of this section, a report required to be 94168
filed under division (B) of this section is considered filed when 94169
it is received by the ~~treasurer of state~~ tax commissioner. 94170

(2) For purposes of this section and sections 5727.311 and 94171
5727.42 of the Revised Code, remittance of an excise tax required 94172
to be made under this section is considered to be made when the 94173
remittance is received by the treasurer of state or tax 94174
commissioner, or when credited to an account designated by the 94175
treasurer of state for the receipt of tax remittances. 94176

Sec. 5727.311. (A) Any public utility subject to an excise 94177
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 94178
~~certified by the tax commissioner under section 5727.38 of the~~ 94179
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 94180
each payment required under division (B) of section 5727.31 of the 94181
Revised Code for the second ensuing and each succeeding year by 94182
electronic funds transfer as prescribed by division (C) of this 94183
section. 94184

If the tax ~~certified by the tax commissioner~~ in each of two 94185
consecutive years is less than fifty thousand dollars, the public 94186
utility is relieved of the requirement to remit taxes by 94187
electronic funds transfer for the year that next follows the 94188
second of the consecutive years in which the tax certified is less 94189

than fifty thousand dollars, and is relieved of that requirement 94190
for each succeeding year unless the tax ~~certified~~ in a subsequent 94191
year equals or exceeds fifty thousand dollars. 94192

(B) The tax commissioner shall notify each public utility 94193
required by this section or section 5727.25 of the Revised Code to 94194
remit taxes by electronic funds transfer of the public utility's 94195
obligation to do so, and shall maintain an updated list of those 94196
public utilities, ~~and shall timely certify the list and any~~ 94197
~~additions thereto or deletions therefrom to the treasurer of~~ 94198
~~state.~~ Failure by the tax commissioner to notify a public utility 94199
subject to this section to remit taxes by electronic funds 94200
transfer does not relieve the public utility of its obligation to 94201
remit taxes by electronic funds transfer. 94202

(C) Public utilities required by this section or section 94203
5727.25 of the Revised Code to remit periodic payments by 94204
electronic funds transfer shall remit such payments to the 94205
treasurer of state in the manner prescribed by rules adopted by 94206
the treasurer of state under section 113.061 of the Revised Code. 94207
The payment of public utility excise taxes by electronic funds 94208
transfer does not affect a public utility's obligation to file the 94209
annual statement and periodic reports in the manner and at the 94210
times prescribed by section 5727.31 of the Revised Code. 94211

A public utility required by this section or section 5727.25 94212
of the Revised Code to remit taxes by electronic funds transfer 94213
may apply to the ~~treasurer of state~~ tax commissioner in the manner 94214
prescribed by the ~~treasurer of state~~ commissioner to be excused 94215
from that requirement. The ~~treasurer of state~~ commissioner may 94216
excuse the public utility from remittance by electronic funds 94217
transfer for good cause shown for the period of time requested by 94218
the public utility or for a portion of that period. The ~~treasurer~~ 94219
~~of state~~ commissioner shall notify the ~~tax commissioner and the~~ 94220
public utility of the ~~treasurer of state's~~ commissioner's decision 94221

as soon as is practicable. 94222

(D) If a public utility required by this section or section 94223
5727.25 of the Revised Code to remit taxes by electronic funds 94224
transfer remits those taxes by some means other than by electronic 94225
funds transfer as prescribed by this section and the rules adopted 94226
by the treasurer of state, and the ~~treasurer of state~~ tax 94227
commissioner determines that the failure to remit taxes as 94228
required was not due to reasonable cause or was due to willful 94229
neglect, the ~~treasurer of state~~ commissioner may impose an 94230
additional charge on the public utility equal to five per cent of 94231
the amount of the taxes required to be paid by electronic funds 94232
transfer, but not to exceed five thousand dollars. Any additional 94233
charge imposed under this section is in addition to any other 94234
penalty or charge imposed under this chapter, and shall be 94235
considered as revenue arising from excise taxes imposed by this 94236
chapter. 94237

No additional charge shall be assessed under this division 94238
against a public utility that has been notified of its obligation 94239
to remit taxes under this section and that remits its first two 94240
tax payments after such notification by some means other than 94241
electronic funds transfer. The additional charge may be assessed 94242
upon the remittance of any subsequent tax payment that the public 94243
utility remits by some means other than electronic funds transfer. 94244

Sec. 5727.38. On or before the first Monday of November, 94245
annually, the tax commissioner ~~shall~~ may assess an excise tax 94246
against ~~each~~ a public utility subject to the excise tax under 94247
section 5727.30 of the Revised Code. The tax shall be computed by 94248
multiplying the taxable gross receipts as determined by the 94249
commissioner under section 5727.33 of the Revised Code by six and 94250
three-fourths per cent in the case of pipe-line companies, and 94251
four and three-fourths per cent in the case of all other 94252

companies. The minimum tax for any such company for owning 94253
property or doing business in this state shall be fifty dollars. 94254
The assessment shall be ~~certified~~ mailed to the taxpayer and 94255
~~treasurer of state.~~ 94256

Sec. 5727.42. (A) The treasurer of state shall ~~maintain a~~ 94257
~~list of all taxes levied and payments made pursuant to the annual~~ 94258
notify the tax commissioner of any payment of the excise tax 94259
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 94260
state commissioner shall collect and the taxpayer shall pay all 94261
taxes and any penalties thereon. Payments of the tax may be made 94262
by mail, in person, by electronic funds transfer if required to do 94263
so by section 5727.311 of the Revised Code, or by any other means 94264
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 94265
~~of state~~ commissioner may adopt rules concerning the methods and 94266
timeliness of payment. 94267

(B) Each tax ~~bill~~ assessment issued pursuant to this section 94268
shall separately reflect the taxes and any penalty due, ~~due date,~~ 94269
and any other information considered necessary. ~~The last day on~~ 94270
~~which payment may be made without penalty shall be at least twenty~~ 94271
~~but not more than thirty days from the date of mailing the tax~~ 94272
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 94273
assessment to the taxpayer, and the mailing of it shall be 94274
prima-facie evidence of receipt thereof by the taxpayer. 94275

(C) The ~~treasurer of state~~ commissioner shall refund taxes 94276
levied and payments made for the tax imposed by section 5727.30 of 94277
the Revised Code as provided in this section, but no refund shall 94278
be made to a taxpayer having a delinquent claim certified pursuant 94279
to this section that remains unpaid. The ~~treasurer of state~~ 94280
commissioner may consult the attorney general regarding such 94281
claims. 94282

(D) ~~Within twenty days after receipt of~~ After receiving any 94283

~~excise tax assessment certified to the treasurer of state annual statement for the tax imposed by section 5727.30 of the Revised Code, the ~~treasurer of state~~ commissioner shall:~~ 94284
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(1) ~~Ascertain the difference between the total taxes ~~shown on such assessment~~ owed and the sum of all ~~estimated~~ payments, ~~exclusive of any penalties thereon, previously~~ made for that year.~~ 94287
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(2) ~~If the difference is a deficiency, the ~~treasurer of state~~ commissioner shall issue a ~~tax bill~~ an assessment.~~ 94290
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(3) ~~If the difference is an excess, the ~~treasurer of state~~ commissioner shall ~~certify the name of the taxpayer and the amount to be refunded to~~ notify the director of budget and management ~~for payment and issue a refund of that amount~~ to the taxpayer. ~~If the amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of refund applications.~~ 94292
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~~If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the ~~treasurer of state~~ commissioner may determine the net result and, depending on such result, proceed to ~~mail a tax bill~~ issue an assessment or certify a refund.~~ 94303
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(E) ~~If a taxpayer fails to pay all the amount of taxes ~~on or before the due date shown on the tax bill~~ required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, ~~but makes payment within ten calendar days of such date, the treasurer of state shall add a penalty equal to five per cent of the amount that should have been timely paid. If payment is not~~ 94308
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~~made within ten days of such date, the treasurer of state shall~~ 94315
~~add a penalty equal to fifteen per cent of the amount that should~~ 94316
~~have been timely paid. The treasurer of state shall prepare a~~ 94317
~~delinquent claim for each tax bill on which penalties were added~~ 94318
~~and certify such claims to the attorney general and tax~~ 94319
~~commissioner. The the commissioner shall impose a penalty in the~~ 94320
~~amount of fifteen per cent of the unpaid amount, and the~~ 94321
~~commissioner shall issue an assessment for the unpaid amount and~~ 94322
~~penalty. Unless a timely petition for reassessment is filed under~~ 94323
~~section 5727.47 of the Revised Code, the attorney general shall~~ 94324
proceed to collect the delinquent taxes and penalties thereon in 94325
the manner prescribed by law and notify the ~~treasurer of state and~~ 94326
~~tax~~ commissioner of all collections. 94327

Sec. 5727.47. (A) Notice of each assessment certified or 94328
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 94329
shall be mailed to the public utility, and its mailing shall be 94330
prima-facie evidence of its receipt by the public utility to which 94331
it is addressed. With the notice, the tax commissioner shall 94332
provide instructions on how to petition for reassessment and 94333
request a hearing on the petition. If a public utility objects to 94334
~~any such an assessment certified to it pursuant to such sections,~~ 94335
it may file with the commissioner, either personally or by 94336
certified mail, within sixty days after the mailing of the notice 94337
of assessment a written petition for reassessment signed by the 94338
utility's authorized agent having knowledge of the facts. The date 94339
the commissioner receives the petition shall be considered the 94340
date of filing. The petition shall indicate the utility's 94341
objections, but additional objections may be raised in writing if 94342
received by the commissioner prior to the date shown on the final 94343
determination. 94344

In the case of a petition seeking a reduction in taxable 94345
value filed with respect to an assessment ~~issued~~ certified under 94346

section 5727.23 of the Revised Code, the petitioner shall state in 94347
the petition the total amount of reduction in taxable value sought 94348
by the petitioner. If the petitioner objects to the percentage of 94349
true value at which taxable property is assessed by the 94350
commissioner, the petitioner shall state in the petition the total 94351
amount of reduction in taxable value sought both with and without 94352
regard to the objection pertaining to the percentage of true value 94353
at which its taxable property is assessed. If a petitioner objects 94354
to the commissioner's apportionment of the taxable value of the 94355
petitioner's taxable property, the petitioner shall distinctly 94356
state in the petition that the petitioner objects to the 94357
commissioner's apportionment, and, within forty-five days after 94358
filing the petition for reassessment, shall submit the 94359
petitioner's proposed apportionment of the taxable value of its 94360
taxable property among taxing districts. If a petitioner that 94361
objects to the commissioner's apportionment fails to state its 94362
objections to that apportionment in its petition for reassessment 94363
or fails to submit its proposed apportionment within forty-five 94364
days after filing the petition for reassessment, the commissioner 94365
shall dismiss the petitioner's objection to the commissioner's 94366
apportionment, and the taxable value of the petitioner's taxable 94367
property, subject to any adjustment to taxable value pursuant to 94368
the petition or appeal, shall be apportioned in the manner used by 94369
the commissioner in the preliminary or amended preliminary 94370
assessment ~~issued~~ certified under section 5727.23 of the Revised 94371
Code. 94372

If an additional objection seeking a reduction in taxable 94373
value in excess of the reduction stated in the original petition 94374
is properly and timely raised with respect to an assessment issued 94375
under section 5727.23 of the Revised Code, the petitioner shall 94376
state the total amount of the reduction in taxable value sought in 94377
the additional objection both with and without regard to any 94378
reduction in taxable value pertaining to the percentage of true 94379

value at which taxable property is assessed. If a petitioner fails 94380
to state the reduction in taxable value sought in the original 94381
petition or in additional objections properly raised after the 94382
petition is filed, the commissioner shall notify the petitioner of 94383
the failure by certified mail. If the petitioner fails to notify 94384
the commissioner in writing of the reduction in taxable value 94385
sought in the petition or in an additional objection within thirty 94386
days after receiving the commissioner's notice, the commissioner 94387
shall dismiss the petition or the additional objection in which 94388
that reduction is sought. 94389

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 94390
public utility filing a petition for reassessment regarding an 94391
assessment certified or issued under section 5727.23 or 5727.38 of 94392
the Revised Code shall pay the tax with respect to the assessment 94393
objected to as required by law. The acceptance of any tax payment 94394
by the treasurer of state, tax commissioner, or any county 94395
treasurer shall not prejudice any claim for taxes on final 94396
determination by the commissioner or final decision by the board 94397
of tax appeals or any court. 94398

(2) If a public utility properly and timely files a petition 94399
for reassessment regarding an assessment ~~issued~~ certified under 94400
section 5727.23 of the Revised Code, the petitioner shall pay the 94401
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 94402
section: 94403

(a) If the petitioner does not object to the commissioner's 94404
apportionment of the taxable value of the petitioner's taxable 94405
property, the petitioner is not required to pay the part of the 94406
tax otherwise due on the taxable value that the petitioner seeks 94407
to have reduced, subject to division (B)(2)(c) of this section. 94408

(b) If the petitioner objects to the commissioner's 94409
apportionment of the taxable value of the petitioner's taxable 94410
property, the petitioner is not required to pay the tax otherwise 94411

due on the part of the taxable value apportioned to any taxing 94412
district that the petitioner objects to, subject to division 94413
(B)(2)(c) of this section. If, pursuant to division (A) of this 94414
section, the petitioner has, in a proper and timely manner, 94415
apportioned taxable value to a taxing district to which the 94416
commissioner did not apportion the petitioner's taxable value, the 94417
petitioner shall pay the tax due on the taxable value that the 94418
petitioner has apportioned to the taxing district, subject to 94419
division (B)(2)(c) of this section. 94420

(c) If a petitioner objects to the percentage of true value 94421
at which taxable property is assessed by the commissioner, the 94422
petitioner shall pay the tax due on the basis of the percentage of 94423
true value at which the public utility's taxable property is 94424
assessed by the commissioner. In any case, the petitioner's 94425
payment of tax shall not be less than the amount of tax due based 94426
on the taxable value reflected on the last appeal notice issued by 94427
the commissioner under division (C) of this section. Until the 94428
county auditor receives notification under division (E) of this 94429
section and proceeds under section 5727.471 of the Revised Code to 94430
issue any refund that is found to be due, the county auditor shall 94431
not issue a refund for any increase in the reduction in taxable 94432
value that is sought by a petitioner later than forty-five days 94433
after the petitioner files the original petition as required under 94434
division (A) of this section. 94435

(3) Any part of the tax that, under division (B)(2)(a) or (b) 94436
of this section, is not paid shall be collected upon receipt of 94437
the notification as provided in section 5727.471 of the Revised 94438
Code with interest thereon computed in the same manner as interest 94439
is computed under division (E) of section 5715.19 of the Revised 94440
Code, subject to any correction of the assessment by the 94441
commissioner under division (E) of this section or the final 94442
judgment of the board of tax appeals or a court to which the 94443

board's final judgment is appealed. The penalty imposed under 94444
section 323.121 of the Revised Code shall apply only to the unpaid 94445
portion of the tax if the petitioner's tax payment is less than 94446
the amount of tax due based on the taxable value reflected on the 94447
last appeal notice issued by the commissioner under division (C) 94448
of this section. 94449

(C) Upon receipt of a properly filed petition for 94450
reassessment with respect to an assessment certified under section 94451
5727.23 of the Revised Code, the tax commissioner shall notify the 94452
treasurer of state or the auditor of each county to which the 94453
assessment objected to has been certified. In the case of a 94454
petition with respect to an assessment ~~issued~~ certified under 94455
section 5727.23 of the Revised Code, the commissioner shall issue 94456
an appeal notice within thirty days after receiving the amount of 94457
the taxable value reduction and apportionment changes sought by 94458
the petitioner in the original petition or in any additional 94459
objections properly and timely raised by the petitioner. The 94460
appeal notice shall indicate the amount of the reduction in 94461
taxable value sought in the petition or in the additional 94462
objections and the extent to which the reduction in taxable value 94463
and any change in apportionment requested by the petitioner would 94464
affect the commissioner's apportionment of the taxable value among 94465
taxing districts in the county as shown in the assessment. If a 94466
petitioner is seeking a reduction in taxable value on the basis of 94467
a lower percentage of true value than the percentage at which the 94468
commissioner assessed the petitioner's taxable property, the 94469
appeal notice shall indicate the reduction in taxable value sought 94470
by the petitioner without regard to the reduction sought on the 94471
basis of the lower percentage and shall indicate that the 94472
petitioner is required to pay tax on the reduced taxable value 94473
determined without regard to the reduction sought on the basis of 94474
a lower percentage of true value, as provided under division 94475
(B)(2)(c) of this section. The appeal notice shall include a 94476

statement that the reduced taxable value and the apportionment 94477
indicated in the notice are not final and are subject to 94478
adjustment by the commissioner or by the board of tax appeals or a 94479
court on appeal. If the commissioner finds an error in the appeal 94480
notice, the commissioner may amend the notice, but the notice is 94481
only for informational and tax payment purposes; the notice is not 94482
subject to appeal by any person. The commissioner also shall mail 94483
a copy of the appeal notice to the petitioner. Upon the request of 94484
a taxing authority, the county auditor may disclose to the taxing 94485
authority the extent to which a reduction in taxable value sought 94486
by a petitioner would affect the apportionment of taxable value to 94487
the taxing district or districts under the taxing authority's 94488
jurisdiction, but such a disclosure does not constitute a notice 94489
required by law to be given for the purpose of section 5717.02 of 94490
the Revised Code. 94491

(D) If the petitioner requests a hearing on the petition, the 94492
tax commissioner shall assign a time and place for the hearing on 94493
the petition and notify the petitioner of such time and place, but 94494
the commissioner may continue the hearing from time to time as 94495
necessary. 94496

(E) The tax commissioner may make corrections to the 94497
assessment as the commissioner finds proper. The commissioner 94498
shall serve a copy of the commissioner's final determination on 94499
the petitioner in the manner provided in section 5703.37 of the 94500
Revised Code. The commissioner's decision in the matter shall be 94501
final, subject to appeal under section 5717.02 of the Revised 94502
Code. The With respect to a final determination issued for an 94503
assessment certified under section 5727.23 of the Revised Code, 94504
the commissioner also shall transmit a copy of the final 94505
determination to the ~~treasurer of state or~~ applicable county 94506
auditor. In the absence of any further appeal, or when a decision 94507
of the board of tax appeals or of any court to which the decision 94508

has been appealed becomes final, the commissioner shall notify the 94509
public utility and, as appropriate, ~~the treasurer of state who~~ 94510
shall proceed under section 5727.42 of the Revised Code, or notify 94511
the applicable county auditor, who shall proceed under section 94512
5727.471 of the Revised Code. 94513

The notification made under this division is not subject to 94514
further appeal. 94515

(F) On appeal, no adjustment shall be made in the tax 94516
commissioner's assessment ~~issued~~ certified under section 5727.23 94517
of the Revised Code that reduces the taxable value of a 94518
petitioner's taxable property by an amount that exceeds the 94519
reduction sought by the petitioner in its petition for 94520
reassessment or in any additional objections properly and timely 94521
raised after the petition is filed with the commissioner. 94522

Sec. 5727.48. The tax commissioner, on application by a 94523
public utility, may extend to the public utility a further 94524
specified time, not to exceed ~~sixty~~ thirty days, within which to 94525
file any report or statement required by this chapter to be filed 94526
with the commissioner, except reports required by sections 5727.24 94527
to 5727.29 of the Revised Code. A public utility must file such an 94528
application, in writing, with the commissioner on or before the 94529
date that the report or statement is otherwise required to be 94530
filed. 94531

Sec. 5727.53. The taxes, fees, and penalties provided by this 94532
chapter that are remitted to the treasurer of state may be 94533
recovered by an action brought in the name of the state in the 94534
court of common pleas of Franklin county, or of any county in 94535
which such public utility is doing business, or in which the line 94536
of any railroad company is located, and such court of common pleas 94537
shall have jurisdiction of the action regardless of the amount 94538

involved. The attorney general, on request of the tax 94539
commissioner, shall institute such action in the court of common 94540
pleas of Franklin county or of any of such counties the 94541
commissioner directs. ~~In any such action it shall be sufficient to~~ 94542
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 94543
~~charged on the delinquent duplicate of the treasurer of state, and~~ 94544
~~that the same has been unpaid for a period of thirty days after~~ 94545
~~having been placed thereon.~~ Sums recovered in any such action 94546
shall be paid into the state treasury in the same manner as the 94547
tax. 94548

Sec. 5727.60. If a person fails to file a report within the 94549
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 94550
including any extensions of time granted by the tax commissioner, 94551
a penalty of fifty dollars per month, not to exceed five hundred 94552
dollars, may be imposed for each month or fraction of a month 94553
elapsing between the due date of the report, including any 94554
extensions, and the date the report was filed. The penalty under 94555
this section for failing to file a report required by section 94556
5727.08 of the Revised Code shall be paid into the state general 94557
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 94558
~~notice of the penalty is mailed to the person who failed to timely~~ 94559
~~file the report, the tax commissioner shall certify the penalty as~~ 94560
~~a claim to the attorney general for collection.~~ The penalty under 94561
this section for failing to file the report required by section 94562
5727.31 of the Revised Code shall be deposited into the state 94563
treasury in the same manner as the tax, and the commissioner may 94564
collect the penalty by assessment pursuant to section 5727.38 of 94565
the Revised Code. The tax commissioner may abate this penalty in 94566
full or in part. 94567

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 94568
Revised Code: 94569

(A) "Electric distribution company" means either of the 94570
following: 94571

(1) A person who distributes electricity through a meter of 94572
an end user in this state or to an unmetered location in this 94573
state; 94574

(2) The end user of electricity in this state, if the end 94575
user obtains electricity that is not distributed or transmitted to 94576
the end user by an electric distribution company that is required 94577
to remit the tax imposed by section 5727.81 of the Revised Code. 94578

"Electric distribution company" does not include an end user 94579
of electricity in this state who self-generates electricity that 94580
is used directly by that end user on the same site that the 94581
electricity is generated or a person that donates all of the 94582
electricity the person generates to a political subdivision of the 94583
state. Division (A)(2) of this section shall not apply to a 94584
political subdivision in this state that is the end user of 94585
electricity that is donated to the political subdivision. 94586

(B) "Kilowatt hour" means one thousand watt hours of 94587
electricity. 94588

(C) For an electric distribution company, "meter of an end 94589
user in this state" means the last meter used to measure the 94590
kilowatt hours distributed by an electric distribution company to 94591
a location in this state, or the last meter located outside of 94592
this state that is used to measure the kilowatt hours consumed at 94593
a location in this state. 94594

(D) "Person" has the same meaning as in section 5701.01 of 94595
the Revised Code, but also includes a political subdivision of the 94596
state. 94597

(E) "Municipal electric utility" means a municipal 94598
corporation that owns or operates a system for the distribution of 94599
electricity. 94600

(F) "Qualified end user" means an end user of electricity 94601
that satisfies either of the following criteria: 94602

(1) The end user uses more than three million kilowatt hours 94603
of electricity at one manufacturing location in this state for a 94604
calendar day for use in a qualifying manufacturing process. 94605

(2) The end user uses electricity at a manufacturing location 94606
in this state for use in a chlor-alkali manufacturing process but, 94607
if the end user uses electricity distributed by a municipal 94608
electric utility, the end user can only be a "qualified end user" 94609
upon obtaining the consent of the legislative authority of the 94610
municipal corporation that owns or operates the utility. 94611

(G) "Qualified regeneration" means a process to convert 94612
electricity to a form of stored energy by means such as using 94613
electricity to compress air for storage or to pump water to an 94614
elevated storage reservoir, if such stored energy is subsequently 94615
used to generate electricity for sale to others primarily during 94616
periods when there is peak demand for electricity. 94617

(H) "Qualified regeneration meter" means the last meter used 94618
to measure electricity used in a qualified regeneration process. 94619

(I) "Qualifying manufacturing process" means ~~the performance~~ 94620
~~of an electrochemical reaction in which electrons from direct~~ 94621
~~current electricity remain a part of the product being~~ 94622
manufactured an electrochemical manufacturing process or a 94623
chlor-alkali manufacturing process. 94624

(J) "Self-assessing purchaser" means a purchaser that meets 94625
all the requirements of, and pays the excise tax in accordance 94626
with, division (C) of section 5727.81 of the Revised Code. 94627

(K) "Natural gas distribution company" means a natural gas 94628
company or a combined company, as defined in section 5727.01 of 94629
the Revised Code, that is subject to the excise tax imposed by 94630
section 5727.24 of the Revised Code and that distributes natural 94631

gas through a meter of an end user in this state or to an 94632
unmetered location in this state. 94633

(L) "MCF" means one thousand cubic feet. 94634

(M) For a natural gas distribution company, "meter of an end 94635
user in this state" means the last meter used to measure the MCF 94636
of natural gas distributed by a natural gas distribution company 94637
to a location in this state, or the last meter located outside of 94638
this state that is used to measure the natural gas consumed at a 94639
location in this state. 94640

(N) "Flex customer" means an industrial or a commercial 94641
facility that has consumed more than one billion cubic feet of 94642
natural gas a year at a single location during any of the previous 94643
five years, or an industrial or a commercial end user of natural 94644
gas that purchases natural gas distribution services from a 94645
natural gas distribution company at discounted rates or charges 94646
established in any of the following: 94647

(1) A special arrangement subject to review and regulation by 94648
the public utilities commission under section 4905.31 of the 94649
Revised Code; 94650

(2) A special arrangement with a natural gas distribution 94651
company pursuant to a municipal ordinance; 94652

(3) A variable rate schedule that permits rates to vary 94653
between defined amounts, provided that the schedule is on file 94654
with the public utilities commission. 94655

An end user that meets this definition on January 1, 2000, or 94656
thereafter is a "flex customer" for purposes of determining the 94657
rate of taxation under division (D) of section 5727.811 of the 94658
Revised Code. 94659

(O) "Electrochemical manufacturing process" means the 94660
performance of an electrochemical reaction in which electrons from 94661

direct current electricity remain a part of the product being 94662
manufactured. "Electrochemical manufacturing process" does not 94663
include a chlor-alkali manufacturing process. 94664

(P) "Chlor-alkali manufacturing process" means a process that 94665
uses electricity to produce chlorine and other chemicals through 94666
the electrolysis of a salt solution. 94667

Sec. 5727.81. (A) For the purpose of raising revenue to fund 94668
the needs of this state and its local governments, an excise tax 94669
is hereby levied and imposed on an electric distribution company 94670
for all electricity distributed by such company at the following 94671
rates per kilowatt hour of electricity distributed in a thirty-day 94672
period by the company through a meter of an end user in this 94673
state: 94674

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	94677
For the next 2,001 to 15,000	\$.00419	94678
For 15,001 and above	\$.00363	94679

If no meter is used to measure the kilowatt hours of 94680
electricity distributed by the company, the rates shall apply to 94681
the estimated kilowatt hours of electricity distributed to an 94682
unmetered location in this state. 94683

The electric distribution company shall base the monthly tax 94684
on the kilowatt hours of electricity distributed to an end user 94685
through the meter of the end user that is not measured for a 94686
thirty-day period by dividing the days in the measurement period 94687
into the total kilowatt hours measured during the measurement 94688
period to obtain a daily average usage. The tax shall be 94689
determined by obtaining the sum of divisions (A)(1), (2), and (3) 94690
of this section and multiplying that amount by the number of days 94691
in the measurement period: 94692

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;	94693 94694
(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;	94695 94696
(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.	94697 94698
Except as provided in division (C) of this section, the electric distribution company shall pay the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.	94699 94700 94701 94702 94703 94704
Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.	94705 94706 94707 94708 94709 94710 94711
(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:	94712 94713 94714
(1) The electricity is distributed by the company through a meter of an end user in this state;	94715 94716
(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;	94717 94718 94719
(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax	94720 94721 94722

commissioner. 94723

(C)(1) As used in division (C) of this section: 94724

(a) "Total price of electricity" means the aggregate value in 94725
money of anything paid or transferred, or promised to be paid or 94726
transferred, to obtain electricity or electric service, including 94727
but not limited to the value paid or promised to be paid for the 94728
transmission or distribution of electricity and for transition 94729
costs as described in Chapter 4928. of the Revised Code. 94730

(b) "Package" means the provision or the acquisition, at a 94731
combined price, of electricity with other services or products, or 94732
any combination thereof, such as natural gas or other fuels; 94733
energy management products, software, and services; machinery and 94734
equipment acquisition; and financing agreements. 94735

(c) "Single location" means a facility located on contiguous 94736
property separated only by a roadway, railway, or waterway. 94737

(2) Division (C) of this section applies to any commercial or 94738
industrial purchaser's receipt of electricity through a meter of 94739
an end user in this state or through more than one meter at a 94740
single location in this state in a quantity that exceeds 94741
forty-five million kilowatt hours of electricity over the course 94742
of the preceding calendar year, or any commercial or industrial 94743
purchaser that will consume more than forty-five million kilowatt 94744
hours of electricity over the course of the succeeding twelve 94745
months as estimated by the tax commissioner. The tax commissioner 94746
shall make such an estimate upon the written request by an 94747
applicant for registration as a self-assessing purchaser under 94748
this division. For the meter reading period including July 1, 94749
2008, through the meter reading period including December 31, 94750
2010, such a purchaser may elect to self-assess the excise tax 94751
imposed by this section at the rate of \$.00075 per kilowatt hour 94752
on the first five hundred four million kilowatt hours distributed 94753

to that meter or location during the registration year, and a 94754
percentage of the total price of all electricity distributed to 94755
that meter or location equal to three and one-half per cent. For 94756
the meter reading period including January 1, 2011, and 94757
thereafter, such a purchaser may elect to self-assess the excise 94758
tax imposed by this section at the rate of \$.00257 per kilowatt 94759
hour for the first five hundred million kilowatt hours, and 94760
\$.001832 per kilowatt hour for each kilowatt hour in excess of 94761
five hundred million kilowatt hours, distributed to that meter or 94762
location during the registration year. 94763

A qualified end user that receives electricity through a 94764
meter of an end user in this state or through more than one meter 94765
at a single location in this state and that consumes, over the 94766
course of the previous calendar year, more than forty-five million 94767
kilowatt hours in other than its qualifying manufacturing process, 94768
may elect to self-assess the tax as allowed by this division with 94769
respect to the electricity used in other than its qualifying 94770
manufacturing process. 94771

Payment of the tax shall be made directly to the tax 94772
commissioner in accordance with divisions (A)(4) and (5) of 94773
section 5727.82 of the Revised Code, or the treasurer of state in 94774
accordance with section 5727.83 of the Revised Code. If the 94775
electric distribution company serving the self-assessing purchaser 94776
is a municipal electric utility and the purchaser is within the 94777
municipal corporation's corporate limits, payment shall be made to 94778
such municipal corporation's general fund and reports shall be 94779
filed in accordance with divisions (A)(4) and (5) of section 94780
5727.82 of the Revised Code, except that "municipal corporation" 94781
shall be substituted for "treasurer of state" and "tax 94782
commissioner." A self-assessing purchaser that pays the excise tax 94783
as provided in this division shall not be required to pay the tax 94784
to the electric distribution company from which its electricity is 94785

distributed. If a self-assessing purchaser's receipt of 94786
electricity is not subject to the tax as measured under this 94787
division, the tax on the receipt of such electricity shall be 94788
measured and paid as provided in division (A) of this section. 94789

(3) In the case of the acquisition of a package, unless the 94790
elements of the package are separately stated isolating the total 94791
price of electricity from the price of the remaining elements of 94792
the package, the tax imposed under this section applies to the 94793
entire price of the package. If the elements of the package are 94794
separately stated, the tax imposed under this section applies to 94795
the total price of the electricity. 94796

(4) Any electric supplier that sells electricity as part of a 94797
package shall separately state to the purchaser the total price of 94798
the electricity and, upon request by the tax commissioner, the 94799
total price of each of the other elements of the package. 94800

(5) The tax commissioner may adopt rules relating to the 94801
computation of the total price of electricity with respect to 94802
self-assessing purchasers, which may include rules to establish 94803
the total price of electricity purchased as part of a package. 94804

(6) An annual application for registration as a 94805
self-assessing purchaser shall be made for each qualifying meter 94806
or location on a form prescribed by the tax commissioner. The 94807
registration year begins on the first day of May and ends on the 94808
following thirtieth day of April. Persons may apply after the 94809
first day of May for the remainder of the registration year. In 94810
the case of an applicant applying on the basis of an estimated 94811
consumption of forty-five million kilowatt hours over the course 94812
of the succeeding twelve months, the applicant shall provide such 94813
information as the tax commissioner considers to be necessary to 94814
estimate such consumption. At the time of making the application 94815
and by the first day of May of each year, a self-assessing 94816
purchaser shall pay a fee of five hundred dollars to the tax 94817

commissioner, or to the treasurer of state as provided in section 94818
5727.83 of the Revised Code, for each qualifying meter or 94819
location. The tax commissioner shall immediately pay to the 94820
treasurer of state all amounts that the tax commissioner receives 94821
under this section. The treasurer of state shall deposit such 94822
amounts into the kilowatt hour excise tax administration fund, 94823
which is hereby created in the state treasury. Money in the fund 94824
shall be used to defray the tax commissioner's cost in 94825
administering the tax owed under section 5727.81 of the Revised 94826
Code by self-assessing purchasers. After the application is 94827
approved by the tax commissioner, the registration shall remain in 94828
effect for the current registration year, or until canceled by the 94829
registrant upon written notification to the commissioner of the 94830
election to pay the tax in accordance with division (A) of this 94831
section, or until canceled by the tax commissioner for not paying 94832
the tax or fee under division (C) of this section or for not 94833
meeting the qualifications in division (C)(2) of this section. The 94834
tax commissioner shall give written notice to the electric 94835
distribution company from which electricity is delivered to a 94836
self-assessing purchaser of the purchaser's self-assessing status, 94837
and the electric distribution company is relieved of the 94838
obligation to pay the tax imposed by division (A) of this section 94839
for electricity distributed to that self-assessing purchaser until 94840
it is notified by the tax commissioner that the self-assessing 94841
purchaser's registration is canceled. Within fifteen days of 94842
notification of the canceled registration, the electric 94843
distribution company shall be responsible for payment of the tax 94844
imposed by division (A) of this section on electricity distributed 94845
to a purchaser that is no longer registered as a self-assessing 94846
purchaser. A self-assessing purchaser with a canceled registration 94847
must file a report and remit the tax imposed by division (A) of 94848
this section on all electricity it receives for any measurement 94849
period prior to the tax being reported and paid by the electric 94850

distribution company. A self-assessing purchaser whose 94851
registration is canceled by the tax commissioner is not eligible 94852
to register as a self-assessing purchaser for two years after the 94853
registration is canceled. 94854

(7) If the tax commissioner cancels the self-assessing 94855
registration of a purchaser registered on the basis of its 94856
estimated consumption because the purchaser does not consume at 94857
least forty-five million kilowatt hours of electricity over the 94858
course of the twelve-month period for which the estimate was made, 94859
the tax commissioner shall assess and collect from the purchaser 94860
the difference between (a) the amount of tax that would have been 94861
payable under division (A) of this section on the electricity 94862
distributed to the purchaser during that period and (b) the amount 94863
of tax paid by the purchaser on such electricity pursuant to 94864
division (C)(2) of this section. The assessment shall be paid 94865
within sixty days after the tax commissioner issues it, regardless 94866
of whether the purchaser files a petition for reassessment under 94867
section 5727.89 of the Revised Code covering that period. If the 94868
purchaser does not pay the assessment within the time prescribed, 94869
the amount assessed is subject to the additional charge and the 94870
interest prescribed by divisions (B) and (C) of section 5727.82 of 94871
the Revised Code, and is subject to assessment under section 94872
5727.89 of the Revised Code. If the purchaser is a qualified end 94873
user, division (C)(7) of this section applies only to electricity 94874
it consumes in other than its qualifying manufacturing process. 94875

(D) The tax imposed by this section does not apply to the 94876
distribution of any kilowatt hours of electricity to the federal 94877
government, to an end user located at a federal facility that uses 94878
electricity for the enrichment of uranium, to a qualified 94879
regeneration meter, or to an end user for any day the end user is 94880
a qualified end user. The exemption under this division for a 94881
qualified end user only applies to the manufacturing location 94882

where the qualified end user uses electricity in a chlor-alkali 94883
manufacturing process or where the qualified end user uses more 94884
than three million kilowatt hours per day in a ~~qualifying an~~ 94885
electrochemical manufacturing process. 94886

(E) All revenue arising from the tax imposed by this section 94887
shall be credited to the general revenue fund except as provided 94888
by division (C) of this section and section 5727.82 of the Revised 94889
Code. 94890

Sec. 5729.98. (A) To provide a uniform procedure for 94891
calculating the amount of tax due under this chapter, a taxpayer 94892
shall claim any credits and offsets against tax liability to which 94893
it is entitled in the following order: 94894

(1) The credit for an insurance company or insurance company 94895
group under section 5729.031 of the Revised Code; 94896

(2) The credit for eligible employee training costs under 94897
section 5729.07 of the Revised Code; 94898

(3) The credit for purchases of qualified low-income 94899
community investments under section 5729.16 of the Revised Code; 94900

(4) The nonrefundable job retention credit under division (B) 94901
of section 122.171 of the Revised Code; 94902

(5) The nonrefundable credit for investments in rural 94903
business and high-growth industry funds under section 122.152 of 94904
the Revised Code; 94905

(6) The offset of assessments by the Ohio life and health 94906
insurance guaranty association against tax liability permitted by 94907
section 3956.20 of the Revised Code; 94908

~~(6)~~(7) The refundable credit for rehabilitating a historic 94909
building under section 5729.17 of the Revised Code. 94910

~~(7)~~(8) The refundable credit for Ohio job retention under 94911

former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

~~(8)~~(9) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;

~~(9)~~(10) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5731.46. The county treasurer shall keep an account showing the amount of all taxes and interest received by ~~him~~ the treasurer under Chapter 5731. of the Revised Code. On the twenty-fifth day of February ~~and the twentieth day of August~~ of each year ~~he, the treasurer~~ shall settle with the county auditor for all such taxes and interest so received ~~at the time of making such settlement, in the preceding calendar year and~~ not included in any ~~preceding~~ prior settlement, showing for what estate, by whom, and when paid. At each such settlement the auditor shall allow to the treasurer and ~~himself~~ to the auditor, on the money so collected and accounted for by ~~him~~ the auditor, their respective fees, ~~at the percentages allowed by law under section 319.54 or 321.27 of the Revised Code.~~ The correctness thereof, together with

a statement of the fees allowed at such settlement, and the fees 94943
and expenses allowed to the officers ~~under such chapter~~ shall be 94944
certified by the auditor. 94945

Sec. 5731.49. At each ~~semiannual~~ annual settlement provided 94946
for by section 5731.46 of the Revised Code, the county auditor 94947
shall certify to the county auditor of any other county in which 94948
is located in whole or in part any municipal corporation or 94949
township to which any of the taxes collected under this chapter 94950
and not previously accounted for, is due, a statement of the 94951
amount of such taxes due to each corporation or township in such 94952
county entitled to share in the distribution thereof. The amount 94953
due upon such settlement to each such municipal corporation or 94954
township, and to each municipal corporation and township in the 94955
county in which the taxes are collected, shall be paid upon the 94956
warrant of the county auditor to the county treasurer or other 94957
proper officer of such municipal corporation or township. The 94958
amount of any refund chargeable against any such municipal 94959
corporation or township at the time of making such settlement, 94960
shall be adjusted in determining the amount due to such municipal 94961
corporation or township at such settlement; provided that if the 94962
municipal corporation or township against which such refund is 94963
chargeable is not entitled to share in the fund to be distributed 94964
at such settlement, the auditor shall draw a warrant for the 94965
amount in favor of the treasurer payable from any undivided 94966
general taxes in the possession of such treasurer, unless such 94967
municipal corporation or township is located in another county, in 94968
which event the auditor shall issue a certificate for such amount 94969
to the auditor of the proper county, who shall draw a like warrant 94970
therefor payable from any undivided general taxes in the 94971
possession of the treasurer of such county. In either case at the 94972
next semiannual settlement of such undivided general taxes, the 94973
amount of such warrant shall be deducted from the distribution of 94974

taxes of such municipal corporation or township and charged 94975
against the proceeds of levies for the general fund of such 94976
municipal corporation or township, and a similar deduction shall 94977
be made at each next semiannual settlement of such undivided 94978
general taxes until such warrant has been satisfied in full. 94979

If it is discovered that an amount of taxes collected under 94980
this chapter has been paid in error to a township or municipal 94981
corporation to which the taxes are not due under this chapter, the 94982
township or municipal corporation to which the amount was 94983
erroneously paid, when repaying that amount to any subdivision to 94984
which the taxes were due, shall not be required to pay interest on 94985
that amount. 94986

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 94987
Chapter 5747. of the Revised Code: 94988

(A)(1) "Adjusted qualifying amount" means either of the 94989
following: 94990

(a) The sum of each qualifying investor's distributive share 94991
of the income, gain, expense, or loss of a qualifying pass-through 94992
entity for the qualifying taxable year of the qualifying 94993
pass-through entity multiplied by the apportionment fraction 94994
defined in division (B) of this section, subject to section 94995
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 94996
section; 94997

(b) The sum of each qualifying beneficiary's share of the 94998
qualifying net income and qualifying net gain distributed by a 94999
qualifying trust for the qualifying taxable year of the qualifying 95000
trust multiplied by the apportionment fraction defined in division 95001
(B) of this section, subject to section 5733.401 of the Revised 95002
Code and divisions (A)(2) to (7) of this section. 95003

(2) The sum shall exclude any amount which, pursuant to the 95004

Constitution of the United States, the Constitution of Ohio, or 95005
any federal law is not subject to a tax on or measured by net 95006
income. 95007

(3) For the purposes of Chapters 5733. and 5747. of the 95008
Revised Code, the profit or net income of the qualifying entity 95009
shall be increased by disallowing all amounts representing 95010
expenses, other than amounts described in division (A)(7) of this 95011
section, that the qualifying entity paid to or incurred with 95012
respect to direct or indirect transactions with one or more 95013
related members, excluding the cost of goods sold calculated in 95014
accordance with section 263A of the Internal Revenue Code and 95015
United States department of the treasury regulations issued 95016
thereunder. Nothing in division (A)(3) of this section shall be 95017
construed to limit solely to this chapter the application of 95018
section 263A of the Internal Revenue Code and United States 95019
department of the treasury regulations issued thereunder. 95020

(4) For the purposes of Chapters 5733. and 5747. of the 95021
Revised Code, the profit or net income of the qualifying entity 95022
shall be increased by disallowing all recognized losses, other 95023
than losses from sales of inventory the cost of which is 95024
calculated in accordance with section 263A of the Internal Revenue 95025
Code and United States department of the treasury regulations 95026
issued thereunder, with respect to all direct or indirect 95027
transactions with one or more related members. For the purposes of 95028
Chapters 5733. and 5747. of the Revised Code, losses from the 95029
sales of such inventory shall be allowed only to the extent 95030
calculated in accordance with section 482 of the Internal Revenue 95031
Code and United States department of the treasury regulations 95032
issued thereunder. Nothing in division (A)(4) of this section 95033
shall be construed to limit solely to this section the application 95034
of section 263A and section 482 of the Internal Revenue Code and 95035
United States department of the treasury regulations issued 95036

thereunder. 95037

(5) The sum shall be increased or decreased by an amount 95038
equal to the qualifying investor's or qualifying beneficiary's 95039
distributive or proportionate share of the amount that the 95040
qualifying entity would be required to add or deduct under 95041
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 95042
if the qualifying entity were a taxpayer for the purposes of 95043
Chapter 5747. of the Revised Code. 95044

(6) The sum shall be computed without regard to section 95045
5733.051 or division (D) of section 5733.052 of the Revised Code. 95046

(7) For the purposes of Chapters 5733. and 5747. of the 95047
Revised Code, guaranteed payments or compensation paid to 95048
investors by a qualifying entity that is not subject to the tax 95049
imposed by section 5733.06 of the Revised Code shall be considered 95050
a distributive share of income of the qualifying entity. Division 95051
(A)(7) of this section applies only to such payments or such 95052
compensation paid to an investor who at any time during the 95053
qualifying entity's taxable year holds at least a twenty per cent 95054
direct or indirect interest in the profits or capital of the 95055
qualifying entity. For the purposes of this division, guaranteed 95056
payments and compensation shall be considered to be paid to an 95057
investor by a qualifying entity if the qualifying entity in which 95058
the investor holds at least a twenty per cent direct or indirect 95059
interest is a client employer of a professional employer 95060
organization, as those terms are defined in section 4125.01 of the 95061
Revised Code, and the guaranteed payments or compensation are paid 95062
to the investor by that professional employer organization. 95063

(B) "Apportionment fraction" means: 95064

(1) With respect to a qualifying pass-through entity other 95065
than a financial institution, the fraction calculated pursuant to 95066
division (B)(2) of section 5733.05 of the Revised Code as if the 95067

qualifying pass-through entity were a corporation subject to the 95068
tax imposed by section 5733.06 of the Revised Code; 95069

(2) With respect to a qualifying pass-through entity that is 95070
a financial institution, the fraction calculated pursuant to 95071
division (C) of section 5733.056 of the Revised Code as if the 95072
qualifying pass-through entity were a financial institution 95073
subject to the tax imposed by section 5733.06 of the Revised Code. 95074

(3) With respect to a qualifying trust, the fraction 95075
calculated pursuant to division (B)(2) of section 5733.05 of the 95076
Revised Code as if the qualifying trust were a corporation subject 95077
to the tax imposed by section 5733.06 of the Revised Code, except 95078
that the property, payroll, and sales fractions shall be 95079
calculated by including in the numerator and denominator of the 95080
fractions only the property, payroll, and sales, respectively, 95081
directly related to the production of income or gain from 95082
acquisition, ownership, use, maintenance, management, or 95083
disposition of tangible personal property located in this state at 95084
any time during the qualifying trust's qualifying taxable year or 95085
of real property located in this state. 95086

(C) "Qualifying beneficiary" means any individual that, 95087
during the qualifying taxable year of a qualifying trust, is a 95088
beneficiary of that trust, but does not include an individual who 95089
is a resident taxpayer for the purposes of Chapter 5747. of the 95090
Revised Code for the entire qualifying taxable year of the 95091
qualifying trust. 95092

(D) "Fiscal year" means an accounting period ending on any 95093
day other than the thirty-first day of December. 95094

(E) "Individual" means a natural person. 95095

(F) "Month" means a calendar month. 95096

(G) "Partnership" has the same meaning as in section 5747.01 95097
of the Revised Code. 95098

(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner, member, shareholder, or investor in that qualifying pass-through entity.

(I) Except as otherwise provided in section 5733.402 or 5747.401 of the Revised Code, "qualifying investor" means any investor except those described in divisions (I)(1) to (9) of this section.

(1) An investor satisfying one of the descriptions under section 501(a) or (c) of the Internal Revenue Code, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the "Securities Exchange Act of 1934," as amended, or an investor described in division (F) of section 3334.01, or division (A) or (C) of section 5733.09 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(2) An investor who is either an individual or an estate and is a resident taxpayer for the purposes of section 5747.01 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(3) An investor who is an individual for whom the qualifying pass-through entity makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in division (D) of section 5747.08 of the Revised Code and section 5747.09 of the Revised Code with respect to the individual's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity.

(4) An investor that is another qualifying pass-through entity having only investors described in division (I)(1), (2), (3), or (6) of this section during the three-year period beginning twelve months prior to the first day of the qualifying taxable

year of the qualifying pass-through entity. 95130

(5) An investor that is another pass-through entity having no 95131
investors other than individuals and estates during the qualifying 95132
taxable year of the qualifying pass-through entity in which it is 95133
an investor, and that makes a good faith and reasonable effort to 95134
comply fully and timely with the filing and payment requirements 95135
set forth in division (D) of section 5747.08 of the Revised Code 95136
and section 5747.09 of the Revised Code with respect to investors 95137
that are not resident taxpayers of this state for the purposes of 95138
Chapter 5747. of the Revised Code for the entire qualifying 95139
taxable year of the qualifying pass-through entity in which it is 95140
an investor. 95141

(6) An investor that is a financial institution required to 95142
calculate the tax in accordance with division (E) of section 95143
5733.06 of the Revised Code on the first day of January of the 95144
calendar year immediately following the last day of the financial 95145
institution's calendar or fiscal year in which ends the taxpayer's 95146
taxable year. 95147

(7) An investor other than an individual that satisfies all 95148
the following: 95149

(a) The investor submits a written statement to the 95150
qualifying pass-through entity stating that the investor 95151
irrevocably agrees that the investor has nexus with this state 95152
under the Constitution of the United States and is subject to and 95153
liable for the tax calculated under division (A) or (B) of section 95154
5733.06 of the Revised Code with respect to the investor's 95155
adjusted qualifying amount for the entire qualifying taxable year 95156
of the qualifying pass-through entity. The statement is subject to 95157
the penalties of perjury, shall be retained by the qualifying 95158
pass-through entity for no fewer than seven years, and shall be 95159
delivered to the tax commissioner upon request. 95160

(b) The investor makes a good faith and reasonable effort to 95161
comply timely and fully with all the reporting and payment 95162
requirements set forth in Chapter 5733. of the Revised Code with 95163
respect to the investor's adjusted qualifying amount for the 95164
entire qualifying taxable year of the qualifying pass-through 95165
entity. 95166

(c) Neither the investor nor the qualifying pass-through 95167
entity in which it is an investor, before, during, or after the 95168
qualifying pass-through entity's qualifying taxable year, carries 95169
out any transaction or transactions with one or more related 95170
members of the investor or the qualifying pass-through entity 95171
resulting in a reduction or deferral of tax imposed by Chapter 95172
5733. of the Revised Code with respect to all or any portion of 95173
the investor's adjusted qualifying amount for the qualifying 95174
pass-through entity's taxable year, or that constitute a sham, 95175
lack economic reality, or are part of a series of transactions the 95176
form of which constitutes a step transaction or transactions or 95177
does not reflect the substance of those transactions. 95178

(8) Any other investor that the tax commissioner may 95179
designate by rule. The tax commissioner may adopt rules including 95180
a rule defining "qualifying investor" or "qualifying beneficiary" 95181
and governing the imposition of the withholding tax imposed by 95182
section 5747.41 of the Revised Code with respect to an individual 95183
who is a resident taxpayer for the purposes of Chapter 5747. of 95184
the Revised Code for only a portion of the qualifying taxable year 95185
of the qualifying entity. 95186

(9) An investor that is a trust or fund the beneficiaries of 95187
which, during the qualifying taxable year of the qualifying 95188
pass-through entity, are limited to the following: 95189

(a) A person that is or may be the beneficiary of a trust 95190
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 95191
Revenue Code. 95192

(b) A person that is or may be the beneficiary of or the recipient of payments from a trust or fund that is a nuclear decommissioning reserve fund, a designated settlement fund, or any other trust or fund established to resolve and satisfy claims that may otherwise be asserted by the beneficiary or a member of the beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) of the Internal Revenue Code apply to the determination of whether such a person satisfies division (I)(9) of this section.

(c) A person who is or may be the beneficiary of a trust that, under its governing instrument, is not required to distribute all of its income currently. Division (I)(9)(c) of this section applies only if the trust, prior to the due date for filing the qualifying pass-through entity's return for taxes imposed by section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code, irrevocably agrees in writing that for the taxable year during or for which the trust distributes any of its income to any of its beneficiaries, the trust is a qualifying trust and will pay the estimated tax, and will withhold and pay the withheld tax, as required under sections 5747.40 to 5747.453 of the Revised Code.

For the purposes of division (I)(9) of this section, a trust or fund shall be considered to have a beneficiary other than persons described under divisions (I)(9)(a) to (c) of this section if a beneficiary would not qualify under those divisions under the doctrines of "economic reality," "sham transaction," "step doctrine," or "substance over form." A trust or fund described in division (I)(9) of this section bears the burden of establishing by a preponderance of the evidence that any transaction giving rise to the tax benefits provided under division (I)(9) of this section does not have as a principal purpose a claim of those tax benefits. Nothing in this section shall be construed to limit solely to this section the application of the doctrines referred

to in this paragraph. 95225

(J) "Qualifying net gain" means any recognized net gain with 95226
respect to the acquisition, ownership, use, maintenance, 95227
management, or disposition of tangible personal property located 95228
in this state at any time during a trust's qualifying taxable year 95229
or real property located in this state. 95230

(K) "Qualifying net income" means any recognized income, net 95231
of related deductible expenses, other than distributions 95232
deductions with respect to the acquisition, ownership, use, 95233
maintenance, management, or disposition of tangible personal 95234
property located in this state at any time during the trust's 95235
qualifying taxable year or real property located in this state. 95236

(L) "Qualifying entity" means a qualifying pass-through 95237
entity or a qualifying trust. 95238

(M) "Qualifying trust" means a trust subject to subchapter J 95239
of the Internal Revenue Code that, during any portion of the 95240
trust's qualifying taxable year, has income or gain from the 95241
acquisition, management, ownership, use, or disposition of 95242
tangible personal property located in this state at any time 95243
during the trust's qualifying taxable year or real property 95244
located in this state. "Qualifying trust" does not include a 95245
person described in section 501(c) of the Internal Revenue Code or 95246
a person described in division (C) of section 5733.09 of the 95247
Revised Code. 95248

(N) "Qualifying pass-through entity" means a pass-through 95249
entity as defined in section 5733.04 of the Revised Code, 95250
excluding: a person described in section 501(c) of the Internal 95251
Revenue Code; a partnership with equity securities registered with 95252
the United States securities and exchange commission under section 95253
12 of the Securities Exchange Act of 1934, as amended; or a person 95254
described in division (C) of section 5733.09 of the Revised Code. 95255

(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of divisions (A)(3) and (4) of this section only, "related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section, but shall be applied by substituting "forty per cent" for "twenty per cent" wherever "twenty per cent" appears in division (A) of that section.

(Q) "Return" or "report" means the notifications and reports required to be filed pursuant to sections 5747.42 to 5747.45 of the Revised Code for the purpose of reporting the tax imposed under section 5733.41 or 5747.41 of the Revised Code, and included declarations of estimated tax when so required.

(R) "Qualifying taxable year" means the calendar year or the qualifying entity's fiscal year ending during the calendar year, or fractional part thereof, for which the adjusted qualifying amount is calculated pursuant to sections 5733.40 and 5733.41 or sections 5747.40 to 5747.453 of the Revised Code.

(S) "Distributive share" includes the sum of the income, gain, expense, or loss of a disregarded entity or qualified subchapter S subsidiary.

Sec. 5735.02. (A) A motor fuel dealer shall not receive, use, sell, or distribute any motor fuel or engage in business within this state unless the motor fuel dealer holds an unrevoked license issued by the tax commissioner to engage in such business.

(B) To procure a motor fuel dealer's license, every motor

fuel dealer shall file with the commissioner an application 95286
verified under oath by the applicant and in such form as the 95287
commissioner prescribes, setting forth, in addition to such other 95288
information required by the commissioner, the following: 95289

(1) The name under which the motor fuel dealer will transact 95290
business within the state; 95291

(2) The location, including street number address, of its 95292
principal office or place of business within this state; 95293

(3) The name and address of the owner, or the names and 95294
addresses of the partners if such motor fuel dealer is a 95295
partnership, or the names and addresses of the principal officers 95296
if such motor fuel dealer is a corporation or an association; 95297

(4) If such motor fuel dealer is a corporation organized 95298
under the laws of another state, territory, or country, a 95299
certified copy of the certificate or license issued by the Ohio 95300
secretary of state showing that such corporation is authorized to 95301
transact business in this state; 95302

(5) An agreement that the motor fuel dealer will assume the 95303
liability and will pay the tax on any shipment of motor fuel made 95304
into the state from any other state or foreign country and sold or 95305
caused to be sold by such motor fuel dealer for delivery to a 95306
person in this state who is not the holder of an unrevoked motor 95307
fuel dealer's license. 95308

(C)(1) Except as provided in division (C)(2) of this section, 95309
an application for a license shall be accompanied by a bond, of 95310
the character stipulated and in the amount provided for in section 95311
5735.03 of the Revised Code, which shall be filed with the 95312
commissioner. 95313

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 95314
the requirements set forth in division (C)(1) of this section and 95315
section 5735.03 of the Revised Code if the motor fuel dealer only 95316

sells or distributes motor fuel upon which the motor fuel taxes 95317
imposed under this chapter have been paid or are not required to 95318
be paid by the motor fuel dealer. 95319

(D) If any application for a license to transact business as 95320
a motor fuel dealer in the state is filed by any person who has 95321
had any license previously canceled for cause by the tax 95322
commissioner; if the commissioner believes that such application 95323
is not filed in good faith or that such application is filed as a 95324
subterfuge by some person for the real person in interest who has 95325
previously had any license canceled for cause by the tax 95326
commissioner; ~~or~~ if the person has violated any provision of this 95327
chapter; or if the person has failed to file any returns, submit 95328
any information, or pay any outstanding taxes, charges, or fees as 95329
required for any tax, charge, or fee administered by the 95330
commissioner, to the extent the commissioner is aware of such 95331
failure at the time of the application, then the tax commissioner, 95332
after a hearing, of which the applicant shall be given five days' 95333
notice in writing and at which said applicant shall have the right 95334
to appear in person or by counsel and present testimony, may 95335
refuse to issue to such person a license to transact business as a 95336
motor fuel dealer in the state. 95337

(E) When the application in proper form has been accepted for 95338
filing, and the bond accepted and approved, the commissioner shall 95339
issue to such motor fuel dealer a license to transact business as 95340
a motor fuel dealer in the state, subject to cancellation of such 95341
license as provided by law. 95342

(F) No person shall make a false or fraudulent statement on 95343
the application required by this section. 95344

Sec. 5736.06. (A) No person subject to the tax imposed by 95345
section 5736.02 of the Revised Code shall distribute, import, or 95346
cause the importation of motor fuel for consumption in this state 95347

without holding a supplier's license issued by the tax commissioner to engage in such activities. 95348
95349

(B)(1) ~~A person~~ Within thirty days after first becoming 95350
subject to the tax imposed by section 5736.02 of the Revised Code 95351
~~shall, on or before March 1, 2014, or within thirty days of first~~ 95352
~~becoming subject to the tax imposed by this chapter, whichever is~~ 95353
~~earlier, a person shall~~ apply to the tax commissioner for a 95354
supplier's license on the form prescribed by the commissioner. 95355

(2) Each person issued a supplier's license under division 95356
(B)(1) of this section shall apply to renew the license on or 95357
before the first day of March of each year. 95358

(3) Each license issued or renewed under division (B)(1) or 95359
(2) of this section shall be valid from the first day of March 95360
through the last day of February or, in the case of a new license 95361
issued after the first day of March, the date of issuance through 95362
the last day of February. 95363

(4) With each license application submitted under division 95364
(B)(1) or (2) of this section, the applicant shall pay an 95365
application fee equal to one of the following amounts: 95366

(a) If the applicant solely imports or causes the importation 95367
of motor fuel for sale, exchange, or transfer by the person in 95368
this state, three hundred dollars; 95369

(b) If the applicant engages in activities in addition to 95370
those described in division (B)~~(3)~~(4)(a) of this section, one 95371
thousand dollars. 95372

If an applicant timely submits an application under division 95373
(B)(1) of this section on or after the first day of September of 95374
any year, the fee that would apply to the applicant under division 95375
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 95376

~~(4)~~(5) The failure to apply to the commissioner for a 95377

supplier's license does not relieve a person from the requirement 95378
to file returns and pay the tax imposed by this chapter. 95379

(C) The tax commissioner may refuse to issue a license to any 95380
applicant under this section in the following circumstances: 95381

(1) The applicant has previously had any license canceled for 95382
cause by the commissioner. 95383

(2) The commissioner believes that the application is not 95384
filed in good faith or is filed as a subterfuge in an attempt to 95385
procure a license for another person. 95386

(3) The applicant has violated any provision of this chapter. 95387

(D) If the tax commissioner refuses to issue a license to an 95388
applicant under this section, the applicant is entitled to a 95389
refund of the application fee in accordance with section 5736.08 95390
of the Revised Code. All application fees collected under this 95391
section shall be deposited into the petroleum activity tax 95392
administration fund created in section 5736.13 of the Revised 95393
Code. 95394

(E) No person shall make a false or fraudulent statement on 95395
an application required by this section. 95396

Sec. 5739.01. As used in this chapter: 95397

(A) "Person" includes individuals, receivers, assignees, 95398
trustees in bankruptcy, estates, firms, partnerships, 95399
associations, joint-stock companies, joint ventures, clubs, 95400
societies, corporations, the state and its political subdivisions, 95401
and combinations of individuals of any form. 95402

(B) "Sale" and "selling" include all of the following 95403
transactions for a consideration in any manner, whether absolutely 95404
or conditionally, whether for a price or rental, in money or by 95405
exchange, and by any means whatsoever: 95406

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;	95407 95408 95409 95410
(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	95411 95412
(3) All transactions by which:	95413
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	95414 95415 95416
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	95417 95418 95419 95420 95421 95422
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	95423 95424
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	95425 95426 95427
(e) Automatic data processing, computer services, <u>electronic publishing services</u> , or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, <u>electronic publishing services</u> , or electronic information services rather than the receipt of personal or professional services to which. When provided in conjunction with one or more other services, the receipt by a consumer of automatic data processing, computer services, <u>electronic publishing services</u> , or electronic information services	95428 95429 95430 95431 95432 95433 95434 95435 95436 95437

~~are incidental or supplemental~~ is not the true object of the 95438
transaction when the automatic data processing, computer service, 95439
electronic publishing service, or electronic information service 95440
is provided primarily for the delivery, receipt, or use of the 95441
other service or services. Notwithstanding any other provision of 95442
this chapter, ~~such transactions~~ sales of automatic data 95443
processing, computer services, electronic publishing services, or 95444
electronic information services that occur between members of an 95445
affiliated group are not sales. An "affiliated group" means two or 95446
more persons related in such a way that one person owns or 95447
controls the business operation of another member of the group. In 95448
the case of corporations with stock, one corporation owns or 95449
controls another if it owns more than fifty per cent of the other 95450
corporation's common stock with voting rights. 95451

(f) Telecommunications service, including prepaid calling 95452
service, prepaid wireless calling service, or ancillary service, 95453
is or is to be provided, but not including coin-operated telephone 95454
service; 95455

(g) Landscaping and lawn care service is or is to be 95456
provided; 95457

(h) Private investigation and security service is or is to be 95458
provided; 95459

(i) Information services or tangible personal property is 95460
provided or ordered by means of a nine hundred telephone call; 95461

(j) Building maintenance and janitorial service is or is to 95462
be provided; 95463

(k) Employment service is or is to be provided; 95464

(l) Employment placement service is or is to be provided; 95465

(m) Exterminating service is or is to be provided; 95466

(n) Physical fitness facility service is or is to be 95467

provided; 95468

(o) Recreation and sports club service is or is to be 95469
provided; 95470

(p) On and after August 1, 2003, satellite broadcasting 95471
service is or is to be provided; 95472

(q) On and after August 1, 2003, personal care service is or 95473
is to be provided to an individual. As used in this division, 95474
"personal care service" includes skin care, the application of 95475
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 95476
piercing, tanning, massage, and other similar services. "Personal 95477
care service" does not include a service provided by or on the 95478
order of a licensed physician or licensed chiropractor, or the 95479
cutting, coloring, or styling of an individual's hair. 95480

(r) On and after August 1, 2003, the transportation of 95481
persons by motor vehicle or aircraft is or is to be provided, when 95482
the transportation is entirely within this state, except for 95483
transportation provided by an ambulance service, by a transit bus, 95484
as defined in section 5735.01 of the Revised Code, and 95485
transportation provided by a citizen of the United States holding 95486
a certificate of public convenience and necessity issued under 49 95487
U.S.C. 41102; 95488

(s) On and after August 1, 2003, motor vehicle towing service 95489
is or is to be provided. As used in this division, "motor vehicle 95490
towing service" means the towing or conveyance of a wrecked, 95491
disabled, or illegally parked motor vehicle. 95492

(t) On and after August 1, 2003, snow removal service is or 95493
is to be provided. As used in this division, "snow removal 95494
service" means the removal of snow by any mechanized means, but 95495
does not include the providing of such service by a person that 95496
has less than five thousand dollars in sales of such service 95497
during the calendar year. 95498

~~(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(c) of this section, are not sales.~~

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture.

The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor

vehicle insurance and the amount the consumer owes to a person 95562
holding title to or a lien on the consumer's motor vehicle in the 95563
event the consumer's motor vehicle suffers a total loss under the 95564
terms of the motor vehicle insurance policy or is stolen and not 95565
recovered, if the protection and its price are included in the 95566
purchase or lease agreement; 95567

(11)(a) Except as provided in division (B)(11)(b) of this 95568
section, on and after October 1, 2009, all transactions by which 95569
health care services are paid for, reimbursed, provided, 95570
delivered, arranged for, or otherwise made available by a medicaid 95571
health insuring corporation pursuant to the corporation's contract 95572
with the state. 95573

(b) If the centers for medicare and medicaid services of the 95574
United States department of health and human services determines 95575
that the taxation of transactions described in division (B)(11)(a) 95576
of this section constitutes an impermissible health care-related 95577
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 95578
1396b(w), and regulations adopted thereunder, the medicaid 95579
director shall notify the tax commissioner of that determination. 95580
Beginning with the first day of the month following that 95581
notification, the transactions described in division (B)(11)(a) of 95582
this section are not sales for the purposes of this chapter or 95583
Chapter 5741. of the Revised Code. The tax commissioner shall 95584
order that the collection of taxes under sections 5739.02, 95585
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 95586
5741.023 of the Revised Code shall cease for transactions 95587
occurring on or after that date. 95588

(12) All transactions by which a specified digital product is 95589
provided for permanent use or less than permanent use, regardless 95590
of whether continued payment is required. 95591

Except as provided in this section, "sale" and "selling" do 95592
not include transfers of interest in leased property where the 95593

original lessee and the terms of the original lease agreement 95594
remain unchanged, or professional, insurance, or personal service 95595
transactions that involve the transfer of tangible personal 95596
property as an inconsequential element, for which no separate 95597
charges are made. 95598

(C) "Vendor" means the person providing the service or by 95599
whom the transfer effected or license given by a sale is or is to 95600
be made or given and, for sales described in division (B)(3)(i) of 95601
this section, the telecommunications service vendor that provides 95602
the nine hundred telephone service; if two or more persons are 95603
engaged in business at the same place of business under a single 95604
trade name in which all collections on account of sales by each 95605
are made, such persons shall constitute a single vendor. 95606

Physicians, dentists, hospitals, and veterinarians who are 95607
engaged in selling tangible personal property as received from 95608
others, such as ~~eyeglasses~~, mouthwashes, dentifrices, or similar 95609
articles, are vendors. Before July 1, 2019, such tangible personal 95610
property includes eyeglasses and similar articles. Veterinarians 95611
who are engaged in transferring to others for a consideration 95612
drugs, the dispensing of which does not require an order of a 95613
licensed veterinarian or physician under federal law, are vendors. 95614

(D)(1) "Consumer" means the person for whom the service is 95615
provided, to whom the transfer effected or license given by a sale 95616
is or is to be made or given, to whom the service described in 95617
division (B)(3)(f) or (i) of this section is charged, or to whom 95618
the admission is granted. 95619

(2) Physicians, dentists, hospitals, and blood banks operated 95620
by nonprofit institutions and persons licensed to practice 95621
veterinary medicine, surgery, and dentistry are consumers of all 95622
tangible personal property and services purchased by them in 95623
connection with the practice of medicine, dentistry, the rendition 95624
of hospital or blood bank service, or the practice of veterinary 95625

medicine, surgery, and dentistry. In addition to being consumers 95626
of drugs administered by them or by their assistants according to 95627
their direction, veterinarians also are consumers of drugs that 95628
under federal law may be dispensed only by or upon the order of a 95629
licensed veterinarian or physician, when transferred by them to 95630
others for a consideration to provide treatment to animals as 95631
directed by the veterinarian. 95632

(3) A person who performs a facility management, or similar 95633
service contract for a contractee is a consumer of all tangible 95634
personal property and services purchased for use in connection 95635
with the performance of such contract, regardless of whether title 95636
to any such property vests in the contractee. The purchase of such 95637
property and services is not subject to the exception for resale 95638
under division (E)~~(1)~~ of this section. 95639

(4)(a) In the case of a person who purchases printed matter 95640
for the purpose of distributing it or having it distributed to the 95641
public or to a designated segment of the public, free of charge, 95642
that person is the consumer of that printed matter, and the 95643
purchase of that printed matter for that purpose is a sale. 95644

(b) In the case of a person who produces, rather than 95645
purchases, printed matter for the purpose of distributing it or 95646
having it distributed to the public or to a designated segment of 95647
the public, free of charge, that person is the consumer of all 95648
tangible personal property and services purchased for use or 95649
consumption in the production of that printed matter. That person 95650
is not entitled to claim exemption under division (B)(42)(f) of 95651
section 5739.02 of the Revised Code for any material incorporated 95652
into the printed matter or any equipment, supplies, or services 95653
primarily used to produce the printed matter. 95654

(c) The distribution of printed matter to the public or to a 95655
designated segment of the public, free of charge, is not a sale to 95656
the members of the public to whom the printed matter is 95657

distributed or to any persons who purchase space in the printed 95658
matter for advertising or other purposes. 95659

(5) A person who makes sales of any of the services listed in 95660
division (B)(3) of this section is the consumer of any tangible 95661
personal property used in performing the service. The purchase of 95662
that property is not subject to the resale exception under 95663
division (E)~~(1)~~ of this section. 95664

(6) A person who engages in highway transportation for hire 95665
is the consumer of all packaging materials purchased by that 95666
person and used in performing the service, except for packaging 95667
materials sold by such person in a transaction separate from the 95668
service. 95669

(7) In the case of a transaction for health care services 95670
under division (B)(11) of this section, a medicaid health insuring 95671
corporation is the consumer of such services. The purchase of such 95672
services by a medicaid health insuring corporation is not subject 95673
to the exception for resale under division (E)~~(1)~~ of this section 95674
or to the exemptions provided under divisions (B)(12), (18), (19), 95675
and (22) of section 5739.02 of the Revised Code. 95676

(E) "Retail sale" and "sales at retail" include all sales, 95677
except those in which the purpose of the consumer is to resell the 95678
thing transferred or benefit of the service provided, by a person 95679
engaging in business, in the form in which the same is, or is to 95680
be, received by the person. 95681

(F) "Business" includes any activity engaged in by any person 95682
with the object of gain, benefit, or advantage, either direct or 95683
indirect. "Business" does not include the activity of a person in 95684
managing and investing the person's own funds. 95685

(G) "Engaging in business" means commencing, conducting, or 95686
continuing in business, and liquidating a business when the 95687
liquidator thereof holds itself out to the public as conducting 95688

such business. Making a casual sale is not engaging in business. 95689

(H)(1)(a) "Price," except as provided in divisions (H)(2), 95690
(3), and (4) of this section, means the total amount of 95691
consideration, including cash, credit, property, and services, for 95692
which tangible personal property or services are sold, leased, or 95693
rented, valued in money, whether received in money or otherwise, 95694
without any deduction for any of the following: 95695

(i) The vendor's cost of the property sold; 95696

(ii) The cost of materials used, labor or service costs, 95697
interest, losses, all costs of transportation to the vendor, all 95698
taxes imposed on the vendor, including the tax imposed under 95699
Chapter 5751. of the Revised Code, and any other expense of the 95700
vendor; 95701

(iii) Charges by the vendor for any services necessary to 95702
complete the sale; 95703

(iv) On and after August 1, 2003, delivery charges. As used 95704
in this division, "delivery charges" means charges by the vendor 95705
for preparation and delivery to a location designated by the 95706
consumer of tangible personal property or a service, including 95707
transportation, shipping, postage, handling, crating, and packing. 95708

(v) Installation charges; 95709

(vi) Credit for any trade-in. 95710

(b) "Price" includes consideration received by the vendor 95711
from a third party, if the vendor actually receives the 95712
consideration from a party other than the consumer, and the 95713
consideration is directly related to a price reduction or discount 95714
on the sale; the vendor has an obligation to pass the price 95715
reduction or discount through to the consumer; the amount of the 95716
consideration attributable to the sale is fixed and determinable 95717
by the vendor at the time of the sale of the item to the consumer; 95718

and one of the following criteria is met: 95719

(i) The consumer presents a coupon, certificate, or other 95720
document to the vendor to claim a price reduction or discount 95721
where the coupon, certificate, or document is authorized, 95722
distributed, or granted by a third party with the understanding 95723
that the third party will reimburse any vendor to whom the coupon, 95724
certificate, or document is presented; 95725

(ii) The consumer identifies the consumer's self to the 95726
seller as a member of a group or organization entitled to a price 95727
reduction or discount. A preferred customer card that is available 95728
to any patron does not constitute membership in such a group or 95729
organization. 95730

(iii) The price reduction or discount is identified as a 95731
third party price reduction or discount on the invoice received by 95732
the consumer, or on a coupon, certificate, or other document 95733
presented by the consumer. 95734

(c) "Price" does not include any of the following: 95735

(i) Discounts, including cash, term, or coupons that are not 95736
reimbursed by a third party that are allowed by a vendor and taken 95737
by a consumer on a sale; 95738

(ii) Interest, financing, and carrying charges from credit 95739
extended on the sale of tangible personal property or services, if 95740
the amount is separately stated on the invoice, bill of sale, or 95741
similar document given to the purchaser; 95742

(iii) Any taxes legally imposed directly on the consumer that 95743
are separately stated on the invoice, bill of sale, or similar 95744
document given to the consumer. For the purpose of this division, 95745
the tax imposed under Chapter 5751. of the Revised Code is not a 95746
tax directly on the consumer, even if the tax or a portion thereof 95747
is separately stated. 95748

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 95781
under division (B)(11) of this section, "price" means the amount 95782
of managed care premiums received each month by a medicaid health 95783
insuring corporation. 95784

(I) "Receipts" means the total amount of the prices of the 95785
sales of vendors, provided that the dollar value of gift cards 95786
distributed pursuant to an awards, loyalty, or promotional 95787
program, and cash discounts allowed and taken on sales at the time 95788
they are consummated are not included, minus any amount deducted 95789
as a bad debt pursuant to section 5739.121 of the Revised Code. 95790
"Receipts" does not include the sale price of property returned or 95791
services rejected by consumers when the full sale price and tax 95792
are refunded either in cash or by credit. 95793

(J) "Place of business" means any location at which a person 95794
engages in business. 95795

(K) "Premises" includes any real property or portion thereof 95796
upon which any person engages in selling tangible personal 95797
property at retail or making retail sales and also includes any 95798
real property or portion thereof designated for, or devoted to, 95799
use in conjunction with the business engaged in by such person. 95800

(L) "Casual sale" means a sale of an item of tangible 95801
personal property that was obtained by the person making the sale, 95802
through purchase or otherwise, for the person's own use and was 95803
previously subject to any state's taxing jurisdiction on its sale 95804
or use, and includes such items acquired for the seller's use that 95805
are sold by an auctioneer employed directly by the person for such 95806
purpose, provided the location of such sales is not the 95807
auctioneer's permanent place of business. As used in this 95808
division, "permanent place of business" includes any location 95809
where such auctioneer has conducted more than two auctions during 95810
the year. 95811

(M) "Hotel" means every establishment kept, used, maintained, 95812
advertised, or held out to the public to be a place where sleeping 95813
accommodations are offered to guests, in which five or more rooms 95814
are used for the accommodation of such guests, whether the rooms 95815
are in one or several structures, except as otherwise provided in 95816
division (G) of section 5739.09 of the Revised Code. 95817

(N) "Transient guests" means persons occupying a room or 95818
rooms for sleeping accommodations for less than thirty consecutive 95819
days. 95820

(O) "Making retail sales" means the effecting of transactions 95821
wherein one party is obligated to pay the price and the other 95822
party is obligated to provide a service or to transfer title to or 95823
possession of the item sold. "Making retail sales" does not 95824
include the preliminary acts of promoting or soliciting the retail 95825
sales, other than the distribution of printed matter which 95826
displays or describes and prices the item offered for sale, nor 95827
does it include delivery of a predetermined quantity of tangible 95828
personal property or transportation of property or personnel to or 95829
from a place where a service is performed. 95830

(P) "Used directly in the rendition of a public utility 95831
service" means that property that is to be incorporated into and 95832
will become a part of the consumer's production, transmission, 95833
transportation, or distribution system and that retains its 95834
classification as tangible personal property after such 95835
incorporation; fuel or power used in the production, transmission, 95836
transportation, or distribution system; and tangible personal 95837
property used in the repair and maintenance of the production, 95838
transmission, transportation, or distribution system, including 95839
only such motor vehicles as are specially designed and equipped 95840
for such use. Tangible personal property and services used 95841
primarily in providing highway transportation for hire are not 95842
used directly in the rendition of a public utility service. In 95843

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United

States census bureau.	95875
(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.	95876 95877 95878 95879
(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.	95880 95881 95882 95883 95884 95885 95886
(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.	95887 95888 95889
(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.	95890 95891 95892 95893
(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.	95894 95895 95896 95897 95898 95899
(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:	95900 95901 95902
(i) Examining or acquiring data stored in or accessible to the computer equipment;	95903 95904

(ii) Placing data into the computer equipment to be retrieved 95905
by designated recipients with access to the computer equipment. 95906

For transactions occurring on or after the effective date of 95907
the amendment of this section by H.B. 157 of the 127th general 95908
assembly, December 21, 2007, "electronic information services" 95909
does not include electronic publishing ~~as defined in division~~ 95910
~~(LLL) of this section.~~ 95911

(d) "Electronic publishing" and "electronic publishing 95912
services" means providing access to one or more of the following 95913
primarily for business customers, including the federal government 95914
or a state government or a political subdivision thereof, to 95915
conduct research: news; business, financial, legal, consumer, or 95916
credit materials; editorials, columns, reader commentary, or 95917
features; photos or images; archival or research material; legal 95918
notices, identity verification, or public records; scientific, 95919
educational, instructional, technical, professional, trade, or 95920
other literary materials; or other similar information which has 95921
been gathered and made available by the provider to the consumer 95922
in an electronic format. Providing electronic publishing services 95923
includes the functions necessary for the acquisition, formatting, 95924
editing, storage, and dissemination of data or information that is 95925
the subject of a sale. 95926

(e) "Automatic data processing, computer services, electronic 95927
publishing services, or electronic information services" shall not 95928
include personal or professional services. 95929

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 95930
this section, "personal and professional services" means all 95931
services other than automatic data processing, computer services, 95932
electronic publishing services, or electronic information 95933
services, including but not limited to: 95934

(a) Accounting and legal services such as advice on tax 95935

matters, asset management, budgetary matters, quality control,	95936
information security, and auditing and any other situation where	95937
the service provider receives data or information and studies,	95938
alters, analyzes, interprets, or adjusts such material;	95939
(b) Analyzing business policies and procedures;	95940
(c) Identifying management information needs;	95941
(d) Feasibility studies, including economic and technical	95942
analysis of existing or potential computer hardware or software	95943
needs and alternatives;	95944
(e) Designing policies, procedures, and custom software for	95945
collecting business information, and determining how data should	95946
be summarized, sequenced, formatted, processed, controlled, and	95947
reported so that it will be meaningful to management;	95948
(f) Developing policies and procedures that document how	95949
business events and transactions are to be authorized, executed,	95950
and controlled;	95951
(g) Testing of business procedures;	95952
(h) Training personnel in business procedure applications;	95953
(i) Providing credit information to users of such information	95954
by a consumer reporting agency, as defined in the "Fair Credit	95955
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	95956
as hereafter amended, including but not limited to gathering,	95957
organizing, analyzing, recording, and furnishing such information	95958
by any oral, written, graphic, or electronic medium;	95959
(j) Providing debt collection services by any oral, written,	95960
graphic, or electronic means;	95961
(k) Providing digital advertising services.	95962
The services listed in divisions (Y)(2)(a) to (k) of this	95963
section are not automatic data processing or computer services,	95964
<u>electronic publishing services, or electronic information</u>	95965

services. 95966

(Z) "Highway transportation for hire" means the 95967
transportation of personal property belonging to others for 95968
consideration by any of the following: 95969

(1) The holder of a permit or certificate issued by this 95970
state or the United States authorizing the holder to engage in 95971
transportation of personal property belonging to others for 95972
consideration over or on highways, roadways, streets, or any 95973
similar public thoroughfare; 95974

(2) A person who engages in the transportation of personal 95975
property belonging to others for consideration over or on 95976
highways, roadways, streets, or any similar public thoroughfare 95977
but who could not have engaged in such transportation on December 95978
11, 1985, unless the person was the holder of a permit or 95979
certificate of the types described in division (Z)(1) of this 95980
section; 95981

(3) A person who leases a motor vehicle to and operates it 95982
for a person described by division (Z)(1) or (2) of this section. 95983

(AA)(1) "Telecommunications service" means the electronic 95984
transmission, conveyance, or routing of voice, data, audio, video, 95985
or any other information or signals to a point, or between or 95986
among points. "Telecommunications service" includes such 95987
transmission, conveyance, or routing in which computer processing 95988
applications are used to act on the form, code, or protocol of the 95989
content for purposes of transmission, conveyance, or routing 95990
without regard to whether the service is referred to as voice-over 95991
internet protocol service or is classified by the federal 95992
communications commission as enhanced or value-added. 95993
"Telecommunications service" does not include any of the 95994
following: 95995

(a) Data processing and information services that allow data 95996

to be generated, acquired, stored, processed, or retrieved and	95997
delivered by an electronic transmission to a consumer where the	95998
consumer's primary purpose for the underlying transaction is the	95999
processed data or information;	96000
(b) Installation or maintenance of wiring or equipment on a	96001
customer's premises;	96002
(c) Tangible personal property;	96003
(d) Advertising, including directory advertising;	96004
(e) Billing and collection services provided to third	96005
parties;	96006
(f) Internet access service;	96007
(g) Radio and television audio and video programming	96008
services, regardless of the medium, including the furnishing of	96009
transmission, conveyance, and routing of such services by the	96010
programming service provider. Radio and television audio and video	96011
programming services include, but are not limited to, cable	96012
service, as defined in 47 U.S.C. 522(6), and audio and video	96013
programming services delivered by commercial mobile radio service	96014
providers, as defined in 47 C.F.R. 20.3;	96015
(h) Ancillary service;	96016
(i) Digital products delivered electronically, including	96017
software, music, video, reading materials, or ring tones.	96018
(2) "Ancillary service" means a service that is associated	96019
with or incidental to the provision of telecommunications service,	96020
including conference bridging service, detailed telecommunications	96021
billing service, directory assistance, vertical service, and voice	96022
mail service. As used in this division:	96023
(a) "Conference bridging service" means an ancillary service	96024
that links two or more participants of an audio or video	96025
conference call, including providing a telephone number.	96026

"Conference bridging service" does not include telecommunications services used to reach the conference bridge. 96027
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(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement. 96029
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(c) "Directory assistance" means an ancillary service of providing telephone number or address information. 96032
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(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service. 96034
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 96039
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 96044
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of 96053
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which the number declines with use in a known amount. 96058

(5) "Prepaid wireless calling service" means a 96059
telecommunications service that provides the right to utilize 96060
mobile telecommunications service as well as other 96061
non-telecommunications services, including the download of digital 96062
products delivered electronically, and content and ancillary 96063
services, that must be paid for in advance and that is sold in 96064
predetermined units or dollars of which the number declines with 96065
use in a known amount. 96066

(6) "Value-added non-voice data service" means a 96067
telecommunications service in which computer processing 96068
applications are used to act on the form, content, code, or 96069
protocol of the information or data primarily for a purpose other 96070
than transmission, conveyance, or routing. 96071

(7) "Coin-operated telephone service" means a 96072
telecommunications service paid for by inserting money into a 96073
telephone accepting direct deposits of money to operate. 96074

(8) "Customer" has the same meaning as in section 5739.034 of 96075
the Revised Code. 96076

(BB) "Laundry and dry cleaning services" means removing soil 96077
or dirt from towels, linens, articles of clothing, or other fabric 96078
items that belong to others and supplying towels, linens, articles 96079
of clothing, or other fabric items. "Laundry and dry cleaning 96080
services" does not include the provision of self-service 96081
facilities for use by consumers to remove soil or dirt from 96082
towels, linens, articles of clothing, or other fabric items. 96083

(CC) "Magazines distributed as controlled circulation 96084
publications" means magazines containing at least twenty-four 96085
pages, at least twenty-five per cent editorial content, issued at 96086
regular intervals four or more times a year, and circulated 96087
without charge to the recipient, provided that such magazines are 96088

not owned or controlled by individuals or business concerns which 96089
conduct such publications as an auxiliary to, and essentially for 96090
the advancement of the main business or calling of, those who own 96091
or control them. 96092

(DD) "Landscaping and lawn care service" means the services 96093
of planting, seeding, sodding, removing, cutting, trimming, 96094
pruning, mulching, aerating, applying chemicals, watering, 96095
fertilizing, and providing similar services to establish, promote, 96096
or control the growth of trees, shrubs, flowers, grass, ground 96097
cover, and other flora, or otherwise maintaining a lawn or 96098
landscape grown or maintained by the owner for ornamentation or 96099
other nonagricultural purpose. However, "landscaping and lawn care 96100
service" does not include the providing of such services by a 96101
person who has less than five thousand dollars in sales of such 96102
services during the calendar year. 96103

(EE) "Private investigation and security service" means the 96104
performance of any activity for which the provider of such service 96105
is required to be licensed pursuant to Chapter 4749. of the 96106
Revised Code, or would be required to be so licensed in performing 96107
such services in this state, and also includes the services of 96108
conducting polygraph examinations and of monitoring or overseeing 96109
the activities on or in, or the condition of, the consumer's home, 96110
business, or other facility by means of electronic or similar 96111
monitoring devices. "Private investigation and security service" 96112
does not include special duty services provided by off-duty police 96113
officers, deputy sheriffs, and other peace officers regularly 96114
employed by the state or a political subdivision. 96115

(FF) "Information services" means providing conversation, 96116
giving consultation or advice, playing or making a voice or other 96117
recording, making or keeping a record of the number of callers, 96118
and any other service provided to a consumer by means of a nine 96119
hundred telephone call, except when the nine hundred telephone 96120

call is the means by which the consumer makes a contribution to a 96121
recognized charity. 96122

(GG) "Research and development" means designing, creating, or 96123
formulating new or enhanced products, equipment, or manufacturing 96124
processes, and also means conducting scientific or technological 96125
inquiry and experimentation in the physical sciences with the goal 96126
of increasing scientific knowledge which may reveal the bases for 96127
new or enhanced products, equipment, or manufacturing processes. 96128

(HH) "Qualified research and development equipment" means 96129
capitalized tangible personal property, and leased personal 96130
property that would be capitalized if purchased, used by a person 96131
primarily to perform research and development. Tangible personal 96132
property primarily used in testing, as defined in division (A)(4) 96133
of section 5739.011 of the Revised Code, or used for recording or 96134
storing test results, is not qualified research and development 96135
equipment unless such property is primarily used by the consumer 96136
in testing the product, equipment, or manufacturing process being 96137
created, designed, or formulated by the consumer in the research 96138
and development activity or in recording or storing such test 96139
results. 96140

(II) "Building maintenance and janitorial service" means 96141
cleaning the interior or exterior of a building and any tangible 96142
personal property located therein or thereon, including any 96143
services incidental to such cleaning for which no separate charge 96144
is made. However, "building maintenance and janitorial service" 96145
does not include the providing of such service by a person who has 96146
less than five thousand dollars in sales of such service during 96147
the calendar year. As used in this division, "cleaning" does not 96148
include sanitation services necessary for an establishment 96149
described in 21 U.S.C. 608 to comply with rules and regulations 96150
adopted pursuant to that section. 96151

(JJ) "Employment service" means providing or supplying 96152

personnel, on a temporary or long-term basis, to perform work or 96153
labor under the supervision or control of another, when the 96154
personnel so provided or supplied receive their wages, salary, or 96155
other compensation from the provider or supplier of the employment 96156
service or from a third party that provided or supplied the 96157
personnel to the provider or supplier. "Employment service" does 96158
not include: 96159

(1) Acting as a contractor or subcontractor, where the 96160
personnel performing the work are not under the direct control of 96161
the purchaser. 96162

(2) Medical and health care services. 96163

(3) Supplying personnel to a purchaser pursuant to a contract 96164
of at least one year between the service provider and the 96165
purchaser that specifies that each employee covered under the 96166
contract is assigned to the purchaser on a permanent basis. 96167

(4) Transactions between members of an affiliated group, as 96168
defined in division (B)(3)(e) of this section. 96169

(5) Transactions where the personnel so provided or supplied 96170
by a provider or supplier to a purchaser of an employment service 96171
are then provided or supplied by that purchaser to a third party 96172
as an employment service, except "employment service" does include 96173
the transaction between that purchaser and the third party. 96174

(KK) "Employment placement service" means locating or finding 96175
employment for a person or finding or locating an employee to fill 96176
an available position. 96177

(LL) "Exterminating service" means eradicating or attempting 96178
to eradicate vermin infestations from a building or structure, or 96179
the area surrounding a building or structure, and includes 96180
activities to inspect, detect, or prevent vermin infestation of a 96181
building or structure. 96182

(MM) "Physical fitness facility service" means all 96183
transactions by which a membership is granted, maintained, or 96184
renewed, including initiation fees, membership dues, renewal fees, 96185
monthly minimum fees, and other similar fees and dues, by a 96186
physical fitness facility such as an athletic club, health spa, or 96187
gymnasium, which entitles the member to use the facility for 96188
physical exercise. 96189

(NN) "Recreation and sports club service" means all 96190
transactions by which a membership is granted, maintained, or 96191
renewed, including initiation fees, membership dues, renewal fees, 96192
monthly minimum fees, and other similar fees and dues, by a 96193
recreation and sports club, which entitles the member to use the 96194
facilities of the organization. "Recreation and sports club" means 96195
an organization that has ownership of, or controls or leases on a 96196
continuing, long-term basis, the facilities used by its members 96197
and includes an aviation club, gun or shooting club, yacht club, 96198
card club, swimming club, tennis club, golf club, country club, 96199
riding club, amateur sports club, or similar organization. 96200

(OO) "Livestock" means farm animals commonly raised for food, 96201
food production, or other agricultural purposes, including, but 96202
not limited to, cattle, sheep, goats, swine, poultry, and captive 96203
deer. "Livestock" does not include invertebrates, amphibians, 96204
reptiles, domestic pets, animals for use in laboratories or for 96205
exhibition, or other animals not commonly raised for food or food 96206
production. 96207

(PP) "Livestock structure" means a building or structure used 96208
exclusively for the housing, raising, feeding, or sheltering of 96209
livestock, and includes feed storage or handling structures and 96210
structures for livestock waste handling. 96211

(QQ) "Horticulture" means the growing, cultivation, and 96212
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 96213
and nursery stock. As used in this division, "nursery stock" has 96214

the same meaning as in section 927.51 of the Revised Code. 96215

(RR) "Horticulture structure" means a building or structure 96216
used exclusively for the commercial growing, raising, or 96217
overwintering of horticultural products, and includes the area 96218
used for stocking, storing, and packing horticultural products 96219
when done in conjunction with the production of those products. 96220

(SS) "Newspaper" means an unbound publication bearing a title 96221
or name that is regularly published, at least as frequently as 96222
biweekly, and distributed from a fixed place of business to the 96223
public in a specific geographic area, and that contains a 96224
substantial amount of news matter of international, national, or 96225
local events of interest to the general public. 96226

(TT) "Professional racing team" means a person that employs 96227
at least twenty full-time employees for the purpose of conducting 96228
a motor vehicle racing business for profit. The person must 96229
conduct the business with the purpose of racing one or more motor 96230
racing vehicles in at least ten competitive professional racing 96231
events each year that comprise all or part of a motor racing 96232
series sanctioned by one or more motor racing sanctioning 96233
organizations. A "motor racing vehicle" means a vehicle for which 96234
the chassis, engine, and parts are designed exclusively for motor 96235
racing, and does not include a stock or production model vehicle 96236
that may be modified for use in racing. For the purposes of this 96237
division: 96238

(1) A "competitive professional racing event" is a motor 96239
vehicle racing event sanctioned by one or more motor racing 96240
sanctioning organizations, at which aggregate cash prizes in 96241
excess of eight hundred thousand dollars are awarded to the 96242
competitors. 96243

(2) "Full-time employee" means an individual who is employed 96244
for consideration for thirty-five or more hours a week, or who 96245

renders any other standard of service generally accepted by custom 96246
or specified by contract as full-time employment. 96247

(UU)(1) "Lease" or "rental" means any transfer of the 96248
possession or control of tangible personal property for a fixed or 96249
indefinite term, for consideration. "Lease" or "rental" includes 96250
future options to purchase or extend, and agreements described in 96251
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 96252
the amount of consideration may be increased or decreased by 96253
reference to the amount realized upon the sale or disposition of 96254
the property. "Lease" or "rental" does not include: 96255

(a) A transfer of possession or control of tangible personal 96256
property under a security agreement or a deferred payment plan 96257
that requires the transfer of title upon completion of the 96258
required payments; 96259

(b) A transfer of possession or control of tangible personal 96260
property under an agreement that requires the transfer of title 96261
upon completion of required payments and payment of an option 96262
price that does not exceed the greater of one hundred dollars or 96263
one per cent of the total required payments; 96264

(c) Providing tangible personal property along with an 96265
operator for a fixed or indefinite period of time, if the operator 96266
is necessary for the property to perform as designed. For purposes 96267
of this division, the operator must do more than maintain, 96268
inspect, or set up the tangible personal property. 96269

(2) "Lease" and "rental," as defined in division (UU) of this 96270
section, shall not apply to leases or rentals that exist before 96271
June 26, 2003. 96272

(3) "Lease" and "rental" have the same meaning as in division 96273
(UU)(1) of this section regardless of whether a transaction is 96274
characterized as a lease or rental under generally accepted 96275
accounting principles, the Internal Revenue Code, Title XIII of 96276

the Revised Code, or other federal, state, or local laws. 96277

(VV) "Mobile telecommunications service" has the same meaning 96278
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 96279
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 96280
on and after August 1, 2003, includes related fees and ancillary 96281
services, including universal service fees, detailed billing 96282
service, directory assistance, service initiation, voice mail 96283
service, and vertical services, such as caller ID and three-way 96284
calling. 96285

(WW) "Certified service provider" has the same meaning as in 96286
section 5740.01 of the Revised Code. 96287

(XX) "Satellite broadcasting service" means the distribution 96288
or broadcasting of programming or services by satellite directly 96289
to the subscriber's receiving equipment without the use of ground 96290
receiving or distribution equipment, except the subscriber's 96291
receiving equipment or equipment used in the uplink process to the 96292
satellite, and includes all service and rental charges, premium 96293
channels or other special services, installation and repair 96294
service charges, and any other charges having any connection with 96295
the provision of the satellite broadcasting service. 96296

(YY) "Tangible personal property" means personal property 96297
that can be seen, weighed, measured, felt, or touched, or that is 96298
in any other manner perceptible to the senses. For purposes of 96299
this chapter and Chapter 5741. of the Revised Code, "tangible 96300
personal property" includes motor vehicles, electricity, water, 96301
gas, steam, and prewritten computer software. 96302

(ZZ) ~~"Direct mail" means printed material delivered or 96303
distributed by United States mail or other delivery service to a 96304
mass audience or to addressees on a mailing list provided by the 96305
consumer or at the direction of the consumer when the cost of the 96306
items are not billed directly to the recipients. "Direct mail" 96307~~

~~includes tangible personal property supplied directly or~~ 96308
~~indirectly by the consumer to the direct mail vendor for inclusion~~ 96309
~~in the package containing the printed material. "Direct mail" does~~ 96310
~~not include multiple items of printed material delivered to a~~ 96311
~~single address~~ "Municipal gas utility" means a municipal 96312
corporation that owns or operates a system for the distribution of 96313
natural gas. 96314

(AAA) "Computer" means an electronic device that accepts 96315
information in digital or similar form and manipulates it for a 96316
result based on a sequence of instructions. 96317

(BBB) "Computer software" means a set of coded instructions 96318
designed to cause a computer or automatic data processing 96319
equipment to perform a task. 96320

(CCC) "Delivered electronically" means delivery of computer 96321
software from the seller to the purchaser by means other than 96322
tangible storage media. 96323

(DDD) "Prewritten computer software" means computer software, 96324
including prewritten upgrades, that is not designed and developed 96325
by the author or other creator to the specifications of a specific 96326
purchaser. The combining of two or more prewritten computer 96327
software programs or prewritten portions thereof does not cause 96328
the combination to be other than prewritten computer software. 96329
"Prewritten computer software" includes software designed and 96330
developed by the author or other creator to the specifications of 96331
a specific purchaser when it is sold to a person other than the 96332
purchaser. If a person modifies or enhances computer software of 96333
which the person is not the author or creator, the person shall be 96334
deemed to be the author or creator only of such person's 96335
modifications or enhancements. Prewritten computer software or a 96336
prewritten portion thereof that is modified or enhanced to any 96337
degree, where such modification or enhancement is designed and 96338
developed to the specifications of a specific purchaser, remains 96339

prewritten computer software; provided, however, that where there 96340
is a reasonable, separately stated charge or an invoice or other 96341
statement of the price given to the purchaser for the modification 96342
or enhancement, the modification or enhancement shall not 96343
constitute prewritten computer software. 96344

(EEE)(1) "Food" means substances, whether in liquid, 96345
concentrated, solid, frozen, dried, or dehydrated form, that are 96346
sold for ingestion or chewing by humans and are consumed for their 96347
taste or nutritional value. "Food" does not include alcoholic 96348
beverages, dietary supplements, soft drinks, or tobacco. 96349

(2) As used in division (EEE)(1) of this section: 96350

(a) "Alcoholic beverages" means beverages that are suitable 96351
for human consumption and contain one-half of one per cent or more 96352
of alcohol by volume. 96353

(b) "Dietary supplements" means any product, other than 96354
tobacco, that is intended to supplement the diet and that is 96355
intended for ingestion in tablet, capsule, powder, softgel, 96356
gelcap, or liquid form, or, if not intended for ingestion in such 96357
a form, is not represented as conventional food for use as a sole 96358
item of a meal or of the diet; that is required to be labeled as a 96359
dietary supplement, identifiable by the "supplement facts" box 96360
found on the label, as required by 21 C.F.R. 101.36; and that 96361
contains one or more of the following dietary ingredients: 96362

(i) A vitamin; 96363

(ii) A mineral; 96364

(iii) An herb or other botanical; 96365

(iv) An amino acid; 96366

(v) A dietary substance for use by humans to supplement the 96367
diet by increasing the total dietary intake; 96368

(vi) A concentrate, metabolite, constituent, extract, or 96369

combination of any ingredient described in divisions 96370
(EEE)(2)(b)(i) to (v) of this section. 96371

(c) "Soft drinks" means nonalcoholic beverages that contain 96372
natural or artificial sweeteners. "Soft drinks" does not include 96373
beverages that contain milk or milk products, soy, rice, or 96374
similar milk substitutes, or that contains greater than fifty per 96375
cent vegetable or fruit juice by volume. 96376

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 96377
tobacco, or any other item that contains tobacco. 96378

(FFF) "Drug" means a compound, substance, or preparation, and 96379
any component of a compound, substance, or preparation, other than 96380
food, dietary supplements, or alcoholic beverages that is 96381
recognized in the official United States pharmacopoeia, official 96382
homeopathic pharmacopoeia of the United States, or official 96383
national formulary, and supplements to them; is intended for use 96384
in the diagnosis, cure, mitigation, treatment, or prevention of 96385
disease; or is intended to affect the structure or any function of 96386
the body. 96387

(GGG) "Prescription" means an order, formula, or recipe 96388
issued in any form of oral, written, electronic, or other means of 96389
transmission by a duly licensed practitioner authorized by the 96390
laws of this state to issue a prescription. 96391

(HHH) "Durable medical equipment" means equipment, including 96392
repair and replacement parts for such equipment, that can 96393
withstand repeated use, is primarily and customarily used to serve 96394
a medical purpose, generally is not useful to a person in the 96395
absence of illness or injury, and is not worn in or on the body. 96396
"Durable medical equipment" does not include mobility enhancing 96397
equipment. 96398

(III) "Mobility enhancing equipment" means equipment, 96399
including repair and replacement parts for such equipment, that is 96400

primarily and customarily used to provide or increase the ability 96401
to move from one place to another and is appropriate for use 96402
either in a home or a motor vehicle, that is not generally used by 96403
persons with normal mobility, and that does not include any motor 96404
vehicle or equipment on a motor vehicle normally provided by a 96405
motor vehicle manufacturer. "Mobility enhancing equipment" does 96406
not include durable medical equipment. 96407

(JJJ) "Prosthetic device" means a replacement, corrective, or 96408
supportive device, including repair and replacement parts for the 96409
device, worn on or in the human body to artificially replace a 96410
missing portion of the body, prevent or correct physical deformity 96411
or malfunction, or support a weak or deformed portion of the body. 96412
As used in this division, "prosthetic device" does not include 96413
corrective eyeglasses, contact lenses, or dental prosthesis. 96414

(KKK)(1) "Fractional aircraft ownership program" means a 96415
program in which persons within an affiliated group sell and 96416
manage fractional ownership program aircraft, provided that at 96417
least one hundred airworthy aircraft are operated in the program 96418
and the program meets all of the following criteria: 96419

(a) Management services are provided by at least one program 96420
manager within an affiliated group on behalf of the fractional 96421
owners. 96422

(b) Each program aircraft is owned or possessed by at least 96423
one fractional owner. 96424

(c) Each fractional owner owns or possesses at least a 96425
one-sixteenth interest in at least one fixed-wing program 96426
aircraft. 96427

(d) A dry-lease aircraft interchange arrangement is in effect 96428
among all of the fractional owners. 96429

(e) Multi-year program agreements are in effect regarding the 96430
fractional ownership, management services, and dry-lease aircraft 96431

interchange arrangement aspects of the program. 96432

(2) As used in division (KKK)(1) of this section: 96433

(a) "Affiliated group" has the same meaning as in division 96434
(B)(3)(e) of this section. 96435

(b) "Fractional owner" means a person that owns or possesses 96436
at least a one-sixteenth interest in a program aircraft and has 96437
entered into the agreements described in division (KKK)(1)(e) of 96438
this section. 96439

(c) "Fractional ownership program aircraft" or "program 96440
aircraft" means a turbojet aircraft that is owned or possessed by 96441
a fractional owner and that has been included in a dry-lease 96442
aircraft interchange arrangement and agreement under divisions 96443
(KKK)(1)(d) and (e) of this section, or an aircraft a program 96444
manager owns or possesses primarily for use in a fractional 96445
aircraft ownership program. 96446

(d) "Management services" means administrative and aviation 96447
support services furnished under a fractional aircraft ownership 96448
program in accordance with a management services agreement under 96449
division (KKK)(1)(e) of this section, and offered by the program 96450
manager to the fractional owners, including, at a minimum, the 96451
establishment and implementation of safety guidelines; the 96452
coordination of the scheduling of the program aircraft and crews; 96453
program aircraft maintenance; program aircraft insurance; crew 96454
training for crews employed, furnished, or contracted by the 96455
program manager or the fractional owner; the satisfaction of 96456
record-keeping requirements; and the development and use of an 96457
operations manual and a maintenance manual for the fractional 96458
aircraft ownership program. 96459

(e) "Program manager" means the person that offers management 96460
services to fractional owners pursuant to a management services 96461
agreement under division (KKK)(1)(e) of this section. 96462

~~(LLL)~~ "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

~~(MMM)~~ "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of ~~job and family services~~ medicaid pursuant to section ~~5111.17~~ 5167.10 of the Revised Code.

~~(NNN)~~(MMM) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

~~(QQQ)~~(PPP) "Specified digital product" means an 96495
electronically transferred digital audiovisual work, digital audio 96496
work, or digital book. 96497

As used in division ~~(QQQ)~~(PPP) of this section: 96498

(1) "Digital audiovisual work" means a series of related 96499
images that, when shown in succession, impart an impression of 96500
motion, together with accompanying sounds, if any. 96501

(2) "Digital audio work" means a work that results from the 96502
fixation of a series of musical, spoken, or other sounds, 96503
including digitized sound files that are downloaded onto a device 96504
and that may be used to alert the customer with respect to a 96505
communication. 96506

(3) "Digital book" means a work that is generally recognized 96507
in the ordinary and usual sense as a book. 96508

(4) "Electronically transferred" means obtained by the 96509
purchaser by means other than tangible storage media. 96510

~~(RRR)~~(QQQ) "Digital advertising services" means providing 96511
access, by means of telecommunications equipment, to computer 96512
equipment that is used to enter, upload, download, review, 96513
manipulate, store, add, or delete data for the purpose of 96514
electronically displaying, delivering, placing, or transferring 96515
promotional advertisements to potential customers about products 96516
or services or about industry or business brands. 96517

~~(SSS) "Municipal gas utility" means a municipal corporation 96518
that owns or operates a system for the distribution of natural 96519
gas. 96520~~

Sec. 5739.02. For the purpose of providing revenue with which 96521
to meet the needs of the state, for the use of the general revenue 96522
fund of the state, for the purpose of securing a thorough and 96523
efficient system of common schools throughout the state, for the 96524

purpose of affording revenues, in addition to those from general 96525
property taxes, permitted under constitutional limitations, and 96526
from other sources, for the support of local governmental 96527
functions, and for the purpose of reimbursing the state for the 96528
expense of administering this chapter, an excise tax is hereby 96529
levied on each retail sale made in this state. 96530

(A)(1) The tax shall be collected as provided in section 96531
5739.025 of the Revised Code. The rate of the tax shall be five 96532
and three-fourths per cent. The tax applies and is collectible 96533
when the sale is made, regardless of the time when the price is 96534
paid or delivered. 96535

(2) In the case of the lease or rental, with a fixed term of 96536
more than thirty days or an indefinite term with a minimum period 96537
of more than thirty days, of any motor vehicles designed by the 96538
manufacturer to carry a load of not more than one ton, watercraft, 96539
outboard motor, or aircraft, or of any tangible personal property, 96540
other than motor vehicles designed by the manufacturer to carry a 96541
load of more than one ton, to be used by the lessee or renter 96542
primarily for business purposes, the tax shall be collected by the 96543
vendor at the time the lease or rental is consummated and shall be 96544
calculated by the vendor on the basis of the total amount to be 96545
paid by the lessee or renter under the lease agreement. If the 96546
total amount of the consideration for the lease or rental includes 96547
amounts that are not calculated at the time the lease or rental is 96548
executed, the tax shall be calculated and collected by the vendor 96549
at the time such amounts are billed to the lessee or renter. In 96550
the case of an open-end lease or rental, the tax shall be 96551
calculated by the vendor on the basis of the total amount to be 96552
paid during the initial fixed term of the lease or rental, and for 96553
each subsequent renewal period as it comes due. As used in this 96554
division, "motor vehicle" has the same meaning as in section 96555
4501.01 of the Revised Code, and "watercraft" includes an outdrive 96556

unit attached to the watercraft. 96557

A lease with a renewal clause and a termination penalty or 96558
similar provision that applies if the renewal clause is not 96559
exercised is presumed to be a sham transaction. In such a case, 96560
the tax shall be calculated and paid on the basis of the entire 96561
length of the lease period, including any renewal periods, until 96562
the termination penalty or similar provision no longer applies. 96563
The taxpayer shall bear the burden, by a preponderance of the 96564
evidence, that the transaction or series of transactions is not a 96565
sham transaction. 96566

(3) Except as provided in division (A)(2) of this section, in 96567
the case of a sale, the price of which consists in whole or in 96568
part of the lease or rental of tangible personal property, the tax 96569
shall be measured by the installments of that lease or rental. 96570

(4) In the case of a sale of a physical fitness facility 96571
service or recreation and sports club service, the price of which 96572
consists in whole or in part of a membership for the receipt of 96573
the benefit of the service, the tax applicable to the sale shall 96574
be measured by the installments thereof. 96575

(B) The tax does not apply to the following: 96576

(1) Sales to the state or any of its political subdivisions, 96577
or to any other state or its political subdivisions if the laws of 96578
that state exempt from taxation sales made to this state and its 96579
political subdivisions; 96580

(2) Sales of food for human consumption off the premises 96581
where sold; 96582

(3) Sales of food sold to students only in a cafeteria, 96583
dormitory, fraternity, or sorority maintained in a private, 96584
public, or parochial school, college, or university; 96585

(4) Sales of newspapers and sales or transfers of magazines 96586

distributed as controlled circulation publications; 96587

(5) The furnishing, preparing, or serving of meals without 96588
charge by an employer to an employee provided the employer records 96589
the meals as part compensation for services performed or work 96590
done; 96591

(6) Sales of motor fuel upon receipt, use, distribution, or 96592
sale of which in this state a tax is imposed by the law of this 96593
state, but this exemption shall not apply to the sale of motor 96594
fuel on which a refund of the tax is allowable under division (A) 96595
of section 5735.14 of the Revised Code; and the tax commissioner 96596
may deduct the amount of tax levied by this section applicable to 96597
the price of motor fuel when granting a refund of motor fuel tax 96598
pursuant to division (A) of section 5735.14 of the Revised Code 96599
and shall cause the amount deducted to be paid into the general 96600
revenue fund of this state; 96601

(7) Sales of natural gas by a natural gas company or 96602
municipal gas utility, of water by a water-works company, or of 96603
steam by a heating company, if in each case the thing sold is 96604
delivered to consumers through pipes or conduits, and all sales of 96605
communications services by a telegraph company, all terms as 96606
defined in section 5727.01 of the Revised Code, and sales of 96607
electricity delivered through wires; 96608

(8) Casual sales by a person, or auctioneer employed directly 96609
by the person to conduct such sales, except as to such sales of 96610
motor vehicles, watercraft or outboard motors required to be 96611
titled under section 1548.06 of the Revised Code, watercraft 96612
documented with the United States coast guard, snowmobiles, and 96613
all-purpose vehicles as defined in section 4519.01 of the Revised 96614
Code; 96615

(9)(a) Sales of services or tangible personal property, other 96616
than motor vehicles, mobile homes, and manufactured homes, by 96617

churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 96682
organization engaged in carrying on research in, or the 96683
dissemination of, scientific and technological knowledge and 96684
information primarily for the public. 96685

Nothing in this division shall be deemed to exempt sales to 96686
any organization for use in the operation or carrying on of a 96687
trade or business, or sales to a home for the aged for use in the 96688
operation of independent living facilities as defined in division 96689
(A) of section 5709.12 of the Revised Code. 96690

(13) Building and construction materials and services sold to 96691
construction contractors for incorporation into a structure or 96692
improvement to real property under a construction contract with 96693
this state or a political subdivision of this state, or with the 96694
United States government or any of its agencies; building and 96695
construction materials and services sold to construction 96696
contractors for incorporation into a structure or improvement to 96697
real property that are accepted for ownership by this state or any 96698
of its political subdivisions, or by the United States government 96699
or any of its agencies at the time of completion of the structures 96700
or improvements; building and construction materials sold to 96701
construction contractors for incorporation into a horticulture 96702
structure or livestock structure for a person engaged in the 96703
business of horticulture or producing livestock; building 96704
materials and services sold to a construction contractor for 96705
incorporation into a house of public worship or religious 96706
education, or a building used exclusively for charitable purposes 96707
under a construction contract with an organization whose purpose 96708
is as described in division (B)(12) of this section; building 96709
materials and services sold to a construction contractor for 96710
incorporation into a building under a construction contract with 96711
an organization exempt from taxation under section 501(c)(3) of 96712
the Internal Revenue Code of 1986 when the building is to be used 96713

exclusively for the organization's exempt purposes; building and 96714
construction materials sold for incorporation into the original 96715
construction of a sports facility under section 307.696 of the 96716
Revised Code; building and construction materials and services 96717
sold to a construction contractor for incorporation into real 96718
property outside this state if such materials and services, when 96719
sold to a construction contractor in the state in which the real 96720
property is located for incorporation into real property in that 96721
state, would be exempt from a tax on sales levied by that state; 96722
building and construction materials for incorporation into a 96723
transportation facility pursuant to a public-private agreement 96724
entered into under sections 5501.70 to 5501.83 of the Revised 96725
Code; and, until one calendar year after the construction of a 96726
convention center that qualifies for property tax exemption under 96727
section 5709.084 of the Revised Code is completed, building and 96728
construction materials and services sold to a construction 96729
contractor for incorporation into the real property comprising 96730
that convention center; 96731

(14) Sales of ships or vessels or rail rolling stock used or 96732
to be used principally in interstate or foreign commerce, and 96733
repairs, alterations, fuel, and lubricants for such ships or 96734
vessels or rail rolling stock; 96735

(15) Sales to persons primarily engaged in any of the 96736
activities mentioned in division (B)(42)(a), (g), or (h) of this 96737
section, to persons engaged in making retail sales, or to persons 96738
who purchase for sale from a manufacturer tangible personal 96739
property that was produced by the manufacturer in accordance with 96740
specific designs provided by the purchaser, of packages, including 96741
material, labels, and parts for packages, and of machinery, 96742
equipment, and material for use primarily in packaging tangible 96743
personal property produced for sale, including any machinery, 96744
equipment, and supplies used to make labels or packages, to 96745

prepare packages or products for labeling, or to label packages or 96746
products, by or on the order of the person doing the packaging, or 96747
sold at retail. "Packages" includes bags, baskets, cartons, 96748
crates, boxes, cans, bottles, bindings, wrappings, and other 96749
similar devices and containers, but does not include motor 96750
vehicles or bulk tanks, trailers, or similar devices attached to 96751
motor vehicles. "Packaging" means placing in a package. Division 96752
(B)(15) of this section does not apply to persons engaged in 96753
highway transportation for hire. 96754

(16) Sales of food to persons using supplemental nutrition 96755
assistance program benefits to purchase the food. As used in this 96756
division, "food" has the same meaning as in 7 U.S.C. 2012 and 96757
federal regulations adopted pursuant to the Food and Nutrition Act 96758
of 2008. 96759

(17) Sales to persons engaged in farming, agriculture, 96760
horticulture, or floriculture, of tangible personal property for 96761
use or consumption primarily in the production by farming, 96762
agriculture, horticulture, or floriculture of other tangible 96763
personal property for use or consumption primarily in the 96764
production of tangible personal property for sale by farming, 96765
agriculture, horticulture, or floriculture; or material and parts 96766
for incorporation into any such tangible personal property for use 96767
or consumption in production; and of tangible personal property 96768
for such use or consumption in the conditioning or holding of 96769
products produced by and for such use, consumption, or sale by 96770
persons engaged in farming, agriculture, horticulture, or 96771
floriculture, except where such property is incorporated into real 96772
property; 96773

(18) Sales of drugs for a human being that may be dispensed 96774
only pursuant to a prescription; insulin as recognized in the 96775
official United States pharmacopoeia; urine and blood testing 96776
materials when used by diabetics or persons with hypoglycemia to 96777

test for glucose or acetone; hypodermic syringes and needles when 96778
used by diabetics for insulin injections; epoetin alfa when 96779
purchased for use in the treatment of persons with medical 96780
disease; hospital beds when purchased by hospitals, nursing homes, 96781
or other medical facilities; and medical oxygen and medical 96782
oxygen-dispensing equipment when purchased by hospitals, nursing 96783
homes, or other medical facilities; 96784

(19) Sales of prosthetic devices, durable medical equipment 96785
for home use, or mobility enhancing equipment, when made pursuant 96786
to a prescription and when such devices or equipment are for use 96787
by a human being. 96788

(20) Sales of emergency and fire protection vehicles and 96789
equipment to nonprofit organizations for use solely in providing 96790
fire protection and emergency services, including trauma care and 96791
emergency medical services, for political subdivisions of the 96792
state; 96793

(21) Sales of tangible personal property manufactured in this 96794
state, if sold by the manufacturer in this state to a retailer for 96795
use in the retail business of the retailer outside of this state 96796
and if possession is taken from the manufacturer by the purchaser 96797
within this state for the sole purpose of immediately removing the 96798
same from this state in a vehicle owned by the purchaser; 96799

(22) Sales of services provided by the state or any of its 96800
political subdivisions, agencies, instrumentalities, institutions, 96801
or authorities, or by governmental entities of the state or any of 96802
its political subdivisions, agencies, instrumentalities, 96803
institutions, or authorities; 96804

(23) Sales of motor vehicles to nonresidents of this state 96805
under the circumstances described in division (B) of section 96806
5739.029 of the Revised Code; 96807

(24) Sales to persons engaged in the preparation of eggs for 96808

sale of tangible personal property used or consumed directly in 96809
such preparation, including such tangible personal property used 96810
for cleaning, sanitizing, preserving, grading, sorting, and 96811
classifying by size; packages, including material and parts for 96812
packages, and machinery, equipment, and material for use in 96813
packaging eggs for sale; and handling and transportation equipment 96814
and parts therefor, except motor vehicles licensed to operate on 96815
public highways, used in intraplant or interplant transfers or 96816
shipment of eggs in the process of preparation for sale, when the 96817
plant or plants within or between which such transfers or 96818
shipments occur are operated by the same person. "Packages" 96819
includes containers, cases, baskets, flats, fillers, filler flats, 96820
cartons, closure materials, labels, and labeling materials, and 96821
"packaging" means placing therein. 96822

(25)(a) Sales of water to a consumer for residential use; 96823

(b) Sales of water by a nonprofit corporation engaged 96824
exclusively in the treatment, distribution, and sale of water to 96825
consumers, if such water is delivered to consumers through pipes 96826
or tubing. 96827

(26) Fees charged for inspection or reinspection of motor 96828
vehicles under section 3704.14 of the Revised Code; 96829

(27) Sales to persons licensed to conduct a food service 96830
operation pursuant to section 3717.43 of the Revised Code, of 96831
tangible personal property primarily used directly for the 96832
following: 96833

(a) To prepare food for human consumption for sale; 96834

(b) To preserve food that has been or will be prepared for 96835
human consumption for sale by the food service operator, not 96836
including tangible personal property used to display food for 96837
selection by the consumer; 96838

(c) To clean tangible personal property used to prepare or 96839

serve food for human consumption for sale.	96840
(28) Sales of animals by nonprofit animal adoption services	96841
or county humane societies;	96842
(29) Sales of services to a corporation described in division	96843
(A) of section 5709.72 of the Revised Code, and sales of tangible	96844
personal property that qualifies for exemption from taxation under	96845
section 5709.72 of the Revised Code;	96846
(30) Sales and installation of agricultural land tile, as	96847
defined in division (B)(5)(a) of section 5739.01 of the Revised	96848
Code;	96849
(31) Sales and erection or installation of portable grain	96850
bins, as defined in division (B)(5)(b) of section 5739.01 of the	96851
Revised Code;	96852
(32) The sale, lease, repair, and maintenance of, parts for,	96853
or items attached to or incorporated in, motor vehicles that are	96854
primarily used for transporting tangible personal property	96855
belonging to others by a person engaged in highway transportation	96856
for hire, except for packages and packaging used for the	96857
transportation of tangible personal property;	96858
(33) Sales to the state headquarters of any veterans'	96859
organization in this state that is either incorporated and issued	96860
a charter by the congress of the United States or is recognized by	96861
the United States veterans administration, for use by the	96862
headquarters;	96863
(34) Sales to a telecommunications service vendor, mobile	96864
telecommunications service vendor, or satellite broadcasting	96865
service vendor of tangible personal property and services used	96866
directly and primarily in transmitting, receiving, switching, or	96867
recording any interactive, one- or two-way electromagnetic	96868
communications, including voice, image, data, and information,	96869
through the use of any medium, including, but not limited to,	96870

poles, wires, cables, switching equipment, computers, and record 96871
storage devices and media, and component parts for the tangible 96872
personal property. The exemption provided in this division shall 96873
be in lieu of all other exemptions under division (B)(42)(a) or 96874
(n) of this section to which the vendor may otherwise be entitled, 96875
based upon the use of the thing purchased in providing the 96876
telecommunications, mobile telecommunications, or satellite 96877
broadcasting service. 96878

(35)(a) Sales where the purpose of the consumer is to use or 96879
consume the things transferred in making retail sales and 96880
consisting of newspaper inserts, catalogues, coupons, flyers, gift 96881
certificates, or other advertising material that prices and 96882
describes tangible personal property offered for retail sale. 96883

(b) Sales to direct marketing vendors of preliminary 96884
materials such as photographs, artwork, and typesetting that will 96885
be used in printing advertising material; and of printed matter 96886
that offers free merchandise or chances to win sweepstake prizes 96887
and that is mailed to potential customers with advertising 96888
material described in division (B)(35)(a) of this section; 96889

(c) Sales of equipment such as telephones, computers, 96890
facsimile machines, and similar tangible personal property 96891
primarily used to accept orders for direct marketing retail sales. 96892

(d) Sales of automatic food vending machines that preserve 96893
food with a shelf life of forty-five days or less by refrigeration 96894
and dispense it to the consumer. 96895

For purposes of division (B)(35) of this section, "direct 96896
marketing" means the method of selling where consumers order 96897
tangible personal property by United States mail, delivery 96898
service, or telecommunication and the vendor delivers or ships the 96899
tangible personal property sold to the consumer from a warehouse, 96900
catalogue distribution center, or similar fulfillment facility by 96901

means of the United States mail, delivery service, or common carrier. 96902
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(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure; 96904
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(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students; 96907
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(38) Sales to a professional racing team of any of the following: 96912
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(a) Motor racing vehicles; 96914

(b) Repair services for motor racing vehicles; 96915

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication. 96916
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(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000; 96924
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(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, 96927
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or distribution system and that retains its classification as 96932
tangible personal property after incorporation; fuel or power used 96933
in the production, transmission, or distribution of electricity; 96934
energy conversion equipment as defined in section 5727.01 of the 96935
Revised Code; and tangible personal property and services used in 96936
the repair and maintenance of the production, transmission, or 96937
distribution system, including only those motor vehicles as are 96938
specially designed and equipped for such use. The exemption 96939
provided in this division shall be in lieu of all other exemptions 96940
in division (B)(42)(a) or (n) of this section to which a provider 96941
of electricity may otherwise be entitled based on the use of the 96942
tangible personal property or service purchased in generating, 96943
transmitting, or distributing electricity. 96944

(41) Sales to a person providing services under division 96945
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 96946
personal property and services used directly and primarily in 96947
providing taxable services under that section. 96948

(42) Sales where the purpose of the purchaser is to do any of 96949
the following: 96950

(a) To incorporate the thing transferred as a material or a 96951
part into tangible personal property to be produced for sale by 96952
manufacturing, assembling, processing, or refining; or to use or 96953
consume the thing transferred directly in producing tangible 96954
personal property for sale by mining, including, without 96955
limitation, the extraction from the earth of all substances that 96956
are classed geologically as minerals, production of crude oil and 96957
natural gas, or directly in the rendition of a public utility 96958
service, except that the sales tax levied by this section shall be 96959
collected upon all meals, drinks, and food for human consumption 96960
sold when transporting persons. Persons engaged in rendering 96961
services in the exploration for, and production of, crude oil and 96962
natural gas for others are deemed engaged directly in the 96963

exploration for, and production of, crude oil and natural gas.	96964
This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	96965 96966 96967
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	96968 96969
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	96970 96971
(d) To use or consume the thing directly in commercial fishing;	96972 96973
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	96974 96975 96976 96977
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	96978 96979 96980 96981 96982
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	96983 96984 96985
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	96986 96987 96988 96989 96990 96991
(i) To use the thing transferred as qualified research and development equipment;	96992 96993

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming,

agriculture, horticulture, or floriculture. This paragraph does 97026
not exempt from "retail sale" or "sales at retail" the sale of 97027
tangible personal property that is to be incorporated into a 97028
structure or improvement to real property. 97029

(o) To use or consume the thing transferred in acquiring, 97030
formatting, editing, storing, and disseminating data or 97031
information by electronic publishing; 97032

(p) To provide the thing transferred to the owner or lessee 97033
of a motor vehicle that is being repaired or serviced, if the 97034
thing transferred is a rented motor vehicle and the purchaser is 97035
reimbursed for the cost of the rented motor vehicle by a 97036
manufacturer, warrantor, or provider of a maintenance, service, or 97037
other similar contract or agreement, with respect to the motor 97038
vehicle that is being repaired or serviced. 97039

As used in division (B)(42) of this section, "thing" includes 97040
all transactions included in divisions (B)(3)(a), (b), and (e) of 97041
section 5739.01 of the Revised Code. 97042

(43) Sales conducted through a coin operated device that 97043
activates vacuum equipment or equipment that dispenses water, 97044
whether or not in combination with soap or other cleaning agents 97045
or wax, to the consumer for the consumer's use on the premises in 97046
washing, cleaning, or waxing a motor vehicle, provided no other 97047
personal property or personal service is provided as part of the 97048
transaction. 97049

(44) Sales of replacement and modification parts for engines, 97050
airframes, instruments, and interiors in, and paint for, aircraft 97051
used primarily in a fractional aircraft ownership program, and 97052
sales of services for the repair, modification, and maintenance of 97053
such aircraft, and machinery, equipment, and supplies primarily 97054
used to provide those services. 97055

(45) Sales of telecommunications service that is used 97056

directly and primarily to perform the functions of a call center. 97057
As used in this division, "call center" means any physical 97058
location where telephone calls are placed or received in high 97059
volume for the purpose of making sales, marketing, customer 97060
service, technical support, or other specialized business 97061
activity, and that employs at least fifty individuals that engage 97062
in call center activities on a full-time basis, or sufficient 97063
individuals to fill fifty full-time equivalent positions. 97064

(46) Sales by a telecommunications service vendor of 900 97065
service to a subscriber. This division does not apply to 97066
information services, as defined in division (FF) of section 97067
5739.01 of the Revised Code. 97068

(47) Sales of value-added non-voice data service. This 97069
division does not apply to any similar service that is not 97070
otherwise a telecommunications service. 97071

(48)(a) Sales of machinery, equipment, and software to a 97072
qualified direct selling entity for use in a warehouse or 97073
distribution center primarily for storing, transporting, or 97074
otherwise handling inventory that is held for sale to independent 97075
salespersons who operate as direct sellers and that is held 97076
primarily for distribution outside this state; 97077

(b) As used in division (B)(48)(a) of this section: 97078

(i) "Direct seller" means a person selling consumer products 97079
to individuals for personal or household use and not from a fixed 97080
retail location, including selling such product at in-home product 97081
demonstrations, parties, and other one-on-one selling. 97082

(ii) "Qualified direct selling entity" means an entity 97083
selling to direct sellers at the time the entity enters into a tax 97084
credit agreement with the tax credit authority pursuant to section 97085
122.17 of the Revised Code, provided that the agreement was 97086
entered into on or after January 1, 2007. Neither contingencies 97087

relevant to the granting of, nor later developments with respect 97088
to, the tax credit shall impair the status of the qualified direct 97089
selling entity under division (B)(48) of this section after 97090
execution of the tax credit agreement by the tax credit authority. 97091

(c) Division (B)(48) of this section is limited to machinery, 97092
equipment, and software first stored, used, or consumed in this 97093
state within the period commencing June 24, 2008, and ending on 97094
the date that is five years after that date. 97095

(49) Sales of materials, parts, equipment, or engines used in 97096
the repair or maintenance of aircraft or avionics systems of such 97097
aircraft, and sales of repair, remodeling, replacement, or 97098
maintenance services in this state performed on aircraft or on an 97099
aircraft's avionics, engine, or component materials or parts. As 97100
used in division (B)(49) of this section, "aircraft" means 97101
aircraft of more than six thousand pounds maximum certified 97102
takeoff weight or used exclusively in general aviation. 97103

(50) Sales of full flight simulators that are used for pilot 97104
or flight-crew training, sales of repair or replacement parts or 97105
components, and sales of repair or maintenance services for such 97106
full flight simulators. "Full flight simulator" means a replica of 97107
a specific type, or make, model, and series of aircraft cockpit. 97108
It includes the assemblage of equipment and computer programs 97109
necessary to represent aircraft operations in ground and flight 97110
conditions, a visual system providing an out-of-the-cockpit view, 97111
and a system that provides cues at least equivalent to those of a 97112
three-degree-of-freedom motion system, and has the full range of 97113
capabilities of the systems installed in the device as described 97114
in appendices A and B of part 60 of chapter 1 of title 14 of the 97115
Code of Federal Regulations. 97116

(51) Any transfer or lease of tangible personal property 97117
between the state and JobsOhio in accordance with section 4313.02 97118
of the Revised Code. 97119

(52)(a) Sales to a qualifying corporation.	97120
(b) As used in division (B)(52) of this section:	97121
(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:	97122 97123 97124 97125 97126 97127 97128 97129
(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.	97130 97131 97132 97133 97134 97135
(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.	97136 97137 97138 97139
(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.	97140 97141
(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in	97142 97143 97144 97145 97146 97147 97148 97149 97150

section 1332.21 of the Revised Code. 97151

(54) Sales of investment metal bullion and investment coins. 97152

"Investment metal bullion" means any bullion described in section 97153

408(m)(3)(B) of the Internal Revenue Code, regardless of whether 97154

that bullion is in the physical possession of a trustee. 97155

"Investment coin" means any coin composed primarily of gold, 97156

silver, platinum, or palladium. 97157

(55)(a) On and after July 1, 2019, sales of optical aids or 97158

components thereof by a vendor licensed under Chapter 4725. or 97159

4731. of the Revised Code or otherwise authorized to dispense 97160

optical aids or components under the laws of another state, 97161

country, or province. 97162

(b) As used in division (B)(55) of this section: 97163

(i) "Optical aid" means eyeglasses, contact lenses, or other 97164

instruments or devices that may aid or correct human vision and 97165

that have been prescribed by a physician or optometrist licensed 97166

by any state, country, or province. 97167

(ii) "Eyeglasses" includes lenses and frames into which 97168

lenses have been installed if the lenses have been prescribed by a 97169

physician or optometrist licensed by any state, country, or 97170

province. 97171

(56) Sales of a digital audio work electronically transferred 97172

for delivery through use of a machine, such as a juke box, that 97173

does all of the following: 97174

(a) Accepts direct payments to operate; 97175

(b) Automatically plays a selected digital audio work for a 97176

single play upon receipt of a payment described in division 97177

(B)(56)(a) of this section; 97178

(c) Operates exclusively for the purpose of playing digital 97179

audio works in a commercial establishment. 97180

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county ~~or,~~ supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or ~~both~~ any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent at any multiple of ~~one-fourth~~ one-tenth of one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an

existing tax to not more than one per cent at any multiple of 97212
~~one-fourth~~ one-tenth of one per cent. 97213

The tax shall be levied and the rate increased pursuant to a 97214
resolution of the board of county commissioners. The resolution 97215
shall state the purpose for which the tax is to be levied and the 97216
number of years for which the tax is to be levied, or that it is 97217
for a continuing period of time. If the tax is to be levied for 97218
the purpose of providing additional general revenues and for the 97219
purpose of supporting criminal and administrative justice 97220
services, the resolution shall state the rate or amount of the tax 97221
to be apportioned to each such purpose. The rate or amount may be 97222
different for each year the tax is to be levied, but the rates or 97223
amounts actually apportioned each year shall not be different from 97224
that stated in the resolution for that year. If the resolution is 97225
adopted as an emergency measure necessary for the immediate 97226
preservation of the public peace, health, or safety, it must 97227
receive an affirmative vote of all of the members of the board of 97228
county commissioners and shall state the reasons for such 97229
necessity. The board shall deliver a certified copy of the 97230
resolution to the tax commissioner, not later than the sixty-fifth 97231
day prior to the date on which the tax is to become effective, 97232
which shall be the first day of the calendar quarter. 97233

Prior to the adoption of any resolution under this section, 97234
the board of county commissioners shall conduct two public 97235
hearings on the resolution, the second hearing to be not less than 97236
three nor more than ten days after the first. Notice of the date, 97237
time, and place of the hearings shall be given by publication in a 97238
newspaper of general circulation in the county, or as provided in 97239
section 7.16 of the Revised Code, once a week on the same day of 97240
the week for two consecutive weeks, the second publication being 97241
not less than ten nor more than thirty days prior to the first 97242
hearing. 97243

Except as provided in division (B)(3) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

If a petition for a referendum is filed, the county auditor with whom the petition was filed shall, within five days, notify the board of county commissioners and the tax commissioner of the filing of the petition by certified mail. If the board of elections with which the petition was filed declares the petition invalid, the board of elections, within five days, shall notify the board of county commissioners and the tax commissioner of that declaration by certified mail. If the petition is declared to be invalid, the effective date of the tax or increased rate of tax levied by this section shall be the first day of a calendar quarter following the expiration of sixty-five days from the date the commissioner receives notice from the board of elections that the petition is invalid.

(B)(1) A resolution that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after a certified copy of such resolution is transmitted to the board of elections and the election is not held in February or August of any year. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under this division shall go into effect unless approved by a majority of those voting upon it, and, except as provided in division (B)(3) of this section, shall become effective on the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner

receives notice from the board of elections of the affirmative 97276
vote. 97277

(2) A resolution that is adopted as an emergency measure 97278
shall go into effect as provided in division (A) of this section, 97279
but may direct the board of elections to submit the question of 97280
repealing the tax or increase in the rate of the tax to the 97281
electors of the county at the next general election in the county 97282
occurring not less than ninety days after a certified copy of the 97283
resolution is transmitted to the board of elections. Upon 97284
transmission of the resolution to the board of elections, the 97285
board of county commissioners shall notify the tax commissioner in 97286
writing of the levy question to be submitted to the electors. The 97287
ballot question shall be the same as that prescribed in section 97288
5739.022 of the Revised Code. The board of elections shall notify 97289
the board of county commissioners and the tax commissioner of the 97290
result of the election immediately after the result has been 97291
declared. If a majority of the qualified electors voting on the 97292
question of repealing the tax or increase in the rate of the tax 97293
vote for repeal of the tax or repeal of the increase, the board of 97294
county commissioners, on the first day of a calendar quarter 97295
following the expiration of sixty-five days after the date the 97296
board and tax commissioner receive notice of the result of the 97297
election, shall, in the case of a repeal of the tax, cease to levy 97298
the tax, or, in the case of a repeal of an increase in the rate of 97299
the tax, cease to levy the increased rate and levy the tax at the 97300
rate at which it was imposed immediately prior to the increase in 97301
rate. 97302

(3) If a vendor makes a sale in this state by printed catalog 97303
and the consumer computed the tax on the sale based on local rates 97304
published in the catalog, any tax levied or repealed or rate 97305
changed under this section shall not apply to such a sale until 97306
the first day of a calendar quarter following the expiration of 97307

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

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(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

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(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

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(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

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A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for

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receipt of that revenue. 97339

Any tax levied pursuant to this section is subject to the 97340
exemptions provided in section 5739.02 of the Revised Code and in 97341
addition shall not be applicable to sales not within the taxing 97342
power of a county under the Constitution of the United States or 97343
the Ohio Constitution. 97344

(F) For purposes of this section, a copy of a resolution is 97345
"certified" when it contains a written statement attesting that 97346
the copy is a true and exact reproduction of the original 97347
resolution. 97348

(G) If a board of commissioners intends to adopt a resolution 97349
to levy a tax in whole or in part for the purpose of criminal and 97350
administrative justice services, the board shall prepare and make 97351
available at the first public hearing at which the resolution is 97352
considered a statement containing the following information: 97353

(1) For each of the two preceding fiscal years, the amount of 97354
expenditures made by the county from the county general fund for 97355
the purpose of criminal and administrative justice services; 97356

(2) For the fiscal year in which the resolution is adopted, 97357
the board's estimate of the amount of expenditures to be made by 97358
the county from the county general fund for the purpose of 97359
criminal and administrative justice services; 97360

(3) For each of the two fiscal years after the fiscal year in 97361
which the resolution is adopted, the board's preliminary plan for 97362
expenditures to be made from the county general fund for the 97363
purpose of criminal and administrative justice services, both 97364
under the assumption that the tax will be imposed for that purpose 97365
and under the assumption that the tax would not be imposed for 97366
that purpose, and for expenditures to be made from the special 97367
fund created under division (E) of this section under the 97368
assumption that the tax will be imposed for that purpose. 97369

The board shall prepare the statement and the preliminary 97370
plan using the best information available to the board at the time 97371
the statement is prepared. Neither the statement nor the 97372
preliminary plan shall be used as a basis to challenge the 97373
validity of the tax in any court of competent jurisdiction, nor 97374
shall the statement or preliminary plan limit the authority of the 97375
board to appropriate, pursuant to section 5705.38 of the Revised 97376
Code, an amount different from that specified in the preliminary 97377
plan. 97378

(H) Upon receipt from a board of county commissioners of a 97379
certified copy of a resolution required by division (A) or (D) of 97380
this section, or from the board of elections of a notice of the 97381
results of an election required by division (A) or (B)(1) or (2) 97382
of this section, the tax commissioner shall provide notice of a 97383
tax rate change in a manner that is reasonably accessible to all 97384
affected vendors. The commissioner shall provide this notice at 97385
least sixty days prior to the effective date of the rate change. 97386
The commissioner, by rule, may establish the method by which 97387
notice will be provided. 97388

(I) As used in this section, "criminal and administrative 97389
justice services" means the exercise by the county sheriff of all 97390
powers and duties vested in that office by law; the exercise by 97391
the county prosecuting attorney of all powers and duties vested in 97392
that office by law; the exercise by any court in the county of all 97393
powers and duties vested in that court; the exercise by the clerk 97394
of the court of common pleas, any clerk of a municipal court 97395
having jurisdiction throughout the county, or the clerk of any 97396
county court of all powers and duties vested in the clerk by law 97397
except, in the case of the clerk of the court of common pleas, the 97398
titling of motor vehicles or watercraft pursuant to Chapter 1548. 97399
or 4505. of the Revised Code; the exercise by the county coroner 97400
of all powers and duties vested in that office by law; making 97401

payments to any other public agency or a private, nonprofit 97402
agency, the purposes of which in the county include the diversion, 97403
adjudication, detention, or rehabilitation of criminals or 97404
juvenile offenders; the operation and maintenance of any detention 97405
facility, as defined in section 2921.01 of the Revised Code; and 97406
the construction, acquisition, equipping, or repair of such a 97407
detention facility, including the payment of any debt charges 97408
incurred in the issuance of securities pursuant to Chapter 133. of 97409
the Revised Code for the purpose of constructing, acquiring, 97410
equipping, or repairing such a facility. 97411

Sec. 5739.023. (A)(1) For the purpose of providing additional 97412
general revenues for a transit authority or funding a regional 97413
transportation improvement project under section 5595.06 of the 97414
Revised Code, or both, and ~~paying to pay~~ the expenses of 97415
administering such levy, any transit authority as defined in 97416
division (U) of section 5739.01 of the Revised Code may levy a tax 97417
upon every retail sale made in the territory of the transit 97418
authority, except sales of watercraft and outboard motors required 97419
to be titled pursuant to Chapter 1548. of the Revised Code and 97420
sales of motor vehicles, at a rate of not more than one and 97421
one-half per cent at any multiple of ~~one-fourth~~ one-tenth of one 97422
per cent and may increase the existing rate of tax to not more 97423
than one and one-half per cent at any multiple of ~~one-fourth~~ 97424
one-tenth of one per cent. The tax shall be levied and the rate 97425
increased pursuant to a resolution of the legislative authority of 97426
the transit authority and a certified copy of the resolution shall 97427
be delivered by the fiscal officer to the board of elections as 97428
provided in section 3505.071 of the Revised Code and to the tax 97429
commissioner. The resolution shall specify the number of years for 97430
which the tax is to be in effect or that the tax is for a 97431
continuing period of time, and the date of the election on the 97432
question of the tax pursuant to section 306.70 of the Revised 97433

Code. The board of elections shall certify the results of the 97434
election to the transit authority and tax commissioner. 97435

(2) Except as provided in division (C) of this section, the 97436
tax levied by the resolution shall become effective on the first 97437
day of a calendar quarter next following the sixty-fifth day 97438
following the date the tax commissioner receives from the board of 97439
elections the certification of the results of the election on the 97440
question of the tax. 97441

(B) The legislative authority may, at any time while the tax 97442
is in effect, by resolution fix the rate of the tax at any rate 97443
authorized by this section and not in excess of that approved by 97444
the voters pursuant to section 306.70 of the Revised Code. Except 97445
as provided in division (C) of this section, any change in the 97446
rate of the tax shall be made effective on the first day of a 97447
calendar quarter next following the sixty-fifth day following the 97448
date the tax commissioner receives the certification of the 97449
resolution; provided, that in any case where bonds, or notes in 97450
anticipation of bonds, of a regional transit authority have been 97451
issued under section 306.40 of the Revised Code without a vote of 97452
the electors while the tax proposed to be reduced was in effect, 97453
the board of trustees of the regional transit authority shall 97454
continue to levy and collect under authority of the original 97455
election authorizing the tax a rate of tax that the board of 97456
trustees reasonably estimates will produce an amount in that year 97457
equal to the amount of principal of and interest on those bonds as 97458
is payable in that year. 97459

(C) Upon receipt from the board of elections of the 97460
certification of the results of the election required by division 97461
(A) of this section, or from the legislative authority of the 97462
certification of a resolution under division (B) of this section, 97463
the tax commissioner shall provide notice of a tax rate change in 97464
a manner that is reasonably accessible to all affected vendors. 97465

The commissioner shall provide this notice at least sixty days 97466
prior to the effective date of the rate change. The commissioner, 97467
by rule, may establish the method by which notice will be 97468
provided. 97469

(D) If a vendor makes a sale in this state by printed catalog 97470
and the consumer computed the tax on the sale based on local rates 97471
published in the catalog, any tax levied or rate changed under 97472
this section shall not apply to such a sale until the first day of 97473
a calendar quarter following the expiration of one hundred twenty 97474
days from the date of notice by the tax commissioner pursuant to 97475
division (C) of this section. 97476

(E) The tax on every retail sale subject to a tax levied 97477
pursuant to this section is in addition to the tax levied by 97478
section 5739.02 of the Revised Code and any tax levied pursuant to 97479
section 5739.021 or 5739.026 of the Revised Code. 97480

(F) The additional tax levied by the transit authority shall 97481
be collected pursuant to section 5739.025 of the Revised Code. 97482

(G) Any tax levied pursuant to this section is subject to the 97483
exemptions provided in section 5739.02 of the Revised Code and in 97484
addition shall not be applicable to sales not within the taxing 97485
power of a transit authority under the constitution of the United 97486
States or the constitution of this state. 97487

(H) The rate of a tax levied under this section is subject to 97488
reduction under section 5739.028 of the Revised Code, if a ballot 97489
question is approved by voters pursuant to that section. 97490

~~Sec. 5739.025. As used in this section, "local tax" means a 97491
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 97492
5741.021, 5741.022, or 5741.023 of the Revised Code. 97493~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 97494
Revised Code shall be collected as follows: 97495~~

~~(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:~~ 97496
97497

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	97500
.16	.16	1¢	97501
.17	.33	2¢	97502
.34	.50	3¢	97503
.51	.66	4¢	97504
.67	.83	5¢	97505
.84	1.00	6¢	97506

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~ 97507
97508
97509
97510
97511
97512
97513
97514

~~(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:~~ 97515
97516

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97519
.16	.18	1¢	97520
.19	.36	2¢	97521
.37	.54	3¢	97522
.55	.72	4¢	97523
.73	.90	5¢	97524
.91	1.09	6¢	97525
1.10	1.27	7¢	97526
1.28	1.46	8¢	97527

1.47	1.64	9¢	97528
1.65	1.82	10¢	97529
1.83	2.00	11¢	97530

~~If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the combined rate of state and local tax is six and one fourth per cent:~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	97548
.16	.16	1¢	97549
.17	.32	2¢	97550
.33	.48	3¢	97551
.49	.64	4¢	97552
.65	.80	5¢	97553
.81	.96	6¢	97554
.97	1.12	7¢	97555
1.13	1.28	8¢	97556
1.29	1.44	9¢	97557
1.45	1.60	10¢	97558
1.61	1.76	11¢	97559

1.77	1.92	12¢	97560
1.93	2.08	13¢	97561
2.09	2.24	14¢	97562
2.25	2.40	15¢	97563
2.41	2.56	16¢	97564
2.57	2.72	17¢	97565
2.73	2.88	18¢	97566
2.89	3.04	19¢	97567
3.05	3.20	20¢	97568
3.21	3.36	21¢	97569
3.37	3.52	22¢	97570
3.53	3.68	23¢	97571
3.69	3.84	24¢	97572
3.85	4.00	25¢	97573

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

If the price		The amount of	97585
is at least	But not more than	the tax is	97586
\$.01	\$.15	No tax	97587
.16	.30	2¢	97588
.31	.46	3¢	97589
.47	.61	4¢	97590
.62	.76	5¢	97591

.77	.92	6¢	97592
.93	1.07	7¢	97593
1.08	1.23	8¢	97594
1.24	1.38	9¢	97595
1.39	1.53	10¢	97596
1.54	1.69	11¢	97597
1.70	1.84	12¢	97598
1.85	2.00	13¢	97599

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of state and local tax is six and three fourths per cent:~~

If the price		The amount of	97610
is at least	But not more than	the tax is	97611
\$.01	\$.15	No tax	97612
.16	.29	2¢	97613
.30	.44	3¢	97614
.45	.59	4¢	97615
.60	.74	5¢	97616
.75	.88	6¢	97617
.89	1.03	7¢	97618
1.04	1.18	8¢	97619
1.19	1.33	9¢	97620
1.34	1.48	10¢	97621
1.49	1.62	11¢	97622
1.63	1.77	12¢	97623

1.78	1.92	13¢	97624
1.93	2.07	14¢	97625
2.08	2.22	15¢	97626
2.23	2.37	16¢	97627
2.38	2.51	17¢	97628
2.52	2.66	18¢	97629
2.67	2.81	19¢	97630
2.82	2.96	20¢	97631
2.97	3.11	21¢	97632
3.12	3.25	22¢	97633
3.26	3.40	23¢	97634
3.41	3.55	24¢	97635
3.56	3.70	25¢	97636
3.71	3.85	26¢	97637
3.86	4.00	27¢	97638

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

If the price	The amount of	97653
is at least	the tax is	97654
\$.01	No tax	97655

.16	.28	2¢	97656
.29	.42	3¢	97657
.43	.57	4¢	97658
.58	.71	5¢	97659
.72	.85	6¢	97660
.86	1.00	7¢	97661

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of state and local tax is seven and one fourth per cent:~~

If the price		The amount of	97672
is at least	But not more than	the tax is	97673
\$.01	\$.15	No tax	97674
.16	.27	2¢	97675
.28	.41	3¢	97676
.42	.55	4¢	97677
.56	.68	5¢	97678
.69	.82	6¢	97679
.83	.96	7¢	97680
.97	1.10	8¢	97681
1.11	1.24	9¢	97682
1.25	1.37	10¢	97683
1.38	1.51	11¢	97684
1.52	1.65	12¢	97685
1.66	1.79	13¢	97686
1.80	1.93	14¢	97687

1.94	2.06	15¢	97688
2.07	2.20	16¢	97689
2.21	2.34	17¢	97690
2.35	2.48	18¢	97691
2.49	2.62	19¢	97692
2.63	2.75	20¢	97693
2.76	2.89	21¢	97694
2.90	3.03	22¢	97695
3.04	3.17	23¢	97696
3.18	3.31	24¢	97697
3.32	3.44	25¢	97698
3.45	3.58	26¢	97699
3.59	3.72	27¢	97700
3.73	3.86	28¢	97701
3.87	4.00	29¢	97702

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

If the price		The amount of	97717
is at least	But not more than	the tax is	97718
\$.01	\$.15	No tax	97719

.16	.26	2¢	97720
.27	.40	3¢	97721
.41	.53	4¢	97722
.54	.65	5¢	97723
.66	.80	6¢	97724
.81	.93	7¢	97725
.94	1.06	8¢	97726
1.07	1.20	9¢	97727
1.21	1.33	10¢	97728
1.34	1.46	11¢	97729
1.47	1.60	12¢	97730
1.61	1.73	13¢	97731
1.74	1.86	14¢	97732
1.87	2.00	15¢	97733

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

If the price		The amount of	97744
is at least	But not more than	the tax is	97745
\$.01	\$.15	No tax	97746
.16	.25	2¢	97747
.26	.38	3¢	97748
.39	.51	4¢	97749
.52	.64	5¢	97750
.65	.77	6¢	97751

.78	.90	7¢	97752
.91	1.03	8¢	97753
1.04	1.16	9¢	97754
1.17	1.29	10¢	97755
1.30	1.41	11¢	97756
1.42	1.54	12¢	97757
1.55	1.67	13¢	97758
1.68	1.80	14¢	97759
1.81	1.93	15¢	97760
1.94	2.06	16¢	97761
2.07	2.19	17¢	97762
2.20	2.32	18¢	97763
2.33	2.45	19¢	97764
2.46	2.58	20¢	97765
2.59	2.70	21¢	97766
2.71	2.83	22¢	97767
2.84	2.96	23¢	97768
2.97	3.09	24¢	97769
3.10	3.22	25¢	97770
3.23	3.35	26¢	97771
3.36	3.48	27¢	97772
3.49	3.61	28¢	97773
3.62	3.74	29¢	97774
3.75	3.87	30¢	97775
3.88	4.00	31¢	97776

~~If the price exceeds four dollars, the tax is thirty one~~ 97777
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97778
~~multiple thereof by not more than twelve cents, the amount of tax~~ 97779
~~is thirty one cents for each four dollars plus one cent. If the~~ 97780
~~price exceeds four dollars or a multiple thereof by more than~~ 97781
~~twelve cents but by not more than twenty five cents, the amount of~~ 97782
~~tax is thirty one cents for each four dollars plus two cents. If~~ 97783
~~the price exceeds four dollars or a multiple thereof by more than~~ 97784

~~twenty five cents, the amount of tax is thirty one cents for each 97785
four dollars plus the amount of tax for prices twenty six cents 97786
through three dollars and ninety nine cents in accordance with the 97787
schedule above. 97788~~

~~(8) When the combined rate of state and local tax is eight 97789
per cent: 97790~~

If the price	But not more than	The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97793
.16	.25	2¢	97794
.26	.37	3¢	97795
.38	.50	4¢	97796
.51	.62	5¢	97797
.63	.75	6¢	97798
.76	.87	7¢	97799
.88	1.00	8¢	97800

~~If the price exceeds one dollar, the tax is eight cents on 97801
each one dollar. If the price exceeds one dollar or a multiple 97802
thereof by not more than twelve cents, the amount of tax is eight 97803
cents for each one dollar plus one cent. If the price exceeds one 97804
dollar or a multiple thereof by more than twelve cents but not 97805
more than twenty five cents, the amount of tax is eight cents for 97806
each one dollar plus two cents. If the price exceeds one dollar or 97807
a multiple thereof by more than twenty five cents, the amount of 97808
tax is eight cents for each one dollar plus the amount of tax for 97809
prices twenty six cents through ninety nine cents in accordance 97810
with the schedule above. 97811~~

~~(9) When the combined rate of state and local tax is eight 97812
and one fourth per cent: 97813~~

If the price	But not more than	The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97816

.16	.24	2¢	97817
.25	.36	3¢	97818
.37	.48	4¢	97819
.49	.60	5¢	97820
.61	.72	6¢	97821
.73	.84	7¢	97822
.85	.96	8¢	97823
.97	1.09	9¢	97824
1.10	1.21	10¢	97825
1.22	1.33	11¢	97826
1.34	1.45	12¢	97827
1.46	1.57	13¢	97828
1.58	1.69	14¢	97829
1.70	1.81	15¢	97830
1.82	1.93	16¢	97831
1.94	2.06	17¢	97832
2.07	2.18	18¢	97833
2.19	2.30	19¢	97834
2.31	2.42	20¢	97835
2.43	2.54	21¢	97836
2.55	2.66	22¢	97837
2.67	2.78	23¢	97838
2.79	2.90	24¢	97839
2.91	3.03	25¢	97840
3.04	3.15	26¢	97841
3.16	3.27	27¢	97842
3.28	3.39	28¢	97843
3.40	3.51	29¢	97844
3.52	3.63	30¢	97845
3.64	3.75	31¢	97846
3.76	3.87	32¢	97847
3.88	4.00	33¢	97848
If the price exceeds four dollars, the tax is thirty three			97849

~~cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty four cents, the amount of tax is thirty three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty four cents, the amount of tax is thirty three cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(10) When the combined rate of state and local tax is eight and one half per cent:~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	97865
.16	.23	2¢	97866
.24	.35	3¢	97867
.36	.47	4¢	97868
.48	.58	5¢	97869
.59	.70	6¢	97870
.71	.82	7¢	97871
.83	.94	8¢	97872
.95	1.05	9¢	97873
1.06	1.17	10¢	97874
1.18	1.29	11¢	97875
1.30	1.41	12¢	97876
1.42	1.52	13¢	97877
1.53	1.64	14¢	97878
1.65	1.76	15¢	97879
1.77	1.88	16¢	97880
1.89	2.00	17¢	97881

~~If the price exceeds two dollars, the tax is seventeen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but by not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus the amount of tax for prices twenty four cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(11) When the combined rate of state and local tax is eight and three fourths per cent:~~

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97898
.16	.22	2¢	97899
.23	.34	3¢	97900
.35	.45	4¢	97901
.46	.57	5¢	97902
.58	.68	6¢	97903
.69	.80	7¢	97904
.81	.91	8¢	97905
.92	1.02	9¢	97906
1.03	1.14	10¢	97907
1.15	1.25	11¢	97908
1.26	1.37	12¢	97909
1.38	1.48	13¢	97910
1.49	1.60	14¢	97911
1.61	1.71	15¢	97912
1.72	1.82	16¢	97913

1.83	1.94	17¢	97914
1.95	2.05	18¢	97915
2.06	2.17	19¢	97916
2.18	2.28	20¢	97917
2.29	2.40	21¢	97918
2.41	2.51	22¢	97919
2.52	2.62	23¢	97920
2.63	2.74	24¢	97921
2.75	2.85	25¢	97922
2.86	2.97	26¢	97923
2.98	3.08	27¢	97924
3.09	3.20	28¢	97925
3.21	3.31	29¢	97926
3.32	3.42	30¢	97927
3.43	3.54	31¢	97928
3.55	3.65	32¢	97929
3.66	3.77	33¢	97930
3.78	3.88	34¢	97931
3.89	4.00	35¢	97932

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

If the price		The amount of	97947
is at least	But not more than	the tax is	97948
\$.01	\$.15	No tax	97949
.16	.22	2¢	97950
.23	.33	3¢	97951
.34	.44	4¢	97952
.45	.55	5¢	97953
.56	.66	6¢	97954
.67	.77	7¢	97955
.78	.88	8¢	97956
.89	1.00	9¢	97957

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

If the price	But not	The amount	97974
is at least	more than	of the tax is	97975
\$.01	\$.15	No tax	97976
.16	.17	1¢	97977
			97978

.18	.34	2¢	97979
.35	.52	3¢	97980
.53	.69	4¢	97981
.70	.86	5¢	97982
.87	1.04	6¢	97983
1.05	1.21	7¢	97984
1.22	1.39	8¢	97985
1.40	1.56	9¢	97986
1.57	1.73	10¢	97987
1.74	1.91	11¢	97988
1.92	2.08	12¢	97989
2.09	2.26	13¢	97990
2.27	2.43	14¢	97991
2.44	2.60	15¢	97992
2.61	2.78	16¢	97993
2.79	2.95	17¢	97994
2.96	3.13	18¢	97995
3.14	3.30	19¢	97996
3.31	3.47	20¢	97997
3.48	3.65	21¢	97998
3.66	3.82	22¢	97999
3.83	4.00	23¢	98000

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of local tax is one half per cent:~~

If the price	But not	The amount	98011
is at least	more than	of the tax is	98012
\$.01	\$.15	No tax	98013
.16	.17	1¢	98014
.18	.34	2¢	98015
.35	.50	3¢	98016
.51	.67	4¢	98017
.68	.83	5¢	98018
.84	1.00	6¢	98019

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of local tax is three fourths per cent.~~

If the price	But not	The amount	98030
is at least	more than	of the tax is	98031
\$.01	\$.15	No tax	98032
.16	.16	1¢	98033
.17	.32	2¢	98034
.33	.48	3¢	98035
.49	.64	4¢	98036
.65	.80	5¢	98037
.81	.96	6¢	98038
.97	1.12	7¢	98039
1.13	1.28	8¢	98040
1.29	1.44	9¢	98041
1.45	1.60	10¢	98042

1.61	1.76	11¢	98043
1.77	1.92	12¢	98044
1.93	2.08	13¢	98045
2.09	2.24	14¢	98046
2.25	2.40	15¢	98047
2.41	2.56	16¢	98048
2.57	2.72	17¢	98049
2.73	2.88	18¢	98050
2.89	3.04	19¢	98051
3.05	3.20	20¢	98052
3.21	3.36	21¢	98053
3.37	3.52	22¢	98054
3.53	3.68	23¢	98055
3.69	3.84	24¢	98056
3.85	4.00	25¢	98057

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of local tax is one per cent:~~

If the price	But not	The amount	98068
is at least	more than	of the tax is	98069
\$.01	\$.15	No tax	98070
.16	.30	2¢	98071
.31	.46	3¢	98072
.47	.61	4¢	98073
.62	.76	5¢	98074

.77	.92	6¢	98075
.93	1.07	7¢	98076
1.08	1.23	8¢	98077
1.24	1.38	9¢	98078
1.39	1.53	10¢	98079
1.54	1.69	11¢	98080
1.70	1.84	12¢	98081
1.85	2.00	13¢	98082

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	98093
.16	.29	2¢	98094
.30	.44	3¢	98095
.45	.59	4¢	98096
.60	.74	5¢	98097
.75	.88	6¢	98098
.89	1.03	7¢	98099
1.04	1.18	8¢	98100
1.19	1.33	9¢	98101
1.34	1.48	10¢	98102
1.49	1.62	11¢	98103
1.63	1.77	12¢	98104

1.78	1.92	13¢	98107
1.93	2.07	14¢	98108
2.08	2.22	15¢	98109
2.23	2.37	16¢	98110
2.38	2.51	17¢	98111
2.52	2.66	18¢	98112
2.67	2.81	19¢	98113
2.82	2.96	20¢	98114
2.97	3.11	21¢	98115
3.12	3.25	22¢	98116
3.26	3.40	23¢	98117
3.41	3.55	24¢	98118
3.56	3.70	25¢	98119
3.71	3.85	26¢	98120
3.86	4.00	27¢	98121

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

If the price	But not	The amount	98136
is at least	more than	of the tax is	98137
\$.01	\$.15	No tax	98138

.16	.28	2¢	98139
.29	.42	3¢	98140
.43	.57	4¢	98141
.58	.71	5¢	98142
.72	.85	6¢	98143
.86	1.00	7¢	98144

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three fourths per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	98155
.16	.27	2¢	98156
.28	.41	3¢	98157
.42	.55	4¢	98158
.56	.68	5¢	98159
.69	.82	6¢	98160
.83	.96	7¢	98161
.97	1.10	8¢	98162
1.11	1.24	9¢	98163
1.25	1.37	10¢	98164
1.38	1.51	11¢	98165
1.52	1.65	12¢	98166
1.66	1.79	13¢	98167
1.80	1.93	14¢	98168

1.94	2.06	15¢	98171
2.07	2.20	16¢	98172
2.21	2.34	17¢	98173
2.35	2.48	18¢	98174
2.49	2.62	19¢	98175
2.63	2.75	20¢	98176
2.76	2.89	21¢	98177
2.90	3.03	22¢	98178
3.04	3.17	23¢	98179
3.18	3.31	24¢	98180
3.32	3.44	25¢	98181
3.45	3.58	26¢	98182
3.59	3.72	27¢	98183
3.73	3.86	28¢	98184
3.87	4.00	29¢	98185

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of local tax is two per cent:~~

If the price	But not	The amount	98199
is at least	more than	of the tax is	98200
\$.01	\$.15	No tax	98201
.16	.26	2¢	98202

.27	.40	3¢	98203
.41	.53	4¢	98204
.54	.65	5¢	98205
.66	.80	6¢	98206
.81	.93	7¢	98207
.94	1.06	8¢	98208
1.07	1.20	9¢	98209
1.21	1.33	10¢	98210
1.34	1.46	11¢	98211
1.47	1.60	12¢	98212
1.61	1.73	13¢	98213
1.74	1.86	14¢	98214
1.87	2.00	15¢	98215

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

If the price	But not	The amount	98226
is at least	more than	of the tax is	98227
\$.01	\$.15	No tax	98228
.16	.25	2¢	98229
.26	.38	3¢	98230
.39	.51	4¢	98231
.52	.64	5¢	98232
.65	.77	6¢	98233
.78	.90	7¢	98234

.91	1.03	8¢	98235
1.04	1.16	9¢	98236
1.17	1.29	10¢	98237
1.30	1.41	11¢	98238
1.42	1.54	12¢	98239
1.55	1.67	13¢	98240
1.68	1.80	14¢	98241
1.81	1.93	15¢	98242
1.94	2.06	16¢	98243
2.07	2.19	17¢	98244
2.20	2.32	18¢	98245
2.33	2.45	19¢	98246
2.46	2.58	20¢	98247
2.59	2.70	21¢	98248
2.71	2.83	22¢	98249
2.84	2.96	23¢	98250
2.97	3.09	24¢	98251
3.10	3.22	25¢	98252
3.23	3.35	26¢	98253
3.36	3.48	27¢	98254
3.49	3.61	28¢	98255
3.62	3.74	29¢	98256
3.75	3.87	30¢	98257
3.88	4.00	31¢	98258

~~If the price exceeds four dollars, the tax is thirty one~~ 98259
~~cents on each four dollars. If the price exceeds four dollars or a~~ 98260
~~multiple thereof by not more than twelve cents, the amount of tax~~ 98261
~~is thirty one cents for each four dollars plus one cent. If the~~ 98262
~~price exceeds four dollars or a multiple thereof by more than~~ 98263
~~twelve cents but not more than twenty five cents, the amount of~~ 98264
~~tax is thirty one cents for each four dollars plus two cents. If~~ 98265
~~the price exceeds four dollars or a multiple thereof by more than~~ 98266
~~twenty five cents, the amount of tax is thirty one cents for each~~ 98267

~~four dollars plus the amount of tax for prices twenty six cents 98268
through three dollars and ninety nine cents in accordance with the 98269
schedule above. 98270~~

~~(10) When the combined rate of local tax is two and one half 98271
per cent: 98272~~

If the price	But not	The amount	98273
is at least	more than	of the tax is	98274
\$.01	\$.15	No tax	98275
.16	.25	2¢	98276
.26	.37	3¢	98277
.38	.50	4¢	98278
.51	.62	5¢	98279
.63	.75	6¢	98280
.76	.87	7¢	98281
.88	1.00	8¢	98282

~~If the price exceeds one dollar, the tax is eight cents on 98283
each one dollar. If the price exceeds one dollar or a multiple 98284
thereof by not more than twelve cents, the amount of tax is eight 98285
cents for each one dollar plus one cent. If the price exceeds one 98286
dollar or a multiple thereof by more than twelve cents but not 98287
more than twenty five cents, the amount of tax is eight cents for 98288
each one dollar plus two cents. If the price exceeds one dollar or 98289
a multiple thereof by more than twenty five cents, the amount of 98290
tax is eight cents for each one dollar plus the amount of tax for 98291
prices twenty six cents through ninety nine cents in accordance 98292
with the schedule above. 98293~~

~~(11) When the combined rate of local tax is two and 98294
three fourths per cent: 98295~~

If the price	But not	The amount	98296
is at least	more than	of the tax is	98297
\$.01	\$.15	No tax	98298
.16	.24	2¢	98299

.25	.36	3¢	98300
.37	.48	4¢	98301
.49	.60	5¢	98302
.61	.72	6¢	98303
.73	.84	7¢	98304
.85	.96	8¢	98305
.97	1.09	9¢	98306
1.10	1.21	10¢	98307
1.22	1.33	11¢	98308
1.34	1.45	12¢	98309
1.46	1.57	13¢	98310
1.58	1.69	14¢	98311
1.70	1.81	15¢	98312
1.82	1.93	16¢	98313
1.94	2.06	17¢	98314
2.07	2.18	18¢	98315
2.19	2.30	19¢	98316
2.31	2.42	20¢	98317
2.43	2.54	21¢	98318
2.55	2.66	22¢	98319
2.67	2.78	23¢	98320
2.79	2.90	24¢	98321
2.91	3.03	25¢	98322
3.04	3.15	26¢	98323
3.16	3.27	27¢	98324
3.28	3.39	28¢	98325
3.40	3.51	29¢	98326
3.52	3.63	30¢	98327
3.64	3.75	31¢	98328
3.76	3.87	32¢	98329
3.88	4.00	33¢	98330
If the price exceeds four dollars, the tax is thirty three			98331
cents on each four dollars. If the price exceeds four dollars or a			98332

~~multiple thereof by not more than eleven cents, the amount of tax 98333
is thirty three cents for each four dollars plus one cent. If the 98334
price exceeds four dollars or a multiple thereof by more than 98335
eleven cents but not more than twenty four cents, the amount of 98336
tax is thirty three cents for each four dollars plus two cents. If 98337
the price exceeds four dollars or a multiple thereof by more than 98338
twenty four cents, the amount of tax is thirty three cents for 98339
each four dollars plus the amount of tax for prices twenty six 98340
cents through three dollars and ninety nine cents in accordance 98341
with the schedule above. 98342~~

~~(12) When the combined rate of local tax is three per cent: 98343~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	98346
.16	.23	2¢	98347
.24	.35	3¢	98348
.36	.47	4¢	98349
.48	.58	5¢	98350
.59	.70	6¢	98351
.71	.82	7¢	98352
.83	.94	8¢	98353
.95	1.05	9¢	98354
1.06	1.17	10¢	98355
1.18	1.29	11¢	98356
1.30	1.41	12¢	98357
1.42	1.52	13¢	98358
1.53	1.64	14¢	98359
1.65	1.76	15¢	98360
1.77	1.88	16¢	98361
1.89	2.00	17¢	98362

~~If the price exceeds two dollars, the tax is seventeen cents 98363
on each two dollars. If the price exceeds two dollars or a 98364~~

~~multiple thereof by not more than eleven cents, the amount of tax 98365
is seventeen cents for each two dollars plus one cent. If the 98366
price exceeds two dollars or a multiple thereof by more than 98367
eleven cents but not more than twenty three cents, the amount of 98368
tax is seventeen cents for each two dollars plus two cents. If the 98369
price exceeds two dollars or a multiple thereof by more than 98370
twenty three cents, the amount of tax is seventeen cents for each 98371
two dollars plus the amount of tax for prices twenty four cents 98372
through one dollar and ninety nine cents in accordance with the 98373
schedule above. 98374~~

~~(D) In lieu of collecting the tax pursuant to the schedules 98375
set forth in divisions (A), (B), and (C) of this section, a vendor 98376
may compute the tax on each sale as follows: 98377~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 98378~~

~~(2) On sales in excess of fifteen cents, multiply the price 98379
by the aggregate rate of taxes in effect under sections 5739.02 98380
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 98381
5741.022, and 5741.023 of the Revised Code. The computation shall 98382
be carried out to six decimal places. If the result is a 98383
fractional amount of a cent, the calculated tax shall be increased 98384
to the next highest cent and that amount shall be collected by the 98385
vendor. 98386~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 98387
compute the tax on each sale by multiplying the price by the 98388
aggregate rate of taxes in effect under sections 5739.02 and 98389
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 98390
5741.022, and 5741.023 of the Revised Code. The computation shall 98391
be carried out to three decimal places. If the result is a 98392
fractional amount of a cent, the calculated tax shall be rounded 98393
to a whole cent using a method that rounds up to the next cent 98394
whenever the third decimal place is greater than four. A vendor 98395
may elect to compute the tax due on a transaction on an item or an 98396~~

invoice basis. 98397

~~(F)~~(B) In auditing a vendor, the tax commissioner shall 98398
consider the method prescribed by this section that was used by 98399
the vendor in determining and collecting the tax due under this 98400
chapter on taxable transactions. If the vendor correctly collects 98401
and remits the tax due under this chapter in accordance with the 98402
~~schedules in divisions (A), (B), and (C) of this section or in~~ 98403
~~accordance with the~~ computation prescribed in division ~~(D) or (E)~~ 98404
(A) of this section, the commissioner shall not assess any 98405
additional tax on those transactions. 98406

~~(G)~~(C)(1) With respect to a sale of a fractional ownership 98407
program aircraft used primarily in a fractional aircraft ownership 98408
program, including all accessories attached to such aircraft, the 98409
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 98410
of this section, provided that the tax commissioner shall modify 98411
those calculations so that the maximum tax on each program 98412
aircraft is eight hundred dollars. In the case of a sale of a 98413
fractional interest that is less than one hundred per cent of the 98414
program aircraft, the tax charged on the transaction shall be 98415
eight hundred dollars multiplied by a fraction, the numerator of 98416
which is the percentage of ownership or possession in the aircraft 98417
being purchased in the transaction, and the denominator of which 98418
is one hundred per cent. 98419

(2) Notwithstanding any other provision of law to the 98420
contrary, the tax calculated under division ~~(G)~~(C)(1) of this 98421
section and paid with respect to the sale of a fractional 98422
ownership program aircraft used primarily in a fractional aircraft 98423
ownership program shall be credited to the general revenue fund. 98424

Sec. 5739.026. (A) A board of county commissioners may levy a 98425
tax ~~of one fourth or one half of one per cent~~ on every retail sale 98426
in the county, except sales of watercraft and outboard motors 98427

required to be titled pursuant to Chapter 1548. of the Revised 98428
Code and sales of motor vehicles, at a rate of not more than 98429
one-half of one per cent at any multiple of one-tenth of one per 98430
cent and may increase an existing rate of ~~one-fourth of one per~~ 98431
~~cent~~ tax to not more than one-half of one per cent at any multiple 98432
of one-tenth of one per cent, to pay the expenses of administering 98433
the tax and, except as provided in division (A)(6) of this 98434
section, for any one or more of the following purposes provided 98435
that the aggregate levy for all such purposes does not exceed 98436
one-half of one per cent: 98437

(1) To provide additional revenues for the payment of bonds 98438
or notes issued in anticipation of bonds issued by a convention 98439
facilities authority established by the board of county 98440
commissioners under Chapter 351. of the Revised Code and to 98441
provide additional operating revenues for the convention 98442
facilities authority; 98443

(2) To provide additional revenues for a transit authority 98444
operating in the county; 98445

(3) To provide additional revenue for the county's general 98446
fund; 98447

(4) To provide additional revenue for permanent improvements 98448
~~within the county~~ to be distributed by the community improvements 98449
board in accordance with section 307.283 and to pay principal, 98450
interest, and premium on bonds issued under section 307.284 of the 98451
Revised Code; 98452

(5) To provide additional revenue for the acquisition, 98453
construction, equipping, or repair of any specific permanent 98454
improvement or any class or group of permanent improvements, which 98455
improvement or class or group of improvements shall be enumerated 98456
in the resolution required by division (D) of this section, and to 98457
pay principal, interest, premium, and other costs associated with 98458

the issuance of bonds or notes in anticipation of bonds issued 98459
pursuant to Chapter 133. of the Revised Code for the acquisition, 98460
construction, equipping, or repair of the specific permanent 98461
improvement or class or group of permanent improvements; 98462

(6) To provide revenue for the implementation and operation 98463
of a 9-1-1 system in the county. If the tax is levied or the rate 98464
increased exclusively for such purpose, the tax shall not be 98465
levied or the rate increased for more than five years. At the end 98466
of the last year the tax is levied or the rate increased, any 98467
balance remaining in the special fund established for such purpose 98468
shall remain in that fund and be used exclusively for such purpose 98469
until the fund is completely expended, and, notwithstanding 98470
section 5705.16 of the Revised Code, the board of county 98471
commissioners shall not petition for the transfer of money from 98472
such special fund, and the tax commissioner shall not approve such 98473
a petition. 98474

If the tax is levied or the rate increased for such purpose 98475
for more than five years, the board of county commissioners also 98476
shall levy the tax or increase the rate of the tax for one or more 98477
of the purposes described in divisions (A)(1) to (5) of this 98478
section and shall prescribe the method for allocating the revenues 98479
from the tax each year in the manner required by division (C) of 98480
this section. 98481

(7) To provide additional revenue for the operation or 98482
maintenance of a detention facility, as that term is defined under 98483
division (F) of section 2921.01 of the Revised Code; 98484

(8) To provide revenue to finance the construction or 98485
renovation of a sports facility, but only if the tax is levied for 98486
that purpose in the manner prescribed by section 5739.028 of the 98487
Revised Code. 98488

As used in division (A)(8) of this section: 98489

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 98490
98491

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 98492
98493

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 98494
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 98500
98501

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 98502
98503
98504
98505

(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 98506
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 98509
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The rate of tax shall be a multiple of ~~one-fourth~~ one-tenth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a 98514
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multiple of ~~one-fourth~~ one-tenth of one per cent. The tax shall be 98521
levied and the rate increased pursuant to a resolution adopted by 98522
a majority of the members of the board. The board shall deliver a 98523
certified copy of the resolution to the tax commissioner, not 98524
later than the sixty-fifth day prior to the date on which the tax 98525
is to become effective, which shall be the first day of a calendar 98526
quarter. 98527

Prior to the adoption of any resolution to levy the tax or to 98528
increase the rate of tax exclusively for the purpose set forth in 98529
division (A)(3) of this section, the board of county commissioners 98530
shall conduct two public hearings on the resolution, the second 98531
hearing to be no fewer than three nor more than ten days after the 98532
first. Notice of the date, time, and place of the hearings shall 98533
be given by publication in a newspaper of general circulation in 98534
the county, or as provided in section 7.16 of the Revised Code, 98535
once a week on the same day of the week for two consecutive weeks. 98536
The second publication shall be no fewer than ten nor more than 98537
thirty days prior to the first hearing. Except as provided in 98538
division (E) of this section, the resolution shall be subject to a 98539
referendum as provided in sections 305.31 to 305.41 of the Revised 98540
Code. If the resolution is adopted as an emergency measure 98541
necessary for the immediate preservation of the public peace, 98542
health, or safety, it must receive an affirmative vote of all of 98543
the members of the board of county commissioners and shall state 98544
the reasons for the necessity. 98545

If the tax is for more than one of the purposes set forth in 98546
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 98547
or is exclusively for one of the purposes set forth in division 98548
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 98549
section, the resolution shall not go into effect unless it is 98550
approved by a majority of the electors voting on the question of 98551
the tax. 98552

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and (12) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 98585
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(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes. 98594
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(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 98602
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(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes. 98610
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(D)(1) The resolution levying the tax or increasing the rate 98617
of tax shall state the rate of the tax or the rate of the 98618
increase; the purpose or purposes for which it is to be levied; 98619
the number of years for which it is to be levied or that it is for 98620
a continuing period of time; the allocation method required by 98621
division (C) of this section; and if required to be submitted to 98622
the electors of the county under division (A) of this section, the 98623
date of the election at which the proposal shall be submitted to 98624
the electors of the county, which shall be not less than ninety 98625
days after the certification of a copy of the resolution to the 98626
board of elections and, if the tax is to be levied exclusively for 98627
the purpose set forth in division (A)(3) of this section, shall 98628
not occur in August of any year. Upon certification of the 98629
resolution to the board of elections, the board of county 98630
commissioners shall notify the tax commissioner in writing of the 98631
levy question to be submitted to the electors. If approved by a 98632
majority of the electors, the tax shall become effective on the 98633
first day of a calendar quarter next following the sixty-fifth day 98634
following the date the board of county commissioners and tax 98635
commissioner receive from the board of elections the certification 98636
of the results of the election, except as provided in division (E) 98637
of this section. 98638

(2)(a) A resolution specifying that the tax is to be used 98639
exclusively for the purpose set forth in division (A)(3) of this 98640
section that is not adopted as an emergency measure may direct the 98641
board of elections to submit the question of levying the tax or 98642
increasing the rate of the tax to the electors of the county at a 98643
special election held on the date specified by the board of county 98644
commissioners in the resolution, provided that the election occurs 98645
not less than ninety days after the resolution is certified to the 98646
board of elections and the election is not held in August of any 98647
year. Upon certification of the resolution to the board of 98648
elections, the board of county commissioners shall notify the tax 98649

commissioner in writing of the levy question to be submitted to 98650
the electors. No resolution adopted under division (D)(2)(a) of 98651
this section shall go into effect unless approved by a majority of 98652
those voting upon it and, except as provided in division (E) of 98653
this section, not until the first day of a calendar quarter 98654
following the expiration of sixty-five days from the date the tax 98655
commissioner receives notice from the board of elections of the 98656
affirmative vote. 98657

(b) A resolution specifying that the tax is to be used 98658
exclusively for the purpose set forth in division (A)(3) of this 98659
section that is adopted as an emergency measure shall become 98660
effective as provided in division (A) of this section, but may 98661
direct the board of elections to submit the question of repealing 98662
the tax or increase in the rate of the tax to the electors of the 98663
county at the next general election in the county occurring not 98664
less than ninety days after the resolution is certified to the 98665
board of elections. Upon certification of the resolution to the 98666
board of elections, the board of county commissioners shall notify 98667
the tax commissioner in writing of the levy question to be 98668
submitted to the electors. The ballot question shall be the same 98669
as that prescribed in section 5739.022 of the Revised Code. The 98670
board of elections shall notify the board of county commissioners 98671
and the tax commissioner of the result of the election immediately 98672
after the result has been declared. If a majority of the qualified 98673
electors voting on the question of repealing the tax or increase 98674
in the rate of the tax vote for repeal of the tax or repeal of the 98675
increase, the board of county commissioners, on the first day of a 98676
calendar quarter following the expiration of sixty-five days after 98677
the date the board and tax commissioner received notice of the 98678
result of the election, shall, in the case of a repeal of the tax, 98679
cease to levy the tax, or, in the case of a repeal of an increase 98680
in the rate of the tax, cease to levy the increased rate and levy 98681
the tax at the rate at which it was imposed immediately prior to 98682

the increase in rate. 98683

(c) A board of county commissioners, by resolution, may 98684
reduce the rate of a tax levied exclusively for the purpose set 98685
forth in division (A)(3) of this section to a lower rate 98686
authorized by this section. Any such reduction shall be made 98687
effective on the first day of the calendar quarter next following 98688
the sixty-fifth day after the tax commissioner receives a 98689
certified copy of the resolution from the board. 98690

(E) If a vendor makes a sale in this state by printed catalog 98691
and the consumer computed the tax on the sale based on local rates 98692
published in the catalog, any tax levied or repealed or rate 98693
changed under this section shall not apply to such a sale until 98694
the first day of a calendar quarter following the expiration of 98695
one hundred twenty days from the date of notice by the tax 98696
commissioner pursuant to division (G) of this section. 98697

(F) The tax levied pursuant to this section shall be in 98698
addition to the tax levied by section 5739.02 of the Revised Code 98699
and any tax levied pursuant to section 5739.021 or 5739.023 of the 98700
Revised Code. 98701

A county that levies a tax pursuant to this section shall 98702
levy a tax at the same rate pursuant to section 5741.023 of the 98703
Revised Code. 98704

The additional tax levied by the county shall be collected 98705
pursuant to section 5739.025 of the Revised Code. 98706

Any tax levied pursuant to this section is subject to the 98707
exemptions provided in section 5739.02 of the Revised Code and in 98708
addition shall not be applicable to sales not within the taxing 98709
power of a county under the Constitution of the United States or 98710
the Ohio Constitution. 98711

(G) Upon receipt from a board of county commissioners of a 98712
certified copy of a resolution required by division (A) of this 98713

section, or from the board of elections a notice of the results of 98714
an election required by division (D)(1), (2)(a), (b), or (c) of 98715
this section, the tax commissioner shall provide notice of a tax 98716
rate change in a manner that is reasonably accessible to all 98717
affected vendors. The commissioner shall provide this notice at 98718
least sixty days prior to the effective date of the rate change. 98719
The commissioner, by rule, may establish the method by which 98720
notice will be provided. 98721

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 98722
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 98723
5741.023 of the Revised Code, and except as otherwise provided in 98724
division (B) of this section, the tax due under this chapter on 98725
the sale of a motor vehicle required to be titled under Chapter 98726
4505. of the Revised Code by a motor vehicle dealer to a consumer 98727
that is a nonresident of this state shall be the lesser of the 98728
amount of tax that would be due under this chapter and Chapter 98729
5741. of the Revised Code if the total combined rate were six per 98730
cent, or the amount of tax that would be due to the state in which 98731
the consumer titles or registers the motor vehicle or to which the 98732
consumer removes the vehicle for use. 98733

(B) No tax is due under this section, any other section of 98734
this chapter, or Chapter 5741. of the Revised Code under any of 98735
the following circumstances: 98736

(1)(a) The consumer intends to immediately remove the motor 98737
vehicle from this state for use outside this state; 98738

(b) Upon removal of the motor vehicle from this state, the 98739
consumer intends to title or register the vehicle in another state 98740
if such titling or registration is required; 98741

(c) The consumer executes an affidavit as required under 98742
division (C) of this section affirming the consumer's intentions 98743
under divisions (B)(1)(a) and (b) of this section; and 98744

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk

of the court of common pleas. If tax is due under division (A) of 98776
this section, the dealer shall remit the tax collected ~~to the~~ 98777
~~clerk at the time the dealer obtains the Ohio certificate of title~~ 98778
~~in the name of the consumer~~ as required under section 4505.06 of 98779
the Revised Code. The clerk shall forward the original affidavit 98780
to the tax commissioner in the manner prescribed by the 98781
commissioner. 98782

Unless a sale is excepted from taxation under division (B) of 98783
this section or the dealer makes an election under division (B)(5) 98784
of section 4505.06 of the Revised Code, upon receipt of an 98785
application for certificate of title a clerk of the court of 98786
common pleas shall collect the sales tax due under division (A) of 98787
this section. ~~The clerk shall~~ and remit the tax collected to the 98788
tax commissioner in the manner prescribed by the commissioner. 98789

(E) If a motor vehicle is purchased by a corporation 98790
described in division (B)(6) of section 5739.01 of the Revised 98791
Code, the state of residence of the consumer for the purposes of 98792
this section is the state of residence of the corporation's 98793
principal shareholder. 98794

(F) Any provision of this chapter or of Chapter 5741. of the 98795
Revised Code that is not inconsistent with this section applies to 98796
sales described in division (A) of this section. 98797

(G) As used in this section: 98798

(1) For the purposes of this section only, the sale or 98799
purchase of a motor vehicle does not include a lease or rental of 98800
a motor vehicle subject to division (A)(2) or (3) of section 98801
5739.02 or division (A)(2) or (3) of section 5741.02 of the 98802
Revised Code; 98803

(2) "State," except in reference to "this state," means any 98804
state, district, commonwealth, or territory of the United States 98805
and any province of Canada. 98806

Sec. 5739.033. (A) The amount of tax due pursuant to sections 98807
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 98808
the sum of the taxes imposed pursuant to those sections at the 98809
sourcing location of the sale as determined under this section or, 98810
if applicable, under division (C) of section 5739.031 or section 98811
5739.034 of the Revised Code. This section applies only to a 98812
vendor's or seller's obligation to collect and remit sales taxes 98813
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 98814
Revised Code or use taxes under section 5741.02, 5741.021, 98815
5741.022, or 5741.023 of the Revised Code. Division (A) of this 98816
section does not apply in determining the jurisdiction for which 98817
sellers are required to collect the use tax under section 5741.05 98818
of the Revised Code. This section does not affect the obligation 98819
of a consumer to remit use taxes on the storage, use, or other 98820
consumption of tangible personal property or on the benefit 98821
realized of any service provided, to the jurisdiction of that 98822
storage, use, or consumption, or benefit realized. 98823

(B)(1) Beginning January 1, 2010, retail sales, excluding the 98824
lease or rental, of tangible personal property or digital goods 98825
shall be sourced to the location where the vendor receives an 98826
order for the sale of such property or goods if: 98827

(a) The vendor receives the order in this state and the 98828
consumer receives the property or goods in this state; 98829

(b) The location where the consumer receives the property or 98830
goods is determined under division (C)(2), (3), or (4) of this 98831
section; and 98832

(c) The record-keeping system used by the vendor to calculate 98833
the tax imposed captures the location where the order is received 98834
at the time the order is received. 98835

(2) A consumer has no additional liability to this state 98836
under this chapter or Chapter 5741. of the Revised Code for tax, 98837

penalty, or interest on a sale for which the consumer remits tax 98838
to the vendor in the amount invoiced by the vendor if the invoice 98839
amount is calculated at either the rate applicable to the location 98840
where the consumer receives the property or digital good or at the 98841
rate applicable to the location where the order is received by the 98842
vendor. A consumer may rely on a written representation by the 98843
vendor as to the location where the order for the sale was 98844
received by the vendor. If the consumer does not have a written 98845
representation by the vendor as to the location where the order 98846
was received by the vendor, the consumer may use a location 98847
indicated by a business address for the vendor that is available 98848
from records that are maintained in the ordinary course of the 98849
consumer's business to determine the rate applicable to the 98850
location where the order was received. 98851

(3) For the purposes of division (B) of this section, the 98852
location where an order is received by or on behalf of a vendor 98853
means the physical location of the vendor or a third party such as 98854
an established outlet, office location, or automated order receipt 98855
system operated by or on behalf of the vendor, where an order is 98856
initially received by or on behalf of the vendor, and not where 98857
the order may be subsequently accepted, completed, or fulfilled. 98858
An order is received when all necessary information to determine 98859
whether the order can be accepted has been received by or on 98860
behalf of the vendor. The location from which the property or 98861
digital good is shipped shall not be used to determine the 98862
location where the order is received by the vendor. 98863

(4) For the purposes of division (B) of this section, if 98864
services subject to taxation under this chapter or Chapter 5741. 98865
of the Revised Code are sold with tangible personal property or 98866
digital goods pursuant to a single contract or in the same 98867
transaction, the services are billed on the same billing statement 98868
or invoice, and, because of the application of division (B) of 98869

this section, the transaction would be sourced to more than one 98870
jurisdiction, the situs of the transaction shall be the location 98871
where the order is received by or on behalf of the vendor. 98872

(C) Except for sales, other than leases, of titled motor 98873
vehicles, titled watercraft, or titled outboard motors as provided 98874
in section 5741.05 of the Revised Code, or as otherwise provided 98875
in this section and section 5739.034 of the Revised Code, all 98876
sales shall be sourced as follows: 98877

(1) If the consumer or a donee designated by the consumer 98878
receives tangible personal property or a service at a vendor's 98879
place of business, the sale shall be sourced to that place of 98880
business. 98881

(2) When the tangible personal property or service is not 98882
received at a vendor's place of business, the sale shall be 98883
sourced to the location known to the vendor where the consumer or 98884
the donee designated by the consumer receives the tangible 98885
personal property or service, including the location indicated by 98886
instructions for delivery to the consumer or the consumer's donee. 98887

(3) If divisions (C)(1) and (2) of this section do not apply, 98888
the sale shall be sourced to the location indicated by an address 98889
for the consumer that is available from the vendor's business 98890
records that are maintained in the ordinary course of the vendor's 98891
business, when use of that address does not constitute bad faith. 98892

(4) If divisions (C)(1), (2), and (3) of this section do not 98893
apply, the sale shall be sourced to the location indicated by an 98894
address for the consumer obtained during the consummation of the 98895
sale, including the address associated with the consumer's payment 98896
instrument, if no other address is available, when use of that 98897
address does not constitute bad faith. 98898

(5) If divisions (C)(1), (2), (3), and (4) of this section do 98899
not apply, including in the circumstance where the vendor is 98900

without sufficient information to apply any of those divisions, 98901
the sale shall be sourced to the address from which tangible 98902
personal property was shipped, or from which the service was 98903
provided, disregarding any location that merely provided the 98904
electronic transfer of the property sold or service provided. 98905

(6) As used in division (C) of this section, "receive" means 98906
taking possession of tangible personal property or making first 98907
use of a service. "Receive" does not include possession by a 98908
shipping company on behalf of a consumer. 98909

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 98910
section, a business consumer that is not a holder of a direct 98911
payment permit granted under section 5739.031 of the Revised Code, 98912
that purchases a digital good, computer software, except computer 98913
software received in person by a business consumer at a vendor's 98914
place of business, or a service, and that knows at the time of 98915
purchase that such digital good, software, or service will be 98916
concurrently available for use in more than one taxing 98917
jurisdiction shall deliver to the vendor in conjunction with its 98918
purchase an exemption certificate claiming multiple points of use, 98919
or shall meet the requirements of division (D)(2) of this section. 98920
On receipt of the exemption certificate claiming multiple points 98921
of use, the vendor is relieved of its obligation to collect, pay, 98922
or remit the tax due, and the business consumer must pay the tax 98923
directly to the state. 98924

(b) A business consumer that delivers the exemption 98925
certificate claiming multiple points of use to a vendor may use 98926
any reasonable, consistent, and uniform method of apportioning the 98927
tax due on the digital good, computer software, or service that is 98928
supported by the consumer's business records as they existed at 98929
the time of the sale. The business consumer shall report and pay 98930
the appropriate tax to each jurisdiction where concurrent use 98931
occurs. The tax due shall be calculated as if the apportioned 98932

amount of the digital good, computer software, or service had been 98933
delivered to each jurisdiction to which the sale is apportioned 98934
under this division. 98935

(c) The exemption certificate claiming multiple points of use 98936
shall remain in effect for all future sales by the vendor to the 98937
business consumer until it is revoked in writing by the business 98938
consumer, except as to the business consumer's specific 98939
apportionment of a subsequent sale under division (D)(1)(b) of 98940
this section and the facts existing at the time of the sale. 98941

(2) When the vendor knows that a digital good, computer 98942
software, or service sold will be concurrently available for use 98943
by the business consumer in more than one jurisdiction, but the 98944
business consumer does not provide an exemption certificate 98945
claiming multiple points of use as required by division (D)(1) of 98946
this section, the vendor may work with the business consumer to 98947
produce the correct apportionment. Governed by the principles of 98948
division (D)(1)(b) of this section, the vendor and business 98949
consumer may use any reasonable, but consistent and uniform, 98950
method of apportionment that is supported by the vendor's and 98951
business consumer's books and records as they exist at the time 98952
the sale is reported for purposes of the taxes levied under this 98953
chapter. If the business consumer certifies to the accuracy of the 98954
apportionment and the vendor accepts the certification, the vendor 98955
shall collect and remit the tax accordingly. In the absence of bad 98956
faith, the vendor is relieved of any further obligation to collect 98957
tax on any transaction where the vendor has collected tax pursuant 98958
to the information certified by the business consumer. 98959

(3) When the vendor knows that the digital good, computer 98960
software, or service will be concurrently available for use in 98961
more than one jurisdiction, and the business consumer does not 98962
have a direct pay permit and does not provide to the vendor an 98963
exemption certificate claiming multiple points of use as required 98964

in division (D)(1) of this section, or certification pursuant to 98965
division (D)(2) of this section, the vendor shall collect and 98966
remit the tax based on division (C) of this section. 98967

(4) Nothing in this section shall limit a person's obligation 98968
for sales or use tax to any state in which a digital good, 98969
computer software, or service is concurrently available for use, 98970
nor limit a person's ability under local, state, or federal law, 98971
to claim a credit for sales or use taxes legally due and paid to 98972
other jurisdictions. 98973

(E) A person who holds a direct payment permit issued under 98974
section 5739.031 of the Revised Code is not required to deliver an 98975
exemption certificate claiming multiple points of use to a vendor. 98976
But such permit holder shall comply with division (D)(2) of this 98977
section in apportioning the tax due on a digital good, computer 98978
software, or a service for use in business that will be 98979
concurrently available for use in more than one taxing 98980
jurisdiction. 98981

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 98982
section, the consumer of advertising and promotional direct mail 98983
or other direct mail that is not a holder of a direct payment 98984
permit ~~shall~~ may provide to the vendor in conjunction with the 98985
sale ~~either an~~ a fully completed exemption certificate claiming 98986
direct mail prescribed by the tax commissioner, or, if the direct 98987
mail is advertising and promotional direct mail, information to 98988
show the jurisdictions to which ~~the~~ that direct mail is delivered 98989
to recipients. 98990

~~(2) Upon~~ (b) In the absence of bad faith, upon receipt of 98991
such an exemption certificate, the vendor is relieved of all 98992
obligations to collect, pay, or remit the applicable tax and the 98993
consumer is obligated to pay that tax on a direct pay basis. An 98994
exemption certificate claiming direct mail shall remain in effect 98995
for all future sales of direct mail by the vendor to the consumer 98996

until it is revoked in writing. 98997

~~(3)~~(c) Upon receipt of information from the consumer showing 98998
the jurisdictions to which ~~the~~ advertising and promotional direct 98999
mail is delivered to recipients, the vendor shall collect the tax 99000
according to the delivery information provided by the consumer. In 99001
the absence of bad faith, the vendor is relieved of any further 99002
obligation to collect tax on any transaction where the vendor has 99003
collected tax pursuant to the delivery information provided by the 99004
consumer. 99005

~~(4)~~(d) If the consumer of advertising and promotional direct 99006
mail or other direct mail does not have a direct payment permit 99007
and does not provide the vendor with either an exemption 99008
certificate claiming direct mail or, if applicable, delivery 99009
information as required by division (F)(1)(a) of this section, the 99010
vendor shall collect the tax according to division (C)(5) of this 99011
section in the case of advertising and promotional direct mail or 99012
division (C)(3) of this section in the case of other direct mail. 99013
Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a 99014
consumer's obligation to pay sales or use tax to any state to 99015
which the direct mail is delivered. 99016

~~(5)~~(e) If a consumer of advertising and promotional direct 99017
mail or other direct mail provides the vendor with documentation 99018
of direct payment authority, the consumer shall not be required to 99019
provide an exemption certificate claiming direct mail or, if 99020
applicable, delivery information to the vendor. 99021

(2) As used in division (F) of this section: 99022

(a) "Direct mail" means printed material delivered or 99023
distributed by United States mail or other delivery service to a 99024
mass audience or to addressees on a mailing list provided by the 99025
consumer or at the direction of the consumer when the cost of the 99026
items are not billed directly to the recipients. "Direct mail" 99027

includes tangible personal property supplied directly or 99028
indirectly by the consumer to the direct mail vendor for inclusion 99029
in the package containing the printed material. "Direct mail" does 99030
not include multiple items of printed material delivered to a 99031
single address. 99032

(b) "Advertising and promotional direct mail" means direct 99033
mail, the primary purpose of which is to attract public attention 99034
to a product, person, business, or organization, or to attempt to 99035
sell, popularize, or secure financial support for a product, 99036
person, business, or organization. As used in division (F)(2)(b) 99037
of this section, "product" means tangible personal property, 99038
whether transferred electronically or otherwise, or a service. 99039

(c) "Other direct mail" means direct mail that is not 99040
advertising and promotional direct mail, regardless of whether 99041
advertising and promotional direct mail is included in the same 99042
mailing. "Other direct mail" includes all of the following: 99043

(i) Transactional direct mail that contains personal 99044
information specific to the addressee, including invoices, bills, 99045
statements of account, and payroll advices; 99046

(ii) Any legally required mailings, including privacy 99047
notices, tax reports, and stockholder reports; 99048

(iii) Other nonpromotional direct mail delivered to existing 99049
or former shareholders, customers, employees, or agents, including 99050
newsletter and informational pieces. 99051

"Other direct mail" does not include the development of 99052
billing information or the provision of any data processing 99053
service that is more than incidental. 99054

(G) If the vendor provides lodging to transient guests as 99055
specified in division (B)(2) of section 5739.01 of the Revised 99056
Code, the sale shall be sourced to the location where the lodging 99057
is located. 99058

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) If the vendor provides a service specified in division 99120
(B)(11) of section 5739.01 of the Revised Code, the situs of the 99121
sale is the location of the enrollee for whom a medicaid health 99122
insurance corporation receives managed care premiums. Such sales 99123
shall be sourced to the locations of the enrollees in the same 99124
proportion as the managed care premiums received by the medicaid 99125
health insuring corporation on behalf of enrollees located in a 99126
particular taxing jurisdiction in Ohio as compared to all managed 99127
care premiums received by the medicaid health insuring 99128
corporation. 99129

Sec. 5739.09. (A)(1) A board of county commissioners may, by 99130
resolution adopted by a majority of the members of the board, levy 99131
an excise tax not to exceed three per cent on transactions by 99132
which lodging by a hotel is or is to be furnished to transient 99133
guests. The board shall establish all regulations necessary to 99134
provide for the administration and allocation of the tax. The 99135
regulations may prescribe the time for payment of the tax, and may 99136
provide for the imposition of a penalty or interest, or both, for 99137
late payments, provided that the penalty does not exceed ten per 99138
cent of the amount of tax due, and the rate at which interest 99139
accrues does not exceed the rate per annum prescribed pursuant to 99140
section 5703.47 of the Revised Code. Except as provided in 99141
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), 99142
(11), and (12) of this section, the regulations shall provide, 99143
after deducting the real and actual costs of administering the 99144
tax, for the return to each municipal corporation or township that 99145
does not levy an excise tax on the transactions, a uniform 99146
percentage of the tax collected in the municipal corporation or in 99147
the unincorporated portion of the township from each transaction, 99148
not to exceed thirty-three and one-third per cent. The remainder 99149
of the revenue arising from the tax shall be deposited in a 99150
separate fund and shall be spent solely to make contributions to 99151

the convention and visitors' bureau operating within the county, 99152
including a pledge and contribution of any portion of the 99153
remainder pursuant to an agreement authorized by section 307.678 99154
or 307.695 of the Revised Code, provided that if the board of 99155
county commissioners of an eligible county as defined in section 99156
307.678 or 307.695 of the Revised Code adopts a resolution 99157
amending a resolution levying a tax under this division to provide 99158
that revenue from the tax shall be used by the board as described 99159
in either division (D) of section 307.678 or division (H) of 99160
section 307.695 of the Revised Code, the remainder of the revenue 99161
shall be used as described in the resolution making that 99162
amendment. Except as provided in division (A)(2), (3), (4), (5), 99163
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 99164
and after May 10, 1994, a board of county commissioners may not 99165
levy an excise tax pursuant to this division in any municipal 99166
corporation or township located wholly or partly within the county 99167
that has in effect an ordinance or resolution levying an excise 99168
tax pursuant to division (B) of this section. The board of a 99169
county that has levied a tax under division (C) of this section 99170
may, by resolution adopted within ninety days after July 15, 1985, 99171
by a majority of the members of the board, amend the resolution 99172
levying a tax under this division to provide for a portion of that 99173
tax to be pledged and contributed in accordance with an agreement 99174
entered into under section 307.695 of the Revised Code. A tax, any 99175
revenue from which is pledged pursuant to such an agreement, shall 99176
remain in effect at the rate at which it is imposed for the 99177
duration of the period for which the revenue from the tax has been 99178
so pledged. 99179

The board of county commissioners of an eligible county as 99180
defined in section 307.695 of the Revised Code may, by resolution 99181
adopted by a majority of the members of the board, amend a 99182
resolution levying a tax under this division to provide that the 99183
revenue from the tax shall be used by the board as described in 99184

division (H) of section 307.695 of the Revised Code, in which case 99185
the tax shall remain in effect at the rate at which it was imposed 99186
for the duration of any agreement entered into by the board under 99187
section 307.695 of the Revised Code, the duration during which any 99188
securities issued by the board under that section are outstanding, 99189
or the duration of the period during which the board owns a 99190
project as defined in section 307.695 of the Revised Code, 99191
whichever duration is longest. 99192

The board of county commissioners of an eligible county as 99193
defined in section 307.678 of the Revised Code may, by resolution, 99194
amend a resolution levying a tax under this division to provide 99195
that revenue from the tax, not to exceed five hundred thousand 99196
dollars each year, may be used as described in division ~~(D)~~(E) of 99197
section 307.678 of the Revised Code. 99198

Notwithstanding division (A)(1) of this section, the board of 99199
county commissioners of a county described in division (A)(8)(a) 99200
of this section may, by resolution, amend a resolution levying a 99201
tax under this division to provide that all or a portion of the 99202
revenue from the tax, including any revenue otherwise required to 99203
be returned to townships or municipal corporations under this 99204
division, may be used or pledged for the payment of debt service 99205
on securities issued to pay the costs of constructing, operating, 99206
and maintaining sports facilities described in division (A)(8)(b) 99207
of this section. 99208

The board of county commissioners of a county described in 99209
division (A)(9) of this section may, by resolution, amend a 99210
resolution levying a tax under this division to provide that all 99211
or a portion of the revenue from the tax may be used for the 99212
purposes described in section 307.679 of the Revised Code. 99213

(2) A board of county commissioners that levies an excise tax 99214
under division (A)(1) of this section on June 30, 1997, at a rate 99215
of three per cent, and that has pledged revenue from the tax to an 99216

agreement entered into under section 307.695 of the Revised Code 99217
or, in the case of the board of county commissioners of an 99218
eligible county as defined in section 307.695 of the Revised Code, 99219
has amended a resolution levying a tax under division (C) of this 99220
section to provide that proceeds from the tax shall be used by the 99221
board as described in division (H) of section 307.695 of the 99222
Revised Code, may, at any time by a resolution adopted by a 99223
majority of the members of the board, amend the resolution levying 99224
a tax under division (A)(1) of this section to provide for an 99225
increase in the rate of that tax up to seven per cent on each 99226
transaction; to provide that revenue from the increase in the rate 99227
shall be used as described in division (H) of section 307.695 of 99228
the Revised Code or be spent solely to make contributions to the 99229
convention and visitors' bureau operating within the county to be 99230
used specifically for promotion, advertising, and marketing of the 99231
region in which the county is located; and to provide that the 99232
rate in excess of the three per cent levied under division (A)(1) 99233
of this section shall remain in effect at the rate at which it is 99234
imposed for the duration of the period during which any agreement 99235
is in effect that was entered into under section 307.695 of the 99236
Revised Code by the board of county commissioners levying a tax 99237
under division (A)(1) of this section, the duration of the period 99238
during which any securities issued by the board under division (I) 99239
of section 307.695 of the Revised Code are outstanding, or the 99240
duration of the period during which the board owns a project as 99241
defined in section 307.695 of the Revised Code, whichever duration 99242
is longest. The amendment also shall provide that no portion of 99243
that revenue need be returned to townships or municipal 99244
corporations as would otherwise be required under division (A)(1) 99245
of this section. 99246

(3) A board of county commissioners that levies a tax under 99247
division (A)(1) of this section on March 18, 1999, at a rate of 99248
three per cent may, by resolution adopted not later than 99249

forty-five days after March 18, 1999, amend the resolution levying 99250
the tax to provide for all of the following: 99251

(a) That the rate of the tax shall be increased by not more 99252
than an additional four per cent on each transaction; 99253

(b) That all of the revenue from the increase in the rate 99254
shall be pledged and contributed to a convention facilities 99255
authority established by the board of county commissioners under 99256
Chapter 351. of the Revised Code on or before November 15, 1998, 99257
and used to pay costs of constructing, maintaining, operating, and 99258
promoting a facility in the county, including paying bonds, or 99259
notes issued in anticipation of bonds, as provided by that 99260
chapter; 99261

(c) That no portion of the revenue arising from the increase 99262
in rate need be returned to municipal corporations or townships as 99263
otherwise required under division (A)(1) of this section; 99264

(d) That the increase in rate shall not be subject to 99265
diminution by initiative or referendum or by law while any bonds, 99266
or notes in anticipation of bonds, issued by the authority under 99267
Chapter 351. of the Revised Code to which the revenue is pledged, 99268
remain outstanding in accordance with their terms, unless 99269
provision is made by law or by the board of county commissioners 99270
for an adequate substitute therefor that is satisfactory to the 99271
trustee if a trust agreement secures the bonds. 99272

Division (A)(3) of this section does not apply to the board 99273
of county commissioners of any county in which a convention center 99274
or facility exists or is being constructed on November 15, 1998, 99275
or of any county in which a convention facilities authority levies 99276
a tax pursuant to section 351.021 of the Revised Code on that 99277
date. 99278

As used in division (A)(3) of this section, "cost" and 99279
"facility" have the same meanings as in section 351.01 of the 99280

Revised Code, and "convention center" has the same meaning as in 99281
section 307.695 of the Revised Code. 99282

(4)(a) A board of county commissioners that levies a tax 99283
under division (A)(1) of this section on June 30, 2002, at a rate 99284
of three per cent may, by resolution adopted not later than 99285
September 30, 2002, amend the resolution levying the tax to 99286
provide for all of the following: 99287

(i) That the rate of the tax shall be increased by not more 99288
than an additional three and one-half per cent on each 99289
transaction; 99290

(ii) That all of the revenue from the increase in rate shall 99291
be pledged and contributed to a convention facilities authority 99292
established by the board of county commissioners under Chapter 99293
351. of the Revised Code on or before May 15, 2002, and be used to 99294
pay costs of constructing, expanding, maintaining, operating, or 99295
promoting a convention center in the county, including paying 99296
bonds, or notes issued in anticipation of bonds, as provided by 99297
that chapter; 99298

(iii) That no portion of the revenue arising from the 99299
increase in rate need be returned to municipal corporations or 99300
townships as otherwise required under division (A)(1) of this 99301
section; 99302

(iv) That the increase in rate shall not be subject to 99303
diminution by initiative or referendum or by law while any bonds, 99304
or notes in anticipation of bonds, issued by the authority under 99305
Chapter 351. of the Revised Code to which the revenue is pledged, 99306
remain outstanding in accordance with their terms, unless 99307
provision is made by law or by the board of county commissioners 99308
for an adequate substitute therefor that is satisfactory to the 99309
trustee if a trust agreement secures the bonds. 99310

(b) Any board of county commissioners that, pursuant to 99311

division (A)(4)(a) of this section, has amended a resolution 99312
levying the tax authorized by division (A)(1) of this section may 99313
further amend the resolution to provide that the revenue referred 99314
to in division (A)(4)(a)(ii) of this section shall be pledged and 99315
contributed both to a convention facilities authority to pay the 99316
costs of constructing, expanding, maintaining, or operating one or 99317
more convention centers in the county, including paying bonds, or 99318
notes issued in anticipation of bonds, as provided in Chapter 351. 99319
of the Revised Code, and to a convention and visitors' bureau to 99320
pay the costs of promoting one or more convention centers in the 99321
county. 99322

As used in division (A)(4) of this section, "cost" has the 99323
same meaning as in section 351.01 of the Revised Code, and 99324
"convention center" has the same meaning as in section 307.695 of 99325
the Revised Code. 99326

(5)(a) As used in division (A)(5) of this section: 99327

(i) "Port authority" means a port authority created under 99328
Chapter 4582. of the Revised Code. 99329

(ii) "Port authority military-use facility" means port 99330
authority facilities on which or adjacent to which is located an 99331
installation of the armed forces of the United States, a reserve 99332
component thereof, or the national guard and at least part of 99333
which is made available for use, for consideration, by the armed 99334
forces of the United States, a reserve component thereof, or the 99335
national guard. 99336

(b) For the purpose of contributing revenue to pay operating 99337
expenses of a port authority that operates a port authority 99338
military-use facility, the board of county commissioners of a 99339
county that created, participated in the creation of, or has 99340
joined such a port authority may do one or both of the following: 99341

(i) Amend a resolution previously adopted under division 99342

(A)(1) of this section to designate some or all of the revenue 99343
from the tax levied under the resolution to be used for that 99344
purpose, notwithstanding that division; 99345

(ii) Amend a resolution previously adopted under division 99346
(A)(1) of this section to increase the rate of the tax by not more 99347
than an additional two per cent and use the revenue from the 99348
increase exclusively for that purpose. 99349

(c) If a board of county commissioners amends a resolution to 99350
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 99351
of this section, the board also may amend the resolution to 99352
specify that the increase in rate of the tax does not apply to 99353
"hotels," as otherwise defined in section 5739.01 of the Revised 99354
Code, having fewer rooms used for the accommodation of guests than 99355
a number of rooms specified by the board. 99356

(6) A board of county commissioners of a county organized 99357
under a county charter adopted pursuant to Article X, Section 3, 99358
Ohio Constitution, and that levies an excise tax under division 99359
(A)(1) of this section at a rate of three per cent and levies an 99360
additional excise tax under division (E) of this section at a rate 99361
of one and one-half per cent may, by resolution adopted not later 99362
than January 1, 2008, by a majority of the members of the board, 99363
amend the resolution levying a tax under division (A)(1) of this 99364
section to provide for an increase in the rate of that tax by not 99365
more than an additional one per cent on transactions by which 99366
lodging by a hotel is or is to be furnished to transient guests. 99367
Notwithstanding divisions (A)(1) and (E) of this section, the 99368
resolution shall provide that all of the revenue from the increase 99369
in rate, after deducting the real and actual costs of 99370
administering the tax, shall be used to pay the costs of 99371
improving, expanding, equipping, financing, or operating a 99372
convention center by a convention and visitors' bureau in the 99373
county. The increase in rate shall remain in effect for the period 99374

specified in the resolution, not to exceed ten years, and may be 99375
extended for an additional period of time not to exceed ten years 99376
thereafter by a resolution adopted by a majority of the members of 99377
the board. The increase in rate shall be subject to the 99378
regulations adopted under division (A)(1) of this section, except 99379
that the resolution may provide that no portion of the revenue 99380
from the increase in the rate shall be returned to townships or 99381
municipal corporations as would otherwise be required under that 99382
division. 99383

(7) Division (A)(7) of this section applies only to a county 99384
with a population greater than sixty-five thousand and less than 99385
seventy thousand according to the most recent federal decennial 99386
census and in which, on December 31, 2006, an excise tax is levied 99387
under division (A)(1) of this section at a rate not less than and 99388
not greater than three per cent, and in which the most recent 99389
increase in the rate of that tax was enacted or took effect in 99390
November 1984. 99391

The board of county commissioners of a county to which this 99392
division applies, by resolution adopted by a majority of the 99393
members of the board, may increase the rate of the tax by not more 99394
than one per cent on transactions by which lodging by a hotel is 99395
or is to be furnished to transient guests. The increase in rate 99396
shall be for the purpose of paying expenses deemed necessary by 99397
the convention and visitors' bureau operating in the county to 99398
promote travel and tourism. The increase in rate shall remain in 99399
effect for the period specified in the resolution, not to exceed 99400
twenty years, provided that the increase in rate may not continue 99401
beyond the time when the purpose for which the increase is levied 99402
ceases to exist. If revenue from the increase in rate is pledged 99403
to the payment of debt charges on securities, the increase in rate 99404
is not subject to diminution by initiative or referendum or by law 99405
for so long as the securities are outstanding, unless provision is 99406

made by law or by the board of county commissioners for an 99407
adequate substitute for that revenue that is satisfactory to the 99408
trustee if a trust agreement secures payment of the debt charges. 99409
The increase in rate shall be subject to the regulations adopted 99410
under division (A)(1) of this section, except that the resolution 99411
may provide that no portion of the revenue from the increase in 99412
the rate shall be returned to townships or municipal corporations 99413
as would otherwise be required under division (A)(1) of this 99414
section. A resolution adopted under division (A)(7) of this 99415
section is subject to referendum under sections 305.31 to 305.99 99416
of the Revised Code. 99417

(8)(a) Division (A)(8) of this section applies only to a 99418
county satisfying all of the following: 99419

(i) The population of the county is greater than one hundred 99420
seventy-five thousand and less than two hundred twenty-five 99421
thousand according to the most recent federal decennial census. 99422

(ii) An amusement park with an average yearly attendance in 99423
excess of two million guests is located in the county. 99424

(iii) On December 31, 2014, an excise tax was levied in the 99425
county under division (A)(1) of this section at a rate of three 99426
per cent. 99427

(b) The board of county commissioners of a county to which 99428
this division applies, by resolution adopted by a majority of the 99429
members of the board, may increase the rate of the tax by not more 99430
than one per cent on transactions by which lodging by a hotel is 99431
or is to be furnished to transient guests. The increase in rate 99432
shall be ~~for the purpose of paying~~ used to pay the costs of 99433
constructing and maintaining ~~county-owned~~ facilities owned by the 99434
county or by a port authority created under Chapter 4582. of the 99435
Revised Code, and designed to host sporting events and ~~paying~~ 99436
expenses deemed necessary by the convention and visitors' bureau 99437

operating in the county to promote travel and tourism with 99438
reference to the sports facilities, and to pay or pledge to the 99439
payment of debt service on securities issued to pay the costs of 99440
constructing, operating, and maintaining the sports facilities. 99441
The increase in rate shall remain in effect for the period 99442
specified in the resolution. If revenue from the increase in rate 99443
is pledged to the payment of debt charges on securities, the 99444
increase in rate is not subject to diminution by initiative or 99445
referendum or by law for so long as the securities are 99446
outstanding, unless provision is made by law or by the board of 99447
county commissioners for an adequate substitute for that revenue 99448
that is satisfactory to the trustee if a trust agreement secures 99449
payment of the debt charges. The increase in rate shall be subject 99450
to the regulations adopted under division (A)(1) of this section, 99451
except that the resolution may provide that no portion of the 99452
revenue from the increase in the rate shall be returned to 99453
townships or municipal corporations as would otherwise be required 99454
under division (A)(1) of this section. 99455

(9) The board of county commissioners of a county with a 99456
population greater than seventy-five thousand and less than 99457
seventy-eight thousand, by resolution adopted by a majority of the 99458
members of the board not later than October 15, 2015, may increase 99459
the rate of the tax by not more than one per cent on transactions 99460
by which lodging by a hotel is or is to be furnished to transient 99461
guests. The increase in rate shall be for the purposes described 99462
in section 307.679 of the Revised Code or for the promotion of 99463
travel and tourism in the county, including travel and tourism to 99464
sports facilities. The increase in rate shall remain in effect for 99465
the period specified in the resolution and as necessary to fulfill 99466
the county's obligations under a cooperative agreement entered 99467
into under section 307.679 of the Revised Code. If the resolution 99468
is adopted by the board before ~~the effective date of the enactment~~ 99469
~~of this division~~ September 29, 2015, but after that enactment 99470

becomes law, the increase in rate shall become effective beginning 99471
on ~~the effective date of the enactment of this division~~ September 99472
29, 2015. If revenue from the increase in rate is pledged to the 99473
payment of debt charges on securities, or to substitute for other 99474
revenues pledged to the payment of such debt, the increase in rate 99475
is not subject to diminution by initiative or referendum or by law 99476
for so long as the securities are outstanding, unless provision is 99477
made by law or by the board of county commissioners for an 99478
adequate substitute for that revenue that is satisfactory to the 99479
trustee if a trust agreement secures payment of the debt charges. 99480
The increase in rate shall be subject to the regulations adopted 99481
under division (A)(1) of this section, except that no portion of 99482
the revenue from the increase in the rate shall be returned to 99483
townships or municipal corporations as would otherwise be required 99484
under division (A)(1) of this section. 99485

(10) Division (A)(10) of this section applies only to 99486
counties satisfying either of the following: 99487

(a) A county that, on July 1, 2015, does not levy an excise 99488
tax under division (A)(1) of this section and that has a 99489
population of at least thirty-nine thousand but not more than 99490
forty thousand according to the 2010 federal decennial census; 99491

(b) A county that, on July 1, 2015, levies an excise tax 99492
under division (A)(1) of this section at a rate of three per cent 99493
and that has a population of at least seventy-one thousand but not 99494
more than seventy-five thousand according to 2010 federal 99495
decennial census. 99496

The board of county commissioners of a county to which 99497
division (A)(10) of this section applies, by resolution adopted by 99498
a majority of the members of the board, may levy an excise tax at 99499
a rate not to exceed three per cent on transactions by which 99500
lodging by a hotel is or is to be furnished to transient guests 99501
for the purpose of acquiring, constructing, equipping, or 99502

repairing permanent improvements, as defined in section 133.01 of 99503
the Revised Code. If the board does not levy a tax under division 99504
(A)(1) of this section, the board shall establish regulations 99505
necessary to provide for the administration of the tax, which may 99506
prescribe the time for payment of the tax and the imposition of 99507
penalty or interest subject to the limitations on penalty and 99508
interest provided in division (A)(1) of this section. No portion 99509
of the revenue shall be returned to townships or municipal 99510
corporations in the county unless otherwise provided by resolution 99511
of the board. The tax shall apply throughout the territory of the 99512
county, including in any township or municipal corporation levying 99513
an excise tax under division (B) of this section or division (A) 99514
of section 5739.08 of the Revised Code. The levy of the tax is 99515
subject to referendum as provided under section 305.31 of the 99516
Revised Code. 99517

The tax shall remain in effect for the period specified in 99518
the resolution. If revenue from the increase in rate is pledged to 99519
the payment of debt charges on securities, the increase in rate is 99520
not subject to diminution by initiative or referendum or by law 99521
for so long as the securities are outstanding unless provision is 99522
made by law or by the board for an adequate substitute for that 99523
revenue that is satisfactory to the trustee if a trust agreement 99524
secures payment of the debt charges. 99525

(11) The board of county commissioners of an eligible county, 99526
as defined in section 307.678 of the Revised Code, that levies an 99527
excise tax under division (A)(1) of this section on July 1, 2017, 99528
at a rate of three per cent may, by resolution adopted by a 99529
majority of the members of the board, amend the resolution levying 99530
the tax to increase the rate of the tax by not more than an 99531
additional three per cent on each transaction. No portion of the 99532
revenue shall be returned to townships or municipal corporations 99533
in the county unless otherwise provided by resolution of the 99534

board. Otherwise, the revenue from the increase in the rate shall 99535
be distributed and used in the same manner described under 99536
division (A)(1) of this section. The increase in rate shall remain 99537
in effect for the period specified in the resolution. If revenue 99538
from the increase in rate is pledged to the payment of debt 99539
charges on securities, the increase in rate is not subject to 99540
diminution by initiative or referendum or by law for so long as 99541
the securities are outstanding unless provision is made by law or 99542
by the board for an adequate substitute for that revenue that is 99543
satisfactory to the trustee if a trust agreement secures payment 99544
of the debt charges. 99545

(12)(a) As used in this division: 99546

(i) "Eligible county" means a county that has a population 99547
greater than one hundred ninety thousand and less than two hundred 99548
thousand according to the 2010 federal decennial census and that 99549
levies an excise tax under division (A)(1) of this section at a 99550
rate of three per cent. 99551

(ii) "Professional sports facility" means a sports facility 99552
that is intended to house major or minor league professional 99553
athletic teams, including a stadium, together with all parking 99554
facilities, walkways, and other auxiliary facilities, real and 99555
personal property, property rights, easements, and interests that 99556
may be appropriate for, or used in connection with, the operation 99557
of the facility. 99558

(b) Subject to division (A)(12)(c) of this section, the board 99559
of county commissioners of an eligible county, by resolution 99560
adopted by a majority of the members of the board, may increase 99561
the rate of the tax by not more than one per cent on transactions 99562
by which lodging by a hotel is or is to be furnished to transient 99563
guests. Revenue from the increase in rate shall be used for the 99564
purposes of paying the costs of constructing, improving, and 99565
maintaining a professional sports facility in the county and 99566

paying expenses considered necessary by the convention and 99567
visitors' bureau operating in the county to promote travel and 99568
tourism with respect to that professional sports facility. The tax 99569
shall take effect only after the convention and visitors' bureau 99570
enters into a contract for the construction, improvement, or 99571
maintenance of a professional sports facility that is or will be 99572
located on property acquired, in whole or in part, with revenue 99573
from the increased rate, and thereafter shall remain in effect for 99574
the period specified in the resolution. If revenue from the 99575
increase in rate is pledged to the payment of debt charges on 99576
securities, the increase in rate is not subject to diminution by 99577
initiative or referendum or by law for so long as the securities 99578
are outstanding, unless a provision is made by law or by the board 99579
of county commissioners for an adequate substitute for that 99580
revenue that is satisfactory to the trustee if a trust agreement 99581
secures payment of the debt charges. The increase in rate shall be 99582
subject to the regulations adopted under division (A)(1) of this 99583
section, except that the resolution may provide that no portion of 99584
the revenue from the increase in the rate shall be returned to 99585
townships or municipal corporations as would otherwise be required 99586
under division (A)(1) of this section. 99587

(c) If, on January 1, 2019, the convention and visitors' 99588
bureau has not entered into a contract for the construction, 99589
improvement, or maintenance of a professional sports facility that 99590
is or will be located on property acquired, in whole or in part, 99591
with revenue from the increased rate, the authority to levy the 99592
tax under division (A)(12)(b) of this section is hereby repealed 99593
on that date. 99594

(B)(1) The legislative authority of a municipal corporation 99595
or the board of trustees of a township that is not wholly or 99596
partly located in a county that has in effect a resolution levying 99597
an excise tax pursuant to division (A)(1) of this section may, by 99598

ordinance or resolution, levy an excise tax not to exceed three 99599
per cent on transactions by which lodging by a hotel is or is to 99600
be furnished to transient guests. The legislative authority of the 99601
municipal corporation or the board of trustees of the township 99602
shall deposit at least fifty per cent of the revenue from the tax 99603
levied pursuant to this division into a separate fund, which shall 99604
be spent solely to make contributions to convention and visitors' 99605
bureaus operating within the county in which the municipal 99606
corporation or township is wholly or partly located, and the 99607
balance of that revenue shall be deposited in the general fund. 99608
The municipal corporation or township shall establish all 99609
regulations necessary to provide for the administration and 99610
allocation of the tax. The regulations may prescribe the time for 99611
payment of the tax, and may provide for the imposition of a 99612
penalty or interest, or both, for late payments, provided that the 99613
penalty does not exceed ten per cent of the amount of tax due, and 99614
the rate at which interest accrues does not exceed the rate per 99615
annum prescribed pursuant to section 5703.47 of the Revised Code. 99616
The levy of a tax under this division is in addition to any tax 99617
imposed on the same transaction by a municipal corporation or a 99618
township as authorized by division (A) of section 5739.08 of the 99619
Revised Code. 99620

(2)(a) The legislative authority of the most populous 99621
municipal corporation located wholly or partly in a county in 99622
which the board of county commissioners has levied a tax under 99623
division (A)(4) of this section may amend, on or before September 99624
30, 2002, that municipal corporation's ordinance or resolution 99625
that levies an excise tax on transactions by which lodging by a 99626
hotel is or is to be furnished to transient guests, to provide for 99627
all of the following: 99628

(i) That the rate of the tax shall be increased by not more 99629
than an additional one per cent on each transaction; 99630

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended its ordinance or resolution to increase the rate of the tax authorized by division (B)(1) of this section may further amend the ordinance or resolution to provide that the revenue referred to in division (B)(2)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and

"convention center" has the same meaning as in section 307.695 of the Revised Code. 99663
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(3) The legislative authority of an eligible municipal corporation may amend, on or before December 31, 2017, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for the following: 99665
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(a) That the rate of the tax shall be increased by not more than an additional three per cent on each transaction; 99670
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(b) That all of the revenue from the increase in rate shall be used by the municipal corporation for economic development and tourism-related purposes. 99672
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As used in division (B)(3) of this section, "eligible municipal corporation" means a municipal corporation that, on the effective date of the amendment of this section by H.B. 49 of the 132nd general assembly, levied a tax under division (B)(1) of this section at a rate of three per cent and that is located in a county that, on that date, levied a tax under division (A) of this section at a rate of three per cent and that has, according to the most recent federal decennial census, a population exceeding three hundred thousand but not greater than three hundred fifty thousand. 99675
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(C) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that 99685
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is levied pursuant to division (A) of this section, but it shall 99694
not apply to transactions subject to a tax levied by a municipal 99695
corporation or township pursuant to the authorization granted by 99696
division (A) of section 5739.08 of the Revised Code. The board 99697
shall establish all regulations necessary to provide for the 99698
administration and allocation of the tax. The regulations may 99699
prescribe the time for payment of the tax, and may provide for the 99700
imposition of a penalty or interest, or both, for late payments, 99701
provided that the penalty does not exceed ten per cent of the 99702
amount of tax due, and the rate at which interest accrues does not 99703
exceed the rate per annum prescribed pursuant to section 5703.47 99704
of the Revised Code. All revenues arising from the tax shall be 99705
expended in accordance with section 307.695 of the Revised Code. 99706
The board of county commissioners of an eligible county as defined 99707
in section 307.695 of the Revised Code may, by resolution adopted 99708
by a majority of the members of the board, amend the resolution 99709
levying a tax under this division to provide that the revenue from 99710
the tax shall be used by the board as described in division (H) of 99711
section 307.695 of the Revised Code. A tax imposed under this 99712
division shall remain in effect at the rate at which it is imposed 99713
for the duration of the period during which any agreement entered 99714
into by the board under section 307.695 of the Revised Code is in 99715
effect, the duration of the period during which any securities 99716
issued by the board under division (I) of section 307.695 of the 99717
Revised Code are outstanding, or the duration of the period during 99718
which the board owns a project as defined in section 307.695 of 99719
the Revised Code, whichever duration is longest. 99720

(D) For the purpose of providing contributions under division 99721
(B)(1) of section 307.671 of the Revised Code to enable the 99722
acquisition, construction, and equipping of a port authority 99723
educational and cultural facility in the county and, to the extent 99724
provided for in the cooperative agreement authorized by that 99725
section, for the purpose of paying debt service charges on bonds, 99726

or notes in anticipation of bonds, described in division (B)(1)(b) 99727
of that section, a board of county commissioners, by resolution 99728
adopted within ninety days after December 22, 1992, by a majority 99729
of the members of the board, may levy an additional excise tax not 99730
to exceed one and one-half per cent on transactions by which 99731
lodging by a hotel is or is to be furnished to transient guests. 99732
The excise tax authorized by this division shall be in addition to 99733
any tax that is levied pursuant to divisions (A), (B), and (C) of 99734
this section, to any excise tax levied pursuant to section 5739.08 99735
of the Revised Code, and to any excise tax levied pursuant to 99736
section 351.021 of the Revised Code. The board of county 99737
commissioners shall establish all regulations necessary to provide 99738
for the administration and allocation of the tax that are not 99739
inconsistent with this section or section 307.671 of the Revised 99740
Code. The regulations may prescribe the time for payment of the 99741
tax, and may provide for the imposition of a penalty or interest, 99742
or both, for late payments, provided that the penalty does not 99743
exceed ten per cent of the amount of tax due, and the rate at 99744
which interest accrues does not exceed the rate per annum 99745
prescribed pursuant to section 5703.47 of the Revised Code. All 99746
revenues arising from the tax shall be expended in accordance with 99747
section 307.671 of the Revised Code and division (D) of this 99748
section. The levy of a tax imposed under this division may not 99749
commence prior to the first day of the month next following the 99750
execution of the cooperative agreement authorized by section 99751
307.671 of the Revised Code by all parties to that agreement. The 99752
tax shall remain in effect at the rate at which it is imposed for 99753
the period of time described in division (C) of section 307.671 of 99754
the Revised Code for which the revenue from the tax has been 99755
pledged by the county to the corporation pursuant to that section, 99756
but, to any extent provided for in the cooperative agreement, for 99757
no lesser period than the period of time required for payment of 99758
the debt service charges on bonds, or notes in anticipation of 99759

bonds, described in division (B)(1)(b) of that section. 99760

(E) For the purpose of paying the costs of acquiring, 99761
constructing, equipping, and improving a municipal educational and 99762
cultural facility, including debt service charges on bonds 99763
provided for in division (B) of section 307.672 of the Revised 99764
Code, and for any additional purposes determined by the county in 99765
the resolution levying the tax or amendments to the resolution, 99766
including subsequent amendments providing for paying costs of 99767
acquiring, constructing, renovating, rehabilitating, equipping, 99768
and improving a port authority educational and cultural performing 99769
arts facility, as defined in section 307.674 of the Revised Code, 99770
and including debt service charges on bonds provided for in 99771
division (B) of section 307.674 of the Revised Code, the 99772
legislative authority of a county, by resolution adopted within 99773
ninety days after June 30, 1993, by a majority of the members of 99774
the legislative authority, may levy an additional excise tax not 99775
to exceed one and one-half per cent on transactions by which 99776
lodging by a hotel is or is to be furnished to transient guests. 99777
The excise tax authorized by this division shall be in addition to 99778
any tax that is levied pursuant to divisions (A), (B), (C), and 99779
(D) of this section, to any excise tax levied pursuant to section 99780
5739.08 of the Revised Code, and to any excise tax levied pursuant 99781
to section 351.021 of the Revised Code. The legislative authority 99782
of the county shall establish all regulations necessary to provide 99783
for the administration and allocation of the tax. The regulations 99784
may prescribe the time for payment of the tax, and may provide for 99785
the imposition of a penalty or interest, or both, for late 99786
payments, provided that the penalty does not exceed ten per cent 99787
of the amount of tax due, and the rate at which interest accrues 99788
does not exceed the rate per annum prescribed pursuant to section 99789
5703.47 of the Revised Code. All revenues arising from the tax 99790
shall be expended in accordance with section 307.672 of the 99791
Revised Code and this division. The levy of a tax imposed under 99792

this division shall not commence prior to the first day of the 99793
month next following the execution of the cooperative agreement 99794
authorized by section 307.672 of the Revised Code by all parties 99795
to that agreement. The tax shall remain in effect at the rate at 99796
which it is imposed for the period of time determined by the 99797
legislative authority of the county. That period of time shall not 99798
exceed fifteen years, except that the legislative authority of a 99799
county with a population of less than two hundred fifty thousand 99800
according to the most recent federal decennial census, by 99801
resolution adopted by a majority of its members before the 99802
original tax expires, may extend the duration of the tax for an 99803
additional period of time. The additional period of time by which 99804
a legislative authority extends a tax levied under this division 99805
shall not exceed fifteen years. 99806

(F) The legislative authority of a county that has levied a 99807
tax under division (E) of this section may, by resolution adopted 99808
within one hundred eighty days after January 4, 2001, by a 99809
majority of the members of the legislative authority, amend the 99810
resolution levying a tax under that division to provide for the 99811
use of the proceeds of that tax, to the extent that it is no 99812
longer needed for its original purpose as determined by the 99813
parties to a cooperative agreement amendment pursuant to division 99814
(D) of section 307.672 of the Revised Code, to pay costs of 99815
acquiring, constructing, renovating, rehabilitating, equipping, 99816
and improving a port authority educational and cultural performing 99817
arts facility, including debt service charges on bonds provided 99818
for in division (B) of section 307.674 of the Revised Code, and to 99819
pay all obligations under any guaranty agreements, reimbursement 99820
agreements, or other credit enhancement agreements described in 99821
division (C) of section 307.674 of the Revised Code. The 99822
resolution may also provide for the extension of the tax at the 99823
same rate for the longer of the period of time determined by the 99824
legislative authority of the county, but not to exceed an 99825

additional twenty-five years, or the period of time required to 99826
pay all debt service charges on bonds provided for in division (B) 99827
of section 307.672 of the Revised Code and on port authority 99828
revenue bonds provided for in division (B) of section 307.674 of 99829
the Revised Code. All revenues arising from the amendment and 99830
extension of the tax shall be expended in accordance with section 99831
307.674 of the Revised Code, this division, and division (E) of 99832
this section. 99833

(G) For purposes of a tax levied by a county, township, or 99834
municipal corporation under this section or section 5739.08 of the 99835
Revised Code, a board of county commissioners, board of township 99836
trustees, or the legislative authority of a municipal corporation 99837
may adopt a resolution or ordinance at any time specifying that 99838
"hotel," as otherwise defined in section 5739.01 of the Revised 99839
Code, includes the following: 99840

(1) Establishments in which fewer than five rooms are used 99841
for the accommodation of guests. 99842

(2) Establishments at which rooms are used for the 99843
accommodation of guests regardless of whether each room is 99844
accessible through its own keyed entry or several rooms are 99845
accessible through the same keyed entry; and, in determining the 99846
number of rooms, all rooms are included regardless of the number 99847
of structures in which the rooms are situated or the number of 99848
parcels of land on which the structures are located if the 99849
structures are under the same ownership and the structures are not 99850
identified in advertisements of the accommodations as distinct 99851
establishments. For the purposes of division (G)(2) of this 99852
section, two or more structures are under the same ownership if 99853
they are owned by the same person, or if they are owned by two or 99854
more persons the majority of the ownership interests of which are 99855
owned by the same person. 99856

The resolution or ordinance may apply to a tax imposed 99857

pursuant to this section prior to the adoption of the resolution 99858
or ordinance if the resolution or ordinance so states, but the tax 99859
shall not apply to transactions by which lodging by such an 99860
establishment is provided to transient guests prior to the 99861
adoption of the resolution or ordinance. 99862

(H)(1) As used in this division: 99863

(a) "Convention facilities authority" has the same meaning as 99864
in section 351.01 of the Revised Code. 99865

(b) "Convention center" has the same meaning as in section 99866
307.695 of the Revised Code. 99867

(2) Notwithstanding any contrary provision of division (D) of 99868
this section, the legislative authority of a county with a 99869
population of one million or more according to the most recent 99870
federal decennial census that has levied a tax under division (D) 99871
of this section may, by resolution adopted by a majority of the 99872
members of the legislative authority, provide for the extension of 99873
such levy and may provide that the proceeds of that tax, to the 99874
extent that they are no longer needed for their original purpose 99875
as defined by a cooperative agreement entered into under section 99876
307.671 of the Revised Code, shall be deposited into the county 99877
general revenue fund. The resolution shall provide for the 99878
extension of the tax at a rate not to exceed the rate specified in 99879
division (D) of this section for a period of time determined by 99880
the legislative authority of the county, but not to exceed an 99881
additional forty years. 99882

(3) The legislative authority of a county with a population 99883
of one million or more that has levied a tax under division (A)(1) 99884
of this section may, by resolution adopted by a majority of the 99885
members of the legislative authority, increase the rate of the tax 99886
levied by such county under division (A)(1) of this section to a 99887
rate not to exceed five per cent on transactions by which lodging 99888

by a hotel is or is to be furnished to transient guests. 99889
Notwithstanding any contrary provision of division (A)(1) of this 99890
section, the resolution may provide that all collections resulting 99891
from the rate levied in excess of three per cent, after deducting 99892
the real and actual costs of administering the tax, shall be 99893
deposited in the county general fund. 99894

(4) The legislative authority of a county with a population 99895
of one million or more that has levied a tax under division (A)(1) 99896
of this section may, by resolution adopted on or before August 30, 99897
2004, by a majority of the members of the legislative authority, 99898
provide that all or a portion of the proceeds of the tax levied 99899
under division (A)(1) of this section, after deducting the real 99900
and actual costs of administering the tax and the amounts required 99901
to be returned to townships and municipal corporations with 99902
respect to the first three per cent levied under division (A)(1) 99903
of this section, shall be deposited in the county general fund, 99904
provided that such proceeds shall be used to satisfy any pledges 99905
made in connection with an agreement entered into under section 99906
307.695 of the Revised Code. 99907

(5) No amount collected from a tax levied, extended, or 99908
required to be deposited in the county general fund under division 99909
(H) of this section shall be contributed to a convention 99910
facilities authority, corporation, or other entity created after 99911
July 1, 2003, for the principal purpose of constructing, 99912
improving, expanding, equipping, financing, or operating a 99913
convention center unless the mayor of the municipal corporation in 99914
which the convention center is to be operated by that convention 99915
facilities authority, corporation, or other entity has consented 99916
to the creation of that convention facilities authority, 99917
corporation, or entity. Notwithstanding any contrary provision of 99918
section 351.04 of the Revised Code, if a tax is levied by a county 99919
under division (H) of this section, the board of county 99920

commissioners of that county may determine the manner of 99921
selection, the qualifications, the number, and terms of office of 99922
the members of the board of directors of any convention facilities 99923
authority, corporation, or other entity described in division 99924
(H)(5) of this section. 99925

(6)(a) No amount collected from a tax levied, extended, or 99926
required to be deposited in the county general fund under division 99927
(H) of this section may be used for any purpose other than paying 99928
the direct and indirect costs of constructing, improving, 99929
expanding, equipping, financing, or operating a convention center 99930
and for the real and actual costs of administering the tax, 99931
unless, prior to the adoption of the resolution of the legislative 99932
authority of the county authorizing the levy, extension, increase, 99933
or deposit, the county and the mayor of the most populous 99934
municipal corporation in that county have entered into an 99935
agreement as to the use of such amounts, provided that such 99936
agreement has been approved by a majority of the mayors of the 99937
other municipal corporations in that county. The agreement shall 99938
provide that the amounts to be used for purposes other than paying 99939
the convention center or administrative costs described in 99940
division (H)(6)(a) of this section be used only for the direct and 99941
indirect costs of capital improvements, including the financing of 99942
capital improvements. 99943

(b) If the county in which the tax is levied has an 99944
association of mayors and city managers, the approval of that 99945
association of an agreement described in division (H)(6)(a) of 99946
this section shall be considered to be the approval of the 99947
majority of the mayors of the other municipal corporations for 99948
purposes of that division. 99949

(7) Each year, the auditor of state shall conduct an audit of 99950
the uses of any amounts collected from taxes levied, extended, or 99951
deposited under division (H) of this section and shall prepare a 99952

report of the auditor of state's findings. The auditor of state 99953
shall submit the report to the legislative authority of the county 99954
that has levied, extended, or deposited the tax, the speaker of 99955
the house of representatives, the president of the senate, and the 99956
leaders of the minority parties of the house of representatives 99957
and the senate. 99958

(I)(1) As used in this division: 99959

(a) "Convention facilities authority" has the same meaning as 99960
in section 351.01 of the Revised Code. 99961

(b) "Convention center" has the same meaning as in section 99962
307.695 of the Revised Code. 99963

(2) Notwithstanding any contrary provision of division (D) of 99964
this section, the legislative authority of a county with a 99965
population of one million two hundred thousand or more according 99966
to the most recent federal decennial census or the most recent 99967
annual population estimate published or released by the United 99968
States census bureau at the time the resolution is adopted placing 99969
the levy on the ballot, that has levied a tax under division (D) 99970
of this section may, by resolution adopted by a majority of the 99971
members of the legislative authority, provide for the extension of 99972
such levy and may provide that the proceeds of that tax, to the 99973
extent that the proceeds are no longer needed for their original 99974
purpose as defined by a cooperative agreement entered into under 99975
section 307.671 of the Revised Code and after deducting the real 99976
and actual costs of administering the tax, shall be used for 99977
paying the direct and indirect costs of constructing, improving, 99978
expanding, equipping, financing, or operating a convention center. 99979
The resolution shall provide for the extension of the tax at a 99980
rate not to exceed the rate specified in division (D) of this 99981
section for a period of time determined by the legislative 99982
authority of the county, but not to exceed an additional forty 99983
years. 99984

(3) The legislative authority of a county with a population 99985
of one million two hundred thousand or more that has levied a tax 99986
under division (A)(1) of this section may, by resolution adopted 99987
by a majority of the members of the legislative authority, 99988
increase the rate of the tax levied by such county under division 99989
(A)(1) of this section to a rate not to exceed five per cent on 99990
transactions by which lodging by a hotel is or is to be furnished 99991
to transient guests. Notwithstanding any contrary provision of 99992
division (A)(1) of this section, the resolution shall provide that 99993
all collections resulting from the rate levied in excess of three 99994
per cent, after deducting the real and actual costs of 99995
administering the tax, shall be used for paying the direct and 99996
indirect costs of constructing, improving, expanding, equipping, 99997
financing, or operating a convention center. 99998

(4) The legislative authority of a county with a population 99999
of one million two hundred thousand or more that has levied a tax 100000
under division (A)(1) of this section may, by resolution adopted 100001
on or before July 1, 2008, by a majority of the members of the 100002
legislative authority, provide that all or a portion of the 100003
proceeds of the tax levied under division (A)(1) of this section, 100004
after deducting the real and actual costs of administering the tax 100005
and the amounts required to be returned to townships and municipal 100006
corporations with respect to the first three per cent levied under 100007
division (A)(1) of this section, shall be used to satisfy any 100008
pledges made in connection with an agreement entered into under 100009
section 307.695 of the Revised Code or shall otherwise be used for 100010
paying the direct and indirect costs of constructing, improving, 100011
expanding, equipping, financing, or operating a convention center. 100012

(5) Any amount collected from a tax levied or extended under 100013
division (I) of this section may be contributed to a convention 100014
facilities authority created before July 1, 2005, but no amount 100015
collected from a tax levied or extended under division (I) of this 100016

section may be contributed to a convention facilities authority, 100017
corporation, or other entity created after July 1, 2005, unless 100018
the mayor of the municipal corporation in which the convention 100019
center is to be operated by that convention facilities authority, 100020
corporation, or other entity has consented to the creation of that 100021
convention facilities authority, corporation, or entity. 100022

(J)(1) Except as provided in division (J)(2) of this section, 100023
money collected by a county and distributed under this section to 100024
a convention and visitors' bureau in existence as of June 30, 100025
2013, the effective date of H.B. 59 of the 130th general assembly, 100026
except for any such money pledged, as of that effective date, to 100027
the payment of debt service charges on bonds, notes, securities, 100028
or lease agreements, shall be used solely for tourism sales, 100029
marketing and promotion, and their associated costs, including, 100030
but not limited to, operational and administrative costs of the 100031
bureau, sales and marketing, and maintenance of the physical 100032
bureau structure. 100033

(2) A convention and visitors' bureau that has entered into 100034
an agreement under section 307.678 of the Revised Code may use 100035
revenue it receives from a tax levied under division (A)(1) of 100036
this section as described in division ~~(D)~~(E) of section 307.678 of 100037
the Revised Code. 100038

(K) The board of county commissioners of a county with a 100039
population between one hundred three thousand and one hundred 100040
seven thousand according to the most recent federal decennial 100041
census, by resolution adopted by a majority of the members of the 100042
board within six months after September 15, 2014, the effective 100043
date of H.B. 483 of the 130th general assembly, may levy a tax not 100044
to exceed three per cent on transactions by which a hotel is or is 100045
to be furnished to transient guests. The purpose of the tax shall 100046
be to pay the costs of expanding, maintaining, or operating a 100047
soldiers' memorial and the costs of administering the tax. All 100048

revenue arising from the tax shall be credited to one or more 100049
special funds in the county treasury and shall be spent solely for 100050
the purposes of paying those costs. The board of county 100051
commissioners shall adopt all rules necessary to provide for the 100052
administration of the tax subject to the same limitations on 100053
imposing penalty or interest under division (A)(1) of this 100054
section. 100055

As used in this division "soldiers' memorial" means a 100056
memorial constructed and funded under Chapter 345. of the Revised 100057
Code. 100058

(L) A board of county commissioners of an eligible county, by 100059
resolution adopted by a majority of the members of the board, may 100060
levy an excise tax at the rate of up to three per cent on 100061
transactions by which lodging by a hotel is or is to be furnished 100062
to transient guests for the purpose of paying the costs of 100063
permanent improvements at sites at which one or more agricultural 100064
societies conduct fairs or exhibits, paying the costs of 100065
maintaining or operating such permanent improvements, and paying 100066
the costs of administering the tax. A resolution adopted under 100067
this division shall direct the board of elections to submit the 100068
question of the proposed lodging tax to the electors of the county 100069
at a special election held on the date specified by the board in 100070
the resolution, provided that the election occurs not less than 100071
ninety days after a certified copy of the resolution is 100072
transmitted to the board of elections. A resolution submitted to 100073
the electors under this division shall not go into effect unless 100074
it is approved by a majority of those voting upon it. The 100075
resolution takes effect on the date the board of county 100076
commissioners receives notification from the board of elections of 100077
an affirmative vote. 100078

The tax shall remain in effect for the period specified in 100079
the resolution, not to exceed five years. All revenue arising from 100080

the tax shall be credited to one or more special funds in the 100081
county treasury and shall be spent solely for the purposes of 100082
paying the costs of such permanent improvements and maintaining or 100083
operating the improvements. Revenue allocated for the use of a 100084
county agricultural society may be credited to the county 100085
agricultural society fund created in section 1711.16 of the 100086
Revised Code upon appropriation by the board. If revenue is 100087
credited to that fund, it shall be expended only as provided in 100088
that section. 100089

The board of county commissioners shall adopt all rules 100090
necessary to provide for the administration of the tax. The rules 100091
may prescribe the time for payment of the tax, and may provide for 100092
the imposition or penalty or interest, or both, for late payments, 100093
provided that the penalty does not exceed ten per cent of the 100094
amount of tax due, and the rate at which interest accrues does not 100095
exceed the rate per annum prescribed in section 5703.47 of the 100096
Revised Code. 100097

As used in this division, "eligible county" means a county in 100098
which a county agricultural society or independent agricultural 100099
society is organized under section 1711.01 or 1711.02 of the 100100
Revised Code, provided the agricultural society owns a facility or 100101
site in the county at which an annual harness horse race is 100102
conducted where one-day attendance equals at least forty thousand 100103
attendees. 100104

(M) As used in this division, "eligible county" means a 100105
county in which a tax is levied under division (A) of this section 100106
at a rate of three per cent and whose territory includes a part of 100107
Lake Erie the shoreline of which represents at least fifty per 100108
cent of the linear length of the county's border with other 100109
counties of this state. 100110

The board of county commissioners of an eligible county that 100111
has entered into an agreement with a port authority in the county 100112

under section 4582.56 of the Revised Code may levy an additional 100113
lodging tax on transactions by which lodging by a hotel is or is 100114
to be furnished to transient guests for the purpose of financing 100115
lakeshore improvement projects constructed or financed by the port 100116
authority under that section. The resolution levying the tax shall 100117
specify the purpose of the tax, the rate of the tax, which shall 100118
not exceed two per cent, and the number of years the tax will be 100119
levied or that it will be levied for a continuing period of time. 100120
The tax shall be administered pursuant to the regulations adopted 100121
by the board under division (A) of this section, except that all 100122
the proceeds of the tax levied under this division shall be 100123
pledged to the payment of the costs, including debt charges, of 100124
lakeshore improvements undertaken by a port authority pursuant to 100125
the agreement under section 4582.56 of the Revised Code. No 100126
revenue from the tax may be used to pay the current expenses of 100127
the port authority. 100128

A resolution levying a tax under this division is subject to 100129
referendum under sections 305.31 to 305.41 and 305.99 of the 100130
Revised Code. 100131

(N)(1) Notwithstanding division (A) of this section, the 100132
board of county commissioners, board of township trustees, or 100133
legislative authority of any county, township, or municipal 100134
corporation that levies a lodging tax on the effective date of the 100135
amendment of this section and in which any part of a tourism 100136
development district is located on or after that date shall amend 100137
the ordinance or resolution levying the tax to require either of 100138
the following: 100139

(a) In the case of a tax levied by a county, that all tourism 100140
development district lodging tax proceeds from that tax be used 100141
exclusively to foster and develop tourism in the tourism 100142
development district; 100143

(b) In the case of a tax levied by a township or municipal 100144

corporation, that all tourism development district lodging tax 100145
proceeds from that tax be used exclusively to foster and develop 100146
tourism in the tourism development district. 100147

(2) Notwithstanding division (A) of this section, any 100148
ordinance or resolution levying a lodging tax adopted on or after 100149
the effective date of the amendment of this section by a county, 100150
township, or municipal corporation in which any part of a tourism 100151
development district is located on or after that date shall 100152
require that all tourism development district lodging tax proceeds 100153
from that tax be used exclusively to foster and develop tourism in 100154
the tourism development district. 100155

(3) A county shall not use any of the proceeds described in 100156
division (N)(1)(a) of this section unless the convention and 100157
visitors' bureau operating within the county approves the manner 100158
in which such proceeds are used to foster and develop tourism in 100159
the tourism development district. Upon obtaining such approval, 100160
the county may pay such proceeds to the bureau to use for the 100161
agreed-upon purpose. 100162

A municipal corporation or township shall not use any of the 100163
proceeds described in division (N)(1)(b) of this section unless 100164
the convention and visitors' bureau operating within the municipal 100165
corporation or township approves the manner in which such proceeds 100166
are used to foster and develop tourism in the tourism development 100167
district. Upon obtaining such approval, the municipal corporation 100168
or township may pay such proceeds to the bureau to use for the 100169
agreed-upon purpose. 100170

(4) As used in division (N) of this section: 100171

(a) "Tourism development district" means a district 100172
designated by a municipal corporation under section 715.014 of the 100173
Revised Code or by a township under section 503.56 of the Revised 100174
Code. 100175

(b) "Lodging tax" means a tax levied pursuant to this section 100176
or section 5739.08 of the Revised Code. 100177

(c) "Tourism development district lodging tax proceeds" means 100178
all proceeds of a lodging tax derived from transactions by which 100179
lodging by a hotel located in a tourism development district is or 100180
is to be provided to transient guests. 100181

Sec. 5739.122. (A) If the total amount of tax required to be 100182
paid by a vendor under section 5739.12 of the Revised Code for any 100183
calendar year equals or exceeds seventy-five thousand dollars, the 100184
vendor shall remit each monthly tax payment in the second ensuing 100185
and each succeeding tax year on an accelerated basis as prescribed 100186
by divisions (B) and (C) of this section. 100187

If a vendor's tax payment for each of two consecutive years 100188
is less than seventy-five thousand dollars, the vendor is relieved 100189
of the requirement to remit taxes in the manner prescribed by this 100190
section for the year that next follows the second of the 100191
consecutive years in which the tax payment is less than that 100192
amount, and is relieved of that requirement for each succeeding 100193
year, unless the tax payment in a subsequent year equals or 100194
exceeds seventy-five thousand dollars. 100195

The tax commissioner shall notify each vendor required to 100196
make accelerated tax payments of the vendor's obligation to do so 100197
and shall maintain an updated list of those vendors. Failure by 100198
the tax commissioner to notify a vendor subject to this section to 100199
remit taxes on an accelerated basis does not relieve the vendor of 100200
its obligation to remit taxes as provided under division (B) of 100201
this section. 100202

(B) Vendors required by division (A) of this section to make 100203
accelerated tax payments shall electronically remit such payments 100204
to the tax commissioner in a manner approved by the commissioner, 100205
as follows: 100206

(1) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes on an accelerated basis under this section does not affect a vendor's obligation to file returns and pay the tax shown on the returns to be due as required under section 5739.12 of the Revised Code.

(C) A vendor required by this section to remit taxes on an accelerated basis may apply to the tax commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse the vendor from remittance on an accelerated basis for good cause shown for the period of time requested by the vendor or for a portion of that period.

(D)(1)(a) If a vendor that is required to remit payments under division (B) of this section fails to make a payment required under division (B)(1) of this section, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount.

(b) Division (D)(1)(a) of this section does not apply if the vendor's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the vendor's reported liability for the same month in the immediately preceding calendar year.

(c) In each of the first twelve months following a new or

used motor vehicle dealer's election under division (B)(5) of 100238
section 4505.06 of the Revised Code to report and remit tax 100239
directly to the state, division (D)(1)(a) of this section does not 100240
apply if the dealer's payment under division (B)(1) of this 100241
section is equal to or greater than seventy-five per cent of the 100242
dealer's sales tax payments to the clerk of courts under division 100243
(A)(5) of section 4505.06 of the Revised Code for the same month 100244
in the immediately preceding calendar year. 100245

(2) Any additional charge imposed under division (D)(1) of 100246
this section is in addition to any other penalty or charge imposed 100247
under this chapter, and shall be considered as revenue arising 100248
from taxes imposed under this chapter. An additional charge may be 100249
collected by assessment in the manner prescribed by section 100250
5739.13 of the Revised Code. The tax commissioner may waive all or 100251
a portion of such a charge and may adopt rules governing such 100252
waiver. 100253

Sec. 5739.13. (A) If any vendor collects the tax imposed by 100254
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 100255
the Revised Code, and fails to remit the tax to the state as 100256
prescribed, or on the sale of a motor vehicle, watercraft, or 100257
outboard motor required to be titled, fails to remit payment to a 100258
clerk of a court of common pleas or the state as provided in 100259
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 100260
be personally liable for any tax collected and not remitted. The 100261
tax commissioner may make an assessment against such vendor based 100262
upon any information in the commissioner's possession. 100263

If any vendor fails to collect the tax or any consumer fails 100264
to pay the tax imposed by or pursuant to section 5739.02, 100265
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 100266
transaction subject to the tax, the vendor or consumer shall be 100267
personally liable for the amount of the tax applicable to the 100268

transaction. The commissioner may make an assessment against 100269
either the vendor or consumer, as the facts may require, based 100270
upon any information in the commissioner's possession. 100271

An assessment against a vendor when the tax imposed by or 100272
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 100273
the Revised Code has not been collected or paid, shall not 100274
discharge the purchaser's or consumer's liability to reimburse the 100275
vendor for the tax applicable to such transaction. 100276

An assessment issued against either, pursuant to this 100277
section, shall not be considered an election of remedies, nor a 100278
bar to an assessment against the other for the tax applicable to 100279
the same transaction, provided that no assessment shall be issued 100280
against any person for the tax due on a particular transaction if 100281
the tax on that transaction actually has been paid by another. 100282

The commissioner may make an assessment against any vendor 100283
who fails to file a return or remit the proper amount of tax 100284
required by this chapter, or against any consumer who fails to pay 100285
the proper amount of tax required by this chapter. When 100286
information in the possession of the commissioner indicates that 100287
the amount required to be collected or paid under this chapter is 100288
greater than the amount remitted by the vendor or paid by the 100289
consumer, the commissioner may audit a sample of the vendor's 100290
sales or the consumer's purchases for a representative period, to 100291
ascertain the per cent of exempt or taxable transactions or the 100292
effective tax rate and may issue an assessment based on the audit. 100293
The commissioner shall make a good faith effort to reach agreement 100294
with the vendor or consumer in selecting a representative sample. 100295

The commissioner may make an assessment, based on any 100296
information in the commissioner's possession, against any person 100297
who fails to file a return or remit the proper amount of tax 100298
required by section 5739.102 of the Revised Code. 100299

The commissioner may issue an assessment on any transaction 100300
for which any tax imposed under this chapter or Chapter 5741. of 100301
the Revised Code was due and unpaid on the date the vendor or 100302
consumer was informed by an agent of the tax commissioner of an 100303
investigation or audit. If the vendor or consumer remits any 100304
payment of the tax for the period covered by the assessment after 100305
the vendor or consumer was informed of the investigation or audit, 100306
the payment shall be credited against the amount of the 100307
assessment. 100308

The commissioner shall give the party assessed written notice 100309
of the assessment in the manner provided in section 5703.37 of the 100310
Revised Code. With the notice, the commissioner shall provide 100311
instructions on how to petition for reassessment and request a 100312
hearing on the petition. 100313

(B) Unless the party assessed files with the commissioner 100314
within sixty days after service of the notice of assessment, 100315
either personally or by certified mail, a written petition for 100316
reassessment, signed by the party assessed or that party's 100317
authorized agent having knowledge of the facts, the assessment 100318
becomes final and the amount of the assessment is due from the 100319
party assessed and payable to the treasurer of state and remitted 100320
to the tax commissioner. The petition shall indicate the 100321
objections of the party assessed, but additional objections may be 100322
raised in writing if received by the commissioner prior to the 100323
date shown on the final determination. If the petition has been 100324
properly filed, the commissioner shall proceed under section 100325
5703.60 of the Revised Code. 100326

(C) After an assessment becomes final, if any portion of the 100327
assessment remains unpaid, including accrued interest, a certified 100328
copy of the commissioner's entry making the assessment final may 100329
be filed in the office of the clerk of the court of common pleas 100330
in the county in which the place of business of the party assessed 100331

is located or the county in which the party assessed resides. If 100332
the party assessed maintains no place of business in this state 100333
and is not a resident of this state, the certified copy of the 100334
entry may be filed in the office of the clerk of the court of 100335
common pleas of Franklin county. 100336

Immediately upon the filing of the entry, the clerk shall 100337
enter a judgment for the state against the party assessed in the 100338
amount shown on the entry. The judgment may be filed by the clerk 100339
in a loose-leaf book entitled "special judgments for state, 100340
county, and transit authority retail sales tax" or, if 100341
appropriate, "special judgments for resort area excise tax," and 100342
shall have the same effect as other judgments. Execution shall 100343
issue upon the judgment upon the request of the tax commissioner, 100344
and all laws applicable to sales on execution shall apply to sales 100345
made under the judgment except as otherwise provided in this 100346
chapter. 100347

If the assessment is not paid in its entirety within sixty 100348
days after the date the assessment was issued, the portion of the 100349
assessment consisting of tax due shall bear interest at the rate 100350
per annum prescribed by section 5703.47 of the Revised Code from 100351
the day the tax commissioner issues the assessment until the 100352
assessment is paid or until it is certified to the attorney 100353
general for collection under section 131.02 of the Revised Code, 100354
whichever comes first. If the unpaid portion of the assessment is 100355
certified to the attorney general for collection, the entire 100356
unpaid portion of the assessment shall bear interest at the rate 100357
per annum prescribed by section 5703.47 of the Revised Code from 100358
the date of certification until the date it is paid in its 100359
entirety. Interest shall be paid in the same manner as the tax and 100360
may be collected by issuing an assessment under this section. 100361

(D) All money collected by the tax commissioner under this 100362
section shall be paid to the treasurer of state, and when paid 100363

shall be considered as revenue arising from the taxes imposed by 100364
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 100365

Sec. 5739.132. (A) If a tax ~~payment originally, fee, or~~ 100366
charge due under this chapter or Chapter 128. or 5741. of the 100367
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 100368
the day the ~~tax~~ payment is required to be paid, interest shall 100369
accrue on the unpaid tax, fee, or charge at the rate per annum 100370
prescribed by section 5703.47 of the Revised Code from the day the 100371
tax, fee, or charge was required to be paid until the tax, fee, or 100372
charge is paid or until the day an assessment is issued under 100373
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 100374
first. Interest shall be paid in the same manner as the tax, fee, 100375
or charge, and may be collected by assessment. 100376

(B) ~~For tax payments due prior to January 1, 1998, interest~~ 100377
~~shall be allowed and paid upon any refund granted in respect to~~ 100378
~~the payment of an illegal or erroneous assessment issued by the~~ 100379
~~department for the tax imposed under this chapter or Chapter 5741.~~ 100380
~~of the Revised Code from the date of the overpayment. For tax~~ 100381
~~payments due on or after January 1, 1998, interest~~ Interest shall 100382
be allowed and paid on any refund granted pursuant to section 100383
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 100384
the overpayment. The interest shall be computed at the rate per 100385
annum prescribed by section 5703.47 of the Revised Code. 100386

Sec. 5739.18. The tax commissioner shall provide and maintain 100387
a system that will allow county auditors to issue vendor's 100388
licenses. County auditors shall use that system to issue vendor's 100389
licenses. 100390

The commissioner shall publish lists of the following 100391
information on the department of taxation's web site: 100392

(A) The name, account number, and business address of each 100393

holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license; 100394
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(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit; 100397
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(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration. 100401
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Sec. 5739.30. (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report, or statement. 100405
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(B) If any vendor required to file monthly returns under section 5739.12 of the Revised Code fails, on two consecutive months or on three or more months within a twelve-month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the tax commissioner to file semiannual returns fails on two or more occasions within a twenty-four month period, to file such returns when due or to pay the tax due thereon, the commissioner may do any of the following: 100411
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(1) Require the vendor to furnish security in an amount equal to the average tax liability of the vendor for a period of one year, as determined by the commissioner from a review of returns or other information pertaining to the vendor, which amount shall in no event be less than one thousand dollars. The security may be 100420
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in the form of a corporate surety bond, satisfactory to the 100425
commissioner, conditioned upon payment of the tax due with the 100426
returns from the vendor. The security shall be filed within ten 100427
days following the vendor's receipt of the notice from the 100428
commissioner of its requirements. 100429

(2) Suspend the license issued to the vendor pursuant to 100430
section 5739.17 of the Revised Code. The suspension shall be 100431
effective ten days after service of written notice to the vendor 100432
of the commissioner's intention to do so. The notice shall be 100433
served upon the vendor personally, by certified mail, or by an 100434
alternative delivery service as authorized under section 5703.37 100435
of the Revised Code. On the first day of the suspension, the 100436
commissioner shall cause to be posted, at every public entrance of 100437
the vendor's premises, a notice identifying the vendor and the 100438
location and informing the public that the vendor's license is 100439
under suspension and that no retail sales may be transacted at 100440
that location. No person, other than the commissioner or the 100441
commissioner's agent or employee, shall remove, cover, or deface 100442
the posted notice. No license which has been suspended under this 100443
section shall be reinstated, and no posted notice shall be 100444
removed, until the vendor has filed complete and correct returns 100445
under this chapter and section 5747.07 of the Revised Code for all 100446
periods in which no return had been filed and has paid the full 100447
amount of the tax, penalties, ~~and~~ or other charges due ~~on these~~ 100448
~~returns~~. 100449

A corporate surety bond filed under this section shall be 100450
returned to the vendor if, for a period of twelve consecutive 100451
months following the date the bond was filed, the vendor has filed 100452
all returns and remitted payment with them within the time 100453
prescribed in section 5739.12 of the Revised Code. 100454

(C) The tax commissioner may suspend a license issued to a 100455
vendor pursuant to section 5739.17 of the Revised Code if the 100456

vendor is required, as an employer, to file returns or make 100457
payments under section 5747.07 of the Revised Code and the vendor 100458
fails to do either of the following: 100459

(1) File such returns when due on two consecutive occasions 100460
or on three or more occasions within a twelve-month period; 100461

(2) Pay the undeposited taxes when due on two consecutive 100462
occasions or on three or more occasions within a twelve-month 100463
period. 100464

Any such suspension shall comply with the provisions of 100465
division (B)(2) of this section. 100466

(D) If a vendor whose license has been suspended under 100467
division (B)(2) of this section fails to file returns or make 100468
payments under section 5747.07 of the Revised Code during such 100469
suspension, the license may not be reinstated, and the notice 100470
required by that division shall not be removed, until the vendor 100471
files complete and correct returns and pays the amounts due, plus 100472
any penalties and other related charges, under section 5747.07 of 100473
the Revised Code for all periods for which the vendor failed to 100474
file such returns and make such payments. 100475

Sec. 5741.021. (A) For the purpose of providing additional 100476
general revenues for the county ~~or~~, supporting criminal and 100477
administrative justice services in the county, funding a regional 100478
transportation improvement project under section 5595.06 of the 100479
Revised Code, or ~~both~~ any combination of the foregoing, and to pay 100480
the expenses of administering such levy, any county which levies a 100481
tax pursuant to section 5739.021 of the Revised Code shall levy a 100482
tax at the same rate levied pursuant to section 5739.021 of the 100483
Revised Code on the storage, use, or other consumption in the 100484
county of the following: 100485

(1) Motor vehicles, and watercraft and outboard motors 100486

required to be titled in the county pursuant to Chapter 1548. of 100487
the Revised Code and acquired by a transaction subject to the tax 100488
imposed by section 5739.02 of the Revised Code; 100489

(2) In addition to the tax imposed by section 5741.02 of the 100490
Revised Code, tangible personal property and services subject to 100491
the tax levied by this state as provided in section 5741.02 of the 100492
Revised Code, and tangible personal property and services 100493
purchased in another county within this state by a transaction 100494
subject to the tax imposed by section 5739.02 of the Revised Code. 100495

The tax shall be levied pursuant to a resolution of the board 100496
of county commissioners which shall be adopted after publication 100497
of notice and hearing in the same manner as provided in section 100498
5739.021 of the Revised Code. Such resolution shall be adopted and 100499
shall become effective on the same day as the resolution adopted 100500
by the board of county commissioners levying a sales tax pursuant 100501
to section 5739.021 of the Revised Code and shall remain in effect 100502
until such sales tax is repealed. 100503

(B) The tax levied pursuant to this section on the storage, 100504
use, or other consumption of tangible personal property and on the 100505
benefit of a service realized shall be in addition to the tax 100506
levied by section 5741.02 of the Revised Code and, except as 100507
provided in division (D) of this section, any tax levied pursuant 100508
to sections 5741.022 and 5741.023 of the Revised Code. 100509

(C) The additional tax levied by the county shall be 100510
collected pursuant to section 5739.025 of the Revised Code. If the 100511
additional tax or some portion thereof is levied for the purpose 100512
of criminal and administrative justice services, the revenue from 100513
the tax, or the amount or rate apportioned to that purpose, shall 100514
be credited to a special fund created in the county treasury for 100515
receipt of that revenue. 100516

(D) The tax levied pursuant to this section shall not be 100517

applicable to any benefit of a service realized or to any storage, 100518
use, or consumption of property not within the taxing power of a 100519
county under the constitution of the United States or the 100520
constitution of this state, or to property or services on which a 100521
tax levied by a county or transit authority pursuant to this 100522
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 100523
5741.023 of the Revised Code has been paid, if the sum of the 100524
taxes paid pursuant to those sections is equal to or greater than 100525
the sum of the taxes due under this section and sections 5741.022 100526
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100527
less than the sum of the taxes due under this section and sections 100528
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 100529
shall be credited against the amount of tax due. 100530

(E) As used in this section, "criminal and administrative 100531
justice services" has the same meaning as in section 5739.021 of 100532
the Revised Code. 100533

Sec. 5741.022. (A) For the purpose of providing additional 100534
general revenues for the transit authority or funding a regional 100535
transportation improvement project under section 5595.06 of the 100536
Revised Code, or both, and ~~paying to pay~~ the expenses of 100537
administering such levy, any transit authority as defined in 100538
section 5741.01 of the Revised Code that levies a tax pursuant to 100539
section 5739.023 of the Revised Code shall levy a tax at the same 100540
rate levied pursuant to such section on the storage, use, or other 100541
consumption in the territory of the transit authority of the 100542
following: 100543

(1) Motor vehicles, and watercraft and outboard motors 100544
required to be titled in the county pursuant to Chapter 1548. of 100545
the Revised Code and acquired by a transaction subject to the tax 100546
imposed by section 5739.02 of the Revised Code; 100547

(2) In addition to the tax imposed by section 5741.02 of the 100548

Revised Code, tangible personal property and services subject to 100549
the tax levied by this state as provided in section 5741.02 of the 100550
Revised Code, and tangible personal property and services 100551
purchased in another county within this state by a transaction 100552
subject to the tax imposed by section 5739.02 of the Revised Code. 100553

The tax shall be in effect at the same time and at the same 100554
rate and shall be levied pursuant to the resolution of the 100555
legislative authority of the transit authority levying a sales tax 100556
pursuant to section 5739.023 of the Revised Code. 100557

(B) The tax levied pursuant to this section on the storage, 100558
use, or other consumption of tangible personal property and on the 100559
benefit of a service realized shall be in addition to the tax 100560
levied by section 5741.02 of the Revised Code and, except as 100561
provided in division (D) of this section, any tax levied pursuant 100562
to sections 5741.021 and 5741.023 of the Revised Code. 100563

(C) The additional tax levied by the authority shall be 100564
collected pursuant to section 5739.025 of the Revised Code. 100565

(D) The tax levied pursuant to this section shall not be 100566
applicable to any benefit of a service realized or to any storage, 100567
use, or consumption of property not within the taxing power of a 100568
transit authority under the constitution of the United States or 100569
the constitution of this state, or to property or services on 100570
which a tax levied by a county or transit authority pursuant to 100571
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 100572
5741.023 of the Revised Code has been paid, if the sum of the 100573
taxes paid pursuant to those sections is equal to or greater than 100574
the sum of the taxes due under this section and sections 5741.021 100575
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100576
less than the sum of the taxes due under this section and sections 100577
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 100578
shall be credited against the amount of tax due. 100579

(E) The rate of a tax levied under this section is subject to 100580
reduction under section 5739.028 of the Revised Code if a ballot 100581
question is approved by voters pursuant to that section. 100582

Sec. 5741.12. (A) Each seller required by section 5741.17 of 100583
the Revised Code to register with the tax commissioner, and any 100584
seller authorized by the commissioner to collect the tax imposed 100585
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 100586
of the Revised Code is subject to the same requirements and 100587
entitled to the same deductions and discount for prompt payments 100588
as are vendors under section 5739.12 of the Revised Code, and the 100589
same monetary allowances as are vendors under section 5739.06 of 100590
the Revised Code. The powers and duties of the commissioner with 100591
respect to returns and tax remittances under this section shall be 100592
identical with those prescribed in section 5739.12 of the Revised 100593
Code. 100594

(B) Every person storing, using, or consuming tangible 100595
personal property or receiving the benefit of a service, the 100596
storage, use, consumption, or receipt of which is subject to the 100597
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 100598
or 5741.023 of the Revised Code, when such tax was not paid to a 100599
seller, shall, on or before the twenty-third day of each month, 100600
file with the tax commissioner a return for the preceding month in 100601
such form as is prescribed by the commissioner, showing such 100602
information as the commissioner deems necessary, and shall pay the 100603
tax shown on the return to be due. Remittance shall be made 100604
payable to the treasurer of state. The commissioner may require 100605
consumers to file returns and pay the tax at other than monthly 100606
intervals, if the commissioner determines that such filing is 100607
necessary for the efficient administration of the tax. If the 100608
commissioner determines that a consumer's tax liability is not 100609
such as to merit monthly filing, the commissioner may authorize 100610
the consumer to file returns and pay tax at less frequent 100611

intervals. 100612

Any consumer required to file a return and pay the tax under 100613
this section whose payment for any year equals or exceeds the 100614
amount shown in division (A) of section 5741.121 of the Revised 100615
Code is subject to the accelerated tax payment requirements in 100616
divisions (B) and (C) of that section. 100617

(C) ~~Every~~ Except as provided in division (B)(5) of section 100618
4505.06 of the Revised Code, every person storing, using, or 100619
consuming a motor vehicle, watercraft, or outboard motor, the 100620
ownership of which must be evidenced by certificate of title, 100621
shall file the return required by this section and pay the tax due 100622
at or prior to the time of filing an application for certificate 100623
of title. 100624

Sec. 5743.01. As used in this chapter: 100625

(A) "Person" includes individuals, firms, partnerships, 100626
associations, joint-stock companies, corporations, combinations of 100627
individuals of any form, and the state and any of its political 100628
subdivisions. 100629

(B) "Wholesale dealer" includes only those persons: 100630

(1) Who bring in or cause to be brought into this state 100631
unstamped cigarettes purchased directly from the manufacturer, 100632
producer, or importer of cigarettes for sale in this state but 100633
does not include persons who bring in or cause to be brought into 100634
this state cigarettes with respect to which no evidence of tax 100635
payment is required thereon as provided in section 5743.04 of the 100636
Revised Code; or 100637

(2) Who are engaged in the business of selling cigarettes or 100638
tobacco products to others for the purpose of resale. 100639

"Wholesale dealer" does not include any cigarette 100640
manufacturer, export warehouse proprietor, or importer with a 100641

valid permit under 26 U.S.C. 5713 if that person sells cigarettes 100642
in this state only to wholesale dealers holding valid and current 100643
licenses under section 5743.15 of the Revised Code or to an export 100644
warehouse proprietor or another manufacturer. 100645

(C) "Retail dealer" includes: 100646

(1) In reference to dealers in cigarettes, every person other 100647
than a wholesale dealer engaged in the business of selling 100648
cigarettes in this state, regardless of whether the person is 100649
located in this state or elsewhere, and regardless of quantity, 100650
amount, or number of sales; 100651

(2) In reference to dealers in tobacco products, any person 100652
in this state engaged in the business of selling tobacco products 100653
to ultimate consumers in this state, regardless of quantity, 100654
amount, or number of sales. 100655

(D) "Sale" includes exchange, barter, gift, offer for sale, 100656
and distribution, and includes transactions in interstate or 100657
foreign commerce. 100658

(E) "Cigarettes" includes any roll for smoking made wholly or 100659
in part of tobacco, irrespective of size or shape, and whether or 100660
not such tobacco is flavored, adulterated, or mixed with any other 100661
ingredient, the wrapper or cover of which is made of paper, 100662
reconstituted cigarette tobacco, homogenized cigarette tobacco, 100663
cigarette tobacco sheet, or any similar materials other than cigar 100664
tobacco. 100665

(F) "Package" means the individual package, box, or other 100666
container in or from which retail sales of cigarettes are normally 100667
made or intended to be made. 100668

(G) "Storage" includes any keeping or retention of cigarettes 100669
or tobacco products for use or consumption in this state. 100670

(H) "Use" includes the exercise of any right or power 100671

incidental to the ownership of cigarettes or tobacco products. 100672

(I) "Tobacco product" or "other tobacco product" means any 100673
product made from tobacco, other than cigarettes, that is made for 100674
smoking or chewing, or both, and snuff. 100675

(J) "Wholesale price" means the invoice price, including all 100676
federal excise taxes, at which the manufacturer of the tobacco 100677
product sells the tobacco product to unaffiliated distributors, 100678
excluding any discounts based on the method of payment of the 100679
invoice or on time of payment of the invoice. If the taxpayer buys 100680
from other than a manufacturer, "wholesale price" means the 100681
invoice price, including all federal excise taxes and excluding 100682
any discounts based on the method of payment of the invoice or on 100683
time of payment of the invoice. 100684

(K) "Distributor" means: 100685

(1) Any manufacturer who sells, barter, exchanges, or 100686
distributes tobacco products to a retail dealer in the state, 100687
except when selling to a retail dealer that has filed with the 100688
manufacturer a signed statement agreeing to pay and be liable for 100689
the tax imposed by section 5743.51 of the Revised Code; 100690

(2) Any wholesale dealer located in the state who receives 100691
tobacco products from a manufacturer, or who receives tobacco 100692
products on which the tax imposed by this chapter has not been 100693
paid; 100694

(3) Any wholesale dealer located outside the state who sells, 100695
barter, exchanges, or distributes tobacco products to a wholesale 100696
or retail dealer in the state; or 100697

(4) Any retail dealer who receives tobacco products on which 100698
the tax has not or will not be paid by another distributor, 100699
including a retail dealer that has filed a signed statement with a 100700
manufacturer in which the retail dealer agrees to pay and be 100701
liable for the tax that would otherwise be imposed on the 100702

manufacturer by section 5743.51 of the Revised Code. 100703

(L) "Taxpayer" means any person liable for the tax imposed by 100704
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 100705

(M) "Seller" means any person located outside this state 100706
engaged in the business of selling tobacco products to consumers 100707
for storage, use, or other consumption in this state. 100708

(N) "Manufacturer" means any person who manufactures and 100709
sells cigarettes or tobacco products. 100710

(O) "Importer" means any person that is authorized, under a 100711
valid permit issued under Section 5713 of the Internal Revenue 100712
Code, to import finished cigarettes into the United States, either 100713
directly or indirectly. 100714

(P) "Little cigar" means any roll for smoking, other than 100715
cigarettes, made wholly or in part of tobacco that uses an 100716
integrated cellulose acetate filter or other filter and is wrapped 100717
in any substance containing tobacco, other than natural leaf 100718
tobacco. 100719

(Q) "Premium cigar" means any roll for smoking, other than 100720
cigarettes and little cigars, that is made wholly or in part of 100721
tobacco and that has all of the following characteristics: 100722

(1) The binder and wrapper of the roll consist entirely of 100723
leaf tobacco. 100724

(2) The roll contains no filter or tip, nor any mouthpiece 100725
consisting of a material other than tobacco. 100726

(3) The weight of one thousand such rolls is at least six 100727
pounds. 100728

(R) "Maximum tax amount" means fifty cents plus the tax 100729
adjustment factor computed under this division. 100730

In April of each year beginning in 2018, the tax commissioner 100731
shall compute a tax adjustment factor by multiplying fifty cents 100732

by the cumulative percentage increase in the consumer price index 100733
(all items, all urban consumers) prepared by the bureau of labor 100734
statistics of the United States department of labor from January 100735
1, 2017, to the last day of December of the preceding year and 100736
rounding the resulting product to the nearest one cent; provided, 100737
that the tax adjustment factor for any year shall not be less than 100738
that for the immediately preceding year. The maximum tax amount 100739
resulting from the computation of the tax adjustment factor 100740
applies on and after the ensuing first day of July through the 100741
thirtieth day of June thereafter. 100742

Sec. 5743.03. (A) Except as provided in section 5743.04 of 100743
the Revised Code, the taxes imposed under sections 5743.02, 100744
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 100745
by the purchase of tax stamps. A tax stamp shall be affixed to 100746
each package of an aggregate denomination not less than the amount 100747
of the tax upon the contents thereof. The tax stamp, so affixed, 100748
shall be prima-facie evidence of payment of the tax. 100749

Except as is provided in the rules prescribed by the tax 100750
commissioner under authority of sections 5743.01 to 5743.20 of the 100751
Revised Code, and unless tax stamps have been previously affixed, 100752
they shall be so affixed by each wholesale dealer, and canceled by 100753
writing or stamping across the face thereof the number assigned to 100754
such wholesale dealer by the tax commissioner for that purpose, 100755
prior to the delivery of any cigarettes to any person in this 100756
state, or in the case of a tax levied pursuant to section 100757
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 100758
delivery of cigarettes to any person in the county in which the 100759
tax is levied. 100760

(B) Except as provided in the rules prescribed by the 100761
commissioner under authority of sections 5743.01 to 5743.20 of the 100762
Revised Code, each retail dealer, within twenty-four hours after 100763

the receipt of any cigarettes at the retail dealer's place of 100764
business, shall inspect the cigarettes to ensure that tax stamps 100765
are affixed. The inspection shall be completed before the 100766
cigarettes are delivered to any person in this state, or, in the 100767
case of a tax levied pursuant to section 5743.021, 5743.024, or 100768
5743.026 of the Revised Code, before the cigarettes are delivered 100769
to any person in the county in which the tax is levied. 100770

(C) Whenever any cigarettes are found in the place of 100771
business of any retail dealer without proper tax stamps affixed 100772
thereto and canceled, it is presumed that such cigarettes are kept 100773
therein in violation of sections 5743.01 to 5743.20 of the Revised 100774
Code. 100775

(D) Each wholesale dealer who purchases cigarettes without 100776
proper tax stamps affixed thereto shall, on or before the 100777
~~thirty first last~~ day of ~~the each~~ month ~~following the close of~~ 100778
~~each semiannual period, which period shall end on the thirtieth~~ 100779
~~day of June and the thirty first day of December of each year,~~ 100780
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 100781
calendar month, on such form as is prescribed by the tax 100782
commissioner, showing the dealer's entire purchases and sales of 100783
cigarettes and stamps for such ~~semiannual period~~ month and 100784
accurate inventories as of the beginning and end of each 100785
~~semiannual period~~ month of cigarettes, stamped or unstamped; 100786
cigarette tax stamps affixed or unaffixed; and such other 100787
information as the commissioner finds necessary to the proper 100788
administration of sections 5743.01 to 5743.20 of the Revised Code. 100789
The commissioner may extend the time for making and filing returns 100790
and may remit all or any part of amounts of penalties that may 100791
become due under sections 5743.01 to 5743.20 of the Revised Code. 100792
The wholesale dealer shall deliver the return together with a 100793
remittance of the tax deficiency reported thereon to the 100794
commissioner. 100795

(E) Any wholesale dealer who fails to file a return under 100796
this section and the rules of the commissioner, other than a 100797
report required pursuant to division (F) of this section, may be 100798
required, for each day the dealer so fails, to forfeit and pay 100799
into the state treasury the sum of one dollar as revenue arising 100800
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 100801
Code and such sum may be collected by assessment in the manner 100802
provided in section 5743.081 of the Revised Code. If the 100803
commissioner finds it necessary in order to insure the payment of 100804
the tax imposed by sections 5743.01 to 5743.20 of the Revised 100805
Code, the commissioner may require returns and payments to be made 100806
other than ~~semiannually~~ monthly. The returns shall be signed by 100807
the wholesale dealer or an authorized agent thereof. 100808

(F) Each person required to file a tax return under section 100809
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 100810
the commissioner the quantity of all cigarettes and roll-your-own 100811
cigarette tobacco sold in Ohio for each brand not covered by the 100812
tobacco master settlement agreement for which the person is liable 100813
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 100814
the Revised Code. 100815

As used in this division, "tobacco master settlement 100816
agreement" has the same meaning as in section 183.01 of the 100817
Revised Code. 100818

(G) The report required by division (F) of this section shall 100819
be made on a form prescribed by the commissioner and shall be 100820
filed not later than the last day of each month for the previous 100821
month, except that if the commissioner determines that the 100822
quantity reported by a person does not warrant monthly reporting, 100823
the commissioner may authorize reporting at less frequent 100824
intervals. The commissioner may assess a penalty of not more than 100825
two hundred fifty dollars for each month or portion thereof that a 100826
person fails to timely file a required report, and such sum may be 100827

collected by assessment in the manner provided in section 5743.081 100828
of the Revised Code. All money collected under this division shall 100829
be considered as revenue arising from the taxes imposed by 100830
sections 5743.01 to 5743.20 of the Revised Code. 100831

(H) The commissioner may sell tax stamps only to a licensed 100832
wholesale dealer, except as otherwise authorized by the 100833
commissioner. The commissioner may charge the costs associated 100834
with the shipment of tax stamps to the licensed wholesale dealer. 100835
Amounts collected from such charges shall be credited to the 100836
cigarette tax enforcement fund created under section 5743.15 of 100837
the Revised Code. 100838

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 100839
fails to pay the tax levied under section 5743.02, 5743.021, 100840
5743.024, or 5743.026 of the Revised Code as required by sections 100841
5743.01 to 5743.20 of the Revised Code, and by the rules of the 100842
tax commissioner, or fails to collect the tax from the purchaser 100843
or consumer, the commissioner may make an assessment against the 100844
wholesale or retail dealer based upon any information in the 100845
commissioner's possession. 100846

The commissioner may make an assessment against any wholesale 100847
or retail dealer who fails to file a return required by section 100848
5743.03 or 5743.025 of the Revised Code. 100849

No assessment shall be made against any wholesale or retail 100850
dealer for any taxes imposed under section 5743.02, 5743.021, 100851
5743.024, or 5743.026 of the Revised Code more than three years 100852
after the last day of the calendar month that immediately follows 100853
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 100854
Revised Code in which the sale was made, or more than three years 100855
after the ~~semiannual~~ return for ~~such period~~ the month in which the 100856
sale was made is filed, whichever is later. This section does not 100857
bar an assessment against any wholesale or retail dealer who fails 100858

to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the wholesale or retail dealer's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the

certified copy of the entry may be filed in the office of the 100891
clerk of the court of common pleas of Franklin county. 100892

Immediately upon the filing of the commissioner's entry, the 100893
clerk shall enter a judgment for the state against the party 100894
assessed in the amount shown on the entry. The judgment may be 100895
filed by the clerk in a loose-leaf book entitled "special 100896
judgments for state cigarette sales tax," and shall have the same 100897
effect as other judgments. Execution shall issue upon the judgment 100898
upon the request of the tax commissioner, and all laws applicable 100899
to sales on execution shall apply to sales made under the 100900
judgment, except as otherwise provided in sections 5743.01 to 100901
5743.20 of the Revised Code. 100902

If the assessment is not paid in its entirety within sixty 100903
days after the assessment was issued, the portion of the 100904
assessment consisting of tax due shall bear interest at the rate 100905
per annum prescribed by section 5703.47 of the Revised Code from 100906
the day the commissioner issues the assessment until it is paid or 100907
until it is certified to the attorney general for collection under 100908
section 131.02 of the Revised Code, whichever comes first. If the 100909
unpaid portion of the assessment is certified to the attorney 100910
general for collection, the entire unpaid portion of the 100911
assessment shall bear interest at the rate per annum prescribed by 100912
section 5703.47 of the Revised Code from the date of certification 100913
until the date it is paid in its entirety. Interest shall be paid 100914
in the same manner as the tax and may be collected by the issuance 100915
of an assessment under this section. 100916

(D) All money collected by the tax commissioner under this 100917
section shall be paid to the treasurer of state, and when paid 100918
shall be considered as revenue arising from the taxes imposed by 100919
sections 5743.01 to 5743.20 of the Revised Code. 100920

Sec. 5743.15. (A) Except as otherwise provided in this 100921

division, no person shall engage in this state in the wholesale or 100922
retail business of trafficking in cigarettes or in the business of 100923
a manufacturer or importer of cigarettes without having a license 100924
to conduct each such activity issued by a county auditor under 100925
division (B) of this section or the tax commissioner under 100926
divisions (C) and (F) of this section. On dissolution of a 100927
partnership by death, the surviving partner may operate under the 100928
license of the partnership until expiration of the license, and 100929
the heirs or legal representatives of deceased persons, and 100930
receivers and trustees in bankruptcy appointed by any competent 100931
authority, may operate under the license of the person succeeded 100932
in possession by such heir, representative, receiver, or trustee 100933
in bankruptcy if the partner or successor notifies the issuer of 100934
the license of the dissolution or succession within thirty days 100935
after the dissolution or succession. 100936

(B)(1) Each applicant for a license to engage in the retail 100937
business of trafficking in cigarettes under this section, 100938
annually, on or before the fourth Monday of May, shall make and 100939
deliver to the county auditor of the county in which the applicant 100940
desires to engage in the retail business of trafficking in 100941
cigarettes, upon a blank form furnished by such auditor for that 100942
purpose, a statement showing the name of the applicant, each 100943
physical place in the county where the applicant's business is 100944
conducted, the nature of the business, and any other information 100945
the tax commissioner requires in the form of statement prescribed 100946
by the commissioner. If the applicant is a firm, partnership, or 100947
association other than a corporation, the application shall state 100948
the name and address of each of its members. If the applicant is a 100949
corporation, the application shall state the name and address of 100950
each of its officers. At the time of making the application 100951
required by this section, every person desiring to engage in the 100952
retail business of trafficking in cigarettes shall pay an 100953
application fee in the sum of one hundred twenty-five dollars for 100954

each physical place where the person proposes to carry on such 100955
business. Each place of business shall be deemed such space, under 100956
lease or license to, or under the control of, or under the 100957
supervision of the applicant, as is contained in one or more 100958
contiguous, adjacent, or adjoining buildings constituting an 100959
industrial plant or a place of business operated by, or under the 100960
control of, one person, or under one roof and connected by doors, 100961
halls, stairways, or elevators, which space may contain any number 100962
of points at which cigarettes are offered for sale, provided that 100963
each additional point at which cigarettes are offered for sale 100964
shall be listed in the application. 100965

(2) Upon receipt of the application and exhibition of the 100966
county treasurer's receipt showing the payment of the application 100967
fee, the county auditor shall issue to the applicant a license for 100968
each place of business designated in the application, authorizing 100969
the applicant to engage in such business at such place for one 100970
year commencing on the fourth Monday of May. The form of the 100971
license shall be prescribed by the commissioner. A duplicate 100972
license may be obtained from the county auditor upon payment of a 100973
five-dollar fee if the original license is lost, destroyed, or 100974
defaced. When an application is filed after the fourth Monday of 100975
May, the application fee required to be paid shall be proportioned 100976
in amount to the remainder of the license year, except that it 100977
shall not be less than twenty-five dollars in any one year. 100978

(3) The holder of a retail dealer's cigarette license may 100979
transfer the license to a place of business within the same county 100980
other than that designated on the license on condition that the 100981
licensee's ownership interest and business structure remain 100982
unchanged, and that the licensee applies to the county auditor 100983
therefor, upon forms approved by the commissioner and the payment 100984
of a fee of five dollars into the county treasury. 100985

(C)(1) Each applicant for a license to engage in the 100986

wholesale business of trafficking in cigarettes under this 100987
section, annually, on or before the fourth Monday in May, shall 100988
make and deliver to the tax commissioner, upon a blank form 100989
furnished by the commissioner for that purpose, a statement 100990
showing the name of the applicant, physical street address where 100991
the applicant's business is conducted, the nature of the business, 100992
and any other information required by the commissioner. If the 100993
applicant is a firm, partnership, or association other than a 100994
corporation, the applicant shall state the name and address of 100995
each of its members. If the applicant is a corporation, the 100996
applicant shall state the name and address of each of its 100997
officers. At the time of making the application required by this 100998
section, every person desiring to engage in the wholesale business 100999
of trafficking in cigarettes shall pay an application fee of one 101000
thousand dollars for each physical place where the person proposes 101001
to carry on such business. Each place of business shall be deemed 101002
such space, under lease or license to, or under the control of, or 101003
under the supervision of the applicant, as is contained in one or 101004
more contiguous, adjacent, or adjoining buildings constituting an 101005
industrial plant or a place of business operated by, or under the 101006
control of, one person, or under one roof and connected by doors, 101007
halls, stairways, or elevators. A duplicate license may be 101008
obtained from the commissioner upon payment of a 101009
twenty-five-dollar fee if the original license is lost, destroyed, 101010
or defaced. 101011

(2) Upon receipt of the application and payment of any 101012
application fee required by this section, the commissioner shall 101013
verify that the applicant is not in violation of any provision of 101014
Chapter 1346. or Title LVII of the Revised Code. The commissioner 101015
shall also verify that the applicant has filed any returns, 101016
submitted any information, and paid any outstanding taxes, 101017
charges, or fees as required for any tax, charge, or fee 101018
administered by the commissioner, to the extent that the 101019

commissioner is aware of the returns, information, ~~taxes~~, or ~~fees~~ 101020
payments at the time of the application. Upon approval, the 101021
commissioner shall issue to the applicant a license for each 101022
physical place of business designated in the application 101023
authorizing the applicant to engage in business at that location 101024
for one year commencing on the fourth Monday in May. For licenses 101025
issued after the fourth Monday in May, the application fee shall 101026
be reduced proportionately by the remainder of the twelve-month 101027
period for which the license is issued, except that the 101028
application fee required to be paid under this section shall be 101029
not less than two hundred dollars in any one year. 101030

(3) The holder of a wholesale dealer cigarette license may 101031
transfer the license to a place of business other than that 101032
designated on the license on condition that the licensee's 101033
ownership or business structure remains unchanged, and that the 101034
licensee applies to the commissioner for such a transfer upon a 101035
form promulgated by the commissioner and pays a fee of twenty-five 101036
dollars, which shall be deposited into the cigarette tax 101037
enforcement fund created in division (E) of this section. 101038

(D)(1) The wholesale cigarette license application fees 101039
collected under this section shall be paid into the cigarette tax 101040
enforcement fund. 101041

(2) The retail cigarette license application fees collected 101042
under this section shall be distributed as follows: 101043

(a) Thirty per cent shall be paid upon the warrant of the 101044
county auditor into the treasury of the municipal corporation or 101045
township in which the places of business for which the tax revenue 101046
was received are located; 101047

(b) Ten per cent shall be credited to the general fund of the 101048
county; 101049

(c) Sixty per cent shall be paid into the cigarette tax 101050

enforcement fund. 101051

(3) The remainder of the revenues and fines collected under 101052
this section and the penal laws relating to cigarettes shall be 101053
distributed as follows: 101054

(a) Three-fourths shall be paid upon the warrant of the 101055
county auditor into the treasury of the municipal corporation or 101056
township in which the place of business, on account of which the 101057
revenues and fines were received, is located; 101058

(b) One-fourth shall be credited to the general fund of the 101059
county. 101060

(E) There is hereby created within the state treasury the 101061
cigarette tax enforcement fund for the purpose of providing funds 101062
to assist in paying the costs of enforcing sections 1333.11 to 101063
1333.21 and Chapter 5743. of the Revised Code. 101064

The portion of cigarette license application fees received by 101065
a county auditor during the annual application period that ends on 101066
the fourth Monday in May and that is required to be deposited in 101067
the cigarette tax enforcement fund shall be sent to the treasurer 101068
of state by the thirtieth day of June each year accompanied by the 101069
form prescribed by the tax commissioner. The portion of cigarette 101070
license application fees received by each county auditor after the 101071
fourth Monday in May and that is required to be deposited in the 101072
cigarette tax enforcement fund shall be sent to the treasurer of 101073
state by the last day of the month following the month in which 101074
such fees were collected. 101075

(F)(1) Every person who desires to engage in the business of 101076
a manufacturer or importer of cigarettes shall, annually, on or 101077
before the fourth Monday of May, make and deliver to the tax 101078
commissioner, upon a blank form furnished by the commissioner for 101079
that purpose, a statement showing the name of the applicant, the 101080
nature of the applicant's business, and any other information 101081

required by the commissioner. If the applicant is a firm, 101082
partnership, or association other than a corporation, the 101083
applicant shall state the name and address of each of its members. 101084
If the applicant is a corporation, the applicant shall state the 101085
name and address of each of its officers. 101086

(2) Upon receipt of the application required under this 101087
section, the commissioner shall verify that the applicant is not 101088
in violation of any provision of Chapter 1346. ~~or Title LVIII~~ of 101089
the Revised Code. The commissioner shall also verify that the 101090
applicant has filed any returns, submitted any information, and 101091
paid any outstanding taxes, charges, or fees as required for any 101092
tax, charge, or fee administered by the commissioner, to the 101093
extent that the commissioner is aware of the returns, information, 101094
taxes, charges, or fees at the time of the application. Upon 101095
approval, the commissioner shall issue to the applicant a license 101096
authorizing the applicant to engage in the business of 101097
manufacturer or importer, whichever the case may be, for one year 101098
commencing on the fourth Monday of May. 101099

(3) The issuing of a license under division (F)(1) of this 101100
section to a manufacturer does not excuse a manufacturer from the 101101
certification process required under section 1346.05 of the 101102
Revised Code. A manufacturer who is issued a license under 101103
division (F)(1) of this section and who is not listed on the 101104
directory required under section 1346.05 of the Revised Code shall 101105
not be permitted to sell cigarettes in this state other than to a 101106
licensed cigarette wholesaler for sale outside this state. Such a 101107
manufacturer shall provide documentation to the commissioner 101108
evidencing that the cigarettes are legal for sale in another 101109
state. 101110

(G) The tax commissioner may adopt rules necessary to 101111
administer this section. 101112

Sec. 5743.51. (A) To provide revenue for the general revenue 101113
fund of the state, an excise tax on tobacco products is hereby 101114
levied at one of the following rates: 101115

(1) For tobacco products other than little cigars or premium 101116
cigars, seventeen per cent of the wholesale price of the tobacco 101117
product received by a distributor or sold by a manufacturer to a 101118
retail dealer located in this state. 101119

(2) For invoices dated October 1, 2013, or later, 101120
thirty-seven per cent of the wholesale price of little cigars 101121
received by a distributor or sold by a manufacturer to a retail 101122
dealer located in this state. 101123

(3) For premium cigars received by a distributor or sold by a 101124
manufacturer to a retail dealer located in this state, the lesser 101125
of seventeen per cent of the wholesale price of such premium 101126
cigars or the maximum tax amount per each such premium cigar. 101127

Each distributor who brings tobacco products, or causes 101128
tobacco products to be brought, into this state for distribution 101129
within this state, or any out-of-state distributor who sells 101130
tobacco products to wholesale or retail dealers located in this 101131
state for resale by those wholesale or retail dealers is liable 101132
for the tax imposed by this section. Only one sale of the same 101133
article shall be used in computing the amount of the tax due. 101134

(B) The treasurer of state shall place to the credit of the 101135
tax refund fund created by section 5703.052 of the Revised Code, 101136
out of the receipts from the tax levied by this section, amounts 101137
equal to the refunds certified by the tax commissioner pursuant to 101138
section 5743.53 of the Revised Code. The balance of the taxes 101139
collected under this section shall be paid into the general 101140
revenue fund. 101141

(C) The commissioner may adopt rules as are necessary to 101142

assist in the enforcement and administration of sections 5743.51 101143
to 5743.66 of the Revised Code, including rules providing for the 101144
remission of penalties imposed. 101145

(D) A manufacturer is not liable for payment of the tax 101146
imposed by this section for sales of tobacco products to a retail 101147
dealer that has filed a signed statement with the manufacturer in 101148
which the retail dealer agrees to pay and be liable for the tax, 101149
as long as the manufacturer has provided a copy of the statement 101150
to the tax commissioner. 101151

Sec. 5743.61. (A) Except as otherwise provided in this 101152
division, no distributor shall engage in the business of 101153
distributing tobacco products within this state without having a 101154
license issued by the department of taxation to engage in that 101155
business. On the dissolution of a partnership by death, the 101156
surviving partner may operate under the license of the partnership 101157
until the expiration of the license, and the heirs or legal 101158
representatives of deceased persons, and receivers and trustees in 101159
bankruptcy appointed by any competent authority, may operate under 101160
the license of the person succeeded in possession by the heir, 101161
representative, receiver, or trustee in bankruptcy if the partner 101162
or successor notifies the department of taxation of the 101163
dissolution or succession within thirty days after the dissolution 101164
or succession. 101165

(B)(1) Each applicant for a license to engage in the business 101166
of distributing tobacco products, annually, on or before the first 101167
day of February, shall make and deliver to the tax commissioner, 101168
upon a form furnished by the commissioner for that purpose, a 101169
statement showing the name of the applicant, each physical place 101170
from which the applicant distributes to distributors, retail 101171
dealers, or wholesale dealers, and any other information the 101172
commissioner considers necessary for the administration of 101173

sections 5743.51 to 5743.66 of the Revised Code. 101174

(2) At the time of making the license application, the 101175
applicant shall pay an application fee of one thousand dollars for 101176
each place listed on the application where the applicant proposes 101177
to carry on that business. The fee charged for the application 101178
shall accompany the application and shall be made payable to the 101179
treasurer of state for deposit into the cigarette tax enforcement 101180
fund. 101181

(3) Upon receipt of the application and payment of any 101182
licensing fee required by this section, the commissioner shall 101183
verify that the applicant has filed all returns, submitted all 101184
information, and paid all outstanding taxes, charges, or fees as 101185
required for any taxes, charges, or fees administered by the 101186
commissioner, to the extent the commissioner is aware of the 101187
returns, information, taxes, charges, or fees at the time of the 101188
application. Upon approval, the commissioner shall issue to the 101189
applicant a license for each place of distribution designated in 101190
the application authorizing the applicant to engage in business at 101191
that location for one year commencing on the first day of 101192
February. For licenses issued after the first day of February, the 101193
license application fee shall be reduced proportionately by the 101194
remainder of the twelve-month period for which the license is 101195
issued, except that the application fee required to be paid under 101196
this section shall be not less than two hundred dollars. If the 101197
original license is lost, destroyed, or defaced, a duplicate 101198
license may be obtained from the commissioner upon payment of a 101199
license replacement fee of twenty-five dollars. 101200

(C) The holder of a tobacco products license may transfer the 101201
license to a place of business on condition that the licensee's 101202
ownership and business structure remains unchanged and the 101203
licensee applies to the commissioner for the transfer on a form 101204
issued by the commissioner, and pays a transfer fee of twenty-five 101205

dollars. 101206

(D) If a distributor fails to file forms as required under 101207
Chapter 1346. or section 5743.52 of the Revised Code or pay the 101208
tax due for two consecutive periods or three periods during any 101209
twelve-month period, the commissioner may suspend the license 101210
issued to the distributor under this section. The suspension is 101211
effective ten days after the commissioner notifies the distributor 101212
of the suspension in writing personally or by certified mail. The 101213
commissioner shall lift the suspension when the distributor files 101214
the delinquent forms and pays the tax due, including any 101215
penalties, interest, and additional charges. The commissioner may 101216
refuse to issue the annual renewal of the license required by this 101217
section and may refuse to issue a new license for ~~the same~~ a 101218
location of the distributor until all delinquent forms are filed 101219
and outstanding taxes are paid. This division does not apply to 101220
any unpaid or underpaid tax liability that is the subject of a 101221
petition or appeal filed pursuant to section 5743.56, 5717.02, or 101222
5717.04 of the Revised Code. 101223

(E)(1) The tax commissioner may impose a penalty of up to one 101224
thousand dollars on any person found to be engaging in the 101225
business of distributing tobacco products without a license as 101226
required by this section. 101227

(2) Any person engaging in the business of distributing 101228
tobacco products without a license as required by this section 101229
shall comply with divisions (B)(1) and (2) of this section within 101230
ten days after being notified of the requirement to do so. Failure 101231
to comply with division (E)(2) of this section subjects a person 101232
to penalties imposed under section 5743.99 of the Revised Code. 101233

Sec. 5743.62. (A) To provide revenue for the general revenue 101234
fund of the state, an excise tax is hereby levied on the seller of 101235
tobacco products in this state at one of the following rates: 101236

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products.

(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars whenever the little cigars are delivered to a consumer in this state for the storage, use, or other consumption of the little cigars.

(3) For premium cigars, whenever the premium cigars are delivered to a consumer in this state for the storage, use, or other consumption of the premium cigars, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

The tax imposed by this section applies only to sellers having nexus in this state, as defined in section 5741.01 of the Revised Code.

(B) A seller of tobacco products who has nexus in this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have nexus in this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division.

(C) Each seller of tobacco products subject to the tax levied by this section, on or before the last day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for

the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the last day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products subject to the tax levied by this section shall mark on the invoices of tobacco products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product.

(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars.

(3) For premium cigars, the lesser of seventeen per cent of the wholesale price of the premium cigars or the maximum tax

amount per each premium cigar. 101298

The tax levied under division (A) of this section is imposed 101299
only if the tax has not been paid by the seller as provided in 101300
section 5743.62 of the Revised Code, or by the distributor as 101301
provided in section 5743.51 of the Revised Code. 101302

(B) Each person subject to the tax levied by this section, on 101303
or before the last day of each month, shall file with the tax 101304
commissioner a return for the preceding month showing any 101305
information the tax commissioner finds necessary for the proper 101306
administration of sections 5743.51 to 5743.66 of the Revised Code, 101307
together with remittance of the tax due, payable to the treasurer 101308
of state. The return and payment of the tax required by this 101309
section shall be filed in such a manner that it is received by the 101310
tax commissioner on or before the last day of the month following 101311
the reporting period. 101312

(C) The tax commissioner shall immediately forward to the 101313
treasurer of state all money received from the tax levied by this 101314
section, and the treasurer shall credit the amount to the general 101315
revenue fund. 101316

Sec. 5747.02. (A) For the purpose of providing revenue for 101317
the support of schools and local government functions, to provide 101318
relief to property taxpayers, to provide revenue for the general 101319
revenue fund, and to meet the expenses of administering the tax 101320
levied by this chapter, there is hereby levied on every 101321
individual, trust, and estate residing in or earning or receiving 101322
income in this state, on every individual, trust, and estate 101323
earning or receiving lottery winnings, prizes, or awards pursuant 101324
to Chapter 3770. of the Revised Code, on every individual, trust, 101325
and estate earning or receiving winnings on casino gaming, and on 101326
every individual, trust, and estate otherwise having nexus with or 101327
in this state under the Constitution of the United States, an 101328

annual tax measured as prescribed in divisions (A)(1) to (4) of this section. 101329
101330

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals. 101331
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(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals. 101335
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(3) In the case of individuals, for taxable years beginning in ~~2015~~ 2017 or thereafter, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. ~~The tax imposed on the balance thus obtained~~ If the balance thus obtained is equal to or less than ten thousand dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than ten thousand dollars, the tax is hereby levied as follows: 101339
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OHIO ADJUSTED GROSS INCOME LESS 101350
TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS)
OR 101351
MODIFIED OHIO 101352
TAXABLE INCOME (TRUSTS) 101353
OR 101354
OHIO TAXABLE INCOME (ESTATES) TAX 101355
~~\$5,000 or less~~ ~~-.495%~~ 101356
~~More than \$5,000 but not more~~ ~~\$24.75 plus .990% of the amount~~ 101357

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	101358
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	101359
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	101360
More than \$40,000 but not more than \$80,000	\$890.85 plus 3.465% of the amount in excess of \$40,000	101361
More than \$80,000 but not more than \$100,000	\$2,276.85 plus 3.960% of the amount in excess of \$80,000	101362
More than \$100,000 but not more than \$200,000	\$3,068.85 plus 4.597% of the amount in excess of \$100,000	101363
More than \$200,000	\$7,665.85 plus 4.997% of the amount in excess of \$200,000	101364

~~(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:~~

TAXABLE BUSINESS INCOME		101371
LESS ALLOWED EXEMPTION AMOUNT	TAX	101372
\$5,000 or less	.495%	101373
More than \$5,000 but not more than \$10,000	\$24.75 plus .990% of the amount in excess of \$5,000	101374
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	101375
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	101376
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	101377
More than \$40,000	\$890.85 plus 3% of the amount in	101378

~~excess of \$40,000~~

~~(b)~~ In the case of individuals, for taxable years beginning 101379
in 2016 or thereafter, the tax imposed by this section on taxable 101380
business income shall equal three per cent of the result obtained 101381
by subtracting any amount allowed under division (A)(4)~~(e)~~(b) of 101382
this section from the individual's taxable business income. 101383

~~(e)~~(b) If the exemptions allowed to an individual under 101384
division (A)(3) of this section exceed the taxpayer's Ohio 101385
adjusted gross income less taxable business income, the excess 101386
shall be deducted from taxable business income before computing 101387
the tax under division (A)(4)(a) ~~or (b)~~ of this section. 101388

Except as otherwise provided in this division, in August of 101389
each year, the tax commissioner shall make a new adjustment to the 101390
income amounts prescribed in division (A)(3) of this section by 101391
multiplying the percentage increase in the gross domestic product 101392
deflator computed that year under section 5747.025 of the Revised 101393
Code by each of the income amounts resulting from the adjustment 101394
under this division in the preceding year, adding the resulting 101395
product to the corresponding income amount resulting from the 101396
adjustment in the preceding year, and rounding the resulting sum 101397
to the nearest multiple of fifty dollars. The tax commissioner 101398
also shall recompute each of the tax dollar amounts to the extent 101399
necessary to reflect the new adjustment of the income amounts. The 101400
rates of taxation shall not be adjusted. 101401

The adjusted amounts apply to taxable years beginning in the 101402
calendar year in which the adjustments are made and to taxable 101403
years beginning in each ensuing calendar year until a calendar 101404
year in which a new adjustment is made pursuant to this division. 101405
The tax commissioner shall not make a new adjustment in any year 101406
in which the amount resulting from the adjustment would be less 101407
than the amount resulting from the adjustment in the preceding 101408
year. The commissioner shall not make a new adjustment for taxable 101409

years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 101410

(B) If the director of budget and management makes a 101411
certification to the tax commissioner under division (B) of 101412
section 131.44 of the Revised Code, the amount of tax as 101413
determined under divisions (A)(1) to (3) of this section shall be 101414
reduced by the percentage prescribed in that certification for 101415
taxable years beginning in the calendar year in which that 101416
certification is made. 101417

(C) The levy of this tax on income does not prevent a 101418
municipal corporation, a joint economic development zone created 101419
under section 715.691, or a joint economic development district 101420
created under section 715.70, 715.71, or 715.72 of the Revised 101421
Code from levying a tax on income. 101422

(D) This division applies only to taxable years of a trust 101423
beginning in 2002 or thereafter. 101424

(1) The tax imposed by this section on a trust shall be 101425
computed by multiplying the Ohio modified taxable income of the 101426
trust by the rates prescribed by division (A) of this section. 101427

(2) A resident trust may claim a credit against the tax 101428
computed under division (D) of this section equal to the lesser of 101429
~~(1)(a)~~ the tax paid to another state or the District of Columbia 101430
on the resident trust's modified nonbusiness income, other than 101431
the portion of the resident trust's nonbusiness income that is 101432
qualifying investment income as defined in section 5747.012 of the 101433
Revised Code, or ~~(2)(b)~~ the effective tax rate, based on modified 101434
Ohio taxable income, multiplied by the resident trust's modified 101435
nonbusiness income other than the portion of the resident trust's 101436
nonbusiness income that is qualifying investment income. The 101437
credit applies before any other applicable credits. 101438

(3) The credits enumerated in divisions (A)(1) to ~~(10)(9)~~ and 101439
(A)~~(19)(18)~~ to ~~(21)(20)~~ of section 5747.98 of the Revised Code do 101440

not apply to a trust subject to division (D) of this section. Any 101441
credits enumerated in other divisions of section 5747.98 of the 101442
Revised Code apply to a trust subject to division (D) of this 101443
section. To the extent that the trust distributes income for the 101444
taxable year for which a credit is available to the trust, the 101445
credit shall be shared by the trust and its beneficiaries. The tax 101446
commissioner and the trust shall be guided by applicable 101447
regulations of the United States treasury regarding the sharing of 101448
credits. 101449

(E) For the purposes of this section, "trust" means any trust 101450
described in Subchapter J of Chapter 1 of the Internal Revenue 101451
Code, excluding trusts that are not irrevocable as defined in 101452
division (I)(3)(b) of section 5747.01 of the Revised Code and that 101453
have no modified Ohio taxable income for the taxable year, 101454
charitable remainder trusts, qualified funeral trusts and preneed 101455
funeral contract trusts established pursuant to sections 4717.31 101456
to 4717.38 of the Revised Code that are not qualified funeral 101457
trusts, endowment and perpetual care trusts, qualified settlement 101458
trusts and funds, designated settlement trusts and funds, and 101459
trusts exempted from taxation under section 501(a) of the Internal 101460
Revenue Code. 101461

(F) Nothing in division (A)(3) of this section shall prohibit 101462
an individual with an Ohio adjusted gross income, less taxable 101463
business income and exemptions, of ten thousand dollars or less 101464
from filing a return under this chapter to receive a refund of 101465
taxes withheld or to claim any refundable credit allowed under 101466
this chapter. 101467

Sec. 5747.031. For annual returns filed for taxable years 101468
beginning on or after January 1, 2017, the department of taxation 101469
shall determine and provide to the office of budget and management 101470
a report of the tax liability, before the application of any 101471

credits, under section 5747.02 of the Revised Code that arises 101472
from taxable business income, the tax liability, before the 101473
application of any credits, that arises from income, other than 101474
taxable business income, as measured and taxed under divisions 101475
(A)(1), (2), or (3) of that section, and the total amount of 101476
credits claimed against the tax levied under that section. 101477

In providing actual and estimates of revenue pursuant to 101478
Chapter 126. of the Revised Code, the office of budget and 101479
management shall separately list the tax liability, before the 101480
application of any credits, under section 5747.02 of the Revised 101481
Code that arises from taxable business income, the tax liability, 101482
before the application of any credits, that arises from income, 101483
other than taxable business income, as measured and taxed under 101484
divisions (A)(1), (2), or (3) of that section, and the total 101485
amount of credits claimed against the tax levied under that 101486
section. 101487

Sec. 5747.06. (A) Except as provided in division (E)(3) of 101488
this section, every employer, including the state and its 101489
political subdivisions, maintaining an office or transacting 101490
business within this state and making payment of any compensation 101491
to an employee who is a taxpayer shall deduct and withhold from 101492
such compensation for each payroll period a tax computed in such 101493
manner as to result, as far as practicable, in withholding from 101494
the employee's compensation during each calendar year an amount 101495
substantially equivalent to the tax reasonably estimated to be due 101496
from the employee under this chapter and Chapter 5748. of the 101497
Revised Code with respect to the amount of such compensation 101498
included in the employee's adjusted gross income during the 101499
calendar year. The employer shall deduct and withhold the tax on 101500
the date that the employer directly, indirectly, or constructively 101501
pays the compensation to, or credits the compensation to the 101502

benefit of, the employee. ~~The~~ 101503

The method of determining the amount to be withheld shall be 101504
prescribed by rule of the tax commissioner. ~~Notwithstanding~~ 101505
section 5747.02 of the Revised Code, the rule prescribed by the 101506
commissioner shall require that taxes are withheld on the first 101507
ten thousand dollars of a taxpayer's compensation at rates 101508
sufficient to ensure payment of the appropriate amount of tax 101509
reasonably estimated to be due. 101510

In addition to any other exclusions from withholding 101511
permitted under this section, no tax shall be withheld by an 101512
employer from the compensation of an employee when such 101513
compensation is paid for: 101514

(1) Agricultural labor as defined in division G of section 101515
3121 of Title 26 of the United States Code; 101516

(2) Domestic service in a private home, local college club, 101517
or local chapter of a college fraternity or sorority; 101518

(3) Service performed in any calendar quarter by an employee 101519
unless the cash remuneration paid for such service is three 101520
hundred dollars or more and such service is performed by an 101521
individual who is regularly employed by such employer to perform 101522
such service; 101523

(4) Services performed for a foreign government or an 101524
international organization; 101525

(5) Services performed by an individual under the age of 101526
eighteen in the delivery or distribution of newspapers or shopping 101527
news, not including delivery or distribution to any point for 101528
subsequent delivery or distribution, or when performed by such 101529
individual under the age of eighteen under an arrangement where 101530
newspapers or magazines are to be sold by the individual at a 101531
fixed price, the individual's compensation being based on the 101532
retention of the excess of such price over the amount at which the 101533

newspapers or magazines are charged to the individual; 101534

(6) Services not in the course of the employer's trade or 101535
business to the extent paid in any medium other than cash. 101536

(B) Every employer required to deduct and withhold tax from 101537
the compensation of an employee under this chapter shall furnish 101538
to each employee, with respect to the compensation paid by such 101539
employer to such employee during the calendar year, on or before 101540
the thirty-first day of January of the succeeding year, or, if the 101541
employee's employment is terminated before the close of such 101542
calendar year, within thirty days from the date on which the last 101543
payment of compensation was made, a written statement as 101544
prescribed by the tax commissioner showing the amount of 101545
compensation paid by the employer to the employee, the amount 101546
deducted and withheld as state income tax, any amount deducted and 101547
withheld as school district income tax for each applicable school 101548
district, and any other information as the commissioner 101549
prescribes. 101550

(C) The failure of an employer to withhold tax as required by 101551
this section does not relieve an employee from the liability for 101552
the tax. The failure of an employer to remit the tax as required 101553
by law does not relieve an employee from liability for the tax if 101554
the tax commissioner ascertains that the employee colluded with 101555
the employer with respect to the failure to remit the tax. 101556

(D) If an employer fails to deduct and withhold any tax as 101557
required, and thereafter the tax is paid, the tax so required to 101558
be deducted and withheld shall not be collected from the employer, 101559
but the employer is not relieved from liability for penalties and 101560
interest otherwise applicable in respect to the failure to deduct 101561
and withhold the tax. 101562

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 101563
the Revised Code are deducted and withheld as provided in this 101564

section: 101565

(1) An employer shall request that each employee furnish the 101566
name of the employee's school district of residence; 101567

(2) Each employee shall furnish the employer with sufficient 101568
and correct information to enable the employer to withhold the 101569
taxes imposed under Chapter 5748. of the Revised Code. The 101570
employee shall provide additional or corrected information 101571
whenever information previously provided to the employer becomes 101572
insufficient or incorrect. 101573

(3) If the employer complies with the requirements of 101574
division (E)(1) of this section and if the employee fails to 101575
comply with the requirements of division (E)(2) of this section, 101576
the employer is not required to withhold and pay the taxes imposed 101577
under Chapter 5748. of the Revised Code and is not subject to any 101578
penalties and interest otherwise applicable for failing to deduct 101579
and withhold such taxes. 101580

Sec. 5747.08. An annual return with respect to the tax 101581
imposed by section 5747.02 of the Revised Code and each tax 101582
imposed under Chapter 5748. of the Revised Code shall be made by 101583
every taxpayer for any taxable year for which the taxpayer is 101584
liable for the tax imposed by that section or under that chapter, 101585
unless the total credits allowed under division (E) of section 101586
5747.05 and divisions (F) and (G) of section 5747.055 of the 101587
Revised Code for the year are equal to or exceed the tax imposed 101588
by section 5747.02 of the Revised Code, in which case no return 101589
shall be required unless the taxpayer is liable for a tax imposed 101590
pursuant to Chapter 5748. of the Revised Code. 101591

(A) If an individual is deceased, any return or notice 101592
required of that individual under this chapter shall be made and 101593
filed by that decedent's executor, administrator, or other person 101594
charged with the property of that decedent. 101595

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any

direct or indirect current, future, or contingent beneficiary of 101628
the trust is a person subject to the tax imposed under section 101629
5733.06 of the Revised Code. 101630

(ii) A pass-through entity shall not include in such a single 101631
return any investor that is itself a pass-through entity to the 101632
extent that any direct or indirect investor in the second 101633
pass-through entity is a person subject to the tax imposed under 101634
section 5733.06 of the Revised Code. 101635

(c) Nothing in division (D) of this section precludes the tax 101636
commissioner from requiring such investors to file the return and 101637
make the payment of taxes and related interest, penalty, and 101638
interest penalty required by this section or section 5747.02, 101639
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 101640
of this section precludes such an investor from filing the annual 101641
return under this section, utilizing the refundable credit equal 101642
to the investor's proportionate share of the tax paid by the 101643
pass-through entity on behalf of the investor under division (I) 101644
of this section, and making the payment of taxes imposed under 101645
section 5747.02 of the Revised Code. Nothing in division (D) of 101646
this section shall be construed to provide to such an investor or 101647
pass-through entity any additional deduction or credit, other than 101648
the credit provided by division (I) of this section, solely on 101649
account of the entity's filing a return in accordance with this 101650
section. Such a pass-through entity also shall make the filing and 101651
payment of estimated taxes on behalf of the pass-through entity 101652
investors other than an investor that is a person subject to the 101653
tax imposed under section 5733.06 of the Revised Code. 101654

(2) For the purposes of this section, "business credits" 101655
means the credits listed in section 5747.98 of the Revised Code 101656
excluding the following credits: 101657

(a) The retirement income credit under division (B) of 101658
section 5747.055 of the Revised Code; 101659

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	101660 101661
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	101662 101663
(d) The dependent care credit under section 5747.054 of the Revised Code;	101664 101665
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	101666 101667
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	101668 101669
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	101670 101671
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	101672 101673
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	101674 101675
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	101676 101677
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	101678 101679
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	101680 101681
(m) The low income credit under section 5747.056 of the Revised Code;	101682 101683
(n) The earned income tax credit under section 5747.71 of the Revised Code.	101684 101685
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	101686 101687 101688

provides otherwise, this election, once made, is binding and 101689
irrevocable for the taxable year for which the election is made. 101690
Nothing in this division shall be construed to provide for any 101691
deduction or credit that would not be allowable if a nonresident 101692
pass-through entity investor were to file an annual return. 101693

(4) If a pass-through entity makes the election provided for 101694
under division (D) of this section, the pass-through entity shall 101695
be liable for any additional taxes, interest, interest penalty, or 101696
penalties imposed by this chapter if the tax commissioner finds 101697
that the single return does not reflect the correct tax due by the 101698
pass-through entity investors covered by that return. Nothing in 101699
this division shall be construed to limit or alter the liability, 101700
if any, imposed on pass-through entity investors for unpaid or 101701
underpaid taxes, interest, interest penalty, or penalties as a 101702
result of the pass-through entity's making the election provided 101703
for under division (D) of this section. For the purposes of 101704
division (D) of this section, "correct tax due" means the tax that 101705
would have been paid by the pass-through entity had the single 101706
return been filed in a manner reflecting the commissioner's 101707
findings. Nothing in division (D) of this section shall be 101708
construed to make or hold a pass-through entity liable for tax 101709
attributable to a pass-through entity investor's income from a 101710
source other than the pass-through entity electing to file the 101711
single return. 101712

(E) If a husband and wife file a joint federal income tax 101713
return for a taxable year, they shall file a joint return under 101714
this section for that taxable year, and their liabilities are 101715
joint and several, but, if the federal income tax liability of 101716
either spouse is determined on a separate federal income tax 101717
return, they shall file separate returns under this section. 101718

If either spouse is not required to file a federal income tax 101719
return and either or both are required to file a return pursuant 101720

to this chapter, they may elect to file separate or joint returns, 101721
and, pursuant to that election, their liabilities are separate or 101722
joint and several. If a husband and wife file separate returns 101723
pursuant to this chapter, each must claim the taxpayer's own 101724
exemption, but not both, as authorized under section 5747.02 of 101725
the Revised Code on the taxpayer's own return. 101726

(F) Each return or notice required to be filed under this 101727
section shall contain the signature of the taxpayer or the 101728
taxpayer's duly authorized agent and of the person who prepared 101729
the return for the taxpayer, and shall include the taxpayer's 101730
social security number. Each return shall be verified by a 101731
declaration under the penalties of perjury. The tax commissioner 101732
shall prescribe the form that the signature and declaration shall 101733
take. 101734

(G) Each return or notice required to be filed under this 101735
section shall be made and filed as required by section 5747.04 of 101736
the Revised Code, on or before the fifteenth day of April of each 101737
year, on forms that the tax commissioner shall prescribe, together 101738
with remittance made payable to the treasurer of state in the 101739
combined amount of the state and all school district income taxes 101740
shown to be due on the form. 101741

Upon good cause shown, the commissioner may extend the period 101742
for filing any notice or return required to be filed under this 101743
section and may adopt rules relating to extensions. If the 101744
extension results in an extension of time for the payment of any 101745
state or school district income tax liability with respect to 101746
which the return is filed, the taxpayer shall pay at the time the 101747
tax liability is paid an amount of interest computed at the rate 101748
per annum prescribed by section 5703.47 of the Revised Code on 101749
that liability from the time that payment is due without extension 101750
to the time of actual payment. Except as provided in section 101751
5747.132 of the Revised Code, in addition to all other interest 101752

charges and penalties, all taxes imposed under this chapter or 101753
Chapter 5748. of the Revised Code and remaining unpaid after they 101754
become due, except combined amounts due of one dollar or less, 101755
bear interest at the rate per annum prescribed by section 5703.47 101756
of the Revised Code until paid or until the day an assessment is 101757
issued under section 5747.13 of the Revised Code, whichever occurs 101758
first. 101759

If the commissioner considers it necessary in order to ensure 101760
the payment of the tax imposed by section 5747.02 of the Revised 101761
Code or any tax imposed under Chapter 5748. of the Revised Code, 101762
the commissioner may require returns and payments to be made 101763
otherwise than as provided in this section. 101764

To the extent that any provision in this division conflicts 101765
with any provision in section 5747.026 of the Revised Code, the 101766
provision in that section prevails. 101767

(H) The amounts withheld by an employer pursuant to section 101768
5747.06 of the Revised Code, a casino operator pursuant to section 101769
5747.063 of the Revised Code, or a lottery sales agent pursuant to 101770
section 5747.064 of the Revised Code shall be allowed to the 101771
recipient of the compensation casino winnings, or lottery prize 101772
award as credits against payment of the appropriate taxes imposed 101773
on the recipient by section 5747.02 and under Chapter 5748. of the 101774
Revised Code. 101775

(I) If a pass-through entity elects to file a single return 101776
under division (D) of this section and if any investor is required 101777
to file the annual return and make the payment of taxes required 101778
by this chapter on account of the investor's other income that is 101779
not included in a single return filed by a pass-through entity or 101780
any other investor elects to file the annual return, the investor 101781
is entitled to a refundable credit equal to the investor's 101782
proportionate share of the tax paid by the pass-through entity on 101783
behalf of the investor. The investor shall claim the credit for 101784

the investor's taxable year in which or with which ends the 101785
taxable year of the pass-through entity. Nothing in this chapter 101786
shall be construed to allow any credit provided in this chapter to 101787
be claimed more than once. For the purpose of computing any 101788
interest, penalty, or interest penalty, the investor shall be 101789
deemed to have paid the refundable credit provided by this 101790
division on the day that the pass-through entity paid the 101791
estimated tax or the tax giving rise to the credit. 101792

(J) The tax commissioner shall ensure that each return 101793
required to be filed under this section includes a box that the 101794
taxpayer may check to authorize a paid tax preparer who prepared 101795
the return to communicate with the department of taxation about 101796
matters pertaining to the return. The return or instructions 101797
accompanying the return shall indicate that by checking the box 101798
the taxpayer authorizes the department of taxation to contact the 101799
preparer concerning questions that arise during the processing of 101800
the return and authorizes the preparer only to provide the 101801
department with information that is missing from the return, to 101802
contact the department for information about the processing of the 101803
return or the status of the taxpayer's refund or payments, and to 101804
respond to notices about mathematical errors, offsets, or return 101805
preparation that the taxpayer has received from the department and 101806
has shown to the preparer. 101807

(K) The tax commissioner shall permit individual taxpayers to 101808
instruct the department of taxation to cause any refund of 101809
overpaid taxes to be deposited directly into a checking account, 101810
savings account, or an individual retirement account or individual 101811
retirement annuity, or preexisting college savings plan or program 101812
account offered by the Ohio tuition trust authority under Chapter 101813
3334. of the Revised Code, as designated by the taxpayer, when the 101814
taxpayer files the annual return required by this section 101815
electronically. 101816

(L) The tax commissioner may adopt rules to administer this section. 101817
101818

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5902.05 of the Revised Code, the Ohio history fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, the wishes for sick children income tax contribution fund created in section 3701.602 of the Revised Code, or all of those funds may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer. 101819
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(B) The tax commissioner shall provide a space on the income 101848

tax return form in which a taxpayer may indicate that the taxpayer 101849
wishes to make a donation in accordance with this section. The tax 101850
commissioner shall also print in the instructions accompanying the 101851
income tax return form a description of the purposes for which the 101852
natural areas and preserves fund, the nongame and endangered 101853
wildlife fund, the military injury relief fund, the Ohio history 101854
fund, the breast and cervical cancer project income tax 101855
contribution fund, and the wishes for sick children income tax 101856
contribution fund were created and the use of moneys from the 101857
income tax refund contribution system established in this section. 101858
No person shall designate on the person's income tax return any 101859
part of a refund claimed under section 5747.11 of the Revised Code 101860
as a contribution to any fund other than the natural areas and 101861
preserves fund, the nongame and endangered wildlife fund, the 101862
military injury relief fund, the Ohio history fund, the breast and 101863
cervical cancer project income tax contribution fund, or the 101864
wishes for sick children income tax contribution fund. 101865

(C) The money collected under the income tax refund 101866
contribution system established in this section shall be deposited 101867
by the tax commissioner into the natural areas and preserves fund, 101868
the nongame and endangered wildlife fund, the military injury 101869
relief fund, the Ohio history fund, the breast and cervical cancer 101870
project income tax contribution fund, and the wishes for sick 101871
children income tax contribution fund in the amounts designated on 101872
the tax returns. 101873

~~(D) No later than the thirtieth day of September each year, 101874
the tax commissioner shall determine the total amount contributed 101875
to each fund under this section during the preceding eight months, 101876
any adjustments to prior months, and the cost to the department of 101877
taxation of administering the income tax refund contribution 101878
system during that eight month period. The commissioner shall make 101879
an additional determination no later than the thirty first day of 101880~~

~~January of each year of the total amount contributed to each fund 101881
under this section during the preceding four calendar months, any 101882
adjustments to prior years made during that four month period, and 101883
the cost to the department of taxation of administering the income 101884
tax contribution system during that period. The cost of 101885
administering the income tax contribution system shall be 101886
certified by the tax commissioner to the director of budget and 101887
management, who shall transfer an amount equal to one sixth of 101888
such administrative costs from each of the six funds to the income 101889
tax contribution fund, which is hereby created, provided that the 101890
moneys that the department receives to pay the cost of 101891
administering the income tax refund contribution system in any 101892
year shall not exceed two and one half per cent of the total 101893
amount contributed under that system during that year. 101894~~

~~(E) If the total amount contributed to a fund under this 101895
section in each of five consecutive calendar years, as annually 101896
determined by the tax commissioner, is less than fifty thousand 101897
dollars in each of five consecutive calendar years, no person may 101898
designate a contribution to that fund for any taxable year ending 101899
after the last day of that five-year period. In such a case, the 101900
~~tax~~ commissioner shall remove the space dedicated to the fund on 101901
the income tax return and the description of the fund in the 101902
instructions accompanying the income tax return. 101903~~

~~(F)(E) The general assembly may authorize taxpayer refund 101904
contributions to no more than six funds under the income tax 101905
refund contribution system established in this section. If the 101906
general assembly authorizes income tax refund contributions to a 101907
fund other than the natural areas and preserves fund, the nongame 101908
and endangered wildlife fund, the military injury relief fund, the 101909
Ohio history fund, the breast and cervical cancer project income 101910
tax contribution fund, or the wishes for sick children income tax 101911
contribution fund, such contributions may be authorized only for a 101912~~

period of two calendar years. 101913

With the exception of the Ohio history fund, the general 101914
assembly may authorize income tax refund contributions to a fund 101915
only if all the money in the fund will be expended or distributed 101916
by a state agency as defined in section 1.60 of the Revised Code. 101917

~~(G)~~(F)(1) The director of natural resources, in January of 101918
every odd-numbered year, shall report to the general assembly on 101919
the effectiveness of the income tax refund contribution system as 101920
it pertains to the natural areas and preserves fund and the 101921
nongame and endangered wildlife fund. The report shall include the 101922
amount of money contributed to each fund in each of the previous 101923
five years, the amount of money contributed directly to each fund 101924
in addition to or independently of the income tax refund 101925
contribution system in each of the previous five years, and the 101926
purposes for which the money was expended. 101927

(2) The director of veterans services, the director of the 101928
Ohio history connection, and the director of health, in January of 101929
every odd-numbered year, each shall report to the general assembly 101930
on the effectiveness of the income tax refund contribution system 101931
as it pertains to the military injury relief fund, the Ohio 101932
history fund, the breast and cervical cancer project income tax 101933
contribution fund, and the wishes for sick children income tax 101934
contribution fund respectively. The report shall include the 101935
amount of money contributed to the fund in each of the previous 101936
five years, the amount of money contributed directly to the fund 101937
in addition to or independently of the income tax refund 101938
contribution system in each of the previous five years, and the 101939
purposes for which the money was expended. 101940

Sec. 5747.122. (A) The tax commissioner, in accordance with 101941
section 5101.184 of the Revised Code, shall cooperate with the 101942
director of job and family services to collect overpayments of 101943

assistance under Chapter 5107. ~~or~~, former Chapter 5115., former 101944
Chapter 5113., or section 5101.54 of the Revised Code from refunds 101945
of state income taxes for taxable year 1992 and thereafter that 101946
are payable to the recipients of such overpayments. 101947

(B) At the request of the department of job and family 101948
services in connection with the collection of an overpayment of 101949
assistance from a refund of state income taxes pursuant to this 101950
section and section 5101.184 of the Revised Code, the tax 101951
commissioner shall release to the department the home address and 101952
social security number of any recipient of assistance whose 101953
overpayment may be collected from a refund of state income taxes 101954
under those sections. 101955

(C) In the case of a joint income tax return for two people 101956
who were not married to each other at the time one of them 101957
received an overpayment of assistance, only the portion of a 101958
refund that is due to the recipient of the overpayment shall be 101959
available for collection of the overpayment under this section and 101960
section 5101.184 of the Revised Code. The tax commissioner shall 101961
determine such portion. A recipient's spouse who objects to the 101962
portion as determined by the commissioner may file a complaint 101963
with the commissioner within twenty-one days after receiving 101964
notice of the collection, and the commissioner shall afford the 101965
spouse an opportunity to be heard on the complaint. The 101966
commissioner shall waive or extend the twenty-one-day period if 101967
the recipient's spouse establishes that such action is necessary 101968
to avoid unjust, unfair, or unreasonable results. After the 101969
hearing, the commissioner shall make a final determination of the 101970
portion of the refund available for collection of the overpayment. 101971

(D) The welfare overpayment intercept fund is hereby created 101972
in the state treasury. The tax commissioner shall deposit amounts 101973
collected from income tax refunds under this section to the credit 101974
of the welfare overpayment intercept fund. The director of job and 101975

family services shall distribute money in the fund in accordance 101976
with appropriate federal or state laws and procedures regarding 101977
collection of welfare overpayments. 101978

Sec. 5747.50. (A) As used in this section: 101979

(1) "County's proportionate share of the calendar year 2007 101980
LGF and LGRAF distributions" means the percentage computed for the 101981
county under division (B)(1)(a) of section 5747.501 of the Revised 101982
Code. 101983

(2) "County's proportionate share of the total amount of the 101984
local government fund additional revenue formula" means each 101985
county's proportionate share of the state's population as 101986
determined for and certified to the county for distributions to be 101987
made during the current calendar year under division (B)(2)(a) of 101988
section 5747.501 of the Revised Code. If prior to the first day of 101989
January of the current calendar year the federal government has 101990
issued a revision to the population figures reflected in the 101991
estimate produced pursuant to division (B)(2)(a) of section 101992
5747.501 of the Revised Code, such revised population figures 101993
shall be used for making the distributions during the current 101994
calendar year. 101995

(3) "2007 LGF and LGRAF county distribution base available in 101996
that month" means the lesser of the amounts described in division 101997
(A)(3)(a) and (b) of this section, provided that the amount shall 101998
not be less than zero: 101999

(a) The total amount available for distribution to counties 102000
from the local government fund during the current month. 102001

(b) The total amount distributed to counties from the local 102002
government fund and the local government revenue assistance fund 102003
to counties in calendar year 2007 less the total amount 102004
distributed to counties under division (B)(1) of this section 102005

during previous months of the current calendar year. 102006

(4) "Local government fund additional revenue distribution 102007
base available during that month" means the total amount available 102008
for distribution to counties during the month from the local 102009
government fund, less any amounts to be distributed in that month 102010
from the local government fund under division (B)(1) of this 102011
section, provided that the local government fund additional 102012
revenue distribution base available during that month shall not be 102013
less than zero. 102014

(5) "Total amount available for distribution to counties" 102015
means the total amount available for distribution from the local 102016
government fund during the current month less the total amount 102017
available for distribution to municipal corporations during the 102018
current month under division (C) of this section. 102019

(B) On or before the tenth day of each month, the tax 102020
commissioner shall provide for payment to each county an amount 102021
equal to the sum of: 102022

(1) The county's proportionate share of the calendar year 102023
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 102024
LGRAF county distribution base available in that month, provided 102025
that if the 2007 LGF and LGRAF county distribution base available 102026
in that month is zero, no payment shall be made under division 102027
(B)(1) of this section for the month or the remainder of the 102028
calendar year; and 102029

(2) The county's proportionate share of the total amount of 102030
the local government fund additional revenue formula multiplied by 102031
the local government fund additional revenue distribution base 102032
available during that month. 102033

Money received into the treasury of a county under this 102034
division shall be credited to the undivided local government fund 102035
in the treasury of the county on or before the fifteenth day of 102036

each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the difference obtained by subtracting one million dollars from the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under

this division during any calendar year shall not exceed the amount 102068
distributed directly from the local government fund to municipal 102069
corporations during calendar year 2007. If that maximum amount is 102070
reached during any month, distributions to municipal corporations 102071
in that month shall be as provided in divisions (C)(1) and (2) of 102072
this section, but no further distributions shall be made to 102073
municipal corporations under division (C) of this section during 102074
the remainder of the calendar year. 102075

(5) Upon being informed of a municipal corporation's 102076
dissolution, the tax commissioner shall cease providing for 102077
payments to that municipal corporation under division (C) of this 102078
section. The proportionate shares of the total amount available 102079
for distribution to each of the remaining municipal corporations 102080
under this division shall be increased on a pro rata basis. 102081

The tax commissioner shall reduce payments under division (C) 102082
of this section to municipal corporations for which reduced 102083
payments are required under section 5747.502 or 5747.504 of the 102084
Revised Code. 102085

(D) Each municipal corporation which has in effect a tax 102086
imposed under Chapter 718. of the Revised Code shall, no later 102087
than the thirty-first day of August of each year, certify to the 102088
tax commissioner, on a form prescribed by the commissioner, the 102089
amount of income tax revenue collected and refunded by such 102090
municipal corporation pursuant to such chapter during the 102091
preceding calendar year, arranged, when possible, by the type of 102092
income from which the revenue was collected or the refund was 102093
issued. The municipal corporation shall also report the amount of 102094
income tax revenue collected and refunded on behalf of a joint 102095
economic development district or a joint economic development zone 102096
that levies an income tax administered by the municipal 102097
corporation and the amount of such revenue distributed to 102098
contracting parties during the preceding calendar year. The tax 102099

commissioner may withhold payment of local government fund moneys 102100
pursuant to division (C) of this section from any municipal 102101
corporation for failure to comply with this reporting requirement. 102102

Sec. 5747.502. (A) As used in this section: 102103

(1) "Delinquent subdivision" means a municipal corporation, 102104
township, or county that has not filed a report or signed 102105
statement under section 4511.0915 of the Revised Code, as required 102106
under that section. 102107

(2) "Noncompliant subdivision" means a municipal corporation, 102108
township, or county that files a report under division (A)(1) of 102109
section 4511.0915 of the Revised Code for the most recent calendar 102110
quarter. 102111

(B)(1)(a) Upon receiving notification of a delinquent 102112
subdivision under division (C)(2) of section 4511.0915 of the 102113
Revised Code, the tax commissioner shall do both of the following: 102114

(i) If the delinquent subdivision is a municipal corporation, 102115
cease providing for payments to the municipal corporation under 102116
division (C) of section 5747.50 of the Revised Code, beginning 102117
with the next required payment; 102118

(ii) Immediately notify the county auditor and county 102119
treasurer required to provide for payments to the delinquent 102120
subdivision from a county undivided local government fund that 102121
such payments are to cease until the tax commissioner notifies the 102122
auditor and treasurer under division (B)(3)(a)(ii) of this 102123
section. 102124

(b) A county treasurer receiving the notice under division 102125
(B)(1)(a)(ii) of this section shall cease providing for payments 102126
to the delinquent subdivision from a county undivided local 102127
government fund, beginning with the next required payment. 102128

(2)(a) Upon receiving notification that a county, township, 102129

or municipal corporation is no longer a delinquent subdivision 102130
under division (C)(3) of section 4511.0915 of the Revised Code, 102131
the tax commissioner shall do both of the following: 102132

(i) If the formerly delinquent subdivision is a municipal 102133
corporation, begin providing for payments to the municipal 102134
corporation as required under division (C) of section 5747.50 of 102135
the Revised Code, beginning with the next required payment. 102136

(ii) Immediately notify the county auditor and county 102137
treasurer who ceased payments to the formerly delinquent 102138
subdivision under division (B)(1)(b) of this section that the 102139
treasurer shall begin providing for payment from a county 102140
undivided local government fund to the formerly delinquent 102141
subdivision under section 5747.503, 5747.51, or 5747.53 of the 102142
Revised Code. 102143

(b) A county treasurer receiving notice under division 102144
(B)(2)(a)(ii) of this section shall provide for payments to the 102145
formerly delinquent subdivision from a county undivided local 102146
government fund, beginning with the next required payment. 102147

(C)(1) Upon receiving notification of a noncompliant 102148
subdivision under division (C)(1) of section 4511.0915 of the 102149
Revised Code, the tax commissioner shall do both of the following: 102150

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal 102151
corporation, reduce the amount of each of the next three local 102152
government fund payments the noncompliant subdivision would 102153
otherwise receive under division (C) of section 5747.50 of the 102154
Revised Code in an amount equal to one-third of the gross amount 102155
of fines reported by the noncompliant subdivision on the report 102156
filed for the calendar quarter. 102157

(b) If the reduction described in division (C)(1)(a) of this 102158
section exceeds the amount of money the noncompliant subdivision 102159
would otherwise receive under division (C) of section 5747.50 of 102160

the Revised Code, immediately notify the county auditor and county treasurer required to provide for payments to the noncompliant subdivision from a county undivided local government fund that each of the next three such payments are to be reduced to that subdivision in an amount equal to one-third of that excess.

(2) A county treasurer receiving notice under division (C)(1)(b) of this section shall reduce the payments to the noncompliant subdivision from a county undivided local government fund as required by the notice.

(D)(1) The tax commissioner shall provide for payment of an amount equal to amounts withheld from municipal corporations under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the undivided local government fund of the county from which the municipal corporation receives payments under section 5747.503, 5747.51, or 5747.53 of the Revised Code. The county treasurer shall distribute that money among subdivisions that are not delinquent or noncompliant subdivisions and that are entitled to receive distributions under those sections by increasing each such subdivision's distribution on a pro rata basis.

(2) A county treasurer shall distribute any amount withheld from a delinquent or noncompliant subdivision under division (B)(1)(b) or (C)(2) of this section among other subdivisions that are not delinquent or noncompliant subdivisions by increasing each such subdivision's distribution from the county's undivided local government fund on a pro rata basis.

(E) A county, township, or municipal corporation receiving an increased distribution under division ~~(B) or (C)~~ (D) of this section shall use such money for the current operating expenses of the subdivision.

Sec. 5747.503. (A) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county

undivided local government fund of a supplement for townships. The 102192
commissioner shall determine the amounts paid to each fund as 102193
follows: 102194

(1) An amount equal to forty-one and sixty-seven 102195
one-hundredths per cent of one million dollars shall be divided 102196
among every county fund so that each township in the state 102197
receives an equal amount. 102198

(2) An amount equal to forty-one and sixty-seven 102199
one-hundredths per cent of one million dollars shall be divided 102200
among every county fund so that each township receives a 102201
proportionate share based on the proportion that the total 102202
township road miles in the township is of the total township road 102203
miles in all townships in the state. 102204

(B)(1) As used in this division, "qualifying village" means a 102205
village with a population of less than one thousand according to 102206
the most recent federal decennial census. 102207

(2) On or before the tenth day of each month, the tax 102208
commissioner shall provide for payment to each county undivided 102209
local government fund of a supplement for qualifying villages. The 102210
commissioner shall determine the amounts paid to each fund as 102211
follows: 102212

(a) An amount equal to eight and thirty-three one-hundredths 102213
per cent of one million dollars shall be divided among every 102214
county fund so that each qualifying village in the state receives 102215
an equal amount. 102216

(b) An amount equal to eight and thirty-three one-hundredths 102217
per cent of one million dollars shall be divided among every 102218
county fund so that each qualifying village receives a 102219
proportionate share based on the proportion that the total village 102220
road miles in the qualifying village is of the total village road 102221

miles in all qualifying villages in the state. 102222

(C) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (A)(1) and (2) of this section and to each qualifying village under divisions (B)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund. 102223
102224
102225
102226
102227
102228

(D) The tax commissioner shall update the road mile information used to determine payments under divisions (A) and (B) of this section at least once every five years, and may update such information more often at the commissioner's discretion. 102229
102230
102231
102232

Sec. 5747.504. (A) As used in this section: 102233

(1) "Noncompliant municipal corporation" means a qualifying municipal corporation that does either of the following: 102234
102235

(a) Both fails to publish the plan as required under division (B) of this section by the deadline required under that division and charges rates for water and sewerage services to any nonresident different than those charged to its residents; 102236
102237
102238
102239

(b) On or after January 1, 2022, charges rates for water and sewerage services to any nonresident different than those charged to its residents. 102240
102241
102242

(2) "Predatory municipal corporation" means a qualifying municipal corporation that does any of the following: 102243
102244

(a) Requires, as a condition of providing water or sewerage services to territory outside of the municipal corporation, that such territory be annexed to the municipal corporation; 102245
102246
102247

(b) Requires, as a condition of providing water or sewerage services to territory outside of the municipal corporation, that a township or municipal corporation in which that territory is located provides direct payments in excess of those reasonably 102248
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102250
102251

related to the cost of providing water or sewerage services in 102252
that territory to the municipal corporation that operates the 102253
water or sewerage system; 102254

(c) Requires a township or another municipal corporation to 102255
comply with any requirement not reasonably related to the cost of 102256
providing water or sewerage services in the territory of the 102257
township or other municipal corporation as a condition of 102258
providing water or sewerage services in such territory; 102259

(d) Withdraws water or sewerage service or threatens to 102260
withdraw such service from any territory of a township or another 102261
municipal corporation for failure of that township or municipal 102262
corporation to comply with any condition or make any direct 102263
payment not reasonably related to the cost of providing water or 102264
sewerage services in that territory. 102265

(3) "Affected subdivision" means a township or municipal 102266
corporation that is either: 102267

(a) Subject to any of the conditions described in divisions 102268
(A)(2)(a) to (d) of this section imposed by a predatory municipal 102269
corporation; 102270

(b) Has a resident whose water or sewerage rates are 102271
different than those charged to residents of the noncompliant 102272
municipal corporation that provides such services to that 102273
resident. 102274

(4) "Annexation" means any form of annexation proceeding or 102275
merger pursuant to Chapter 709. of the Revised Code. 102276

(5) "Qualifying municipal corporation" means a municipal 102277
corporation having a population of more than seven hundred 102278
thousand as determined by the most recent federal decennial census 102279
that operates a municipal water or sewerage system serving 102280
nonresidents and residents of the municipal corporation. 102281

(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section:

(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents;

(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks.

(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation.

(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following:

(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount of such payments the municipal corporation would otherwise receive under section 5747.503, 5747.51, or 5747.53 of the Revised Code, beginning with the next required payment;

(b) Immediately notify the county auditor and county treasurer that such payments are to be reduced by twenty per cent until the tax commissioner notifies the auditor and treasurer

under division (C)(3)(b) of this section that the reduction shall 102313
terminate. 102314

The county treasurer shall reduce the amount of such payments 102315
to the noncompliant municipal corporation from the undivided local 102316
government fund beginning with the payment specified by the tax 102317
commissioner. 102318

(3) A municipal corporation subject to the reductions 102319
required under division (C)(2) of this section may notify the tax 102320
commissioner that the municipal corporation is no longer a 102321
noncompliant municipal corporation. Upon receiving that notice, 102322
the commissioner shall do both of the following if the 102323
commissioner determines that the municipal corporation is no 102324
longer a noncompliant municipal corporation: 102325

(a) Terminate the reduction, under division (C)(2)(a) of this 102326
section, in the amount of payments to the county's undivided local 102327
government fund and in the amount of payments to the municipal 102328
corporation under division (C) of section 5747.50 of the Revised 102329
Code beginning with the next required payments; 102330

(b) Immediately notify the county auditor and county 102331
treasurer that the treasurer shall terminate the reduction in the 102332
amount of payments from the undivided local government fund to the 102333
municipal corporation under section 5747.503, 5747.51, or 5747.53 102334
of the Revised Code. 102335

The county treasurer shall provide for payments to the 102336
formerly noncompliant municipal corporation from the undivided 102337
local government fund, beginning with the payment specified by the 102338
tax commissioner. 102339

(D)(1) A predatory municipal corporation shall notify the tax 102340
commissioner that the municipal corporation is a predatory 102341
municipal corporation within ten days after the effective date of 102342
the enactment of this section or, if the municipal corporation 102343

becomes a predatory municipal corporation after that date, within 102344
ten days after the date on which the municipal corporation becomes 102345
a predatory municipal corporation. 102346

(2) The tax commissioner, upon receipt of a notice described 102347
in division (D)(1) of this section or upon discovery, on the basis 102348
of information in the commissioner's possession, that a municipal 102349
corporation is a predatory municipal corporation, shall do all of 102350
the following: 102351

(a) Cease providing for payments to the municipal corporation 102352
under division (C) of section 5747.50 of the Revised Code, 102353
beginning with the next required payment, and reduce payments to 102354
the appropriate county undivided local government fund under 102355
division (B) of section 5747.50 of the Revised Code equal to the 102356
amount of such payments the municipal corporation would otherwise 102357
receive under section 5747.503, 5747.51, or 5747.53 of the Revised 102358
Code, beginning with the next required payment; 102359

(b) Immediately notify the county auditor and county 102360
treasurer that such payments are to cease until the tax 102361
commissioner notifies the auditor and treasurer under division 102362
(D)(3)(b) of this section that the payments are to resume. 102363

The county treasurer shall cease providing for payments to 102364
the predatory municipal corporation from the undivided local 102365
government fund beginning with the payment specified by the tax 102366
commissioner. 102367

(c) The tax commissioner shall notify the director of 102368
environmental protection of the identities of the predatory 102369
subdivision and any affected subdivisions and instruct the 102370
director to proceed under division (G) of this section. 102371

(3) A municipal corporation subject to the reductions 102372
required under division (D)(2) of this section may notify the tax 102373
commissioner that the municipal corporation is no longer a 102374

predatory municipal corporation. Upon receiving that notice, the 102375
commissioner shall do both of the following if the commissioner 102376
determines that the municipal corporation is no longer a predatory 102377
municipal corporation: 102378

(a) Resume payments to the municipal corporation as required 102379
under division (C) of section 5747.50 of the Revised Code, and 102380
resume payments to the county's undivided local government fund to 102381
the extent such payments were reduced under division (D)(2)(a) of 102382
this section, beginning with the next required payment; 102383

(b) Immediately notify the county auditor and county 102384
treasurer that the treasurer shall resume payments from the 102385
undivided local government fund to the municipal corporation under 102386
section 5747.503, 5747.51, or 5747.53 of the Revised Code. 102387

The county treasurer shall resume payments to the municipal 102388
corporation from the undivided local government fund beginning 102389
with the payment specified by the tax commissioner. 102390

(E) The tax commissioner shall provide for payment of an 102391
amount equal to amounts withheld from a noncompliant or predatory 102392
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 102393
this section, respectively, to each affected subdivision affected 102394
by, or with a resident affected by, that municipal corporation 102395
under division (A)(3)(a) or (b) of this section. The payment to 102396
each such subdivision shall be in the proportion that the 102397
population of that subdivision bears to the total population of 102398
all such affected subdivisions, as determined by the most recent 102399
federal decennial census. 102400

(F) An affected subdivision shall use money received under 102401
division (E) of this section for the current operating expenses of 102402
the subdivision. 102403

(G) The director of environmental protection shall send a 102404
letter to each affected subdivision identified in a notice 102405

received by the director under division (D)(2)(c) of this section 102406
explaining the procedures for political subdivisions to form a 102407
regional water and sewer district under Chapter 6119. of the 102408
Revised Code. 102409

Sec. 5747.51. (A) On or before the twenty-fifth day of July 102410
of each year, the tax commissioner shall make and certify to the 102411
county auditor of each county an estimate of the amount of the 102412
local government fund to be allocated to the undivided local 102413
government fund of each county for the ensuing calendar year, 102414
adjusting the total as required to account for subdivisions 102415
receiving local government funds under section 5747.502 of the 102416
Revised Code. 102417

(B) At each annual regular session of the county budget 102418
commission convened pursuant to section 5705.27 of the Revised 102419
Code, each auditor shall present to the commission the certificate 102420
of the commissioner, the annual tax budget and estimates, and the 102421
records showing the action of the commission in its last preceding 102422
regular session. The commission, after extending to the 102423
representatives of each subdivision an opportunity to be heard, 102424
under oath administered by any member of the commission, and 102425
considering all the facts and information presented to it by the 102426
auditor, shall determine the amount of the undivided local 102427
government fund needed by and to be apportioned to each 102428
subdivision for current operating expenses, as shown in the tax 102429
budget of the subdivision. This determination shall be made 102430
pursuant to divisions (C) to (I) of this section, unless the 102431
commission has provided for a formula pursuant to section 5747.53 102432
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 102433
~~increase~~ adjust the amount of funds from the undivided local 102434
government fund to a subdivision as required ~~to receive reduced or~~ 102435
~~increased funds under~~ by section 5747.502 or 5747.504 of the 102436
Revised Code. 102437

Nothing in this section prevents the budget commission, for 102438
the purpose of apportioning the undivided local government fund, 102439
from inquiring into the claimed needs of any subdivision as stated 102440
in its tax budget, or from adjusting claimed needs to reflect 102441
actual needs. For the purposes of this section, "current operating 102442
expenses" means the lawful expenditures of a subdivision, except 102443
those for permanent improvements and except payments for interest, 102444
sinking fund, and retirement of bonds, notes, and certificates of 102445
indebtedness of the subdivision. 102446

(C) The commission shall determine the combined total of the 102447
estimated expenditures, including transfers, from the general fund 102448
and any special funds other than special funds established for 102449
road and bridge; street construction, maintenance, and repair; 102450
state highway improvement; and gas, water, sewer, and electric 102451
public utilities operated by a subdivision, as shown in the 102452
subdivision's tax budget for the ensuing calendar year. 102453

(D) From the combined total of expenditures calculated 102454
pursuant to division (C) of this section, the commission shall 102455
deduct the following expenditures, if included in these funds in 102456
the tax budget: 102457

(1) Expenditures for permanent improvements as defined in 102458
division (E) of section 5705.01 of the Revised Code; 102459

(2) In the case of counties and townships, transfers to the 102460
road and bridge fund, and in the case of municipalities, transfers 102461
to the street construction, maintenance, and repair fund and the 102462
state highway improvement fund; 102463

(3) Expenditures for the payment of debt charges; 102464

(4) Expenditures for the payment of judgments. 102465

(E) In addition to the deductions made pursuant to division 102466
(D) of this section, revenues accruing to the general fund and any 102467
special fund considered under division (C) of this section from 102468

the following sources shall be deducted from the combined total of 102469
expenditures calculated pursuant to division (C) of this section: 102470

(1) Taxes levied within the ten-mill limitation, as defined 102471
in section 5705.02 of the Revised Code; 102472

(2) The budget commission allocation of estimated county 102473
public library fund revenues to be distributed pursuant to section 102474
5747.48 of the Revised Code; 102475

(3) Estimated unencumbered balances as shown on the tax 102476
budget as of the thirty-first day of December of the current year 102477
in the general fund, but not any estimated balance in any special 102478
fund considered in division (C) of this section; 102479

(4) Revenue, including transfers, shown in the general fund 102480
and any special funds other than special funds established for 102481
road and bridge; street construction, maintenance, and repair; 102482
state highway improvement; and gas, water, sewer, and electric 102483
public utilities, from all other sources except those that a 102484
subdivision receives from an additional tax or service charge 102485
voted by its electorate or receives from special assessment or 102486
revenue bond collection. For the purposes of this division, where 102487
the charter of a municipal corporation prohibits the levy of an 102488
income tax, an income tax levied by the legislative authority of 102489
such municipal corporation pursuant to an amendment of the charter 102490
of that municipal corporation to authorize such a levy represents 102491
an additional tax voted by the electorate of that municipal 102492
corporation. For the purposes of this division, any measure 102493
adopted by a board of county commissioners pursuant to section 102494
322.02, 4504.02, or 5739.021 of the Revised Code, including those 102495
measures upheld by the electorate in a referendum conducted 102496
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 102497
Code, shall not be considered an additional tax voted by the 102498
electorate. 102499

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county

shall not exceed the following maximum percentages of the total 102532
estimate of the undivided local government fund governed by the 102533
relationship of the percentage of the population of the county 102534
that resides within municipal corporations within the county to 102535
the total population of the county as reported in the reports on 102536
population in Ohio by the ~~department of~~ development services 102537
agency as of the twentieth day of July of the year in which the 102538
tax budget is filed with the budget commission: 102539

Percentage of municipal 102540	Percentage share of the county
population within the county:	shall not exceed:

Less than forty-one per cent	Sixty per cent	102541
Forty-one per cent or more but	Fifty per cent	102542
less than eighty-one per cent		102543
Eighty-one per cent or more	Thirty per cent	102544

Where the proportionate share of the county exceeds the 102545
limitations established in this division, the budget commission 102546
shall adjust the proportionate shares determined pursuant to this 102547
division so that the proportionate share of the county does not 102548
exceed these limitations, and it shall increase the proportionate 102549
shares of all other subdivisions on a pro rata basis. In counties 102550
having a population of less than one hundred thousand, not less 102551
than ten per cent shall be distributed to the townships therein. 102552

(I) The proportionate share of each subdivision in the 102553
undivided local government fund determined pursuant to division 102554
(H) of this section for any calendar year shall not be less than 102555
the product of the average of the percentages of the undivided 102556
local government fund of the county as apportioned to that 102557
subdivision for the calendar years 1968, 1969, and 1970, 102558
multiplied by the total amount of the undivided local government 102559
fund of the county apportioned pursuant to former section 5735.23 102560
of the Revised Code for the calendar year 1970. For the purposes 102561

of this division, the total apportioned amount for the calendar 102562
year 1970 shall be the amount actually allocated to the county in 102563
1970 from the state collected intangible tax as levied by section 102564
5707.03 of the Revised Code and distributed pursuant to section 102565
5725.24 of the Revised Code, plus the amount received by the 102566
county in the calendar year 1970 pursuant to division (B)(1) of 102567
former section 5739.21 of the Revised Code, and distributed 102568
pursuant to former section 5739.22 of the Revised Code. If the 102569
total amount of the undivided local government fund for any 102570
calendar year is less than the amount of the undivided local 102571
government fund apportioned pursuant to former section 5739.23 of 102572
the Revised Code for the calendar year 1970, the minimum amount 102573
guaranteed to each subdivision for that calendar year pursuant to 102574
this division shall be reduced on a basis proportionate to the 102575
amount by which the amount of the undivided local government fund 102576
for that calendar year is less than the amount of the undivided 102577
local government fund apportioned for the calendar year 1970. 102578

(J) On the basis of such apportionment, the county auditor 102579
shall compute the percentage share of each such subdivision in the 102580
undivided local government fund and shall at the same time certify 102581
to the tax commissioner the percentage share of the county as a 102582
subdivision. No payment shall be made from the undivided local 102583
government fund, except in accordance with such percentage shares. 102584

Within ten days after the budget commission has made its 102585
apportionment, whether conducted pursuant to section 5747.51 or 102586
5747.53 of the Revised Code, the auditor shall publish a list of 102587
the subdivisions and the amount each is to receive from the 102588
undivided local government fund and the percentage share of each 102589
subdivision, in a newspaper or newspapers of countywide 102590
circulation, and send a copy of such allocation to the tax 102591
commissioner. 102592

The county auditor shall also send a copy of such allocation 102593

by ordinary or electronic mail to the fiscal officer of each 102594
subdivision entitled to participate in the allocation of the 102595
undivided local government fund of the county. This copy shall 102596
constitute the official notice of the commission action referred 102597
to in section 5705.37 of the Revised Code. 102598

All money received into the treasury of a subdivision from 102599
the undivided local government fund in a county treasury shall be 102600
paid into the general fund and used for the current operating 102601
expenses of the subdivision. 102602

If a municipal corporation maintains a municipal university, 102603
such municipal university, when the board of trustees so requests 102604
the legislative authority of the municipal corporation, shall 102605
participate in the money apportioned to such municipal corporation 102606
from the total local government fund, however created and 102607
constituted, in such amount as requested by the board of trustees, 102608
provided such sum does not exceed nine per cent of the total 102609
amount paid to the municipal corporation. 102610

If any public official fails to maintain the records required 102611
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 102612
issued by the tax commissioner, the auditor of state, or the 102613
treasurer of state pursuant to such sections, or fails to comply 102614
with any law relating to the enforcement of such sections, the 102615
local government fund money allocated to the county may be 102616
withheld until such time as the public official has complied with 102617
such sections or such law or the rules issued pursuant thereto. 102618

Sec. 5747.53. (A) As used in this section: 102619

(1) "City, located wholly or partially in the county, with 102620
the greatest population" means the city, located wholly or 102621
partially in the county, with the greatest population residing in 102622
the county; however, if the county budget commission on or before 102623
January 1, 1998, adopted an alternative method of apportionment 102624

that was approved by the legislative authority of the city, 102625
located partially in the county, with the greatest population but 102626
not the greatest population residing in the county, "city, located 102627
wholly or partially in the county, with the greatest population" 102628
means the city, located wholly or partially in the county, with 102629
the greatest population whether residing in the county or not, if 102630
this alternative meaning is adopted by action of the board of 102631
county commissioners and a majority of the boards of township 102632
trustees and legislative authorities of municipal corporations 102633
located wholly or partially in the county. 102634

(2) "Participating political subdivision" means a municipal 102635
corporation or township that satisfies all of the following: 102636

(a) It is located wholly or partially in the county. 102637

(b) It is not the city, located wholly or partially in the 102638
county, with the greatest population. 102639

(c) Undivided local government fund moneys are apportioned to 102640
it under the county's alternative method or formula of 102641
apportionment in the current calendar year. 102642

(B) In lieu of the method of apportionment of the undivided 102643
local government fund of the county provided by section 5747.51 of 102644
the Revised Code, the county budget commission may provide for the 102645
apportionment of the fund under an alternative method or on a 102646
formula basis as authorized by this section. The ~~commissioner~~ 102647
commission shall ~~reduce or increase~~ adjust the amount of funds 102648
from the undivided local government fund to a subdivision as 102649
required ~~to receive reduced or increased funds under~~ by section 102650
5747.502 or 5747.504 of the Revised Code. 102651

Except as otherwise provided in division (C) of this section, 102652
the alternative method of apportionment shall have first been 102653
approved by all of the following governmental units: the board of 102654
county commissioners; the legislative authority of the city, 102655

located wholly or partially in the county, with the greatest 102656
population; and a majority of the boards of township trustees and 102657
legislative authorities of municipal corporations, located wholly 102658
or partially in the county, excluding the legislative authority of 102659
the city, located wholly or partially in the county, with the 102660
greatest population. In granting or denying approval for an 102661
alternative method of apportionment, the board of county 102662
commissioners, boards of township trustees, and legislative 102663
authorities of municipal corporations shall act by motion. A 102664
motion to approve shall be passed upon a majority vote of the 102665
members of a board of county commissioners, board of township 102666
trustees, or legislative authority of a municipal corporation, 102667
shall take effect immediately, and need not be published. 102668

Any alternative method of apportionment adopted and approved 102669
under this division may be revised, amended, or repealed in the 102670
same manner as it may be adopted and approved. If an alternative 102671
method of apportionment adopted and approved under this division 102672
is repealed, the undivided local government fund of the county 102673
shall be apportioned among the subdivisions eligible to 102674
participate in the fund, commencing in the ensuing calendar year, 102675
under the apportionment provided in section 5747.52 of the Revised 102676
Code, unless the repeal occurs by operation of division (C) of 102677
this section or a new method for apportionment of the fund is 102678
provided in the action of repeal. 102679

(C) This division applies only in counties in which the city, 102680
located wholly or partially in the county, with the greatest 102681
population has a population of twenty thousand or less and a 102682
population that is less than fifteen per cent of the total 102683
population of the county. In such a county, the legislative 102684
authorities or boards of township trustees of two or more 102685
participating political subdivisions, which together have a 102686
population residing in the county that is a majority of the total 102687

population of the county, each may adopt a resolution to exclude 102688
the approval otherwise required of the legislative authority of 102689
the city, located wholly or partially in the county, with the 102690
greatest population. All of the resolutions to exclude that 102691
approval shall be adopted not later than the first Monday of 102692
August of the year preceding the calendar year in which 102693
distributions are to be made under an alternative method of 102694
apportionment. 102695

A motion granting or denying approval of an alternative 102696
method of apportionment under this division shall be adopted by a 102697
majority vote of the members of the board of county commissioners 102698
and by a majority vote of a majority of the boards of township 102699
trustees and legislative authorities of the municipal corporations 102700
located wholly or partially in the county, other than the city, 102701
located wholly or partially in the county, with the greatest 102702
population, shall take effect immediately, and need not be 102703
published. The alternative method of apportionment under this 102704
division shall be adopted and approved annually, not later than 102705
the first Monday of August of the year preceding the calendar year 102706
in which distributions are to be made under it. A motion granting 102707
approval of an alternative method of apportionment under this 102708
division repeals any existing alternative method of apportionment, 102709
effective with distributions to be made from the fund in the 102710
ensuing calendar year. An alternative method of apportionment 102711
under this division shall not be revised or amended after the 102712
first Monday of August of the year preceding the calendar year in 102713
which distributions are to be made under it. 102714

(D) In determining an alternative method of apportionment 102715
authorized by this section, the county budget commission may 102716
include in the method any factor considered to be appropriate and 102717
reliable, in the sole discretion of the county budget commission. 102718

(E) The limitations set forth in section 5747.51 of the 102719

Revised Code, stating the maximum amount that the county may receive from the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from the fund, are applicable to any alternative method of apportionment authorized under this section.

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. If a municipal corporation maintains a municipal university, the university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to the municipal corporation from the total local government fund, however created and constituted, in the amount requested by the board of trustees, provided that amount does not exceed nine per cent of the total amount paid to the municipal corporation.

(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

Sec. 5747.70. (A) In computing Ohio adjusted gross income, a

deduction from federal adjusted gross income is allowed to a 102751
contributor for the amount contributed during the taxable year to 102752
a variable college savings program account and to a purchaser of 102753
tuition units under the Ohio college savings program created by 102754
Chapter 3334. of the Revised Code to the extent that the amounts 102755
of such contributions and purchases were not deducted in 102756
determining the contributor's or purchaser's federal adjusted 102757
gross income for the taxable year. The combined amount of 102758
contributions and purchases deducted in any taxable year by a 102759
taxpayer or the taxpayer and the taxpayer's spouse, regardless of 102760
whether the taxpayer and the taxpayer's spouse file separate 102761
returns or a joint return, is limited to ~~two~~ four thousand dollars 102762
for each beneficiary for whom contributions or purchases are made. 102763
If the combined annual contributions and purchases for a 102764
beneficiary exceed ~~two~~ four thousand dollars, the excess may be 102765
carried forward and deducted in future taxable years until the 102766
contributions and purchases have been fully deducted. 102767

(B) In computing Ohio adjusted gross income, a deduction from 102768
federal adjusted gross income is allowed for: 102769

(1) Income related to tuition units and contributions that as 102770
of the end of the taxable year have not been refunded pursuant to 102771
the termination of a tuition payment contract or variable college 102772
savings program account under section 3334.10 of the Revised Code, 102773
to the extent that such income is included in federal adjusted 102774
gross income. 102775

(2) The excess of the total purchase price of tuition units 102776
refunded during the taxable year pursuant to the termination of a 102777
tuition payment contract under section 3334.10 of the Revised Code 102778
over the amount of the refund, to the extent the amount of the 102779
excess was not deducted in determining federal adjusted gross 102780
income. Division (B)(2) of this section applies only to units for 102781
which no deduction was allowable under division (A) of this 102782

section. 102783

(C) In computing Ohio adjusted gross income, there shall be 102784
added to federal adjusted gross income the amount of loss related 102785
to tuition units and contributions that as of the end of the 102786
taxable year have not been refunded pursuant to the termination of 102787
a tuition payment contract or variable college savings program 102788
account under section 3334.10 of the Revised Code, to the extent 102789
that such loss was deducted in determining federal adjusted gross 102790
income. 102791

(D) For taxable years in which distributions or refunds are 102792
made under a tuition payment or variable college savings program 102793
contract for any reason other than payment of tuition or other 102794
higher education expenses, or the beneficiary's death, disability, 102795
or receipt of a scholarship as described in section 3334.10 of the 102796
Revised Code: 102797

(1) If the distribution or refund is paid to the purchaser or 102798
contributor or beneficiary, any portion of the distribution or 102799
refund not included in the recipient's federal adjusted gross 102800
income shall be added to the recipient's federal adjusted gross 102801
income in determining the recipient's Ohio adjusted gross income, 102802
except that the amount added shall not exceed amounts previously 102803
deducted under division (A) of this section less any amounts added 102804
under division (D)(1) of this section in a prior taxable year. 102805

(2) If amounts paid by a purchaser or contributor on or after 102806
January 1, 2000, are distributed or refunded to someone other than 102807
the purchaser or contributor or beneficiary, the amount of the 102808
payment not included in the recipient's federal adjusted gross 102809
income, less any amounts added under division (D) of this section 102810
in a prior taxable year, shall be added to the recipient's federal 102811
adjusted gross income in determining the recipient's Ohio adjusted 102812
gross income. 102813

Sec. 5747.98. (A) To provide a uniform procedure for 102814
calculating a taxpayer's aggregate tax liability under section 102815
5747.02 of the Revised Code, a taxpayer shall claim any credits to 102816
which the taxpayer is entitled in the following order: 102817

(1) Either the retirement income credit under division (B) of 102818
section 5747.055 of the Revised Code or the lump sum retirement 102819
income credits under divisions (C), (D), and (E) of that section; 102820

(2) Either the senior citizen credit under division (F) of 102821
section 5747.055 of the Revised Code or the lump sum distribution 102822
credit under division (G) of that section; 102823

(3) The dependent care credit under section 5747.054 of the 102824
Revised Code; 102825

~~(4) The low income credit under section 5747.056 of the 102826
Revised Code;~~ 102827

~~(5)~~ The credit for displaced workers who pay for job training 102828
under section 5747.27 of the Revised Code; 102829

~~(6)~~(5) The campaign contribution credit under section 5747.29 102830
of the Revised Code; 102831

~~(7)~~(6) The twenty-dollar personal exemption credit under 102832
section 5747.022 of the Revised Code; 102833

~~(8)~~(7) The joint filing credit under division (G) of section 102834
5747.05 of the Revised Code; 102835

~~(9)~~(8) The earned income credit under section 5747.71 of the 102836
Revised Code; 102837

~~(10)~~(9) The credit for adoption of a minor child under 102838
section 5747.37 of the Revised Code; 102839

~~(11)~~(10) The nonrefundable job retention credit under 102840
division (B) of section 5747.058 of the Revised Code; 102841

~~(12)~~(11) The enterprise zone credit under section 5709.66 of 102842

the Revised Code;	102843
(13) (12) The ethanol plant investment credit under section 5747.75 of the Revised Code;	102844 102845
(14) (13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	102846 102847
(15) (14) The small business investment credit under section 5747.81 of the Revised Code;	102848 102849
(16) (15) The enterprise zone credits under section 5709.65 of the Revised Code;	102850 102851
(17) (16) The research and development credit under section 5747.331 of the Revised Code;	102852 102853
(18) (17) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	102854 102855
(19) (18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	102856 102857
(20) (19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	102858 102859
(21) (20) The refundable motion picture production credit under section 5747.66 of the Revised Code;	102860 102861
(22) (21) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	102862 102863
(23) (22) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	102864 102865
(24) (23) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	102866 102867 102868
(25) (24) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	102869 102870 102871

~~(26)~~(25) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code; 102872
102873

~~(27)~~(26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code. 102874
102875
102876

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 102877
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Sec. 5748.10. (A) As used in this section: 102888

(1) "School district consolidation" means a consolidation of some or all of the territories of two or more school districts by transfer, merger, joinder, or creation pursuant to any of such procedures under Chapter 3311. of the Revised Code. 102889
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102891
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(2) "Surviving school district" means a school district into which territory of another school district will be consolidated pursuant to a school district consolidation. 102893
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102895

(3) "Identification number" means the number designated by the tax commissioner for the purpose of enabling a taxpayer to identify the taxpayer's school district of residence pursuant to rules adopted by the commissioner in accordance with section 5747.04 of the Revised Code. 102896
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102898
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102900

(B) On or before ninety days before the effective date of a 102901

school district consolidation, the board of education of a 102902
surviving school district that levies a school district income tax 102903
pursuant to a resolution that will be in effect on and after that 102904
effective date shall notify the tax commissioner in writing of all 102905
of the following: 102906

(1) The name and identification number of each of the school 102907
districts involved in the consolidation, designating which is the 102908
surviving school district; 102909

(2) The effective date of the consolidation; 102910

(3) The rate of school district income tax levied by the 102911
surviving school district and, if applicable, any of the other 102912
school districts, pursuant to a resolution levying such a tax that 102913
will be in effect on and after the effective date of the 102914
consolidation. 102915

(C) School district income tax shall be levied on the school 102916
district income of residents of a school district resulting from a 102917
school district consolidation pursuant to a resolution, if any, 102918
levying such a tax on such income of the surviving school 102919
district's residents adopted by the board of education of that 102920
district and in effect on and after that effective date. Nothing 102921
in this division prohibits the board of education of a school 102922
district from amending or adopting a resolution to levy a school 102923
district income tax in accordance with this chapter after a school 102924
district consolidation. 102925

Sec. 5749.01. As used in this chapter: 102926

(A) "Ton" shall mean two thousand pounds as measured at the 102927
point and time of severance, after the removal of any impurities, 102928
under such rules and regulations as the tax commissioner may 102929
prescribe. 102930

(B) "Taxpayer" means any person required to pay the tax 102931

levied by Chapter 5749. of the Revised Code.	102932
(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil.	102933 102934
(D) "Owner" has <u>and "exempt domestic well" have</u> the same meaning <u>meanings</u> as in section 1509.01 of the Revised Code.	102935 102936
(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.	102937 102938 102939
(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.	102940 102941 102942
(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.	102943 102944
(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.	102945 102946
(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.	102947 102948
Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by divisions (A)(1) to (9) of this section:	102949 102950 102951 102952 102953 102954 102955 102956
(1) Ten cents per ton of coal;	102957
(2) Four cents per ton of salt;	102958
(3) Two cents per ton of limestone or dolomite;	102959
(4) Two cents per ton of sand and gravel;	102960

(5) Ten cents per barrel of oil;	102961
(6) Two and one-half cents per thousand cubic feet of natural gas;	102962 102963
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	102964 102965
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.	102966 102967 102968 102969 102970 102971 102972 102973 102974 102975 102976 102977 102978 102979 102980 102981 102982 102983 102984 102985 102986 102987 102988 102989
(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.	102990 102991

(B) After the director of budget and management transfers 102992
money from the severance tax receipts fund as required in division 102993
(H) of section 5749.06 of the Revised Code, money remaining in the 102994
severance tax receipts fund, except for money in the fund from the 102995
amounts due under section 1509.50 of the Revised Code, shall be 102996
credited as follows: 102997

(1) ~~Of All of the moneys in the fund from the tax levied in 102998~~
~~division (A)(1) of this section, four and seventy six hundredths 102999~~
~~per cent shall be credited to the geological mapping fund created 103000~~
~~in section 1505.09 of the Revised Code, eighty and 103001~~
~~ninety five hundredths per cent shall be credited to the coal 103002~~
~~mining administration and reclamation reserve fund created in 103003~~
~~section 1513.181 of the Revised Code, and fourteen and 103004~~
~~twenty nine hundredths per cent shall be credited to the 103005~~
~~unreclaimed lands mining regulation and safety fund created in 103006~~
section 1513.30 of the Revised Code. 103007

(2) The money in the fund from the tax levied in division 103008
(A)(2) of this section shall be credited to the ~~geological mapping~~ 103009
mining regulation and safety fund. 103010

(3) Of the moneys in the fund from the tax levied in 103011
divisions (A)(3) and (4) of this section, seven and five-tenths 103012
per cent shall be credited to the geological mapping fund, 103013
~~forty two and five tenths per cent shall be credited to the 103014~~
~~unreclaimed lands fund, and the remainder shall be credited to the 103015~~
~~surface mining regulation and safety fund created in section 103016~~
~~1514.06 1513.30 of the Revised Code. 103017~~

(4) Of the moneys in the fund from the tax levied in 103018
divisions (A)(5) and (6) of this section, ninety per cent shall be 103019
credited to the oil and gas well fund ~~created in section 1509.02~~ 103020
~~of the Revised Code~~ and ten per cent shall be credited to the 103021
geological mapping fund. ~~All~~ 103022

(5) All of the moneys in the fund from the tax levied in 103023
division (A)(7) of this section shall be credited to the ~~surface~~ 103024
mining regulation and safety fund. 103025

~~(5)~~(6) All of the moneys in the fund from the tax levied in 103026
division (A)(8) of this section shall be credited to the 103027
reclamation forfeiture fund. 103028

~~(6)~~(7) All of the moneys in the fund from the tax levied in 103029
division (A)(9) of this section shall be credited to the 103030
~~unreclaimed lands~~ mining regulation and safety fund. 103031

(C) When, at the close of any fiscal year, the chief finds 103032
that the balance of the reclamation forfeiture fund, ~~plus~~ 103033
~~estimated transfers to it from the coal mining administration and~~ 103034
~~reclamation reserve fund under section 1513.181 of the Revised~~ 103035
~~Code~~, plus the estimated revenues from the tax levied by division 103036
(A)(8) of this section for the remainder of the calendar year that 103037
includes the close of the fiscal year, are sufficient to complete 103038
the reclamation of all lands for which the performance security 103039
has been provided under division (C)(2) of section 1513.08 of the 103040
Revised Code, the purposes for which the tax under division (A)(8) 103041
of this section is levied shall be deemed accomplished at the end 103042
of that calendar year. The chief, within thirty days after the 103043
close of the fiscal year, shall certify those findings to the tax 103044
commissioner, and the tax levied under division (A)(8) of this 103045
section shall cease to be imposed for the subsequent calendar year 103046
after the last day of that calendar year on coal produced under a 103047
coal mining and reclamation permit issued under Chapter 1513. of 103048
the Revised Code if the permittee has made tax payments under 103049
division (A)(8) of this section during each of the preceding five 103050
full calendar years. Not later than thirty days after the close of 103051
a fiscal year, the chief shall certify to the tax commissioner the 103052
identity of any permittees who accordingly no longer are required 103053
to pay the tax levied under division (A)(8) of this section for 103054

the subsequent calendar year. 103055

Sec. 5749.03. ~~The following Natural resources severed from an~~ 103056
~~exempt domestic well~~ shall be exempt from the tax imposed by 103057
section 5749.02 of the Revised Code ~~and the amount due under~~ 103058
~~section 1509.50 of the Revised Code.~~ 103059

~~The severance of natural resources from land or water in this~~ 103060
~~state owned legally or beneficially by the severer, which natural~~ 103061
~~resources will be used on the land from which they are taken by~~ 103062
~~the severer as part of the improvement of or use in the severer's~~ 103063
~~homestead and which have a yearly cumulative market value of not~~ 103064
~~greater than one thousand dollars. When severed natural resources~~ 103065
~~so used exceed a cumulative market value of one thousand dollars~~ 103066
~~during any year, the further severance of natural resources shall~~ 103067
~~be subject to the tax imposed by section 5749.02 of the Revised~~ 103068
~~Code.~~ 103069

Sec. 5749.04. No severer shall sever or sell a natural 103070
resource in this state without first having obtained a ~~license or~~ 103071
~~permit therefor~~ from or having registered with the department of 103072
natural resources. 103073

~~Unless the severer has obtained a license or permit from~~ 103074
~~another department of this state, the license or permit shall be~~ 103075
~~issued by the tax commissioner upon receipt of a completed~~ 103076
~~application on a form which he shall prescribe. The license or~~ 103077
~~permit shall become effective on the date the application is~~ 103078
~~accepted by the commissioner, who shall notify the applicant in~~ 103079
~~writing of the acceptance, and shall remain in effect until such~~ 103080
~~time as the commissioner revokes the license or permit. The~~ 103081
commissioner may request that the department of natural resources 103082
revoke the license or permit or registration of a severer or owner 103083
if he the commissioner finds that the applicant severer or owner 103084

has failed to ~~fully and truthfully complete the application or has~~ 103085
~~failed to pay the tax required by~~ comply with section 1509.50 or 103086
Chapter 5749. of the Revised Code. 103087

~~The fee charged for the license or permit shall be fifty~~ 103088
~~dollars. The remittance for such fee shall accompany the~~ 103089
~~application and shall be made payable to the treasurer of state~~ 103090
~~for deposit in the general revenue fund~~ Upon receipt of such a 103091
request, that officer may revoke the permit or registration. 103092

Except as provided in section 5749.03 of the Revised Code, 103093
before severing a natural resource each severer shall file an 103094
application with the commissioner on a form prescribed by the 103095
commissioner to establish a severance tax account. The application 103096
may require the severer to disclose any information the 103097
commissioner considers necessary to establish that account. 103098

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 103099
by section 5749.02 of the Revised Code and each severer or owner 103100
liable for the amounts due under section 1509.50 of the Revised 103101
Code, except for any amount due under division (B)(2) of that 103102
section, shall make and file returns with the tax commissioner in 103103
the prescribed form and ~~as of~~ at the prescribed times, computing 103104
and reflecting therein the tax as required by this chapter and 103105
amounts due under section 1509.50 of the Revised Code. 103106

(2) The returns shall be filed for every ~~quarterly period,~~ 103107
~~which periods shall end on the thirty first day of March, the~~ 103108
~~thirtieth day of June, the thirtieth day of September, and the~~ 103109
~~thirty first day of December of each year~~ calendar quarter, as 103110
required by this section, unless a different return period is 103111
prescribed for a taxpayer by the commissioner. 103112

(B)(1) A separate return shall be filed for each calendar 103113
~~quarterly period~~ quarter, or other period, or any part thereof, 103114
during which the severer holds a ~~license~~ permit or has registered 103115

as provided by section 5749.04 of the Revised Code, or is required 103116
to hold the ~~license~~ permit or registration, or during which an 103117
owner is required to file a return. The return shall be filed 103118
~~within forty five days after the last~~ on or before the fifteenth 103119
~~day of each such calendar month, or other period, or any part~~ 103120
~~thereof, for which the return is required~~ the second month 103121
following the end of each return period. The tax due is payable 103122
along with the return. All such returns shall contain such 103123
information as the commissioner may require to fairly administer 103124
the tax. 103125

(2) All returns shall be signed by the severer or owner, as 103126
applicable, shall contain the full and complete information 103127
requested, and shall be made under penalty of perjury. 103128

(C) If the commissioner believes that quarterly payments of 103129
tax would result in a delay that might jeopardize the collection 103130
of such tax payments, the commissioner may order that such 103131
payments be made weekly, or more frequently if necessary, such 103132
payments to be made not later than seven days following the close 103133
of the period for which the jeopardy payment is required. Such an 103134
order shall be delivered to the taxpayer personally or by 103135
certified mail and shall remain in effect until the commissioner 103136
notifies the taxpayer to the contrary. 103137

(D) Upon good cause the commissioner may extend for thirty 103138
days the period for filing any notice or return required to be 103139
filed under this section, and may remit all or a part of penalties 103140
that may become due under this chapter. 103141

(E) Any tax and any amount due under section 1509.50 of the 103142
Revised Code not paid by the day the tax or amount is due shall 103143
bear interest computed at the rate per annum prescribed by section 103144
5703.47 of the Revised Code on that amount due from the day that 103145
the amount was originally required to be paid to the day of actual 103146
payment or to the day an assessment was issued under section 103147

5749.07 or 5749.10 of the Revised Code, whichever occurs first. 103148

(F) A severer or owner, as applicable, that fails to file a 103149
complete return or pay the full amount due under this chapter 103150
within the time prescribed, including any extensions of time 103151
granted by the commissioner, shall be subject to a penalty not to 103152
exceed the greater of fifty dollars or ten per cent of the amount 103153
due for the period. 103154

(G)(1) A severer or owner, as applicable, shall remit 103155
payments electronically and, if required by the commissioner, file 103156
each return electronically. The commissioner may require that the 103157
severer or owner use the Ohio business gateway, as defined in 103158
section 718.01 of the Revised Code, or another electronic means to 103159
file returns and remit payments electronically. 103160

(2) A severer or owner that is required to remit payments 103161
electronically under this section may apply to the commissioner, 103162
in the manner prescribed by the commissioner, to be excused from 103163
that requirement. The commissioner may excuse a severer or owner 103164
from the requirements of division (G) of this section for good 103165
cause. 103166

(3) If a severer or owner that is required to remit payments 103167
or file returns electronically under this section fails to do so, 103168
the commissioner may impose a penalty on the severer or owner not 103169
to exceed the following: 103170

(a) For the first or second payment or return the severer or 103171
owner fails to remit or file electronically, the greater of five 103172
per cent of the amount of the payment that was required to be 103173
remitted or twenty-five dollars; 103174

(b) For every payment or return after the second that the 103175
severer or owner fails to remit or file electronically, the 103176
greater of ten per cent of the amount of the payment that was 103177
required to be remitted or fifty dollars. 103178

(H)(1) All amounts that the commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month ~~following the end of each calendar quarter~~, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code, and shall provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest

or penalties and may adopt rules governing such abatements. 103211

~~Sec. 5749.17. Except for purposes of enforcing Chapter 1509.~~ 103212
~~of the Revised Code, any~~ Any information provided to the 103213
department of natural resources by the department of taxation in 103214
accordance with division (C)(12) of section 5703.21 of the Revised 103215
Code shall not be disclosed publicly by the department of natural 103216
resources. However the department of natural resources may provide 103217
such information to the attorney general for purposes of 103218
enforcement of Chapter 1509. of the Revised Code. 103219

Sec. 5751.02. (A) For the purpose of funding the needs of 103220
this state and its local governments, there is hereby levied a 103221
commercial activity tax on each person with taxable gross receipts 103222
for the privilege of doing business in this state. For the 103223
purposes of this chapter, "doing business" means engaging in any 103224
activity, whether legal or illegal, that is conducted for, or 103225
results in, gain, profit, or income, at any time during a calendar 103226
year. Persons on which the commercial activity tax is levied 103227
include, but are not limited to, persons with substantial nexus 103228
with this state. The tax imposed under this section is not a 103229
transactional tax and is not subject to Public Law No. 86-272, 73 103230
Stat. 555. The tax imposed under this section is in addition to 103231
any other taxes or fees imposed under the Revised Code. The tax 103232
levied under this section is imposed on the person receiving the 103233
gross receipts and is not a tax imposed directly on a purchaser. 103234
The tax imposed by this section is an annual privilege tax for the 103235
calendar year that, in the case of calendar year taxpayers, is the 103236
annual tax period and, in the case of calendar quarter taxpayers, 103237
contains all quarterly tax periods in the calendar year. A 103238
taxpayer is subject to the annual privilege tax for doing business 103239
during any portion of such calendar year. 103240

(B) The tax imposed by this section is a tax on the taxpayer 103241

and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible

property tax replacement fund, which is hereby created in the 103274
state treasury for the purpose of making the payments described in 103275
section 5709.93 of the Revised Code, in the following percentages: 103276

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	103278
2016 and <u>2017</u>	75.0%	20.0%	5.0%	103279
<u>2018 and</u> thereafter	<u>85.0%</u>	<u>13.0%</u>	<u>2.0%</u>	103280

(2) Not later than the twentieth day of February, May, 103281
August, and November of each year, the commissioner shall provide 103282
for payment from the commercial activities tax receipts fund to 103283
the commercial activity tax motor fuel receipts fund an amount 103284
that bears the same ratio to the balance in the commercial 103285
activities tax receipts fund that (a) the taxable gross receipts 103286
attributed to motor fuel used for propelling vehicles on public 103287
highways as indicated by returns filed by the tenth day of that 103288
month for a liability that is due and payable on or after July 1, 103289
2013, for a tax period ending before July 1, 2014, bears to (b) 103290
all taxable gross receipts as indicated by those returns for such 103291
liabilities. 103292

(D)(1) If the total amount in the school district tangible 103293
property tax replacement fund is insufficient to make all payments 103294
under section 5709.92 of the Revised Code at the times the 103295
payments are to be made, the director of budget and management 103296
shall transfer from the general revenue fund to the school 103297
district tangible property tax replacement fund the difference 103298
between the total amount to be paid and the amount in the school 103299
district tangible property tax replacement fund. 103300

(2) If the total amount in the local government tangible 103301

property tax replacement fund is insufficient to make all payments 103302
under section 5709.93 of the Revised Code at the times the 103303
payments are to be made, the director of budget and management 103304
shall transfer from the general revenue fund to the local 103305
government tangible property tax replacement fund the difference 103306
between the total amount to be paid and the amount in the local 103307
government tangible property tax replacement fund. 103308

(E)(1) On or after the first day of June of each year, the 103309
director of budget and management may transfer any balance in the 103310
school district tangible property tax replacement fund to the 103311
general revenue fund. 103312

(2) On or after the first day of June of each year, the 103313
director of budget and management may transfer any balance in the 103314
local government tangible property tax replacement fund to the 103315
general revenue fund. 103316

(F)(1) There is hereby created in the state treasury the 103317
commercial activity tax motor fuel receipts fund. 103318

(2) On or before the fifteenth day of June of each fiscal 103319
year beginning with fiscal year 2015, the director of the Ohio 103320
public works commission shall certify to the director of budget 103321
and management the amount of debt service paid from the general 103322
revenue fund in the current fiscal year on bonds issued to finance 103323
or assist in the financing of the cost of local subdivision public 103324
infrastructure capital improvement projects, as provided for in 103325
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 103326
that are attributable to costs for construction, reconstruction, 103327
maintenance, or repair of public highways and bridges and other 103328
statutory highway purposes. That certification shall allocate the 103329
total amount of debt service paid from the general revenue fund 103330
and attributable to those costs in the current fiscal year 103331
according to the applicable section of the Ohio Constitution under 103332
which the bonds were originally issued. 103333

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (F)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5903.11. (A) Any federally funded employment and training program administered by any state agency including, but not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat. 936, codified in scattered sections of 29 U.S.C., as amended~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., shall include a veteran priority system to provide maximum employment and training opportunities to veterans and eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, veterans of the Vietnam era, other veterans, and eligible persons shall receive preference over nonveterans within each targeted group in the provision of employment and training services available through these programs as required by this section.

(B) Each state agency shall refer qualified applicants to job openings and training opportunities in programs described in division (A) of this section in the following order of priority:

(1) Special disabled veterans;

(2) Veterans of the Vietnam era;	103365
(3) Disabled veterans;	103366
(4) All other veterans;	103367
(5) Other eligible persons;	103368
(6) Nonveterans.	103369
(C) Each state agency providing employment and training services to veterans and eligible persons under programs described in division (A) of this section shall submit an annual written report to the speaker of the house of representatives and the president of the senate on the services that it provides to veterans and eligible persons. Each such agency shall report separately on all entitlement programs, employment or training programs, and any other programs that it provides to each class of persons described in divisions (B)(1) to (6) of this section. Each such agency shall also report on action taken to ensure compliance with statutory requirements. Compliance and reporting procedures shall be in accordance with the reporting procedures then in effect for all employment and training programs described in division (A) of this section, with the addition of veterans as a separate reporting module.	103370 103371 103372 103373 103374 103375 103376 103377 103378 103379 103380 103381 103382 103383 103384
(D) All state agencies that administer federally funded employment and training programs described in division (A) of this section for veterans and eligible persons shall do all of the following:	103385 103386 103387 103388
(1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;	103389 103390
(2) Give priority in referral to jobs to qualified veterans and other eligible persons;	103391 103392
(3) Give priority in referral to and enrollment in training programs to qualified veterans and other eligible persons;	103393 103394

(4) Give preferential treatment to special disabled veterans in the provision of all needed state services;	103395 103396
(5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.	103397 103398 103399
(E) As used in this section:	103400
(1) "Special disabled veteran" means a veteran who is entitled to, or who but for the receipt of military pay would be entitled to, compensation under any law administered by the department of veterans affairs for a disability rated at thirty per cent or more or a person who was discharged or released from active duty because of a service-connected disability.	103401 103402 103403 103404 103405 103406
(2) "Veteran of the Vietnam era" means an eligible veteran who served on active duty for a period of more than one hundred eighty days, any part of which occurred from August 5, 1964, through May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge or a person who was discharged or released from active duty for a service-connected disability if any part of the active duty was performed from August 5, 1964, through May 7, 1975.	103407 103408 103409 103410 103411 103412 103413 103414
(3) "Disabled veteran" means a veteran who is entitled to, or who but for the receipt of military retirement pay would be entitled to compensation, under any law administered by the department of veterans affairs and who is not a special disabled veteran.	103415 103416 103417 103418 103419
(4) "Eligible veteran" means a person who served on active duty for more than one hundred eighty days and was discharged or released from active duty with other than a dishonorable discharge or a person who was discharged or released from active duty because of a service-connected disability.	103420 103421 103422 103423 103424
(5) "Other eligible person" means one of the following:	103425

(a) The spouse of any person who died of a service-connected disability;	103426 103427
(b) The spouse of any member of the armed forces serving on active duty who at the time of the spouse's application for assistance under any program described in division (A) of this section is listed pursuant to the "Act of September 6, 1966," 80 Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant thereto, as having been in one or more of the following categories for a total of ninety or more days:	103428 103429 103430 103431 103432 103433 103434
(i) Missing in action;	103435
(ii) Captured in line of duty by a hostile force;	103436
(iii) Forcibly detained or interned in line of duty by a foreign government or power.	103437 103438
(c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.	103439 103440 103441 103442
(6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies:	103443 103444 103445 103446 103447 103448 103449
(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or	103450 103451
(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.	103452 103453 103454 103455

(7) "Employment program" means a program which provides
referral of individuals to employer job openings in the federal,
state, or private sector.

(8) "Training program" means any program that upgrades the
employability of qualified applicants.

(9) "Entitlement program" means any program that enlists
specific criteria in determining eligibility, including but not
limited to the existence in special segments of the general
population of specific financial needs.

(10) "Targeted group" means a group of persons designated by
federal law or regulations or by state law to receive special
assistance under an employment and training program described in
division (A) of this section.

Sec. 5907.17. (A) As used in this section, "physician" means
an individual authorized under Chapter 4731. of the Revised Code
to practice medicine and surgery or osteopathic medicine and
surgery.

(B) The department of veterans services may establish a
physician recruitment program under which the department agrees to
repay all or part of the principal and interest of a governmental
or other educational loan incurred by a physician who agrees to
provide services to institutions under the department's
administration.

(C) A physician is eligible to participate in the recruitment
program if the physician attended a medical or osteopathic medical
school that was, at the time of attendance, either located in the
United States and accredited by the liaison committee on medical
education or the American osteopathic association or located
outside the United States and acknowledged by the world health
organization and verified by a member state of that organization

as operating within that state's jurisdiction. 103486

(D) The department and each physician it recruits shall enter into a contract that includes all of the following terms: 103487
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(1) The physician agrees to provide a specified scope of medical or osteopathic medical services for a specified number of hours per week and for a specified number of years to patients of one or more specified institutions administered by the department. 103489
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(2) The department agrees to repay all or a specified portion of the principal and interest of a governmental or other educational loan taken by the physician for the following expenses if the physician meets the service obligation agreed to and the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program: 103493
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(a) Tuition; 103500

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (E) of this section; 103501
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(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (E) of this section. 103505
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(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department. 103508
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<u>(4) Other terms agreed upon by the parties.</u>	103516
<u>(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following:</u>	103517
<u>(1) Criteria for designating institutions for which physicians will be recruited;</u>	103518
<u>(2) Criteria for selecting physicians for participation in the program;</u>	103519
<u>(3) Criteria for determining the portion of a physician's loan that the department will agree to repay;</u>	103520
<u>(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section;</u>	103521
<u>(5) Procedures for monitoring compliance by physicians with the terms of their contracts; and</u>	103522
<u>(6) Any other criteria or procedures necessary to implement the program.</u>	103523
<u>Sec. 5907.18. (A) As used in this section, "bingo," "bingo game operator," and "participant" have the same meanings as in section 2915.01 of the Revised Code.</u>	103524
<u>(B) Notwithstanding sections 2915.07 to 2915.13 of the Revised Code, an Ohio veterans' home may conduct bingo games as described in division (O)(1) of section 2915.01 of the Revised Code, but only if the Ohio veterans' home complies with all of the following requirements:</u>	103525
<u>(1) All bingo games are conducted only on the premises of the Ohio veterans' home.</u>	103526
<u>(2) All participants are residents of the Ohio veterans' home and are eighteen years of age or older.</u>	103527
<u>(3) All bingo game operators receive no compensation for serving as an operator.</u>	103528
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(4) Participants do not pay any money or any other thing of value, including an admission fee, or any fee for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

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(5) Prizes awarded during a game may be monetary or nonmonetary prizes in the form of merchandise, goods, or entitlements to goods or services, provided that individual prizes do not exceed one hundred dollars in value, and the total value of all prizes awarded during a game do not exceed five hundred dollars.

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(6) The bingo game is not conducted during or within ten hours of any of the following activities conducted at the Ohio veterans' home:

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(a) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to 2915.11 of the Revised Code;

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(b) A scheme of chance or game of chance; or

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(c) Bingo as described in division (O)(2) of section 2915.01 of the Revised Code.

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(7) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

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Sec. 5919.34. (A) As used in this section:

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(1) "Academic term" means any one of the following:

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(a) Fall term, which consists of fall semester or fall quarter, as appropriate;

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(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;

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- (c) Spring term, which consists of spring quarter; 103574
- (d) Summer term, which consists of summer semester or summer 103575
quarter, as appropriate. 103576
- (2) "Eligible applicant" means any individual to whom all of 103577
the following apply: 103578
- (a) The individual does not possess a baccalaureate degree. 103579
- (b) The individual has enlisted, re-enlisted, or extended 103580
current enlistment in the Ohio national guard or is an individual 103581
to which division (F) of this section applies. 103582
- (c) The individual is actively enrolled as a full-time or 103583
part-time student for at least three credit hours of course work 103584
in a semester or quarter in a two-year or four-year 103585
degree-granting program at a state institution of higher education 103586
or a private institution of higher education, or in a 103587
diploma-granting program at a state or private institution of 103588
higher education that is a school of nursing. 103589
- (d) The individual has not accumulated ninety-six eligibility 103590
units under division (E) of this section. 103591
- (3) "State institution of higher education" means any state 103592
university or college as defined in division (A)(1) of section 103593
3345.12 of the Revised Code, community college established under 103594
Chapter 3354. of the Revised Code, state community college 103595
established under Chapter 3358. of the Revised Code, university 103596
branch established under Chapter 3355. of the Revised Code, or 103597
technical college established under Chapter 3357. of the Revised 103598
Code. 103599
- (4) "Private institution of higher education" means an Ohio 103600
institution of higher education that is nonprofit and has received 103601
a certificate of authorization pursuant to Chapter 1713. of the 103602
Revised Code, that is a private institution exempt from regulation 103603

under Chapter 3332. of the Revised Code as prescribed in section 103604
3333.046 of the Revised Code, or that holds a certificate of 103605
registration and program authorization issued by the state board 103606
of career colleges and schools pursuant to section 3332.05 of the 103607
Revised Code. 103608

(5) "Tuition" means the charges imposed to attend an 103609
institution of higher education and includes general and 103610
instructional fees. "Tuition" does not include laboratory fees, 103611
room and board, or other similar fees and charges. 103612

(B) There is hereby created a scholarship program to be known 103613
as the Ohio national guard scholarship program. 103614

(C)(1) The adjutant general shall approve scholarships for 103615
all eligible applicants. The adjutant general shall process all 103616
applications for scholarships for each academic term in the order 103617
in which they are received. The scholarships shall be made without 103618
regard to financial need. At no time shall one person be placed in 103619
priority over another because of sex, race, or religion. 103620

(2) The adjutant general shall develop and provide a written 103621
explanation that informs all eligible scholarship recipients that 103622
the recipient may become ineligible and liable for repayment for 103623
an amount of scholarship payments received in accordance with 103624
division (G) of this section. The written explanation shall be 103625
reviewed by the scholarship recipient before acceptance of the 103626
scholarship and before acceptance of an enlistment, warrant, 103627
commission, or appointment for a term not less than the 103628
recipient's remaining term in the national guard or in the active 103629
duty component of the United States armed forces. 103630

(D)(1) Except as provided in divisions (I) and (J) of this 103631
section, for each academic term that an eligible applicant is 103632
approved for a scholarship under this section and either remains a 103633
current member in good standing of the Ohio national guard or is 103634

eligible for a scholarship under division (F)(1) of this section, 103635
the institution of higher education in which the applicant is 103636
enrolled shall, if the applicant's enlistment obligation extends 103637
beyond the end of that academic term or if division (F)(1) of this 103638
section applies, be paid on the applicant's behalf the applicable 103639
one of the following amounts: 103640

(a) If the institution is a state institution of higher 103641
education, an amount equal to one hundred per cent of the 103642
institution's tuition charges; 103643

(b) If the institution is a nonprofit private institution or 103644
a private institution exempt from regulation under Chapter 3332. 103645
of the Revised Code as prescribed in section 3333.046 of the 103646
Revised Code, an amount equal to one hundred per cent of the 103647
average tuition charges of all state universities; 103648

(c) If the institution is an institution that holds a 103649
certificate of registration from the state board of career 103650
colleges and schools, the lesser of the following: 103651

(i) An amount equal to one hundred per cent of the 103652
institution's tuition; 103653

(ii) An amount equal to one hundred per cent of the average 103654
tuition charges of all state universities, as that term is defined 103655
in section 3345.011 of the Revised Code. 103656

(2) The adjutant general and the chancellor of higher 103657
education may jointly adopt rules to require the use of other 103658
federal educational financial assistance programs, including such 103659
programs offered by the United States department of defense, for 103660
which an applicant is eligible based on the applicant's military 103661
service. If such rules are adopted, the rules shall require that 103662
financial assistance received by a scholarship recipient under 103663
those programs be applied to all eligible expenses prior to the 103664
use of scholarship funds awarded under this section. Scholarship 103665

funds awarded under this section shall then be applied to the 103666
recipient's remaining eligible expenses. 103667

(3) An eligible applicant's scholarship shall not be reduced 103668
by the amount of that applicant's benefits under "the Montgomery 103669
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 103670

(E) A scholarship recipient under this section shall be 103671
entitled to receive scholarships under this section for the number 103672
of quarters or semesters it takes the recipient to accumulate 103673
ninety-six eligibility units as determined under divisions (E)(1) 103674
to (3) of this section. 103675

(1) To determine the maximum number of semesters or quarters 103676
for which a recipient is entitled to a scholarship under this 103677
section, the adjutant general shall convert a recipient's credit 103678
hours of enrollment for each academic term into eligibility units 103679
in accordance with the following table: 103680

	The			
Number of	following		The following	
credit hours	number of		number of	
of enrollment	eligibility		eligibility	
in an academic	units if a		units if a	
term	semester	or	quarter	
	equals			
12 or more hours	12 units		8 units	103688
9 but less than 12	9 units		6 units	103689
6 but less than 9	6 units		4 units	103690
3 but less than 6	3 units		2 units	103691

(2) A scholarship recipient under this section may continue 103692
to apply for scholarships under this section until the recipient 103693
has accumulated ninety-six eligibility units. 103694

(3) If a scholarship recipient withdraws from courses prior 103695
to the end of an academic term so that the recipient's enrollment 103696

for that academic term is less than three credit hours, no 103697
scholarship shall be paid on behalf of that person for that 103698
academic term. Except as provided in division (F)(3) of this 103699
section, if a scholarship has already been paid on behalf of the 103700
person for that academic term, the adjutant general shall add to 103701
that person's accumulated eligibility units the number of 103702
eligibility units for which the scholarship was paid. 103703

(F) This division applies to any eligible applicant called 103704
into active duty on or after September 11, 2001. As used in this 103705
division, "active duty" means active duty pursuant to an executive 103706
order of the president of the United States, an act of the 103707
congress of the United States, or section 5919.29 or 5923.21 of 103708
the Revised Code. 103709

(1) For a period of up to five years from when an 103710
individual's enlistment obligation in the Ohio national guard 103711
ends, an individual to whom this division applies is eligible for 103712
scholarships under this section for those academic terms that were 103713
missed or could have been missed as a result of the individual's 103714
call into active duty. Scholarships shall not be paid for the 103715
academic term in which an eligible applicant's enlistment 103716
obligation ends unless an applicant is eligible under this 103717
division for a scholarship for such academic term due to previous 103718
active duty. 103719

(2) When an individual to whom this division applies 103720
withdraws or otherwise fails to complete courses, for which 103721
scholarships have been awarded under this section, because the 103722
individual was called into active duty, the institution of higher 103723
education shall grant the individual a leave of absence from the 103724
individual's education program and shall not impose any academic 103725
penalty for such withdrawal or failure to complete courses. 103726
Division (F)(2) of this section applies regardless of whether or 103727
not the scholarship amount was paid to the institution of higher 103728

education. 103729

(3) If an individual to whom this division applies withdraws 103730
or otherwise fails to complete courses because the individual was 103731
called into active duty, and if scholarships for those courses 103732
have already been paid, either: 103733

(a) The adjutant general shall not add to that person's 103734
accumulated eligibility units calculated under division (E) of 103735
this section the number of eligibility units for the academic 103736
courses or term for which the scholarship was paid and the 103737
institution of higher education shall repay the scholarship amount 103738
to the state. 103739

(b) The adjutant general shall add to that individual's 103740
accumulated eligibility units calculated under division (E) of 103741
this section the number of eligibility units for the academic 103742
courses or term for which the scholarship was paid if the 103743
institution of higher education agrees to permit the individual to 103744
complete the remainder of the academic courses in which the 103745
individual was enrolled at the time the individual was called into 103746
active duty. 103747

(4) No individual who is discharged from the Ohio national 103748
guard under other than honorable conditions shall be eligible for 103749
scholarships under this division. 103750

(G) A scholarship recipient under this section who fails to 103751
complete the term of enlistment, re-enlistment, or extension of 103752
current enlistment the recipient was serving at the time a 103753
scholarship was paid on behalf of the recipient under this section 103754
is liable to the state for repayment of a percentage of all Ohio 103755
national guard scholarships paid on behalf of the recipient under 103756
this section, plus interest at the rate of ten per cent per annum 103757
calculated from the dates the scholarships were paid. This 103758
percentage shall equal the percentage of the current term of 103759

enlistment, re-enlistment, or extension of enlistment a recipient 103760
has not completed as of the date the recipient is discharged from 103761
the Ohio national guard. 103762

The attorney general may commence a civil action on behalf of 103763
the chancellor ~~of the Ohio board of regents~~ to recover the amount 103764
of the scholarships and the interest provided for in this division 103765
and the expenses incurred in prosecuting the action, including 103766
court costs and reasonable attorney's fees. A scholarship 103767
recipient is not liable under this division if the recipient's 103768
failure to complete the term of enlistment being served at the 103769
time a scholarship was paid on behalf of the recipient under this 103770
section is due to the recipient's death or discharge from the 103771
national guard due to disability or the recipient's enlistment, 103772
warrant, commission, or appointment for a term not less than the 103773
recipient's remaining term in the national guard or in the active 103774
duty component of the United States armed forces. 103775

(H) On or before the first day of each academic term, the 103776
adjutant general shall provide an eligibility roster to the 103777
chancellor and to each institution of higher education at which 103778
one or more scholarship recipients have applied for enrollment. 103779
The institution shall use the roster to certify the actual 103780
full-time or part-time enrollment of each scholarship recipient 103781
listed as enrolled at the institution and return the roster to the 103782
adjutant general and the chancellor. Except as provided in 103783
division (J) of this section, the chancellor shall provide for 103784
payment of the appropriate number and amount of scholarships to 103785
each institution of higher education pursuant to division (D) of 103786
this section. If an institution of higher education fails to 103787
certify the actual enrollment of a scholarship recipient listed as 103788
enrolled at the institution within thirty days of the end of an 103789
academic term, the institution shall not be eligible to receive 103790
payment from the Ohio national guard scholarship program or from 103791

the individual enrollee. The adjutant general shall report on a 103792
semiannual basis to the director of budget and management, the 103793
speaker of the house of representatives, the president of the 103794
senate, and the chancellor the number of Ohio national guard 103795
scholarship recipients, the size of the scholarship-eligible 103796
population, and a projection of the cost of the program for the 103797
remainder of the biennium. 103798

(I) The chancellor and the adjutant general may adopt rules 103799
pursuant to Chapter 119. of the Revised Code governing the 103800
administration and fiscal management of the Ohio national guard 103801
scholarship program and the procedure by which the chancellor and 103802
the department of the adjutant general may modify the amount of 103803
scholarships a member receives based on the amount of other state 103804
financial aid a member receives. 103805

(J) The adjutant general, the chancellor, and the director, 103806
or their designees, shall jointly estimate the costs of the Ohio 103807
national guard scholarship program for each upcoming fiscal 103808
biennium, and shall report that estimate prior to the beginning of 103809
the fiscal biennium to the chairpersons of the finance committees 103810
in the general assembly. During each fiscal year of the biennium, 103811
the adjutant general, the chancellor, and the director, or their 103812
designees, shall meet regularly to monitor the actual costs of the 103813
Ohio national guard scholarship program and update cost 103814
projections for the remainder of the biennium as necessary. If the 103815
amounts appropriated for the Ohio national guard scholarship 103816
program and any funds in the Ohio national guard scholarship 103817
reserve fund and the Ohio national guard scholarship donation fund 103818
are not adequate to provide scholarships in the amounts specified 103819
in division (D)(1) of this section for all eligible applicants, 103820
the chancellor shall do all of the following: 103821

(1) Notify each private institution of higher education, 103822
where a scholarship recipient is enrolled, that, by accepting the 103823

Ohio national guard scholarship program as payment for all or part 103824
of the institution's tuition, the institution agrees that if the 103825
chancellor reduces the amount of each scholarship, the institution 103826
shall provide each scholarship recipient a grant or tuition waiver 103827
in an amount equal to the amount the recipient's scholarship was 103828
reduced by the chancellor. 103829

(2) Reduce the amount of each scholarship under division 103830
(D)(1)(a) of this section proportionally based on the amount of 103831
remaining available funds. Each state institution of higher 103832
education shall provide each scholarship recipient under division 103833
(D)(1)(a) of this section a grant or tuition waiver in an amount 103834
equal to the amount the recipient's scholarship was reduced by the 103835
chancellor. 103836

(K) Notwithstanding division (A) of section 127.14 of the 103837
Revised Code, the controlling board shall not transfer all or part 103838
of any appropriation for the Ohio national guard scholarship 103839
program. 103840

(L) The chancellor and the adjutant general may apply for, 103841
and may receive and accept grants, and may receive and accept 103842
gifts, bequests, and contributions, from public and private 103843
sources, including agencies and instrumentalities of the United 103844
States and this state, and shall deposit the grants, gifts, 103845
bequests, or contributions into the national guard scholarship 103846
donation fund. 103847

Sec. 5923.05. (A)(1) Permanent public employees who are 103848
members of the Ohio organized militia or members of other reserve 103849
components of the armed forces of the United States, including the 103850
Ohio national guard, are entitled to a leave of absence from their 103851
respective positions without loss of pay for the time they are 103852
performing service in the uniformed services, for periods of up to 103853
one month, for each ~~calendar~~ federal fiscal year in which they are 103854

performing service in the uniformed services. 103855

(2) As used in this section: 103856

(a) "~~Calendar~~ Federal fiscal year" means the year beginning 103857
on the first day of ~~January~~ October and ending on the ~~last~~ 103858
thirtieth day of ~~December~~ September. 103859

(b) "Month" means twenty-two eight-hour work days or one 103860
hundred seventy-six hours, or for a public safety employee, 103861
seventeen twenty-four-hour days or four hundred eight hours, 103862
within one ~~calendar~~ federal fiscal year. 103863

(c) "Permanent public employee" means any person holding a 103864
position in public employment that requires working a regular 103865
schedule of twenty-six consecutive biweekly pay periods, or any 103866
other regular schedule of comparable consecutive pay periods, 103867
which is not limited to a specific season or duration. "Permanent 103868
public employee" does not include student help; intermittent, 103869
seasonal, or external interim employees; or individuals covered by 103870
personal services contracts. 103871

(d) "State agency" means any department, bureau, board, 103872
commission, office, or other organized body established by the 103873
constitution or laws of this state for the exercise of any 103874
function of state government, the general assembly, all 103875
legislative agencies, the supreme court, the court of claims, and 103876
the state-supported institutions of higher education. 103877

(e) "Service in the uniformed services" means the performance 103878
of duty, on a voluntary or involuntary basis, in a uniformed 103879
service, under competent authority, and includes active duty, 103880
active duty for training, initial active duty for training, 103881
inactive duty for training, full-time national guard duty, and 103882
performance of duty or training by a member of the Ohio organized 103883
militia pursuant to Chapter 5923. of the Revised Code. "Service in 103884
the uniformed services" includes also the period of time for which 103885

a person is absent from a position of public or private employment 103886
for the purpose of an examination to determine the fitness of the 103887
person to perform any duty described in this division. 103888

(f) "Uniformed services" means the armed forces, the Ohio 103889
organized militia when engaged in active duty for training, 103890
inactive duty training, or full-time national guard duty, the 103891
commissioned corps of the public health service, and any other 103892
category of persons designated by the president of the United 103893
States in time of war or emergency. 103894

(g) "Public safety employee" means a permanent public 103895
employee who is employed as a fire fighter or emergency medical 103896
technician. 103897

(B) Except as otherwise provided in division (D) of this 103898
section, any permanent public employee who is employed by a 103899
political subdivision, who is entitled to the leave provided under 103900
division (A) of this section, and who is called or ordered to the 103901
uniformed services for longer than a month, for each ~~calendar~~ 103902
federal fiscal year in which the employee performed service in the 103903
uniformed services, because of an executive order issued by the 103904
president of the United States, because of an act of congress, or 103905
because of an order to perform duty issued by the governor 103906
pursuant to section 5919.29 of the Revised Code is entitled, 103907
during the period designated in the order or act, to a leave of 103908
absence and to be paid, during each monthly pay period of that 103909
leave of absence, the lesser of the following: 103910

(1) The difference between the permanent public employee's 103911
gross monthly wage or salary as a permanent public employee and 103912
the sum of the permanent public employee's gross uniformed pay and 103913
allowances received that month; 103914

(2) Five hundred dollars. 103915

(C) Except as otherwise provided in division (D) of this 103916

section, any permanent public employee who is employed by a state 103917
agency, who is entitled to the leave provided under division (A) 103918
of this section, and who is called or ordered to the uniformed 103919
services for longer than a month, for each ~~calendar~~ federal fiscal 103920
year in which the employee performed service in the uniformed 103921
services, because of an executive order issued by the president of 103922
the United States, because of an act of congress, or because of an 103923
order to perform duty issued by the governor pursuant to section 103924
5919.29 or 5923.21 of the Revised Code is entitled, during the 103925
period designated in the order or act, to a leave of absence and 103926
to be paid, during each monthly pay period of that leave of 103927
absence, the difference between the permanent public employee's 103928
gross monthly wage or salary as a permanent public employee and 103929
the sum of the permanent public employee's gross uniformed pay and 103930
allowances received that month. 103931

(D) No permanent public employee shall receive payments under 103932
division (B) or (C) of this section if the sum of the permanent 103933
public employee's gross uniformed pay and allowances received in a 103934
pay period exceeds the employee's gross wage or salary as a 103935
permanent public employee for that period or if the permanent 103936
public employee is receiving pay under division (A) of this 103937
section. 103938

(E) Any political subdivision of the state, as defined in 103939
section 2744.01 of the Revised Code, may elect to pay any of its 103940
permanent public employees who are entitled to the leave provided 103941
under division (A) of this section and who are called or ordered 103942
to the uniformed services for longer than one month, for each 103943
~~calendar~~ federal fiscal year in which the employee performed 103944
service in the uniformed services, because of an executive order 103945
issued by the president or an act of congress, such payments, in 103946
addition to those payments required by division (B) of this 103947
section, as may be authorized by the legislative authority of the 103948

political subdivision. 103949

(F) Each permanent public employee who is entitled to leave 103950
provided under division (A) of this section shall submit to the 103951
permanent public employee's appointing authority the published 103952
order authorizing the call or order to the uniformed services or a 103953
written statement from the appropriate military commander 103954
authorizing that service, prior to being credited with that leave. 103955

(G) Any permanent public employee of a political subdivision 103956
whose employment is governed by a collective bargaining agreement 103957
with provision for the performance of service in the uniformed 103958
services shall abide by the terms of that collective bargaining 103959
agreement with respect to the performance of that service, except 103960
that no collective bargaining agreement may afford fewer rights 103961
and benefits than are conferred under this section. 103962

Sec. 6111.03. The director of environmental protection may do 103963
any of the following: 103964

(A) Develop plans and programs for the prevention, control, 103965
and abatement of new or existing pollution of the waters of the 103966
state; 103967

(B) Advise, consult, and cooperate with other agencies of the 103968
state, the federal government, other states, and interstate 103969
agencies and with affected groups, political subdivisions, and 103970
industries in furtherance of the purposes of this chapter. Before 103971
adopting, amending, or rescinding a standard or rule pursuant to 103972
division (G) of this section or section 6111.041 or 6111.042 of 103973
the Revised Code, the director shall do all of the following: 103974

(1) Mail notice to each statewide organization that the 103975
director determines represents persons who would be affected by 103976
the proposed standard or rule, amendment thereto, or rescission 103977
thereof at least thirty-five days before any public hearing 103978

thereon;	103979
(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;	103980 103981 103982
(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.	103983 103984 103985 103986
Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.	103987 103988 103989 103990
(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;	103991 103992 103993 103994 103995
(D) Administer state grants for the construction of sewage and waste collection and treatment works;	103996 103997
(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;	103998 103999 104000 104001 104002
(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;	104003 104004
(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for hearings, the filing of reports, the issuance of permits, the issuance of industrial water pollution control certificates, and	104005 104006 104007 104008

all other matters relating to procedure;	104009
(H) Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following:	104010
	104011
(1) Prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state;	104012
	104013
(2) Requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof;	104014
	104015
	104016
(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;	104017
	104018
	104019
	104020
(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.	104021
	104022
	104023
In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not involved, consistent with the Federal Water Pollution Control Act, the director shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.	104024
	104025
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	104033
(I) Review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control certificates under this chapter;	104034
	104035
	104036
	104037
(J)(1) Issue, revoke, modify, or deny sludge management	104038

permits and permits for the discharge of sewage, industrial waste, 104039
or other wastes into the waters of the state, and for the 104040
installation or modification of disposal systems or any parts 104041
thereof in compliance with all requirements of the Federal Water 104042
Pollution Control Act and mandatory regulations adopted 104043
thereunder, including regulations adopted under section 405 of the 104044
Federal Water Pollution Control Act, and set terms and conditions 104045
of permits, including schedules of compliance, where necessary. In 104046
issuing permits for sludge management, the director shall not 104047
allow the placement of sewage sludge on frozen ground in conflict 104048
with rules adopted under this chapter. Any person who discharges, 104049
transports, or handles storm water from an animal feeding 104050
facility, as defined in section 903.01 of the Revised Code, or 104051
pollutants from a concentrated animal feeding operation, as both 104052
terms are defined in that section, is not required to obtain a 104053
permit under division (J)(1) of this section for the installation 104054
or modification of a disposal system involving pollutants or storm 104055
water or any parts of such a system on and after the date on which 104056
the director of agriculture has finalized the program required 104057
under division (A)(1) of section 903.02 of the Revised Code. In 104058
addition, any person who discharges, transports, or handles storm 104059
water from an animal feeding facility, as defined in section 104060
903.01 of the Revised Code, or pollutants from a concentrated 104061
animal feeding operation, as both terms are defined in that 104062
section, is not required to obtain a permit under division (J)(1) 104063
of this section for the discharge of storm water from an animal 104064
feeding facility or pollutants from a concentrated animal feeding 104065
operation on and after the date on which the United States 104066
environmental protection agency approves the NPDES program 104067
submitted by the director of agriculture under section 903.08 of 104068
the Revised Code. 104069

Any permit terms and conditions set by the director shall be 104070
designed to achieve and maintain full compliance with the national 104071

effluent limitations, national standards of performance for new 104072
sources, and national toxic and pretreatment effluent standards 104073
set under that act, and any other mandatory requirements of that 104074
act that are imposed by regulation of the administrator of the 104075
United States environmental protection agency. If an applicant for 104076
a sludge management permit also applies for a related permit for 104077
the discharge of sewage, industrial waste, or other wastes into 104078
the waters of the state, the director may combine the two permits 104079
and issue one permit to the applicant. 104080

A sludge management permit is not required for an entity that 104081
treats or transports sewage sludge or for a sanitary landfill when 104082
all of the following apply: 104083

(a) The entity or sanitary landfill does not generate the 104084
sewage sludge. 104085

(b) Prior to receipt at the sanitary landfill, the entity has 104086
ensured that the sewage sludge meets the requirements established 104087
in rules adopted by the director under section 3734.02 of the 104088
Revised Code concerning disposal of municipal solid waste in a 104089
sanitary landfill. 104090

(c) Disposal of the sewage sludge occurs at a sanitary 104091
landfill that complies with rules adopted by the director under 104092
section 3734.02 of the Revised Code. 104093

As used in division (J)(1) of this section, "sanitary 104094
landfill" means a sanitary landfill facility, as defined in rules 104095
adopted under section 3734.02 of the Revised Code, that is 104096
licensed as a solid waste facility under section 3734.05 of the 104097
Revised Code. 104098

(2) An application for a permit or renewal thereof shall be 104099
denied if any of the following applies: 104100

(a) The secretary of the army determines in writing that 104101
anchorage or navigation would be substantially impaired thereby; 104102

(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;

(c) The administrator of the United States environmental protection agency objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the Federal Water Pollution Control Act;

(d) The application is for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the United States.

(3) To achieve and maintain applicable standards of quality for the waters of the state adopted pursuant to section 6111.041 of the Revised Code, the director shall impose, where necessary and appropriate, as conditions of each permit, water quality related effluent limitations in accordance with sections 301, 302, 306, 307, and 405 of the Federal Water Pollution Control Act and, to the extent consistent with that act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter.

(4) Where a discharge having a thermal component from a source that is constructed or modified on or after October 18, 1972, meets national or state effluent limitations or more stringent permit conditions designed to achieve and maintain compliance with applicable standards of quality for the waters of the state, which limitations or conditions will ensure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the body of water into which the

discharge is made, taking into account the interaction of the 104135
thermal component with sewage, industrial waste, or other wastes, 104136
the director shall not impose any more stringent limitation on the 104137
thermal component of the discharge, as a condition of a permit or 104138
renewal thereof for the discharge, during a ten-year period 104139
beginning on the date of completion of the construction or 104140
modification of the source, or during the period of depreciation 104141
or amortization of the source for the purpose of section 167 or 104142
169 of the Internal Revenue Code of 1954, whichever period ends 104143
first. 104144

(5) The director shall specify in permits for the discharge 104145
of sewage, industrial waste, and other wastes, the net volume, net 104146
weight, duration, frequency, and, where necessary, concentration 104147
of the sewage, industrial waste, and other wastes that may be 104148
discharged into the waters of the state. The director shall 104149
specify in those permits and in sludge management permits that the 104150
permit is conditioned upon payment of applicable fees as required 104151
by section 3745.11 of the Revised Code and upon the right of the 104152
director's authorized representatives to enter upon the premises 104153
of the person to whom the permit has been issued for the purpose 104154
of determining compliance with this chapter, rules adopted 104155
thereunder, or the terms and conditions of a permit, order, or 104156
other determination. The director shall issue or deny an 104157
application for a sludge management permit or a permit for a new 104158
discharge, for the installation or modification of a disposal 104159
system, or for the renewal of a permit, within one hundred eighty 104160
days of the date on which a complete application with all plans, 104161
specifications, construction schedules, and other pertinent 104162
information required by the director is received. 104163

(6) The director may condition permits upon the installation 104164
of discharge or water quality monitoring equipment or devices and 104165
the filing of periodic reports on the amounts and contents of 104166

discharges and the quality of receiving waters that the director 104167
prescribes. The director shall condition each permit for a 104168
government-owned disposal system or any other "treatment works" as 104169
defined in the Federal Water Pollution Control Act upon the 104170
reporting of new introductions of industrial waste or other wastes 104171
and substantial changes in volume or character thereof being 104172
introduced into those systems or works from "industrial users" as 104173
defined in section 502 of that act, as necessary to comply with 104174
section 402(b)(8) of that act; upon the identification of the 104175
character and volume of pollutants subject to pretreatment 104176
standards being introduced into the system or works; and upon the 104177
existence of a program to ensure compliance with pretreatment 104178
standards by "industrial users" of the system or works. In 104179
requiring monitoring devices and reports, the director, to the 104180
extent consistent with the Federal Water Pollution Control Act, 104181
shall give consideration to technical feasibility and economic 104182
reasonableness and shall allow reasonable time for compliance. 104183

(7) A permit may be issued for a period not to exceed five 104184
years and may be renewed upon application for renewal. In renewing 104185
a permit, the director shall consider the compliance history of 104186
the permit holder and may deny the renewal if the director 104187
determines that the permit holder has not complied with the terms 104188
and conditions of the existing permit. A permit may be modified, 104189
suspended, or revoked for cause, including, but not limited to, 104190
violation of any condition of the permit, obtaining a permit by 104191
misrepresentation or failure to disclose fully all relevant facts 104192
of the permitted discharge or of the sludge use, storage, 104193
treatment, or disposal practice, or changes in any condition that 104194
requires either a temporary or permanent reduction or elimination 104195
of the permitted activity. No application shall be denied or 104196
permit revoked or modified without a written order stating the 104197
findings upon which the denial, revocation, or modification is 104198
based. A copy of the order shall be sent to the applicant or 104199

permit holder by certified mail. 104200

(K) Institute or cause to be instituted in any court of 104201
competent jurisdiction proceedings to compel compliance with this 104202
chapter or with the orders of the director issued under this 104203
chapter, or to ensure compliance with sections 204(b), 307, 308, 104204
and 405 of the Federal Water Pollution Control Act; 104205

~~(L) Issue, deny, revoke, or modify industrial water pollution 104206
control certificates; 104207~~

~~(M)~~ Certify to the government of the United States or any 104208
agency thereof that an industrial water pollution control facility 104209
is in conformity with the state program or requirements for the 104210
control of water pollution whenever the certification may be 104211
required for a taxpayer under the Internal Revenue Code of the 104212
United States, as amended; 104213

~~(N)~~(M) Issue, modify, and revoke orders requiring any 104214
"industrial user" of any publicly owned "treatment works" as 104215
defined in sections 212(2) and 502(18) of the Federal Water 104216
Pollution Control Act to comply with pretreatment standards; 104217
establish and maintain records; make reports; install, use, and 104218
maintain monitoring equipment or methods, including, where 104219
appropriate, biological monitoring methods; sample discharges in 104220
accordance with methods, at locations, at intervals, and in a 104221
manner that the director determines; and provide other information 104222
that is necessary to ascertain whether or not there is compliance 104223
with toxic and pretreatment effluent standards. In issuing, 104224
modifying, and revoking those orders, the director, to the extent 104225
consistent with the Federal Water Pollution Control Act, shall 104226
give consideration to technical feasibility and economic 104227
reasonableness and shall allow reasonable time for compliance. 104228

~~(O)~~(N) Exercise all incidental powers necessary to carry out 104229
the purposes of this chapter; 104230

~~(P)~~(O) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act;

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~~(Q)~~(P) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:

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(1) Apply and enforce pretreatment standards;

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(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:

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(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;

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(b) The director has revoked the publicly owned treatment works pretreatment program;

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(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;

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(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.

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(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;

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(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of

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pollutants achieved by publicly owned treatment works;	104261
(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users;	104262 104263
(6) Make determinations on categorization of industrial users;	104264 104265
(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program.	104266 104267 104268
Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter.	104269 104270 104271 104272
(R) <u>(O)</u> Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it.	104273 104274 104275 104276 104277 104278 104279 104280 104281 104282 104283 104284
(S) <u>(R)</u> (1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following:	104285 104286 104287 104288 104289
(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials;	104290 104291

(b) Encourage, participate in, or conduct studies, 104292
investigations, research, and demonstrations relating to the 104293
disposal and use of sludge and sludge materials and the impact of 104294
sludge and sludge materials on land located in the state and on 104295
the air and waters of the state; 104296

(c) Collect and disseminate information relating to the 104297
disposal and use of sludge and sludge materials and the impact of 104298
sludge and sludge materials on land located in the state and on 104299
the air and waters of the state; 104300

(d) Issue, modify, or revoke orders to prevent, control, or 104301
abate the use and disposal of sludge and sludge materials or the 104302
effects of the use of sludge and sludge materials on land located 104303
in the state and on the air and waters of the state; 104304

(e) Adopt and enforce, modify, or rescind rules necessary for 104305
the implementation of division ~~(S)~~(R) of this section. The rules 104306
reasonably shall protect public health and the environment, 104307
encourage the beneficial reuse of sludge and sludge materials, and 104308
minimize the creation of nuisance odors. 104309

The director may specify in sludge management permits the net 104310
volume, net weight, quality, and pollutant concentration of the 104311
sludge or sludge materials that may be used, stored, treated, or 104312
disposed of, and the manner and frequency of the use, storage, 104313
treatment, or disposal, to protect public health and the 104314
environment from adverse effects relating to those activities. The 104315
director shall impose other terms and conditions to protect public 104316
health and the environment, minimize the creation of nuisance 104317
odors, and achieve compliance with this chapter and rules adopted 104318
under it and, in doing so, shall consider whether the terms and 104319
conditions are consistent with the goal of encouraging the 104320
beneficial reuse of sludge and sludge materials. 104321

The director may condition permits on the implementation of 104322

treatment, storage, disposal, distribution, or application 104323
management methods and the filing of periodic reports on the 104324
amounts, composition, and quality of sludge and sludge materials 104325
that are disposed of, used, treated, or stored. 104326

An approval of a treatment works sludge disposal program may 104327
contain any terms and conditions, including schedules of 104328
compliance, necessary to achieve compliance with this chapter and 104329
rules adopted under it. 104330

(2) As a part of the program established under division 104331
~~(S)~~(R)(1) of this section, the director has exclusive authority to 104332
regulate sewage sludge management in this state. For purposes of 104333
division ~~(S)~~(R)(2) of this section, that program shall be 104334
consistent with section 405 of the Federal Water Pollution Control 104335
Act and regulations adopted under it and with this section, except 104336
that the director may adopt rules under division ~~(S)~~(R) of this 104337
section that establish requirements that are more stringent than 104338
section 405 of the Federal Water Pollution Control Act and 104339
regulations adopted under it with regard to monitoring sewage 104340
sludge and sewage sludge materials and establishing acceptable 104341
sewage sludge management practices and pollutant levels in sewage 104342
sludge and sewage sludge materials. 104343

This chapter authorizes the state to participate in any 104344
national sludge management program and the national pollutant 104345
discharge elimination system, to administer and enforce the 104346
publicly owned treatment works pretreatment program, and to issue 104347
permits for the discharge of dredged or fill materials, in 104348
accordance with the Federal Water Pollution Control Act. This 104349
chapter shall be administered, consistent with the laws of this 104350
state and federal law, in the same manner that the Federal Water 104351
Pollution Control Act is required to be administered. 104352

~~(F)~~(S) Develop technical guidance and offer technical 104353
assistance, upon request, for the purpose of minimizing wind or 104354

water erosion of soil, and assist in compliance with permits for 104355
storm water management issued under this chapter and rules adopted 104356
under it. 104357

~~(U)~~(T) Study, examine, and calculate nutrient loading from 104358
point and nonpoint sources in order to determine comparative 104359
contributions by those sources and to utilize the information 104360
derived from those calculations to determine the most 104361
environmentally beneficial and cost-effective mechanisms to reduce 104362
nutrient loading to watersheds in the Lake Erie basin and the Ohio 104363
river basin. In order to evaluate nutrient loading contributions, 104364
the director or the director's designee shall conduct a study of 104365
the nutrient mass balance for both point and nonpoint sources in 104366
watersheds in the Lake Erie basin and the Ohio river basin using 104367
available data, including both of the following: 104368

(1) Data on water quality and stream flow; 104369

(2) Data on point source discharges into those watersheds. 104370

The director or the director's designee shall report and 104371
update the results of the study to coincide with the release of 104372
the Ohio integrated water quality monitoring and assessment report 104373
prepared by the director. 104374

This section does not apply to residual farm products and 104375
manure disposal systems and related management and conservation 104376
practices subject to rules adopted pursuant to division (E)(1) of 104377
section 939.02 of the Revised Code. For purposes of this 104378
exclusion, "residual farm products" and "manure" have the same 104379
meanings as in section 939.01 of the Revised Code. However, until 104380
the date on which the United States environmental protection 104381
agency approves the NPDES program submitted by the director of 104382
agriculture under section 903.08 of the Revised Code, this 104383
exclusion does not apply to animal waste treatment works having a 104384
controlled direct discharge to the waters of the state or any 104385

concentrated animal feeding operation, as defined in 40 C.F.R. 104386
122.23(b)(2). On and after the date on which the United States 104387
environmental protection agency approves the NPDES program 104388
submitted by the director of agriculture under section 903.08 of 104389
the Revised Code, this section does not apply to storm water from 104390
an animal feeding facility, as defined in section 903.01 of the 104391
Revised Code, or to pollutants discharged from a concentrated 104392
animal feeding operation, as both terms are defined in that 104393
section. Neither of these exclusions applies to the discharge of 104394
animal waste into a publicly owned treatment works. 104395

Not later than December 1, 2016, a publicly owned treatment 104396
works with a design flow of one million gallons per day or more, 104397
or designated as a major discharger by the director, shall be 104398
required to begin monthly monitoring of total and dissolved 104399
reactive phosphorus pursuant to a new NPDES permit, an NPDES 104400
permit renewal, or a director-initiated modification. The director 104401
shall include in each applicable new NPDES permit, NPDES permit 104402
renewal, or director-initiated modification a requirement that 104403
such monitoring be conducted. A director-initiated modification 104404
for that purpose shall be considered and processed as a minor 104405
modification pursuant to Ohio Administrative Code 3745-33-04. In 104406
addition, not later than December 1, 2017, a publicly owned 104407
treatment works with a design flow of one million gallons per day 104408
or more that, on July 3, 2015, is not subject to a phosphorus 104409
limit shall complete and submit to the director a study that 104410
evaluates the technical and financial capability of the existing 104411
treatment facility to reduce the final effluent discharge of 104412
phosphorus to one milligram per liter using possible source 104413
reduction measures, operational procedures, and unit process 104414
configurations. 104415

Sec. 6111.036. (A) There is hereby created the water 104416
pollution control loan fund to provide financial, technical, and 104417

administrative assistance as follows:	104418
(1) For the construction of publicly owned wastewater treatment works, as "construction" and "treatment works" are defined in section 212 of the Federal Water Pollution Control Act, by municipal corporations, other political subdivisions, state agencies, and interstate agencies having territory in this state;	104419 104420 104421 104422 104423
(2) For the implementation of a nonpoint source pollution management program under section 319 of that act;	104424 104425
(3) For the development and implementation of estuary conservation and management programs under section 320 of that act;	104426 104427 104428
(4) For the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;	104429 104430 104431
(5) For measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;	104432 104433
(6) For measures to reduce the demand for publicly owned wastewater treatment works capacity through water conservation, efficiency, or reuse by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;	104434 104435 104436 104437 104438
(7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;	104439 104440 104441
(8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;	104442 104443 104444 104445
(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;	104446 104447

(10) For measures to increase the security of publicly owned wastewater treatment works; 104448
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(11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following: 104450
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(a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities; 104454
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(b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act. 104457
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To the extent they are otherwise allowable as determined by the director, the purposes identified under division (A) of this section are intended to include activities benefiting the waters of the state that are authorized under Chapter 3746. of the Revised Code. 104459
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The fund shall be administered by the director consistent with the Federal Water Pollution Control Act; regulations adopted under it, including, without limitation, regulations establishing public participation requirements applicable to the providing of financial assistance; this section; and rules adopted under division (O) of this section. 104464
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Moneys in the water pollution control loan fund shall be separate and apart from and not a part of the state treasury or of the other funds of the Ohio water development authority. Subject to the terms of the agreements provided for in divisions (B), (C), (D), and (F) of this section, moneys in the fund shall be held in trust by the Ohio water development authority for the purposes of this section, shall be kept in the same manner that funds of the authority are kept under section 6121.11 of the Revised Code, and may be invested in the same manner that funds of the authority are 104470
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invested under section 6121.12 of the Revised Code. No withdrawals 104479
or disbursements shall be made from the water pollution control 104480
loan fund without the written authorization of the director or the 104481
director's designated representative. The manner of authorization 104482
for any withdrawals or disbursements from the fund to be made by 104483
the authority shall be established in the agreements authorized 104484
under division (C) of this section. 104485

(B) The director may enter into agreements to receive and 104486
assign moneys credited or to be credited to the water pollution 104487
control loan fund. The director may reserve capitalization grant 104488
moneys allotted to the state under sections 601 and 604(c)(2) of 104489
the Federal Water Pollution Control Act for the other purposes 104490
authorized for the use of capitalization grant moneys under 104491
sections 603(d)(7) and 604(b) of that act. 104492

(C) The director shall ensure that fiscal controls are 104493
established for prudent administration of the water pollution 104494
control loan fund. For that purpose, the director and the Ohio 104495
water development authority shall enter into any necessary and 104496
appropriate agreements under which the authority may perform or 104497
provide any of the following: 104498

(1) Fiscal controls and accounting procedures governing fund 104499
balances, receipts, and disbursements; 104500

(2) Administration of loan accounts; 104501

(3) Maintaining, managing, and investing moneys in the fund. 104502

Any agreement entered into under this division shall provide 104503
for the payment of reasonable fees to the Ohio water development 104504
authority for any services it performs under the agreement and may 104505
provide for reasonable fees for the assistance of financial or 104506
accounting advisors. Payments of any such fees to the authority 104507
may be made from the water pollution control loan fund to the 104508
extent authorized by division (H)(7) of this section or from the 104509

water pollution control loan administrative fund created in 104510
division (E) of this section. The authority may enter into loan 104511
agreements with the director and recipients of financial 104512
assistance from the fund as provided in this section. 104513

(D) The water pollution control loan fund shall consist of 104514
the moneys credited to it from all capitalization grants received 104515
under sections 601 and 604(c)(2) of the Federal Water Pollution 104516
Control Act, all moneys received as capitalization grants under 104517
section 205(m) of that act, all matching moneys credited to the 104518
fund arising from nonfederal sources, all payments of principal 104519
and interest for loans made from the fund, and all investment 104520
earnings on moneys held in the fund. On or before the date on 104521
which a quarterly capitalization grant payment will be received 104522
under that act, matching moneys equal to at least twenty per cent 104523
of the quarterly capitalization grant payment shall be credited to 104524
the fund. The Ohio water development authority may make moneys 104525
available to the director for the purpose of providing the 104526
matching moneys required by this division, subject to such terms 104527
as the director and the authority consider appropriate, and may 104528
pledge moneys that are held by the authority to secure the payment 104529
of bonds or notes issued by the authority to provide those 104530
matching moneys. The authority may make moneys available to the 104531
director for that purpose from any funds now or hereafter 104532
available to the authority from any source, including, without 104533
limitation, the proceeds of bonds or notes heretofore or hereafter 104534
issued by the authority under Chapter 6121. of the Revised Code. 104535
Matching moneys made available to the director by the authority 104536
from the proceeds of any such bonds or notes shall be made 104537
available subject to the terms of the trust agreements relating to 104538
the bonds or notes. Any such matching moneys shall be made 104539
available to the director pursuant to a written agreement between 104540
the director and the authority that contains such terms as the 104541
director and the authority consider appropriate, including, 104542

without limitation, a provision providing for repayment to the 104543
authority of those matching moneys from moneys deposited in the 104544
water pollution control loan fund, including, without limitation, 104545
the proceeds of bonds or notes issued by the authority for the 104546
benefit of the fund and payments of principal and interest on 104547
loans made from the fund, or from any other sources now or 104548
hereafter available to the director for the repayment of those 104549
matching moneys. 104550

(E) All moneys credited to the water pollution control loan 104551
fund, all interest earned on moneys in the fund, and all payments 104552
of principal and interest for loans made from the fund shall be 104553
dedicated in perpetuity and used and reused solely for the 104554
purposes set forth in division (A) of this section, except as 104555
otherwise provided in division (D) or (F) of this section. The 104556
director may establish and collect fees to be paid by recipients 104557
of financial assistance under this section, and all moneys arising 104558
from the fees shall be credited to the water pollution control 104559
loan administrative fund, which is hereby created in the state 104560
treasury, and shall be used to defray the costs of administering 104561
this section or other water quality related programs administered 104562
by the environmental protection agency. 104563

(F) The director and the Ohio water development authority 104564
shall enter into trust agreements to enable the authority to issue 104565
and refund bonds or notes for the sole benefit of the water 104566
pollution control loan fund, including, without limitation, the 104567
raising of the matching moneys required by division (D) of this 104568
section. These agreements may authorize the pledge of moneys 104569
accruing to the fund from payments of principal and interest on 104570
loans made from the fund adequate to secure bonds or notes, the 104571
proceeds of which bonds or notes shall be for the sole benefit of 104572
the water pollution control loan fund. The agreements may contain 104573
such terms as the director and the authority consider reasonable 104574

and proper for the security of the bondholders or noteholders. 104575

(G) The director shall enter into binding commitments to 104576
provide financial assistance from the water pollution control loan 104577
fund in an amount equal to one hundred twenty per cent of the 104578
amount of each capitalization grant payment received, within one 104579
year after receiving each such grant payment. The director shall 104580
provide the financial assistance in compliance with this section 104581
and rules adopted under division (O) of this section. The director 104582
shall ensure that all moneys credited to the fund are disbursed in 104583
an expeditious and timely manner. During the second year of 104584
operation of the water pollution control loan program, the 104585
director also shall ensure that not less than twenty-five per cent 104586
of the financial assistance provided under this section during 104587
that year is provided for the purpose of division (H)(2) of this 104588
section for the purchase or refinancing of debt obligations 104589
incurred after March 7, 1985, but not later than July 1, 1988, 104590
except that if the amount of money reserved during the second year 104591
of operation of the program for the purchase or refinancing of 104592
those debt obligations exceeds the amount required for the 104593
projects that are eligible to receive financial assistance for 104594
that purpose, the director shall distribute the excess moneys in 104595
accordance with the current priority system and list prepared 104596
under division (I) of this section to provide financial assistance 104597
for projects that otherwise would not receive assistance in that 104598
year. 104599

(H) Moneys credited to the water pollution control loan fund 104600
shall be used only for the following purposes: 104601

(1) To make loans, subject to all of the following 104602
conditions: 104603

(a) The loans are made at or below market rates of interest, 104604
including, without limitation, interest free loans. 104605

(b) Periodic payments of principal and interest, on the dates 104606
and in the amounts approved by the director, shall commence not 104607
later than one year after completion of the project, and all loans 104608
shall be fully amortized not later than thirty years after project 104609
completion. 104610

(c) Each recipient of a loan shall establish a dedicated 104611
source of revenue for repayment of the loan. 104612

(d) All payments of principal and interest on the loans shall 104613
be credited to the fund, except as otherwise provided in division 104614
(D) or (F) of this section. 104615

(2) To purchase or refinance at or below market rates of 104616
interest debt obligations incurred after March 7, 1985, by 104617
municipal corporations, other political subdivisions, and 104618
interstate agencies having territory in the state. If, and to the 104619
extent allowed under the Federal Water Pollution Control Act, debt 104620
obligations are purchased or refinanced under this section to 104621
provide financial assistance for any of the purposes allowed under 104622
division (A) of this section, the repayment period may extend up 104623
to forty-five years. However, the repayment period shall not 104624
exceed the expected useful life of any facilities that are 104625
financed by the obligations. 104626

(3) To guarantee or purchase insurance for debt obligations 104627
of municipal corporations, other political subdivisions, and 104628
interstate agencies having territory within the state when the 104629
guarantee or insurance would improve the borrower's access to 104630
credit markets or would reduce the interest rate paid on those 104631
obligations; 104632

(4) As a source of revenue or security for the payment of 104633
principal and interest on general obligation or revenue bonds or 104634
notes issued by this state if the proceeds of the sale of the 104635
bonds or notes will be deposited in the fund; 104636

(5) To provide loan guarantees for revolving loan funds 104637
established by municipal corporations and other political 104638
subdivisions that are similar to the water pollution control loan 104639
fund; 104640

(6) To earn interest on moneys credited to the fund; 104641

(7) For the payment of the reasonable costs of administering 104642
the fund and conducting activities under this section, except that 104643
those amounts shall not exceed four per cent of the total amount 104644
of the capitalization grants received, four hundred thousand 104645
dollars per year, or one-fifth of one per cent per year of the 104646
current valuation of the fund, whichever amount is greater, plus 104647
the amount of any fees collected by the state for that purpose 104648
regardless of the source; 104649

(8) To provide assistance in any manner or for any purpose 104650
that is consistent with Title VI of the Federal Water Pollution 104651
Control Act or with any other federal law related to the use of 104652
federal funds administered under Title VI of the Federal Water 104653
Pollution Control Act, including, without limitation, the awarding 104654
of principal forgiveness assistance under that act. 104655

(I) The director periodically shall prepare in accordance 104656
with rules adopted under division (O) of this section a state 104657
priority system and list ranking assistance proposals principally 104658
on the basis of their relative water quality and public health 104659
benefits and the financial need of the applicants for assistance. 104660
Assistance for proposed activities from the water pollution 104661
control loan fund shall be limited to those activities appearing 104662
on that priority list and shall be awarded based upon their 104663
priority sequence on the list and the applicants' readiness to 104664
proceed with their proposed activities. The director annually 104665
shall prepare and circulate for public review and comment a plan 104666
that defines the goals and intended uses of the fund, as required 104667
by section 606(c) of the "Federal Water Pollution Control Act." 104668

(J) Financial assistance from the water pollution control loan fund first shall be used to ensure maintenance of progress, as determined by the governor, toward compliance with enforceable deadlines, goals, and requirements under the "Federal Water Pollution Control Act" that are pertinent to the purposes of the fund set forth in divisions (A)(1) to (3) of this section, including, without limitation, the municipal compliance deadline under that act.

(K) The director may provide financial assistance from the water pollution control loan fund for a publicly owned treatment works project only after determining that:

(1) The applicant for financial assistance has the legal, institutional, managerial, and financial capability to construct, operate, and maintain its publicly owned treatment works.

(2) The applicant will implement a financial management plan that includes, without limitation, provisions for satisfactory repayment of the financial assistance, a user charge system to pay the operation, maintenance, and replacement expenses of the project, and, if appropriate in the director's judgment, an adequate capital improvements fund.

(3) The proposed disposal system of which the project is a part is economically and nonmonetarily cost-effective, based upon an evaluation of feasible alternatives that meet the waste water treatment needs of the planning area in which the proposed project is located.

(4) Based upon the environmental review conducted by the director under division (L) of this section, there are no significant adverse environmental effects resulting from the proposed disposal system and the system has been selected from among environmentally sound alternatives.

(5) Public participation has occurred during the process of

planning the project in compliance with applicable requirements 104700
under the Federal Water Pollution Control Act. 104701

(6) The applicant has submitted a facilities plan for the 104702
project that meets the applicable program requirements and that 104703
has been approved by the director. 104704

(7) The application meets the requirements of this section 104705
and rules adopted under division (O) of this section and is 104706
consistent with the intent of Title VI of the Federal Water 104707
Pollution Control Act and regulations adopted under it. 104708

(8) The application meets such other requirements as the 104709
director considers necessary or appropriate to protect the 104710
environment or ensure the financial integrity of the fund while 104711
implementing this section. 104712

(L) The director shall perform and document for public review 104713
an independent, comprehensive environmental review of the 104714
assistance proposal for each activity receiving financial 104715
assistance under this section. The review shall serve as the basis 104716
for the determinations to be made under division (K)(4) or (Q)(4) 104717
of this section, as applicable, and may include, without 104718
limitation, an environmental assessment, any necessary 104719
supplemental studies, and an enforceable mitigation plan. The 104720
director may establish environmental impact mitigation terms or 104721
conditions for the implementation of an assistance proposal, 104722
including, without limitation, the installation or modification of 104723
a disposal system, in the director's approval of the plans for the 104724
installation or modification as authorized by section 6111.44 of 104725
the Revised Code or through other legally enforceable means. The 104726
review shall be conducted in accordance with applicable rules 104727
adopted under division (O) of this section. 104728

(M) The director, consistent with this section and applicable 104729
rules adopted under division (O) of this section, may enter into 104730

any agreement with an applicant that is necessary or appropriate 104731
to provide assistance from the water pollution control loan fund. 104732
Based upon the director's review of an assistance proposal, 104733
including, without limitation, approval for the project under 104734
section 6111.44 of the Revised Code, the environmental review 104735
conducted under division (L) of this section, and the other 104736
requirements of this section and rules adopted under it, the 104737
director may establish in the agreement terms and conditions of 104738
the assistance to be offered to an applicant. In addition to any 104739
other available remedies, the director may terminate, suspend, or 104740
require immediate repayment of financial assistance provided under 104741
this section to, or take any other enforcement action available 104742
under this chapter against, a recipient of financial assistance 104743
under this section who defaults on any payment required in the 104744
agreement for financial assistance or otherwise violates a term or 104745
condition of the agreement or of the plan approval for the project 104746
under section 6111.44 of the Revised Code. 104747

(N) Based upon the director's judgment as to the financial 104748
need of the applicant and as to what constitutes the most 104749
effective allocation of funds to achieve statewide water pollution 104750
control objectives, the director may establish the terms, 104751
conditions, and amount of financial assistance to be offered to an 104752
applicant from the water pollution control loan fund. The 104753
director, to the extent consistent with the water quality 104754
improvement priorities reflected in the current priority system 104755
and list prepared under division (I) of this section and with the 104756
long-term financial integrity of the fund, shall ensure each year 104757
that financial assistance in an amount equal to the cost of the 104758
assistance proposals of applicants having a high level of economic 104759
need that are on the current priority list and for which funding 104760
is available in that year is made available from the fund to those 104761
applicants at an interest rate that is lower than that offered to 104762
other applicants for financial assistance from the fund for 104763

assistance proposals that are on the current priority list and for 104764
which funding is available in that year. 104765

The director shall determine the economic need of applicants 104766
for financial assistance in accordance with uniform criteria 104767
established in rules adopted under division (O) of this section. 104768

(O) The director may adopt rules in accordance with Chapter 104769
119. of the Revised Code for the implementation and administration 104770
of this section and section 6111.037 of the Revised Code. Any such 104771
rules governing the planning, design, and construction of water 104772
pollution control projects, establishing an environmental review 104773
process, establishing requirements for the preparation of 104774
environmental impact reports and mitigation plans, governing the 104775
establishment of priority systems for providing financial 104776
assistance under this section and section 6111.037 of the Revised 104777
Code, and governing the terms and conditions of assistance, shall 104778
be consistent with the intent of Titles II and VI and sections 319 104779
and 320 of the Federal Water Pollution Control Act. The rules 104780
governing the establishment of priority systems for financial 104781
assistance and governing terms and conditions of assistance shall 104782
provide for the most effective allocation of moneys from the water 104783
pollution control loan fund to achieve water quality and public 104784
health objectives throughout the state as determined by the 104785
director. 104786

(P)(1) For the purpose of this section, appealable actions of 104787
the director pursuant to section 3745.04 of the Revised Code are 104788
limited to the following: 104789

(a) Approval of draft priority systems, draft priority lists, 104790
and draft written program administration policies; 104791

(b) Approval or disapproval of project facility plans under 104792
division (K)(6) of this section; 104793

(c) Approval or disapproval of plans and specifications for a 104794

project under section 6111.44 of the Revised Code and issuance of 104795
a permit to install in connection with a project pursuant to rules 104796
adopted under section 6111.03 of the Revised Code; 104797

(d) Approval or disapproval of an application for assistance. 104798

(2) Notwithstanding section 119.06 of the Revised Code, the 104799
director may take final action described in division (P)(1)(a), 104800
(b), (c), or (d) of this section without holding an adjudication 104801
hearing in connection with the action and without first issuing a 104802
proposed action under section 3745.07 of the Revised Code. 104803

(3) Each action described in divisions (P)(1)(a), (b), (c), 104804
and (d) of this section is a separate and discrete action of the 104805
director. Appeals of any such action are limited to the issues 104806
concerning the specific action appealed, and the appeal shall not 104807
include issues determined under the scope of any prior action. 104808

(Q) The director may provide financial assistance for the 104809
implementation of a nonpoint source management program activity 104810
only after determining all of the following: 104811

(1) The activity is consistent with the state's nonpoint 104812
source management program. 104813

(2) The applicant has the legal, institutional, managerial, 104814
and financial capability to implement, operate, and maintain the 104815
activity. 104816

(3) The cost of the activity is reasonable considering 104817
monetary and nonmonetary factors. 104818

(4) Based on the environmental review conducted by the 104819
director under division (L) of this section, the activity will not 104820
result in significant adverse environmental impacts. 104821

(5) The application meets the requirements of this section 104822
and rules adopted under division (O) of this section and is 104823
consistent with the intent of Title VI of the Federal Water 104824

Pollution Control Act and regulations adopted under it. 104825

(6) The applicant will implement a financial management plan, 104826
including, without limitation, provisions for satisfactory 104827
repayment of the financial assistance. 104828

(7) The application meets such other requirements as the 104829
director considers necessary or appropriate to protect the 104830
environment and ensure the financial integrity of the fund while 104831
implementing this section. 104832

(R) As used in this section, "Federal Water Pollution Control 104833
Act" means the "Federal Water Pollution Control Act Amendments of 104834
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 104835
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 104836
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 104837
Wastewater Treatment Construction Grant Amendments of 1981," 95 104838
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 104839
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 104840
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 104841
123 Stat. 115, and the "Water Resources Reform and Development Act 104842
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 104843

Sec. 6111.04. (A) Both of the following apply except as 104844
otherwise provided in division (A) or (F) of this section: 104845

(1) No person shall cause pollution or place or cause to be 104846
placed any sewage, sludge, sludge materials, industrial waste, or 104847
other wastes in a location where they cause pollution of any 104848
waters of the state. 104849

(2) Such an action prohibited under division (A)(1) of this 104850
section is hereby declared to be a public nuisance. 104851

Divisions (A)(1) and (2) of this section do not apply if the 104852
person causing pollution or placing or causing to be placed wastes 104853
in a location in which they cause pollution of any waters of the 104854

state holds a valid, unexpired permit, or renewal of a permit, 104855
governing the causing or placement as provided in sections 6111.01 104856
to 6111.08 of the Revised Code or if the person's application for 104857
renewal of such a permit is pending. 104858

(B) If the director of environmental protection administers a 104859
sludge management program pursuant to division ~~(S)~~(R) of section 104860
6111.03 of the Revised Code, both of the following apply except as 104861
otherwise provided in division (B) or (F) of this section: 104862

(1) No person, in the course of sludge management, shall 104863
place on land located in the state or release into the air of the 104864
state any sludge or sludge materials. 104865

(2) An action prohibited under division (B)(1) of this 104866
section is hereby declared to be a public nuisance. 104867

Divisions (B)(1) and (2) of this section do not apply if the 104868
person placing or releasing the sludge or sludge materials holds a 104869
valid, unexpired permit, or renewal of a permit, governing the 104870
placement or release as provided in sections 6111.01 to 6111.08 of 104871
the Revised Code or if the person's application for renewal of 104872
such a permit is pending. 104873

(C) No person to whom a permit has been issued shall place or 104874
discharge, or cause to be placed or discharged, in any waters of 104875
the state any sewage, sludge, sludge materials, industrial waste, 104876
or other wastes in excess of the permissive discharges specified 104877
under an existing permit without first receiving a permit from the 104878
director to do so. 104879

(D) No person to whom a sludge management permit has been 104880
issued shall place on the land or release into the air of the 104881
state any sludge or sludge materials in excess of the permissive 104882
amounts specified under the existing sludge management permit 104883
without first receiving a modification of the existing sludge 104884
management permit or a new sludge management permit to do so from 104885

the director. 104886

(E) The director may require the submission of plans, 104887
specifications, and other information that the director considers 104888
relevant in connection with the issuance of permits. 104889

(F) This section does not apply to any of the following: 104890

(1) Waters used in washing sand, gravel, other aggregates, or 104891
mineral products when the washing and the ultimate disposal of the 104892
water used in the washing, including any sewage, industrial waste, 104893
or other wastes contained in the waters, are entirely confined to 104894
the land under the control of the person engaged in the recovery 104895
and processing of the sand, gravel, other aggregates, or mineral 104896
products and do not result in the pollution of waters of the 104897
state; 104898

(2) Water, gas, or other material injected into a well to 104899
facilitate, or that is incidental to, the production of oil, gas, 104900
artificial brine, or water derived in association with oil or gas 104901
production and disposed of in a well, in compliance with a permit 104902
issued under Chapter 1509. of the Revised Code, or sewage, 104903
industrial waste, or other wastes injected into a well in 104904
compliance with an injection well operating permit. Division 104905
(F)(2) of this section does not authorize, without a permit, any 104906
discharge that is prohibited by, or for which a permit is required 104907
by, regulation of the United States environmental protection 104908
agency. 104909

(3) Application of any materials to land for agricultural 104910
purposes or runoff of the materials from that application or 104911
pollution by residual farm products, manure, or soil sediment, 104912
including attached substances, resulting from farming, 104913
silvicultural, or earthmoving activities regulated by Chapter 307. 104914
or 939. of the Revised Code. Division (F)(3) of this section does 104915
not authorize, without a permit, any discharge that is prohibited 104916

by, or for which a permit is required by, the Federal Water 104917
Pollution Control Act or regulations adopted under it. As used in 104918
division (F)(3) of this section, "residual farm products" and 104919
"manure" have the same meanings as in section 939.01 of the 104920
Revised Code. 104921

(4) The excrement of domestic and farm animals defecated on 104922
land or runoff therefrom into any waters of the state. Division 104923
(F)(4) of this section does not authorize, without a permit, any 104924
discharge that is prohibited by, or for which a permit is required 104925
by, the Federal Water Pollution Control Act or regulations adopted 104926
under it. 104927

(5) On and after the date on which the United States 104928
environmental protection agency approves the NPDES program 104929
submitted by the director of agriculture under section 903.08 of 104930
the Revised Code, any discharge that is within the scope of the 104931
approved NPDES program submitted by the director of agriculture; 104932

(6) The discharge of sewage, industrial waste, or other 104933
wastes into a sewerage system tributary to a treatment works. 104934
Division (F)(6) of this section does not authorize any discharge 104935
into a publicly owned treatment works in violation of a 104936
pretreatment program applicable to the publicly owned treatment 104937
works. 104938

(7) A household sewage treatment system or a small flow 104939
on-site sewage treatment system, as applicable, as defined in 104940
section 3718.01 of the Revised Code that is installed in 104941
compliance with Chapter 3718. of the Revised Code and rules 104942
adopted under it. Division (F)(7) of this section does not 104943
authorize, without a permit, any discharge that is prohibited by, 104944
or for which a permit is required by, regulation of the United 104945
States environmental protection agency. 104946

(8) Exceptional quality sludge generated outside of this 104947

state and contained in bags or other containers not greater than 104948
one hundred pounds in capacity. As used in division (F)(8) of this 104949
section, "exceptional quality sludge" has the same meaning as in 104950
division (Y) of section 3745.11 of the Revised Code. 104951

(G) The holder of a permit issued under section 402 (a) of 104952
the Federal Water Pollution Control Act need not obtain a permit 104953
for a discharge authorized by the permit until its expiration 104954
date. Except as otherwise provided in this division, the director 104955
of environmental protection shall administer and enforce those 104956
permits within this state and may modify their terms and 104957
conditions in accordance with division (J) of section 6111.03 of 104958
the Revised Code. On and after the date on which the United States 104959
environmental protection agency approves the NPDES program 104960
submitted by the director of agriculture under section 903.08 of 104961
the Revised Code, the director of agriculture shall administer and 104962
enforce those permits within this state that are issued for any 104963
discharge that is within the scope of the approved NPDES program 104964
submitted by the director of agriculture. 104965

Sec. 6111.046. (A) Each person who is issued an injection 104966
well operating permit or a renewal of an injection well operating 104967
permit for a class I injection well shall pay an annual permit fee 104968
of twelve thousand five hundred dollars, except that a person who 104969
is issued such a permit or renewal of such a permit for a class I 104970
injection well that disposes of any hazardous waste identified or 104971
listed in rules adopted under section 3734.12 of the Revised Code 104972
and that is located on the premises where the hazardous waste 104973
injected into the well is generated shall pay an annual permit fee 104974
of thirty thousand dollars. The appropriate permit fee shall be 104975
paid to the director of environmental protection within thirty 104976
days after the issuance of the injection well operating permit or 104977
renewal of such a permit. Annually thereafter during the term of 104978
the permit or renewal, the appropriate annual permit fee shall be 104979

paid to the director on or before the anniversary of the date of 104980
issuance of the injection well operating permit or renewal of such 104981
a permit. The director, by rules adopted in accordance with 104982
Chapter 119. of the Revised Code, shall prescribe the procedures 104983
for collecting the annual permit fees established in this section 104984
and may prescribe other requirements necessary to carry out this 104985
section. 104986

No person shall fail to comply with this division. 104987

(B) All moneys received by the director under division (A) of 104988
this section shall be credited to the underground injection 104989
control fund, which is hereby created in the state treasury. 104990
Beginning July 1, 1992, and annually thereafter, the director 104991
shall request the office of budget and management to, and the 104992
office shall, transfer fifteen per cent of the moneys in the fund 104993
to the ~~injection well review~~ geological mapping fund created in 104994
section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 104995
paying the expenses of the department of natural resources 104996
incurred in executing its duties under sections 6111.043 to 104997
6111.047 of the Revised Code. The director shall use the remainder 104998
of the moneys credited to the underground injection control fund 104999
solely to administer and enforce the requirements of sections 105000
6111.043 to 6111.047 of the Revised Code and rules adopted under 105001
them pertaining to class I injection wells. 105002

Sec. 6111.14. The director of environmental protection may 105003
enter into an agreement with a political subdivision or 105004
investor-owned public utility that owns or operates a disposal 105005
system and that intends to extend the sewerage lines of its 105006
disposal system or to increase the number of service connections 105007
to its sewerage system, which agreement authorizes a qualified 105008
official or employee of the political subdivision or 105009
investor-owned public utility, as determined by the director, to 105010

review plans for the extension of the sewerage system or increase 105011
in the number of service connections for compliance with this 105012
chapter and the rules adopted under it and to certify to the 105013
director whether the plans comply with this chapter and the rules 105014
adopted under it. If, pursuant to such an agreement, the official 105015
or employee of the political subdivision or investor-owned public 105016
utility designated in the agreement certifies to the director that 105017
the plans comply with this chapter and the rules adopted under it 105018
and if the plans and certification are accompanied by an 105019
administrative service fee calculated in accordance with division 105020
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 105021
final action, shall approve the plans without further review. The 105022
director or the director's authorized representative may inspect 105023
the construction or installation of an extension of a sewerage 105024
system or additional service connections for which plans have been 105025
approved under this section. 105026

The approval of plans by the director pursuant to this 105027
section constitutes the approval of the plans for the purposes of 105028
any rules adopted under division (E) of section 6111.03 of the 105029
Revised Code that require the approval of plans for extensions of 105030
sewerage systems or increases in the number of service connections 105031
to sewerage systems. 105032

As used in this section, "investor-owned public utility" 105033
means a person, other than an individual, that is a sewage 105034
disposal system company, as defined in section 4905.03 of the 105035
Revised Code, and that is not owned or operated by a municipal 105036
corporation or operated not-for-profit. 105037

Sec. 6111.30. (A) Applications for a section 401 water 105038
quality certification required under division ~~(P)~~(O) of section 105039
6111.03 of the Revised Code shall be submitted on forms provided 105040
by the director of environmental protection and shall include all 105041

information required on those forms as well as all of the 105042
following: 105043

(1) A copy of a letter from the United States army corps of 105044
engineers documenting its jurisdiction over the wetlands, streams, 105045
or other waters of the state that are the subject of the section 105046
401 water quality certification application; 105047

(2) If the project involves impacts to a wetland, a wetland 105048
characterization analysis consistent with the Ohio rapid 105049
assessment method; 105050

(3) If the project involves a stream for which a specific 105051
aquatic life use designation has not been made, data sufficient to 105052
determine the existing aquatic life use; 105053

(4) A specific and detailed mitigation proposal, including 105054
the location and proposed real estate instrument or other 105055
available mechanism for protecting the property long term; 105056

(5) Applicable fees; 105057

(6) Site photographs; 105058

(7) Adequate documentation confirming that the applicant has 105059
requested comments from the department of natural resources and 105060
the United States fish and wildlife service regarding threatened 105061
and endangered species, including the presence or absence of 105062
critical habitat; 105063

(8) Descriptions, schematics, and appropriate economic 105064
information concerning the applicant's preferred alternative, 105065
nondegradation alternatives, and minimum degradation alternatives 105066
for the design and operation of the project; 105067

(9) The applicant's investigation report of the waters of the 105068
United States in support of a section 404 permit application 105069
concerning the project; 105070

(10) A copy of the United States army corps of engineers' 105071

public notice regarding the section 404 permit application 105072
concerning the project. 105073

(B) Not later than fifteen business days after the receipt of 105074
an application for a section 401 water quality certification, the 105075
director shall review the application to determine if it is 105076
complete and shall notify the applicant in writing as to whether 105077
the application is complete. If the director fails to notify the 105078
applicant within fifteen business days regarding the completeness 105079
of the application, the application is considered complete. If the 105080
director determines that the application is not complete, the 105081
director shall include with the written notification an itemized 105082
list of the information or materials that are necessary to 105083
complete the application. If the applicant fails to provide the 105084
information or materials within sixty days after the director's 105085
receipt of the application, the director may return the incomplete 105086
application to the applicant and take no further action on the 105087
application. If the application is returned to the applicant 105088
because it is incomplete, the director shall return the review fee 105089
levied under division (A)(1), (2), or (3) of section 3745.114 of 105090
the Revised Code to the applicant, but shall retain the 105091
application fee levied under that section. 105092

(C) Not later than twenty-one days after a determination that 105093
an application is complete under division (B) of this section, the 105094
applicant shall publish public notice of the director's receipt of 105095
the complete application in a newspaper of general circulation in 105096
the county in which the project that is the subject of the 105097
application is located. The public notice shall be in a form 105098
acceptable to the director. The applicant shall promptly provide 105099
the director with proof of publication. The applicant may choose, 105100
subject to review by and approval of the director, to include in 105101
the public notice an advertisement for an antidegradation public 105102
hearing on the application pursuant to section 6111.12 of the 105103

Revised Code. There shall be a public comment period of thirty 105104
days following the publication of the public notice. 105105

(D) If the director determines that there is significant 105106
public interest in a public hearing as evidenced by the public 105107
comments received concerning the application and by other requests 105108
for a public hearing on the application, the director or the 105109
director's representative shall conduct a public hearing 105110
concerning the application. Notice of the public hearing shall be 105111
published by the applicant, subject to review and approval by the 105112
director, at least thirty days prior to the date of the hearing in 105113
a newspaper of general circulation in the county in which the 105114
project that is the subject of the application is to take place. 105115
If a public hearing is requested concerning an application, the 105116
director shall accept comments concerning the application until 105117
five business days after the public hearing. A public hearing 105118
conducted under this division shall take place not later than one 105119
hundred days after the application is determined to be complete. 105120

(E) The director shall forward all public comments concerning 105121
an application submitted under this section that are received 105122
through the public involvement process required by rules adopted 105123
under this chapter to the applicant not later than five business 105124
days after receipt of the comments by the director. 105125

(F) The applicant shall respond in writing to written 105126
comments or to deficiencies identified by the director during the 105127
course of reviewing the application not later than fifteen days 105128
after receiving or being notified of them. 105129

(G) The director shall issue or deny a section 401 water 105130
quality certification not later than one hundred eighty days after 105131
the complete application for the certification is received. The 105132
director shall provide an applicant for a section 401 water 105133
quality certification with an opportunity to review the 105134
certification prior to its issuance. 105135

(H) The director shall maintain an accessible database that 105136
includes environmentally beneficial water restoration and 105137
protection projects that may serve as potential mitigation 105138
projects for projects in the state for which a section 401 water 105139
quality certification is required. A project's inclusion in the 105140
database does not constitute an approval of the project. 105141

(I) Mitigation required by a section 401 water quality 105142
certification may be accomplished by any of the following: 105143

(1) Purchasing credits at a mitigation bank approved in 105144
accordance with 33 C.F.R. 332.8; 105145

(2) Participating in an in-lieu fee mitigation program 105146
approved in accordance with 33 C.F.R. 332.8; 105147

(3) Constructing individual mitigation projects. 105148

Notwithstanding the mitigation hierarchy specified in section 105149
3745-1-54 of the Administrative Code, mitigation projects shall be 105150
approved in accordance with the hierarchy specified in 33 C.F.R. 105151
332.3 unless the director determines that the size or quality of 105152
the impacted resource necessitates reasonably identifiable, 105153
available, and practicable mitigation conducted by the applicant. 105154
The director shall adopt rules in accordance with Chapter 119. of 105155
the Revised Code consistent with the mitigation hierarchy 105156
specified in 33 C.F.R. 332.3. 105157

(J) The director may establish a program and adopt rules in 105158
accordance with Chapter 119. of the Revised Code for the purpose 105159
of certifying water quality professionals to assess streams to 105160
determine existing aquatic life use and to categorize wetlands in 105161
support of applications for section 401 water quality 105162
certification under divisions (A)(2) and (3) of this section and 105163
isolated wetland permits under sections 6111.022 to 6111.024 of 105164
the Revised Code. The director shall use information submitted by 105165
certified water quality professionals in the review of those 105166

applications. 105167

Rules adopted under this division shall do all of the 105168
following: 105169

(1) Provide for the certification of water quality 105170
professionals to conduct activities in support of applications for 105171
section 401 water quality certification and isolated wetland 105172
permits, including work necessary to determine existing aquatic 105173
life use of streams and categorize wetlands. Rules adopted under 105174
division (J)(1) of this section shall do at least all of the 105175
following: 105176

(a) Authorize the director to require an applicant for water 105177
quality professional certification to submit information 105178
considered necessary by the director to assess a water quality 105179
professional's experience in conducting stream assessments and 105180
wetlands categorizations; 105181

(b) Authorize the director to establish experience 105182
requirements and to use tests to determine the competency of 105183
applicants for water quality professional certification; 105184

(c) Authorize the director to approve applicants for water 105185
quality professional certification who comply with the 105186
requirements established in rules and deny applicants that do not 105187
comply with those requirements; 105188

(d) Require the director to revoke the certification of a 105189
water quality professional if the director finds that the 105190
professional falsified any information on the professional's 105191
application for certification regarding the professional's 105192
credentials; 105193

(e) Require periodic renewal of a water quality 105194
professional's certification and establish continuing education 105195
requirements for purposes of that renewal. 105196

(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 105197
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 105203
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(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 105209
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(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director; 105213
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(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 105217
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(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations. 105221
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(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it 105224
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that any discharge, as set forth in section 401, will comply with 105228
sections 301, 302, 303, 306, and 307 of the Federal Water 105229
Pollution Control Act. 105230

Sec. 6117.38. (A) ~~At any time after~~ (1) After the formation 105231
of any county sewer district, the board of county commissioners, 105232
~~when it considers it appropriate, on application by a person or~~ 105233
~~public agency for the provision of sewerage or drainage to~~ 105234
~~properties of the person or public agency located outside of the~~ 105235
~~district,~~ may contract with the a person, political subdivision, 105236
unincorporated area, or public agency located outside of the 105237
district for depositing any of the following: 105238

(a) Depositing sewage or drainage from ~~those properties~~ 105239
outside of the district in facilities acquired or constructed or 105240
to be acquired or constructed by the county to serve the district 105241
~~and for the;~~ 105242

(b) The treatment, disposal, and disposition of the sewage or 105243
drainage, on terms that the board considers equitable; 105244

(c) The provision of water supply services. The 105245

(2) A person, political subdivision, unincorporated area, or 105246
public agency located outside of a county sewer district may apply 105247
to the board of county commissioners for the provision of the 105248
services specified in division (A)(1)(a), (b), or (c) of this 105249
section. 105250

(3) The amount to be paid by the person, political 105251
subdivision, unincorporated area, or public agency to reimburse 105252
the county for costs of acquiring or constructing those facilities 105253
shall not be less than the original or comparable assessment for 105254
similar property within the district or, in the absence of an 105255
original or comparable assessment, an amount that is found by the 105256
board to be reasonable and fairly reflective of that portion of 105257

the cost of those facilities attributable to the properties to be served. The board shall appropriate any moneys received for that service to and for the use and benefit of the district. The board may collect the amount to be paid by the person, political subdivision, unincorporated area, or public agency in full, in cash or in installments as a part of a connection charge to be collected in accordance with division (B) or (D) of section 6117.02 of the Revised Code, or if the properties to be served are located within the county, the same amount may be assessed against those properties, and, in that event, the manner of making the assessment, together with the notice of it, shall be as provided in this chapter.

(B) Whenever sanitary or drainage facilities or prevention or replacement facilities have been acquired or constructed by, and at the expense of, a person, political subdivision, unincorporated area, or public agency and the board considers it appropriate to acquire the facilities or any part of them for the purpose of providing sewerage or drainage service to territory within a sewer district, the county sanitary engineer, at the direction of the board, shall examine the facilities. If the county sanitary engineer finds the facilities properly designed and constructed, the county sanitary engineer shall certify that fact to the board. The board may determine to purchase the facilities or any part of them at a cost that, after consultation with the county sanitary engineer, it finds to be reasonable.

Subject to and in accordance with this division and division (B) or divisions (C), (D), and (E) of section 6117.06 of the Revised Code, the board may purchase the facilities or any part of them by negotiation. For the purpose of paying the cost of their acquisition, the board may issue or incur public obligations and assess the entire cost, or a lesser designated part of the cost, of their acquisition against the benefited properties in the

manner provided in this chapter for the construction of original 105290
or comparable facilities. 105291

(C) As used in this section, "located outside of the 105292
district" includes an area located in a different county than the 105293
county in which the county sewer district is located. 105294

Sec. 6301.01. As used in this chapter: 105295

(A) "Local area" means ~~any of the following:~~ 105296

~~(1) A municipal corporation that is authorized to administer 105297
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 105298
29 U.S.C.A. 2801, as amended, under this chapter and is not 105299
joining in partnership with any other political subdivisions in 105300
order to do so; 105301~~

~~(2) A single county; 105302~~

~~(3) A consortium of any of the following political 105303
subdivisions: 105304~~

~~(a) A group of two or more counties in the state; 105305~~

~~(b) One or more counties and one municipal corporation in the 105306
state; 105307~~

~~(c) One or more counties with or without one municipal 105308
corporation in the state and one or more counties with or without 105309
one municipal corporation in another state, on the condition that 105310
those in another state share a labor market area with those in the 105311
state. 105312~~

~~"Local area" does not mean a region for purposes of 105313
determinations concerning administrative incentives. 105314~~

~~(B) "Municipal corporation" means a municipal corporation 105315
that is eligible for automatic or temporary designation as a local 105316
workforce investment area pursuant to section 116(a)(2) or (3) of 105317
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 105318~~

~~2831(a)(2) or (3), but that does not request that the governor
grant such automatic or temporary designation, and that instead
elects to administer and enforce workforce development activities
pursuant to this chapter.~~

~~(C) "County" means a county that is eligible to be designated
as a local workforce investment area pursuant to the "Workforce
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as
amended, but that does not request such designation, and instead
elects to administer and enforce workforce development activities
pursuant to this chapter.~~

~~(D) "Workforce development agency" means the entity given
responsibility for workforce development activities that is
designated by the board of county commissioners in accordance with
section 330.04 of the Revised Code, the chief elected official of
a municipal corporation in accordance with section 763.05 of the
Revised Code, or the chief elected officials of a local area
defined in division (A)(3) of this section a local workforce
development area designated under section 106 of the Workforce
Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this
chapter.~~

~~(E)(B) "Workforce development activity" means a program,
grant, or other function, the primary goal of which is to do one
or more of the following:~~

- ~~(1) Help individuals maximize their employment opportunities;~~
- ~~(2) Help employers gain access to skilled workers;~~
- ~~(3) Help employers retain skilled workers;~~
- ~~(4) Help develop or enhance the skills of incumbent workers;~~
- ~~(5) Improve the quality of the state's workforce;~~
- ~~(6) Enhance the productivity and competitiveness of the
state's economy an activity carried out through a workforce~~

development system. 105349

~~(F)(C)~~ "Chief elected official or officials," when used in 105350
reference to a local area, means the ~~board of county commissioners~~ 105351
~~of the county or of each county in the local area or, if the~~ 105352
~~county has adopted a charter under Section 3 of Article X, Ohio~~ 105353
~~Constitution, the chief governing body of that county, and the~~ 105354
~~chief elected official of the municipal corporation, if the local~~ 105355
~~area includes a municipal corporation, except that when the local~~ 105356
~~area is the type defined in division (A)(1) of this section,~~ 105357
~~"chief elected officials" means the chief elected official of the~~ 105358
~~municipal corporation~~ chief elected executive officer of a unit of 105359
general local government in the local area or, in the case of a 105360
local area that includes more than one unit of general local 105361
government, the individual or individuals designated under an 105362
agreement described in section 107 of the Workforce Innovation and 105363
Opportunity Act, 29 U.S.C. 3122. 105364

~~(G)(D)~~ "State board" means the governor's executive workforce 105365
board ~~established by~~ required under section 101 of the Workforce 105366
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 105367
pursuant to section 6301.04 of the Revised Code. 105368

~~(H)(E)~~ "Local board" means a local workforce ~~investment~~ 105369
development board established in each local area of the state and 105370
certified by the governor to set policy for the portion of the 105371
statewide workforce investment system within the local area and 105372
implement the "Workforce Investment Act of 1998," 112 Stat. 936, 105373
29 U.S.C. 2801 under section 107 of the Workforce Innovation and 105374
Opportunity Act, 29 U.S.C. 3122. 105375

~~(I)(F)~~ "OhioMeansJobs web site" means the statewide 105376
electronic system for labor exchange and job placement activity 105377
operated by the state. 105378

(G) "OhioMeansJobs center" means a physical one-stop center 105379

described in section 121(e)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(e)(2). 105380
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(H) "OhioMeansJobs center operator" means an entity or a consortium of entities designated or certified through a competitive process to operate a one-stop center under section 121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(d). 105382
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(I) "Planning region" means an area consisting of two or more local areas that are collectively aligned to engage in the regional planning process outlined in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 105387
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(J) "Workforce Innovation and Opportunity Act" means the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., or other citation as specifically provided. 105391
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Sec. 6301.02. The director of job and family services shall 105394
administer the Workforce Innovation and Opportunity Act, the 105395
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 105396
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 105397
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 105398
amended, and the funds received pursuant to those acts. In 105399
administering those acts and funds received pursuant to those 105400
acts, the director shall assist the state board in establishing 105401
and administering a workforce development system that is designed 105402
to provide leadership, support, and oversight to locally designed 105403
workforce development systems. The director shall conduct 105404
investigations and hold hearings as necessary for the 105405
administration of this chapter. 105406

To the extent permitted by state and federal law, the 105407
director may adopt rules pursuant to Chapter 119. of the Revised 105408
Code to establish any program or pilot program for the purposes of 105409
providing workforce development activities or ~~family services to~~ 105410

~~individuals who do not meet eligibility criteria for those~~ 105411
~~activities or~~ services under applicable federal law. Prior to the 105412
initiation of any program of that nature, the director of budget 105413
and management shall certify to the governor that sufficient funds 105414
are available to administer a program of that nature. The director 105415
of job and family services shall advise the state board ~~shall have~~ 105416
~~final approval~~ of any such program. 105417

Unless otherwise prohibited by state or federal law, every 105418
state agency, board, or commission shall provide to the state 105419
board and the director all information and assistance requested by 105420
the state board and the director in furtherance of workforce 105421
development activities. 105422

Sec. 6301.03. (A) In administering the Workforce Innovation 105423
and Opportunity Act, the former "Workforce Investment Act of 105424
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 105425
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 105426
U.S.C.A. 49, as amended, the funds received pursuant to those 105427
acts, and the workforce development system, the director of job 105428
and family services may, ~~at the direction of~~ in consultation with 105429
the state board, make allocations and payment of funds for the 105430
local administration of the workforce development activities 105431
established under this chapter. 105432

(B) The director shall allocate to local areas all funds 105433
required to be allocated to local areas pursuant to the Workforce 105434
Innovation and Opportunity Act, and the former "Workforce 105435
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 105436
No. 105-220, as amended. The director shall make allocations only 105437
with funds available. Local areas, as defined by either section 105438
101 of the former "Workforce Investment Act of 1998," 112 Stat. 105439
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 105440
6301.01 of the Revised Code, and subrecipients of a local area 105441

shall establish a workforce development fund and the entity 105442
receiving funds shall deposit all funds received under this 105443
section into the workforce development fund. All expenditures for 105444
activities funded under this section shall be made from the 105445
workforce development fund, including reimbursements to a county 105446
public assistance fund for expenditures made for activities funded 105447
under this section. 105448

(C) The use of funds, reporting requirements, and other 105449
administrative and operational requirements governing the use of 105450
funds received by the director pursuant to this section shall be 105451
governed by internal management rules adopted by ~~and approved by~~ 105452
the ~~state board~~ director pursuant to section 111.15 of the Revised 105453
Code. 105454

(1) A local area described in division (B) of this section 105455
shall use the OhioMeansJobs web site as the labor exchange and job 105456
placement system for the area. 105457

(2) No additional federal or state workforce funds shall be 105458
used to build or maintain any labor exchange and job placement 105459
system that is duplicative to the OhioMeansJobs web site. 105460

(D) To the extent permitted by state or federal law, the 105461
director, ~~and local areas, counties, and municipal corporations~~ 105462
authorized to administer workforce development activities may 105463
assess a fee for specialized services requested by an employer. 105464
The director shall adopt rules pursuant to Chapter 119. of the 105465
Revised Code governing the nature and amount of those types of 105466
fees. 105467

Sec. 6301.04. (A) The governor shall establish a state board 105468
and. The state board shall consist of the following members: 105469

(1) The governor; 105470

(2) Two members of the house of representatives, appointed by 105471

the speaker of the house of representatives; 105472

(3) Two members of the senate, appointed by the president of 105473
the senate; 105474

(4) Members required under section 101(b)(1)(C) of the 105475
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 105476

(5) Any additional members appointed by the governor. 105477

(B) The governor shall appoint members to the board, who 105478
serve at the governor's pleasure, to perform duties under the 105479
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 105480
2801, as amended Workforce Innovation and Opportunity Act, as 105481
authorized by the governor. ~~The~~ 105482

(C) The board is not subject to sections 101.82 to 101.87 of 105483
the Revised Code. ~~All~~ 105484

(D) All state agencies engaged in workforce development 105485
activities shall assist the board in the performance of its 105486
duties. 105487

(E) The board shall have the power and authority to do all of 105488
the following: 105489

~~(A) Provide oversight and policy direction to ensure that the~~ 105490
~~state workforce development activities are aligned and serving the~~ 105491
~~needs of the state's employers, incumbent workers, and job~~ 105492
~~seekers;~~ 105493

~~(B) Adopt rules necessary to administer state workforce~~ 105494
~~development activities;~~ 105495

~~(C) Adopt rules necessary for the auditing and monitoring of~~ 105496
~~subrecipients of the workforce development system grant funds;~~ 105497

~~(D) Designate local workforce investment areas in accordance~~ 105498
~~with 29 U.S.C. 2831;~~ 105499

~~(E) Develop a unified budget for all state and federal~~ 105500

workforce funds;	105501
(F) Establish a statewide employment and data collection system;	105502
(G) Develop statewide performance measures for workforce development and investment;	105503
(H)(1) Develop a, implement, and modify the state workforce development plan;	105504
(H)(1) Develop a, implement, and modify the state workforce development plan;	105505
(H)(1) Develop a, implement, and modify the state workforce development plan;	105506
(H)(1) Develop a, implement, and modify the state workforce development plan;	105507
(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;	105508
(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;	105509
(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;	105510
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105511
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105512
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105513
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105514
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105515
(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	105516
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	105517
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	105518
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	105519
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	105520
(4) Continue to identify and disseminate information on promising practices in the area of workforce development;	105521
(4) Continue to identify and disseminate information on promising practices in the area of workforce development;	105522
(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.	105523
(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.	105524
(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.	105525
Sec. 6301.05. The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code.	105526
shall enter into a written grant agreement with the director of	105527
job and family services in accordance with section 5101.20 of the	105528
Revised Code.	105529

A grant agreement entered into pursuant to this section shall 105530
include the responsibility of ~~municipal corporations and the board~~ 105531
~~of county commissioners~~ the chief elected official or officials to 105532
be accountable to the department of job and family services for 105533
the use of funds provided through the ~~"Workforce Investment Act of~~ 105534
~~1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce 105535
Innovation and Opportunity Act, including regulations issued by 105536
the United States department of labor pursuant to that act. 105537

Sec. 6301.06. (A) The chief elected official or officials of 105538
a local area shall create a local board, ~~which shall consist of~~ 105539
~~the following individuals:~~ 105540

(1) ~~The chief elected official from the municipal corporation~~ 105541
~~with the largest population in the local area, except that if the~~ 105542
~~municipal corporation is a local area as defined in division~~ 105543
~~(A)(1) of section 6301.01 of the Revised Code, the chief elected~~ 105544
~~official of that municipal corporation may determine whether to be~~ 105545
~~a member of the board. Notwithstanding division (B) of section~~ 105546
~~6301.01 of the Revised Code, as used in division (A)(1) of this~~ 105547
~~section, "municipal corporation" means any municipal corporation.~~ 105548

(2) ~~The following individuals appointed to the board by the~~ 105549
~~chief elected officials of the local area, who shall make those~~ 105550
~~appointments according to all of the following specifications:~~ 105551

(a) ~~At least five members of the board shall be~~ 105552
~~representatives of private sector businesses in the general labor~~ 105553
~~market area that includes that local area, and shall be appointed~~ 105554
~~from among individuals nominated by local business organizations~~ 105555
~~and business trade associations. Among these members, at least one~~ 105556
~~shall represent small businesses, at least one shall represent~~ 105557
~~medium sized businesses, and at least one shall represent large~~ 105558
~~businesses. When determining what constitutes small, medium sized,~~ 105559
~~and large businesses for purposes of this division, the chief~~ 105560

~~elect~~ed officials of the local area shall define those sizes as 105561
those sizes are generally understood within the labor market area 105562
that includes that local area. A majority of the members of the 105563
board shall be representatives of private sector businesses. 105564

~~(b) At least two members of the board shall represent 105565
organized labor and shall be appointed from nominations submitted 105566
by local federations of labor representing workers employed in the 105567
local area. 105568~~

~~(c) At least two members of the board shall be 105569
representatives of local educational entities. For purposes of 105570
this division, "local educational entities" includes local 105571
educational agencies, school district boards of education, 105572
entities providing educational and literacy activities, and 105573
post-secondary educational institutions. 105574~~

~~(d) At least one member of the board shall be a 105575
representative of consumers of workforce development activities. 105576~~

~~(e) Any other individuals the chief elected officials of the 105577
local area determine are necessary to carry out the functions 105578
described in section 107(d) of the Workforce Innovation and 105579
Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or 105580
officials shall appoint members of the local board in accordance 105581
with the requirements of section 107(b)(2) of the Workforce 105582
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2). 105583~~

(B) Members of the local board serve at the pleasure of the 105584
chief elected official or officials of the local area. Members 105585
shall not be compensated but may be reimbursed for actual, 105586
reasonable, and necessary expenses incurred in the performance of 105587
their duties as board members. Those expenses shall be paid from 105588
funds allocated pursuant to section 6301.03 of the Revised Code. 105589

The chief elected official or officials of a local area may 105590
provide office space, staff, or other administrative support as 105591

needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

~~(C) The chief elected official or officials of a local area other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the local boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code shall adopt a process for appointing members to the local board for the local area.~~

(D) The chief elected official or officials of a local area may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary.

(E) The chief elected official or officials may contract with any government or private entity to enhance the administration of

local workforce development activities for which the local board 105624
is responsible. The entity with which the chief elected official 105625
or officials contract is not required to be located in the local 105626
area in which the chief elected official or officials serve as 105627
chief elected executive officer. 105628

(F)(1) As used in this division, "public library" means a 105629
library that is open to the public and that is one of the 105630
following: 105631

(a) A library that is maintained and regulated under section 105632
715.13 of the Revised Code; 105633

(b) A library that is created, maintained, and regulated 105634
under Chapter 3375. of the Revised Code; 105635

(c) A library that is created and maintained by a public or 105636
private school, college, university, or other educational 105637
institution; 105638

(d) A library that is created and maintained by a historical 105639
or charitable organization, institution, association, or society. 105640

(2) Not later than September 1, 2018, and every two years 105641
thereafter, an OhioMeansJobs center operator shall enter into a 105642
memorandum of understanding with one or more public libraries to 105643
facilitate collaboration and coordination of workforce programs 105644
and education and job training resources. 105645

Sec. 6301.061. A board of county commissioners may appoint an 105646
advisory committee on workforce development. A committee appointed 105647
under this section may do both of the following: 105648

(A) Work to further cooperation between the county and other 105649
workforce development and economic development related entities 105650
including the state, local area ~~one-stop~~ workforce development 105651
systems, and private businesses; 105652

(B) Advise the board and other interested parties on ways to 105653

maintain and improve the workforce development system of the local area in which the county is a part. 105654
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Sec. 6301.07. (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience. 105656
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(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected ~~official or~~ officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall ~~accomplish~~ support the strategy described in the state plan and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following: 105660
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(1) ~~Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ Identification of strategic planning elements, including all of the following: 105670
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(a) The strategic vision of the local board; 105675

(b) Goals for preparing an educated and skilled workforce; 105676

(c) The knowledge and skills, including performance character, needed to meet the employment needs of employers in the planning region, including in-demand industry sectors and occupations. 105677
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(2) Identify A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, 105681
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will coordinate activities to expand access to employment, 105684
training, education, and supportive services to eligible 105685
individuals with barriers to employment to improve service 105686
delivery and to avoid duplication; 105687

~~(3) A determination of the local area's workforce development~~ 105688
~~needs for youth, dislocated workers, adults, displaced homemakers,~~ 105689
~~incumbent workers, and any other group of workers identified by~~ 105690
~~the local board~~ adult and dislocated worker employment training 105691
activities, including the type and availability of activities 105692
needed; 105693

~~(3) Determine the distribution of workforce development~~ 105694
~~resources and funding to be distributed for each workforce~~ 105695
~~development activity to meet the identified needs, utilizing the~~ 105696
~~funds allocated pursuant to the "Workforce Investment Act of~~ 105697
~~1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;~~ 105698

~~(4) Give priority to~~ An assessment of the type and 105699
availability of youth workforce development activities carried out 105700
in the local area, including activities for youth with 105701
disabilities and youth receiving independent living services 105702
pursuant to sections 2151.81 to 2151.84 of the Revised Code ~~when~~ 105703
~~determining distribution of workforce development resources and~~ 105704
~~workforce development activity funding;~~ 105705

~~(5) Review the minimum curriculum required by the state board~~ 105706
~~for certifying training providers and identify any additional~~ 105707
~~curriculum requirements to include in contracts between the~~ 105708
~~training providers and the chief elected officials of the local~~ 105709
~~area;~~ 105710

~~(6) Establish performance standards for service providers~~ 105711
~~that reflect local workforce development needs;~~ 105712

~~(7) Describe~~ A description of any other information the chief 105713
elected official or officials of the local area require; 105714

(6) A description of any other information the governor requires. 105715
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(C)(1) The local boards of the local areas within a planning region and the chief elected officials of those local areas shall prepare, submit to, and obtain approval from the state for a single regional plan that includes a description of the activities described in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local plans described in division (B) of this section for each local area in that region. 105717
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(2) The state shall identify regions within the state, and designate each region it identifies as one of the following types: 105725
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(a) A region consisting of one local area; 105727

(b) A planning region; 105728

(c) An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states. 105729
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(D) Before the date on which a local board submits a regional or local plan for approval, the local board shall make copies of the proposed plan available to the public through electronic and other means and allow members of the public to submit comments on the proposed plan to the local board. For purposes of this division, public hearings and presentation to local news media are examples of other means by which a local board may make a proposed plan available. 105733
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(E) A local board may provide policy guidance and recommendations to the chief elected official or officials of a local area for any workforce development activities. 105741
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~~(D) Nothing in this section prohibits the chief elected~~ 105744

~~officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a local board, except that a local board cannot contract with itself for the direct provision of services in its local area. A local board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.~~ 105745
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Sec. 6301.08. ~~Every local area shall participate in a one-stop establish and administer a local workforce development system for workforce development activities. Each board of county commissioners and the~~ The chief elected official or officials of a ~~municipal corporation~~ local area shall ensure that at least one ~~delivery method comprehensive OhioMeansJobs center~~ is available in the local area, ~~either through a physical location, or. An OhioMeansJobs center may be supported~~ by electronic means approved by the ~~state board, director of job and family services~~ for the provision of workforce development activities. 105752
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~~Within six months after the effective date of this amendment, every local area described in division (B) of section 6301.03 of the Revised Code~~ Every OhioMeansJobs center shall ~~name its one-stop system as be named~~ "OhioMeansJobs (name of county) County." 105762
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~~A one-stop system may~~ Every OhioMeansJobs center shall be operated by a ~~private entity or a public agency, including a workforce development agency, any existing facility or organization that is established to administer workforce development activities in the local area, and a county family services agency~~ an OhioMeansJobs center operator. 105767
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~~A one-stop~~ The local workforce development system shall include representatives of all the partners required under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 105773
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~~2801, as amended. In addition, a one stop system shall include at least one representative from a county department of job and family services~~ Workforce Innovation and Opportunity Act.

Sec. 6301.09. The provision under division (g) of section ~~111~~ of the "~~Workforce Investment Act of 1998,~~" ~~112 Stat. 936, 29 U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111, applies to the state board created under ~~section 6301.04 of the Revised Code~~ this chapter. The provision under division (e) of section ~~117 of the "Workforce Investment Act of 1998"~~ 107 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122 applies to the local boards established pursuant to ~~section 6301.06 of the Revised Code~~ this chapter.

Sec. 6301.11. (A) As used in this section, "public or private institution" ~~has the same meaning as in section 3333.93 of the Revised Code~~ means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education.

(B) The state board, in connection with the department of job and family services and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of jobs that are in demand in each region of the state. The director of job and family

services shall determine the regions. 105806

(C) The department and the public or private institutions, in 105807
consultation with the state board, shall use the methodology to 105808
create a list of such in-demand jobs in the state and a list of 105809
such in-demand jobs in each region of the state. The department 105810
shall publish the lists on the web site of the department. The 105811
department and public or private institutions shall periodically 105812
update the lists to reflect evolving workforce demands in this 105813
state and its regions. 105814

(D) Local boards, ~~workforce development agencies,~~ and other 105815
providers of workforce training shall use the lists of in-demand 105816
jobs to cultivate and prioritize workforce development activities 105817
that correspond to the employment needs of employers operating in 105818
this state and in each of its regions and to assist individuals in 105819
maximizing their employment opportunities. 105820

Sec. 6301.111. The governor's office of workforce 105821
transformation, in conjunction with the department of job and 105822
family services, shall conduct an electronic survey of employers 105823
in this state to identify jobs that are in demand by those 105824
employers. The office, in conjunction with the department, shall 105825
use the survey results to update the list of in-demand jobs 105826
required under section 6301.11 of the Revised Code, 105827
notwithstanding the requirement in that section that the 105828
department and public or private institutions, as defined in that 105829
section, periodically update that list. The office shall complete 105830
the initial survey and make the update required under this section 105831
not later than December 31, 2018. The office shall complete a 105832
subsequent survey and update not later than the last day of 105833
December every two years thereafter. 105834

Sec. 6301.112. (A) The governor's office of workforce 105835

transformation, in collaboration with the departments of higher education and job and family services, shall create and publish on the OhioMeansJobs web site a workforce supply tool that uses real-time demand and supply data. The office shall provide all of the following through the tool: 105836
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(1) Businesses with historical information on graduates from high demand fields; 105841
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(2) Businesses with projections on future graduates; 105843

(3) The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 105844
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(B) Not later than January 1, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and job and family services, shall include in the workforce supply tool created under division (A) of this section all in-demand jobs included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 105847
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(C) Not later than December 31, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and education shall establish design teams. The design teams shall do both of the following: 105853
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(1) Identify emerging skill needs based on predictive analytics and analysis of the data from the workforce supply tool created under division (A) of this section; 105857
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(2) Periodically recommend innovations for responding to emerging in-demand jobs and skills. 105860
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Sec. 6301.12. (A) The office of workforce development within the department of job and family services shall comprehensively review the direct and indirect economic impact of businesses 105862
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engaged in the production of horizontal wells in this state and, 105865
based on its findings, prepare an annual Ohio workforce report. 105866
The office shall prepare the report by the thirtieth day of July 105867
of each year. The report shall include at least all of the 105868
following with respect to the industry: 105869

(1) The total number of jobs created or retained during the 105870
previous year; 105871

(2) The total number of Ohio-based contractors that employ 105872
skilled construction trades; 105873

(3) The number of employees who are residents of this state; 105874

(4) The total economic impact; 105875

(5) A review of the state's regional workforce development 105876
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 105877
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 105878
Opportunity Act that outline workforce development efforts 105879
including goals and benchmarks toward maximizing job training, 105880
education, and job creation opportunities in the state. 105881

(B) Upon the completion of the office's annual Ohio workforce 105882
report, the office shall provide an electronic copy of the report 105883
to the president and minority leader of the senate and the speaker 105884
and minority leader of the house of representatives and post it on 105885
the office's internet web site. 105886

Sec. 6301.18. (A) ~~Beginning January 1, 2016, each~~ Each 105887
participant in an adult training or education program funded under 105888
the ~~"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101,~~ 105889
shall create an account with the OhioMeansJobs web site at the 105890
time of enrollment in the program. 105891

(B) Division (A) of this section does not apply to any 105892
individual who is legally prohibited from using a computer, has a 105893

physical or visual impairment that makes the individual unable to 105894
use a computer, or has a limited ability to read, write, speak, or 105895
understand a language in which the OhioMeansJobs web site is 105896
available. 105897

Sec. 6301.20. Not later than September 30, 2017, the 105898
governor's office of workforce transformation, in consultation 105899
with the departments of job and family services, higher education, 105900
and aging and the opportunities for Ohioans with disabilities 105901
agency, shall develop and maintain a uniform electronic 105902
application for adult training programs funded under the 105903
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 105904
U.S.C. 3101 et seq., as amended. The application shall be 105905
available for use not later than July 1, 2018. 105906

Sec. 6301.21. (A) Not later than December 31, 2017, the 105907
governor's office of workforce transformation, the department of 105908
education, and the chancellor of higher education, in consultation 105909
with business and economic development stakeholder groups, shall 105910
develop a regional workforce collaboration model. The model shall 105911
provide guidance on how the JobsOhio regional network, local 105912
chambers of commerce, economic development organizations, 105913
business, business associations, secondary and post-secondary 105914
education organizations, and Ohio college tech prep regional 105915
centers, that are jointly managed by the department of education 105916
and the chancellor, shall collaborate to form a partnership that 105917
provides career services to students. 105918

Career services to students may include, but are not limited 105919
to, job shadowing, internships, co-ops, apprenticeships, career 105920
exploration activities, and problem-based curriculum developed in 105921
alignment with in-demand jobs. 105922

(B) The governor's office of workforce transformation shall 105923

oversee the creation of regional workforce collaboration 105924
partnerships based on the model created under division (A) of this 105925
section. The partnerships shall be located in each of the six 105926
different regions of the state, as determined by JobsOhio. 105927

(C) As used in this section, "JobsOhio" has the same meaning 105928
as in section 187.01 of the Revised Code. 105929

Section 101.02. That existing sections 101.34, 102.02, 105930
102.022, 102.03, 103.41, 103.42, 105.41, 106.042, 107.031, 107.35, 105931
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4715.62, 4715.63, 4717.01, 4717.02, 4717.03, 4717.04, 4717.05, 106024
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4729.84, 4729.86, 4730.05, 4730.40, 4731.056, 4731.07, 4731.081, 106033
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4731.341, 4731.36, 4731.41, 4731.43, 4731.51, 4731.52, 4731.531, 106038
4731.56, 4731.573, 4731.60, 4731.61, 4731.65, 4731.66, 4731.67, 106039
4731.68, 4731.76, 4731.82, 4731.85, 4736.01, 4736.02, 4736.03, 106040
4736.05, 4736.06, 4736.07, 4736.08, 4736.09, 4736.10, 4736.11, 106041
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4927.13, 4928.01, 4928.143, 4928.64, 5101.09, 5101.16, 5101.17, 106047
5101.18, 5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 106048
5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 106049
5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 106050
5119.01, 5119.22, 5119.221, 5119.34, 5119.41, 5120.035, 5120.22, 106051

5120.55, 5122.32, 5123.01, 5123.377, 5123.378, 5123.38, 5123.47, 106052
5123.60, 5124.15, 5124.25, 5126.0221, 5126.042, 5126.054, 5149.10, 106053
5149.311, 5149.36, 5160.052, 5160.37, 5160.40, 5160.401, 5162.021, 106054
5162.12, 5162.40, 5162.41, 5162.52, 5162.66, 5162.70, 5163.01, 106055
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5165.19, 5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37, 106059
5165.41, 5165.42, 5165.52, 5166.01, 5166.16, 5166.22, 5166.30, 106060
5166.40, 5166.405, 5166.408, 5167.01, 5167.03, 5167.04, 5167.30, 106061
5168.01, 5168.02, 5168.06, 5168.07, 5168.09, 5168.10, 5168.11, 106062
5168.14, 5168.26, 5168.99, 5502.01, 5502.13, 5502.68, 5503.02, 106063
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5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 5703.26, 106065
5703.371, 5703.50, 5703.57, 5703.70, 5703.75, 5705.03, 5705.16, 106066
5709.12, 5709.17, 5709.212, 5709.45, 5709.62, 5709.63, 5709.632, 106067
5709.64, 5709.68, 5709.92, 5713.051, 5713.31, 5713.33, 5713.34, 106068
5715.01, 5715.20, 5715.27, 5715.39, 5717.04, 5725.33, 5725.98, 106069
5726.98, 5727.26, 5727.28, 5727.31, 5727.311, 5727.38, 5727.42, 106070
5727.47, 5727.48, 5727.53, 5727.60, 5727.80, 5727.81, 5729.98, 106071
5731.46, 5731.49, 5733.40, 5735.02, 5736.06, 5739.01, 5739.02, 106072
5739.021, 5739.023, 5739.025, 5739.026, 5739.029, 5739.033, 106073
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5741.12, 5743.01, 5743.03, 5743.081, 5743.15, 5743.51, 5743.61, 106075
5743.62, 5743.63, 5747.02, 5747.06, 5747.08, 5747.113, 5747.122, 106076
5747.50, 5747.502, 5747.51, 5747.53, 5747.70, 5747.98, 5749.01, 106077
5749.02, 5749.03, 5749.04, 5749.06, 5749.17, 5751.02, 5903.11, 106078
5919.34, 5923.05, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 106079
6111.30, 6117.38, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 106080
6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, 106081
and 6301.18 of the Revised Code are hereby repealed. 106082

Section 105.01. That sections 123.27, 152.01, 152.02, 152.04, 106083
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 106084
152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 106085
152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 106086
152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 330.04, 330.05, 106087
330.07, 340.091, 759.24, 763.02, 763.05, 901.90, 921.60, 921.61, 106088
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1501.022, 1506.24, 1513.181, 3301.28, 3317.018, 3317.019, 106090
3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 3319.223, 106091
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3719.03, 3719.031, 3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 106093
3727.37, 3727.38, 3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 106094
3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 4709.04, 106095
4709.06, 4709.26, 4709.27, 4729.14, 4731.08, 4731.09, 4731.11, 106096
4731.12, 4731.13, 4731.141, 4731.29, 4731.53, 4731.54, 4731.55, 106097
4731.57, 4731.571, 4736.04, 4736.16, 4921.15, 4921.16, 5115.01, 106098
5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 106099
5115.22, 5115.23, 5162.54, 5164.88, 5164.881, 5166.13, 5739.18, 106100
5747.056, 6111.033, and 6111.40 of the Revised Code are hereby 106101
repealed. 106102

Section 105.20. The version of section 118.023 of the Revised 106103
Code that is scheduled to take effect September 29, 2017, is 106104
hereby repealed. It is not the intent of this repeal to affect the 106105
continued operation of the version of section 118.023 of the 106106
Revised Code that is currently in effect. 106107

Section 120.10. That sections 4713.10 and 4713.56 of the 106108
Revised Code be amended to read as follows: 106109

Sec. 4713.10. (A) The state ~~board of~~ cosmetology and barber 106110
board shall charge and collect the following fees: 106111

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven dollars and fifty cents;	106112 106113
(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one dollars and fifty cents;	106114 106115 106116
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;	106117 106118 106119 106120
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one dollars and fifty cents;	106121 106122 106123 106124
(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five dollars;	106125 106126
(6) For the issuance of a license under section 4713.34 of the Revised Code, seventy dollars;	106127 106128
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five dollars;	106129 106130 106131
(8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	106132 106133
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five dollars;	106134 106135 106136
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty dollars;	106137 106138
(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a	106139 106140 106141

lapsed renewal fee of forty-five dollars per license renewal 106142
period that has elapsed since the license was last issued or 106143
renewed; 106144

(12) For the issuance of a duplicate of any license, twenty 106145
dollars; 106146

(13) For the preparation and mailing of a licensee's records 106147
to another state for a reciprocity license, fifty dollars; 106148

(14) For the processing of any fees related to a check from a 106149
licensee returned to the board for insufficient funds, an 106150
additional thirty dollars. 106151

(B) The board may establish an installment plan for the 106152
payment of fines and fees and may reduce fees as considered 106153
appropriate by the board. 106154

(C) At the request of a person who is temporarily unable to 106155
pay a fee imposed under division (A) of this section, or on its 106156
own motion, the board may extend the date payment is due by up to 106157
ninety days. If the fee remains unpaid after the date payment is 106158
due, the amount of the fee shall be certified to the attorney 106159
general for collection in the form and manner prescribed by the 106160
attorney general. The attorney general may assess the collection 106161
cost to the amount certified in such a manner and amount as 106162
prescribed by the attorney general. 106163

Sec. 4713.56. Every holder of a practicing license, 106164
instructor license, independent contractor license, or boutique 106165
service registration issued by the state ~~board of~~ cosmetology and 106166
barber board shall maintain the board-issued, wallet-sized license 106167
or electronically generated license certification or registration 106168
and a current government-issued photo identification that can be 106169
produced upon inspection or request. 106170

Every holder of a license to operate a salon issued by the 106171

board shall display the license in a public and conspicuous place 106172
in the salon. 106173

Every holder of a license to operate a school of cosmetology 106174
issued by the board shall display the license in a public and 106175
conspicuous place in the school. 106176

Every individual who provides cosmetic therapy, massage 106177
therapy, or other professional service in a salon under section 106178
4713.42 of the Revised Code shall maintain the individual's 106179
professional license or certificate and a state of Ohio issued 106180
photo identification that can be produced upon inspection or 106181
request. 106182

Section 120.11. That existing sections 4713.10 and 4713.56 of 106183
the Revised Code are hereby repealed. 106184

Section 120.12. Sections 120.10 and 120.11 take effect on 106185
January 21, 2018. 106186

Section 120.20. That sections 329.04 and 2329.66 of the 106187
Revised Code be amended to read as follows: 106188

Sec. 329.04. (A) The county department of job and family 106189
services shall have, exercise, and perform the following powers 106190
and duties: 106191

(1) Perform any duties assigned by the state department of 106192
job and family services or department of medicaid regarding the 106193
provision of public family services, including the provision of 106194
the following services to prevent or reduce economic or personal 106195
dependency and to strengthen family life: 106196

(a) Services authorized by a Title IV-A program, as defined 106197
in section 5101.80 of the Revised Code; 106198

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 106199
106200
106201

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 106202
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(d) Duties assigned under section 5162.031 of the Revised Code. 106210
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~~(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;~~ 106212
106213
106214

~~(3)~~ Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 106215
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106217

~~(4)~~(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 106218
106219
106220

~~(5)~~(4) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year; 106221
106222
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106224

~~(6)~~(5) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of 106225
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the governor, when authorized by law, to meet emergencies during 106229
war or peace; 106230

~~(7)~~(6) Enter into a plan of cooperation with the board of 106231
county commissioners under section 307.983, consult with the board 106232
in the development of the transportation work plan developed under 106233
section 307.985, establish with the board procedures under section 106234
307.986 for providing services to children whose families relocate 106235
frequently, and comply with the contracts the board enters into 106236
under sections 307.981 and 307.982 of the Revised Code that affect 106237
the county department; 106238

~~(8)~~(7) For the purpose of complying with a grant agreement 106239
the board of county commissioners enters into under sections 106240
307.98 and 5101.21 of the Revised Code, exercise the powers and 106241
perform the duties the grant agreement assigns to the county 106242
department; 106243

~~(9)~~(8) If the county department is designated as the 106244
workforce development agency, provide the workforce development 106245
activities specified in the contract required by section 330.05 of 106246
the Revised Code. 106247

(B) The powers and duties of a county department of job and 106248
family services are, and shall be exercised and performed, under 106249
the control and direction of the board of county commissioners. 106250
The board may assign to the county department any power or duty of 106251
the board regarding family services duties and workforce 106252
development activities. If the new power or duty necessitates the 106253
state department of job and family services or department of 106254
medicaid changing its federal cost allocation plan, the county 106255
department may not implement the power or duty unless the United 106256
States department of health and human services approves the 106257
changes. 106258

Sec. 2329.66. (A) Every person who is domiciled in this state 106259
may hold property exempt from execution, garnishment, attachment, 106260
or sale to satisfy a judgment or order, as follows: 106261

(1)(a) In the case of a judgment or order regarding money 106262
owed for health care services rendered or health care supplies 106263
provided to the person or a dependent of the person, one parcel or 106264
item of real or personal property that the person or a dependent 106265
of the person uses as a residence. Division (A)(1)(a) of this 106266
section does not preclude, affect, or invalidate the creation 106267
under this chapter of a judgment lien upon the exempted property 106268
but only delays the enforcement of the lien until the property is 106269
sold or otherwise transferred by the owner or in accordance with 106270
other applicable laws to a person or entity other than the 106271
surviving spouse or surviving minor children of the judgment 106272
debtor. Every person who is domiciled in this state may hold 106273
exempt from a judgment lien created pursuant to division (A)(1)(a) 106274
of this section the person's interest, not to exceed one hundred 106275
twenty-five thousand dollars, in the exempted property. 106276

(b) In the case of all other judgments and orders, the 106277
person's interest, not to exceed one hundred twenty-five thousand 106278
dollars, in one parcel or item of real or personal property that 106279
the person or a dependent of the person uses as a residence. 106280

(c) For purposes of divisions (A)(1)(a) and (b) of this 106281
section, "parcel" means a tract of real property as identified on 106282
the records of the auditor of the county in which the real 106283
property is located. 106284

(2) The person's interest, not to exceed three thousand two 106285
hundred twenty-five dollars, in one motor vehicle; 106286

(3) The person's interest, not to exceed four hundred 106287
dollars, in cash on hand, money due and payable, money to become 106288
due within ninety days, tax refunds, and money on deposit with a 106289

bank, savings and loan association, credit union, public utility, 106290
landlord, or other person, other than personal earnings. 106291

(4)(a) The person's interest, not to exceed five hundred 106292
twenty-five dollars in any particular item or ten thousand seven 106293
hundred seventy-five dollars in aggregate value, in household 106294
furnishings, household goods, wearing apparel, appliances, books, 106295
animals, crops, musical instruments, firearms, and hunting and 106296
fishing equipment that are held primarily for the personal, 106297
family, or household use of the person; 106298

(b) The person's aggregate interest in one or more items of 106299
jewelry, not to exceed one thousand three hundred fifty dollars, 106300
held primarily for the personal, family, or household use of the 106301
person or any of the person's dependents. 106302

(5) The person's interest, not to exceed an aggregate of two 106303
thousand twenty-five dollars, in all implements, professional 106304
books, or tools of the person's profession, trade, or business, 106305
including agriculture; 106306

(6)(a) The person's interest in a beneficiary fund set apart, 106307
appropriated, or paid by a benevolent association or society, as 106308
exempted by section 2329.63 of the Revised Code; 106309

(b) The person's interest in contracts of life or endowment 106310
insurance or annuities, as exempted by section 3911.10 of the 106311
Revised Code; 106312

(c) The person's interest in a policy of group insurance or 106313
the proceeds of a policy of group insurance, as exempted by 106314
section 3917.05 of the Revised Code; 106315

(d) The person's interest in money, benefits, charity, 106316
relief, or aid to be paid, provided, or rendered by a fraternal 106317
benefit society, as exempted by section 3921.18 of the Revised 106318
Code; 106319

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	106320 106321 106322 106323
(7) The person's professionally prescribed or medically necessary health aids;	106324 106325
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	106326 106327 106328
(9) The person's interest in the following:	106329
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	106330 106331
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	106332 106333
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	106334 106335
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	106336 106337
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	106338 106339 106340
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	106341 106342
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	106343 106344
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section	106345 106346 106347 106348 106349

2907.15 of the Revised Code, in cases in which an order for 106350
forfeiture was issued under division (A) or (B) of section 106351
2929.192 of the Revised Code, and in cases in which an order was 106352
issued under section 2929.193 or 2929.194 of the Revised Code, and 106353
only to the extent provided in the order, and except as provided 106354
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 106355
and 3123.06 of the Revised Code, the person's rights to or 106356
interests in a pension, benefit, annuity, retirement allowance, or 106357
accumulated contributions, the person's rights to or interests in 106358
a participant account in any deferred compensation program offered 106359
by the Ohio public employees deferred compensation board, a 106360
government unit, or a municipal corporation, or the person's other 106361
accrued or accruing rights or interests, as exempted by section 106362
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 106363
5505.22 of the Revised Code, and the person's rights to or 106364
interests in benefits from the Ohio public safety officers death 106365
benefit fund; 106366

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 106367
3121.03, and 3123.06 of the Revised Code, the person's rights to 106368
receive or interests in receiving a payment or other benefits 106369
under any pension, annuity, or similar plan or contract, not 106370
including a payment or benefit from a stock bonus or 106371
profit-sharing plan or a payment included in division (A)(6)(b) or 106372
(10)(a) of this section, on account of illness, disability, death, 106373
age, or length of service, to the extent reasonably necessary for 106374
the support of the person and any of the person's dependents, 106375
except if all the following apply: 106376

(i) The plan or contract was established by or under the 106377
auspices of an insider that employed the person at the time the 106378
person's rights or interests under the plan or contract arose. 106379

(ii) The payment is on account of age or length of service. 106380

(iii) The plan or contract is not qualified under the 106381

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 106382
amended. 106383

(c) Except for any portion of the assets that were deposited 106384
for the purpose of evading the payment of any debt and except as 106385
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 106386
3123.06 of the Revised Code, the person's rights or interests in 106387
the assets held in, or to directly or indirectly receive any 106388
payment or benefit under, any individual retirement account, 106389
individual retirement annuity, "Roth IRA," account opened pursuant 106390
to a program administered by a state under section 529 or 529A of 106391
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 106392
as amended, or education individual retirement account that 106393
provides payments or benefits by reason of illness, disability, 106394
death, retirement, or age or provides payments or benefits for 106395
purposes of education or qualified disability expenses, to the 106396
extent that the assets, payments, or benefits described in 106397
division (A)(10)(c) of this section are attributable to or derived 106398
from any of the following or from any earnings, dividends, 106399
interest, appreciation, or gains on any of the following: 106400

(i) Contributions of the person that were less than or equal 106401
to the applicable limits on deductible contributions to an 106402
individual retirement account or individual retirement annuity in 106403
the year that the contributions were made, whether or not the 106404
person was eligible to deduct the contributions on the person's 106405
federal tax return for the year in which the contributions were 106406
made; 106407

(ii) Contributions of the person that were less than or equal 106408
to the applicable limits on contributions to a Roth IRA or 106409
education individual retirement account in the year that the 106410
contributions were made; 106411

(iii) Contributions of the person that are within the 106412
applicable limits on rollover contributions under subsections 219, 106413

402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 106414
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 106415
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 106416

(iv) Contributions by any person into any plan, fund, or 106417
account that is formed, created, or administered pursuant to, or 106418
is otherwise subject to, section 529 or 529A of the "Internal 106419
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 106420

(d) Except for any portion of the assets that were deposited 106421
for the purpose of evading the payment of any debt and except as 106422
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 106423
3123.06 of the Revised Code, the person's rights or interests in 106424
the assets held in, or to receive any payment under, any Keogh or 106425
"H.R. 10" plan that provides benefits by reason of illness, 106426
disability, death, retirement, or age, to the extent reasonably 106427
necessary for the support of the person and any of the person's 106428
dependents. 106429

(e) The person's rights to or interests in any assets held 106430
in, or to directly or indirectly receive any payment or benefit 106431
under, any individual retirement account, individual retirement 106432
annuity, "Roth IRA," account opened pursuant to a program 106433
administered by a state under section 529 or 529A of the "Internal 106434
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 106435
education individual retirement account that a decedent, upon or 106436
by reason of the decedent's death, directly or indirectly left to 106437
or for the benefit of the person, either outright or in trust or 106438
otherwise, including, but not limited to, any of those rights or 106439
interests in assets or to receive payments or benefits that were 106440
transferred, conveyed, or otherwise transmitted by the decedent by 106441
means of a will, trust, exercise of a power of appointment, 106442
beneficiary designation, transfer or payment on death designation, 106443
or any other method or procedure. 106444

(f) The exemptions under divisions (A)(10)(a) to (e) of this 106445

section also shall apply or otherwise be available to an alternate payee under a qualified domestic relations order (QDRO) or other similar court order.

(g) A person's interest in any plan, program, instrument, or device described in divisions (A)(10)(a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the

person is a dependent; 106477

(d) A payment in compensation for loss of future earnings of 106478
the person or an individual of whom the person is or was a 106479
dependent, to the extent reasonably necessary for the support of 106480
the debtor and any of the debtor's dependents. 106481

(13) Except as provided in sections 3119.80, 3119.81, 106482
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 106483
earnings of the person owed to the person for services in an 106484
amount equal to the greater of the following amounts: 106485

(a) If paid weekly, thirty times the current federal minimum 106486
hourly wage; if paid biweekly, sixty times the current federal 106487
minimum hourly wage; if paid semimonthly, sixty-five times the 106488
current federal minimum hourly wage; or if paid monthly, one 106489
hundred thirty times the current federal minimum hourly wage that 106490
is in effect at the time the earnings are payable, as prescribed 106491
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 106492
U.S.C. 206(a)(1), as amended; 106493

(b) Seventy-five per cent of the disposable earnings owed to 106494
the person. 106495

(14) The person's right in specific partnership property, as 106496
exempted by the person's rights in a partnership pursuant to 106497
section 1776.50 of the Revised Code, except as otherwise set forth 106498
in section 1776.50 of the Revised Code; 106499

(15) A seal and official register of a notary public, as 106500
exempted by section 147.04 of the Revised Code; 106501

(16) The person's interest in a tuition unit or a payment 106502
under section 3334.09 of the Revised Code pursuant to a tuition 106503
payment contract, as exempted by section 3334.15 of the Revised 106504
Code; 106505

(17) Any other property that is specifically exempted from 106506

execution, attachment, garnishment, or sale by federal statutes 106507
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 106508
U.S.C.A. 101, as amended; 106509

(18) The person's aggregate interest in any property, not to 106510
exceed one thousand seventy-five dollars, except that division 106511
(A)(18) of this section applies only in bankruptcy proceedings. 106512

(B) On April 1, 2010, and on the first day of April in each 106513
third calendar year after 2010, the Ohio judicial conference shall 106514
adjust each dollar amount set forth in this section to reflect any 106515
increase in the consumer price index for all urban consumers, as 106516
published by the United States department of labor, or, if that 106517
index is no longer published, a generally available comparable 106518
index, for the three-year period ending on the thirty-first day of 106519
December of the preceding year. Any adjustments required by this 106520
division shall be rounded to the nearest twenty-five dollars. 106521

The Ohio judicial conference shall prepare a memorandum 106522
specifying the adjusted dollar amounts. The judicial conference 106523
shall transmit the memorandum to the director of the legislative 106524
service commission, and the director shall publish the memorandum 106525
in the register of Ohio. (Publication of the memorandum in the 106526
register of Ohio shall continue until the next memorandum 106527
specifying an adjustment is so published.) The judicial conference 106528
also may publish the memorandum in any other manner it concludes 106529
will be reasonably likely to inform persons who are affected by 106530
its adjustment of the dollar amounts. 106531

(C) As used in this section: 106532

(1) "Disposable earnings" means net earnings after the 106533
garnishee has made deductions required by law, excluding the 106534
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 106535
3121.03, or 3123.06 of the Revised Code. 106536

(2) "Insider" means: 106537

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or

operating agreement by the person who claims an exemption, or a 106569
person substantially all of whose business is operated under an 106570
operating agreement with the person who claims an exemption. 106571

(iv) The entity operates the business or all or substantially 106572
all of the property of the person who claims an exemption under a 106573
lease or operating agreement. 106574

(e) An insider, as otherwise defined in this section, of a 106575
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 106576
(iv) of this section applies, as if the person or entity were a 106577
person who claims an exemption; 106578

(f) A managing agent of the person who claims an exemption. 106579

(3) "Participant account" has the same meaning as in section 106580
148.01 of the Revised Code. 106581

(4) "Government unit" has the same meaning as in section 106582
148.06 of the Revised Code. 106583

(D) For purposes of this section, "interest" shall be 106584
determined as follows: 106585

(1) In bankruptcy proceedings, as of the date a petition is 106586
filed with the bankruptcy court commencing a case under Title 11 106587
of the United States Code; 106588

(2) In all cases other than bankruptcy proceedings, as of the 106589
date of an appraisal, if necessary under section 2329.68 of the 106590
Revised Code, or the issuance of a writ of execution. 106591

An interest, as determined under division (D)(1) or (2) of 106592
this section, shall not include the amount of any lien otherwise 106593
valid pursuant to section 2329.661 of the Revised Code. 106594

Section 120.21. That existing sections 329.04 and 2329.66 of 106595
the Revised Code are hereby repealed. 106596

Section 120.22. Sections 120.20 and 120.21 take effect on 106597
December 31, 2017. 106598

Section 120.30. That the version of section 5735.07 of the 106599
Revised Code that is scheduled to take effect January 1, 2018, be 106600
amended to read as follows: 106601

Sec. 5735.07. The tax commissioner shall publish on the 106602
department's web site a list of all motor fuel dealers, aviation 106603
fuel dealers, and retail dealers that have valid licenses or 106604
registrations issued under this chapter. The list shall contain 106605
the name, address, and federal identification number or other 106606
motor fuel tax account number of each such person and, for motor 106607
fuel dealers, the number of gallons of motor fuel upon which those 106608
dealers were required to pay the tax as reported on the report or 106609
as determined by investigation of the commissioner. 106610

Section 120.31. That the existing version of section 5735.07 106611
of the Revised Code that is scheduled to take effect January 1, 106612
2018, is hereby repealed. 106613

Section 120.32. Sections 120.30 and 120.31 take effect on 106614
January 1, 2018. 106615

Section 125.05. That sections 103.44, 103.45, 103.46, 103.47, 106616
103.48, 103.49, and 103.50 of the Revised Code are hereby repealed 106617
on October 1, 2017. 106618

Section 125.10. That section 5166.35 of the Revised Code is 106619
hereby repealed on January 1, 2019. 106620

Section 130.11. That sections 109.572, 2305.113, 3313.608, 106621
3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 106622

4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 106623
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 106624
4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 106625
4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 106626
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 106627
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 106628
4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 106629
4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 106630
4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 106631
4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 106632
4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 106633
4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 106634
4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 106635
4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 4759.05, 106636
4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 106637
4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 106638
4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 106639
4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 4779.091, 106640
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 106641
4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 106642
4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 106643
4779.34, 5120.55, and 5123.46 be amended and sections 4725.031, 106644
4725.032, 4725.63, 4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 106645
4744.02, 4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 106646
4744.20, 4744.24, 4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 106647
4744.50, 4744.54, 4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 106648
4759.011, 4759.051, 4761.011, 4761.032, and 4779.35 of the Revised 106649
Code be enacted to read as follows: 106650

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 106651
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 106652
a completed form prescribed pursuant to division (C)(1) of this 106653

section, and a set of fingerprint impressions obtained in the 106654
manner described in division (C)(2) of this section, the 106655
superintendent of the bureau of criminal identification and 106656
investigation shall conduct a criminal records check in the manner 106657
described in division (B) of this section to determine whether any 106658
information exists that indicates that the person who is the 106659
subject of the request previously has been convicted of or pleaded 106660
guilty to any of the following: 106661

(a) A violation of section 2903.01, 2903.02, 2903.03, 106662
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106663
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106664
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106665
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 106666
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 106667
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 106668
2925.06, or 3716.11 of the Revised Code, felonious sexual 106669
penetration in violation of former section 2907.12 of the Revised 106670
Code, a violation of section 2905.04 of the Revised Code as it 106671
existed prior to July 1, 1996, a violation of section 2919.23 of 106672
the Revised Code that would have been a violation of section 106673
2905.04 of the Revised Code as it existed prior to July 1, 1996, 106674
had the violation been committed prior to that date, or a 106675
violation of section 2925.11 of the Revised Code that is not a 106676
minor drug possession offense; 106677

(b) A violation of an existing or former law of this state, 106678
any other state, or the United States that is substantially 106679
equivalent to any of the offenses listed in division (A)(1)(a) of 106680
this section; 106681

(c) If the request is made pursuant to section 3319.39 of the 106682
Revised Code for an applicant who is a teacher, any offense 106683
specified in section 3319.31 of the Revised Code. 106684

(2) On receipt of a request pursuant to section 3712.09 or 106685

3721.121 of the Revised Code, a completed form prescribed pursuant 106686
to division (C)(1) of this section, and a set of fingerprint 106687
impressions obtained in the manner described in division (C)(2) of 106688
this section, the superintendent of the bureau of criminal 106689
identification and investigation shall conduct a criminal records 106690
check with respect to any person who has applied for employment in 106691
a position for which a criminal records check is required by those 106692
sections. The superintendent shall conduct the criminal records 106693
check in the manner described in division (B) of this section to 106694
determine whether any information exists that indicates that the 106695
person who is the subject of the request previously has been 106696
convicted of or pleaded guilty to any of the following: 106697

(a) A violation of section 2903.01, 2903.02, 2903.03, 106698
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106699
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106700
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 106701
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 106702
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 106703
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 106704
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 106705
2925.22, 2925.23, or 3716.11 of the Revised Code; 106706

(b) An existing or former law of this state, any other state, 106707
or the United States that is substantially equivalent to any of 106708
the offenses listed in division (A)(2)(a) of this section. 106709

(3) On receipt of a request pursuant to section 173.27, 106710
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 106711
or 5123.169 of the Revised Code, a completed form prescribed 106712
pursuant to division (C)(1) of this section, and a set of 106713
fingerprint impressions obtained in the manner described in 106714
division (C)(2) of this section, the superintendent of the bureau 106715
of criminal identification and investigation shall conduct a 106716
criminal records check of the person for whom the request is made. 106717

The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

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

(b) Felonious sexual penetration in violation of former

section 2907.12 of the Revised Code; 106750

(c) A violation of section 2905.04 of the Revised Code as it 106751
existed prior to July 1, 1996; 106752

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 106753
the Revised Code when the underlying offense that is the object of 106754
the conspiracy, attempt, or complicity is one of the offenses 106755
listed in divisions (A)(3)(a) to (c) of this section; 106756

(e) A violation of an existing or former municipal ordinance 106757
or law of this state, any other state, or the United States that 106758
is substantially equivalent to any of the offenses listed in 106759
divisions (A)(3)(a) to (d) of this section. 106760

(4) On receipt of a request pursuant to section 2151.86 of 106761
the Revised Code, a completed form prescribed pursuant to division 106762
(C)(1) of this section, and a set of fingerprint impressions 106763
obtained in the manner described in division (C)(2) of this 106764
section, the superintendent of the bureau of criminal 106765
identification and investigation shall conduct a criminal records 106766
check in the manner described in division (B) of this section to 106767
determine whether any information exists that indicates that the 106768
person who is the subject of the request previously has been 106769
convicted of or pleaded guilty to any of the following: 106770

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 106771
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 106772
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 106773
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 106774
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 106775
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 106776
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 106777
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 106778
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 106779
of the Revised Code, a violation of section 2905.04 of the Revised 106780

Code as it existed prior to July 1, 1996, a violation of section 106781
2919.23 of the Revised Code that would have been a violation of 106782
section 2905.04 of the Revised Code as it existed prior to July 1, 106783
1996, had the violation been committed prior to that date, a 106784
violation of section 2925.11 of the Revised Code that is not a 106785
minor drug possession offense, two or more OVI or OVUAC violations 106786
committed within the three years immediately preceding the 106787
submission of the application or petition that is the basis of the 106788
request, or felonious sexual penetration in violation of former 106789
section 2907.12 of the Revised Code; 106790

(b) A violation of an existing or former law of this state, 106791
any other state, or the United States that is substantially 106792
equivalent to any of the offenses listed in division (A)(4)(a) of 106793
this section. 106794

(5) Upon receipt of a request pursuant to section 5104.013 of 106795
the Revised Code, a completed form prescribed pursuant to division 106796
(C)(1) of this section, and a set of fingerprint impressions 106797
obtained in the manner described in division (C)(2) of this 106798
section, the superintendent of the bureau of criminal 106799
identification and investigation shall conduct a criminal records 106800
check in the manner described in division (B) of this section to 106801
determine whether any information exists that indicates that the 106802
person who is the subject of the request has been convicted of or 106803
pleaded guilty to any of the following: 106804

(a) A violation of section 2151.421, 2903.01, 2903.02, 106805
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 106806
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 106807
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106808
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 106809
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 106810
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 106811
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 106812

2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 106813
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106814
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 106815
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 106816
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 106817
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 106818
Revised Code, felonious sexual penetration in violation of former 106819
section 2907.12 of the Revised Code, a violation of section 106820
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 106821
violation of section 2919.23 of the Revised Code that would have 106822
been a violation of section 2905.04 of the Revised Code as it 106823
existed prior to July 1, 1996, had the violation been committed 106824
prior to that date, a violation of section 2925.11 of the Revised 106825
Code that is not a minor drug possession offense, a violation of 106826
section 2923.02 or 2923.03 of the Revised Code that relates to a 106827
crime specified in this division, or a second violation of section 106828
4511.19 of the Revised Code within five years of the date of 106829
application for licensure or certification. 106830

(b) A violation of an existing or former law of this state, 106831
any other state, or the United States that is substantially 106832
equivalent to any of the offenses or violations described in 106833
division (A)(5)(a) of this section. 106834

(6) Upon receipt of a request pursuant to section 5153.111 of 106835
the Revised Code, a completed form prescribed pursuant to division 106836
(C)(1) of this section, and a set of fingerprint impressions 106837
obtained in the manner described in division (C)(2) of this 106838
section, the superintendent of the bureau of criminal 106839
identification and investigation shall conduct a criminal records 106840
check in the manner described in division (B) of this section to 106841
determine whether any information exists that indicates that the 106842
person who is the subject of the request previously has been 106843
convicted of or pleaded guilty to any of the following: 106844

(a) A violation of section 2903.01, 2903.02, 2903.03, 106845
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106846
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106847
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106848
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 106849
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 106850
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 106851
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 106852
felonious sexual penetration in violation of former section 106853
2907.12 of the Revised Code, a violation of section 2905.04 of the 106854
Revised Code as it existed prior to July 1, 1996, a violation of 106855
section 2919.23 of the Revised Code that would have been a 106856
violation of section 2905.04 of the Revised Code as it existed 106857
prior to July 1, 1996, had the violation been committed prior to 106858
that date, or a violation of section 2925.11 of the Revised Code 106859
that is not a minor drug possession offense; 106860

(b) A violation of an existing or former law of this state, 106861
any other state, or the United States that is substantially 106862
equivalent to any of the offenses listed in division (A)(6)(a) of 106863
this section. 106864

(7) On receipt of a request for a criminal records check from 106865
an individual pursuant to section 4749.03 or 4749.06 of the 106866
Revised Code, accompanied by a completed copy of the form 106867
prescribed in division (C)(1) of this section and a set of 106868
fingerprint impressions obtained in a manner described in division 106869
(C)(2) of this section, the superintendent of the bureau of 106870
criminal identification and investigation shall conduct a criminal 106871
records check in the manner described in division (B) of this 106872
section to determine whether any information exists indicating 106873
that the person who is the subject of the request has been 106874
convicted of or pleaded guilty to a felony in this state or in any 106875
other state. If the individual indicates that a firearm will be 106876

carried in the course of business, the superintendent shall 106877
require information from the federal bureau of investigation as 106878
described in division (B)(2) of this section. Subject to division 106879
(F) of this section, the superintendent shall report the findings 106880
of the criminal records check and any information the federal 106881
bureau of investigation provides to the director of public safety. 106882

(8) On receipt of a request pursuant to section 1321.37, 106883
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 106884
Code, a completed form prescribed pursuant to division (C)(1) of 106885
this section, and a set of fingerprint impressions obtained in the 106886
manner described in division (C)(2) of this section, the 106887
superintendent of the bureau of criminal identification and 106888
investigation shall conduct a criminal records check with respect 106889
to any person who has applied for a license, permit, or 106890
certification from the department of commerce or a division in the 106891
department. The superintendent shall conduct the criminal records 106892
check in the manner described in division (B) of this section to 106893
determine whether any information exists that indicates that the 106894
person who is the subject of the request previously has been 106895
convicted of or pleaded guilty to any of the following: a 106896
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 106897
2925.03 of the Revised Code; any other criminal offense involving 106898
theft, receiving stolen property, embezzlement, forgery, fraud, 106899
passing bad checks, money laundering, or drug trafficking, or any 106900
criminal offense involving money or securities, as set forth in 106901
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 106902
the Revised Code; or any existing or former law of this state, any 106903
other state, or the United States that is substantially equivalent 106904
to those offenses. 106905

(9) On receipt of a request for a criminal records check from 106906
the treasurer of state under section 113.041 of the Revised Code 106907
or from an individual under section 4701.08, 4715.101, 4717.061, 106908

4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 106909
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 106910
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 106911
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 106912
4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the 106913
Revised Code, accompanied by a completed form prescribed under 106914
division (C)(1) of this section and a set of fingerprint 106915
impressions obtained in the manner described in division (C)(2) of 106916
this section, the superintendent of the bureau of criminal 106917
identification and investigation shall conduct a criminal records 106918
check in the manner described in division (B) of this section to 106919
determine whether any information exists that indicates that the 106920
person who is the subject of the request has been convicted of or 106921
pleaded guilty to any criminal offense in this state or any other 106922
state. Subject to division (F) of this section, the superintendent 106923
shall send the results of a check requested under section 113.041 106924
of the Revised Code to the treasurer of state and shall send the 106925
results of a check requested under any of the other listed 106926
sections to the licensing board specified by the individual in the 106927
request. 106928

(10) On receipt of a request pursuant to section 1121.23, 106929
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 106930
Code, a completed form prescribed pursuant to division (C)(1) of 106931
this section, and a set of fingerprint impressions obtained in the 106932
manner described in division (C)(2) of this section, the 106933
superintendent of the bureau of criminal identification and 106934
investigation shall conduct a criminal records check in the manner 106935
described in division (B) of this section to determine whether any 106936
information exists that indicates that the person who is the 106937
subject of the request previously has been convicted of or pleaded 106938
guilty to any criminal offense under any existing or former law of 106939
this state, any other state, or the United States. 106940

(11) On receipt of a request for a criminal records check 106941
from an appointing or licensing authority under section 3772.07 of 106942
the Revised Code, a completed form prescribed under division 106943
(C)(1) of this section, and a set of fingerprint impressions 106944
obtained in the manner prescribed in division (C)(2) of this 106945
section, the superintendent of the bureau of criminal 106946
identification and investigation shall conduct a criminal records 106947
check in the manner described in division (B) of this section to 106948
determine whether any information exists that indicates that the 106949
person who is the subject of the request previously has been 106950
convicted of or pleaded guilty or no contest to any offense under 106951
any existing or former law of this state, any other state, or the 106952
United States that is a disqualifying offense as defined in 106953
section 3772.07 of the Revised Code or substantially equivalent to 106954
such an offense. 106955

(12) On receipt of a request pursuant to section 2151.33 or 106956
2151.412 of the Revised Code, a completed form prescribed pursuant 106957
to division (C)(1) of this section, and a set of fingerprint 106958
impressions obtained in the manner described in division (C)(2) of 106959
this section, the superintendent of the bureau of criminal 106960
identification and investigation shall conduct a criminal records 106961
check with respect to any person for whom a criminal records check 106962
is required under that section. The superintendent shall conduct 106963
the criminal records check in the manner described in division (B) 106964
of this section to determine whether any information exists that 106965
indicates that the person who is the subject of the request 106966
previously has been convicted of or pleaded guilty to any of the 106967
following: 106968

(a) A violation of section 2903.01, 2903.02, 2903.03, 106969
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106970
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106971
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 106972

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 106973
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 106974
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 106975
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 106976
2925.22, 2925.23, or 3716.11 of the Revised Code; 106977

(b) An existing or former law of this state, any other state, 106978
or the United States that is substantially equivalent to any of 106979
the offenses listed in division (A)(12)(a) of this section. 106980

(13) On receipt of a request pursuant to section 3796.12 of 106981
the Revised Code, a completed form prescribed pursuant to division 106982
(C)(1) of this section, and a set of fingerprint impressions 106983
obtained in a manner described in division (C)(2) of this section, 106984
the superintendent of the bureau of criminal identification and 106985
investigation shall conduct a criminal records check in the manner 106986
described in division (B) of this section to determine whether any 106987
information exists that indicates that the person who is the 106988
subject of the request previously has been convicted of or pleaded 106989
guilty to the following: 106990

(a) A disqualifying offense as specified in rules adopted 106991
under division (B)(2)(b) of section 3796.03 of the Revised Code if 106992
the person who is the subject of the request is an administrator 106993
or other person responsible for the daily operation of, or an 106994
owner or prospective owner, officer or prospective officer, or 106995
board member or prospective board member of, an entity seeking a 106996
license from the department of commerce under Chapter 3796. of the 106997
Revised Code; 106998

(b) A disqualifying offense as specified in rules adopted 106999
under division (B)(2)(b) of section 3796.04 of the Revised Code if 107000
the person who is the subject of the request is an administrator 107001
or other person responsible for the daily operation of, or an 107002
owner or prospective owner, officer or prospective officer, or 107003
board member or prospective board member of, an entity seeking a 107004

license from the state board of pharmacy under Chapter 3796. of 107005
the Revised Code. 107006

(14) On receipt of a request required by section 3796.13 of 107007
the Revised Code, a completed form prescribed pursuant to division 107008
(C)(1) of this section, and a set of fingerprint impressions 107009
obtained in a manner described in division (C)(2) of this section, 107010
the superintendent of the bureau of criminal identification and 107011
investigation shall conduct a criminal records check in the manner 107012
described in division (B) of this section to determine whether any 107013
information exists that indicates that the person who is the 107014
subject of the request previously has been convicted of or pleaded 107015
guilty to the following: 107016

(a) A disqualifying offense as specified in rules adopted 107017
under division (B)(8)(a) of section 3796.03 of the Revised Code if 107018
the person who is the subject of the request is seeking employment 107019
with an entity licensed by the department of commerce under 107020
Chapter 3796. of the Revised Code; 107021

(b) A disqualifying offense as specified in rules adopted 107022
under division (B)(14)(a) of section 3796.04 of the Revised Code 107023
if the person who is the subject of the request is seeking 107024
employment with an entity licensed by the state board of pharmacy 107025
under Chapter 3796. of the Revised Code. 107026

(B) Subject to division (F) of this section, the 107027
superintendent shall conduct any criminal records check to be 107028
conducted under this section as follows: 107029

(1) The superintendent shall review or cause to be reviewed 107030
any relevant information gathered and compiled by the bureau under 107031
division (A) of section 109.57 of the Revised Code that relates to 107032
the person who is the subject of the criminal records check, 107033
including, if the criminal records check was requested under 107034
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 107035

1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 107036
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 107037
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 107038
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 107039
5123.169, or 5153.111 of the Revised Code, any relevant 107040
information contained in records that have been sealed under 107041
section 2953.32 of the Revised Code; 107042

(2) If the request received by the superintendent asks for 107043
information from the federal bureau of investigation, the 107044
superintendent shall request from the federal bureau of 107045
investigation any information it has with respect to the person 107046
who is the subject of the criminal records check, including 107047
fingerprint-based checks of national crime information databases 107048
as described in 42 U.S.C. 671 if the request is made pursuant to 107049
section 2151.86 or 5104.013 of the Revised Code or if any other 107050
Revised Code section requires fingerprint-based checks of that 107051
nature, and shall review or cause to be reviewed any information 107052
the superintendent receives from that bureau. If a request under 107053
section 3319.39 of the Revised Code asks only for information from 107054
the federal bureau of investigation, the superintendent shall not 107055
conduct the review prescribed by division (B)(1) of this section. 107056

(3) The superintendent or the superintendent's designee may 107057
request criminal history records from other states or the federal 107058
government pursuant to the national crime prevention and privacy 107059
compact set forth in section 109.571 of the Revised Code. 107060

(4) The superintendent shall include in the results of the 107061
criminal records check a list or description of the offenses 107062
listed or described in division (A)(1), (2), (3), (4), (5), (6), 107063
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 107064
whichever division requires the superintendent to conduct the 107065
criminal records check. The superintendent shall exclude from the 107066
results any information the dissemination of which is prohibited 107067

by federal law. 107068

(5) The superintendent shall send the results of the criminal 107069
records check to the person to whom it is to be sent not later 107070
than the following number of days after the date the 107071
superintendent receives the request for the criminal records 107072
check, the completed form prescribed under division (C)(1) of this 107073
section, and the set of fingerprint impressions obtained in the 107074
manner described in division (C)(2) of this section: 107075

(a) If the superintendent is required by division (A) of this 107076
section (other than division (A)(3) of this section) to conduct 107077
the criminal records check, thirty; 107078

(b) If the superintendent is required by division (A)(3) of 107079
this section to conduct the criminal records check, sixty. 107080

(C)(1) The superintendent shall prescribe a form to obtain 107081
the information necessary to conduct a criminal records check from 107082
any person for whom a criminal records check is to be conducted 107083
under this section. The form that the superintendent prescribes 107084
pursuant to this division may be in a tangible format, in an 107085
electronic format, or in both tangible and electronic formats. 107086

(2) The superintendent shall prescribe standard impression 107087
sheets to obtain the fingerprint impressions of any person for 107088
whom a criminal records check is to be conducted under this 107089
section. Any person for whom a records check is to be conducted 107090
under this section shall obtain the fingerprint impressions at a 107091
county sheriff's office, municipal police department, or any other 107092
entity with the ability to make fingerprint impressions on the 107093
standard impression sheets prescribed by the superintendent. The 107094
office, department, or entity may charge the person a reasonable 107095
fee for making the impressions. The standard impression sheets the 107096
superintendent prescribes pursuant to this division may be in a 107097
tangible format, in an electronic format, or in both tangible and 107098

electronic formats. 107099

(3) Subject to division (D) of this section, the 107100
superintendent shall prescribe and charge a reasonable fee for 107101
providing a criminal records check under this section. The person 107102
requesting the criminal records check shall pay the fee prescribed 107103
pursuant to this division. In the case of a request under section 107104
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 107105
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 107106
the manner specified in that section. 107107

(4) The superintendent of the bureau of criminal 107108
identification and investigation may prescribe methods of 107109
forwarding fingerprint impressions and information necessary to 107110
conduct a criminal records check, which methods shall include, but 107111
not be limited to, an electronic method. 107112

(D) The results of a criminal records check conducted under 107113
this section, other than a criminal records check specified in 107114
division (A)(7) of this section, are valid for the person who is 107115
the subject of the criminal records check for a period of one year 107116
from the date upon which the superintendent completes the criminal 107117
records check. If during that period the superintendent receives 107118
another request for a criminal records check to be conducted under 107119
this section for that person, the superintendent shall provide the 107120
results from the previous criminal records check of the person at 107121
a lower fee than the fee prescribed for the initial criminal 107122
records check. 107123

(E) When the superintendent receives a request for 107124
information from a registered private provider, the superintendent 107125
shall proceed as if the request was received from a school 107126
district board of education under section 3319.39 of the Revised 107127
Code. The superintendent shall apply division (A)(1)(c) of this 107128
section to any such request for an applicant who is a teacher. 107129

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:

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

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

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

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction

under section 3310.41 of the Revised Code to participate in the 107161
autism scholarship program or section 3310.58 of the Revised Code 107162
to participate in the Jon Peterson special needs scholarship 107163
program. 107164

Sec. 2305.113. (A) Except as otherwise provided in this 107165
section, an action upon a medical, dental, optometric, or 107166
chiropractic claim shall be commenced within one year after the 107167
cause of action accrued. 107168

(B)(1) If prior to the expiration of the one-year period 107169
specified in division (A) of this section, a claimant who 107170
allegedly possesses a medical, dental, optometric, or chiropractic 107171
claim gives to the person who is the subject of that claim written 107172
notice that the claimant is considering bringing an action upon 107173
that claim, that action may be commenced against the person 107174
notified at any time within one hundred eighty days after the 107175
notice is so given. 107176

(2) An insurance company shall not consider the existence or 107177
nonexistence of a written notice described in division (B)(1) of 107178
this section in setting the liability insurance premium rates that 107179
the company may charge the company's insured person who is 107180
notified by that written notice. 107181

(C) Except as to persons within the age of minority or of 107182
unsound mind as provided by section 2305.16 of the Revised Code, 107183
and except as provided in division (D) of this section, both of 107184
the following apply: 107185

(1) No action upon a medical, dental, optometric, or 107186
chiropractic claim shall be commenced more than four years after 107187
the occurrence of the act or omission constituting the alleged 107188
basis of the medical, dental, optometric, or chiropractic claim. 107189

(2) If an action upon a medical, dental, optometric, or 107190

chiropractic claim is not commenced within four years after the 107191
occurrence of the act or omission constituting the alleged basis 107192
of the medical, dental, optometric, or chiropractic claim, then, 107193
any action upon that claim is barred. 107194

(D)(1) If a person making a medical claim, dental claim, 107195
optometric claim, or chiropractic claim, in the exercise of 107196
reasonable care and diligence, could not have discovered the 107197
injury resulting from the act or omission constituting the alleged 107198
basis of the claim within three years after the occurrence of the 107199
act or omission, but, in the exercise of reasonable care and 107200
diligence, discovers the injury resulting from that act or 107201
omission before the expiration of the four-year period specified 107202
in division (C)(1) of this section, the person may commence an 107203
action upon the claim not later than one year after the person 107204
discovers the injury resulting from that act or omission. 107205

(2) If the alleged basis of a medical claim, dental claim, 107206
optometric claim, or chiropractic claim is the occurrence of an 107207
act or omission that involves a foreign object that is left in the 107208
body of the person making the claim, the person may commence an 107209
action upon the claim not later than one year after the person 107210
discovered the foreign object or not later than one year after the 107211
person, with reasonable care and diligence, should have discovered 107212
the foreign object. 107213

(3) A person who commences an action upon a medical claim, 107214
dental claim, optometric claim, or chiropractic claim under the 107215
circumstances described in division (D)(1) or (2) of this section 107216
has the affirmative burden of proving, by clear and convincing 107217
evidence, that the person, with reasonable care and diligence, 107218
could not have discovered the injury resulting from the act or 107219
omission constituting the alleged basis of the claim within the 107220
three-year period described in division (D)(1) of this section or 107221
within the one-year period described in division (D)(2) of this 107222

section, whichever is applicable. 107223

(E) As used in this section: 107224

(1) "Hospital" includes any person, corporation, association, 107225
board, or authority that is responsible for the operation of any 107226
hospital licensed or registered in the state, including, but not 107227
limited to, those that are owned or operated by the state, 107228
political subdivisions, any person, any corporation, or any 107229
combination of the state, political subdivisions, persons, and 107230
corporations. "Hospital" also includes any person, corporation, 107231
association, board, entity, or authority that is responsible for 107232
the operation of any clinic that employs a full-time staff of 107233
physicians practicing in more than one recognized medical 107234
specialty and rendering advice, diagnosis, care, and treatment to 107235
individuals. "Hospital" does not include any hospital operated by 107236
the government of the United States or any of its branches. 107237

(2) "Physician" means a person who is licensed to practice 107238
medicine and surgery or osteopathic medicine and surgery by the 107239
state medical board or a person who otherwise is authorized to 107240
practice medicine and surgery or osteopathic medicine and surgery 107241
in this state. 107242

(3) "Medical claim" means any claim that is asserted in any 107243
civil action against a physician, podiatrist, hospital, home, or 107244
residential facility, against any employee or agent of a 107245
physician, podiatrist, hospital, home, or residential facility, or 107246
against a licensed practical nurse, registered nurse, advanced 107247
practice registered nurse, physical therapist, physician 107248
assistant, emergency medical technician-basic, emergency medical 107249
technician-intermediate, or emergency medical 107250
technician-paramedic, and that arises out of the medical 107251
diagnosis, care, or treatment of any person. "Medical claim" 107252
includes the following: 107253

(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	107254 107255
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	107256 107257 107258
(i) The claim results from acts or omissions in providing medical care.	107259 107260
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	107261 107262 107263
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	107264 107265 107266
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	107267 107268 107269
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	107270 107271
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	107272 107273
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	107274 107275 107276 107277 107278 107279
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental	107280 107281 107282 107283

operation, optometric diagnosis, care, or treatment, or 107284
chiropractic diagnosis, care, or treatment, that arise from that 107285
diagnosis, care, treatment, or operation, and that seek the 107286
recovery of damages for any of the following: 107287

(a) Loss of society, consortium, companionship, care, 107288
assistance, attention, protection, advice, guidance, counsel, 107289
instruction, training, or education, or any other intangible loss 107290
that was sustained by the parent, guardian, custodian, or spouse; 107291

(b) Expenditures of the parent, guardian, custodian, or 107292
spouse for medical, dental, optometric, or chiropractic care or 107293
treatment, for rehabilitation services, or for other care, 107294
treatment, services, products, or accommodations provided to the 107295
individual who was the subject of the medical diagnosis, care, or 107296
treatment, the dental diagnosis, care, or treatment, the dental 107297
operation, the optometric diagnosis, care, or treatment, or the 107298
chiropractic diagnosis, care, or treatment. 107299

(8) "Registered nurse" means any person who is licensed to 107300
practice nursing as a registered nurse by the board of nursing. 107301

(9) "Chiropractic claim" means any claim that is asserted in 107302
any civil action against a chiropractor, or against any employee 107303
or agent of a chiropractor, and that arises out of the 107304
chiropractic diagnosis, care, or treatment of any person. 107305
"Chiropractic claim" includes derivative claims for relief that 107306
arise from the chiropractic diagnosis, care, or treatment of a 107307
person. 107308

(10) "Chiropractor" means any person who is licensed to 107309
practice chiropractic by the state chiropractic board. 107310

(11) "Optometric claim" means any claim that is asserted in 107311
any civil action against an optometrist, or against any employee 107312
or agent of an optometrist, and that arises out of the optometric 107313
diagnosis, care, or treatment of any person. "Optometric claim" 107314

includes derivative claims for relief that arise from the	107315
optometric diagnosis, care, or treatment of a person.	107316
(12) "Optometrist" means any person licensed to practice	107317
optometry by the state board of optometry <u>vision professionals</u>	107318
<u>board</u> .	107319
(13) "Physical therapist" means any person who is licensed to	107320
practice physical therapy under Chapter 4755. of the Revised Code.	107321
(14) "Home" has the same meaning as in section 3721.10 of the	107322
Revised Code.	107323
(15) "Residential facility" means a facility licensed under	107324
section 5123.19 of the Revised Code.	107325
(16) "Advanced practice registered nurse" has the same	107326
meaning as in section 4723.01 of the Revised Code.	107327
(17) "Licensed practical nurse" means any person who is	107328
licensed to practice nursing as a licensed practical nurse by the	107329
board of nursing pursuant to Chapter 4723. of the Revised Code.	107330
(18) "Physician assistant" means any person who is licensed	107331
as a physician assistant under Chapter 4730. of the Revised Code.	107332
(19) "Emergency medical technician-basic," "emergency medical	107333
technician-intermediate," and "emergency medical	107334
technician-paramedic" means any person who is certified under	107335
Chapter 4765. of the Revised Code as an emergency medical	107336
technician-basic, emergency medical technician-intermediate, or	107337
emergency medical technician-paramedic, whichever is applicable.	107338
(20) "Skilled nursing care" and "personal care services" have	107339
the same meanings as in section 3721.01 of the Revised Code.	107340
Sec. 3313.608. (A)(1) Beginning with students who enter third	107341
grade in the school year that starts July 1, 2009, and until June	107342
30, 2013, unless the student is excused under division (C) of	107343

section 3301.0711 of the Revised Code from taking the assessment 107344
described in this section, for any student who does not attain at 107345
least the equivalent level of achievement designated under 107346
division (A)(3) of section 3301.0710 of the Revised Code on the 107347
assessment prescribed under that section to measure skill in 107348
English language arts expected at the end of third grade, each 107349
school district, in accordance with the policy adopted under 107350
section 3313.609 of the Revised Code, shall do one of the 107351
following: 107352

(a) Promote the student to fourth grade if the student's 107353
principal and reading teacher agree that other evaluations of the 107354
student's skill in reading demonstrate that the student is 107355
academically prepared to be promoted to fourth grade; 107356

(b) Promote the student to fourth grade but provide the 107357
student with intensive intervention services in fourth grade; 107358

(c) Retain the student in third grade. 107359

(2) Beginning with students who enter third grade in the 107360
2013-2014 school year, unless the student is excused under 107361
division (C) of section 3301.0711 of the Revised Code from taking 107362
the assessment described in this section, no school district shall 107363
promote to fourth grade any student who does not attain at least 107364
the equivalent level of achievement designated under division 107365
(A)(3) of section 3301.0710 of the Revised Code on the assessment 107366
prescribed under that section to measure skill in English language 107367
arts expected at the end of third grade, unless one of the 107368
following applies: 107369

(a) The student is a limited English proficient student who 107370
has been enrolled in United States schools for less than three 107371
full school years and has had less than three years of instruction 107372
in an English as a second language program. 107373

(b) The student is a child with a disability entitled to 107374

special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among

low-performing readers. 107405

(B)(1) Beginning in the 2012-2013 school year, to assist 107406
students in meeting the third grade guarantee established by this 107407
section, each school district board of education shall adopt 107408
policies and procedures with which it annually shall assess the 107409
reading skills of each student, except those students with 107410
significant cognitive disabilities or other disabilities as 107411
authorized by the department on a case-by-case basis, enrolled in 107412
kindergarten to third grade and shall identify students who are 107413
reading below their grade level. The reading skills assessment 107414
shall be completed by the thirtieth day of September for students 107415
in grades one to three, and by the first day of November for 107416
students in kindergarten. Each district shall use the diagnostic 107417
assessment to measure reading ability for the appropriate grade 107418
level adopted under section 3301.079 of the Revised Code, or a 107419
comparable tool approved by the department of education, to 107420
identify such students. The policies and procedures shall require 107421
the students' classroom teachers to be involved in the assessment 107422
and the identification of students reading below grade level. The 107423
assessment may be administered electronically using live, two-way 107424
video and audio connections whereby the teacher administering the 107425
assessment may be in a separate location from the student. 107426

(2) For each student identified by the diagnostic assessment 107427
prescribed under this section as having reading skills below grade 107428
level, the district shall do both of the following: 107429

(a) Provide to the student's parent or guardian, in writing, 107430
all of the following: 107431

(i) Notification that the student has been identified as 107432
having a substantial deficiency in reading; 107433

(ii) A description of the current services that are provided 107434
to the student; 107435

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;	107468
(ii) Reduced teacher-student ratios;	107469
(iii) More frequent progress monitoring;	107470
(iv) Tutoring or mentoring;	107471
(v) Transition classes containing third and fourth grade students;	107472 107473
(vi) Extended school day, week, or year;	107474
(vii) Summer reading camps.	107475
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	107476 107477 107478
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	107479 107480
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	107481 107482 107483 107484 107485 107486 107487 107488
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	107489 107490 107491 107492 107493
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	107494 107495
(C) For each student required to be provided intervention	107496

services under this section, the district shall develop a reading 107497
improvement and monitoring plan within sixty days after receiving 107498
the student's results on the diagnostic assessment or comparable 107499
tool administered under division (B)(1) of this section. The 107500
district shall involve the student's parent or guardian and 107501
classroom teacher in developing the plan. The plan shall include 107502
all of the following: 107503

(1) Identification of the student's specific reading 107504
deficiencies; 107505

(2) A description of the additional instructional services 107506
and support that will be provided to the student to remediate the 107507
identified reading deficiencies; 107508

(3) Opportunities for the student's parent or guardian to be 107509
involved in the instructional services and support described in 107510
division (C)(2) of this section; 107511

(4) A process for monitoring the extent to which the student 107512
receives the instructional services and support described in 107513
division (C)(2) of this section; 107514

(5) A reading curriculum during regular school hours that 107515
does all of the following: 107516

(a) Assists students to read at grade level; 107517

(b) Provides scientifically based and reliable assessment; 107518

(c) Provides initial and ongoing analysis of each student's 107519
reading progress. 107520

(6) A statement that if the student does not attain at least 107521
the equivalent level of achievement designated under division 107522
(A)(3) of section 3301.0710 of the Revised Code on the assessment 107523
prescribed under that section to measure skill in English language 107524
arts expected by the end of third grade, the student may be 107525
retained in third grade. 107526

Each student with a reading improvement and monitoring plan 107527
under this division who enters third grade after July 1, 2013, 107528
shall be assigned to a teacher who satisfies one or more of the 107529
criteria set forth in division (H) of this section. 107530

The district shall report any information requested by the 107531
department about the reading improvement monitoring plans 107532
developed under this division in the manner required by the 107533
department. 107534

(D) Each school district shall report annually to the 107535
department on its implementation and compliance with this section 107536
using guidelines prescribed by the superintendent of public 107537
instruction. The superintendent of public instruction annually 107538
shall report to the governor and general assembly the number and 107539
percentage of students in grades kindergarten through four reading 107540
below grade level based on the diagnostic assessments administered 107541
under division (B) of this section and the achievement assessments 107542
administered under divisions (A)(1)(a) and (b) of section 107543
3301.0710 of the Revised Code in English language arts, aggregated 107544
by school district and building; the types of intervention 107545
services provided to students; and, if available, an evaluation of 107546
the efficacy of the intervention services provided. 107547

(E) Any summer remediation services funded in whole or in 107548
part by the state and offered by school districts to students 107549
under this section shall meet the following conditions: 107550

(1) The remediation methods are based on reliable educational 107551
research. 107552

(2) The school districts conduct assessment before and after 107553
students participate in the program to facilitate monitoring 107554
results of the remediation services. 107555

(3) The parents of participating students are involved in 107556
programming decisions. 107557

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or

after July 1, 2017. 107588

(2) Notwithstanding division (H)(1) of this section, a 107589
student described in division (B)(3) or (C) of this section who 107590
enters third grade for the first time on or after July 1, 2013, 107591
may be assigned to a teacher with less than one year of teaching 107592
experience provided that the teacher meets one or more of the 107593
criteria described in divisions (H)(1)(a) to (f) of this section 107594
and that teacher is assigned a teacher mentor who meets the 107595
qualifications of division (H)(1) of this section. 107596

(3) Notwithstanding division (H)(1) of this section, a 107597
student described in division (B)(3) or (C) of this section who 107598
enters third grade for the first time on or after July 1, 2013, 107599
but prior to July 1, 2016, may be assigned to a teacher who holds 107600
an alternative credential approved by the department or who has 107601
successfully completed training that is based on principles of 107602
scientifically research-based reading instruction that has been 107603
approved by the department. Beginning on July 1, 2014, the 107604
alternative credentials and training described in division (H)(3) 107605
of this section shall be aligned with the reading competencies 107606
adopted by the state board of education under section 3301.077 of 107607
the Revised Code. 107608

(4) Notwithstanding division (H)(1) of this section, a 107609
student described in division (B)(3) or (C) of this section who 107610
enters third grade for the first time on or after July 1, 2013, 107611
may receive reading intervention or remediation services under 107612
this section from an individual employed as a speech-language 107613
pathologist who holds a license issued by the state speech and 107614
hearing professionals board of ~~speech language pathology and~~ 107615
~~audiology~~ under Chapter 4753. of the Revised Code and a 107616
professional pupil services license as a school speech-language 107617
pathologist issued by the state board of education. 107618

(5) A teacher, other than a student's teacher of record, may 107619

provide any services required under this section, so long as that 107620
other teacher meets the requirements of division (H) of this 107621
section and the teacher of record and the school principal agree 107622
to the assignment. Any such assignment shall be documented in the 107623
student's reading improvement and monitoring plan. 107624

As used in this division, "teacher of record" means the 107625
classroom teacher to whom a student is assigned. 107626

(I) Notwithstanding division (H) of this section, a teacher 107627
may teach reading to any student who is an English language 107628
learner, and has been in the United States for three years or 107629
less, or to a student who has an individualized education program 107630
developed under Chapter 3323. of the Revised Code if that teacher 107631
holds an alternative credential approved by the department or has 107632
successfully completed training that is based on principles of 107633
scientifically research-based reading instruction that has been 107634
approved by the department. Beginning on July 1, 2014, the 107635
alternative credentials and training described in this division 107636
shall be aligned with the reading competencies adopted by the 107637
state board of education under section 3301.077 of the Revised 107638
Code. 107639

(J) If, on or after June 4, 2013, a school district or 107640
community school cannot furnish the number of teachers needed who 107641
satisfy one or more of the criteria set forth in division (H) of 107642
this section for the 2013-2014 school year, the school district or 107643
community school shall develop and submit a staffing plan by June 107644
30, 2013. The staffing plan shall include criteria that will be 107645
used to assign a student described in division (B)(3) or (C) of 107646
this section to a teacher, credentials or training held by 107647
teachers currently teaching at the school, and how the school 107648
district or community school will meet the requirements of this 107649
section. The school district or community school shall post the 107650
staffing plan on its web site for the applicable school year. 107651

Not later than March 1, 2014, and on the first day of March 107652
in each year thereafter, a school district or community school 107653
that has submitted a plan under this division shall submit to the 107654
department a detailed report of the progress the district or 107655
school has made in meeting the requirements under this section. 107656

A school district or community school may request an 107657
extension of a staffing plan beyond the 2013-2014 school year. 107658
Extension requests must be submitted to the department not later 107659
than the thirtieth day of April prior to the start of the 107660
applicable school year. The department may grant extensions valid 107661
through the 2015-2016 school year. 107662

Until June 30, 2015, the department annually shall review all 107663
staffing plans and report to the state board not later than the 107664
thirtieth day of June of each year the progress of school 107665
districts and community schools in meeting the requirements of 107666
this section. 107667

(K) The department of education shall designate one or more 107668
staff members to provide guidance and assistance to school 107669
districts and community schools in implementing the third grade 107670
guarantee established by this section, including any standards or 107671
requirements adopted to implement the guarantee and to provide 107672
information and support for reading instruction and achievement. 107673

Sec. 3701.83. There is hereby created in the state treasury 107674
the general operations fund. Moneys in the fund shall be used for 107675
the purposes specified in sections 3701.04, 3701.344, 3702.20, 107676
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 107677
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 107678
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 107679

Sec. 4725.01. As used in this chapter: 107680

(A)(1) The "practice of optometry" means the application of 107681

optical principles, through technical methods and devices, in the 107682
examination of human eyes for the purpose of ascertaining 107683
departures from the normal, measuring their functional powers, 107684
adapting optical accessories for the aid thereof, and detecting 107685
ocular abnormalities that may be evidence of disease, pathology, 107686
or injury. 107687

(2) In the case of a licensed optometrist who holds a topical 107688
ocular pharmaceutical agents certificate, the "practice of 107689
optometry" has the same meaning as in division (A)(1) of this 107690
section, except that it also includes administering topical ocular 107691
pharmaceutical agents. 107692

(3) In the case of a licensed optometrist who holds a 107693
therapeutic pharmaceutical agents certificate, the "practice of 107694
optometry" has the same meaning as in division (A)(1) of this 107695
section, except that it also includes all of the following: 107696

(a) Employing, applying, administering, and prescribing 107697
instruments, devices, and procedures, other than invasive 107698
procedures, for purpose of examination, investigation, diagnosis, 107699
treatment, or prevention of any disease, injury, or other abnormal 107700
condition of the visual system; 107701

(b) Employing, applying, administering, and prescribing 107702
topical ocular pharmaceutical agents; 107703

(c) Employing, applying, administering, and prescribing 107704
therapeutic pharmaceutical agents; 107705

(d) Assisting an individual in determining the individual's 107706
blood glucose level by using a commercially available 107707
glucose-monitoring device. Nothing in this section precludes a 107708
licensed optometrist who holds a therapeutic pharmaceutical agents 107709
certificate from using any particular type of commercially 107710
available glucose-monitoring device. 107711

(B) "Topical ocular pharmaceutical agent" means a drug or 107712

dangerous drug that is a topical drug and used in the practice of 107713
optometry as follows: 107714

(1) In the case of a licensed optometrist who holds a topical 107715
ocular pharmaceutical agents certificate, for evaluative purposes 107716
in the practice of optometry as set forth in division (A)(1) of 107717
this section; 107718

(2) In the case of a licensed optometrist who holds a 107719
therapeutic pharmaceutical agents certificate, for purposes of 107720
examination, investigation, diagnosis, treatment, or prevention of 107721
any disease, injury, or other abnormal condition of the visual 107722
system. 107723

(C) "Therapeutic pharmaceutical agent" means a drug or 107724
dangerous drug that is used for examination, investigation, 107725
diagnosis, treatment, or prevention of any disease, injury, or 107726
other abnormal condition of the visual system in the practice of 107727
optometry by a licensed optometrist who holds a therapeutic 107728
pharmaceutical agents certificate, and is any of the following: 107729

(1) An oral drug or dangerous drug in one of the following 107730
classifications: 107731

(a) Anti-infectives, including antibiotics, antivirals, 107732
antimicrobials, and antifungals; 107733

(b) Anti-allergy agents; 107734

(c) Antiglaucoma agents; 107735

(d) Analgesics, including only analgesic drugs that are 107736
available without a prescription, analgesic drugs or dangerous 107737
drugs that require a prescription but are not controlled 107738
substances, and, to the extent authorized by the state ~~board of~~ 107739
~~optometry~~ vision professionals board in rules adopted under 107740
section 4725.091 of the Revised Code, analgesic controlled 107741
substances; 107742

(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions: 107743
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107745
107746
107747

(i) For use in allergy cases; 107748

(ii) For use by an individual who is eighteen years of age or older; 107749
107750

(iii) On the basis of an individual's particular episode of illness; 107751
107752

(iv) In an amount that does not exceed the amount packaged for a single course of therapy. 107753
107754

(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure. 107755
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107759

(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the ~~state board of optometry~~ under section 4725.09 of the Revised Code. 107760
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107766

(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 107767
107768

(E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code. 107769
107770

(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means 107771
107772

including surgery, laser surgery, ionizing radiation, therapeutic 107773
ultrasound, administering medication by injection, or the removal 107774
of intraocular foreign bodies. 107775

(G) "Visual system" means the human eye and its accessory or 107776
subordinate anatomical parts. 107777

(H) "Certificate of licensure" means a certificate issued by 107778
the ~~state board of optometry~~ under section 4725.13 of the Revised 107779
Code authorizing the holder to practice optometry as provided in 107780
division (A)(1) of this section. 107781

(I) "Topical ocular pharmaceutical agents certificate" means 107782
a certificate issued by the ~~state board of optometry~~ under section 107783
4725.13 of the Revised Code authorizing the holder to practice 107784
optometry as provided in division (A)(2) of this section. 107785

(J) "Therapeutic pharmaceutical agents certificate" means a 107786
certificate issued by the ~~state board of optometry~~ under division 107787
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 107788
the holder to practice optometry as provided in division (A)(3) of 107789
this section. 107790

Sec. 4725.02. (A) Except as provided in section 4725.26 of 107791
the Revised Code, no person shall engage in the practice of 107792
optometry, including the determination of the kind of procedure, 107793
treatment, or optical accessories needed by a person or the 107794
examination of the eyes of any person for the purpose of fitting 107795
the same with optical accessories, unless the person holds a 107796
current, valid certificate of licensure from the state ~~board of~~ 107797
~~optometry~~ vision professionals board. No person shall claim to be 107798
the lawful holder of a certificate of licensure when in fact the 107799
person is not such lawful holder, or impersonate any licensed 107800
optometrist. 107801

(B) No optometrist shall administer topical ocular 107802

pharmaceutical agents unless the optometrist holds a valid topical 107803
ocular pharmaceutical agents certificate or therapeutic 107804
pharmaceutical agents certificate and fulfills the other 107805
requirements of this chapter. 107806

(C) No optometrist shall practice optometry as described in 107807
division (A)(3) of section 4725.01 of the Revised Code unless the 107808
optometrist holds a valid therapeutic pharmaceutical agents 107809
certificate. 107810

(D) No optometrist shall personally furnish a therapeutic 107811
pharmaceutical agent to any person, except that a licensed 107812
optometrist who holds a therapeutic pharmaceutical agents 107813
certificate may personally furnish a therapeutic pharmaceutical 107814
agent to a patient if no charge is imposed for the agent or for 107815
furnishing it and the amount furnished does not exceed a 107816
seventy-two hour supply, except that if the minimum available 107817
quantity of the agent is greater than a seventy-two hour supply, 107818
the optometrist may furnish the minimum available quantity. 107819

Sec. 4725.031. (A) There is hereby created the state vision 107820
professionals board consisting of the following members, appointed 107821
by the governor with the advice and consent of the senate: 107822

(1) Four individuals licensed as optometrists under this 107823
chapter; 107824

(2) Two individuals licensed as licensed dispensing opticians 107825
under this chapter; 107826

(3) One individual representing the general public. 107827

(B) Not later than ninety days after the effective date of 107828
this section, the governor shall make initial appointments to the 107829
board. Of the initial appointments, three members shall serve 107830
terms ending March 22, 2019, two members shall serve terms ending 107831
March 22, 2020, and two members shall serve terms ending March 22, 107832

2021. 107833

Thereafter, terms of office are three years, with each term 107834
commencing on the twenty-third day of March and ending on the 107835
twenty-second day of March. Each member shall hold office from the 107836
date of appointment until the end of the term for which the member 107837
was appointed, except that a member shall continue in office after 107838
the expiration date of the member's term until the member's 107839
successor takes office. No member shall serve more than three 107840
consecutive terms. 107841

Vacancies shall be filled in the same manner as original 107842
appointments. Any member appointed to fill a vacancy occurring 107843
before the expiration of the term for which the member's 107844
predecessor was appointed shall hold office for the remainder of 107845
that term. 107846

(C) When the term of a member of the board expires or a 107847
vacancy occurs on the board, a professional association 107848
representing the interests of the occupation of the board position 107849
to be filled may recommend to the governor individuals to fill the 107850
position. The governor shall consider the recommendation in making 107851
appointments to the board. 107852

(D) No individual may be appointed to the board who has been 107853
convicted of or pleaded guilty to a felony under the laws of this 107854
state, another state, or the United States. 107855

The governor may remove a member of the board for 107856
malfeasance, misfeasance, or nonfeasance after a hearing in 107857
accordance with Chapter 119. of the Revised Code. The governor 107858
shall remove, after a hearing in accordance with Chapter 119. of 107859
the Revised Code, any member who has been convicted of or pleaded 107860
guilty to a felony under the laws of this state, another state, or 107861
the United States. 107862

Sec. 4725.032. Whenever the term "state board of optometry" 107863
or "Ohio optical dispensers board" is used in any statute, rule, 107864
contract, or other document, the use shall be construed to mean 107865
the "state vision professionals board." 107866

Whenever "executive director of the state board of optometry" 107867
or "executive secretary-treasurer of the Ohio optical dispensers 107868
board" is used in a statute, rule, contract, or other document, 107869
the use shall be construed to mean the executive director of the 107870
state vision professionals board. 107871

Sec. 4725.04. The state vision professionals board ~~of~~ 107872
~~optometry~~ shall organize by the election of a president and a 107873
secretary from its members, who shall hold their respective 107874
offices for one year. 107875

The board shall hold meetings to perform its regular duties 107876
at least four times each year. At least one of the board's regular 107877
meetings shall be held in ~~Columbus~~ Franklin county. The board may 107878
hold additional meetings as it considers necessary. The time and 107879
place of any regular or other meeting shall be fixed and published 107880
by the board at least thirty days prior to the date that it is to 107881
be held, except when the meeting to be held is an emergency or 107882
special meeting, in which case the board shall give twenty-four 107883
hours' notice or as much notice as possible under the 107884
circumstances. 107885

A majority of the board constitutes a quorum, ~~but a lesser~~ 107886
~~number may adjourn from time to time.~~ 107887

Sec. 4725.05. The state vision professionals board ~~of~~ 107888
~~optometry~~ shall ~~employ~~ hire an executive director. Before entering 107889
upon the discharge of official duties of office, the executive 107890
director shall give a bond, to be approved by the board, in the 107891
sum of two thousand dollars conditioned for the faithful discharge 107892

of the duties of the office. The premium for such bond shall be 107893
paid as are other expenditures of the board. The bond, with the 107894
approval of the board and oath of office indorsed thereon, shall 107895
be deposited with the secretary of state and kept in the secretary 107896
of state's office. 107897

The executive director of the board, in consultation with the 107898
director of administrative services, may employ such assistants, 107899
inspectors, investigators, and ~~clerical help~~ other employees as 107900
are necessary to administer ~~and enforce sections 4725.01 to~~ 107901
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 107902
be charged and paid as other expenditures of the board. 107903

Sec. 4725.06. Each member of the state vision professionals 107904
board ~~of optometry~~ shall receive an amount fixed pursuant to 107905
division (J) of section 124.15 of the Revised Code for each day 107906
~~actually employed in the discharge of the~~ member is performing the 107907
member's official duties ~~of the member,~~ and be reimbursed for the 107908
actual and necessary expenses of the member incurred in performing 107909
such duties. 107910

The board, in consultation with the director of 107911
administrative services, shall set the compensation of its 107912
executive director and of any employees of the board. The 107913
executive director of the board shall receive reimbursement for 107914
necessary expenses incurred in the discharge of the executive 107915
director's official duties. 107916

All vouchers of the board shall be approved by the board 107917
president or executive director, or both, as authorized by the 107918
board. 107919

Sec. 4725.07. The state vision professionals board ~~of~~ 107920
~~optometry~~ shall adopt a seal and certificate of suitable design 107921
and shall keep a record of its proceedings, a register of ~~persons~~ 107922

~~who have received certificates of licensure, a register of~~ 107923
~~licensed optometrists who have received topical ocular~~ 107924
~~pharmaceutical agents certificates, a register of licensed~~ 107925
~~optometrists who have received therapeutic pharmaceutical agents~~ 107926
~~certificates~~ every individual holding a certificate, license, 107927
registration, or endorsement issued under this chapter, and a 107928
register of ~~persons who have been subject to the board's~~ 107929
~~revocation of any of those certificates~~ every individual whose 107930
certificate, license, registration, or endorsement has been 107931
revoked under this chapter. 107932

The board shall have an office in ~~Columbus~~ Franklin county, 107933
where all its permanent records shall be kept. ~~The~~ On request of 107934
the board ~~may make requisition upon the proper state officials~~ 107935
~~for,~~ the director of administrative services shall supply the 107936
board with office ~~rooms~~ space and supplies, including stationery 107937
and furniture. All printing and binding necessary for the work of 107938
the board shall be done upon an order issued by the board through 107939
its president and executive director to the department of 107940
administrative services. 107941

Except as provided in ~~division (C) of section 4725.22 and~~ 107942
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 107943
the records of the board, including its registers, shall be open 107944
to public inspection at all reasonable times. A copy of an entry 107945
in such records, certified by the executive director under the 107946
seal of the board, shall be prima-facie evidence of the facts 107947
therein stated. 107948

The board annually, on or before the first day of February, 107949
shall make a report to the governor of all its official acts 107950
during the preceding year, its receipts and disbursements, and a 107951
complete report of the conditions of optometry and optical 107952
dispensing in this state. The board shall submit its first report 107953
to the governor not later than February 1, 2019. The board shall 107954

submit its reports to the governor electronically. 107955

Sec. 4725.08. In the absence of fraud or bad faith, the state 107956
vision professionals board of optometry, a current or former board 107957
member, an agent of the board, a person formally requested by the 107958
board to be the board's representative, or an employee of the 107959
board shall not be held liable in damages to any person as the 107960
result of any act, omission, proceeding, conduct, or decision 107961
related to official duties undertaken or performed pursuant to 107962
~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If 107963
any such person asks to be defended by the state against any claim 107964
or action arising out of any act, omission, proceeding, conduct, 107965
or decision related to the person's official duties, and if the 107966
request is made in writing at a reasonable time before trial and 107967
the person requesting defense cooperates in good faith in the 107968
defense of the claim or action, the state shall provide and pay 107969
for the person's defense and shall pay any resulting judgment, 107970
compromise, or settlement. At no time shall the state pay any part 107971
of a claim or judgment that is for punitive or exemplary damages. 107972

Sec. 4725.09. (A) The state ~~board of optometry~~ vision 107973
professionals board shall adopt rules as it considers necessary to 107974
govern the practice of optometry and to administer and enforce 107975
sections 4725.01 to 4725.34 of the Revised Code. All rules adopted 107976
under those sections shall be adopted in accordance with Chapter 107977
119. of the Revised Code. 107978

(B) The board, in consultation with the state board of 107979
pharmacy, shall adopt rules specifying any oral drugs or dangerous 107980
drugs that are therapeutic pharmaceutical agents under division 107981
(C)(3) of section 4725.01 of the Revised Code. 107982

(C) The board shall adopt rules that establish standards to 107983
be met and procedures to be followed with respect to the 107984

delegation by an optometrist of the performance of an optometric 107985
task to a person who is not licensed or otherwise specifically 107986
authorized by the Revised Code to perform the task. The rules 107987
shall permit an optometrist who holds a topical ocular 107988
pharmaceutical agents certificate or therapeutic pharmaceutical 107989
agents certificate to delegate the administration of drugs 107990
included in the optometrist's scope of practice. 107991

The rules adopted under this division shall provide for all 107992
of the following: 107993

(1) On-site supervision when the delegation occurs in an 107994
institution or other facility that is used primarily for the 107995
purpose of providing health care, unless the board established a 107996
specific exception to the on-site supervision requirement with 107997
respect to routine administration of a topical drug; 107998

(2) Evaluation of whether delegation is appropriate according 107999
to the acuity of the patient involved; 108000

(3) Training and competency requirements that must be met by 108001
the person administering the drugs; 108002

(4) Other standards and procedures the board considers 108003
relevant. 108004

(D) The ~~state board of optometry~~ shall adopt rules 108005
establishing criminal records checks requirements for applicants 108006
under section 4776.03 of the Revised Code. 108007

Sec. 4725.091. (A) The state ~~board of optometry~~ vision 108008
professionals board shall adopt rules governing the authority of 108009
licensed optometrists practicing under therapeutic pharmaceutical 108010
agents certificates to employ, apply, administer, and prescribe 108011
analgesic controlled substances. The rules shall be adopted in 108012
accordance with Chapter 119. of the Revised Code and in 108013
consultation with the state board of pharmacy. 108014

(B) All of the following apply to the state vision 108015
professionals board of ~~optometry~~ in the adoption of rules under 108016
this section: 108017

(1) The board shall not permit an optometrist to employ, 108018
apply, administer, or prescribe an analgesic controlled substance 108019
other than a drug product that is used for the treatment of pain 108020
and meets one of the following conditions: 108021

(a) The product is a preparation that contains an amount of 108022
codeine per dosage unit, as specified by the board, and also 108023
contains other active, nonnarcotic ingredients, such as 108024
acetaminophen or aspirin, in a therapeutic amount. 108025

(b) The product is a preparation that contains an amount of 108026
hydrocodone per dosage unit, as specified by the board, and also 108027
contains other active, nonnarcotic ingredients, such as 108028
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 108029

(c) The product contains or consists of a drug or dangerous 108030
drug that was an analgesic included in the practice of optometry 108031
under a therapeutic pharmaceutical agents certificate immediately 108032
prior to ~~the effective date of this amendment~~ March 23, 2015, was 108033
not a controlled substance at that time, and subsequently becomes 108034
a schedule II, III, IV, or V controlled substance. 108035

(2) The board shall limit the analgesic controlled substances 108036
that optometrists may employ, apply, administer, or prescribe to 108037
the drugs that the board determines are appropriate for use in the 108038
practice of optometry under a therapeutic pharmaceutical agents 108039
certificate. 108040

(3) With regard to the prescribing of analgesic controlled 108041
substances, the board shall establish prescribing standards to be 108042
followed by optometrists who hold therapeutic pharmaceutical 108043
agents certificates. The board shall take into account the 108044
prescribing standards that exist within the health care 108045

marketplace. 108046

(4) The board shall establish standards and procedures for 108047
employing, applying, administering, and prescribing analgesic 108048
controlled substances under a therapeutic pharmaceutical agents 108049
certificate by taking into consideration and examining issues that 108050
include the appropriate length of drug therapy, appropriate 108051
standards for drug treatment, necessary monitoring systems, and 108052
any other factors the board considers relevant. 108053

Sec. 4725.092. (A) As used in this section, "drug database" 108054
means the database established and maintained by the state board 108055
of pharmacy pursuant to section 4729.75 of the Revised Code. 108056

(B) The state ~~board of optometry~~ vision professionals board 108057
shall adopt rules that establish standards and procedures to be 108058
followed by an optometrist who holds a therapeutic pharmaceutical 108059
agents certificate regarding the review of patient information 108060
available through the drug database under division (A)(5) of 108061
section 4729.80 of the Revised Code. The rules shall be adopted in 108062
accordance with Chapter 119. of the Revised Code. 108063

(C) This section and the rules adopted under it do not apply 108064
if the state board of pharmacy no longer maintains the drug 108065
database. 108066

Sec. 4725.10. (A) The state ~~board of optometry~~ vision 108067
professionals board shall evaluate schools of optometry and grant 108068
its approval to schools that adequately prepare their graduates 108069
for the practice of optometry in this state. Approval shall be 108070
granted only by an affirmative vote of a majority of the members 108071
of the board. 108072

(B) To be approved by the board, a school of optometry shall 108073
meet at least the following conditions: 108074

(1) Be accredited by a professional optometric accrediting 108075

agency recognized by the board; 108076

(2) Require as a prerequisite to admission to the school's 108077
courses in optometry at least two academic years of study with 108078
credits of at least sixty semester hours or ninety quarter hours 108079
in a college of arts and sciences accredited by a post-secondary 108080
education accrediting organization recognized by the board; 108081

(3) Require a course of study of at least four academic years 108082
with credits of at least one hundred thirty-four semester hours or 108083
two hundred quarter hours. 108084

(C) The board may establish standards for the approval of 108085
schools of optometry that are higher than the standards specified 108086
in division (B) of this section. 108087

Sec. 4725.11. (A) The state ~~board of optometry~~ vision 108088
professionals board shall accept as the examination that must be 108089
passed to receive a license to practice optometry in this state 108090
the examination prepared, administered, and graded by the national 108091
board of examiners in optometry or an examination prepared, 108092
administered, and graded by another professional testing 108093
organization recognized by the board as being qualified to examine 108094
applicants for licenses to practice optometry in this state. The 108095
board shall periodically review its acceptance of a licensing 108096
examination under this section to determine if the examination and 108097
the organization offering it continue to meet standards the board 108098
considers appropriate. 108099

(B) The licensing examination accepted by the board under 108100
this section may be divided into parts and offered as follows: 108101

(1) Part one: Tests in basic science, human biology, ocular 108102
and visual biology, theoretical ophthalmic, physiological optics, 108103
and physiological psychology; 108104

(2) Part two: Tests in clinical science, systemic conditions, 108105

the treatment and management of ocular disease, refractive 108106
oculomotor, sensory integrative conditions, perceptual conditions, 108107
public health, the legal issues regarding the clinical practice of 108108
optometry, and pharmacology; 108109

(3) Part three: Tests in patient care and management, 108110
clinical skills, and the visual recognition and interpretation of 108111
clinical signs. 108112

(C) The licensing examination accepted by the board may be 108113
offered in a manner other than the manner specified in division 108114
(B) of this section, but if offered in another manner, the 108115
examination must test the person sitting for the examination in 108116
the areas specified in division (B) of this section and may test 108117
the person in other areas. 108118

The board may require as a condition of its acceptance of an 108119
examination that the examination cover subject matters in addition 108120
to those specified in division (B) of this section, if the schools 108121
of optometry it approves under section 4725.10 of the Revised Code 108122
include the additional subject matters in their prescribed 108123
curriculum. 108124

(D) The board shall accept direct delivery of the results of 108125
the licensing examination from the testing organization 108126
administering the examination. The results shall be kept as a 108127
permanent part of the board's records maintained pursuant to 108128
section 4725.07 of the Revised Code. 108129

(E) On request of any person seeking to practice optometry in 108130
this state, the board shall provide information on the licensing 108131
examination accepted by the board, including requirements that 108132
must be met to be eligible to sit for the examination and the 108133
dates the examination is offered. 108134

Sec. 4725.12. (A) Each person who desires to commence the 108135

practice of optometry in the state shall file with the executive 108136
director of the state ~~board of optometry a written~~ vision 108137
professionals board an application for a certificate of licensure 108138
and a therapeutic pharmaceutical agents certificate. The 108139
application shall be accompanied by the fees specified under 108140
section 4725.34 of the Revised Code and shall contain all 108141
information the board considers necessary to determine whether an 108142
applicant is qualified to receive the certificates. The 108143
application shall be made upon the form prescribed by the board 108144
and shall be verified by the oath of the applicant. 108145

(B) To receive a certificate of licensure and a therapeutic 108146
pharmaceutical agents certificate, an applicant must meet all of 108147
the following conditions: 108148

(1) Be at least eighteen years of age; 108149

(2) Be of good moral character; 108150

(3) Complete satisfactorily a course of study of at least six 108151
college years; 108152

(4) Graduate from a school of optometry approved by the board 108153
under section 4725.10 of the Revised Code; 108154

(5) Pass the licensing examination accepted by the board 108155
under section 4725.11 of the Revised Code. 108156

Sec. 4725.121. (A) As used in this section, "license" and 108157
"applicant for an initial license" have the same meanings as in 108158
section 4776.01 of the Revised Code, except that "license" as used 108159
in both of those terms refers to the types of authorizations 108160
otherwise issued or conferred under this chapter. 108161

(B) In addition to any other eligibility requirement set 108162
forth in this chapter, each applicant for an initial license shall 108163
comply with sections 4776.01 to 4776.04 of the Revised Code. The 108164
state ~~board of optometry~~ vision professionals board shall not 108165

grant a license to an applicant for an initial license unless the 108166
applicant complies with sections 4776.01 to 4776.04 of the Revised 108167
Code and the board, in its discretion, decides that the results of 108168
the criminal records check do not make the applicant ineligible 108169
for a license issued pursuant to section 4725.13 or 4725.18 of the 108170
Revised Code. 108171

Sec. 4725.13. (A) The state ~~board of optometry~~ vision 108172
professionals board, by an affirmative vote of a majority of its 108173
members, shall issue certificates under its seal as follows: 108174

(1) Every applicant who, prior to May 19, 1992, passed the 108175
licensing examination then in effect, and who otherwise complies 108176
with sections 4725.01 to 4725.34 of the Revised Code shall receive 108177
from the board a certificate of licensure authorizing the holder 108178
to engage in the practice of optometry as provided in division 108179
(A)(1) of section 4725.01 of the Revised Code. 108180

(2) Every applicant who, prior to May 19, 1992, passed the 108181
general and ocular pharmacology examination then in effect, and 108182
who otherwise complies with sections 4725.01 to 4725.34 of the 108183
Revised Code, shall receive from the board a separate topical 108184
ocular pharmaceutical agents certificate authorizing the holder to 108185
administer topical ocular pharmaceutical agents as provided in 108186
division (A)(2) of section 4725.01 of the Revised Code and in 108187
accordance with sections 4725.01 to 4725.34 of the Revised Code. 108188

(3) Every applicant who holds a valid certificate of 108189
licensure issued prior to May 19, 1992, and meets the requirements 108190
of section 4725.14 of the Revised Code shall receive from the 108191
board a separate therapeutic pharmaceutical agents certificate 108192
authorizing the holder to engage in the practice of optometry as 108193
provided in division (A)(3) of section 4725.01 of the Revised 108194
Code. 108195

(4) Every applicant who, on or after May 19, 1992, passes all 108196

parts of the licensing examination accepted by the board under 108197
section 4725.11 of the Revised Code and otherwise complies with 108198
the requirements of sections 4725.01 to 4725.34 of the Revised 108199
Code shall receive from the board a certificate of licensure 108200
authorizing the holder to engage in the practice of optometry as 108201
provided in division (A)(1) of section 4725.01 of the Revised Code 108202
and a separate therapeutic pharmaceutical agents certificate 108203
authorizing the holder to engage in the practice of optometry as 108204
provided in division (A)(3) of that section. 108205

(B) Each person to whom a certificate is issued pursuant to 108206
this section by the board shall keep the certificate displayed in 108207
a conspicuous place in the location at which that person practices 108208
optometry and shall whenever required exhibit the certificate to 108209
any member or agent of the board. If an optometrist practices 108210
outside of or away from the location at which the optometrist's 108211
certificate of licensure is displayed, the optometrist shall 108212
deliver to each person examined or fitted with optical accessories 108213
by the optometrist, a receipt signed by the optometrist in which 108214
the optometrist shall set forth the amounts charged, the 108215
optometrist's post-office address, and the number assigned to the 108216
optometrist's certificate of licensure. The information may be 108217
provided as part of a prescription given to the person. 108218

(C) A person who, on May 19, 1992, holds a valid certificate 108219
of licensure or topical ocular pharmaceutical agents certificate 108220
issued by the board may continue to engage in the practice of 108221
optometry as provided by the certificate of licensure or topical 108222
ocular pharmaceutical agents certificate if the person continues 108223
to comply with sections 4725.01 to 4725.34 of the Revised Code as 108224
required by the certificate of licensure or topical ocular 108225
pharmaceutical agents certificate. 108226

Sec. 4725.15. If the state ~~board of optometry~~ vision 108227

professionals board receives notice under division (D) of section 108228
4725.11 of the Revised Code that an applicant has failed four 108229
times the licensing examination or part of the examination that 108230
must be passed pursuant to section 4725.12 or 4725.14 of the 108231
Revised Code, the board shall not give further consideration to 108232
the application until the applicant completes thirty hours of 108233
remedial training approved by the board in the specific subject 108234
area or areas covered by the examination or part of the 108235
examination that was failed. 108236

Sec. 4725.16. (A)(1) Each certificate of licensure for the 108237
practice of optometry, topical ocular pharmaceutical agents 108238
certificate, and therapeutic pharmaceutical agents certificate 108239
issued by the state ~~board of optometry~~ vision professionals board 108240
shall expire annually on the last day of December, and may be 108241
renewed in accordance with this section and the standard renewal 108242
procedure established under Chapter 4745. of the Revised Code. 108243

(2) An optometrist seeking to continue to practice optometry 108244
shall file with the board an application for license renewal. The 108245
application shall be in such form and require such pertinent 108246
professional biographical data as the board may require. 108247

(3)(a) Except as provided in division (A)(3)(b) of this 108248
section, in the case of an optometrist seeking renewal who holds a 108249
therapeutic pharmaceutical agents certificate and who prescribes 108250
or personally furnishes analgesic controlled substances authorized 108251
pursuant to section 4725.091 of the Revised Code that are opioid 108252
analgesics, as defined in section 3719.01 of the Revised Code, the 108253
optometrist shall certify to the board whether the optometrist has 108254
been granted access to the drug database established and 108255
maintained by the state board of pharmacy pursuant to section 108256
4729.75 of the Revised Code. 108257

(b) The requirement in division (A)(3)(a) of this section 108258

does not apply if any of the following is the case: 108259

(i) The state board of pharmacy notifies the state ~~board of~~ 108260
~~optometry~~ vision professionals board pursuant to section 4729.861 108261
of the Revised Code that the certificate holder has been 108262
restricted from obtaining further information from the drug 108263
database. 108264

(ii) The state board of pharmacy no longer maintains the drug 108265
database. 108266

(iii) The certificate holder does not practice optometry in 108267
this state. 108268

(c) If an optometrist certifies to the state ~~board of~~ 108269
~~optometry~~ vision professionals board that the optometrist has been 108270
granted access to the drug database and the board finds through an 108271
audit or other means that the optometrist has not been granted 108272
access, the board may take action under section 4725.19 of the 108273
Revised Code. 108274

(B) All licensed optometrists shall annually complete 108275
continuing education in subjects relating to the practice of 108276
optometry, to the end that the utilization and application of new 108277
techniques, scientific and clinical advances, and the achievements 108278
of research will assure comprehensive care to the public. The 108279
board shall prescribe by rule the continuing optometric education 108280
that licensed optometrists must complete. The length of study 108281
shall be twenty-five clock hours each year, including ten clock 108282
hours of instruction in pharmacology to be completed by all 108283
licensed optometrists. 108284

Unless the continuing education required under this division 108285
is waived or deferred under division (D) of this section, the 108286
continuing education must be completed during the twelve-month 108287
period beginning on the first day of October and ending on the 108288
last day of September. If the board receives notice from a 108289

continuing education program indicating that an optometrist 108290
completed the program after the last day of September, and the 108291
optometrist wants to use the continuing education completed after 108292
that day to renew the license that expires on the last day of 108293
December of that year, the optometrist shall pay the penalty 108294
specified under section 4725.34 of the Revised Code for late 108295
completion of continuing education. 108296

At least once annually, the board shall post on its web site 108297
and shall mail, or send by electronic mail, to each licensed 108298
optometrist a list of courses approved in accordance with 108299
standards prescribed by board rule. Upon the request of a licensed 108300
optometrist, the executive director of the board shall supply a 108301
list of additional courses that the board has approved subsequent 108302
to the most recent web site posting, electronic mail transmission, 108303
or mailing of the list of approved courses. 108304

(C)(1) Annually, not later than the first day of November, 108305
the board shall mail or send by electronic mail a notice regarding 108306
license renewal to each licensed optometrist who may be eligible 108307
for renewal. The notice shall be sent to the optometrist's most 108308
recent electronic mail or mailing address shown in the board's 108309
records. If the board knows that the optometrist has completed the 108310
required continuing optometric education for the year, the board 108311
may include with the notice an application for license renewal. 108312

(2) Filing a license renewal application with the board shall 108313
serve as notice by the optometrist that the continuing optometric 108314
education requirement has been successfully completed. If the 108315
board finds that an optometrist has not completed the required 108316
continuing optometric education, the board shall disapprove the 108317
optometrist's application. The board's disapproval of renewal is 108318
effective without a hearing, unless a hearing is requested 108319
pursuant to Chapter 119. of the Revised Code. 108320

(3) The board shall refuse to accept an application for 108321

renewal from any applicant whose license is not in good standing 108322
or who is under disciplinary review pursuant to section 4725.19 of 108323
the Revised Code. 108324

(4) Notice of an applicant's failure to qualify for renewal 108325
shall be served upon the applicant by mail. The notice shall be 108326
sent not later than the fifteenth day of November to the 108327
applicant's last address shown in the board's records. 108328

(D) In cases of certified illness or undue hardship, the 108329
board may waive or defer for up to twelve months the requirement 108330
of continuing optometric education, except that in such cases the 108331
board may not waive or defer the continuing education in 108332
pharmacology required to be completed by optometrists who hold 108333
topical ocular pharmaceutical agents certificates or therapeutic 108334
pharmaceutical agents certificates. The board shall waive the 108335
requirement of continuing optometric education for any optometrist 108336
who is serving on active duty in the armed forces of the United 108337
States or a reserve component of the armed forces of the United 108338
States, including the Ohio national guard or the national guard of 108339
any other state or who has received an initial certificate of 108340
licensure during the nine-month period which ended on the last day 108341
of September. 108342

(E) An optometrist whose renewal application has been 108343
approved may renew each certificate held by paying to the 108344
treasurer of state the fees for renewal specified under section 108345
4725.34 of the Revised Code. On payment of all applicable fees, 108346
the board shall issue a renewal of the optometrist's certificate 108347
of licensure, topical ocular pharmaceutical agents certificate, 108348
and therapeutic pharmaceutical agents certificate, as appropriate. 108349

(F) Not later than the fifteenth day of December, the board 108350
shall mail or send by electronic mail a second notice regarding 108351
license renewal to each licensed optometrist who may be eligible 108352
for renewal but did not respond to the notice sent under division 108353

(C)(1) of this section. The notice shall be sent to the 108354
optometrist's most recent electronic mail or mailing address shown 108355
in the board's records. If an optometrist fails to file a renewal 108356
application after the second notice is sent, the board shall send 108357
a third notice regarding license renewal prior to any action under 108358
division (I) of this section to classify the optometrist's 108359
certificates as delinquent. 108360

(G) The failure of an optometrist to apply for license 108361
renewal or the failure to pay the applicable annual renewal fees 108362
on or before the date of expiration, shall automatically work a 108363
forfeiture of the optometrist's authority to practice optometry in 108364
this state. 108365

(H) The board shall accept renewal applications and renewal 108366
fees that are submitted from the first day of January to the last 108367
day of April of the year next succeeding the date of expiration. 108368
An individual who submits such a late renewal application or fee 108369
shall pay the late renewal fee specified in section 4725.34 of the 108370
Revised Code. 108371

(I)(1) If the certificates issued by the board to an 108372
individual have expired and the individual has not filed a 108373
complete application during the late renewal period, the 108374
individual's certificates shall be classified in the board's 108375
records as delinquent. 108376

(2) Any optometrist subject to delinquent classification may 108377
submit ~~a written~~ an application to the board for reinstatement. 108378
For reinstatement to occur, the applicant must meet all of the 108379
following conditions: 108380

(a) Submit to the board evidence of compliance with board 108381
rules requiring continuing optometric education in a sufficient 108382
number of hours to make up for any delinquent compliance; 108383

(b) Pay the renewal fees for the year in which application 108384

for reinstatement is made and the reinstatement fee specified 108385
under division (A)(8) of section 4725.34 of the Revised Code; 108386

(c) Pass all or part of the licensing examination accepted by 108387
the board under section 4725.11 of the Revised Code as the board 108388
considers appropriate to determine whether the application for 108389
reinstatement should be approved; 108390

(d) If the applicant has been practicing optometry in another 108391
state or country, submit evidence that the applicant's license to 108392
practice optometry in the other state or country is in good 108393
standing. 108394

(3) The board shall approve an application for reinstatement 108395
if the conditions specified in division (I)(2) of this section are 108396
met. An optometrist who receives reinstatement is subject to the 108397
continuing education requirements specified under division (B) of 108398
this section for the year in which reinstatement occurs. 108399

Sec. 4725.17. (A) An optometrist who intends not to continue 108400
practicing optometry in this state due to retirement or a decision 108401
to practice in another state or country may apply to the state 108402
~~board of optometry~~ vision professionals board to have the 108403
certificates issued to the optometrist placed on inactive status. 108404
Application for inactive status shall consist of a written notice 108405
to the board of the optometrist's intention to no longer practice 108406
in this state. The board may not accept an application submitted 108407
after the applicant's certificate of licensure and any other 108408
certificates have expired. The board may approve an application 108409
for placement on inactive status only if the applicant's 108410
certificates are in good standing and the applicant is not under 108411
disciplinary review pursuant to section 4725.19 of the Revised 108412
Code. 108413

(B) An individual whose certificates have been placed on 108414
inactive status may submit ~~a written~~ an application to the board 108415

for reinstatement. For reinstatement to occur, the applicant must 108416
meet all of the following conditions: 108417

(1) Pay the renewal fees for the year in which application 108418
for reinstatement is made and the reinstatement fee specified 108419
under division (A)(9) of section 4725.34 of the Revised Code; 108420

(2) Pass all or part of the licensing examination accepted by 108421
the board under section 4725.11 of the Revised Code as the board 108422
considers appropriate, if the board considers examination 108423
necessary to determine whether the application for reinstatement 108424
should be approved; 108425

(3) If the applicant has been practicing optometry in another 108426
state or country, submit evidence of being in the active practice 108427
of optometry in the other state or country and evidence that the 108428
applicant's license to practice in the other state or country is 108429
in good standing. 108430

(C) The board shall approve an application for reinstatement 108431
if the conditions specified in division (B) of this section are 108432
met. An optometrist who receives reinstatement is subject to the 108433
continuing education requirements specified under section 4725.16 108434
of the Revised Code for the year in which reinstatement occurs. 108435

Sec. 4725.171. (A) An optometrist who discontinued practicing 108436
optometry in this state due to retirement or a decision to 108437
practice in another state or country before the state ~~board of~~ 108438
~~optometry~~ vision professionals board accepted applications for 108439
placement of certificates to practice on inactive status pursuant 108440
to section 4725.17 of the Revised Code may apply to the board to 108441
have the optometrist's certificates reinstated. The board may 108442
accept an application for reinstatement only if, at the time the 108443
optometrist's certificates expired, the certificates were in good 108444
standing and the optometrist was not under disciplinary review by 108445
the board. 108446

(B) For reinstatement to occur, the applicant must meet all 108447
of the following conditions: 108448

(1) Pay the renewal fees for the year in which application 108449
for reinstatement is made and the reinstatement fee specified 108450
under division (A)(10) of section 4725.34 of the Revised Code; 108451

(2) Pass all or part of the licensing examination accepted by 108452
the board under section 4725.11 of the Revised Code as the board 108453
considers appropriate, if the board considers examination 108454
necessary to determine whether the application for reinstatement 108455
should be approved; 108456

(3) If the applicant has been practicing optometry in another 108457
state or country, submit evidence of being in the active practice 108458
of optometry in the other state or country and evidence that the 108459
applicant's license to practice in the other state or country is 108460
in good standing. 108461

(C) The board shall approve an application for reinstatement 108462
if the conditions specified in division (B) of this section are 108463
met. An optometrist who receives reinstatement is subject to the 108464
continuing education requirements specified under section 4725.16 108465
of the Revised Code for the year in which reinstatement occurs. 108466

Sec. 4725.18. (A) The state ~~board of optometry~~ vision 108467
professionals board may issue a certificate of licensure and 108468
therapeutic pharmaceutical agents certificate by endorsement to an 108469
individual licensed as an optometrist by another state or a 108470
Canadian province if the board determines that the other state or 108471
province has standards for the practice of optometry that are at 108472
least as stringent as the standards established under sections 108473
4725.01 to 4725.34 of the Revised Code and the individual meets 108474
the conditions specified in division (B) of this section. The 108475
certificates may be issued only by an affirmative vote of a 108476
majority of the board's members. 108477

(B) An individual seeking a certificate of licensure and therapeutic pharmaceutical agents certificate pursuant to this section shall submit an application to the board. To receive the certificates, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B)(1) to (4) of section 4725.12 of the Revised Code to receive a certificate of licensure and therapeutic pharmaceutical agents certificate under that section;

(2) Be licensed to practice optometry by a state or province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the other state or province, evidenced by submission of a letter from the licensing agency of the other state or province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all states and provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application fees established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;

(7) Submit all transcripts, reports, or other information the board requires; 108509
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(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board; 108511
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(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this section; 108515
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(10) Not have been previously denied issuance of a certificate by the board. 108521
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Sec. 4725.19. (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state ~~board of optometry~~ vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following: 108523
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(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist; 108530
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(2) Permanently revoke any or all of the certificates; 108534

(3) Limit or otherwise place restrictions on any or all of the certificates; 108535
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(4) Reprimand the optometrist; 108537

(5) Impose a monetary penalty. If the reason for which the 108538

board is imposing the penalty involves a criminal offense that 108539
carries a fine under the Revised Code, the penalty shall not 108540
exceed the maximum fine that may be imposed for the criminal 108541
offense. In any other case, the penalty imposed by the board shall 108542
not exceed five hundred dollars. 108543

(6) Require the optometrist to take corrective action 108544
courses. 108545

The amount and content of corrective action courses shall be 108546
established by the board in rules adopted under section 4725.09 of 108547
the Revised Code. 108548

(B) The sanctions specified in division (A) of this section 108549
may be taken by the board for any of the following reasons: 108550

(1) Committing fraud in passing the licensing examination or 108551
making false or purposely misleading statements in an application 108552
for a certificate of licensure; 108553

(2) Being at any time guilty of immorality, regardless of the 108554
jurisdiction in which the act was committed; 108555

(3) Being guilty of dishonesty or unprofessional conduct in 108556
the practice of optometry; 108557

(4) Being at any time guilty of a felony, regardless of the 108558
jurisdiction in which the act was committed; 108559

(5) Being at any time guilty of a misdemeanor committed in 108560
the course of practice, regardless of the jurisdiction in which 108561
the act was committed; 108562

(6) Violating the conditions of any limitation or other 108563
restriction placed by the board on any certificate issued by the 108564
board; 108565

(7) Engaging in the practice of optometry as provided in 108566
division (A)(1), (2), or (3) of section 4725.01 of the Revised 108567
Code when the certificate authorizing that practice is under 108568

suspension, in which case the board shall permanently revoke the certificate;
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(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;
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(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;
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(10) Failing to maintain comprehensive patient records;
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(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;
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(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;
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(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;
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(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;
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(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;
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(16) Except as provided in division (D) of this section: 108599

(a) Waiving the payment of all or any part of a deductible or 108600
copayment that a patient, pursuant to a health insurance or health 108601
care policy, contract, or plan that covers optometric services, 108602
would otherwise be required to pay if the waiver is used as an 108603
enticement to a patient or group of patients to receive health 108604
care services from that optometrist. 108605

(b) Advertising that the optometrist will waive the payment 108606
of all or any part of a deductible or copayment that a patient, 108607
pursuant to a health insurance or health care policy, contract, or 108608
plan that covers optometric services, would otherwise be required 108609
to pay. 108610

(17) Failing to comply with the requirements in section 108611
3719.061 of the Revised Code before issuing for a minor a 108612
prescription for an analgesic controlled substance authorized 108613
pursuant to section 4725.091 of the Revised Code that is an opioid 108614
analgesic, as defined in section 3719.01 of the Revised Code; 108615

(18) Violating the rules adopted under section 4725.66 of the 108616
Revised Code. 108617

(C) Any person who is the holder of a certificate of 108618
licensure, or who is an applicant for a certificate of licensure 108619
against whom is preferred any charges, shall be furnished by the 108620
board with a copy of the complaint and shall have a hearing before 108621
the board in accordance with Chapter 119. of the Revised Code. 108622

(D) Sanctions shall not be imposed under division (B)(17) of 108623
this section against any optometrist who waives deductibles and 108624
copayments: 108625

(1) In compliance with the health benefit plan that expressly 108626
allows such a practice. Waiver of the deductibles or copayments 108627
shall be made only with the full knowledge and consent of the plan 108628
purchaser, payer, and third-party administrator. Documentation of 108629

the consent shall be made available to the board upon request. 108630

(2) For professional services rendered to any other 108631
optometrist licensed by the board, to the extent allowed by 108632
sections 4725.01 to 4725.34 of the Revised Code and the rules of 108633
the board. 108634

Sec. 4725.20. On receipt of a notice pursuant to section 108635
3123.43 of the Revised Code, the state ~~board of optometry~~ vision 108636
professionals board shall comply with sections 3123.41 to 3123.50 108637
of the Revised Code and any applicable rules adopted under section 108638
3123.63 of the Revised Code with respect to a license or 108639
certificate issued by the board under this chapter. 108640

Sec. 4725.21. (A) If an optometrist licensed by the state 108641
~~board of optometry~~ vision professionals board has reason to 108642
believe that another optometrist licensed currently or previously 108643
by the board has engaged in any course of treatment or other 108644
services to a patient that constitutes unprofessional conduct 108645
under section 4725.19 of the Revised Code, or has an addiction 108646
subject to board action under section 4725.19 of the Revised Code, 108647
the optometrist shall make a report to the board. 108648

(B) Any person may report to the board in a signed writing 108649
any information that the person may have that appears to show a 108650
violation of any provision of sections 4725.01 to 4725.34 of the 108651
Revised Code or the rules adopted under those sections. 108652

(C) Each complaint or allegation of a violation received by 108653
the board shall be assigned a case number and shall be recorded by 108654
the board. 108655

(D) In the absence of fraud or bad faith, no person who 108656
reports to the board under this section or testifies in any 108657
adjudication conducted under Chapter 119. of the Revised Code 108658
shall be liable to any person for damages in a civil action as a 108659

result of the report or testimony. 108660

Sec. 4725.22. (A) Each insurer providing professional 108661
liability insurance to an optometrist licensed under this chapter, 108662
or any other entity that seeks to indemnify the professional 108663
liability of an optometrist licensed under this chapter, shall 108664
notify the state ~~board of optometry~~ vision professionals board 108665
within thirty days after the final disposition of a claim for 108666
damages. The notice shall contain the following information: 108667

(1) The name and address of the person submitting the 108668
notification; 108669

(2) The name and address of the insured who is the subject of 108670
the claim; 108671

(3) The name of the person filing the written claim; 108672

(4) The date of final disposition; 108673

(5) If applicable, the identity of the court in which the 108674
final disposition of the claim took place. 108675

(B) Each optometrist licensed under this chapter shall notify 108676
the board within thirty days of receipt of the final disposition 108677
of a claim for damages or any action involving malpractice. The 108678
optometrist shall notify the board by registered mail and shall 108679
provide all reports and other information required by the board. 108680

(C) Information received under this section is not a public 108681
record for purposes of section 149.43 of the Revised Code and 108682
shall not be released except as otherwise required by law or a 108683
court of competent jurisdiction. 108684

Sec. 4725.23. (A) The state ~~board of optometry~~ vision 108685
professionals board shall investigate evidence that appears to 108686
show that a person has violated any provision of sections 4725.01 108687
to 4725.34 of the Revised Code or any rule adopted under those 108688

sections. Investigations of alleged violations shall be supervised 108689
by the member of the board appointed by the board to act as the 108690
supervising member of investigations. The supervising member shall 108691
not participate in the final vote that occurs in an adjudication 108692
of the case. 108693

(B) In investigating a possible violation, the board may 108694
administer oaths, order the taking of depositions, issue 108695
subpoenas, and compel the attendance of witnesses and production 108696
of books, accounts, papers, records, documents, and testimony. A 108697
subpoena for patient record information shall not be issued 108698
without consultation with the attorney general's office and 108699
approval of the secretary of the board and the board's supervising 108700
member of investigations. Before issuance of a subpoena for 108701
patient record information, the secretary and supervising member 108702
shall determine whether there is probable cause to believe that 108703
the complaint filed alleges a violation of sections 4725.01 to 108704
4725.34 of the Revised Code or any rule adopted under those 108705
sections and that the records sought are relevant to the alleged 108706
violation and material to the investigation. The subpoena may 108707
apply only to records that cover a reasonable period of time 108708
surrounding the alleged violation. 108709

On failure to comply with any subpoena issued by the board 108710
and after reasonable notice to the person being subpoenaed, the 108711
board may move for an order compelling the production of persons 108712
or records pursuant to the Rules of Civil Procedure. 108713

A subpoena issued by the board may be served by a sheriff, 108714
the sheriff's deputy, or a board employee designated by the board. 108715
Service of a subpoena issued by the board may be made by 108716
delivering a copy of the subpoena to the person named therein, 108717
reading it to the person, or leaving it at the person's usual 108718
place of residence. When the person being served is an optometrist 108719
licensed under this chapter, service of the subpoena may be made 108720

by certified mail, restricted delivery, return receipt requested, 108721
and the subpoena shall be deemed served on the date delivery is 108722
made or the date the optometrist refuses to accept delivery. 108723

Each witness who appears before the board in obedience to a 108724
subpoena shall receive the fees and mileage provided for under 108725
section 119.094 of the Revised Code. 108726

(C) Information received by the board pursuant to an 108727
investigation is confidential and not subject to discovery in any 108728
civil action. 108729

The board shall conduct all investigations and proceedings in 108730
a manner that protects the confidentiality of patients and persons 108731
who file complaints with the board. The board shall not make 108732
public the names or any other identifying information about 108733
patients or complainants unless proper consent is given. 108734

The board may share any information it receives pursuant to 108735
an investigation, including patient records and patient record 108736
information, with other licensing boards and governmental agencies 108737
that are investigating alleged professional misconduct and with 108738
law enforcement agencies and other governmental agencies that are 108739
investigating or prosecuting alleged criminal offenses. A board or 108740
agency that receives the information shall comply with the same 108741
requirements regarding confidentiality as those with which the 108742
state ~~board of optometry~~ vision professionals board must comply, 108743
notwithstanding any conflicting provision of the Revised Code or 108744
procedure of the board or agency that applies when the board or 108745
agency is dealing with other information in its possession. The 108746
information may be admitted into evidence in a criminal trial in 108747
accordance with the Rules of Evidence, but the court shall require 108748
that appropriate measures are taken to ensure that confidentiality 108749
is maintained with respect to any part of the information that 108750
contains names or other identifying information about persons 108751
whose confidentiality was protected by the state ~~board of~~ 108752

~~optometry~~ vision professionals board when the information was in 108753
the board's possession. Measures to ensure confidentiality that 108754
may be taken by the court include sealing its records or deleting 108755
specific information from its records. 108756

Sec. 4725.24. If the secretary of the state ~~board of~~ 108757
~~optometry~~ vision professionals board and the board's supervising 108758
member of investigations determine that there is clear and 108759
convincing evidence that an optometrist has violated division (B) 108760
of section 4725.19 of the Revised Code and that the optometrist's 108761
continued practice presents a danger of immediate and serious harm 108762
to the public, they may recommend that the board suspend without a 108763
prior hearing the optometrist's certificate of licensure and any 108764
other certificates held by the optometrist. Written allegations 108765
shall be prepared for consideration by the full board. 108766

The board, upon review of those allegations and by an 108767
affirmative vote of three members other than the secretary and 108768
supervising member may order the suspension without a prior 108769
hearing. A telephone conference call may be utilized for reviewing 108770
the allegations and taking the vote on the summary suspension. 108771

The board shall issue a written order of suspension by 108772
certified mail or in person in accordance with section 119.07 of 108773
the Revised Code. The order shall not be subject to suspension by 108774
the court during pendency of any appeal filed under section 119.12 108775
of the Revised Code. If the individual subject to the summary 108776
suspension requests an adjudicatory hearing by the board, the date 108777
set for the hearing shall be within fifteen days, but not earlier 108778
than seven days, after the individual requests the hearing, unless 108779
otherwise agreed to by both the board and the individual. 108780

Any summary suspension imposed under this division shall 108781
remain in effect, unless reversed on appeal, until a final 108782
adjudicative order issued by the board pursuant to section 4725.19 108783

of the Revised Code and Chapter 119. of the Revised Code becomes 108784
effective. The board shall issue its final adjudicative order 108785
within sixty days after completion of its hearing. A failure to 108786
issue the order within sixty days shall result in dissolution of 108787
the summary suspension order but shall not invalidate any 108788
subsequent, final adjudicative order. 108789

Sec. 4725.26. Division (A) of section 4725.02 of the Revised 108790
Code does not apply to the following: 108791

(A) Physicians authorized to practice medicine and surgery or 108792
osteopathic medicine and surgery under Chapter 4731. of the 108793
Revised Code; 108794

(B) Persons who sell optical accessories but do not assume to 108795
adapt them to the eye, and neither practice nor profess to 108796
practice optometry; 108797

(C) An instructor in a school of optometry that is located in 108798
this state and approved by the state ~~board of optometry~~ vision 108799
professionals board under section 4725.10 of the Revised Code who 108800
holds a valid current license to practice optometry from a 108801
licensing body in another jurisdiction and limits the practice of 108802
optometry to the instruction of students enrolled in the school. 108803

(D) A student enrolled in a school of optometry, located in 108804
this or another state and approved by the board under section 108805
4725.10 of the Revised Code, while the student is participating in 108806
this state in an optometry training program provided or sponsored 108807
by the school, if the student acts under the direct, personal 108808
supervision and control of an optometrist licensed by the board or 108809
authorized to practice pursuant to division (C) of this section. 108810

(E) An individual who is licensed or otherwise specifically 108811
authorized by the Revised Code to engage in an activity that is 108812
included in the practice of optometry. 108813

(F) An individual who is not licensed or otherwise 108814
specifically authorized by the Revised Code to engage in an 108815
activity that is included in the practice of optometry, but is 108816
acting pursuant to the rules for delegation of optometric tasks 108817
adopted under section 4725.09 of the Revised Code. 108818

Sec. 4725.27. The testimony and reports of an optometrist 108819
licensed by the state ~~board of optometry~~ vision professionals 108820
board under this chapter shall be received by any state, county, 108821
municipal, school district, or other public board, body, agency, 108822
institution, or official and by any private educational or other 108823
institution receiving public funds as competent evidence with 108824
respect to any matter within the scope of the practice of 108825
optometry. No such board, body, agency, official, or institution 108826
shall interfere with any individual's right to a free choice of 108827
receiving services from either an optometrist or a physician. No 108828
such board, body, agency, official, or institution shall 108829
discriminate against an optometrist performing procedures that are 108830
included in the practice of optometry as provided in division 108831
(A)(2) or (3) of section 4725.01 of the Revised Code if the 108832
optometrist is licensed under this chapter to perform those 108833
procedures. 108834

Sec. 4725.28. (A) As used in this section, "supplier" means 108835
any person who prepares or sells optical accessories or other 108836
vision correcting items, devices, or procedures. 108837

(B) A licensed optometrist, on completion of a vision 108838
examination and diagnosis, shall give each patient for whom the 108839
optometrist prescribes any vision correcting item, device, or 108840
procedure, one copy of the prescription, without additional charge 108841
to the patient. The prescription shall include the following: 108842

(1) The date of its issuance; 108843

(2) Sufficient information to enable the patient to obtain 108844
from the supplier of the patient's choice, the optical accessory 108845
or other vision correcting item, device, or procedure that has 108846
been prescribed; 108847

(3) In the case of contact lenses, all information specified 108848
as part of a contact lens prescription, as defined in the 108849
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 108850
15 U.S.C. 7610. 108851

(C) Any supplier who fills a prescription for contact lenses 108852
furnished by an optometrist shall furnish the patient with written 108853
recommendations to return to the prescribing optometrist for 108854
evaluation of the contact lens fitting. 108855

(D) Any supplier, including an optometrist who is a supplier, 108856
may advertise to inform the general public of the price that the 108857
supplier charges for any vision correcting item, device, or 108858
procedure. Any such advertisement shall specify the following: 108859

(1) Whether the advertised item includes an eye examination; 108860

(2) In the case of lenses, whether the price applies to 108861
single-vision or multifocal lenses; 108862

(3) In the case of contact lenses, whether the price applies 108863
to rigid or soft lenses and whether there is an additional charge 108864
related to the fitting and determination of the type of contact 108865
lenses to be worn that is not included in the price of the eye 108866
examination. 108867

(E) The state ~~board of optometry~~ vision professionals board 108868
shall not adopt any rule that restricts the right to advertise as 108869
permitted by division (D) of this section. 108870

(F) Any municipal corporation code, ordinance, or regulation 108871
or any township resolution that conflicts with a supplier's right 108872
to advertise as permitted by division (D) of this section is 108873

superseded by division (D) of this section and is invalid. A 108874
municipal corporation code, ordinance, or regulation or a township 108875
resolution conflicts with division (D) of this section if it 108876
restricts a supplier's right to advertise as permitted by division 108877
(D) of this section. 108878

Sec. 4725.29. (A) As used in this section: 108879

(1) "Regional advertisement" means an advertisement published 108880
in more than one metropolitan statistical area in this state or 108881
broadcast by radio or television stations in more than one 108882
metropolitan statistical area in this state. 108883

(2) "National advertisement" means an advertisement published 108884
in one or more periodicals or broadcast by one or more radio or 108885
television stations in this state and also published in one or 108886
more periodicals or broadcast by one or more radio or television 108887
stations in another state. 108888

(B) The state ~~board of optometry~~ vision professionals board 108889
shall not require any person who sells optical accessories at more 108890
than one location to list in any regional or national 108891
advertisement the name of the licensed optometrist practicing at a 108892
particular location, provided that in addition to the requirement 108893
in division (B) of section 4725.13 of the Revised Code, the name 108894
of the optometrist is prominently displayed at the location. 108895

Sec. 4725.31. An optometrist licensed by the state ~~board of~~ 108896
~~optometry~~ vision professionals board shall promptly report to the 108897
board any instance of a clinically significant drug-induced side 108898
effect in a patient due to the optometrist's administering, 108899
employing, applying, or prescribing a topical ocular or 108900
therapeutic pharmaceutical agent to or for the patient. The board, 108901
by rule adopted in accordance with Chapter 119. of the Revised 108902
Code, shall establish reporting procedures and specify the types 108903

of side effects to be reported. The information provided to the 108904
board shall not include the name of or any identifying information 108905
about the patient. 108906

Sec. 4725.33. (A) An individual whom the state ~~board of~~ 108907
~~optometry vision professionals board~~ licenses to engage in the 108908
practice of optometry may render the professional services of an 108909
optometrist within this state through a corporation formed under 108910
division (B) of section 1701.03 of the Revised Code, a limited 108911
liability company formed under Chapter 1705. of the Revised Code, 108912
a partnership, or a professional association formed under Chapter 108913
1785. of the Revised Code. This division does not preclude an 108914
optometrist from rendering professional services as an optometrist 108915
through another form of business entity, including, but not 108916
limited to, a nonprofit corporation or foundation, or in another 108917
manner that is authorized by or in accordance with this chapter, 108918
another chapter of the Revised Code, or rules of the state ~~board~~ 108919
~~of optometry vision professionals board~~ adopted pursuant to this 108920
chapter. 108921

(B) A corporation, limited liability company, partnership, or 108922
professional association described in division (A) of this section 108923
may be formed for the purpose of providing a combination of the 108924
professional services of the following individuals who are 108925
licensed, certificated, or otherwise legally authorized to 108926
practice their respective professions: 108927

(1) Optometrists who are authorized to practice optometry 108928
under Chapter 4725. of the Revised Code; 108929

(2) Chiropractors who are authorized to practice chiropractic 108930
or acupuncture under Chapter 4734. of the Revised Code; 108931

(3) Psychologists who are authorized to practice psychology 108932
under Chapter 4732. of the Revised Code; 108933

(4) Registered or licensed practical nurses who are	108934
authorized to practice nursing as registered nurses or as licensed	108935
practical nurses under Chapter 4723. of the Revised Code;	108936
(5) Pharmacists who are authorized to practice pharmacy under	108937
Chapter 4729. of the Revised Code;	108938
(6) Physical therapists who are authorized to practice	108939
physical therapy under sections 4755.40 to 4755.56 of the Revised	108940
Code;	108941
(7) Occupational therapists who are authorized to practice	108942
occupational therapy under sections 4755.04 to 4755.13 of the	108943
Revised Code;	108944
(8) Mechanotherapists who are authorized to practice	108945
mechanotherapy under section 4731.151 of the Revised Code;	108946
(9) Doctors of medicine and surgery, osteopathic medicine and	108947
surgery, or podiatric medicine and surgery who are authorized for	108948
their respective practices under Chapter 4731. of the Revised	108949
Code;	108950
(10) Licensed professional clinical counselors, licensed	108951
professional counselors, independent social workers, social	108952
workers, independent marriage and family therapists, or marriage	108953
and family therapists who are authorized for their respective	108954
practices under Chapter 4757. of the Revised Code.	108955
This division shall apply notwithstanding a provision of a	108956
code of ethics applicable to an optometrist that prohibits an	108957
optometrist from engaging in the practice of optometry in	108958
combination with a person who is licensed, certificated, or	108959
otherwise legally authorized to practice chiropractic, acupuncture	108960
through the state chiropractic board, psychology, nursing,	108961
pharmacy, physical therapy, occupational therapy, mechanotherapy,	108962
medicine and surgery, osteopathic medicine and surgery, podiatric	108963
medicine and surgery, professional counseling, social work, or	108964

marriage and family therapy, but who is not also licensed, 108965
certificated, or otherwise legally authorized to engage in the 108966
practice of optometry. 108967

Sec. 4725.34. (A) The state ~~board of optometry~~ vision 108968
professionals board shall charge the following nonrefundable fees: 108969

(1) One hundred thirty dollars for application for a 108970
certificate of licensure to practice optometry; 108971

(2) Forty-five dollars for application for a therapeutic 108972
pharmaceutical agents certificate, except when the certificate is 108973
to be issued pursuant to division (A)(3) of section 4725.13 of the 108974
Revised Code, in which case the fee shall be thirty-five dollars; 108975

(3) One hundred thirty dollars for renewal of a certificate 108976
of licensure to practice optometry; 108977

(4) Forty-five dollars for renewal of a topical ocular 108978
pharmaceutical agents certificate; 108979

(5) Forty-five dollars for renewal of a therapeutic 108980
pharmaceutical agents certificate; 108981

(6) One hundred twenty-five dollars for late completion or 108982
submission, or both, of continuing optometric education; 108983

(7) One hundred twenty-five dollars for late renewal of one 108984
or more certificates that have expired; 108985

(8) Seventy-five dollars for reinstatement of one or more 108986
certificates classified as delinquent under section 4725.16 of the 108987
Revised Code, multiplied by the number of years the one or more 108988
certificates have been classified as delinquent; 108989

(9) Seventy-five dollars for reinstatement of one or more 108990
certificates placed on inactive status under section 4725.17 of 108991
the Revised Code; 108992

(10) Seventy-five dollars for reinstatement under section 108993

4725.171 of the Revised Code of one or more expired certificates;	108994
(11) Additional fees to cover administrative costs incurred	108995
by the board, including fees for replacing licenses issued by the	108996
board and providing rosters of currently licensed optometrists.	108997
Such fees shall be established at a regular meeting of the board	108998
and shall comply with any applicable guidelines or policies set by	108999
the department of administrative services or the office of budget	109000
and management.	109001
(B) The board, subject to the approval of the controlling	109002
board, may establish fees in excess of the amounts specified in	109003
division (A) of this section if the fees do not exceed the amounts	109004
specified by more than fifty per cent.	109005
(C) All receipts of the board, from any source, shall be	109006
deposited in the state treasury to the credit of the occupational	109007
licensing and regulatory fund <u>created in section 4743.05 of the</u>	109008
<u>Revised Code.</u>	109009
Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the	109010
Revised Code:	109011
(A) "Optical aid" means both of the following:	109012
(1) Spectacles or other instruments or devices that are not	109013
contact lenses, if the spectacles or other instruments or devices	109014
may aid or correct human vision and have been prescribed by a	109015
physician or optometrist licensed by any state;	109016
(2) Contact lenses, regardless of whether they address visual	109017
function, if they are designed to fit over the cornea of the eye	109018
or are otherwise designed for use in or on the eye or orbit.	109019
All contact lenses shall be dispensed only in accordance with	109020
a valid written prescription designated for contact lenses,	109021
including the following:	109022
(a) Zero-powered plano contact lenses;	109023

(b) Cosmetic contact lenses;	109024
(c) Performance-enhancing contact lenses;	109025
(d) Any other contact devices determined by the Ohio optical dispensers <u>state vision professionals</u> board to be contact lenses.	109026 109027
(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.	109028 109029 109030 109031 109032 109033 109034 109035 109036 109037 109038 109039
(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections 4725.47 <u>4725.48</u> to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.	109040 109041 109042 109043 109044 109045
(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:	109046 109047
(1) The dispensing of optical aids other than contact lenses;	109048
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	109049 109050
(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	109051 109052 109053

(F) "Licensed spectacle-contact lens dispensing optician" 109054
means a licensed dispensing optician authorized to engage in the 109055
dispensing of any optical aid. 109056

(G) "Apprentice" means any person dispensing optical aids 109057
under the direct supervision of a licensed dispensing optician. 109058

(H) "Prescription" means the written or verbal directions or 109059
instructions as specified by a physician or optometrist licensed 109060
by any state for preparing an optical aid for a patient. 109061

(I) "Supervision" means the provision of direction and 109062
control through personal inspection and evaluation of work. 109063

(J) "Licensed ocularist" means a person holding a current, 109064
valid license issued under sections 4725.48 to 4725.51 of the 109065
Revised Code to engage in the practice of designing, fabricating, 109066
and fitting artificial eyes or prostheses associated with the 109067
appearance or function of the human eye. 109068

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ No 109069
person shall engage in optical dispensing or hold ~~himself~~ self out 109070
as being engaged in optical dispensing, ~~except as authorized under~~ 109071
~~section 4725.47 of the Revised Code,~~ unless he the person has 109072
fulfilled the requirements of sections 4725.48 to 4725.51 of the 109073
Revised Code and has been certified as a licensed dispensing 109074
optician by the ~~Ohio optical dispensers~~ state vision professionals 109075
board. 109076

No person shall engage in the designing, fabricating, and 109077
fitting of an artificial eye or of prostheses associated with the 109078
appearance or function of the human eye unless ~~he~~ the person is 109079
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 109080
the Revised Code. 109081

Sec. 4725.411. (A) Each licensed spectacle dispensing 109082
optician shall complete two hours of study in prepackaged soft 109083

contact lens dispensing approved by the ~~Ohio optical dispensers~~ 109084
state vision professionals board under section 4725.51 of the 109085
Revised Code. The two hours of study shall be completed as 109086
follows: 109087

(1) Each licensed spectacle dispensing optician who holds the 109088
license on ~~the effective date of this amendment~~ September 29, 109089
2015, shall complete the two hours of study not later than 109090
December 31, 2015. 109091

(2) Each licensed spectacle dispensing optician who receives 109092
the license after ~~the effective date of this amendment~~ September 109093
29, 2015, shall complete the two hours of study not later than the 109094
thirty-first day of December of the year the license is issued. 109095

(B) Beginning January 1, 2016, a licensed spectacle 109096
dispensing optician may dispense prepackaged soft contact lenses 109097
if both of the following are the case: 109098

(1) The licensed spectacle dispensing optician has completed 109099
two hours of study in prepackaged soft contact lens dispensing in 109100
accordance with division (A) of this section. 109101

(2) The only action necessary is to match the description of 109102
the contact lenses that is on the packaging to a written 109103
prescription. 109104

Sec. 4725.44. (A) The ~~Ohio optical dispensers~~ state vision 109105
professionals board shall be responsible for the administration of 109106
sections 4725.40 to 4725.59 of the Revised Code and, in 109107
particular, shall process applications for licensure as licensed 109108
dispensing opticians and ocularists; schedule, administer, and 109109
supervise the qualifying examinations for licensure or contract 109110
with a testing service to schedule, administer, and supervise the 109111
qualifying examination for licensure; issue licenses to qualified 109112
individuals; and revoke and suspend licenses; ~~and maintain~~ 109113

~~adequate records with respect to its operations and~~ 109114
~~responsibilities.~~ 109115

(B) The board shall adopt, amend, or rescind rules, pursuant 109116
to Chapter 119. of the Revised Code, for the licensure of 109117
dispensing opticians and ocularists, and such other rules as are 109118
required by or necessary to carry out the responsibilities imposed 109119
by sections 4725.40 to 4725.59 of the Revised Code, including 109120
rules establishing criminal records check requirements under 109121
section 4776.03 of the Revised Code and rules establishing 109122
disqualifying offenses for licensure as a dispensing optician or 109123
certification as an apprentice dispensing optician pursuant to 109124
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 109125
Code. 109126

(C) The board shall have no authority to adopt rules 109127
governing the employment of dispensing opticians, the location or 109128
number of optical stores, advertising of optical products or 109129
services, or the manner in which optical products can be 109130
displayed. 109131

Sec. 4725.48. (A) Any person who desires to engage in optical 109132
dispensing, ~~except as provided in section 4725.47 of the Revised~~ 109133
~~Code,~~ shall file a properly completed ~~written~~ application for an 109134
examination with the ~~Ohio optical dispensers~~ state vision 109135
professionals board or with the testing service the board has 109136
contracted with pursuant to section 4725.49 of the Revised Code. 109137
The application for examination shall be made on a form provided 109138
by the board or testing service and shall be accompanied by an 109139
examination fee the board shall establish by rule. Applicants must 109140
return the application to the board or testing service at least 109141
sixty days prior to the date the examination is scheduled to be 109142
administered. 109143

(B) ~~Except as provided in section 4725.47 of the Revised~~ 109144

~~Code, any~~ Any person who desires to engage in optical dispensing 109145
shall file a properly completed ~~written~~ application for a license 109146
with the board with a licensure application fee of fifty dollars. 109147

No person shall be eligible to apply for a license under this 109148
division, unless the person is at least eighteen years of age, is 109149
free of contagious or infectious disease, has received a passing 109150
score, as determined by the board, on the examination administered 109151
under division (A) of this section, is a graduate of an accredited 109152
high school of any state, or has received an equivalent education 109153
and has successfully completed either of the following: 109154

(1) Two years of supervised experience under a licensed 109155
dispensing optician, optometrist, or physician engaged in the 109156
practice of ophthalmology, up to one year of which may be 109157
continuous experience of not less than thirty hours a week in an 109158
optical laboratory; 109159

(2) A two-year college level program in optical dispensing 109160
that has been approved by the board and that includes, but is not 109161
limited to, courses of study in mathematics, science, English, 109162
anatomy and physiology of the eye, applied optics, ophthalmic 109163
optics, measurement and inspection of lenses, lens grinding and 109164
edging, ophthalmic lens design, keratometry, and the fitting and 109165
adjusting of spectacle lenses and frames and contact lenses, 109166
including methods of fitting contact lenses and post-fitting care. 109167

(C) Any person who desires to obtain a license to practice as 109168
an ocularist shall file a properly completed ~~written~~ application 109169
with the board accompanied by the appropriate fee and proof that 109170
the applicant has met the requirements for licensure. The board 109171
shall establish, by rule, the application fee and the minimum 109172
requirements for licensure, including education, examination, or 109173
experience standards recognized by the board as national standards 109174
for ocularists. The board shall issue a license to practice as an 109175
ocularist to an applicant who satisfies the requirements of this 109176

division and rules adopted pursuant to this division. 109177

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 109178
section, the board shall not adopt, maintain, renew, or enforce 109179
any rule that precludes an individual from receiving or renewing a 109180
license as a dispensing optician issued under sections 4725.40 to 109181
4725.59 of the Revised Code due to any past criminal activity or 109182
interpretation of moral character, unless the individual has 109183
committed a crime of moral turpitude or a disqualifying offense as 109184
those terms are defined in section 4776.10 of the Revised Code. If 109185
the board denies an individual a license or license renewal, the 109186
reasons for such denial shall be put in writing. 109187

(2) Except as otherwise provided in this division, if an 109188
individual applying for a license has been convicted of or pleaded 109189
guilty to a misdemeanor that is not a crime of moral turpitude or 109190
a disqualifying offense less than one year prior to making the 109191
application, the board may use its discretion in granting or 109192
denying the individual a license. Except as otherwise provided in 109193
this division, if an individual applying for a license has been 109194
convicted of or pleaded guilty to a felony that is not a crime of 109195
moral turpitude or a disqualifying offense less than three years 109196
prior to making the application, the board may use its discretion 109197
in granting or denying the individual a license. The provisions in 109198
this paragraph do not apply with respect to any offense unless the 109199
board, prior to ~~the effective date of this amendment~~ September 28, 109200
2012, was required or authorized to deny the application based on 109201
that offense. 109202

In all other circumstances, the board shall follow the 109203
procedures it adopts by rule that conform to division (D)(1) of 109204
this section. 109205

(3) In considering a renewal of an individual's license, the 109206
board shall not consider any conviction or plea of guilty prior to 109207
the initial licensing. However, the board may consider a 109208

conviction or plea of guilty if it occurred after the individual 109209
was initially licensed, or after the most recent license renewal. 109210

(4) The board may grant an individual a conditional license 109211
that lasts for one year. After the one-year period has expired, 109212
the license is no longer considered conditional, and the 109213
individual shall be considered fully licensed. 109214

(E) The board, subject to the approval of the controlling 109215
board, may establish examination fees in excess of the amount 109216
established by rule pursuant to this section, provided that such 109217
fees do not exceed those amounts established in rule by more than 109218
fifty per cent. 109219

Sec. 4725.49. (A) ~~The Ohio optical dispensers~~ state vision 109220
professionals board may provide for the examination of applicants 109221
by designing, preparing, and administering the qualifying 109222
examinations or by contracting with a testing service that is 109223
nationally recognized as being capable of determining competence 109224
to dispense optical aids as a licensed spectacle dispensing 109225
optician, a licensed contact lens dispensing optician, or a 109226
licensed spectacle-contact lens dispensing optician. Any 109227
examination used shall be designed to measure specific performance 109228
requirements, be professionally constructed and validated, and be 109229
independently and objectively administered and scored in order to 109230
determine the applicant's competence to dispense optical aids. 109231

(B) The board shall ensure that it, or the testing service it 109232
contracts with, does all of the following: 109233

(1) Provides public notice as to the date, time, and place 109234
for each examination at least ninety days prior to the 109235
examination; 109236

(2) Offers each qualifying examination at least twice each 109237
year in Columbus, except as provided in division (C) of this 109238

section; 109239

(3) Provides to each applicant all forms necessary to apply 109240
for examination; 109241

(4) Provides all materials and equipment necessary for the 109242
applicant to take the examination. 109243

(C) If the number of applicants for any qualifying 109244
examination is less than ten, the examination may be postponed. 109245
The board or testing service shall provide the applicant with 109246
written notification of the postponement and of the next date the 109247
examination is scheduled to be administered. 109248

(D) No limitation shall be placed upon the number of times 109249
that an applicant may repeat any qualifying examination, except 109250
that, if an applicant fails an examination for a third time, the 109251
board may require that the applicant, prior to retaking the 109252
examination, undergo additional study in the areas of the 109253
examination in which the applicant experienced difficulty. 109254

Sec. 4725.50. (A) Except for a person who qualifies for 109255
licensure as an ocularist, each person who qualifies for licensure 109256
under sections 4725.40 to 4725.59 of the Revised Code shall 109257
receive from the ~~Ohio optical dispensers~~ state vision 109258
professionals board, under its seal, a certificate of licensure 109259
entitling the person to practice as a licensed spectacle 109260
dispensing optician, licensed contact lens dispensing optician, or 109261
a licensed spectacle-contact lens dispensing optician. The 109262
appropriate certificate of licensure shall be issued by the board 109263
no later than sixty days after it has notified the applicant of 109264
the applicant's approval for licensure. 109265

(B) Each licensed dispensing optician shall display the 109266
licensed dispensing optician's certificate of licensure in a 109267
conspicuous place in the licensed dispensing optician's office or 109268

place of business. If a licensed dispensing optician maintains 109269
more than one office or place of business, the licensed dispensing 109270
optician shall display a duplicate copy of such certificate at 109271
each location. The board shall issue duplicate copies of the 109272
appropriate certificate of licensure for this purpose upon the 109273
filing of an application form therefor and the payment of a 109274
five-dollar fee for each duplicate copy. 109275

Sec. 4725.501. (A) As used in this section, "license" and 109276
"applicant for an initial license" have the same meanings as in 109277
section 4776.01 of the Revised Code, except that "license" as used 109278
in both of those terms refers to the types of authorizations 109279
otherwise issued or conferred under this chapter. 109280

(B) In addition to any other eligibility requirement set 109281
forth in this chapter, each applicant for an initial license shall 109282
comply with sections 4776.01 to 4776.04 of the Revised Code. The 109283
~~Ohio optical dispensers~~ state vision professionals board shall not 109284
grant a license to an applicant for an initial license unless the 109285
applicant complies with sections 4776.01 to 4776.04 of the Revised 109286
Code and the board, in its discretion, decides that the results of 109287
the criminal records check do not make the applicant ineligible 109288
for a license issued pursuant to section 4725.50 or 4725.57 of the 109289
Revised Code. 109290

Sec. 4725.51. (A)(1) Each license issued under sections 109291
4725.40 to 4725.59 of the Revised Code shall expire on the first 109292
day of January in the year after it was issued. Each person 109293
holding a valid, current license may apply to the ~~Ohio optical~~ 109294
~~dispensers~~ state vision professionals board for the extension of 109295
the license under the standard renewal procedures of Chapter 4745. 109296
of the Revised Code. Each application for renewal shall be 109297
accompanied by a renewal fee the board shall establish by rule. In 109298
addition, except as provided in division (A)(2) of this section, 109299

the application shall contain evidence that the applicant has 109300
completed continuing education within the immediately preceding 109301
one-year period as follows: 109302

(a) Licensed spectacle dispensing opticians shall have 109303
pursued both of the following, approved by the board: 109304

(i) Four hours of study in spectacle dispensing; 109305

(ii) Two hours of study in contact lens dispensing. 109306

(b) Licensed contact lens dispensing opticians shall have 109307
pursued eight hours of study in contact lens dispensing, approved 109308
by the board. 109309

(c) Licensed spectacle-contact lens dispensing opticians 109310
shall have pursued both of the following, approved by the board: 109311

(i) Four hours of study in spectacle dispensing; 109312

(ii) Eight hours of study in contact lens dispensing. 109313

(d) Licensed ocularists shall have pursued courses of study 109314
as prescribed by rule of the board. 109315

(2) An application for the initial renewal of a license 109316
issued under sections 4725.40 to 4725.55 of the Revised Code is 109317
not required to contain evidence that the applicant has completed 109318
the continuing education requirements of division (A)(1) of this 109319
section. 109320

(B) No person who fails to renew the person's license under 109321
division (A) of this section shall be required to take a 109322
qualifying examination under section 4725.48 of the Revised Code 109323
as a condition of renewal, provided that the application for 109324
renewal and proof of the requisite continuing education hours are 109325
submitted within ninety days from the date the license expired and 109326
the applicant pays the annual renewal fee and a penalty of 109327
seventy-five dollars. The board may provide, by rule, for an 109328
extension of the grace period for licensed dispensing opticians 109329

who are serving in the armed forces of the United States or a 109330
reserve component of the armed forces of the United States, 109331
including the Ohio national guard or the national guard of any 109332
other state and for waiver of the continuing education 109333
requirements or the penalty in cases of hardship or illness. 109334

(C) The board shall approve continuing education programs and 109335
shall adopt rules as necessary for approving the programs. The 109336
rules shall permit programs to be conducted either in person or 109337
through electronic or other self-study means. Approved programs 109338
shall be scheduled, sponsored, and conducted in accordance with 109339
the board's rules. 109340

(D) Any license given a grandfathered issuance or renewal 109341
between March 22, 1979, and March 22, 1980, shall be renewed in 109342
accordance with this section. 109343

Sec. 4725.52. Any licensed dispensing optician may supervise 109344
a maximum of three apprentices who shall be permitted to engage in 109345
optical dispensing only under the supervision of the licensed 109346
dispensing optician. 109347

To serve as an apprentice, a person shall register with the 109348
~~Ohio optical dispensers~~ state vision professionals board either on 109349
a form provided by the board or in the form of a statement giving 109350
the name and address of the supervising licensed dispensing 109351
optician, the location at which the apprentice will be employed, 109352
and any other information required by the board. For the duration 109353
of the apprenticeship, the apprentice shall register annually on 109354
the form provided by the board or in the form of a statement. 109355

Each apprentice shall pay an initial registration fee of 109356
twenty dollars. For each registration renewal thereafter, each 109357
apprentice shall pay a registration renewal fee of twenty dollars. 109358

The board shall not deny registration as an apprentice under 109359

this section to any individual based on the individual's past 109360
criminal history or an interpretation of moral character unless 109361
the individual has committed a disqualifying offense or crime of 109362
moral turpitude as those terms are defined in section 4776.10 of 109363
the Revised Code. Except as otherwise provided in this division, 109364
if an individual applying for a registration has been convicted of 109365
or pleaded guilty to a misdemeanor that is not a crime of moral 109366
turpitude or a disqualifying offense less than one year prior to 109367
making the application, the board may use its discretion in 109368
granting or denying the individual a registration. Except as 109369
otherwise provided in this division, if an individual applying for 109370
a registration has been convicted of or pleaded guilty to a felony 109371
that is not a crime of moral turpitude or a disqualifying offense 109372
less than three years prior to making the application, the board 109373
may use its discretion in granting or denying the individual a 109374
registration. The provisions in this paragraph do not apply with 109375
respect to any offense unless the board, prior to ~~the effective~~ 109376
~~date of this amendment~~ September 28, 2012, was required or 109377
authorized to deny the registration based on that offense. 109378

In all other circumstances, the board shall follow the 109379
procedures it adopts by rule that conform to this section. In 109380
considering a renewal of an individual's registration, the board 109381
shall not consider any conviction or plea of guilty prior to the 109382
initial registration. However, the board may consider a conviction 109383
or plea of guilty if it occurred after the individual was 109384
initially registered, or after the most recent registration 109385
renewal. If the board denies an individual for a registration or 109386
registration renewal, the reasons for such denial shall be put in 109387
writing. Additionally, the board may grant an individual a 109388
conditional registration that lasts for one year. After the 109389
one-year period has expired, the registration is no longer 109390
considered conditional, and the individual shall be considered 109391
fully registered. 109392

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

Sec. 4725.53. (A) The ~~Ohio optical dispensers~~ state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;

(4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;

(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;

(8) Permitting another person to use the licensee's license;

(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;

(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider-~~i~~

(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay*i*

(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4725.531. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued by the board pursuant to this chapter.

Sec. 4725.54. (A) Any person having knowledge of a violation of sections 4725.40 to 4725.59 of the Revised Code by a licensed dispensing optician or an apprentice, or of any other ground specified in section 4725.53 of the Revised Code for denying, suspending, or revoking a license, may submit a written complaint, specifying the precise violations or grounds, to the ~~Ohio optical dispensers state~~ vision professionals board. If the board determines, in accordance with the procedures of Chapter 119. of the Revised Code, that the charges are sustained by the evidence presented, it may suspend or revoke the license of the person against whom the charges were preferred.

(B) If the board discovers or is informed that any person is or has been engaged in optical dispensing without having received a license under sections 4725.40 to 4725.59 of the Revised Code, it shall inform the prosecuting attorney for the county in which the alleged unlicensed activity took place. The prosecuting

attorney shall take all legal action necessary to terminate such 109484
illegal practice of optical dispensing and to prosecute the 109485
offender under section 4725.41 of the Revised Code. 109486

(C) In addition to other remedies provided in this chapter, 109487
the board may request the attorney general or the prosecuting 109488
attorney of a county in which a violation of sections 4725.40 to 109489
4725.59 of the Revised Code occurs to apply to the court of common 109490
pleas of the county for an injunction to restrain the activity 109491
that constitutes a violation. 109492

Sec. 4725.55. No person shall do any of the following: 109493

(A) Sell or barter, or offer to sell or barter, a certificate 109494
of licensure as a dispensing optician issued under sections 109495
4725.40 to 4725.59 of the Revised Code; 109496

(B) Use, or attempt to use, a license which is illegally 109497
purchased or acquired under division (A) of this section, obtained 109498
by fraud or deception, counterfeited, materially altered or 109499
otherwise modified without prior approval of the ~~Ohio optical~~ 109500
~~dispensers~~ state vision professionals board, or suspended or 109501
revoked under section 4725.53 or 4725.54 of the Revised Code; 109502

(C) Materially alter or otherwise modify a license in any 109503
manner, unless authorized by the ~~Ohio optical dispensers~~ state 109504
vision professionals board; 109505

(D) Willfully and knowingly make any false statement in an 109506
application required under sections 4725.40 to 4725.59 of the 109507
Revised Code. 109508

Sec. 4725.57. An applicant for licensure as a licensed 109509
dispensing optician who is licensed or registered in another state 109510
shall be accorded the full privileges of practice within this 109511
state, upon the payment of a fifty-dollar fee and the submission 109512
of a certified copy of the license or certificate issued by such 109513

other state, without the necessity of examination, if the state 109514
vision professionals board determines that the applicant meets the 109515
remaining requirements of division (B) of section 4725.48 of the 109516
Revised Code. The board may require that the applicant have 109517
received a passing score, as determined by the board, on an 109518
examination that is substantially the same as the examination 109519
described in division (A) of section 4725.48 of the Revised Code. 109520

Sec. 4725.61. ~~The state board of optometry and the Ohio~~ 109521
~~optical dispensers~~ vision professionals board shall comply with 109522
section 4776.20 of the Revised Code. 109523

Sec. 4725.63. The state vision professionals board may 109524
appoint committees or other groups to assist in fulfilling its 109525
duties. A committee or group may consist of board members, other 109526
individuals with appropriate backgrounds, or both board members 109527
and other individuals with appropriate backgrounds. Any appointed 109528
committee or group shall act under the board's direction and shall 109529
perform its functions within the limits established by the board. 109530

If the board appoints a committee or group to address issues 109531
concerning optical dispensing or the practice of licensed 109532
dispensing opticians and licensed ocularists under sections 109533
4725.40 to 4725.59 of the Revised Code, the board shall include as 109534
a member of that committee or group a physician licensed by the 109535
state medical board who engages in the practice of ophthalmology 109536
and is recommended by a professional association representing the 109537
interests of the profession of ophthalmology. 109538

Except as otherwise provided in the Revised Code, a committee 109539
or group organized under this section is advisory in nature and 109540
may not act independently of the board or act on the board's 109541
behalf. 109542

Members of a committee or group may be reimbursed by the 109543

board for any expenses incurred in the performance of their 109544
duties, in accordance with section 126.31 of the Revised Code and 109545
with approval from the director of administrative services. 109546

Sec. 4725.64. The state vision professionals board may enter 109547
into contracts with any person or government entity to implement 109548
this chapter, the rules adopted under this chapter, any other 109549
applicable statutes or rules, and any applicable federal statutes 109550
or regulations. 109551

Sec. 4725.65. The state vision professionals board may become 109552
a member of a national licensing organization for optometrists and 109553
dispensing opticians. The board may participate in any of the 109554
organization's activities, including reporting actions the board 109555
takes against an applicant or license holder to any data bank 109556
established by the organization. 109557

Sec. 4725.66. The state vision professionals board shall 109558
establish a code of ethical practice for individuals licensed, 109559
certified, or registered by the board in accordance with rules 109560
adopted under Chapter 119. of the Revised Code. In establishing 109561
the codes of ethical practice, the board shall define 109562
unprofessional conduct in the rules, which shall include engaging 109563
in a dual relationship with a client or former client, committing 109564
an act of sexual abuse, misconduct, or exploitation of a client or 109565
former client, and, except as permitted by law, violating client 109566
confidentiality. 109567

The codes of ethical practice may be based on any codes of 109568
ethical practice developed by national organizations representing 109569
the interests of optometrists and dispensing opticians. The board 109570
may establish standards in its codes of ethical practice that are 109571
more stringent than those established by national organizations. 109572

The board may take disciplinary action against an applicant 109573

or license holder for violating any code of ethical practice 109574
established under this section. 109575

Sec. 4725.67. The state vision professionals board and any 109576
committees established by the board shall not discriminate against 109577
an applicant or holder of a certificate, license, registration, or 109578
endorsement issued under this chapter because of the person's 109579
race, color, religion, sex, national origin, disability as defined 109580
in section 4112.01 of the Revised Code, or age. A person who files 109581
with the board or committee a statement alleging discrimination 109582
based on any of those reasons may request a hearing with the board 109583
or committee, as appropriate. 109584

Sec. 4729.021. The state board of pharmacy shall license and 109585
register home medical equipment services providers under Chapter 109586
4752. of the Revised Code and shall administer and enforce that 109587
chapter. 109588

Sec. 4729.85. If the state board of pharmacy establishes and 109589
maintains a drug database pursuant to section 4729.75 of the 109590
Revised Code, the board shall prepare reports regarding the 109591
database and present or submit them in accordance with both of the 109592
following: 109593

(A) The board shall present a biennial report to the standing 109594
committees of the house of representatives and the senate that are 109595
primarily responsible for considering health and human services 109596
issues. Each report shall include all of the following: 109597

(1) The cost to the state of establishing and maintaining the 109598
database; 109599

(2) Information from the board, terminal distributors of 109600
dangerous drugs, prescribers, and retail dispensaries licensed 109601
under Chapter 3796. of the Revised Code regarding the board's 109602

effectiveness in providing information from the database; 109603

(3) The board's timeliness in transmitting information from 109604
the database. 109605

(B) The board shall submit a semiannual report to the 109606
governor, the president of the senate, the speaker of the house of 109607
representatives, the attorney general, the chairpersons of the 109608
standing committees of the house of representatives and the senate 109609
that are primarily responsible for considering health and human 109610
services issues, the department of public safety, the state dental 109611
board, the board of nursing, the state ~~board of optometry~~ vision 109612
professionals board, the state medical board, and the state 109613
veterinary medical licensing board. The state board of pharmacy 109614
shall make the report available to the public on its internet web 109615
site. Each report submitted shall include all of the following for 109616
the period covered by the report: 109617

(1) An aggregate of the information submitted to the board 109618
under section 4729.77 of the Revised Code regarding prescriptions 109619
for controlled substances containing opioids, including all of the 109620
following: 109621

(a) The number of prescribers who issued the prescriptions; 109622

(b) The number of patients to whom the controlled substances 109623
were dispensed; 109624

(c) The average quantity of the controlled substances 109625
dispensed per prescription; 109626

(d) The average daily morphine equivalent dose of the 109627
controlled substances dispensed per prescription. 109628

(2) An aggregate of the information submitted to the board 109629
under section 4729.79 of the Revised Code regarding controlled 109630
substances containing opioids that have been personally furnished 109631
to a patient by a prescriber, other than a prescriber who is a 109632

veterinarian, including all of the following:	109633
(a) The number of prescribers who personally furnished the controlled substances;	109634 109635
(b) The number of patients to whom the controlled substances were personally furnished;	109636 109637
(c) The average quantity of the controlled substances that were furnished at one time;	109638 109639
(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.	109640 109641
(3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana.	109642 109643 109644
Sec. 4731.051. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing universal blood and body fluid precautions that shall be used by each person who performs exposure prone invasive procedures and is authorized to practice by this chapter or Chapter 4730., <u>4759.</u> , 4760., <u>4761.</u> , 4762., or 4774. of the Revised Code. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:	109645 109646 109647 109648 109649 109650 109651 109652
(A) Appropriate use of hand washing;	109653
(B) Disinfection and sterilization of equipment;	109654
(C) Handling and disposal of needles and other sharp instruments;	109655 109656
(D) Wearing and disposal of gloves and other protective garments and devices.	109657 109658
Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall,	109659 109660

on approval by the board, constitute an official record of its 109661
proceedings. 109662

(B) The board shall keep a register of applicants for 109663
certificates to practice issued under this chapter and Chapters 109664
4760., 4762., and 4774. of the Revised Code and licenses issued 109665
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 109666
The register shall show the name of the applicant and whether the 109667
applicant was granted or refused a certificate or license. With 109668
respect to applicants to practice medicine and surgery or 109669
osteopathic medicine and surgery, the register shall show the name 109670
of the institution that granted the applicant the degree of doctor 109671
of medicine or osteopathic medicine. With respect to applicants to 109672
practice respiratory care, the register shall show the addresses 109673
of the person's last known place of business and residence, the 109674
effective date and identification number of the license, the name 109675
and location of the institution that granted the person's degree 109676
or certificate of completion of respiratory care educational 109677
requirements, and the date the degree or certificate was issued. 109678
The books and records of the board shall be prima-facie evidence 109679
of matters therein contained. 109680

Sec. 4731.071. The state medical board shall develop and 109681
publish on its internet web site a directory containing the names 109682
of, and contact information for, all persons who hold current, 109683
valid certificates or licenses issued by the board under this 109684
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109685
4778. of the Revised Code. Except as provided in section 4731.10 109686
of the Revised Code, the directory shall be the sole source for 109687
verifying that a person holds a current, valid certificate or 109688
license issued by the board. 109689

Sec. 4731.224. (A) Within sixty days after the imposition of 109690
any formal disciplinary action taken by any health care facility, 109691

including a hospital, health care facility operated by a health 109692
insuring corporation, ambulatory surgical center, or similar 109693
facility, against any individual holding a valid certificate to 109694
practice issued pursuant to this chapter, the chief administrator 109695
or executive officer of the facility shall report to the state 109696
medical board the name of the individual, the action taken by the 109697
facility, and a summary of the underlying facts leading to the 109698
action taken. Upon request, the board shall be provided certified 109699
copies of the patient records that were the basis for the 109700
facility's action. Prior to release to the board, the summary 109701
shall be approved by the peer review committee that reviewed the 109702
case or by the governing board of the facility. As used in this 109703
division, "formal disciplinary action" means any action resulting 109704
in the revocation, restriction, reduction, or termination of 109705
clinical privileges for violations of professional ethics, or for 109706
reasons of medical incompetence, medical malpractice, or drug or 109707
alcohol abuse. "Formal disciplinary action" includes a summary 109708
action, an action that takes effect notwithstanding any appeal 109709
rights that may exist, and an action that results in an individual 109710
surrendering clinical privileges while under investigation and 109711
during proceedings regarding the action being taken or in return 109712
for not being investigated or having proceedings held. "Formal 109713
disciplinary action" does not include any action taken for the 109714
sole reason of failure to maintain records on a timely basis or 109715
failure to attend staff or section meetings. 109716

The filing or nonfiling of a report with the board, 109717
investigation by the board, or any disciplinary action taken by 109718
the board, shall not preclude any action by a health care facility 109719
to suspend, restrict, or revoke the individual's clinical 109720
privileges. 109721

In the absence of fraud or bad faith, no individual or entity 109722
that provides patient records to the board shall be liable in 109723

damages to any person as a result of providing the records. 109724

(B) If any individual authorized to practice under this 109725
chapter or any professional association or society of such 109726
individuals believes that a violation of any provision of this 109727
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109728
4778. of the Revised Code, or any rule of the board has occurred, 109729
the individual, association, or society shall report to the board 109730
the information upon which the belief is based. This division does 109731
not require any treatment provider approved by the board under 109732
section 4731.25 of the Revised Code or any employee, agent, or 109733
representative of such a provider to make reports with respect to 109734
an impaired practitioner participating in treatment or aftercare 109735
for substance abuse as long as the practitioner maintains 109736
participation in accordance with the requirements of section 109737
4731.25 of the Revised Code, and as long as the treatment provider 109738
or employee, agent, or representative of the provider has no 109739
reason to believe that the practitioner has violated any provision 109740
of this chapter or any rule adopted under it, other than the 109741
provisions of division (B)(26) of section 4731.22 of the Revised 109742
Code. This division does not require reporting by any member of an 109743
impaired practitioner committee established by a health care 109744
facility or by any representative or agent of a committee or 109745
program sponsored by a professional association or society of 109746
individuals authorized to practice under this chapter to provide 109747
peer assistance to practitioners with substance abuse problems 109748
with respect to a practitioner who has been referred for 109749
examination to a treatment program approved by the board under 109750
section 4731.25 of the Revised Code if the practitioner cooperates 109751
with the referral for examination and with any determination that 109752
the practitioner should enter treatment and as long as the 109753
committee member, representative, or agent has no reason to 109754
believe that the practitioner has ceased to participate in the 109755
treatment program in accordance with section 4731.25 of the 109756

Revised Code or has violated any provision of this chapter or any rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code.

(C) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, or practitioners of limited branches of medicine that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against an individual.

(D) Any insurer providing professional liability insurance to an individual authorized to practice under this chapter, or any other entity that seeks to indemnify the professional liability of such an individual, shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition; 109788

(5) If applicable, the identity of the court in which the 109789
final disposition of the claim took place. 109790

(E) The board may investigate possible violations of this 109791
chapter or the rules adopted under it that are brought to its 109792
attention as a result of the reporting requirements of this 109793
section, except that the board shall conduct an investigation if a 109794
possible violation involves repeated malpractice. As used in this 109795
division, "repeated malpractice" means three or more claims for 109796
medical malpractice within the previous five-year period, each 109797
resulting in a judgment or settlement in excess of twenty-five 109798
thousand dollars in favor of the claimant, and each involving 109799
negligent conduct by the practicing individual. 109800

(F) All summaries, reports, and records received and 109801
maintained by the board pursuant to this section shall be held in 109802
confidence and shall not be subject to discovery or introduction 109803
in evidence in any federal or state civil action involving a 109804
health care professional or facility arising out of matters that 109805
are the subject of the reporting required by this section. The 109806
board may use the information obtained only as the basis for an 109807
investigation, as evidence in a disciplinary hearing against an 109808
individual whose practice is regulated under this chapter, or in 109809
any subsequent trial or appeal of a board action or order. 109810

The board may disclose the summaries and reports it receives 109811
under this section only to health care facility committees within 109812
or outside this state that are involved in credentialing or 109813
recredentialing the individual or in reviewing the individual's 109814
clinical privileges. The board shall indicate whether or not the 109815
information has been verified. Information transmitted by the 109816
board shall be subject to the same confidentiality provisions as 109817
when maintained by the board. 109818

(G) Except for reports filed by an individual pursuant to 109819
division (B) of this section, the board shall send a copy of any 109820
reports or summaries it receives pursuant to this section to the 109821
individual who is the subject of the reports or summaries. The 109822
individual shall have the right to file a statement with the board 109823
concerning the correctness or relevance of the information. The 109824
statement shall at all times accompany that part of the record in 109825
contention. 109826

(H) An individual or entity that, pursuant to this section, 109827
reports to the board or refers an impaired practitioner to a 109828
treatment provider approved by the board under section 4731.25 of 109829
the Revised Code shall not be subject to suit for civil damages as 109830
a result of the report, referral, or provision of the information. 109831

(I) In the absence of fraud or bad faith, no professional 109832
association or society of individuals authorized to practice under 109833
this chapter that sponsors a committee or program to provide peer 109834
assistance to practitioners with substance abuse problems, no 109835
representative or agent of such a committee or program, and no 109836
member of the state medical board shall be held liable in damages 109837
to any person by reason of actions taken to refer a practitioner 109838
to a treatment provider approved under section 4731.25 of the 109839
Revised Code for examination or treatment. 109840

Sec. 4731.24. Except as provided in sections 4731.281 and 109841
4731.40 of the Revised Code, all receipts of the state medical 109842
board, from any source, shall be deposited in the state treasury. 109843
The funds shall be deposited to the credit of the state medical 109844
board operating fund, which is hereby created. Except as provided 109845
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 109846
4774.133, and 4778.141 of the Revised Code, all funds deposited 109847
into the state treasury under this section shall be used solely 109848
for the administration and enforcement of this chapter and 109849

Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 109850
the Revised Code by the board. 109851

Sec. 4731.25. The state medical board, in accordance with 109852
Chapter 119. of the Revised Code, shall adopt and may amend and 109853
rescind rules establishing standards for approval of physicians 109854
and facilities as treatment providers for impaired practitioners 109855
who are regulated under this chapter or Chapter 4730., 4759., 109856
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 109857
rules shall include standards for both inpatient and outpatient 109858
treatment. The rules shall provide that in order to be approved, a 109859
treatment provider must have the capability of making an initial 109860
examination to determine what type of treatment an impaired 109861
practitioner requires. Subject to the rules, the board shall 109862
review and approve treatment providers on a regular basis. The 109863
board, at its discretion, may withdraw or deny approval subject to 109864
the rules. 109865

An approved impaired practitioner treatment provider shall: 109866

(A) Report to the board the name of any practitioner 109867
suffering or showing evidence of suffering impairment as described 109868
in division (B)(5) of section 4730.25 of the Revised Code, 109869
division (B)(26) of section 4731.22 of the Revised Code, division 109870
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 109871
section 4760.13 of the Revised Code, division (B)(6) of section 109872
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 109873
the Revised Code, or division (B)(6) of section 4778.14 of the 109874
Revised Code who fails to comply within one week with a referral 109875
for examination; 109876

(B) Report to the board the name of any impaired practitioner 109877
who fails to enter treatment within forty-eight hours following 109878
the provider's determination that the practitioner needs 109879
treatment; 109880

(C) Require every practitioner who enters treatment to agree 109881
to a treatment contract establishing the terms of treatment and 109882
aftercare, including any required supervision or restrictions of 109883
practice during treatment or aftercare; 109884

(D) Require a practitioner to suspend practice upon entry 109885
into any required inpatient treatment; 109886

(E) Report to the board any failure by an impaired 109887
practitioner to comply with the terms of the treatment contract 109888
during inpatient or outpatient treatment or aftercare; 109889

(F) Report to the board the resumption of practice of any 109890
impaired practitioner before the treatment provider has made a 109891
clear determination that the practitioner is capable of practicing 109892
according to acceptable and prevailing standards of care; 109893

(G) Require a practitioner who resumes practice after 109894
completion of treatment to comply with an aftercare contract that 109895
meets the requirements of rules adopted by the board for approval 109896
of treatment providers; 109897

(H) Report the identity of any practitioner practicing under 109898
the terms of an aftercare contract to hospital administrators, 109899
medical chiefs of staff, and chairpersons of impaired practitioner 109900
committees of all health care institutions at which the 109901
practitioner holds clinical privileges or otherwise practices. If 109902
the practitioner does not hold clinical privileges at any health 109903
care institution, the treatment provider shall report the 109904
practitioner's identity to the impaired practitioner committee of 109905
the county medical society, osteopathic academy, or podiatric 109906
medical association in every county in which the practitioner 109907
practices. If there are no impaired practitioner committees in the 109908
county, the treatment provider shall report the practitioner's 109909
identity to the president or other designated member of the county 109910
medical society, osteopathic academy, or podiatric medical 109911

association. 109912

(I) Report to the board the identity of any practitioner who 109913
suffers a relapse at any time during or following aftercare. 109914

Any individual authorized to practice under this chapter who 109915
enters into treatment by an approved treatment provider shall be 109916
deemed to have waived any confidentiality requirements that would 109917
otherwise prevent the treatment provider from making reports 109918
required under this section. 109919

In the absence of fraud or bad faith, no person or 109920
organization that conducts an approved impaired practitioner 109921
treatment program, no member of such an organization, and no 109922
employee, representative, or agent of the treatment provider shall 109923
be held liable in damages to any person by reason of actions taken 109924
or recommendations made by the treatment provider or its 109925
employees, representatives, or agents. 109926

Sec. 4743.05. Except as otherwise provided in sections 109927
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 109928
Revised Code, all money collected under Chapters 3773., 4701., 109929
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 109930
4733., 4734., 4736., 4741., ~~4744., 4747.,~~ 4753., 4755., 4757., 109931
4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of the Revised 109932
Code shall be paid into the state treasury to the credit of the 109933
occupational licensing and regulatory fund, which is hereby 109934
created for use in administering such chapters. 109935

At the end of each quarter, the director of budget and 109936
management shall transfer from the occupational licensing and 109937
regulatory fund to the nurse education assistance fund created in 109938
section 3333.28 of the Revised Code the amount certified to the 109939
director under division (B) of section 4723.08 of the Revised 109940
Code. 109941

At the end of each quarter, the director shall transfer from 109942
the occupational licensing and regulatory fund to the certified 109943
public accountant education assistance fund created in section 109944
4701.26 of the Revised Code the amount certified to the director 109945
under division (H)(2) of section 4701.10 of the Revised Code. 109946

Sec. 4744.02. (A) There is hereby created the state speech 109947
and hearing professionals board consisting of the following 109948
members, appointed by the governor with the advice and consent of 109949
the senate: 109950

(1) Two individuals licensed as speech-language pathologists 109951
under Chapter 4753. of the Revised Code; 109952

(2) Three individuals licensed as audiologists under Chapter 109953
4753. of the Revised Code; 109954

(3) Two individuals licensed as hearing aid fitters under 109955
Chapter 4747. of the Revised Code; 109956

(4) Two individuals representing the general public. 109957

(B) Not later than ninety days after the effective date of 109958
this section, the governor shall make initial appointments to the 109959
board. Of the initial appointments, four members shall serve terms 109960
ending March 22, 2019, three members shall serve terms ending 109961
March 22, 2020, and two members shall serve terms ending March 22, 109962
2021. 109963

Thereafter, terms of office are three years, with each term 109964
commencing on the twenty-third day of March and ending on the 109965
twenty-second day of March. Each member shall hold office from the 109966
date of appointment until the end of the term for which the member 109967
was appointed, except that a member shall continue in office after 109968
the expiration date of the member's term until the member's 109969
successor takes office. No member shall serve more than three 109970
consecutive terms. 109971

Vacancies shall be filled in the same manner as original 109972
appointments. Any member appointed to fill a vacancy occurring 109973
before the expiration of the term for which the member's 109974
predecessor was appointed shall hold office for the remainder of 109975
that term. 109976

(C) No individual may be appointed to the board who has been 109977
convicted of or pleaded guilty to a felony under the laws of this 109978
state, another state, or the United States. 109979

The governor may remove a member of the board for 109980
malfeasance, misfeasance, or nonfeasance after a hearing in 109981
accordance with Chapter 119. of the Revised Code. The governor 109982
shall remove, after a hearing in accordance with Chapter 119. of 109983
the Revised Code, any member who has been convicted of or pleaded 109984
guilty to a felony under the laws of this state, another state, or 109985
the United States. 109986

Sec. 4744.07. When the term of a member of the state speech 109987
and hearing professionals board expires or a vacancy occurs on the 109988
board, a professional association representing the interests of 109989
the occupation of the board position to be filled may recommend to 109990
the governor individuals to fill the position. The governor shall 109991
consider the recommendation in making appointments to the board. 109992

Sec. 4744.10. Whenever the term "hearing aid dealers and 109993
fitters licensing board" or "board of speech-language pathology 109994
and audiology" is used in any statute, rule, contract, or other 109995
document, the use shall be construed to mean the "state speech and 109996
hearing professionals board." 109997

Whenever "secretary of the hearing aid dealers and fitters 109998
licensing board" or "executive director of the board of 109999
speech-language pathology and audiology" is used in a statute, 110000
rule, contract, or other document, the use shall be construed to 110001

mean the executive director of the state speech and hearing 110002
professionals board. 110003

Sec. 4744.12. (A) The state speech and hearing professionals 110004
board shall annually elect from among its members a president and 110005
secretary. The board shall hold at least four regular meetings 110006
each year and may hold additional meetings as it considers 110007
necessary. At least one of the board's regular meetings shall be 110008
held in Franklin county. The board shall publish the time and 110009
place of any meetings at least thirty days before the date on 110010
which the meeting is to be held, except that in the case of an 110011
emergency or special meeting, the board shall give 110012
twenty-four-hours' notice or as much notice as possible. 110013

A majority of board members constitutes a quorum. 110014

(B) The board shall do all of the following: 110015

(1) Adopt a seal and certificate of suitable design; 110016

(2) Maintain a record of its proceedings; 110017

(3) Maintain a register of every individual holding a 110018
certificate, license, or permit issued under Chapters 4747. and 110019
4753. of the Revised Code and every individual whose certificate, 110020
license, or permit has been revoked under those chapters. 110021

(C) Except as otherwise provided in the Revised Code, the 110022
books and records of the board, including its registers, shall be 110023
open to public inspection at all reasonable times. A copy of an 110024
entry in those books and records, certified by the executive 110025
director under the board's seal, is prima facie evidence of the 110026
facts therein stated. 110027

Sec. 4744.14. The state speech and hearing professionals 110028
board shall hire an executive director. Before discharging the 110029
executive director's duties, each executive director shall give a 110030

bond, to be approved by the board, in the amount of two thousand 110031
dollars to ensure the faithful performance of the executive 110032
director's duties. The board shall pay the premium of the bond in 110033
the same manner as it pays other expenditures of the board. The 110034
bond shall be deposited with the secretary of state and kept in 110035
the secretary of state's office. 110036

The executive director of the board, in consultation with the 110037
director of administrative services, may employ inspectors, 110038
investigators, assistants, and other employees as necessary to 110039
administer and enforce Chapters 4747. and 4753. of the Revised 110040
Code. 110041

Sec. 4744.16. Each member of the state speech and hearing 110042
professionals board shall receive an amount fixed under division 110043
(J) of section 124.15 of the Revised Code for each day the member 110044
is performing their official duties and be reimbursed for actual 110045
and necessary expenses incurred in performing such duties. 110046

The board, in consultation with the director of 110047
administrative services, shall set the compensation of its 110048
executive director and of any employees of the board. The 110049
executive director of the board shall be reimbursed for necessary 110050
expenses in accordance with section 126.31 of the Revised Code. 110051

All vouchers of the board shall be approved by the board's 110052
president or executive director, or both, as authorized by the 110053
board. 110054

Sec. 4744.18. The state speech and hearing professionals 110055
board shall have an office in Franklin county, where all of the 110056
board's permanent records shall be kept. On request of the board, 110057
the director of administrative services shall supply the board 110058
with office space and supplies. The board's president and 110059
executive director shall submit an order to the director of 110060

administrative services for all printing and binding necessary for 110061
the board's work. 110062

Sec. 4744.20. All expenses of the state speech and hearing 110063
professionals board shall be paid from, and all receipts of the 110064
board shall be deposited in, the state treasury to the credit of 110065
the occupational licensing and regulatory fund created in section 110066
4743.05 of the Revised Code. 110067

Sec. 4744.24. The state speech and hearing professionals 110068
board shall annually, on or before the first day of February, 110069
submit a report to the governor of all its official acts during 110070
the preceding year, its receipts and disbursements, and a complete 110071
report of the conditions of the professions regulated by the 110072
board. The board shall submit its first report to the governor not 110073
later than February 1, 2019. The board shall submit the reports to 110074
the governor electronically. 110075

Sec. 4744.28. The state speech and hearing professionals 110076
board may adopt rules as necessary for the transaction of its 110077
business. 110078

Sec. 4744.30. In the absence of fraud or bad faith, the state 110079
speech and hearing professionals board, current or former board 110080
members, agents of the board, persons formally requested by the 110081
board to be the board's representative, or employees of the board 110082
shall not be held liable in damages to any person as the result of 110083
any act, omission, proceeding, conduct, or decision related to 110084
official duties undertaken or performed pursuant to Chapters 4747. 110085
and 4753. of the Revised Code. 110086

If such a person asks to be defended by the state against any 110087
claim or action arising out of any act, omission, proceeding, 110088

conduct, or decision related to the person's official duties, and 110089
if the request is made in writing at a reasonable time before 110090
trial and the person requesting defense cooperates in good faith 110091
in the defense of the claim or action, the state shall provide and 110092
pay for the person's defense and shall pay any resulting judgment, 110093
compromise, or settlement. At no time shall the state pay any part 110094
of a claim or judgment that is for punitive or exemplary damages. 110095

Sec. 4744.36. The state speech and hearing professionals 110096
board may appoint committees or other groups to assist in 110097
fulfilling its duties. A committee or group may consist of board 110098
members, other individuals with appropriate backgrounds, or both 110099
board members and other individuals with appropriate backgrounds. 110100
Any appointed committee or group shall act under the board's 110101
direction and shall perform its functions within the limits 110102
established by the board. 110103

Except as otherwise provided in the Revised Code, a committee 110104
or group organized under this section is advisory in nature and 110105
may not act independently of the board or act on the board's 110106
behalf. 110107

Members of a committee or group may be reimbursed by the 110108
board for any expenses incurred in the performance of their 110109
duties, in accordance with section 126.31 of the Revised Code and 110110
with approval from the director of administrative services. 110111

Sec. 4744.40. The state speech and hearing professionals 110112
board may enter into contracts with any person or government 110113
entity to implement this chapter and Chapters 4747. and 4753. of 110114
the Revised Code, the rules adopted under those chapters, any 110115
other applicable statutes or rules, and any applicable federal 110116
statutes or regulations. 110117

Sec. 4744.48. The state speech and hearing professionals 110118

board may become a member of a national licensing organization for 110119
the professions regulated by the board. The board may participate 110120
in any of the organization's activities, including reporting 110121
actions the board takes against an applicant or license holder to 110122
any data bank established by the organization. 110123

Sec. 4744.50. The state speech and hearing professionals 110124
board shall establish a code of ethical practice for individuals 110125
licensed, certified, or registered by the board in accordance with 110126
rules adopted under Chapter 119. of the Revised Code. In 110127
establishing the codes of ethical practice, the board shall define 110128
unprofessional conduct in the rules, which shall include engaging 110129
in a dual relationship with a client or former client, committing 110130
an act of sexual abuse, misconduct, or exploitation of a client or 110131
former client, and, except as permitted by law, violating client 110132
confidentiality. 110133

The codes of ethical practice may be based on any codes of 110134
ethical practice developed by national organizations representing 110135
the interests of those professions regulated by the board. The 110136
board may establish standards in its codes of ethical practice 110137
that are more stringent than those established by national 110138
organizations. 110139

The board may take disciplinary action against an applicant 110140
or license holder for violating any code of ethical practice 110141
established under this section. 110142

Sec. 4744.54. The state speech and hearing professionals 110143
board or any committees established by the board shall not 110144
discriminate against an applicant or license holder because of the 110145
person's race, color, religion, sex, national origin, disability 110146
as defined in section 4112.01 of the Revised Code, or age. A 110147
person who files with the board or committee a statement alleging 110148

discrimination based on any of those reasons may request a hearing 110149
with the board or committee, as appropriate. 110150

Sec. 4745.02. On or before the thirtieth day prior to the 110151
expiration of any license, each licensing agency shall ~~cause to be~~ 110152
~~mailed~~ provide a notice ~~and application~~ for renewal to every 110153
licensee for whom a license was issued or renewed during the 110154
current license year or other specified period and who has been 110155
approved for renewal by the specific licensing agency. 110156

The licensee shall complete the applicable renewal 110157
application and ~~return it to~~ pay the applicable renewal fee. 110158
Renewal fees paid pursuant to this section shall be deposited with 110159
the treasurer of state ~~with a renewal fee in the amount specified~~ 110160
~~on the renewal application.~~ 110161

Upon receipt of the correct fee by the treasurer and 110162
acceptance of the renewal application by the licensing agency, the 110163
applicant shall be entered as currently renewed on the records of 110164
the particular licensing agency, and notice of the entry shall be 110165
~~mailed~~ provided to each licensee as soon as practicable, but not 110166
later than thirty days after receipt ~~by the treasurer~~ of the 110167
application and renewal fee. A certification by the respective 110168
licensing agency, with its seal affixed, of those records shall be 110169
prima-facie evidence of renewal in all courts in the trial of any 110170
case. 110171

Sec. 4745.021. Notwithstanding any provision of the Revised 110172
Code pertaining to the timing of a license renewal to the 110173
contrary, if a failure in any electronic license renewal system 110174
occurs, a licensing agency may extend the date by which licenses 110175
must be renewed. The licensing agency may extend a renewal period 110176
for a reasonable time period after the resolution of the system 110177
failure. However, a licensing agency must obtain approval from the 110178

director of administrative services for an extension in excess of 110179
fourteen days beyond the resolution of the system failure. 110180

Sec. 4745.04. (A) As used in this section: 110181

(1) "Indigent and uninsured person" and "volunteer" have the 110182
same meanings as in section 2305.234 of the Revised Code. 110183

(2) "Licensing agency that licenses health care 110184
professionals" means all of the following: 110185

(a) The state dental board established under Chapter 4715. of 110186
the Revised Code; 110187

(b) The board of nursing established under Chapter 4723. of 110188
the Revised Code; 110189

(c) The state vision professionals board of ~~optometry~~ 110190
established under Chapter 4725. of the Revised Code; 110191

(d) ~~The Ohio optical dispensers board established under~~ 110192
~~Chapter 4725. of the Revised Code;~~ 110193

~~(e)~~ The state board of pharmacy established under Chapter 110194
4729. of the Revised Code; 110195

~~(f)~~(e) The state medical board established under Chapter 110196
4731. of the Revised Code; 110197

~~(g)~~(f) The state board of psychology established under 110198
Chapter 4732. of the Revised Code; 110199

~~(h)~~(g) The state chiropractic board established under Chapter 110200
4734. of the Revised Code; 110201

~~(i)~~ The ~~hearing aid dealers and fitters licensing board~~ 110202
~~established under Chapter 4747. of the Revised Code;~~ 110203

~~(j)~~ The ~~board of speech language pathology and audiology~~ 110204
~~established under Chapter 4753. of the Revised Code;~~ 110205

(k) <u>(h)</u> The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	110206 110207 110208
(l) <u>(i)</u> The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised ode <u>Code</u> ;	110209 110210 110211
(m) <u>(j)</u> The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	110212 110213
(n) The Ohio board of dietetics established under Chapter 4759. of the Revised Code;	110214 110215
(o) The Ohio respiratory care board established under Chapter 4761. of the Revised Code;	110216 110217
(p) <u>(k)</u> The state board of emergency medical services established under Chapter 4765. of the Revised Code;	110218 110219
(q) The state board of orthotics, prosthetics, and pedorthics established under Chapter 4779. of the Revised Code;	110220 110221
(r) <u>(l)</u> The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	110222 110223
<u>(m)</u> Any other licensing agency that considers its licensees to be health care professionals.	110224 110225
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	110226 110227 110228 110229 110230
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	110231 110232 110233
(2) The licensee provides the health care services to an indigent and uninsured person.	110234 110235

(3) The licensee provides the health care services as a 110236
volunteer. 110237

(4) The licensee satisfies the requirements of section 110238
2305.234 of the Revised Code to qualify for the immunity from 110239
liability granted under that section. 110240

(5) The health care services provided are within the scope of 110241
authority of the licensee renewing the license. 110242

(C) A licensing agency that licenses health care 110243
professionals shall permit a licensee to satisfy up to one-third 110244
of the licensee's continuing education requirement by providing 110245
health care services as a volunteer. A licensing agency that 110246
licenses health care professionals shall permit a licensee to earn 110247
continuing education credits at the rate of one credit hour for 110248
each sixty minutes spent providing health care services as a 110249
volunteer. 110250

(D) A licensing agency that licenses health care 110251
professionals shall adopt rules as necessary to implement this 110252
section. The rules shall be adopted in accordance with Chapter 110253
119. of the Revised Code. 110254

(E) Continuing education credit received under this section 110255
for providing health care services is not compensation or any 110256
other form of remuneration for purposes of section 2305.234 of the 110257
Revised Code and does not make the provider of those services 110258
ineligible for the immunity from liability granted under that 110259
section. 110260

Sec. 4747.04. ~~The state speech and hearing aid dealers and 110261
fitters licensing board shall meet annually to elect a chairperson 110262
and a vice chairperson, who shall act as chairperson in the 110263
absence of the chairperson. A majority of the board constitutes a 110264
quorum. The board shall meet when called by the chairperson. The 110265~~

<u>professionals</u> board shall:	110266
(A) Adopt rules for the transaction of its business;	110267
(B) Design and prepare qualifying examinations for licensing of hearing aid dealers, fitters, and trainees;	110268 110269
(C) (B) Determine whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for licensing in this state;	110270 110271 110272 110273
(D) (C) Determine whether charges made against any licensee warrant a hearing before the board;	110274 110275
(E) (D) Hold hearings to determine the truth and circumstances of all charges filed in writing with the board against any licensee and determine whether any license held by any person shall be revoked, suspended, or reissued;	110276 110277 110278 110279
(F) (E) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;	110280 110281
(G) (F) Advise and assist the department of health in all matters relating to this chapter;	110282 110283
(H) (G) Deposit all payments collected under this chapter into the general operations <u>state treasury to the credit of the</u> <u>occupational licensing and regulatory</u> fund created under in section 3701.83 <u>4743.05</u> of the Revised Code to be used in administering and enforcing this chapter;	110284 110285 110286 110287 110288
(I) (H) Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.	110289 110290 110291 110292
Nothing in this section shall be interpreted as granting to the hearing aid dealers and fitters licensing board the right to restrict advertising which is not false or misleading, or to	110293 110294 110295

prohibit or in any way restrict a hearing aid dealer or fitter 110296
from renting or leasing space from any person, firm or corporation 110297
in a mercantile establishment for the purpose of using such space 110298
for the lawful sale of hearing aids or to prohibit a mercantile 110299
establishment from selling hearing aids if the sale would be 110300
otherwise lawful under this chapter. 110301

Sec. 4747.05. (A) The state speech and hearing aid dealers 110302
~~and fitters licensing~~ professionals board shall issue to each 110303
applicant, within sixty days of receipt of a properly completed 110304
application and payment of two hundred sixty-two dollars, a 110305
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 110306
individual: 110307

(1) ~~Is~~ In the case of an individual, the individual is at 110308
least eighteen years of age. 110309

~~(2) Has,~~ has not committed a disqualifying offense or a crime 110310
of moral turpitude, as those terms are defined in section 4776.10 110311
of the Revised Code. 110312

~~(3) Is,~~ is free of contagious or infectious disease. 110313

~~(4) Has,~~ and has successfully passed a qualifying examination 110314
specified and administered by the board. 110315

~~(B) If the applicant is~~ (2) In the case of a firm, 110316
partnership, association, or corporation, the application, in 110317
addition to such information as the board requires, ~~shall be~~ is 110318
accompanied by an application for a license for each person, 110319
whether owner or employee, of the firm, partnership, association, 110320
or corporation, who engages in dealing in or fitting of hearing 110321
aids, or ~~shall contain~~ contains a statement that such applications 110322
are submitted separately. No firm, partnership, association, or 110323
corporation licensed pursuant to this chapter shall permit any 110324
unlicensed person to sell or fit hearing aids. 110325

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 110326
this section, the board shall not adopt, maintain, renew, or 110327
enforce any rule that precludes an individual from receiving or 110328
renewing a license issued under this chapter due to any past 110329
criminal activity or interpretation of moral character, unless the 110330
individual has committed a crime of moral turpitude or a 110331
disqualifying offense as those terms are defined in section 110332
4776.10 of the Revised Code. If the board denies an individual a 110333
license or license renewal, the reasons for such denial shall be 110334
put in writing. 110335

(2) Except as otherwise provided in this division, if an 110336
individual applying for a license has been convicted of or pleaded 110337
guilty to a misdemeanor that is not a crime of moral turpitude or 110338
a disqualifying offense less than one year prior to making the 110339
application, the board may use the board's discretion in granting 110340
or denying the individual a license. Except as otherwise provided 110341
in this division, if an individual applying for a license has been 110342
convicted of or pleaded guilty to a felony that is not a crime of 110343
moral turpitude or a disqualifying offense less than three years 110344
prior to making the application, the board may use the board's 110345
discretion in granting or denying the individual a license. The 110346
provisions in this paragraph do not apply with respect to any 110347
offense unless the board, prior to ~~the effective date of this~~ 110348
~~amendment~~ September 28, 2012, was required or authorized to deny 110349
the application based on that offense. 110350

In all other circumstances, the board shall follow the 110351
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 110352
this section. 110353

(3) In considering a renewal of an individual's license, the 110354
board shall not consider any conviction or plea of guilty prior to 110355
the initial licensing. However, the board may consider a 110356
conviction or plea of guilty if it occurred after the individual 110357

was initially licensed, or after the most recent license renewal. 110358

(4) The board may grant an individual a conditional license 110359
that lasts for one year. After the one-year period has expired, 110360
the license is no longer considered conditional, and the 110361
individual shall be considered fully licensed. 110362

~~(D)~~(C) Each license issued expires on the thirtieth day of 110363
January of the year following that in which it was issued. 110364

Sec. 4747.051. (A) As used in this section, "license" and 110365
"applicant for an initial license" have the same meanings as in 110366
section 4776.01 of the Revised Code, except that "license" as used 110367
in both of those terms refers to the types of authorizations 110368
otherwise issued or conferred under this chapter. 110369

(B) In addition to any other eligibility requirement set 110370
forth in this chapter, each applicant for an initial license shall 110371
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110372
state speech and hearing professionals board shall not grant a 110373
license to an applicant for an initial license unless the 110374
applicant complies with sections 4776.01 to 4776.04 of the Revised 110375
Code and the board, in its discretion, decides that the results of 110376
the criminal records check do not make the applicant ineligible 110377
for a license issued pursuant to section 4747.05 or 4747.10 of the 110378
Revised Code. 110379

Sec. 4747.06. (A) Each person engaged in the practice of 110380
dealing in or fitting of hearing aids who holds a valid hearing 110381
aid dealer's or fitter's license shall apply annually to the state 110382
speech and hearing aid dealers and fitters licensing professionals 110383
board for renewal of such license under the standard renewal 110384
procedure specified in Chapter 4745. of the Revised Code. The 110385
board shall issue to each applicant, on proof of completion of the 110386
continuing education required by division (B) of this section and 110387

payment of one hundred fifty-seven dollars on or before the first 110388
day of February, one hundred eighty-three dollars on or before the 110389
first day of March, or two hundred ten dollars thereafter, a 110390
renewed hearing aid dealer's or fitter's license. No person who 110391
applies for renewal of a hearing aid dealer's or fitter's license 110392
that has expired shall be required to take any examination as a 110393
condition of renewal provided application for renewal is made 110394
within two years of the date such license expired. 110395

(B) Each person engaged in the practice of dealing in or 110396
fitting of hearing aids who holds a valid hearing aid dealer's or 110397
fitter's license shall complete each year not less than ten hours 110398
of continuing professional education approved by the board. On a 110399
form provided by the board, the person shall certify to the board, 110400
at the time of license renewal pursuant to division (A) of this 110401
section, that in the preceding year the person has completed 110402
continuing education in compliance with this division and shall 110403
submit any additional information required by rule of the board 110404
regarding the continuing education. The board shall adopt rules in 110405
accordance with Chapter 119. of the Revised Code establishing the 110406
standards continuing education programs must meet to obtain board 110407
approval and continuing education reporting requirements. 110408

Continuing education may be applied to meet the requirement 110409
of this division if it is provided or certified by any of the 110410
following: 110411

(1) The national institute of hearing instruments studies 110412
committee of the international hearing society; 110413

(2) The American speech-language hearing association; 110414

(3) The American academy of audiology. 110415

The board may excuse persons licensed under this chapter, as 110416
a group or as individuals, from all or any part of the 110417
requirements of this division because of an unusual circumstance, 110418

emergency, or special hardship. 110419

Sec. 4747.07. Each person who holds a hearing aid dealer's or 110420
fitter's license and engages in the practice of dealing in and 110421
fitting of hearing aids shall display such license in a 110422
conspicuous place in the person's office or place of business at 110423
all times. Each person who maintains more than one office or place 110424
of business shall post a duplicate copy of the license at each 110425
location. The ~~state speech and hearing aid dealers and fitters~~ 110426
~~licensing~~ professionals board shall issue duplicate copies of a 110427
license upon receipt of a properly completed application and 110428
payment of sixteen dollars for each copy requested. 110429

Sec. 4747.08. After July 1, 1970, no person shall be issued a 110430
hearing aid dealer's or fitter's license unless such person has 110431
successfully taken and passed a qualifying examination. The 110432
qualifying examination shall be a thorough testing of knowledge 110433
required for the proper selecting, fitting, and sale of hearing 110434
aids, but shall not be such that a medical or surgical education 110435
is required for successful completion. It shall consist of written 110436
and practical portions which shall include, but not be limited to, 110437
the following areas: 110438

(A) Basic physics of sound; 110439

(B) The anatomy and physiology of the human ear; 110440

(C) The function and purpose of hearing aids; 110441

(D) Pure tone audiometry, including air conduction and bone 110442
conduction testing; 110443

(E) Live voice or recorded voice speech audiometry, including 110444
speech reception threshold testing and speech discrimination 110445
testing; 110446

(F) Masking techniques; 110447

(G) Recording and evaluation of audiograms and speech 110448
audiometry to determine proper selection and adaptation of hearing 110449
aids; 110450

(H) Earmold impression techniques. 110451

The ~~state speech and hearing aid dealers and fitters~~ 110452
~~licensing professionals~~ board shall design, prepare, and revise 110453
such qualifying examinations as are determined necessary by the 110454
board pursuant to this chapter. It shall administer all such 110455
qualifying examinations and shall designate the time, place, and 110456
date the examinations are held. The board shall also furnish all 110457
materials and equipment necessary for the conducting of all 110458
qualifying examinations. 110459

Sec. 4747.10. Each person currently engaged in training to 110460
become a licensed hearing aid dealer or fitter shall apply to the 110461
~~state speech and hearing aid dealers and fitters licensing~~ 110462
~~professionals~~ board for a hearing aid dealer's and fitter's 110463
trainee permit. The board shall issue to each applicant within 110464
thirty days of receipt of a properly completed application and 110465
payment of one hundred fifty dollars, a trainee permit if such 110466
applicant meets all of the following criteria: 110467

(A) Is at least eighteen years of age; 110468

(B) Is the holder of a diploma from an accredited high school 110469
or a certificate of high school equivalence issued by the 110470
department of education; 110471

(C) Has not committed a disqualifying offense or a crime of 110472
moral turpitude, as those terms are defined in section 4776.10 of 110473
the Revised Code; 110474

(D) Is free of contagious or infectious disease. 110475

Subject to the next paragraph, the board shall not deny a 110476
trainee permit issued under this section to any individual based 110477

on the individual's past criminal history or an interpretation of 110478
moral character unless the individual has committed a 110479
disqualifying offense or crime of moral turpitude as those terms 110480
are defined in section 4776.10 of the Revised Code. Except as 110481
otherwise provided in this paragraph, if an individual applying 110482
for a trainee permit has been convicted of or pleaded guilty to a 110483
misdemeanor that is not a crime of moral turpitude or a 110484
disqualifying offense less than one year prior to making the 110485
application, the board may use the board's discretion in granting 110486
or denying the individual a trainee permit. Except as otherwise 110487
provided in this paragraph, if an individual applying for a 110488
trainee permit has been convicted of or pleaded guilty to a felony 110489
that is not a crime of moral turpitude or a disqualifying offense 110490
less than three years prior to making the application, the board 110491
may use the board's discretion in granting or denying the 110492
individual a trainee permit. The provisions in this paragraph do 110493
not apply with respect to any offense unless the board, prior to 110494
September 28, 2012, was required or authorized to deny the 110495
application based on that offense. 110496

In all other circumstances not described in the preceding 110497
paragraph, the board shall follow the procedures it adopts by rule 110498
that conform to this section. 110499

In considering a renewal of an individual's trainee permit, 110500
the board shall not consider any conviction or plea of guilty 110501
prior to the issuance of the initial trainee permit. However, the 110502
board may consider a conviction or plea of guilty if it occurred 110503
after the individual was initially granted the trainee permit, or 110504
after the most recent trainee permit renewal. If the board denies 110505
an individual for a trainee permit or renewal, the reasons for 110506
such denial shall be put in writing. Additionally, the board may 110507
grant an individual a conditional trainee permit that lasts for 110508
one year. After the one-year period has expired, the permit is no 110509

longer considered conditional, and the individual shall be 110510
considered to be granted a full trainee permit. 110511

Each trainee permit issued by the board expires one year from 110512
the date it was first issued, and may be renewed once if the 110513
trainee has not successfully completed the qualifying requirements 110514
for licensing as a hearing aid dealer or fitter before the 110515
expiration date of such permit. The board shall issue a renewed 110516
permit to each applicant upon receipt of a properly completed 110517
application and payment of one hundred five dollars. No person 110518
holding a trainee permit shall engage in the practice of dealing 110519
in or fitting of hearing aids except while under supervision by a 110520
licensed hearing aid dealer or fitter. 110521

Sec. 4747.11. Each person who holds a hearing aid dealer's or 110522
fitter's license or trainee permit shall notify the state speech 110523
and hearing aid dealers and fitters licensing professionals board 110524
in writing of the place or places where ~~he~~ the person engages or 110525
intends to engage in the practice of dealing in and fitting of 110526
hearing aids, and shall immediately notify the board in writing of 110527
any change in such address or addresses. The board shall keep a 110528
record of the past and current place of business of each person 110529
who holds a license or permit. 110530

Any notice that is required to be given by the board to a 110531
person holding a license or permit pursuant to the provisions of 110532
this chapter shall be mailed to such person by certified mail to 110533
the address of ~~his~~ the person's current or most recent place of 110534
business as revealed in the records of the board. 110535

Sec. 4747.12. The state speech and hearing aid dealers and 110536
fitters licensing professionals board may revoke or suspend a 110537
license or permit if the person who holds such license or permit: 110538

(A) Is convicted of a disqualifying offense or a crime of 110539

moral turpitude as those terms are defined in section 4776.10 of 110540
the Revised Code. The record of conviction, or a copy thereof 110541
certified by the clerk of the court or by the judge in whose court 110542
the conviction occurs, is conclusive evidence of such conviction; 110543

(B) Procured a license or permit by fraud or deceit practiced 110544
upon the board; 110545

(C) Obtained any fee or made any sale of a hearing aid by 110546
fraud or misrepresentation; 110547

(D) Knowingly employed any person without a license or a 110548
person whose license was suspended or revoked to engage in the 110549
fitting or sale of hearing aids; 110550

(E) Used or caused or promoted the use of any advertising 110551
matter, promotional literature, testimonial, guarantee, warranty, 110552
label, brand, insignia, or any other representation, however 110553
disseminated or published, which is misleading, deceptive, or 110554
untruthful; 110555

(F) Advertised a particular model or type of hearing aid for 110556
sale when purchasers or prospective purchasers responding to the 110557
advertisement cannot purchase the specified model or type of 110558
hearing aid; 110559

(G) Represented or advertised that the service or advice of a 110560
person licensed to practice medicine will be used or made 110561
available in the selection, fitting, adjustment, maintenance, or 110562
repair of hearing aids when such is not true, or using the words 110563
"doctor," "clinic," or similar words, abbreviations, or symbols 110564
which connote the medical profession when such use is not 110565
accurate; 110566

(H) Is found by the board to be a person of habitual 110567
intemperance or gross immorality; 110568

(I) Advertised a manufacturer's product or used a 110569

manufacturer's name or trademark in a manner which suggested the 110570
existence of a relationship with the manufacturer which did not or 110571
does not exist; 110572

(J) Fitted or sold, or attempted to fit or sell, a hearing 110573
aid to a person without first utilizing the appropriate procedures 110574
and instruments required for proper fitting of hearing aids; 110575

(K) Engaged in the fitting and sale of hearing aids under a 110576
false name or an alias; 110577

(L) Engaged in the practice of dealing in or fitting of 110578
hearing aids while suffering from a contagious or infectious 110579
disease; 110580

(M) Was found by the board to be guilty of gross incompetence 110581
or negligence in the fitting or sale of hearing aids; 110582

(N) Permitted another person to use the licensee's license; 110583

(O) Violate the code of ethical practice adopted under 110584
section 4744.50 of the Revised Code. 110585

Sec. 4747.13. (A) Any person who wishes to make a complaint 110586
against any person, firm, partnership, association, or corporation 110587
licensed pursuant to this chapter shall submit such complaint in 110588
writing to the state speech and hearing aid dealers and fitters 110589
~~licensing~~ professionals board within one year from the date of the 110590
action or event upon which the complaint is based. The ~~hearing aid~~ 110591
~~dealers and fitters~~ board shall determine whether the charges in 110592
the complaint are of a sufficiently serious nature to warrant a 110593
hearing before the board to determine whether the license or 110594
permit held by the person complained against shall be revoked or 110595
suspended. If the board determines that a hearing is warranted, 110596
then it shall fix the time and place of such hearing and deliver 110597
or cause to have delivered, either in person or by registered 110598
mail, at least twenty days before the date of such hearing, an 110599

order instructing the licensee complained against of the date, 110600
time, and place where the licensee shall appear before the board. 110601
Such order shall include a copy of the complaint against the 110602
licensee. 110603

The board, and the licensee after receipt of the order and a 110604
copy of the complaint made against the licensee, may take 110605
depositions in advance of the hearing, provided that each party 110606
taking depositions shall give at least five days notice to the 110607
other party of the time, date, and place where such depositions 110608
shall be taken. Each party shall have the right to attend with 110609
counsel the taking of such depositions and may cross-examine the 110610
deponent or deponents. Each licensee appearing before the board 110611
may be represented by counsel. No person shall have the person's 110612
license or permit revoked or suspended without an opportunity to 110613
present the person's case at a hearing before the board, and the 110614
board shall grant a continuance or adjournment of a hearing date 110615
for good cause. Each person whose license or permit is suspended 110616
or revoked by the board may appeal such action to the court of 110617
common pleas. 110618

(B) The board shall petition the court of common pleas of the 110619
county in which a person, firm, partnership, or corporation 110620
engages in the sale, practice of dealing in or fitting of hearing 110621
aids, advertises or assumes such practice, or engages in training 110622
to become a licensed hearing aid dealer or fitter without first 110623
being licensed, for an order enjoining any such acts or practices. 110624
The court may grant such injunctive relief upon a showing that the 110625
respondent named in the petition is engaging in such acts or 110626
practices without being licensed under this chapter. 110627

Sec. 4747.14. No person, firm, partnership, association, or 110628
corporation shall: 110629

(A) Sell or barter or offer to sell or barter a hearing aid 110630

dealers or fitters license or trainee permit issued by the state 110631
speech and hearing aid dealers and fitters licensing professionals 110632
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 110633
Revised Code; 110634

(B) Purchase or procure or attempt to purchase or procure a 110635
hearing aid dealers or fitters license or trainee permit with 110636
intent to use such license or permit as evidence of the holder's 110637
qualification to engage in the practice of dealing in or fitting 110638
of hearing aids; 110639

(C) Use or attempt to use as a valid license or permit a 110640
license or permit which has been purchased, fraudulently obtained, 110641
counterfeited, materially altered, or suspended or revoked; 110642

(D) Alter a license or permit in any way, shape, or form, 110643
except as may be specified by the board; 110644

(E) Willfully and knowingly make a false statement in an 110645
application for issuance or renewal of a license or permit. 110646

Sec. 4747.16. On receipt of a notice pursuant to section 110647
3123.43 of the Revised Code, the state speech and hearing aid 110648
~~dealers and fitters licensing professionals~~ board shall comply 110649
with sections 3123.41 to 3123.50 of the Revised Code and any 110650
applicable rules adopted under section 3123.63 of the Revised Code 110651
with respect to a license issued pursuant to this chapter. 110652

Sec. 4747.17. The state speech and hearing aid dealers and 110653
~~fitters licensing professionals~~ board shall comply with section 110654
4776.20 of the Revised Code. 110655

Sec. 4752.01. As used in this chapter: 110656

(A) "Authorized health care professional" means a person 110657
authorized under Chapter 4731. of the Revised Code to practice 110658
medicine and surgery or osteopathic medicine and surgery or 110659

otherwise authorized under Ohio law to prescribe the use of home 110660
medical equipment by a patient. 110661

(B) "Home medical equipment" means equipment that can stand 110662
repeated use, is primarily and customarily used to serve a medical 110663
purpose, is not useful to a person in the absence of illness or 110664
injury, is appropriate for use in the home, and is one or more of 110665
the following: 110666

(1) Life-sustaining equipment prescribed by an authorized 110667
health care professional that mechanically sustains, restores, or 110668
supplants a vital bodily function, such as breathing; 110669

(2) Technologically sophisticated medical equipment 110670
prescribed by an authorized health care professional that requires 110671
individualized adjustment or regular maintenance by a home medical 110672
equipment services provider to maintain a patient's health care 110673
condition or the effectiveness of the equipment; 110674

(3) An item specified by the ~~Ohio respiratory care board~~ 110675
state board of pharmacy in rules adopted under division (B) of 110676
section 4752.17 of the Revised Code. 110677

(C) "Home medical equipment services" means the sale, 110678
delivery, installation, maintenance, replacement, or demonstration 110679
of home medical equipment. 110680

(D) "Home medical equipment services provider" means a person 110681
engaged in offering home medical equipment services to the public. 110682

(E) "Hospital" has the same meaning as in section 3727.01 of 110683
the Revised Code. 110684

(F) "Sell or rent" means to transfer ownership or the right 110685
to use property, whether in person or through an agent, employee, 110686
or other person, in return for compensation. 110687

Sec. 4752.03. (A) A person seeking to comply with division 110688
(A) of section 4752.02 of the Revised Code shall do either of the 110689

following: 110690

(1) Apply for a license issued under this chapter; 110691

(2) Apply for a certificate of registration issued under this 110692
chapter on the basis of being accredited by the joint commission 110693
on accreditation of healthcare organizations or another national 110694
accrediting body recognized by the ~~Ohio respiratory care board~~ 110695
state board of pharmacy, as specified in rules adopted under 110696
section 4752.17 of the Revised Code. 110697

(B) A person intending to provide home medical equipment 110698
services from more than one facility shall apply for a separate 110699
license or certificate of registration for each facility. 110700

Sec. 4752.04. A person seeking a license to provide home 110701
medical equipment services shall apply to the ~~Ohio respiratory~~ 110702
~~care board~~ state board of pharmacy on a form the board shall 110703
prescribe and provide. The application must be accompanied by the 110704
license application fee established in rules adopted under section 110705
4752.17 of the Revised Code, except that the board may waive all 110706
or part of the fee if the board determines that an applicant's 110707
license will be issued in the last six months of the biennial 110708
licensing period established under section 4752.05 of the Revised 110709
Code. 110710

In the application, the applicant shall specify the name and 110711
location of the facility from which services will be provided. 110712

Sec. 4752.05. (A) The ~~Ohio respiratory care board~~ state board 110713
of pharmacy shall issue a license to provide home medical 110714
equipment services to each applicant under section 4752.04 of the 110715
Revised Code that meets either of the following requirements: 110716

(1) Meets the standards established by the board in rules 110717
adopted under section 4752.17 of the Revised Code; 110718

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

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(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code.

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(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

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(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

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(E) Any license issued under this section is valid only for the facility named in the application.

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Sec. 4752.06. Except for a provisional license issued under section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the ~~Ohio respiratory care board~~ state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

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An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17

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of the Revised Code and, except as provided in division (B) of 110749
section 4752.07 of the Revised Code, by documentation satisfactory 110750
to the board that the continuing education requirements of section 110751
4752.07 of the Revised Code have been met. Renewals shall be made 110752
in accordance with the standard renewal procedure established 110753
under Chapter 4745. of the Revised Code and the renewal procedures 110754
established in rules adopted under section 4752.17 of the Revised 110755
Code. 110756

Sec. 4752.08. (A) ~~The Ohio respiratory care board~~ state board 110757
of pharmacy may inspect the operations and facility, subpoena the 110758
records, and compel testimony of employees of any home medical 110759
equipment services provider licensed under this chapter. 110760
Inspections shall be conducted as provided in rules adopted by the 110761
board under section 4752.17 of the Revised Code. 110762

(B) The board shall employ investigators who shall, under the 110763
direction of the executive director of the board, investigate 110764
complaints and conduct inspections. Pursuant to an investigation 110765
or inspection, investigators may review and audit records during 110766
normal business hours at the place of business of the person being 110767
investigated. The board and its employees shall not disclose 110768
confidential information obtained during an investigation, except 110769
pursuant to a court order. 110770

(C) The board shall send the provider a report of the results 110771
of an inspection. If the board determines that the provider is not 110772
in compliance with any requirement of this chapter applicable to 110773
providers licensed under this chapter, the board may direct the 110774
provider to attain compliance. Failure of the provider to comply 110775
with the directive is grounds for action by the board under 110776
division (A)(1) of section 4752.09 of the Revised Code. 110777

(D) A provider that disputes the results of an inspection may 110778
file an appeal with the board not later than ninety days after 110779

receiving the inspection report. The board shall review the 110780
inspection report and, at the request of the provider, conduct a 110781
new inspection. 110782

Sec. 4752.09. (A) The ~~Ohio respiratory care board~~ state board 110783
of pharmacy may, in accordance with Chapter 119. of the Revised 110784
Code, suspend or revoke a license issued under this chapter or 110785
discipline a license holder by imposing a fine of not more than 110786
five thousand dollars or taking other disciplinary action on any 110787
of the following grounds: 110788

(1) Violation of any provision of this chapter or an order or 110789
rule of the board, as those provisions, orders, or rules are 110790
applicable to persons licensed under this chapter; 110791

(2) A plea of guilty to or a judicial finding of guilt of a 110792
felony or a misdemeanor that involves dishonesty or is directly 110793
related to the provision of home medical equipment services; 110794

(3) Making a material misstatement in furnishing information 110795
to the board; 110796

(4) Professional incompetence; 110797

(5) Being guilty of negligence or gross misconduct in 110798
providing home medical equipment services; 110799

(6) Aiding, assisting, or willfully permitting another person 110800
to violate any provision of this chapter or an order or rule of 110801
the board, as those provisions, orders, or rules are applicable to 110802
persons licensed under this chapter; 110803

(7) Failing, within sixty days, to provide information in 110804
response to a written request by the board; 110805

(8) Engaging in conduct likely to deceive, defraud, or harm 110806
the public; 110807

(9) Denial, revocation, suspension, or restriction of a 110808

license to provide home medical equipment services, for any reason 110809
other than failure to renew, in another state or jurisdiction; 110810

(10) Directly or indirectly giving to or receiving from any 110811
person a fee, commission, rebate, or other form of compensation 110812
for services not rendered; 110813

(11) Knowingly making or filing false records, reports, or 110814
billings in the course of providing home medical equipment 110815
services, including false records, reports, or billings prepared 110816
for or submitted to state and federal agencies or departments; 110817

(12) Failing to comply with federal rules issued pursuant to 110818
the medicare program established under Title XVIII of the "Social 110819
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 110820
relating to operations, financial transactions, and general 110821
business practices of home medical services providers. 110822

(B) The ~~respiratory care board~~ state board of pharmacy 110823
immediately may suspend a license without a hearing if it 110824
determines that there is evidence that the license holder is 110825
subject to actions under this section and that there is clear and 110826
convincing evidence that continued operation by the license holder 110827
presents an immediate and serious harm to the public. The 110828
president and executive director of the board shall make a 110829
preliminary determination and describe, by telephone conference or 110830
any other method of communication, the evidence on which they made 110831
their determination to the other members of the board. The board 110832
may by resolution designate another board member to act in place 110833
of the president of the board or another employee to act in the 110834
place of the executive director, in the event that the board 110835
president or executive director is unavailable or unable to act. 110836
On review of the evidence, the board may by a vote of not less 110837
than seven of its members, suspend a license without a prior 110838
hearing. The board may vote on the suspension by way of a 110839
telephone conference call. 110840

Immediately following the decision to suspend a license under 110841
this division, the board shall issue a written order of suspension 110842
and cause it to be delivered in accordance with section 119.07 of 110843
the Revised Code. The order shall not be subject to suspension by 110844
the court during the pendency of any appeal filed under section 110845
119.12 of the Revised Code. If the license holder requests an 110846
adjudication hearing, the date set for the hearing shall be within 110847
fifteen days but not earlier than seven days after the license 110848
holder requests the hearing, unless another date is agreed to by 110849
the license holder and the board. The suspension shall remain in 110850
effect, unless reversed by the board, until a final adjudication 110851
order issued by the board pursuant to this section and Chapter 110852
119. of the Revised Code becomes effective. The board shall issue 110853
its final adjudication order not later than ninety days after 110854
completion of the hearing. The board's failure to issue the order 110855
by that day shall cause the summary suspension to end, but shall 110856
not affect the validity of any subsequent final adjudication 110857
order. 110858

Sec. 4752.11. (A) A person seeking a certificate of 110859
registration to provide home medical equipment services shall 110860
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 110861
on a form the board shall prescribe and provide. The application 110862
must be accompanied by the registration fee established in rules 110863
adopted under section 4752.17 of the Revised Code, except that the 110864
board may waive all or part of the fee if the board determines 110865
that an applicant's certificate of registration will be issued in 110866
the last six months of the biennial registration period 110867
established under section 4752.12 of the Revised Code. 110868

(B) The applicant shall specify in the application all of the 110869
following: 110870

(1) The name of the facility from which services will be 110871

provided;	110872
(2) The facility's address;	110873
(3) The facility's telephone number;	110874
(4) A person who may be contacted with regard to the facility;	110875 110876
(5) The name of the national accrediting body that issued the accreditation on which the application is based;	110877 110878
(6) The applicant's accreditation number and the expiration date of the accreditation;	110879 110880
(7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services.	110881 110882 110883
Sec. 4752.12. (A) The Ohio respiratory care board <u>state board</u> <u>of pharmacy</u> shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code.	110884 110885 110886 110887 110888 110889 110890 110891 110892 110893
(B) A certificate of registration issued under this section expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.	110894 110895 110896 110897 110898 110899 110900 110901

(C) A certificate of registration issued under this section 110902
is valid only for the facility named in the application. 110903

Sec. 4752.13. A certificate of registration issued under this 110904
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 110905
board of pharmacy if the certificate holder is accredited by the 110906
joint commission on accreditation of healthcare organizations or 110907
another national accrediting body recognized by the board, as 110908
specified in rules adopted under section 4752.17 of the Revised 110909
Code. 110910

An application for renewal of a certificate of registration 110911
shall be accompanied by the renewal fee established in rules 110912
adopted under section 4752.17 of the Revised Code. Renewals shall 110913
be made in accordance with the standard renewal procedure 110914
established under Chapter 4745. of the Revised Code and the 110915
renewal procedures established in rules adopted under section 110916
4752.17 of the Revised Code. 110917

Sec. 4752.14. The ~~Ohio respiratory care board~~ state board of 110918
pharmacy shall enter into a cooperative agreement with each of the 110919
national accrediting bodies it recognizes in rules adopted under 110920
section 4752.17 of the Revised Code for purposes of issuing 110921
certificates of registration under this chapter. The board shall 110922
ensure that each cooperative agreement establishes or specifies 110923
standards or procedures regarding a complaint process, patient 110924
safety and care, and any other matter the board considers 110925
appropriate for home medical equipment services providers that 110926
receive certificates of registration under this chapter. 110927

Sec. 4752.15. (A) The ~~Ohio respiratory care board~~ state board 110928
of pharmacy shall, in accordance with Chapter 119. of the Revised 110929
Code, suspend or revoke a certificate of registration issued under 110930
this chapter if it learns from any source that the accreditation 110931

on which the certificate of registration was issued has been 110932
revoked or suspended or is otherwise no longer valid. 110933

(B) If the status of the accreditation on which a certificate 110934
of registration is issued under this chapter changes for any 110935
reason, the holder of the certificate shall notify the board. On 110936
receipt of the notice, the board shall take action under division 110937
(A) of this section, if appropriate. 110938

Sec. 4752.17. (A) ~~The Ohio respiratory care board~~ state board 110939
of pharmacy shall adopt rules to implement and administer this 110940
chapter. The rules shall do all of the following: 110941

(1) Specify items considered to be home medical equipment for 110942
purposes of divisions (B)(1) and (2) of section 4752.01 of the 110943
Revised Code; 110944

(2) Establish procedures for issuance and renewal of licenses 110945
and certificates of registration under this chapter, including the 110946
duties that may be fulfilled by the board's executive director and 110947
other board employees; 110948

(3) Specify the national accrediting bodies the board 110949
recognizes for purposes of issuing certificates of registration 110950
under this chapter; 110951

(4) Establish standards an applicant must meet to be eligible 110952
to be granted a license under section 4752.05 of the Revised Code; 110953

(5) Establish standards for personnel policies, equipment 110954
storage, equipment maintenance, and record keeping to be followed 110955
by home medical equipment services providers licensed under this 110956
chapter; 110957

(6) Establish standards for continuing education programs in 110958
home medical equipment services for individuals who provide home 110959
medical equipment services while employed by or under the control 110960

of a home medical equipment services provider licensed under this chapter; 110961
110962

(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 110963
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(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 110967
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(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 110970
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(10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 110974
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(11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter. 110978
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(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code. 110981
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(C) Rules shall be adopted under this chapter in accordance with Chapter 119. of the Revised Code. Prior to adopting any rule, the board shall consult with representatives of any association of home medical equipment services providers that do business in this state. 110984
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Sec. 4752.18. All moneys the ~~Ohio respiratory care board~~ state board of pharmacy receives under this chapter, from any 110989
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source, shall be deposited into the state treasury to the credit 110991
of the occupational licensing and regulatory fund created under 110992
section 4743.05 of the Revised Code. 110993

Sec. 4752.19. (A) At the request of the ~~Ohio respiratory care~~ 110994
~~board~~ state board of pharmacy, the attorney general may bring a 110995
civil action for appropriate relief, including a temporary 110996
restraining order, preliminary or permanent injunction, and civil 110997
penalties, in the court of common pleas of the county in which a 110998
violation has occurred, is occurring, or is threatening to occur 110999
against any person who has violated, is violating, or threatens to 111000
violate section 4752.02 of the Revised Code. In accordance with 111001
the Rules of Civil Procedure, the court of common pleas in which 111002
an action for injunction is filed has jurisdiction to grant, and 111003
shall grant, a temporary restraining order and preliminary and 111004
permanent injunctive relief upon a showing that the person against 111005
whom the action is brought has violated, is violating, or 111006
threatens to violate section 4752.02 of the Revised Code. In an 111007
action for a civil penalty, the court may impose upon a person 111008
found to have violated section 4752.02 of the Revised Code a civil 111009
penalty of not less than five hundred and not more than two 111010
thousand five hundred dollars for each day of violation. Moneys 111011
resulting from civil penalties imposed under this section shall be 111012
deposited into the state treasury to the credit of the 111013
occupational licensing and regulatory fund created under section 111014
4743.05 of the Revised Code. 111015

(B) The remedies provided in this section are in addition to 111016
remedies otherwise available under any federal or state law or 111017
ordinance of a municipal corporation. 111018

Sec. 4752.20. The ~~Ohio respiratory care board~~ state pharmacy 111019
board shall comply with section 4776.20 of the Revised Code. 111020

Sec. 4752.22. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state board of pharmacy," with respect to implementing Chapter 4752. of the Revised Code. 111021
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Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state board of pharmacy, with respect to implementing Chapter 4752. of the Revised Code. 111025
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Sec. 4752.24. The state board of pharmacy shall appoint a home medical equipment services advisory council for the purpose of advising the board on issues relating to providing home medical equipment services. The advisory council shall consist of not more than seven individuals knowledgeable in the provision of home medical equipment services. 111030
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Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. 111036
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With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. 111040
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Sec. 4753.05. (A) The state speech and hearing professionals board of ~~speech language pathology and audiology~~ may make reasonable rules necessary for the administration of this chapter. The board shall adopt rules to ensure ethical standards of practice by ~~speech language pathologists and audiologists licensed or permitted pursuant to this chapter.~~ All rules adopted under 111045
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this chapter shall be adopted in accordance with Chapter 119. of 111051
the Revised Code. 111052

(B) The board shall determine the nature and scope of 111053
examinations to be administered to applicants for licensure 111054
pursuant to this chapter in the practices of speech-language 111055
pathology and audiology, and shall evaluate the qualifications of 111056
all applicants. Written examinations may be supplemented by such 111057
practical and oral examinations as the board shall determine by 111058
rule. The board shall determine by rule the minimum examination 111059
score for licensure. Licensure shall be granted independently in 111060
speech-language pathology and audiology. ~~The board shall maintain 111061
a current public record of all persons licensed, to be made 111062
available upon request.~~ 111063

(C) The board shall publish and make available, upon request, 111064
the licensure and permit standards prescribed by this chapter and 111065
rules adopted pursuant thereto. 111066

~~(D) The board shall submit to the governor each year a report 111067
of all its official actions during the preceding year together 111068
with any recommendations and findings with regard to the 111069
improvement of the professions of audiology and speech language 111070
pathology.~~ 111071

~~(E)~~ The board shall investigate all alleged irregularities in 111072
the practices of speech-language pathology and audiology by 111073
persons licensed or permitted pursuant to this chapter and any 111074
violations of this chapter or rules adopted by the board. The 111075
board shall not investigate the practice of any person 111076
specifically exempted from licensure under this chapter by section 111077
4753.12 of the Revised Code, as long as the person is practicing 111078
within the scope of the person's license or is carrying out 111079
responsibilities as described in division (G) or (H) of section 111080
4753.12 of the Revised Code and does not claim to be a 111081
speech-language pathologist or audiologist. 111082

In conducting investigations under this division, the board 111083
may administer oaths, order the taking of depositions, issue 111084
subpoenas, and compel the attendance of witnesses and the 111085
production of books, accounts, papers, records, documents, and 111086
testimony. In any case of disobedience or neglect of any subpoena 111087
served on any person or the refusal of any witness to testify to 111088
any matter regarding which the witness may lawfully be 111089
interrogated, the court of common pleas of any county where such 111090
disobedience, neglect, or refusal occurs or any judge thereof, on 111091
application by the board, shall compel obedience by attachment 111092
proceedings for contempt, as in the case of disobedience of the 111093
requirements of a subpoena issued from such court, or a refusal to 111094
testify therein. 111095

~~(F)(E)~~ The board shall conduct such hearings and keep such 111096
~~records and minutes~~ as are necessary to carry out this chapter. 111097

~~(G)~~ The board shall adopt a seal by which it shall 111098
~~authenticate its proceedings. Copies of the proceedings, records,~~ 111099
~~and acts signed by the chairperson or executive director and~~ 111100
~~authenticated by such seal shall be prima facie evidence thereof~~ 111101
~~in all courts of this state.~~ 111102

Sec. 4753.06. No person is eligible for licensure as a 111103
speech-language pathologist or audiologist unless: 111104

(A) The person has obtained a broad general education to 111105
serve as a background for the person's specialized academic 111106
training and preparatory professional experience. Such background 111107
may include study from among the areas of human psychology, 111108
sociology, psychological and physical development, the physical 111109
sciences, especially those that pertain to acoustic and biological 111110
phenomena, and human anatomy and physiology, including 111111
neuroanatomy and neurophysiology. 111112

(B) If the person seeks licensure as a speech-language 111113

pathologist, the person submits to the state speech and hearing 111114
professionals board of ~~speech language pathology and audiology~~ an 111115
official transcript demonstrating that the person has at least a 111116
master's degree in speech-language pathology or the equivalent as 111117
determined by the board. The person's academic credit must include 111118
course work accumulated in the completion of a well-integrated 111119
course of study approved by the board and delineated by rule 111120
dealing with the normal aspects of human communication, 111121
development and disorders thereof, and clinical techniques for the 111122
evaluation and the improvement or eradication of such disorders. 111123
The course work must have been completed at colleges or 111124
universities accredited by regional or national accrediting 111125
organizations recognized by the board. 111126

(C) Except as provided in division (F)(1)(b) of this section, 111127
if the person seeks licensure as an audiologist, the person 111128
submits to the board an official transcript demonstrating that the 111129
person has at least a doctor of audiology degree or the equivalent 111130
as determined by the board. The person's academic credit must 111131
include course work accumulated in the completion of a 111132
well-integrated course of study approved by the board and 111133
delineated by rules dealing with the normal aspects of human 111134
hearing, balance, and related development and clinical evaluation, 111135
audiologic diagnosis, and treatment of disorders of human hearing, 111136
balance, and related development. The course work must have been 111137
completed in an audiology program that is accredited by an 111138
organization recognized by the United States department of 111139
education and operated by a college or university accredited by a 111140
regional or national accrediting organization recognized by the 111141
board. 111142

(D) The person submits to the board evidence of the 111143
completion of appropriate, supervised clinical experience in the 111144
professional area, speech-language pathology or audiology, for 111145

which licensure is requested, dealing with a variety of 111146
communication disorders. The appropriateness of the experience 111147
shall be determined under rules of the board. This experience 111148
shall have been obtained in an accredited college or university, 111149
in a cooperating program of an accredited college or university, 111150
or in another program approved by the board. 111151

(E) The person submits to the board evidence that the person 111152
has passed the examination for licensure to practice 111153
speech-language pathology or audiology pursuant to division (B) of 111154
section 4753.05 of the Revised Code. 111155

(F)(1) In the case of either of the following, the person 111156
presents to the board written evidence that the person has 111157
obtained professional experience: 111158

(a) The person seeks licensure as a speech-language 111159
pathologist; 111160

(b) The person seeks licensure as an audiologist and does not 111161
meet the requirements of division (C) of this section regarding a 111162
doctor of audiology degree, but before January 1, 2006, the person 111163
met the requirements of division (B) of this section regarding a 111164
master's degree in audiology as that division existed on December 111165
31, 2005. 111166

(2) The professional experience shall be appropriately 111167
supervised as determined by board rule. The amount of professional 111168
experience shall be determined by board rule and shall be bona 111169
fide clinical work that has been accomplished in the major 111170
professional area, speech-language pathology or audiology, in 111171
which licensure is being sought. If the person seeks licensure as 111172
a speech-language pathologist, this experience shall not begin 111173
until the requirements of divisions (B), (D), and (E) of this 111174
section have been completed unless approved by the board. If the 111175
person seeks licensure as an audiologist, this experience shall 111176

not begin until the requirements of division (B) of this section, 111177
as that division existed on December 31, 2005, and divisions (D) 111178
and (E) of this section have been completed unless approved by the 111179
board. Before beginning the supervised professional experience 111180
pursuant to this section, the applicant for licensure to practice 111181
speech-language pathology or audiology shall obtain a conditional 111182
license pursuant to section 4753.071 of the Revised Code. 111183

Sec. 4753.061. (A) As used in this section, "license" and 111184
"applicant for an initial license" have the same meanings as in 111185
section 4776.01 of the Revised Code, except that "license" as used 111186
in both of those terms refers to the types of authorizations 111187
otherwise issued or conferred under this chapter. 111188

(B) In addition to any other eligibility requirement set 111189
forth in this chapter, each applicant for an initial license shall 111190
comply with sections 4776.01 to 4776.04 of the Revised Code. The 111191
state speech and hearing professionals board shall not grant a 111192
license to an applicant for an initial license unless the 111193
applicant complies with sections 4776.01 to 4776.04 of the Revised 111194
Code and the board, in its discretion, decides that the results of 111195
the criminal records check do not make the applicant ineligible 111196
for a license issued pursuant to section 4753.06 or 4753.07 of the 111197
Revised Code. 111198

Sec. 4753.07. The state speech and hearing professionals 111199
board of ~~speech language pathology and audiology~~ shall issue under 111200
its seal a license or conditional license to every applicant who 111201
has passed the appropriate examinations designated by the board 111202
and who otherwise complies with the licensure requirements of this 111203
chapter. The license or conditional license entitles the holder to 111204
practice speech-language pathology or audiology. Each licensee 111205
shall display the license or conditional license or an official 111206
duplicate in a conspicuous place where the licensee practices 111207

speech-language pathology or audiology or both. 111208

Sec. 4753.071. A person who is required to meet the 111209
supervised professional experience requirement of division (F) of 111210
section 4753.06 of the Revised Code shall submit to the state 111211
speech and hearing professionals board of ~~speech language~~ 111212
~~pathology and audiology~~ an application for a conditional license. 111213
The application shall include a plan for the content of the 111214
supervised professional experience on a form the board shall 111215
prescribe. The board shall issue the conditional license to the 111216
applicant if the applicant meets the requirements of section 111217
4753.06 of the Revised Code, other than the requirement to have 111218
obtained the supervised professional experience, and pays to the 111219
board the appropriate fee for a conditional license. An applicant 111220
may not begin employment until the conditional license has been 111221
issued. 111222

A conditional license authorizes an individual to practice 111223
speech-language pathology or audiology while completing the 111224
supervised professional experience as required by division (F) of 111225
section 4753.06 of the Revised Code. A person holding a 111226
conditional license may practice speech-language pathology or 111227
audiology while working under the supervision of a person fully 111228
licensed in accordance with this chapter. A conditional license is 111229
valid for eighteen months unless suspended or revoked pursuant to 111230
section 3123.47 or 4753.10 of the Revised Code. 111231

A person holding a conditional license may perform services 111232
for which payment will be sought under the medicare program or the 111233
medicaid program but all requests for payment for such services 111234
shall be made by the person who supervises the person performing 111235
the services. 111236

Sec. 4753.072. The state speech and hearing professionals 111237

board of ~~speech language pathology and audiology~~ shall establish 111238
by rule pursuant to Chapter 119. of the Revised Code the 111239
qualifications for persons seeking licensure as a speech-language 111240
pathology aide or an audiology aide. The qualifications shall be 111241
less than the standards for licensure as a speech-language 111242
pathologist or audiologist. An aide shall not act independently 111243
and shall work under the direction and supervision of a 111244
speech-language pathologist or audiologist licensed by the board. 111245
An aide shall not dispense hearing aids. An applicant shall not 111246
begin employment until the license has been approved. 111247

Sec. 4753.073. (A)~~(1)~~ The state speech and hearing 111248
professionals board of ~~speech language pathology and audiology~~ 111249
shall issue under its seal a speech-language pathology student 111250
permit to any applicant who submits a plan that has been approved 111251
by the applicant's university graduate program in speech-language 111252
pathology and that conforms to requirements determined by the 111253
board by rule and who meets all of the following requirements: 111254

~~(a)~~(1) Is enrolled in a graduate program at an educational 111255
institution located in this state that is accredited by the 111256
council on academic accreditation in audiology and speech-language 111257
pathology of the American speech-language-hearing association; 111258

~~(b)~~(2) Has completed at least one year of postgraduate 111259
training in speech-language pathology, or equivalent coursework as 111260
determined by the board, and any student clinical experience the 111261
board may require by rule; 111262

~~(2)~~(B) The speech-language pathology student permit 111263
authorizes the holder to practice speech-language pathology within 111264
limits determined by the board by rule, which shall include the 111265
following: 111266

~~(a)~~(1) The permit holder's caseload shall be limited in a 111267
manner to be determined by the board by rule. 111268

~~(b)~~(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)~~(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

~~(3)~~(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

~~(4)~~(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology.

Sec. 4753.08. The state speech and hearing professionals board of ~~speech language pathology and audiology~~ shall waive the examination, educational, and professional experience requirements for any applicant who meets any of the following requirements:

(A) On September 26, 1975, ~~has~~ had at least a bachelor's degree with a major in speech-language pathology or audiology from an accredited college or university, or ~~who has been~~ was employed as a speech-language pathologist or audiologist for at least nine months at any time within the three years prior to September 26, 1975, if an application providing bona fide proof of such degree or employment ~~is~~ was filed with the former board of speech-language pathology and audiology within one year after ~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the

application fee as prescribed in division (A) of section 4753.11 111300
of the Revised Code; 111301

(B) Presents proof to the state speech and hearing 111302
professionals board of current certification or licensure in good 111303
standing in the area in which licensure is sought in a state that 111304
has standards at least equal to the standards for licensure that 111305
are in effect in this state at the time the applicant applies for 111306
the license; 111307

(C) Presents proof to the state speech and hearing 111308
professionals board of both of the following: 111309

(1) Having current certification or licensure in good 111310
standing in audiology in a state that has standards at least equal 111311
to the standards for licensure as an audiologist that were in 111312
effect in this state on December 31, 2005; 111313

(2) Having first obtained that certification or licensure not 111314
later than December 31, 2007. 111315

(D) Presents proof to the state speech and hearing 111316
professionals board of a current certificate of clinical 111317
competence in speech-language pathology or audiology that is in 111318
good standing and received from the American 111319
speech-language-hearing association in the area in which licensure 111320
is sought. 111321

Sec. 4753.09. Except as provided in this section and in 111322
section 4753.10 of the Revised Code, a license issued by the state 111323
speech and hearing professionals board ~~of speech-language~~ 111324
~~pathology and audiology~~ shall be renewed biennially in accordance 111325
with the standard renewal procedure contained in Chapter 4745. of 111326
the Revised Code. If the application for renewal is made one year 111327
or longer after the renewal application is due, the person shall 111328
apply for licensure as provided in section 4753.06 or division 111329

(B), (C), or (D) of section 4753.08 of the Revised Code. The board 111330
shall not renew a conditional license; however, the board may 111331
grant an applicant a second conditional license. 111332

The board shall establish by rule adopted pursuant to Chapter 111333
119. of the Revised Code the qualifications for license renewal. 111334
Applicants shall demonstrate continued competence, which may 111335
include continuing education, examination, self-evaluation, peer 111336
review, performance appraisal, or practical simulation. The board 111337
may establish other requirements as a condition for license 111338
renewal as considered appropriate by the board. 111339

The board may renew a license which expires while the license 111340
is suspended, but the renewal shall not affect the suspension. The 111341
board shall not renew a license which has been revoked. If a 111342
revoked license is reinstated under section 4753.10 of the Revised 111343
Code after it has expired, the licensee, as a condition of 111344
reinstatement, shall pay a reinstatement fee in the amount equal 111345
to the renewal fee in effect on the last preceding regular renewal 111346
date on which it is reinstated, plus any delinquent fees accrued 111347
from the time of the revocation, if such a fee is prescribed by 111348
the board by rule. 111349

Sec. 4753.091. (A) A person licensed under this chapter may 111350
apply to the state speech and hearing professionals board ~~of~~ 111351
~~speech language pathology and audiology~~ to have the person's 111352
license classified as inactive. If a fee is charged under division 111353
(B) of this section, the person shall include the fee with the 111354
application. 111355

If the person's license is in good standing, the person is 111356
not the subject of any complaint, the person is not the subject of 111357
an investigation or disciplinary action by the board, and the 111358
person meets any other requirements established by the board in 111359
rules adopted under this section, the board shall classify the 111360

license as inactive. The inactive classification shall become 111361
effective on the date immediately following the date that the 111362
person's license is scheduled to expire. 111363

(B) The board may charge a fee for classifying a license as 111364
inactive. 111365

(C) During the period that a license is classified as 111366
inactive, the person may not engage in the practice of 111367
speech-language pathology or the practice of audiology, as 111368
applicable, in this state or make any representation to the public 111369
indicating that the person is actively licensed under this 111370
chapter. 111371

(D) A person whose license has been classified as inactive 111372
may apply to the board to have the license reactivated. The board 111373
shall reactivate the license if the person meets the requirements 111374
established by the board in rules adopted under this section. 111375

(E) The board's jurisdiction to take disciplinary action 111376
under this chapter is not removed or limited when a person's 111377
license is classified as inactive under this section. 111378

(F) The board shall adopt rules as necessary for classifying 111379
a license as inactive and reactivating an inactive license. The 111380
rules shall be adopted in accordance with Chapter 119. of the 111381
Revised Code. 111382

Sec. 4753.10. In accordance with Chapter 119. of the Revised 111383
Code, the state speech and hearing professionals board ~~of~~ 111384
~~speech-language pathology and audiology~~ may reprimand or place on 111385
probation a speech-language pathologist or audiologist or suspend, 111386
revoke, or refuse to issue or renew the license of a 111387
speech-language pathologist or audiologist. Disciplinary actions 111388
may be taken by the board for conduct that may result from but not 111389
necessarily be limited to: 111390

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;	111391 111392
(B) Fraud, deception, or misrepresentation in using a license;	111393 111394
(C) Altering a license;	111395
(D) Aiding or abetting unlicensed practice;	111396
(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:	111397 111398
(1) Making or filing a false report or record in the practice of speech-language pathology or audiology;	111399 111400
(2) Submitting a false statement to collect a fee;	111401
(3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.	111402 111403 111404
(F) Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;	111405 111406 111407 111408
(G) Falsely representing the use or availability of services or advice of a physician;	111409 111410
(H) Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;	111411 111412 111413 111414
(I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;	111415 111416 111417
(J) Engaging in illegal, incompetent, or habitually negligent practice;	111418 111419

(K) Providing professional services while:	111420
(1) Mentally incompetent;	111421
(2) Under the influence of alcohol;	111422
(3) Using any narcotic or controlled substance or other drug	111423
that is in excess of therapeutic amounts or without valid medical	111424
indication.	111425
(L) Providing services or promoting the sale of devices,	111426
appliances, or products to a person who cannot reasonably be	111427
expected to benefit from such services, devices, appliances, or	111428
products in accordance with results obtained utilizing appropriate	111429
assessment procedures and instruments;	111430
(M) Violating this chapter or any lawful order given or rule	111431
adopted by the board;	111432
(N) Being convicted of or pleading guilty or nolo contendere	111433
to a felony or to a crime involving moral turpitude, whether or	111434
not any appeal or other proceeding is pending to have the	111435
conviction or plea set aside;	111436
(O) Being disciplined by a licensing or disciplinary	111437
authority of this or any other state or country or convicted or	111438
disciplined by a court of this or any other state or country for	111439
an act that would be grounds for disciplinary action under this	111440
section.	111441
After revocation of a license under this section, application	111442
may be made to the board for reinstatement. The board, in	111443
accordance with an order of revocation as issued under Chapter	111444
119. of the Revised Code, may require an examination for such	111445
reinstatement.	111446
If any person has engaged in any practice which constitutes	111447
an offense under the provisions of this chapter or rules	111448
promulgated thereunder by the board, the board may apply to the	111449

court of common pleas of the county for an injunction or other 111450
appropriate order restraining such conduct, and the court may 111451
issue such order. 111452

Any person who wishes to make a complaint against any person 111453
licensed pursuant to this chapter shall submit the complaint in 111454
writing to the board within one year from the date of the action 111455
or event upon which the complaint is based. The board shall 111456
determine whether the allegations in the complaint are of a 111457
sufficiently serious nature to warrant formal disciplinary charges 111458
against the licensee pursuant to this section. If the board 111459
determines that formal disciplinary charges are warranted, it 111460
shall proceed in accordance with the procedures established in 111461
Chapter 119. of the Revised Code. 111462

Sec. 4753.101. The state speech and hearing professionals 111463
~~board of speech language pathology and audiology~~, in accordance 111464
with Chapter 119. of the Revised Code, may establish rules to 111465
govern any disciplinary action to be taken against a student 111466
issued a permit under section 4753.073 of the Revised Code. The 111467
rules established by the board are not subject to the adjudication 111468
procedure requirements of sections 119.06 to 119.13 of the Revised 111469
Code. 111470

Sec. 4753.11. (A) For all types of licenses and permits, the 111471
state speech and hearing professionals ~~board of speech language~~ 111472
~~pathology and audiology~~ shall charge a nonrefundable licensure or 111473
permit fee, to be determined by board rule, which shall be paid at 111474
the time the application is filed with the board. 111475

(B) On or before the thirty-first day of January of every 111476
other year, the board shall charge a biennial licensure renewal 111477
fee which shall be determined by board rule and used to defray 111478
costs of the board. 111479

(C) The board may, by rule, provide for the waiver of all or 111480
part of such fees when the license is issued less than one hundred 111481
days before the date on which it will expire. 111482

(D) After the last day of the month designated by the board 111483
for renewal, the board shall charge a late fee to be determined by 111484
board rule in addition to the biennial licensure renewal fee. 111485

(E) No municipal corporation shall levy an occupational or 111486
similar excise tax on any person licensed under this chapter. 111487

(F) All fees collected under this section and section 4753.09 111488
of the Revised Code shall be paid into the state treasury to the 111489
credit of the occupational licensing and regulatory fund created 111490
in section 4743.05 of the Revised Code. 111491

Sec. 4753.12. Nothing in this chapter shall be construed to: 111492

(A) Prohibit a person other than an individual from engaging 111493
in the business of speech-language pathology or audiology without 111494
licensure if it employs a licensed individual in the direct 111495
practice of speech-language pathology and audiology. Such entity 111496
shall file a statement with the state speech and hearing 111497
professionals board, on a form approved by the board for this 111498
purpose, swearing that it submits itself to the rules of the board 111499
and the provisions of this chapter which the board determines 111500
applicable. 111501

(B) Prevent or restrict the practice of a person employed as 111502
a speech-language pathologist or audiologist by any agency of the 111503
federal government. 111504

(C) Restrict the activities and services of a student or 111505
intern in speech-language pathology or audiology from pursuing a 111506
course of study leading to a degree in these areas at a college or 111507
university accredited by a recognized regional or national 111508
accrediting body or in one of its cooperating clinical training 111509

facilities, if these activities and services are supervised by a 111510
person licensed in the area of study or certified by the American 111511
speech-language-hearing association in the area of study and if 111512
the student is designated by a title such as "speech-language 111513
pathology intern," "audiology intern," "trainee," or other such 111514
title clearly indicating the training status. 111515

(D) Prevent a person from performing speech-language 111516
pathology or audiology services when performing these services in 111517
pursuit of the required supervised professional experience as 111518
prescribed in section 4753.06 of the Revised Code and that person 111519
has been issued a conditional license pursuant to section 4753.071 111520
of the Revised Code. 111521

(E) Restrict a speech-language pathologist or audiologist who 111522
holds the certification of the American speech-language-hearing 111523
association, or who is licensed as a speech-language pathologist 111524
or audiologist in another state and who has made application to 111525
the board for a license in this state from practicing 111526
speech-language pathology or audiology without a valid license 111527
pending the disposition of the application. 111528

(F) Restrict a person not a resident of this state from 111529
offering speech-language pathology or audiology services in this 111530
state if such services are performed for not more than one period 111531
of thirty consecutive calendar days in any year, if the person is 111532
licensed in the state of the person's residence or certified by 111533
the American speech-language-hearing association and files a 111534
statement as prescribed by the board in advance of providing these 111535
services. Such person shall be subject to the rules of the board 111536
and the provisions of this chapter. 111537

(G) Restrict a person licensed under Chapter 4747. of the 111538
Revised Code from engaging in the duties as defined in that 111539
chapter related to measuring, testing, and counseling for the 111540
purpose of identifying or modifying hearing conditions in 111541

connection with the fitting, dispensing, or servicing of a hearing 111542
aid, or affect the authority of hearing aid dealers to deal in 111543
hearing aids or advertise the practice of dealing in hearing aids 111544
in accordance with Chapter 4747. of the Revised Code. 111545

(H) Restrict a physician from engaging in the practice of 111546
medicine and surgery or osteopathic medicine and surgery or 111547
prevent any individual from carrying out any properly delegated 111548
responsibilities within the normal practice of medicine and 111549
surgery or osteopathic medicine and surgery. 111550

(I) Restrict a person registered or licensed under Chapter 111551
4723. of the Revised Code from performing those acts and utilizing 111552
those procedures that are within the scope of the practice of 111553
professional or practical nursing as defined in Chapter 4723. of 111554
the Revised Code and the ethics of the nursing profession, 111555
provided such a person does not claim to the public to be a 111556
speech-language pathologist or audiologist. 111557

(J) Restrict an individual licensed as an audiologist under 111558
this chapter from fitting, selling, or dispensing hearing aids. 111559

(K) Authorize the practice of medicine and surgery or entitle 111560
a person licensed pursuant to this chapter to engage in the 111561
practice of medicine or surgery or any of its branches. 111562

(L) Restrict a person licensed pursuant to Chapter 4755. of 111563
the Revised Code from performing those acts and utilizing those 111564
procedures that are within the scope of the practice of 111565
occupational therapy or occupational therapy assistant as defined 111566
in Chapter 4755. of the Revised Code, provided the person does not 111567
claim to the public to be a speech-language pathologist or 111568
audiologist. 111569

Sec. 4753.15. On receipt of a notice pursuant to section 111570
3123.43 of the Revised Code, the state speech and hearing 111571

~~professionals board of speech language pathology and audiology~~ 111572
shall comply with sections 3123.41 to 3123.50 of the Revised Code 111573
and any applicable rules adopted under section 3123.63 of the 111574
Revised Code with respect to a license issued pursuant to this 111575
chapter. 111576

Sec. 4753.16. The state speech and hearing professionals 111577
~~board of speech language pathology and audiology~~ shall comply with 111578
section 4776.20 of the Revised Code. 111579

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 111580
used in any statute, rule, contract, or other document, the use 111581
shall be construed to mean the "state medical board," with respect 111582
to implementing Chapter 4759. of the Revised Code. 111583

Whenever the executive secretary of the Ohio board of 111584
dietetics is used in any statute, rule, contract, or other 111585
document, the use shall be construed to mean the executive 111586
director of the state medical board, with respect to implementing 111587
Chapter 4759. of the Revised Code. 111588

Sec. 4759.02. (A) Except as otherwise provided in this 111589
section or in section 4759.10 of the Revised Code, no person shall 111590
practice, offer to practice, or hold ~~himself~~ self forth to 111591
practice dietetics unless ~~he~~ the person has been licensed under 111592
section 4759.06 of the Revised Code. 111593

(B) Except for a licensed dietitian holding an inactive 111594
license who does not practice or offer to practice dietetics, or a 111595
person licensed under section 4759.06 of the Revised Code, or as 111596
otherwise provided in this section or in section 4759.10 of the 111597
Revised Code: 111598

(1) No person shall use the title "dietitian"; and 111599

(2) No person except for a person licensed under Chapters 111600
4701. to 4755. of the Revised Code, when acting within the scope 111601
of their practice, shall use any other title, designation, words, 111602
letters, abbreviation, or insignia or combination of any title, 111603
designation, words, letters, abbreviation, or insignia tending to 111604
indicate that the person is practicing dietetics. 111605

(C) Notwithstanding division (B) of this section, a person 111606
who is a dietitian registered by the commission on dietetic 111607
registration and who does not violate division (A) of this section 111608
may use the designation "registered dietitian" and the 111609
abbreviation "R.D." 111610

(D) Division (A) of this section does not apply to: 111611

(1) A student enrolled in an academic program that is in 111612
compliance with division (A)(5) of section 4759.06 of the Revised 111613
Code who is engaging in the practice of dietetics under the 111614
supervision of a dietitian licensed under section 4759.06 of the 111615
Revised Code or a dietitian registered by the commission on 111616
dietetic registration, as part of the academic program; 111617

(2) A person participating in the pre-professional experience 111618
required by division (A)(6) of section 4759.06 of the Revised 111619
Code; 111620

(3) A person holding a limited permit under division (F) of 111621
section 4759.06 of the Revised Code. 111622

(E) Divisions (A) and (B) of this section do not apply to a 111623
person who performs no more than fifteen days of dietetic practice 111624
in the state and who meets at least one of the following 111625
requirements: 111626

(1) The ~~Ohio state medical board of dietetics~~ determines that 111627
~~he~~ the person is licensed in another state with licensure 111628
requirements equivalent to or more stringent than those set forth 111629
in this chapter; 111630

(2) ~~He~~ The person is a dietitian registered by the commission 111631
on dietetic registration and resides in another state that either 111632
has no dietitian licensure requirements or has licensure 111633
requirements less stringent than those set forth in this chapter. 111634

Sec. 4759.05. The ~~Ohio state medical~~ board of ~~dietetics~~ 111635
shall: 111636

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. 111637
of the Revised Code to carry out the provisions of this chapter, 111638
including rules governing the following: 111639

(1) Selection and approval of a dietitian licensure 111640
examination offered by the commission on dietetic registration or 111641
any other examination; 111642

(2) The examination of applicants for licensure as a 111643
dietitian, to be held at least twice annually, as required under 111644
division (A) of section 4759.06 of the Revised Code; 111645

(3) Requirements for pre-professional dietetic experience of 111646
applicants for licensure as a dietitian that are at least 111647
equivalent to the requirements adopted by the commission on 111648
dietetic registration; 111649

(4) Requirements for a person holding a limited permit under 111650
division (F) of section 4759.06 of the Revised Code, including the 111651
duration of validity of a limited permit; 111652

(5) Requirements for a licensed dietitian who places a 111653
license in inactive status under division (G) of section 4759.06 111654
of the Revised Code, including a procedure for changing inactive 111655
status to active status; 111656

(6) Continuing education requirements for renewal of a 111657
license, except that the board may adopt rules to waive the 111658
requirements for a person who is unable to meet the requirements 111659
due to illness or other reasons. Rules adopted under this division 111660

shall be consistent with the continuing education requirements 111661
adopted by the commission on dietetic registration. 111662

(7) Any additional education requirements the board considers 111663
necessary, for applicants who have not practiced dietetics within 111664
five years of the initial date of application for licensure; 111665

(8) Standards of professional responsibility and practice for 111666
persons licensed under this chapter that are consistent with those 111667
standards of professional responsibility and practice adopted by 111668
the academy of nutrition and dietetics; 111669

(9) Formulation of ~~a written~~ an application form for 111670
licensure or license renewal that includes the statement that any 111671
applicant who knowingly makes a false statement on the application 111672
is guilty of a misdemeanor of the first degree under section 111673
2921.13 of the Revised Code; 111674

(10) Procedures for license renewal; 111675

(11) Establishing a time period after the notification of a 111676
violation of section 4759.02 of the Revised Code, by which the 111677
person notified must request a hearing by the board under section 111678
4759.09 of the Revised Code; 111679

(12) Requirements for criminal records checks of applicants 111680
under section 4776.03 of the Revised Code. 111681

(B) Investigate alleged violations of sections 4759.02 to 111682
4759.10 of the Revised Code. In making its investigations, the 111683
board may issue subpoenas, examine witnesses, and administer 111684
oaths. 111685

(C) ~~Adopt a seal;~~ 111686

~~(D)~~ Conduct meetings and keep records as are necessary to 111687
carry out the provisions of this chapter; 111688

~~(E)~~ (D) Publish, and make available to the public, upon 111689
request and for a fee not to exceed the actual cost of printing 111690

and mailing, the board's rules and requirements for licensure 111691
adopted under division (A) of this section ~~and a record of all~~ 111692
~~persons licensed under section 4759.06 of the Revised Code.~~ 111693

Sec. 4759.051. (A) The state medical board shall appoint a 111694
dietetics advisory council for the purpose of advising the board 111695
on issues relating to the practice of dietetics and the 111696
investigation of complaints regarding the practice of dietetics. 111697
The advisory council shall consist of not more than seven 111698
individuals knowledgeable in the area of dietetics. A majority of 111699
the council members shall be individuals actively engaged in the 111700
practice of dietetics who meet the requirements for licensure 111701
under section 4759.06 of the Revised Code. The board shall include 111702
on the council one educator with a doctoral degree who holds a 111703
regular faculty appointment in a program that prepares students to 111704
meet the requirements of division (A)(5) of section 4759.06 of the 111705
Revised Code and one member who is not affiliated with any health 111706
care profession, who shall be appointed to represent the interest 111707
of consumers. 111708

The Ohio academy of nutrition and dietetics, or its successor 111709
organization, may nominate the names of up to three qualified 111710
individuals for consideration by the board in making appointments 111711
for each vacancy on the council. 111712

(B) Not later than ninety days after the effective date of 111713
this section, the board shall make initial appointments to the 111714
council. Members shall serve three-year staggered terms of office 111715
in accordance with rules adopted by the board. Thereafter, terms 111716
of office shall be for three years, with each term ending on the 111717
same day of the same month as did the term that it succeeds. A 111718
council member shall continue in office subsequent to the 111719
expiration date of the member's term until a successor is 111720
appointed and takes office, or until a period of sixty days has 111721

elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed. 111722
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(C) With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. 111725
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(D) The council shall meet at least four times per year and at such other times as may be necessary to carry out its responsibilities. 111730
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(E) The council shall submit to the board recommendations concerning all of the following: 111733
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(1) Requirements for issuing a license to practice as a dietician or as a limited permit holder, including the educational and experience requirements that must be met to receive the license or limited permit; 111735
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(2) Existing and proposed rules pertaining to the practice of dietetics and the administration and enforcement of this chapter; 111739
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(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal; 111741
111742
111743

(4) Procedures for the issuance and renewal of licenses and limited permits; 111744
111745

(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder; 111746
111747

(6) Standards of practice and ethical conduct in the practice of dietetics; 111748
111749

(7) Complaints concerning alleged violation of sections 4759.02 to 4759.10 of the Revised Code or grounds for the 111750
111751

<u>suspension, revocation, refusal to issue, or issuance of</u>	111752
<u>probationary licenses or limited permits;</u>	111753
<u>(8) The safe and effective practice of dietetics.</u>	111754
Sec. 4759.06. (A) The Ohio <u>state medical</u> board of dietetics	111755
shall issue or renew a license to practice dietetics to an	111756
applicant who:	111757
(1) Has satisfactorily completed an application for licensure	111758
in accordance with division (A) of section 4759.05 of the Revised	111759
Code;	111760
(2) Has paid the fee required under division (A) of section	111761
4759.08 of the Revised Code;	111762
(3) Is a resident of the state or performs or plans to	111763
perform dietetic services within the state;	111764
(4) Is of good moral character;	111765
(5) Has received a baccalaureate or higher degree from an	111766
institution of higher education that is approved by the board or a	111767
regional accreditation agency that is recognized by the council on	111768
postsecondary accreditation, and has completed a program	111769
consistent with the academic standards for dietitians established	111770
by the academy of nutrition and dietetics;	111771
(6) Has successfully completed a pre-professional dietetic	111772
experience approved by the academy of nutrition and dietetics, or	111773
experience approved by the board under division (A)(3) of section	111774
4759.05 of the Revised Code;	111775
(7) Has passed the examination approved by the board under	111776
division (A)(1) of section 4759.05 of the Revised Code;	111777
(8) Is an applicant for renewal of a license, and has	111778
fulfilled the continuing education requirements adopted under	111779
division (A)(6) of section 4759.05 of the Revised Code.	111780

(B) The board shall waive the requirements of divisions 111781
(A)(5), (6), and (7) of this section and any rules adopted under 111782
division (A)(7) of section 4759.05 of the Revised Code if the 111783
applicant presents satisfactory evidence to the board of current 111784
registration as a registered dietitian with the commission on 111785
dietetic registration. 111786

(C) The board shall waive the requirements of division (A)(7) 111787
of this section if the application for renewal is made within two 111788
years after the date of license expiration. 111789

(D) The board may waive the requirements of division (A)(5), 111790
(6), or (7) of this section or any rules adopted under division 111791
(A)(7) of section 4759.05 of the Revised Code, if the applicant 111792
presents satisfactory evidence of education, experience, or 111793
passing an examination in another state or a foreign country, that 111794
the board considers the equivalent of the requirements stated in 111795
those divisions or rules. 111796

(E) The board shall issue an initial license to practice 111797
dietetics to an applicant who meets the requirements of division 111798
(A) of this section. An initial license shall be valid from the 111799
date of issuance through the thirtieth day of June following 111800
issuance of the license. Each subsequent license shall be valid 111801
from the first day of July through the thirtieth day of June. The 111802
board shall renew the license of an applicant who is licensed to 111803
practice dietetics and who meets the continuing education 111804
requirements of division (A)(6) of section 4759.05 of the Revised 111805
Code. The renewal shall be pursuant to the standard renewal 111806
procedure of sections 4745.01 to 4745.03 of the Revised Code. 111807

(F) The board may grant a limited permit to a person who has 111808
completed the education and pre-professional requirements of 111809
divisions (A)(5) and (6) of this section and who presents evidence 111810
to the board of having applied to take the examination approved by 111811
the board under division (A)(1) of section 4759.05 of the Revised 111812

Code. A person holding a limited permit who has failed the 111813
examination shall practice only under the direct supervision of a 111814
licensed dietitian. 111815

(G) A licensed dietitian may place the license in inactive 111816
status. 111817

Sec. 4759.061. (A) As used in this section, "license" and 111818
"applicant for an initial license" have the same meanings as in 111819
section 4776.01 of the Revised Code, except that "license" as used 111820
in both of those terms refers to the types of authorizations 111821
otherwise issued or conferred under this chapter. 111822

(B) In addition to any other eligibility requirement set 111823
forth in this chapter, each applicant for an initial license shall 111824
comply with sections 4776.01 to 4776.04 of the Revised Code. The 111825
~~Ohio state medical board of dietetics~~ shall not grant a license to 111826
an applicant for an initial license unless the applicant complies 111827
with sections 4776.01 to 4776.04 of the Revised Code and the 111828
board, in its discretion, decides that the results of the criminal 111829
records check do not make the applicant ineligible for a license 111830
issued pursuant to section 4759.06 of the Revised Code. 111831

Sec. 4759.07. (A) The ~~Ohio state medical board of dietetics~~ 111832
may, in accordance with Chapter 119. of the Revised Code, refuse 111833
to issue, review, or renew, or may suspend, revoke, or impose 111834
probationary conditions upon any license or permit to practice 111835
dietetics, if the applicant has: 111836

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 111837
or rules adopted under those sections; 111838

(2) Knowingly made a false statement in ~~his~~ an application 111839
for licensure or license renewal; 111840

(3) Been convicted of any crime constituting a felony in this 111841
or any other state; 111842

(4) Been impaired in ~~his~~ ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage; 111843
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(5) Been convicted of a misdemeanor committed in the course of ~~his~~ work as a dietitian in this or any other state; 111846
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(6) A record of incompetent or negligent conduct in ~~his~~ the practice of dietetics. 111848
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(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 111850
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For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board. 111857
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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's 111867
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license or permit or deny the individual's application and shall 111874
require the individual, as a condition for initial, continued, 111875
reinstated, or renewed licensure, to submit to treatment. 111876

Before being eligible to apply for reinstatement of a license 111877
or permit suspended under this division, the dietitian shall 111878
demonstrate to the board the ability to resume practice in 111879
compliance with acceptable and prevailing standards of care. The 111880
demonstration shall include the following: 111881

(1) Certification from a treatment provider approved under 111882
section 4731.25 of the Revised Code that the individual has 111883
successfully completed any required inpatient treatment; 111884

(2) Evidence of continuing full compliance with an aftercare 111885
contract or consent agreement; 111886

(3) Two written reports indicating that the individual's 111887
ability to practice has been assessed and that the individual has 111888
been found capable of practicing according to acceptable and 111889
prevailing standards of care. The reports shall be made by 111890
individuals or providers approved by the board for making such 111891
assessments and shall describe the basis for their determination. 111892

The board may reinstate a license or permit suspended under 111893
this division after such demonstration and after the individual 111894
has entered into a written consent agreement. 111895

When the impaired dietitian resumes practice, the board shall 111896
require continued monitoring of the dietitian. The monitoring 111897
shall include compliance with the written consent agreement 111898
entered into before reinstatement or with conditions imposed by 111899
board order after a hearing, and, upon termination of the consent 111900
agreement, submission to the board for at least two years of 111901
annual written progress reports made under penalty of 111902
falsification stating whether the dietitian has maintained 111903
sobriety. 111904

(C) One year or more after the date of suspension or 111905
revocation of a license or permit under division (A)(1), (2), (3), 111906
(5), or (6) of this section, an application for reinstatement of 111907
the license or permit may be made to the board. The board shall 111908
grant or deny reinstatement with a hearing, at the request of the 111909
applicant, in accordance with Chapter 119. of the Revised Code and 111910
may impose conditions upon the reinstatement, including the 111911
requirement of passing an examination approved by the board. 111912

Sec. 4759.08. (A) The ~~Ohio state medical~~ board ~~of dietetics~~ 111913
shall charge and collect fees as described in this section for 111914
issuing the following: 111915

(1) An application for an initial dietitian license, or an 111916
application for reactivation of an inactive license, one hundred 111917
twenty-five dollars, and for reinstatement of a lapsed, revoked, 111918
or suspended license, one hundred eighty dollars; 111919

(2) License renewal, ninety-five dollars; 111920

(3) A limited permit, and renewal of the permit, sixty-five 111921
dollars; 111922

(4) A duplicate license or permit, twenty dollars; 111923

(5) For processing a late application for renewal of any 111924
license or permit, an additional fee equal to fifty per cent of 111925
the fee for the renewal. 111926

(B) The board shall not require a licensed dietitian holding 111927
an inactive license to pay the renewal fee. 111928

(C) Subject to the approval of the controlling board, the 111929
~~Ohio state medical~~ board ~~of dietetics~~ may establish fees in excess 111930
of the amounts provided in division (A) of this section, provided 111931
that the fees do not exceed the amounts by greater than fifty per 111932
cent. 111933

(D) The board may adopt rules pursuant to Chapter 119. of the 111934

Revised Code to waive all or part of the fee for an initial 111935
license if the license is issued within one hundred days of the 111936
date of expiration of the license. 111937

(E) All receipts of the board shall be deposited in the state 111938
treasury to the credit of the ~~occupational licensing and~~ 111939
~~regulatory fund. All vouchers of the board shall be approved by~~ 111940
~~the chairperson or secretary of the board, or both, as authorized~~ 111941
~~by the board~~ state medical board operating fund in accordance with 111942
section 4731.24 of the Revised Code. 111943

Sec. 4759.09. The ~~Ohio~~ state medical board of ~~dietetics~~ shall 111944
notify in writing any person determined by the board to be in 111945
violation of section 4759.02 of the Revised Code. The notification 111946
shall state that the person may request a hearing by the board 111947
within the amount of time specified by the board pursuant to 111948
division (A) of section 4759.05 of the Revised Code. If the person 111949
fails to request the hearing, or if the board determines from the 111950
hearing that the person is in violation of section 4759.02 of the 111951
Revised Code, the board may apply to the court of common pleas of 111952
the county in which the violation is occurring for an injunction 111953
or other appropriate restraining order to prohibit the continued 111954
violation of section 4759.02 of the Revised Code. 111955

Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code 111957
do not apply to any of the following: 111958

(A) A person licensed under Chapters 4701. to 4755. of the 111959
Revised Code who is acting within the scope of the person's 111960
profession, provided that the person complies with division (B) of 111961
section 4759.02 of the Revised Code; 111962

(B) A person who is a graduate of an associate degree program 111963
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 111964

state medical board of dietetics who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the commission on dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the state medical board of dietetics, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

(F) A person when acting, under the direction and supervision of a person licensed under Chapters 4701. to 4755. of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;

(G) The free dissemination of literature in the state;	111997
(H) Provided that the persons involved in the sale,	111998
promotion, or explanation of the sale of food, food materials, or	111999
dietary supplements do not violate division (B) of section 4759.02	112000
of the Revised Code, the sale of food, food materials, or dietary	112001
supplements and the marketing and distribution of food, food	112002
materials, or dietary supplements and the promotion or explanation	112003
of the use of food, food materials, or dietary supplements	112004
provided that the promotion or explanation does not violate	112005
Chapter 1345. of the Revised Code;	112006
(I) A person who offers dietary supplements for sale and who	112007
makes the following statements about the product if the statements	112008
are consistent with the dietary supplement's label or labeling:	112009
(1) Claim a benefit related to a classical nutrient	112010
deficiency disease and disclose the prevalence of the disease in	112011
the United States;	112012
(2) Describe the role of a nutrient or dietary ingredient	112013
intended to affect the structure or function of the human body;	112014
(3) Characterize the documented mechanism by which a nutrient	112015
or dietary ingredient acts to maintain the structure or function	112016
of the human body;	112017
(4) Describe general well-being from the consumption of a	112018
nutrient or dietary ingredient.	112019
(J) Provided that the persons involved in presenting a	112020
general program of instruction for weight control do not violate	112021
division (B) of section 4759.02 of the Revised Code, a general	112022
program of instruction for weight control approved in writing by a	112023
licensed dietitian, a physician licensed under Chapter 4731. of	112024
the Revised Code to practice medicine or surgery or osteopathic	112025
medicine or surgery, a person licensed in another state that the	112026
board considers to have substantially equivalent licensure	112027

requirements as this state, or a registered dietitian; 112028

(K) The continued practice of dietetics at a hospital by a 112029
person employed at that same hospital to practice dietetics for 112030
the twenty years immediately prior to July 1, 1987, so long as the 112031
person works under the supervision of a dietitian licensed under 112032
section 4759.06 of the Revised Code and does not violate division 112033
(B) of section 4759.02 of the Revised Code. This division does not 112034
apply to any person who has held a license issued under this 112035
chapter to practice dietetics. As used in this division, 112036
"hospital" has the same meaning as in section 3727.01 of the 112037
Revised Code. 112038

Sec. 4759.11. On receipt of a notice pursuant to section 112039
3123.43 of the Revised Code, the state medical board ~~of dietetics~~ 112040
shall comply with sections 3123.41 to 3123.50 of the Revised Code 112041
and any applicable rules adopted under section 3123.63 of the 112042
Revised Code with respect to a license issued pursuant to this 112043
chapter. 112044

Sec. 4759.12. The ~~Ohio~~ state medical board ~~of dietetics~~ shall 112045
comply with section 4776.20 of the Revised Code. 112046

Sec. 4761.011. Whenever the term "Ohio respiratory care 112047
board" is used in any statute, rule, contract, or other document, 112048
the use shall be construed to mean the "state medical board," with 112049
respect to implementing Chapter 4761. of the Revised Code. 112050

Whenever the executive director of the Ohio respiratory care 112051
board is used in any statute, rule, contract, or other document, 112052
the use shall be construed to mean the executive director of the 112053
state medical board, with respect to implementing Chapter 4761. of 112054
the Revised Code. 112055

Sec. 4761.03. The ~~Ohio respiratory care board~~ state medical 112056

board shall regulate the practice of respiratory care in this 112057
state and the persons to whom the board issues licenses and 112058
limited permits under this chapter ~~and shall license and register~~ 112059
~~home medical equipment services providers under Chapter 4752. of~~ 112060
~~the Revised Code.~~ Rules adopted under this chapter that deal with 112061
the provision of respiratory care in a hospital, other than rules 112062
regulating the issuance of licenses or limited permits, shall be 112063
consistent with the conditions for participation under medicare, 112064
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 112065
U.S.C.A. 1395, as amended, and with the respiratory care 112066
accreditation standards of the joint commission on accreditation 112067
of healthcare organizations or the American osteopathic 112068
association. 112069

The board shall: 112070

(A) Adopt, and may rescind or amend, rules in accordance with 112071
Chapter 119. of the Revised Code to carry out the purposes of this 112072
chapter, including rules prescribing: 112073

(1) The form and manner for filing applications for licensure 112074
and renewal, limited permits, and limited permit extensions under 112075
sections 4761.05 and 4761.06 of the Revised Code; 112076

(2) The form, scoring, and scheduling of examinations and 112077
reexaminations for licensure and license renewal; 112078

(3) Standards for the approval of educational programs 112079
required to qualify for licensure and continuing education 112080
programs required for license renewal; 112081

(4) Continuing education courses and the number of hour 112082
requirements necessary for license renewal, in accordance with 112083
section 4761.06 of the Revised Code; 112084

(5) Procedures for the issuance and renewal of licenses and 112085
limited permits, including the duties that may be fulfilled by the 112086
board's executive director and other board employees; 112087

(6) Procedures for the denial, suspension, permanent	112088
revocation, refusal to renew, and reinstatement of licenses and	112089
limited permits, the conduct of hearings, and the imposition of	112090
finances for engaging in conduct that is grounds for such action and	112091
hearings under section 4761.09 of the Revised Code;	112092
(7) Standards of ethical conduct for the practice of	112093
respiratory care;	112094
(8) Conditions under which the license renewal fee and	112095
continuing education requirements may be waived at the request of	112096
a licensee who is not in active practice;	112097
(9) The respiratory care tasks that may be performed by an	112098
individual practicing as a polysomnographic technologist pursuant	112099
to division (B)(3) of section 4761.10 of the Revised Code;	112100
(10) Procedures for registering out-of-state respiratory care	112101
providers authorized to practice in this state under division	112102
(A)(4) of section 4761.11 of the Revised Code;	112103
(11) Requirements for criminal records checks of applicants	112104
under section 4776.03 of the Revised Code;	112105
(12) Procedures for accepting and storing copies of	112106
hyperbaric technologist certifications filed with the board	112107
pursuant to division (A)(11) of section 4761.11 of the Revised	112108
Code.	112109
(B) Determine the sufficiency of an applicant's	112110
qualifications for admission to the licensing examination or a	112111
reexamination, and for the issuance or renewal of a license or	112112
limited permit;	112113
(C) Determine the respiratory care educational programs that	112114
are acceptable for fulfilling the requirements of division (A) of	112115
section 4761.04 of the Revised Code;	112116
(D) Schedule, administer, and score the licensing examination	112117

or any reexamination for license renewal or reinstatement. The 112118
board shall administer the licensing examinations at least twice a 112119
year and notify applicants of the time and place of the 112120
examinations. 112121

(E) Investigate complaints concerning alleged violations of 112122
section 4761.10 of the Revised Code or grounds for the suspension, 112123
permanent revocation, or refusal to issue licenses or limited 112124
permits under section 3123.47 or 4761.09 of the Revised Code. The 112125
board shall employ investigators who shall, under the direction of 112126
the executive director of the board, investigate complaints and 112127
make inspections and other inquiries as, in the judgment of the 112128
board, are appropriate to enforce sections 3123.41 to 3123.50, 112129
4761.09, and 4761.10 of the Revised Code. Pursuant to an 112130
investigation and inspection, the investigators may review and 112131
audit records during normal business hours at the place of 112132
business of a licensee or person who is the subject of a complaint 112133
filed with the board or at any place where the records are kept. 112134

Except when required by court order, the board and its 112135
employees shall not disclose confidential information obtained 112136
during an investigation or identifying information about any 112137
person who files a complaint with the board. 112138

The board may hear testimony in matters relating to the 112139
duties imposed upon it and issue subpoenas pursuant to an 112140
investigation. The president and secretary of the board may 112141
administer oaths. 112142

(F) Conduct hearings, keep records of its proceedings, and do 112143
other things as are necessary and proper to carry out and enforce 112144
the provisions of this chapter; 112145

(G) Maintain, publish, and make available upon request, for a 112146
fee not to exceed the actual cost of printing and mailing: 112147

(1) The requirements for the issuance of licenses and limited 112148

permits under this chapter and rules adopted by the board; 112149

(2) ~~A current register of every person licensed to practice 112150
respiratory care in this state, to include the addresses of the 112151
person's last known place of business and residence, the effective 112152
date and identification number of the license, the name and 112153
location of the institution that granted the person's degree or 112154
certificate of completion of respiratory care educational 112155
requirements, and the date the degree or certificate was issued;~~ 112156

~~(3)~~ A list of the names and locations of the institutions 112157
that each year granted degrees or certificates of completion in 112158
respiratory care; 112159

~~(4)~~(3) After the administration of each examination, a list 112160
of persons who passed the examination. 112161

(H) Submit to the governor and to the general assembly each 112162
year a report of all of its official actions during the preceding 112163
year, together with any findings and recommendations with regard 112164
to the improvement of the profession of respiratory care; 112165

~~(I) Administer and enforce Chapter 4752. of the Revised Code. 112166~~

Sec. 4761.031. The ~~Ohio respiratory care board~~ state medical 112167
board may share any information it receives pursuant to an 112168
investigation conducted under division (E) of section 4761.03 of 112169
the Revised Code, including patient records and patient record 112170
information, with other licensing boards and governmental agencies 112171
that are investigating alleged professional misconduct and with 112172
law enforcement agencies and other governmental agencies that are 112173
investigating or prosecuting alleged criminal offenses. A board or 112174
agency that receives the information shall comply with the same 112175
requirements regarding confidentiality as those with which the 112176
~~Ohio respiratory care board~~ state medical board must comply, 112177
notwithstanding any conflicting provision of the Revised Code or 112178

procedure of the board or agency that applies when the board or 112179
agency is dealing with other information in its possession. The 112180
information may be admitted into evidence in a criminal trial in 112181
accordance with the Rules of Evidence, but the court shall require 112182
that appropriate measures are taken to ensure that confidentiality 112183
is maintained with respect to any part of the information that 112184
contains names or other identifying information about persons 112185
whose confidentiality was protected by the ~~Ohio respiratory care~~ 112186
~~board~~ state medical board when the information was in the board's 112187
possession. Measures to ensure confidentiality that may be taken 112188
by the court include sealing its records or deleting specific 112189
information from its records. 112190

Sec. 4761.032. The state medical board shall appoint a 112191
respiratory care advisory council for the purpose of advising the 112192
board on issues relating to the practice of respiratory care. The 112193
advisory council shall consist of not more than seven individuals 112194
knowledgeable in the area of respiratory care. 112195

Not later than ninety days after the effective date of this 112196
section, the board shall make initial appointments to the council. 112197
Members shall serve three-year staggered terms of office in 112198
accordance with rules adopted by the board. 112199

With approval from the director of administrative services, 112200
members may receive an amount fixed under division (J) of section 112201
124.15 of the Revised Code for each day the member is performing 112202
the member's official duties and be reimbursed for actual and 112203
necessary expenses incurred in performing those duties. 112204

Sec. 4761.04. (A) Except as provided in division (B) of this 112205
section, no person is eligible for licensure as a respiratory care 112206
professional unless the person has shown, to the satisfaction of 112207
the ~~Ohio respiratory care board~~ state medical board, all of the 112208

following: 112209

(1) That the person is of good moral character; 112210

(2) That the person has successfully completed the 112211
requirements of an educational program approved by the board that 112212
includes instruction in the biological and physical sciences, 112213
pharmacology, respiratory care theory, procedures, and clinical 112214
practice, and cardiopulmonary rehabilitation techniques; 112215

(3) That the person has passed an examination administered by 112216
the board that tests the applicant's knowledge of the basic and 112217
clinical sciences relating to respiratory care theory and 112218
practice, professional skills and judgment in the utilization of 112219
respiratory care techniques, and such other subjects as the board 112220
considers useful in determining fitness to practice. 112221

(B) The board may waive the requirements of division (A) of 112222
this section with respect to any applicant who presents proof of 112223
current licensure in another state whose standards for licensure 112224
are at least equal to those in effect in this state on the date of 112225
application. The board may waive the requirements of divisions 112226
(A)(2) and (3) of this section with respect to any applicant who 112227
presents proof of having successfully completed any examination 112228
recognized by the board as meeting the requirements of division 112229
(A)(3) of this section. 112230

Sec. 4761.05. (A) ~~The Ohio respiratory care board state~~ 112231
medical board shall issue a license to any applicant who complies 112232
with the requirements of section 4761.04 of the Revised Code, 112233
files the prescribed application form, and pays the fee or fees 112234
required under section 4761.07 of the Revised Code. The license 112235
entitles the holder to practice respiratory care. The licensee 112236
shall display the license in a conspicuous place at the licensee's 112237
principal place of business. 112238

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files the prescribed application form, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the following:

(a) Three years after the date the limited permit is issued;

(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;

(c) Until the holder discontinues participation in the educational program.

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform

any duties that are part of the required course of study. 112270

(3) A person issued a limited permit under division (B)(1)(b) 112271
of this section may practice under a limited permit for not more 112272
than three years, except that this restriction does not apply to a 112273
permit holder who, on March 14, 1989, has been employed as a 112274
provider of respiratory care for an average of not less than 112275
twenty-five hours per week for a period of not less than five 112276
years by a hospital. 112277

(C) All holders of licenses and limited permits issued under 112278
this section shall display, in a conspicuous place on their 112279
persons, information that identifies the type of authorization 112280
under which they practice. 112281

Sec. 4761.051. (A) As used in this section, "license" and 112282
"applicant for an initial license" have the same meanings as in 112283
section 4776.01 of the Revised Code, except that "license" as used 112284
in both of those terms refers to the types of authorizations 112285
otherwise issued or conferred under this chapter. 112286

(B) In addition to any other eligibility requirement set 112287
forth in this chapter, each applicant for an initial license shall 112288
comply with sections 4776.01 to 4776.04 of the Revised Code. The 112289
~~Ohio respiratory care board~~ state medical board shall not grant a 112290
license to an applicant for an initial license unless the 112291
applicant complies with sections 4776.01 to 4776.04 of the Revised 112292
Code and the board, in its discretion, decides that the results of 112293
the criminal records check do not make the applicant ineligible 112294
for a license issued pursuant to section 4761.05 of the Revised 112295
Code. 112296

Sec. 4761.06. (A) Each license to practice respiratory care 112297
shall be renewed biennially. Each limited permit to practice 112298
respiratory care shall be renewed annually. Each person holding a 112299

license or limited permit to practice respiratory care shall apply 112300
to the ~~Ohio respiratory care board~~ state medical board on the form 112301
and according to the schedule prescribed by the board for renewal 112302
of the license or limited permit. Licenses and limited permits 112303
shall be renewed in accordance with the standard renewal procedure 112304
of Chapter 4745. of the Revised Code. The board shall renew a 112305
license upon the payment of the license renewal fee prescribed 112306
under section 4761.07 of the Revised Code and proof of 112307
satisfactory completion of the continuing education or 112308
reexamination requirements of division (B) of this section. The 112309
board shall renew a limited permit upon payment of the limited 112310
permit renewal fee prescribed under section 4761.07 of the Revised 112311
Code and submission of one of the following: 112312

(1) If the limited permit was issued on the basis of division 112313
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 112314
to the board of enrollment and good standing in an educational 112315
program that meets the requirements of division (A)(2) of section 112316
4761.04 of the Revised Code or of graduation from such a program; 112317

(2) If the limited permit was issued on the basis of division 112318
(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 112319
to the board of employment as a provider of respiratory care. 112320

(B) On and after March 14, 1991, and every year thereafter, 112321
on or before the annual renewal date, the holder of a limited 112322
permit issued under division (B)(1)(b) of section 4761.05 of the 112323
Revised Code shall submit proof to the board that the holder has 112324
satisfactorily completed the number of hours of continuing 112325
education required by the board, which shall not be less than 112326
three nor more than ten hours of continuing education acceptable 112327
to the board. 112328

On or before the biennial renewal date, a license holder 112329
shall submit proof to the board that the license holder has 112330
satisfactorily completed the number of hours of continuing 112331

education required by the board, which shall be not less than six 112332
nor more than twenty hours of continuing education acceptable to 112333
the board, or has passed a reexamination in accordance with the 112334
board's renewal requirements. The board may waive all or part of 112335
the continuing education requirement for a license holder who has 112336
held the license for less than two years. 112337

Sec. 4761.07. (A) The ~~Ohio respiratory care board~~ state 112338
medical board shall charge any license applicant or holder who is 112339
to take an examination required under division (A)(3) of section 112340
4761.04 or a reexamination required under division (B) of section 112341
4761.06 of the Revised Code for license renewal or under section 112342
4761.09 of the Revised Code for license reinstatement, a 112343
nonrefundable examination fee, not to exceed the amount necessary 112344
to cover the expense of administering the examination. The license 112345
applicant or holder shall pay the fee at the time of application 112346
for licensure or renewal. 112347

(B) The board shall establish the following additional 112348
nonrefundable fees and penalty: 112349

(1) An initial license fee, not to exceed seventy-five 112350
dollars; 112351

(2) A biennial license renewal fee, not to exceed one hundred 112352
dollars; 112353

(3) A limited permit fee, not to exceed twenty dollars; 112354

(4) A limited permit renewal fee, not to exceed ten dollars; 112355

(5) A late renewal penalty, not to exceed fifty per cent of 112356
the renewal fee; 112357

(6) A fee for accepting and storing hyperbaric technologist 112358
certifications filed with the board under division (A)(11) of 112359
section 4761.11 of the Revised Code, not to exceed twenty dollars. 112360

(C) Notwithstanding division (B)(4) of this section, after 112361

the third renewal of a limited permit that meets the exception in 112362
division (B)(3) of section 4761.05 of the Revised Code, the 112363
limited permit renewal fee shall be one-half the amount of the 112364
biennial license renewal fee established under division (B)(2) of 112365
this section and section 4761.08 of the Revised Code. 112366

(D) The board shall adjust the fees biennially and within the 112367
limits established by division (B) of this section to provide 112368
sufficient revenues to meet its expenses. 112369

(E) The board may, by rule, provide for the waiver of all or 112370
part of a license fee when the license is issued less than 112371
eighteen months before its expiration date. 112372

(F) All fees received by the board shall be deposited into 112373
the state treasury to the credit of the ~~occupational licensing and~~ 112374
~~regulatory fund~~ state medical board operating fund pursuant to 112375
section 4731.24 of the Revised Code. 112376

Sec. 4761.08. The ~~Ohio respiratory care board~~ state medical 112377
board, subject to the approval of the controlling board, may 112378
establish fees, except fees established at amounts adequate to 112379
cover designated expenses, in excess of the amounts provided in 112380
this chapter. The fees shall not exceed the amounts specified by 112381
more than fifty per cent. 112382

Sec. 4761.09. (A) The ~~Ohio respiratory care board~~ state 112383
medical board may refuse to issue or renew a license or a limited 112384
permit, may issue a reprimand, may suspend or permanently revoke a 112385
license or limited permit, or may place a license or limited 112386
permit holder on probation, on any of the following grounds: 112387

(1) A plea of guilty to, a judicial finding of guilt of, or a 112388
judicial finding of eligibility for intervention in lieu of 112389
conviction for an offense involving moral turpitude or of a 112390
felony, in which case a certified copy of the court record shall 112391

be conclusive evidence of the matter;	112392
(2) Violating any provision of this chapter or an order or rule of the board;	112393 112394
(3) Assisting another person in that person's violation of any provision of this chapter or an order or rule of the board;	112395 112396
(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;	112397 112398 112399
(5) Being guilty of negligence or gross misconduct in the practice of respiratory care;	112400 112401
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	112402 112403
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	112404 112405 112406
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	112407 112408 112409 112410
(9) Practicing respiratory care while mentally incompetent;	112411
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	112412 112413
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	112414 112415 112416
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	112417 112418 112419
(13) Misrepresenting educational attainments or authorized	112420

functions for the purpose of obtaining some benefit related to the 112421
practice of respiratory care; 112422

(14) Assisting suicide as defined in section 3795.01 of the 112423
Revised Code. 112424

Before the board may take any action under this section, 112425
other than issuance of a summary suspension order under division 112426
(C) of this section, the executive director of the board shall 112427
prepare and file written charges with the board. Disciplinary 112428
actions taken by the board under this section shall be taken 112429
pursuant to an adjudication under Chapter 119. of the Revised 112430
Code, except that in lieu of an adjudication, the board may enter 112431
into a consent agreement to resolve an allegation of a violation 112432
of this chapter or any rule adopted under it. A consent agreement, 112433
when ratified by the board, shall constitute the findings and 112434
order of the board with respect to the matter addressed in the 112435
agreement. If the board refuses to ratify a consent agreement, the 112436
admissions and findings contained in the consent agreement shall 112437
be of no effect. 112438

(B) If the board orders a license or limited permit holder 112439
placed on probation, the order shall be accompanied by a written 112440
statement of the conditions under which the person may be restored 112441
to practice. 112442

The person may reapply to the board for original issuance of 112443
a license after one year following the date the license was 112444
denied. 112445

A Except as otherwise provided in division (D) of this 112446
section, a person may apply to the board for the reinstatement of 112447
a license or limited permit after one year following the date of 112448
suspension or refusal to renew. The board may accept or refuse the 112449
application for reinstatement and may require that the applicant 112450
pass a reexamination as a condition of eligibility for 112451

reinstatement. 112452

(C) If the president and secretary of the board determine 112453
that there is clear and convincing evidence that a license or 112454
limited permit holder has committed an act that is grounds for 112455
board action under division (A) of this section and that continued 112456
practice by the license or permit holder presents a danger of 112457
immediate and serious harm to the public, the president and 112458
secretary may recommend that the board suspend the license or 112459
limited permit without a prior hearing. The president and 112460
secretary shall submit in writing to the board the allegations 112461
causing them to recommend the suspension. 112462

On review of the allegations, the board, by a vote of not 112463
less than seven of its members, may suspend a license or limited 112464
permit without a prior hearing. The board may review the 112465
allegations and vote on the suspension by a telephone conference 112466
call. 112467

If the board votes to suspend a license or limited permit 112468
under this division, the board shall issue a written order of 112469
summary suspension to the license or limited permit holder in 112470
accordance with section 119.07 of the Revised Code. If the license 112471
or limited permit holder requests a hearing by the board, the 112472
board shall conduct the hearing in accordance with Chapter 119. of 112473
the Revised Code. Notwithstanding section 119.12 of the Revised 112474
Code, a court of common pleas shall not grant a suspension of the 112475
board's order of summary suspension pending determination of an 112476
appeal filed under that section. 112477

Any order of summary suspension issued under this division 112478
shall remain in effect until a final adjudication order issued by 112479
the board pursuant to division (A) of this section becomes 112480
effective. The board shall issue its final adjudication order 112481
regarding an order of summary suspension issued under this 112482
division not later than sixty days after completion of its 112483

hearing. Failure to issue the order within sixty days shall result 112484
in immediate dissolution of the suspension order, but shall not 112485
invalidate any subsequent, final adjudication order. 112486

(D) For purposes of this division, any individual who holds a 112487
license or permit issued under this chapter, or applies for a 112488
license or permit to practice respiratory care, is deemed to have 112489
given consent to submit to a mental or physical examination when 112490
directed to do so in writing by the board and to have waived all 112491
objections to the admissibility of testimony or examination 112492
reports that constitute a privileged communication. 112493

For purposes of division (A)(8) of this section, if the board 112494
has reason to believe that any individual who holds a license or 112495
permit issued under this chapter or any applicant for a license or 112496
permit suffers such impairment, the board may compel the 112497
individual to submit to a mental or physical examination, or both. 112498
The expense of the examination is the responsibility of the 112499
individual compelled to be examined. Any mental or physical 112500
examination required under this division shall be undertaken by a 112501
treatment provider or physician qualified to conduct such 112502
examination and chosen by the board. 112503

Failure to submit to a mental or physical examination ordered 112504
by the board constitutes an admission of the allegations against 112505
the individual unless the failure is due to circumstances beyond 112506
the individual's control, and a default and final order may be 112507
entered without the taking of testimony or presentation of 112508
evidence. If the board determines that the individual's ability to 112509
practice is impaired, the board shall suspend the individual's 112510
license or permit or deny the individual's application and shall 112511
require the individual, as a condition for initial, continued, 112512
reinstated, or renewed licensure, to submit to treatment. 112513

Before being eligible to apply for reinstatement of a license 112514
or permit suspended under this division, the respiratory care 112515

professional shall demonstrate to the board the ability to resume
practice in compliance with acceptable and prevailing standards of
care. The demonstration shall include the following: 112516
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(1) Certification from a treatment provider approved under
section 4731.25 of the Revised Code that the individual has
successfully completed any required inpatient treatment; 112519
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(2) Evidence of continuing full compliance with an aftercare
contract or consent agreement; 112522
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(3) Two written reports indicating that the individual's
ability to practice has been assessed and that the individual has
been found capable of practicing according to acceptable and
prevailing standards of care. The reports shall be made by
individuals or providers approved by the board for making such
assessments and shall describe the basis for their determination. 112524
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The board may reinstate a license or permit suspended under
this division after such demonstration and after the individual
has entered into a written consent agreement. 112530
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When the impaired respiratory care professional resumes
practice, the board shall require continued monitoring of the
respiratory care professional. The monitoring shall include
compliance with the written consent agreement entered into before
reinstatement or with conditions imposed by board order after a
hearing, and, upon termination of the consent agreement,
submission to the board for at least two years of annual written
progress reports made under penalty of falsification stating
whether the respiratory care professional has maintained sobriety. 112533
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Sec. 4761.10. (A) No person shall offer or render respiratory 112542
care services, or represent that the person is a respiratory care 112543
professional, respiratory therapist, respiratory technologist, 112544
respiratory care technician, respiratory practitioner, inhalation 112545

therapist, inhalation technologist, or inhalation therapy 112546
technician, or to have any similar title or to provide these 112547
services under a similar description, unless the person holds a 112548
license or limited permit issued under this chapter. No 112549
partnership, association, or corporation shall advertise or 112550
otherwise offer to provide or convey the impression that it is 112551
providing respiratory care unless an individual holding a license 112552
or limited permit issued under this chapter is employed by or 112553
under contract with the partnership, association, or corporation 112554
and will be performing the respiratory care services to which 112555
reference is made. 112556

(B) Notwithstanding the provisions of division (A) of this 112557
section, all of the following apply: 112558

(1) In the case of a hospital or nursing facility, some 112559
limited aspects of respiratory care services such as measuring 112560
blood pressure and taking blood samples may be performed by 112561
persons demonstrating current competence in such procedures, as 112562
long as the person acts under the direction of a physician or the 112563
delegation of a registered nurse and the person does not represent 112564
that the person is engaged in the practice of respiratory care. 112565
The above limited aspects of respiratory care do not include any 112566
of the following: the administration of aerosol medication, the 112567
maintenance of patients on mechanical ventilators, aspiration, and 112568
the application and maintenance of artificial airways. 112569

(2) In the case of a facility, institution, or other setting 112570
that exists for a purpose substantially other than the provision 112571
of health care, if nursing tasks are delegated by a registered 112572
nurse as provided in Chapter 4723. of the Revised Code and the 112573
rules adopted under it, respiratory care tasks may be performed 112574
under that delegation by persons demonstrating current competence 112575
in performing the tasks, as long as the person does not represent 112576
that the person is engaged in the practice of respiratory care. 112577

(3) A polysomnographic technologist credentialed by an organization the ~~Ohio respiratory care board~~ state medical board recognizes, a trainee under the direct supervision of a polysomnographic technologist credentialed by an organization the board recognizes, or a person the board recognizes as being eligible to be credentialed as a polysomnographic technologist may perform the respiratory care tasks specified in rules adopted under section 4761.03 of the Revised Code, as long as both of the following apply:

(a) The tasks are performed in the diagnosis and therapeutic intervention of sleep-related breathing disorders and under the general supervision of a physician.

(b) The person performing the tasks does not represent that the person is engaged in the practice of respiratory care.

(c) If the ~~Ohio respiratory care board~~ state medical board finds that any person, including any partnership, association, or corporation, has engaged or is engaging in any activity or conduct that is prohibited under division (A) of this section or rules of the board, or that is grounds for the denial, suspension, or permanent revocation of a person's license under section 4761.09 of the Revised Code, it may apply to the court of common pleas in the county in which the violation occurred for an order restraining the unlawful activity or conduct, including the continued practice of respiratory care. Upon a showing that the law or rule has been violated, or the person has engaged in conduct constituting such grounds, the court may issue an injunction or other appropriate restraining order.

Sec. 4761.11. (A) Nothing in this chapter shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is a health care professional licensed by this state

providing respiratory care services included in the scope of 112609
practice established by the license held, as long as the person 112610
does not represent that the person is engaged in the practice of 112611
respiratory care; 112612

(2) Is employed as a respiratory care professional by an 112613
agency of the United States government and provides respiratory 112614
care solely under the direction or control of the employing 112615
agency; 112616

(3) Is a student enrolled in ~~an Ohio respiratory care~~ 112617
~~board approved~~ a respiratory care education program approved by 112618
the state medical board leading to a certificate of completion in 112619
respiratory care and is performing duties that are part of a 112620
supervised course of study; 112621

(4) Is a nonresident of this state practicing or offering to 112622
practice respiratory care, if the respiratory care services are 112623
offered for not more than thirty days in a year, services are 112624
provided under the supervision of a respiratory care professional 112625
licensed under this chapter, and the nonresident registers with 112626
the board in accordance with rules adopted by the board under 112627
section 4761.03 of the Revised Code and meets either of the 112628
following requirements: 112629

(a) Qualifies for licensure under this chapter, except for 112630
passage of the examination required under division (A)(3) of 112631
section 4761.04 of the Revised Code; 112632

(b) Holds a valid license issued by a state that has 112633
licensure requirements considered by the board to be comparable to 112634
those of this state and has not been issued a license in another 112635
state that has been revoked or is currently under suspension or on 112636
probation. 112637

(5) Provides respiratory care only to relatives or in medical 112638
emergencies; 112639

(6) Provides gratuitous care to friends or personal family members; 112640
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(7) Provides only self care; 112642

(8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care; 112643
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(9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care; 112647
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(10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state; 112650
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(11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised Code, and administers hyperbaric oxygen therapy under the direct supervision of a physician, a podiatrist acting in compliance with section 4731.511 of the Revised Code, a physician assistant, or an advanced practice registered nurse and without representing that the person is engaged in the practice of respiratory care. 112655
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(B) Nothing in this chapter shall be construed to prevent any person from advertising, describing, or offering to provide respiratory care or billing for respiratory care when the respiratory care services are provided by a health care professional licensed by this state practicing within the scope of practice established by the license held. Nothing in this chapter 112665
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shall be construed to prevent a hospital or nursing facility from 112671
advertising, describing, or offering to provide respiratory care, 112672
or billing for respiratory care rendered by a person licensed 112673
under this chapter or persons who may provide limited aspects of 112674
respiratory care or respiratory care tasks pursuant to division 112675
(B) of section 4761.10 of the Revised Code. 112676

(C) Notwithstanding division (A) of section 4761.10 of the 112677
Revised Code, in a life-threatening situation, in the absence of 112678
licensed personnel, unlicensed persons shall not be prohibited 112679
from taking life-saving measures. 112680

(D) Nothing in this chapter shall be construed as authorizing 112681
a respiratory care professional to practice medicine and surgery 112682
or osteopathic medicine and surgery. This division does not 112683
prohibit a respiratory care professional from administering 112684
topical or intradermal medications for the purpose of producing 112685
localized decreased sensation as part of a procedure or task that 112686
is within the scope of practice of a respiratory care 112687
professional. 112688

Sec. 4761.12. On receipt of a notice pursuant to section 112689
3123.43 of the Revised Code, the ~~respiratory care board~~ state 112690
medical board shall comply with sections 3123.41 to 3123.50 of the 112691
Revised Code and any applicable rules adopted under section 112692
3123.63 of the Revised Code with respect to a license or permit 112693
issued pursuant to this chapter. 112694

Sec. 4761.13. (A) As used in this section, "prosecutor" has 112695
the same meaning as in section 2935.01 of the Revised Code. 112696

(B) The prosecutor in any case against any respiratory care 112697
professional or an individual holding a limited permit issued 112698
under this chapter shall promptly notify the ~~Ohio respiratory care~~ 112699
~~board~~ state medical board of any of the following: 112700

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

(C) The report shall include the name and address of the respiratory care professional or person holding a limited permit, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be provided under section 2929.42 of the Revised Code.

Sec. 4761.14. An employer that disciplines or terminates the employment of a respiratory care professional or individual holding a limited permit issued under this chapter because of conduct that would be grounds for disciplinary action under section 4761.09 of the Revised Code shall report the action to the ~~Ohio respiratory care board~~ state medical board. The report shall state the name of the respiratory care professional or individual holding the limited permit and the reason the employer took the action. If an employer fails to report to the board, the board may seek an order from a court of competent jurisdiction compelling

submission of the report. 112732

Sec. 4761.18. The ~~Ohio respiratory care board~~ state medical 112733
board shall comply with section 4776.20 of the Revised Code. 112734

Sec. 4776.01. As used in this chapter: 112735

(A) "License" means an authorization evidenced by a license, 112736
certificate, registration, permit, card, or other authority that 112737
is issued or conferred by a licensing agency to a licensee or to 112738
an applicant for an initial license by which the licensee or 112739
initial license applicant has or claims the privilege to engage in 112740
a profession, occupation, or occupational activity, or, except in 112741
the case of the state dental board, to have control of and operate 112742
certain specific equipment, machinery, or premises, over which the 112743
licensing agency has jurisdiction. 112744

(B) Except as provided in section 4776.20 of the Revised 112745
Code, "licensee" means the person to whom the license is issued by 112746
a licensing agency. 112747

(C) Except as provided in section 4776.20 of the Revised 112748
Code, "licensing agency" means any of the following: 112749

(1) The board authorized by Chapters 4701., 4717., 4725., 112750
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 112751
4755., 4757., 4759., 4760., 4761., 4762., 4779., and 4783. of the 112752
Revised Code to issue a license to engage in a specific 112753
profession, occupation, or occupational activity, or to have 112754
charge of and operate certain specified equipment, machinery, or 112755
premises. 112756

(2) The state dental board, relative to its authority to 112757
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 112758
4715.27 of the Revised Code. 112759

(D) "Applicant for an initial license" includes persons 112760

seeking a license for the first time and persons seeking a license 112761
by reciprocity, endorsement, or similar manner of a license issued 112762
in another state. 112763

(E) "Applicant for a restored license" includes persons 112764
seeking restoration of a certificate under section 4730.14, 112765
4731.281, 4760.06, or 4762.06 of the Revised Code. 112766

(F) "Criminal records check" has the same meaning as in 112767
section 109.572 of the Revised Code. 112768

Sec. 4779.02. (A) Except as provided in division (B) of this 112769
section, no person shall practice or represent that the person is 112770
authorized to practice orthotics, prosthetics, or pedorthics 112771
unless the person holds a current, valid license issued or renewed 112772
under this chapter. 112773

(B) Division (A) of this section does not apply to any of the 112774
following: 112775

(1) An individual who holds a current, valid license, 112776
certificate, or registration issued under Chapter 4723., 4729., 112777
4730., 4731., 4734., or 4755. of the Revised Code and is 112778
practicing within the individual's scope of practice under 112779
statutes and rules regulating the individual's profession; 112780

(2) An individual who practices orthotics, prosthetics, or 112781
pedorthics as an employee of the federal government and is engaged 112782
in the performance of duties prescribed by statutes and 112783
regulations of the United States; 112784

(3) An individual who provides orthotic, prosthetic, or 112785
pedorthic services under the supervision of a licensed orthotist, 112786
prosthetist, or pedorthist in accordance with section 4779.04 of 112787
the Revised Code; 112788

(4) An individual who provides orthotic, prosthetic, or 112789
pedorthic services as part of an educational, certification, or 112790

residency program approved by the ~~state~~ Ohio occupational therapy, 112791
physical therapy, and athletic trainers board of orthotics, 112792
~~prosthetics, and pedorthics~~ under sections 4779.25 to 4779.27 of 112793
the Revised Code; 112794

(5) An individual who provides orthotic, prosthetic, or 112795
pedorthic services under the direct supervision of an individual 112796
authorized under Chapter 4731. of the Revised Code to practice 112797
medicine and surgery or osteopathic medicine and surgery. 112798

Sec. 4779.08. (A) The ~~state~~ Ohio occupational therapy, 112799
physical therapy, and athletic trainers board of orthotics, 112800
~~prosthetics, and pedorthics~~ shall adopt rules in accordance with 112801
Chapter 119. of the Revised Code to carry out the purposes of this 112802
chapter, including rules prescribing all of the following: 112803

(1) The form and manner of filing of applications to be 112804
admitted to examinations and for licensure and license renewal; 112805

(2) Standards and procedures for formulating, evaluating, 112806
approving, and administering licensing examinations or recognizing 112807
other entities that conduct examinations; 112808

(3) The form, scoring, and scheduling of licensing 112809
examinations; 112810

(4) Fees for examinations and applications for licensure and 112811
license renewal; 112812

(5) Fees for approval of continuing education courses; 112813

(6) Procedures for issuance, renewal, suspension, and 112814
revocation of licenses and the conduct of disciplinary hearings; 112815

(7) Standards of ethical and professional conduct in the 112816
practice of orthotics, prosthetics, and pedorthics; 112817

(8) Standards for approving national certification 112818
organizations in orthotics, prosthetics, and pedorthics; 112819

(9) Fines for violations of this chapter;	112820
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	112821 112822 112823
(11) Standards for continuing education programs required for license renewal;	112824 112825
(12) Provisions for making available the information described in section 4779.22 of the Revised Code;	112826 112827
(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	112828 112829
(B) The board may adopt any other rules necessary for the administration of this chapter.	112830 112831
(C) The All fees prescribed received by the board under this section shall be paid to the treasurer of <u>deposited in the state,</u> who shall deposit the fees in treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	112832 112833 112834 112835 112836
Sec. 4779.09. An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>Ohio occupational therapy, physical therapy, and athletic trainers board of orthotics, prosthetics, and pedorthics</u> in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, of good moral character, and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.16 or 4779.17 of the Revised Code.	112837 112838 112839 112840 112841 112842 112843 112844 112845 112846 112847
(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;	112848 112849

(B) The applicant must meet the requirements of one of the following: 112850
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(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code; 112852
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(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code; 112855
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(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code; 112858
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(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised Code. 112861
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Sec. 4779.091. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 112864
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The ~~state~~ Ohio occupational therapy, physical therapy, and athletic trainers board ~~of orthotics, prosthetics, and pedorthics~~ shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4779.09, ~~4779.16,~~ 4779.17, or 4779.18 of the Revised Code. 112869
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Sec. 4779.10. To be eligible for a license to practice orthotics, an applicant must meet the following requirements of ~~division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:~~

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~

~~(1) On the date of application, the applicant has practiced orthotics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics.~~

~~(2)(B) The applicant has completed an orthotics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.~~

~~(3)(C) One of the following is the case:~~

~~(a)(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the ~~state~~ board of orthotics, prosthetics, and pedorthics under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.~~

~~(b)(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.~~

~~(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or~~

(b) of this section:	112910
(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:	112911
	112912
(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;	112913
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(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;	112916
	112917
(c) Has three years of documented, full-time experience practicing or teaching orthotics.	112918
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(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:	112920
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(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;	112923
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(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;	112927
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(iii) The applicant has completed three years of documented, full-time experience practicing or teaching orthotics.	112931
	112932
(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;	112933
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(ii) The applicant has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;	112937
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~~(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching orthotics.~~

Sec. 4779.11. To be eligible for a license to practice prosthetics, an applicant must meet the following requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~

~~(1) On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics.~~

~~(2)(B) The applicant has completed a prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.~~

~~(3)(C) One of the following is the case:~~

~~(a)(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the ~~state~~ board of orthotics, prosthetics, and pedorthics under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.~~

~~(b)(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by~~

the board and has completed a certificate program in prosthetics 112970
recognized by the board under section 4779.26 of the Revised Code. 112971

~~(B) This division applies to applications made on or before 112972
January 1, 2008. The requirements of this division are met if the 112973
applicant is in compliance with division (B)(1) or (B)(2)(a) or 112974
(b) of this section. 112975~~

~~(1) If application is made on or before January 1, 2006, the 112976
applicant meets all of the following requirements: 112977~~

~~(a) Holds an associate's degree or higher from an accredited 112978
college or university or an equivalent credential from a foreign 112979
educational institution recognized by the board; 112980~~

~~(b) Has completed a certificate program in prosthetics 112981
recognized by the board under section 4779.26 of the Revised Code; 112982~~

~~(c) Has three years of documented, full-time experience 112983
practicing or teaching prosthetics. 112984~~

~~(2) If the application is made on or before January 1, 2008, 112985
the applicant meets the requirements of division (B)(2)(a) or (b) 112986
of this section. 112987~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 112988
a nationally accredited college or university or an equivalent 112989
credential from a foreign educational institution recognized by 112990
the board; 112991~~

~~(ii) The applicant holds a valid certificate in prosthetics 112992
issued by the American board for certification in orthotics and 112993
prosthetics, the board for orthotist/prosthetist certification, or 112994
an equivalent successor organization recognized by the board; 112995~~

~~(iii) The applicant has completed three years of documented, 112996
full-time experience practicing or teaching prosthetics. 112997~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 112998
a nationally accredited college or university or an equivalent 112999~~

~~credential from a foreign educational institution recognized by
the board;~~ 113000
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~~(ii) The applicant has completed a certificate program in
prosthetics recognized by the board under section 4779.26 of the
Revised Code;~~ 113002
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~~(iii) The applicant has completed a residency program in
prosthetics recognized by the board under section 4779.27 of the
Revised Code or has three years of documented, full time
experience practicing or teaching prosthetics.~~ 113005
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Sec. 4779.12. To be eligible for a license to practice 113009
orthotics and prosthetics, an applicant must meet the following 113010
requirements ~~of division (A) of this section, or, if the~~ 113011
~~application is made on or before January 1, 2008, the requirements~~ 113012
~~of either division (A) or (B) of this section:~~ 113013

~~(A) The requirements of this division are met if the
applicant is in compliance with divisions (A)(1), (2), and (3) of
this section.~~ 113014
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~~(1) On the date of application, the applicant has practiced
orthotics and prosthetics for not less than eight months under the
supervision of an individual licensed under this chapter to
practice orthotics and prosthetics.~~ 113017
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~~(2)(B) The applicant has completed an orthotics and
prosthetics residency program approved by the Ohio occupational
therapy, physical therapy, and athletic trainers board under
section 4779.27 of the Revised Code.~~ 113021
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~~(3)(C) One of the following is the case:~~ 113025

~~(a)(1) The applicant holds a bachelor's degree in orthotics
and prosthetics from an accredited college or university whose
orthotics and prosthetics program is recognized by the ~~state~~ board
of orthotics, prosthetics, and pedorthics under section 4779.25 of~~ 113026
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the Revised Code or an equivalent educational credential from a 113030
foreign educational institution recognized by the board; 113031

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 113032
other than orthotics and prosthetics or an equivalent educational 113033
credential from a foreign educational institution recognized by 113034
the board and has completed a certificate program in orthotics and 113035
prosthetics recognized by the board under section 4779.26 of the 113036
Revised Code. 113037

~~(B) This division applies to applications made on or before 113038
January 1, 2008. The requirements of this division are met if the 113039
applicant is in compliance with division (B)(1) or (B)(2)(a) or 113040
(b) of this section: 113041~~

~~(1) If application is made on or before January 1, 2006, the 113042
applicant meets all of the following requirements: 113043~~

~~(a) Holds an associate's degree or higher from an accredited 113044
college or university or an equivalent credential from a foreign 113045
educational institution recognized by the board; 113046~~

~~(b) Has completed a certificate program in orthotics and 113047
prosthetics recognized by the board under section 4779.26 of the 113048
Revised Code; 113049~~

~~(c) Has six years of documented, full-time experience 113050
practicing or teaching orthotics or prosthetics. 113051~~

~~(2) If the application is made on or before January 1, 2008, 113052
the applicant meets the requirements of division (B)(2)(a) or (b) 113053
of this section: 113054~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 113055
a nationally accredited college or university or an equivalent 113056
credential from a foreign educational institution recognized by 113057
the board; 113058~~

~~(ii) The applicant holds a valid certificate in orthotics and 113059~~

~~prosthetics issued by the American board for certification in 113060
orthotics and prosthetics, the board for orthotist/prosthetist 113061
certification, or an equivalent successor organization recognized 113062
by the board; 113063~~

~~(iii) The applicant has completed six years of documented, 113064
full-time experience practicing or teaching orthotics or 113065
prosthetics. 113066~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 113067
a nationally accredited college or university or an equivalent 113068
credential from a foreign educational institution recognized by 113069
the board; 113070~~

~~(ii) The applicant has completed a certificate program in 113071
orthotics and prosthetics recognized by the board under section 113072
4779.26 of the Revised Code; 113073~~

~~(iii) The applicant has completed a residency program in 113074
orthotics and prosthetics recognized by the board under section 113075
4779.27 of the Revised Code or has six years of documented, 113076
full-time experience practicing or teaching orthotics or 113077
prosthetics. 113078~~

Sec. 4779.13. To be eligible for a license to practice 113079
pedorthics, an applicant must meet all of the following 113080
requirements: 113081

(A) On the date of application, has practiced pedorthics for 113082
not less than eight months under the supervision of an individual 113083
licensed under this chapter to practice pedorthics; 113084

(B) Holds a high school diploma or certificate of high school 113085
equivalence issued by the department of education, or a 113086
primary-secondary education or higher education agency of another 113087
state; 113088

(C) Has completed the education, training, and experience 113089

required to take the certification examination developed by the 113090
Ohio occupational therapy, physical therapy, and athletic trainers 113091
board for certification in pedorthics or an equivalent successor 113092
organization recognized by the board. 113093

Sec. 4779.15. Except as provided in ~~sections 4779.16 and~~ 113094
section 4779.17 of the Revised Code, the ~~state~~ Ohio occupational 113095
therapy, physical therapy, and athletic trainers board ~~of~~ 113096
~~orthotics, prosthetics, and pedorthics~~ shall examine or cause to 113097
be examined each individual who seeks to practice orthotics, 113098
prosthetics, orthotics and prosthetics, or pedorthics in this 113099
state. 113100

To be eligible to take an examination conducted by the board 113101
or an entity recognized by the board for the purpose of this 113102
section, an individual must file an application and pay an 113103
examination fee as specified in rules adopted by the board under 113104
section 4779.08 of the Revised Code and meet all the requirements 113105
of section 4779.09 of the Revised Code other than the requirement 113106
of having passed the examination. 113107

Examinations shall be conducted at least once a year in 113108
accordance with rules adopted by the board under section 4779.08 113109
of the Revised Code. Each applicant shall be examined in such 113110
subjects as the board requires. 113111

The board may use as its examination all or part of a 113112
standard orthotics, prosthetics, orthotics and prosthetics, or 113113
pedorthics licensing examination established for the purpose of 113114
determining the competence of individuals to practice orthotics, 113115
prosthetics, or pedorthics in the United States. In lieu of 113116
conducting examinations, the board may accept the results of 113117
examinations conducted by entities recognized by the board. 113118

Sec. 4779.17. The ~~state~~ Ohio occupational therapy, physical 113119

~~therapy, and athletic trainers board of orthotics, prosthetics, and pedorthics~~ shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;

(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;

(C) One of the following applies:

(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code.

(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code.

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) ~~The~~ All fees ~~prescribed~~ received by the board under this section shall be ~~paid to the treasurer of~~ deposited in the state, ~~who shall deposit the fees in treasury to the credit of the~~ occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.18. (A) The ~~state~~ Ohio occupational therapy,

physical therapy, and athletic trainers board of orthotics, 113150
prosthetics, and pedorthics shall issue a temporary license to an 113151
individual who meets all of the following requirements: 113152

(1) Applies to the board in accordance with rules adopted 113153
under section 4779.08 of the Revised Code and pays the application 113154
fee specified in the rules; 113155

(2) Is eighteen years of age or older; 113156

(3) Is of good moral character; 113157

(4) One of the following applies: 113158

(a) In the case of an applicant for a license to practice 113159
orthotics, the applicant meets the requirements in divisions 113160
~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 113161

(b) In the case of an applicant for a license to practice 113162
prosthetics, the applicant meets the requirements in divisions 113163
~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 113164

(c) In the case of an applicant for a license to practice 113165
orthotics and prosthetics, the applicant meets the requirements in 113166
divisions ~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 113167
Code. 113168

(d) In the case of an applicant for a license to practice 113169
pedorthics, the applicant meets the requirements in divisions (B) 113170
and (C) of section 4779.13 of the Revised Code. 113171

(B) A temporary license issued under this section is valid 113172
for one year and may be renewed once in accordance with rules 113173
adopted by the board under section 4779.08 of the Revised Code. 113174

An individual who holds a temporary license may practice 113175
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 113176
only under the supervision of an individual who holds a license 113177
issued under section 4779.09 of the Revised Code in the same area 113178
of practice. 113179

(C) ~~The All fees prescribed received by the board under this~~ 113180
~~section shall be paid to the treasurer of deposited in the state,~~ 113181
~~who shall deposit the fees in treasury to the credit of the~~ 113182
occupational licensing and regulatory fund established in section 113183
4743.05 of the Revised Code. 113184

Sec. 4779.20. (A) An individual seeking to renew a license 113185
issued under section 4779.09 of the Revised Code shall, on or 113186
before the day the license expires pursuant to section 4779.19 of 113187
the Revised Code, apply for renewal. The ~~state~~ Ohio occupational 113188
therapy, physical therapy, and athletic trainers board ~~of~~ 113189
~~orthotics, prosthetics, and pedorthics~~ shall send renewal notices 113190
at least one month prior to the expiration date. 113191

Applications shall be submitted to the board on forms the 113192
board prescribes and furnishes. Each application shall be 113193
accompanied by a renewal fee specified in rules adopted by the 113194
board under section 4779.08 of the Revised Code, except that the 113195
board may waive part of the renewal fee for the first renewal of 113196
an initial license that expires one hundred days or less after it 113197
is issued. 113198

(B) Beginning with the fourth renewal and every third renewal 113199
thereafter, a license holder must certify to the board one of the 113200
following: 113201

(1) In the case of an individual licensed as an orthotist or 113202
prosthetist, the individual has completed within the preceding 113203
three years forty-five continuing education units granted by the 113204
board under section 4779.24 of the Revised Code; 113205

(2) In the case of an individual licensed as a prosthetist 113206
and orthotist, the individual has completed within the preceding 113207
three years seventy-five continuing education units granted by the 113208
board under section 4779.24 of the Revised Code; 113209

(3) In the case of an individual licensed as a pedorthist, 113210
the individual has completed within the previous three years the 113211
continuing education courses required by the board for 113212
certification in pedorthics or an equivalent organization 113213
recognized by the board. 113214

Sec. 4779.21. The ~~state~~ Ohio occupational therapy, physical 113215
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 113216
~~and pedorthics~~ shall maintain ~~board~~ records regarding the practice 113217
of orthotics, prosthetics, and pedorthics under this chapter, 113218
including records of the board's proceedings, a registry of all 113219
applicants for licensure that indicates whether the applicant was 113220
granted a license, and any other records necessary to carry out 113221
the provisions of this chapter. 113222

Sec. 4779.22. (A) The ~~state~~ Ohio occupational therapy, 113223
physical therapy, and athletic trainers board of ~~orthotics,~~ 113224
~~prosthetics, and pedorthics~~ shall publish and make available to 113225
the public written information regarding both of the following: 113226

(1) The board's regulatory functions over the practice of 113227
orthotics, prosthetics, and pedorthics and the provisions of this 113228
chapter; 113229

(2) The procedures by which complaints are filed with the 113230
board, which shall include a description of the complaint 113231
procedures and the name, mailing address, and telephone number of 113232
the board. 113233

(B) The board shall make the information described in 113234
division (A) of this section available to all of the following: 113235

(1) Consumers of orthotic, prosthetic, and pedorthic goods 113236
and services; 113237

(2) Individuals licensed by the board under this chapter; 113238

(3) Nationally recognized orthotic, prosthetic, and pedorthic certifying and accrediting organizations;	113239 113240
(4) Nationally recognized orthotic, prosthetic, and pedorthic educational organizations;	113241 113242
(5) Any other entity that may reasonably require the information.	113243 113244
(C) The board may make available any of the information described in division (A) of this section by adopting a rule under section 4779.08 of the Revised Code requiring the information to be displayed in any of the following ways:	113245 113246 113247 113248
(1) On each registration form or application prepared by the board;	113249 113250
(2) On a sign prominently displayed in the place of business of each individual licensed under this chapter;	113251 113252
(3) In each bill or written contract for services provided by an individual licensed under this chapter.	113253 113254
Sec. 4779.23. (A) To be eligible for approval by the state <u>Ohio occupational therapy, physical therapy, and athletic trainers</u> board of orthotics, prosthetics, and pedorthics , a continuing education course must satisfy all of the following requirements:	113255 113256 113257 113258
(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;	113259 113260 113261
(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics, including professional responsibility, ethical obligations, or similar subjects that the board considers necessary to maintain and improve the quality of orthotic and prosthetic services in this state;	113262 113263 113264 113265 113266
(3) Involve in-person instruction, except that a course may	113267

use self-study materials if the materials are prepared and 113268
presented by a group with appropriate practical experience; 113269

(4) Be presented in a setting that is physically suited to 113270
the course; 113271

(5) Include thorough, high-quality written material; 113272

(6) Meet any other requirements the board considers 113273
appropriate. 113274

(B) The board shall, in accordance with the standards in 113275
division (A) of this section, review and approve continuing 113276
education courses. If the board does not approve a course, it 113277
shall provide a written explanation of the reason for the denial 113278
to the person that requested approval. The board may approve 113279
continuing education courses approved by boards of other states 113280
that regulate orthotics, prosthetics, and pedorthics if the other 113281
board's standards for approving continuing education courses are 113282
equivalent to the standards established pursuant to division (A) 113283
of this section. 113284

Sec. 4779.24. The ~~state~~ Ohio occupational therapy, physical 113285
therapy, and athletic trainers board of orthotics, prosthetics, 113286
~~and pedorthics~~ shall grant continuing education units to 113287
individuals licensed under this chapter on the following basis: 113288

(A) For completing a continuing education course approved by 113289
the board under section 4779.23 of the Revised Code, one unit for 113290
each hour of instruction received; 113291

(B) For teaching as a faculty member a course in orthotics, 113292
prosthetics, or pedorthics that is part of the curriculum of an 113293
institution of higher education, one-half unit for each semester 113294
hour of the course, or an equivalent unit for each quarter or 113295
trimester hour of the course; 113296

(C) For teaching other than as a faculty member a course that 113297

is part of an institution of higher education's orthotics, 113298
prosthetics, or pedorthics curriculum, one unit for each hour 113299
teaching the course; 113300

(D) For teaching a continuing education course that is 113301
approved by the board under section 4779.23 of the Revised Code 113302
that is not part of an institution of higher education's 113303
orthotics, prosthetics, or pedorthics curriculum, three units for 113304
each hour teaching the course for the first time and one-half unit 113305
for each hour teaching the course each time thereafter. 113306

Sec. 4779.25. The ~~state~~ Ohio occupational therapy, physical 113307
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 113308
~~and pedorthics~~ shall recognize an institution of higher 113309
education's bachelor's degree program in orthotics and prosthetics 113310
if the program satisfies all of the following requirements: 113311

(A) Provides not less than two semesters or three quarters of 113312
instruction in orthotics and two semesters or three quarters of 113313
instruction in prosthetics; 113314

(B) Requires as a condition of entry a high school diploma or 113315
certificate of high school equivalence; 113316

(C) Includes a written description of the program that 113317
includes learning goals, course objectives, and competencies for 113318
graduation; 113319

(D) Requires frequent, documented evaluation of students to 113320
assess their acquisition of knowledge, problem identification and 113321
solving skills, and psychomotor, behavioral, and clinical 113322
competencies; 113323

(E) Requires as a condition of entry successful completion of 113324
courses in biology, chemistry, physics, psychology, computer 113325
science, algebra or higher math, human anatomy with a laboratory 113326
section, and physiology with a laboratory section; 113327

(F) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques;	113328 113329 113330
(G) Requires students as a condition of graduation to demonstrate orthotics skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;	113331 113332 113333 113334
(H) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating;	113335 113336 113337 113338 113339 113340 113341
(I) Requires students as a condition of graduation to demonstrate prosthetic skills that include measurement, impression-taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of sockets related to various amputation levels, including partial foot, Syme's below knee, above knee, below elbow, above elbow, and the various joint disarticulations;	113342 113343 113344 113345 113346 113347 113348 113349
(J) Requires as a condition of graduation students to complete not less than five hundred hours of supervised clinical experience that focus on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;	113350 113351 113352 113353 113354 113355
(K) Provides for the evaluation of the program's compliance with the requirements of this section through regular, on-site visits conducted by a team of qualified individuals from a	113356 113357 113358

nationally recognized orthotic, prosthetic, or orthotic and
prosthetic certifying body; 113359
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(L) Meets any other standards adopted by the board under 113361
section 4779.08 of the Revised Code. 113362

Sec. 4779.26. The ~~state~~ Ohio occupational therapy, physical 113363
therapy, and athletic trainers board ~~of orthotics, prosthetics,~~ 113364
~~and pedorthics~~ shall recognize a certificate program in orthotics, 113365
prosthetics, or orthotics and prosthetics if the program satisfies 113366
all of the following requirements: 113367

(A) Meets the requirements in divisions (B), (C), (D), (E), 113368
(F), (K), and (L) of section 4779.25 of the Revised Code; 113369

(B) In the case of a certificate program in orthotics, the 113370
program does all of the following: 113371

(1) Provides not less than two semesters or three quarters of 113372
instruction in orthotics; 113373

(2) Requires students to complete not less than two hundred 113374
fifty hours of supervised clinical experience that focuses on 113375
patient-related activities, recommendation, measurement, 113376
impression-taking, model rectification, fabrication, fitting, and 113377
evaluating patients in the use and function of orthotics; 113378

(3) Meets the requirements in divisions (G) and (H) of 113379
section 4779.25 of the Revised Code. 113380

(C) In the case of a certificate program in prosthetics, the 113381
program does all of the following: 113382

(1) Provides not less than two semesters or three quarters of 113383
instruction in prosthetics; 113384

(2) Requires students to complete not less than two hundred 113385
fifty hours of supervised clinical experience that focuses on 113386
patient-related activities, recommendation, measurement, 113387

impression-taking, model rectification, fabrication, fitting, and 113388
evaluating patients in the use and function of prosthetics; 113389

(3) Meets the requirements in divisions (F) and (I) of 113390
section 4779.25 of the Revised Code. 113391

(D) In the case of a certificate program in orthotics and 113392
prosthetics, the program does both of the following: 113393

(1) Provides not less than two semesters or three quarters of 113394
instruction in orthotics and two semesters or three quarters of 113395
instruction in prosthetics; 113396

(2) Meets the requirements in divisions (H) and (I) of 113397
section 4779.25 of the Revised Code. 113398

Sec. 4779.27. The ~~state~~ Ohio occupational therapy, physical 113399
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 113400
~~and pedorthics~~ shall approve a residency program in orthotics, 113401
prosthetics, or orthotics and prosthetics if the program does all 113402
of the following: 113403

(A) Requires a bachelor's degree as a condition of entry; 113404

(B) Does one of the following: 113405

(1) In the case of a residency program in orthotics, provides 113406
two semesters or three quarters of instruction in orthotics; 113407

(2) In the case of a residency program in prosthetics, 113408
provides two semesters or three quarters of instruction in 113409
prosthetics; 113410

(3) In the case of a residency program in orthotics and 113411
prosthetics, provides two semesters or three quarters of 113412
instruction in orthotics and two semesters or three quarters of 113413
instruction in prosthetics. 113414

(C) Meets the requirements in divisions (K) and (L) of 113415
section 4779.25 of the Revised Code; 113416

(D) Provides residents with a sufficient variety and volume 113417
of clinical experiences to give them adequate educational 113418
experience in the acute, rehabilitative, and chronic aspects of 113419
orthotics and prosthetics, including recommendation, measurement, 113420
impression-taking, model rectification, fabrication, fitting, and 113421
evaluating patients in the use and function of orthotics and 113422
prosthetics; 113423

(E) Provides residents with sufficient training in clinical 113424
assessment, patient management, technical implementation, practice 113425
management, and professional responsibility. 113426

Sec. 4779.28. (A) The Ohio occupational therapy, physical 113427
therapy, and athletic trainers board may, pursuant to an 113428
adjudication under Chapter 119. of the Revised Code ~~and by a vote~~ 113429
~~of not fewer than four of its members~~, limit, revoke, or suspend a 113430
license issued under this chapter, refuse to issue a license to an 113431
applicant, or reprimand or place on probation a license holder for 113432
any of the following reasons: 113433

(1) Conviction of, or a plea of guilty to, a misdemeanor or 113434
felony involving moral turpitude; 113435

(2) Any violation of this chapter; 113436

(3) Committing fraud, misrepresentation, or deception in 113437
applying for or securing a license issued under this chapter; 113438

(4) Habitual use of drugs or intoxicants to the extent that 113439
it renders the person unfit to practice; 113440

(5) Violation of any rule adopted by the board under section 113441
4779.08 of the Revised Code; 113442

(6) A departure from, or failure to conform to, minimal 113443
standards of care of similar orthotists, prosthetists, 113444
orthotists-prosthetists, or pedorthists under the same or similar 113445
circumstances, regardless of whether actual injury to a patient is 113446

established; 113447

(7) Obtaining or attempting to obtain money or anything of 113448
value by fraudulent misrepresentation in the course of practice; 113449

(8) Publishing a false, fraudulent, deceptive, or misleading 113450
statement; 113451

(9) Waiving the payment of all or part of a deductible or 113452
copayment that a patient, pursuant to a health insurance or health 113453
care policy, contract, or plan, would otherwise be required to 113454
pay, if the waiver is used as an enticement to a patient or group 113455
of patients to receive health care services from a person who 113456
holds a license issued under this chapter; 113457

(10) Advertising that a person who holds a license issued 113458
under this chapter will waive the payment of all or part of a 113459
deductible or copayment that a patient, pursuant to a health 113460
insurance or health care policy, contract, or plan, that covers 113461
the person's services, would otherwise be required to pay. 113462

(B) For the purpose of investigating whether a person is 113463
engaging or has engaged in conduct described in division (A) of 113464
this section, the board may administer oaths, order the taking of 113465
depositions, issue subpoenas, examine witnesses, and compel the 113466
attendance of witnesses and production of books, accounts, papers, 113467
records, documents, and testimony. 113468

Sec. 4779.29. If the Ohio occupational therapy, physical 113469
therapy, and athletic trainers board determines that there is 113470
clear and convincing evidence that an individual licensed under 113471
this chapter is engaging or has engaged in conduct described in 113472
division (A) of section 4779.28 of the Revised Code and that the 113473
license holder's continued practice presents a danger of immediate 113474
and serious harm to the public, the board may suspend the 113475
individual's license without an adjudicatory hearing. A telephone 113476

conference call may be used for reviewing the matter and taking 113477
the vote. 113478

If the board votes to suspend an individual's license, the 113479
board shall issue a written order of suspension by certified mail 113480
or in person in accordance with section 119.07 of the Revised 113481
Code. The order is not subject to suspension by a court during 113482
~~pendancy~~ pendency of any appeal filed under section 119.12 of the 113483
Revised Code. If the license holder requests an adjudicatory 113484
hearing by the board, the date set for the hearing shall be not 113485
later than fifteen days, but not earlier than seven days, after 113486
the request, unless otherwise agreed to by the board and the 113487
license holder. 113488

Any suspension imposed under this section shall remain in 113489
effect, unless reversed on appeal, until a final adjudicative 113490
order issued by the board pursuant to section 119.12 of the 113491
Revised Code becomes effective. The board shall issue its final 113492
adjudicative order within sixty days after completion of its 113493
hearing. A failure to issue an order within sixty days shall 113494
result in the dissolution of the summary suspension order, but 113495
shall not invalidate any subsequent, final adjudicative order. 113496

Sec. 4779.30. If the ~~state~~ Ohio occupational therapy, 113497
physical therapy, and athletic trainers board of orthotics, 113498
~~prosthetics, and pedorthics~~ has reason to believe that a person 113499
who holds a license issued under this chapter is mentally ill or 113500
mentally incompetent, it may file in the probate court of the 113501
county in which the person has a legal residence an affidavit in 113502
the form prescribed in section 5122.11 of the Revised Code and 113503
signed by the secretary of the board, whereupon the same 113504
proceeding shall be had as provided in Chapter 5122. of the 113505
Revised Code. The attorney general may represent the board in any 113506
proceeding commenced under this section. 113507

If an individual who has been granted a license under this chapter is adjudicated by a probate court to be mentally ill or mentally incompetent, the individual's license shall be automatically suspended until the individual has filed with the board a certified copy of an adjudication by a probate court of the individual's subsequent restoration to competency or has submitted to the board proof, satisfactory to the board, of having been restored to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of the court shall immediately notify the board of an adjudication of incompetence and note any suspension of a license in the margin of the court's record of the certificate. In the absence of fraud or bad faith, neither the board nor any agent, representative, or employee of the board shall be held liable in damages by any person by reason of the filing of the affidavit referred to in this section.

Sec. 4779.31. Before reinstating a license issued under this chapter that has been suspended for more than two years, the Ohio occupational therapy, physical therapy, and athletic trainers board may require an individual to pass the appropriate licensing examination.

Sec. 4779.32. If any person makes an allegation against an individual who holds a license issued under this chapter, the allegation shall be reduced to writing and verified by a person who is familiar with the facts underlying the allegation. The person making the allegation shall file ~~three copies of the~~ allegation with the state Ohio occupational therapy, physical therapy, and athletic trainers board ~~of orthotics, prosthetics, and pedorthics~~. If a person alleges that a license holder is engaging or has engaged in conduct described in division (A) of section 4779.28 of the Revised Code, the board may proceed with an adjudication hearing under Chapter 119. of the Revised Code. The

board shall retain the information filed under this section in 113539
accordance with rules adopted by the board under section 4779.08 113540
of the Revised Code. 113541

Sec. 4779.33. ~~The secretary of the state~~ Ohio occupational 113542
therapy, physical therapy, and athletic trainers board of 113543
orthotics, prosthetics, and pedorthics shall enforce the laws 113544
relating to the practice of orthotics, prosthetics, and 113545
pedorthics. If the secretary of the board has knowledge of a 113546
violation, the secretary shall investigate the violation and 113547
notify the prosecuting attorney of the proper county. 113548

Sec. 4779.34. ~~The state~~ Ohio occupational therapy, physical 113549
therapy, and athletic trainers board of orthotics, prosthetics, 113550
and pedorthics shall comply with section 4776.20 of the Revised 113551
Code. 113552

Sec. 4779.35. (A) The Ohio occupational therapy, physical 113553
therapy, and athletic trainers board shall appoint an orthotics, 113554
prosthetics, and pedorthics advisory council for the purpose of 113555
advising the board on issues relating to the practice of 113556
orthotics, prosthetics, and pedorthics and the investigation of 113557
complaints regarding the practice of orthotics, prosthetics, and 113558
pedorthics. 113559

The advisory council shall consist of not more than five 113560
individuals knowledgeable in the area of orthotics, prosthetics, 113561
and pedorthics. A majority of the council members shall be 113562
individuals actively engaged in the practice of orthotics, 113563
prosthetics, and pedorthics who meet the requirements for 113564
licensure under Chapter 4779. of the Revised Code. 113565

The Ohio orthotics and prosthetics association, or its 113566
successor organization, may nominate the names of up to three 113567
qualified individuals for consideration by the board in making 113568

appointments for each vacancy on the council. 113569

(B) Not later than ninety days after the effective date of 113570
this section, the board shall make initial appointments to the 113571
council. Members shall serve three-year staggered terms of office 113572
in accordance with rules adopted by the board. Thereafter, terms 113573
of office shall be for three years, with each term ending on the 113574
same day of the same month as did the term that it succeeds. A 113575
council member shall continue in office subsequent to the 113576
expiration date of the member's term until a successor is 113577
appointed and takes office, or until a period of sixty days has 113578
elapsed, whichever occurs first. Each council member shall hold 113579
office from the date of appointment until the end of the term for 113580
which the member was appointed. 113581

(C) With approval from the director of administrative 113582
services, members may receive an amount fixed under division (J) 113583
of section 124.15 of the Revised Code for each day the member is 113584
performing the member's official duties and be reimbursed for 113585
actual and necessary expenses incurred in performing those duties. 113586

(D) The council shall meet at least four times per year and 113587
at such other times as may be necessary to carry out its 113588
responsibilities. 113589

(E) The council shall submit to the board recommendations 113590
concerning all of the following: 113591

(1) Requirements for issuing a license to practice orthotics, 113592
prosthetics, and pedorthics, including the educational and 113593
experience requirements that must be met to receive a license; 113594

(2) Existing and proposed rules pertaining to the practice of 113595
orthotics, prosthetics, and pedorthics and the administration and 113596
enforcement of this chapter; 113597

(3) Standards for the approval of educational programs 113598
required to qualify for licensure and continuing education 113599

<u>programs for licensure renewal;</u>	113600
<u>(4) Procedures for the issuance and renewal of licenses;</u>	113601
<u>(5) Fees for the issuance and renewal of a license to</u> <u>practice orthotics, prosthetics, and pedorthics;</u>	113602 113603
<u>(6) Standards of practice and ethical conduct in the practice</u> <u>of orthotics, prosthetics, and pedorthics;</u>	113604 113605
<u>(7) Complaints concerning alleged violation of Chapter 4779.</u> <u>of the Revised Code or grounds for the suspension, revocation,</u> <u>refusal to issue, or issuance of probationary licenses;</u>	113606 113607 113608
<u>(8) The safe and effective practice of orthotics,</u> <u>prosthetics, and pedorthics.</u>	113609 113610
Sec. 5120.55. (A) As used in this section, "licensed health professional" means any or all of the following:	113611 113612
(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;	113613 113614
(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse;	113615 113616 113617
(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry;	113618 113619 113620
(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	113621 113622 113623
(5) A psychologist who holds a current, valid license issued under Chapter 4732. of the Revised Code that authorizes the practice of psychology as a licensed psychologist;	113624 113625 113626
(6) A registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the	113627 113628

practice of nursing as a registered nurse, including such a nurse 113629
who is also licensed to practice as an advanced practice 113630
registered nurse as defined in section 4723.01 of the Revised 113631
Code. 113632

(B)(1) The department of rehabilitation and correction may 113633
establish a recruitment program under which the department, by 113634
means of a contract entered into under division (C) of this 113635
section, agrees to repay all or part of the principal and interest 113636
of a government or other educational loan incurred by a licensed 113637
health professional who agrees to provide services to inmates of 113638
correctional institutions under the department's administration. 113639

(2)(a) For a physician to be eligible to participate in the 113640
program, the physician must have attended a school that was, 113641
during the time of attendance, a medical school or osteopathic 113642
medical school in this country accredited by the liaison committee 113643
on medical education or the American osteopathic association, a 113644
college of podiatry in this country recognized as being in good 113645
standing under section 4731.53 of the Revised Code, or a medical 113646
school, osteopathic medical school, or college of podiatry located 113647
outside this country that was acknowledged by the world health 113648
organization and verified by a member state of that organization 113649
as operating within that state's jurisdiction. 113650

(b) For a nurse to be eligible to participate in the program, 113651
the nurse must have attended a school that was, during the time of 113652
attendance, a nursing school in this country accredited by the 113653
commission on collegiate nursing education or the national league 113654
for nursing accrediting commission or a nursing school located 113655
outside this country that was acknowledged by the world health 113656
organization and verified by a member state of that organization 113657
as operating within that state's jurisdiction. 113658

(c) For a dentist to be eligible to participate in the 113659
program, the dentist must have attended a school that was, during 113660

the time of attendance, a dental college that enabled the dentist 113661
to meet the requirements specified in section 4715.10 of the 113662
Revised Code to be granted a license to practice dentistry. 113663

(d) For an optometrist to be eligible to participate in the 113664
program, the optometrist must have attended a school of optometry 113665
that was, during the time of attendance, approved by the state 113666
~~board of optometry~~ vision professionals board. 113667

(e) For a psychologist to be eligible to participate in the 113668
program, the psychologist must have attended an educational 113669
institution that, during the time of attendance, maintained a 113670
specific degree program recognized by the state board of 113671
psychology as acceptable for fulfilling the requirement of 113672
division (B)(3) of section 4732.10 of the Revised Code. 113673

(C) The department shall enter into a contract with each 113674
licensed health professional it recruits under this section. Each 113675
contract shall include at least the following terms: 113676

(1) The licensed health professional agrees to provide a 113677
specified scope of medical, osteopathic medical, podiatric, 113678
optometric, psychological, nursing, or dental services to inmates 113679
of one or more specified state correctional institutions for a 113680
specified number of hours per week for a specified number of 113681
years. 113682

(2) The department agrees to repay all or a specified portion 113683
of the principal and interest of a government or other educational 113684
loan taken by the licensed health professional for the following 113685
expenses to attend, for up to a maximum of four years, a school 113686
that qualifies the licensed health professional to participate in 113687
the program: 113688

(a) Tuition; 113689

(b) Other educational expenses for specific purposes, 113690
including fees, books, and laboratory expenses, in amounts 113691

determined to be reasonable in accordance with rules adopted under 113692
division (D) of this section; 113693

(c) Room and board, in an amount determined to be reasonable 113694
in accordance with rules adopted under division (D) of this 113695
section. 113696

(3) The licensed health professional agrees to pay the 113697
department a specified amount, which shall be no less than the 113698
amount already paid by the department pursuant to its agreement, 113699
as damages if the licensed health professional fails to complete 113700
the service obligation agreed to or fails to comply with other 113701
specified terms of the contract. The contract may vary the amount 113702
of damages based on the portion of the service obligation that 113703
remains uncompleted. 113704

(4) Other terms agreed upon by the parties. 113705

The licensed health professional's lending institution or the 113706
~~Ohio board~~ department of regents, higher education may be a party 113707
to the contract. The contract may include an assignment to the 113708
department of rehabilitation and correction of the licensed health 113709
professional's duty to repay the principal and interest of the 113710
loan. 113711

(D) If the department of rehabilitation and correction elects 113712
to implement the recruitment program, it shall adopt rules in 113713
accordance with Chapter 119. of the Revised Code that establish 113714
all of the following: 113715

(1) Criteria for designating institutions for which licensed 113716
health professionals will be recruited; 113717

(2) Criteria for selecting licensed health professionals for 113718
participation in the program; 113719

(3) Criteria for determining the portion of a loan which the 113720
department will agree to repay; 113721

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

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(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

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(6) Any other criteria or procedures necessary to implement the program.

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Sec. 5123.46. All rules adopted under sections 5123.41 to 5123.45 and section 5123.452 of the Revised Code shall be adopted in consultation with the board of nursing, the Ohio nurses association, the ~~Ohio respiratory care~~ state medical board, and the Ohio society for respiratory care. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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Section 130.12. That existing sections 109.572, 2305.113, 3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10,

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4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 113757
4779.33, 4779.34, 5120.55, and 5123.46 of the Revised Code are 113758
hereby repealed. 113759

Section 130.13. That sections 4725.03, 4725.42, 4725.43, 113760
4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4759.03, 113761
4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 4779.07, and 113762
4779.16 of the Revised Code are hereby repealed. 113763

Section 130.14. Sections 109.572, 2305.113, 3313.608, 113764
3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 113765
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5120.55, and 5123.46 of the Revised Code as amended or enacted by 113788
Section 130.11 of this act and the repeal of sections 4725.03, 113789
4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 113790
4753.04, 4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 113791
4779.06, 4779.07, and 4779.16 of the Revised Code by Section 113792
130.13 of this act take effect on January 21, 2018. 113793

Section 130.21. That sections 102.02, 109.572, 111.15, 113794
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 113795
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 113796
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1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 113808
1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 113809
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 113810
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 113811
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 113812

1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 113813
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 113814
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 113815
1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 113816
1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 113817
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 113818
1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 113819
1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 113820
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 113821
1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 113822
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 be amended; 113823
sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 113824
1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 113825
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 113826
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 113827
adopting new section numbers as shown in parentheses; and new 113828
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 113829
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 113830
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 113831
1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 113832
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 113833
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 113834
1121.19, and 1121.29 of the Revised Code be enacted to read as 113835
follows: 113836

Sec. 102.02. (A)(1) Except as otherwise provided in division 113837
(H) of this section, all of the following shall file with the 113838
appropriate ethics commission the disclosure statement described 113839
in this division on a form prescribed by the appropriate 113840
commission: every person who is elected to or is a candidate for a 113841
state, county, or city office and every person who is appointed to 113842
fill a vacancy for an unexpired term in such an elective office; 113843
all members of the state board of education; the director, 113844

assistant directors, deputy directors, division chiefs, or persons 113845
of equivalent rank of any administrative department of the state; 113846
the president or other chief administrative officer of every state 113847
institution of higher education as defined in section 3345.011 of 113848
the Revised Code; the executive director and the members of the 113849
capitol square review and advisory board appointed or employed 113850
pursuant to section 105.41 of the Revised Code; all members of the 113851
Ohio casino control commission, the executive director of the 113852
commission, all professional employees of the commission, and all 113853
technical employees of the commission who perform an internal 113854
audit function; the individuals set forth in division (B)(2) of 113855
section 187.03 of the Revised Code; the chief executive officer 113856
and the members of the board of each state retirement system; each 113857
employee of a state retirement board who is a state retirement 113858
system investment officer licensed pursuant to section 1707.163 of 113859
the Revised Code; the members of the Ohio retirement study council 113860
appointed pursuant to division (C) of section 171.01 of the 113861
Revised Code; employees of the Ohio retirement study council, 113862
other than employees who perform purely administrative or clerical 113863
functions; the administrator of workers' compensation and each 113864
member of the bureau of workers' compensation board of directors; 113865
the bureau of workers' compensation director of investments; the 113866
chief investment officer of the bureau of workers' compensation; 113867
all members of the board of commissioners on grievances and 113868
discipline of the supreme court and the ethics commission created 113869
under section 102.05 of the Revised Code; every business manager, 113870
treasurer, or superintendent of a city, local, exempted village, 113871
joint vocational, or cooperative education school district or an 113872
educational service center; every person who is elected to or is a 113873
candidate for the office of member of a board of education of a 113874
city, local, exempted village, joint vocational, or cooperative 113875
education school district or of a governing board of an 113876
educational service center that has a total student count of 113877

twelve thousand or more as most recently determined by the 113878
department of education pursuant to section 3317.03 of the Revised 113879
Code; every person who is appointed to the board of education of a 113880
municipal school district pursuant to division (B) or (F) of 113881
section 3311.71 of the Revised Code; all members of the board of 113882
directors of a sanitary district that is established under Chapter 113883
6115. of the Revised Code and organized wholly for the purpose of 113884
providing a water supply for domestic, municipal, and public use, 113885
and that includes two municipal corporations in two counties; 113886
every public official or employee who is paid a salary or wage in 113887
accordance with schedule C of section 124.15 or schedule E-2 of 113888
section 124.152 of the Revised Code; members of the board of 113889
trustees and the executive director of the southern Ohio 113890
agricultural and community development foundation; all members 113891
appointed to the Ohio livestock care standards board under section 113892
904.02 of the Revised Code; all entrepreneurs in residence 113893
assigned by the LeanOhio office in the department of 113894
administrative services under section 125.65 of the Revised Code 113895
and every other public official or employee who is designated by 113896
the appropriate ethics commission pursuant to division (B) of this 113897
section. 113898

(2) The disclosure statement shall include all of the 113899
following: 113900

(a) The name of the person filing the statement and each 113901
member of the person's immediate family and all names under which 113902
the person or members of the person's immediate family do 113903
business; 113904

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 113905
section and except as otherwise provided in section 102.022 of the 113906
Revised Code, identification of every source of income, other than 113907
income from a legislative agent identified in division 113908
(A)(2)(b)(ii) of this section, received during the preceding 113909

calendar year, in the person's own name or by any other person for 113910
the person's use or benefit, by the person filing the statement, 113911
and a brief description of the nature of the services for which 113912
the income was received. If the person filing the statement is a 113913
member of the general assembly, the statement shall identify the 113914
amount of every source of income received in accordance with the 113915
following ranges of amounts: zero or more, but less than one 113916
thousand dollars; one thousand dollars or more, but less than ten 113917
thousand dollars; ten thousand dollars or more, but less than 113918
twenty-five thousand dollars; twenty-five thousand dollars or 113919
more, but less than fifty thousand dollars; fifty thousand dollars 113920
or more, but less than one hundred thousand dollars; and one 113921
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 113922
section shall not be construed to require a person filing the 113923
statement who derives income from a business or profession to 113924
disclose the individual items of income that constitute the gross 113925
income of that business or profession, except for those individual 113926
items of income that are attributable to the person's or, if the 113927
income is shared with the person, the partner's, solicitation of 113928
services or goods or performance, arrangement, or facilitation of 113929
services or provision of goods on behalf of the business or 113930
profession of clients, including corporate clients, who are 113931
legislative agents. A person who files the statement under this 113932
section shall disclose the identity of and the amount of income 113933
received from a person who the public official or employee knows 113934
or has reason to know is doing or seeking to do business of any 113935
kind with the public official's or employee's agency. 113936

(ii) If the person filing the statement is a member of the 113937
general assembly, the statement shall identify every source of 113938
income and the amount of that income that was received from a 113939
legislative agent during the preceding calendar year, in the 113940
person's own name or by any other person for the person's use or 113941
benefit, by the person filing the statement, and a brief 113942

description of the nature of the services for which the income was 113943
received. Division (A)(2)(b)(ii) of this section requires the 113944
disclosure of clients of attorneys or persons licensed under 113945
section 4732.12 of the Revised Code, or patients of persons 113946
certified under section 4731.14 of the Revised Code, if those 113947
clients or patients are legislative agents. Division (A)(2)(b)(ii) 113948
of this section requires a person filing the statement who derives 113949
income from a business or profession to disclose those individual 113950
items of income that constitute the gross income of that business 113951
or profession that are received from legislative agents. 113952

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 113953
of this section, division (A)(2)(b)(i) of this section applies to 113954
attorneys, physicians, and other persons who engage in the 113955
practice of a profession and who, pursuant to a section of the 113956
Revised Code, the common law of this state, a code of ethics 113957
applicable to the profession, or otherwise, generally are required 113958
not to reveal, disclose, or use confidences of clients, patients, 113959
or other recipients of professional services except under 113960
specified circumstances or generally are required to maintain 113961
those types of confidences as privileged communications except 113962
under specified circumstances. Division (A)(2)(b)(i) of this 113963
section does not require an attorney, physician, or other 113964
professional subject to a confidentiality requirement as described 113965
in division (A)(2)(b)(iii) of this section to disclose the name, 113966
other identity, or address of a client, patient, or other 113967
recipient of professional services if the disclosure would 113968
threaten the client, patient, or other recipient of professional 113969
services, would reveal details of the subject matter for which 113970
legal, medical, or professional advice or other services were 113971
sought, or would reveal an otherwise privileged communication 113972
involving the client, patient, or other recipient of professional 113973
services. Division (A)(2)(b)(i) of this section does not require 113974
an attorney, physician, or other professional subject to a 113975

confidentiality requirement as described in division 113976
(A)(2)(b)(iii) of this section to disclose in the brief 113977
description of the nature of services required by division 113978
(A)(2)(b)(i) of this section any information pertaining to 113979
specific professional services rendered for a client, patient, or 113980
other recipient of professional services that would reveal details 113981
of the subject matter for which legal, medical, or professional 113982
advice was sought or would reveal an otherwise privileged 113983
communication involving the client, patient, or other recipient of 113984
professional services. 113985

(c) The name of every corporation on file with the secretary 113986
of state that is incorporated in this state or holds a certificate 113987
of compliance authorizing it to do business in this state, trust, 113988
business trust, partnership, or association that transacts 113989
business in this state in which the person filing the statement or 113990
any other person for the person's use and benefit had during the 113991
preceding calendar year an investment of over one thousand dollars 113992
at fair market value as of the thirty-first day of December of the 113993
preceding calendar year, or the date of disposition, whichever is 113994
earlier, or in which the person holds any office or has a 113995
fiduciary relationship, and a description of the nature of the 113996
investment, office, or relationship. Division (A)(2)(c) of this 113997
section does not require disclosure of the name of any bank, 113998
savings and loan association, credit union, or building and loan 113999
association with which the person filing the statement has a 114000
deposit or a withdrawable share account. 114001

(d) All fee simple and leasehold interests to which the 114002
person filing the statement holds legal title to or a beneficial 114003
interest in real property located within the state, excluding the 114004
person's residence and property used primarily for personal 114005
recreation; 114006

(e) The names of all persons residing or transacting business 114007

in the state to whom the person filing the statement owes, in the 114008
person's own name or in the name of any other person, more than 114009
one thousand dollars. Division (A)(2)(e) of this section shall not 114010
be construed to require the disclosure of debts owed by the person 114011
resulting from the ordinary conduct of a business or profession or 114012
debts on the person's residence or real property used primarily 114013
for personal recreation, except that the superintendent of 114014
financial institutions ~~shall disclose the names of all~~ 114015
~~state chartered savings and loan associations and of all service~~ 114016
~~corporations subject to regulation under division (E)(2) of~~ 114017
~~section 1151.34 of the Revised Code to whom the superintendent in~~ 114018
~~the superintendent's own name or in the name of any other person~~ 114019
~~owes any money, and that the superintendent and any deputy~~ 114020
superintendent of banks shall disclose the names of all 114021
state-chartered banks and all bank subsidiary corporations subject 114022
to regulation under section 1109.44 of the Revised Code to whom 114023
the superintendent or deputy superintendent owes any money. 114024

(f) The names of all persons residing or transacting business 114025
in the state, other than a depository excluded under division 114026
(A)(2)(c) of this section, who owe more than one thousand dollars 114027
to the person filing the statement, either in the person's own 114028
name or to any person for the person's use or benefit. Division 114029
(A)(2)(f) of this section shall not be construed to require the 114030
disclosure of clients of attorneys or persons licensed under 114031
section 4732.12 of the Revised Code, or patients of persons 114032
certified under section 4731.14 of the Revised Code, nor the 114033
disclosure of debts owed to the person resulting from the ordinary 114034
conduct of a business or profession. 114035

(g) Except as otherwise provided in section 102.022 of the 114036
Revised Code, the source of each gift of over seventy-five 114037
dollars, or of each gift of over twenty-five dollars received by a 114038
member of the general assembly from a legislative agent, received 114039

by the person in the person's own name or by any other person for 114040
the person's use or benefit during the preceding calendar year, 114041
except gifts received by will or by virtue of section 2105.06 of 114042
the Revised Code, or received from spouses, parents, grandparents, 114043
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 114044
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 114045
fathers-in-law, mothers-in-law, or any person to whom the person 114046
filing the statement stands in loco parentis, or received by way 114047
of distribution from any inter vivos or testamentary trust 114048
established by a spouse or by an ancestor; 114049

(h) Except as otherwise provided in section 102.022 of the 114050
Revised Code, identification of the source and amount of every 114051
payment of expenses incurred for travel to destinations inside or 114052
outside this state that is received by the person in the person's 114053
own name or by any other person for the person's use or benefit 114054
and that is incurred in connection with the person's official 114055
duties, except for expenses for travel to meetings or conventions 114056
of a national or state organization to which any state agency, 114057
including, but not limited to, any legislative agency or state 114058
institution of higher education as defined in section 3345.011 of 114059
the Revised Code, pays membership dues, or any political 114060
subdivision or any office or agency of a political subdivision 114061
pays membership dues; 114062

(i) Except as otherwise provided in section 102.022 of the 114063
Revised Code, identification of the source of payment of expenses 114064
for meals and other food and beverages, other than for meals and 114065
other food and beverages provided at a meeting at which the person 114066
participated in a panel, seminar, or speaking engagement or at a 114067
meeting or convention of a national or state organization to which 114068
any state agency, including, but not limited to, any legislative 114069
agency or state institution of higher education as defined in 114070
section 3345.011 of the Revised Code, pays membership dues, or any 114071

political subdivision or any office or agency of a political 114072
subdivision pays membership dues, that are incurred in connection 114073
with the person's official duties and that exceed one hundred 114074
dollars aggregated per calendar year; 114075

(j) If the disclosure statement is filed by a public official 114076
or employee described in division (B)(2) of section 101.73 of the 114077
Revised Code or division (B)(2) of section 121.63 of the Revised 114078
Code who receives a statement from a legislative agent, executive 114079
agency lobbyist, or employer that contains the information 114080
described in division (F)(2) of section 101.73 of the Revised Code 114081
or division (G)(2) of section 121.63 of the Revised Code, all of 114082
the nondisputed information contained in the statement delivered 114083
to that public official or employee by the legislative agent, 114084
executive agency lobbyist, or employer under division (F)(2) of 114085
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 114086

(3) A person may file a statement required by this section in 114087
person, by mail, or by electronic means. 114088

(4) A person who is required to file a statement under this 114089
section shall file that statement according to the following 114090
deadlines, as applicable: 114091

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 114092
and (d) of this section, the person shall file the statement not 114093
later than the fifteenth day of May of each year. 114094

(b) A person who is a candidate for elective office shall 114095
file the statement no later than the thirtieth day before the 114096
primary, special, or general election at which the candidacy is to 114097
be voted on, whichever election occurs soonest, except that a 114098
person who is a write-in candidate shall file the statement no 114099
later than the twentieth day before the earliest election at which 114100
the person's candidacy is to be voted on. 114101

(c) A person who is appointed to fill a vacancy for an 114102

unexpired term in an elective office shall file the statement 114103
within fifteen days after the person qualifies for office. 114104

(d) A person who is appointed or employed after the fifteenth 114105
day of May, other than a person described in division (A)(4)(c) of 114106
this section, shall file an annual statement within ninety days 114107
after appointment or employment. 114108

(5) No person shall be required to file with the appropriate 114109
ethics commission more than one statement or pay more than one 114110
filing fee for any one calendar year. 114111

(6) The appropriate ethics commission, for good cause, may 114112
extend for a reasonable time the deadline for filing a statement 114113
under this section. 114114

(7) A statement filed under this section is subject to public 114115
inspection at locations designated by the appropriate ethics 114116
commission except as otherwise provided in this section. 114117

(B) The Ohio ethics commission, the joint legislative ethics 114118
committee, and the board of commissioners on grievances and 114119
discipline of the supreme court, using the rule-making procedures 114120
of Chapter 119. of the Revised Code, may require any class of 114121
public officials or employees under its jurisdiction and not 114122
specifically excluded by this section whose positions involve a 114123
substantial and material exercise of administrative discretion in 114124
the formulation of public policy, expenditure of public funds, 114125
enforcement of laws and rules of the state or a county or city, or 114126
the execution of other public trusts, to file an annual statement 114127
under division (A) of this section. The appropriate ethics 114128
commission shall send the public officials or employees written 114129
notice of the requirement not less than thirty days before the 114130
applicable filing deadline unless the public official or employee 114131
is appointed after that date, in which case the notice shall be 114132
sent within thirty days after appointment, and the filing shall be 114133

made not later than ninety days after appointment. 114134

Disclosure statements filed under this division with the Ohio 114135
ethics commission by members of boards, commissions, or bureaus of 114136
the state for which no compensation is received other than 114137
reasonable and necessary expenses shall be kept confidential. 114138
Disclosure statements filed with the Ohio ethics commission under 114139
division (A) of this section by business managers, treasurers, and 114140
superintendents of city, local, exempted village, joint 114141
vocational, or cooperative education school districts or 114142
educational service centers shall be kept confidential, except 114143
that any person conducting an audit of any such school district or 114144
educational service center pursuant to section 115.56 or Chapter 114145
117. of the Revised Code may examine the disclosure statement of 114146
any business manager, treasurer, or superintendent of that school 114147
district or educational service center. Disclosure statements 114148
filed with the Ohio ethics commission under division (A) of this 114149
section by the individuals set forth in division (B)(2) of section 114150
187.03 of the Revised Code shall be kept confidential. The Ohio 114151
ethics commission shall examine each disclosure statement required 114152
to be kept confidential to determine whether a potential conflict 114153
of interest exists for the person who filed the disclosure 114154
statement. A potential conflict of interest exists if the private 114155
interests of the person, as indicated by the person's disclosure 114156
statement, might interfere with the public interests the person is 114157
required to serve in the exercise of the person's authority and 114158
duties in the person's office or position of employment. If the 114159
commission determines that a potential conflict of interest 114160
exists, it shall notify the person who filed the disclosure 114161
statement and shall make the portions of the disclosure statement 114162
that indicate a potential conflict of interest subject to public 114163
inspection in the same manner as is provided for other disclosure 114164
statements. Any portion of the disclosure statement that the 114165
commission determines does not indicate a potential conflict of 114166

interest shall be kept confidential by the commission and shall 114167
not be made subject to public inspection, except as is necessary 114168
for the enforcement of Chapters 102. and 2921. of the Revised Code 114169
and except as otherwise provided in this division. 114170

(C) No person shall knowingly fail to file, on or before the 114171
applicable filing deadline established under this section, a 114172
statement that is required by this section. 114173

(D) No person shall knowingly file a false statement that is 114174
required to be filed under this section. 114175

(E)(1) Except as provided in divisions (E)(2) and (3) of this 114176
section, the statement required by division (A) or (B) of this 114177
section shall be accompanied by a filing fee of sixty dollars. 114178

(2) The statement required by division (A) of this section 114179
shall be accompanied by the following filing fee to be paid by the 114180
person who is elected or appointed to, or is a candidate for, any 114181
of the following offices: 114182

For state office, except member of the		114183
state board of education	\$95	114184
For office of member of general assembly	\$40	114185
For county office	\$60	114186
For city office	\$35	114187
For office of member of the state board		114188
of education	\$35	114189
For office of member of a city, local,		114190
exempted village, or cooperative		114191
education board of		114192
education or educational service		114193
center governing board	\$30	114194
For position of business manager,		114195
treasurer, or superintendent of a		114196
city, local, exempted village, joint		114197

vocational, or cooperative education 114198
school district or 114199
educational service center \$30 114200

(3) No judge of a court of record or candidate for judge of a 114201
court of record, and no referee or magistrate serving a court of 114202
record, shall be required to pay the fee required under division 114203
(E)(1) or (2) or (F) of this section. 114204

(4) For any public official who is appointed to a nonelective 114205
office of the state and for any employee who holds a nonelective 114206
position in a public agency of the state, the state agency that is 114207
the primary employer of the state official or employee shall pay 114208
the fee required under division (E)(1) or (F) of this section. 114209

(F) If a statement required to be filed under this section is 114210
not filed by the date on which it is required to be filed, the 114211
appropriate ethics commission shall assess the person required to 114212
file the statement a late filing fee of ten dollars for each day 114213
the statement is not filed, except that the total amount of the 114214
late filing fee shall not exceed two hundred fifty dollars. 114215

(G)(1) The appropriate ethics commission other than the Ohio 114216
ethics commission and the joint legislative ethics committee shall 114217
deposit all fees it receives under divisions (E) and (F) of this 114218
section into the general revenue fund of the state. 114219

(2) The Ohio ethics commission shall deposit all receipts, 114220
including, but not limited to, fees it receives under divisions 114221
(E) and (F) of this section, investigative or other fees, costs, 114222
or other funds it receives as a result of court orders, and all 114223
moneys it receives from settlements under division (G) of section 114224
102.06 of the Revised Code, into the Ohio ethics commission fund, 114225
which is hereby created in the state treasury. All moneys credited 114226
to the fund shall be used solely for expenses related to the 114227
operation and statutory functions of the commission. 114228

(3) The joint legislative ethics committee shall deposit all 114229
receipts it receives from the payment of financial disclosure 114230
statement filing fees under divisions (E) and (F) of this section 114231
into the joint legislative ethics committee investigative fund. 114232

(H) Division (A) of this section does not apply to a person 114233
elected or appointed to the office of precinct, ward, or district 114234
committee member under Chapter 3517. of the Revised Code; a 114235
presidential elector; a delegate to a national convention; village 114236
or township officials and employees; any physician or psychiatrist 114237
who is paid a salary or wage in accordance with schedule C of 114238
section 124.15 or schedule E-2 of section 124.152 of the Revised 114239
Code and whose primary duties do not require the exercise of 114240
administrative discretion; or any member of a board, commission, 114241
or bureau of any county or city who receives less than one 114242
thousand dollars per year for serving in that position. 114243

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 114244
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 114245
a completed form prescribed pursuant to division (C)(1) of this 114246
section, and a set of fingerprint impressions obtained in the 114247
manner described in division (C)(2) of this section, the 114248
superintendent of the bureau of criminal identification and 114249
investigation shall conduct a criminal records check in the manner 114250
described in division (B) of this section to determine whether any 114251
information exists that indicates that the person who is the 114252
subject of the request previously has been convicted of or pleaded 114253
guilty to any of the following: 114254

(a) A violation of section 2903.01, 2903.02, 2903.03, 114255
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 114256
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 114257
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 114258
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 114259

2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 114260
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 114261
2925.06, or 3716.11 of the Revised Code, felonious sexual 114262
penetration in violation of former section 2907.12 of the Revised 114263
Code, a violation of section 2905.04 of the Revised Code as it 114264
existed prior to July 1, 1996, a violation of section 2919.23 of 114265
the Revised Code that would have been a violation of section 114266
2905.04 of the Revised Code as it existed prior to July 1, 1996, 114267
had the violation been committed prior to that date, or a 114268
violation of section 2925.11 of the Revised Code that is not a 114269
minor drug possession offense; 114270

(b) A violation of an existing or former law of this state, 114271
any other state, or the United States that is substantially 114272
equivalent to any of the offenses listed in division (A)(1)(a) of 114273
this section; 114274

(c) If the request is made pursuant to section 3319.39 of the 114275
Revised Code for an applicant who is a teacher, any offense 114276
specified in section 3319.31 of the Revised Code. 114277

(2) On receipt of a request pursuant to section 3712.09 or 114278
3721.121 of the Revised Code, a completed form prescribed pursuant 114279
to division (C)(1) of this section, and a set of fingerprint 114280
impressions obtained in the manner described in division (C)(2) of 114281
this section, the superintendent of the bureau of criminal 114282
identification and investigation shall conduct a criminal records 114283
check with respect to any person who has applied for employment in 114284
a position for which a criminal records check is required by those 114285
sections. The superintendent shall conduct the criminal records 114286
check in the manner described in division (B) of this section to 114287
determine whether any information exists that indicates that the 114288
person who is the subject of the request previously has been 114289
convicted of or pleaded guilty to any of the following: 114290

(a) A violation of section 2903.01, 2903.02, 2903.03, 114291

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 114292
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 114293
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 114294
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 114295
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 114296
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 114297
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 114298
2925.22, 2925.23, or 3716.11 of the Revised Code; 114299

(b) An existing or former law of this state, any other state, 114300
or the United States that is substantially equivalent to any of 114301
the offenses listed in division (A)(2)(a) of this section. 114302

(3) On receipt of a request pursuant to section 173.27, 114303
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 114304
or 5123.169 of the Revised Code, a completed form prescribed 114305
pursuant to division (C)(1) of this section, and a set of 114306
fingerprint impressions obtained in the manner described in 114307
division (C)(2) of this section, the superintendent of the bureau 114308
of criminal identification and investigation shall conduct a 114309
criminal records check of the person for whom the request is made. 114310
The superintendent shall conduct the criminal records check in the 114311
manner described in division (B) of this section to determine 114312
whether any information exists that indicates that the person who 114313
is the subject of the request previously has been convicted of, 114314
has pleaded guilty to, or (except in the case of a request 114315
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 114316
Code) has been found eligible for intervention in lieu of 114317
conviction for any of the following, regardless of the date of the 114318
conviction, the date of entry of the guilty plea, or (except in 114319
the case of a request pursuant to section 5164.34, 5164.341, or 114320
5164.342 of the Revised Code) the date the person was found 114321
eligible for intervention in lieu of conviction: 114322

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 114323

2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15,	114324
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01,	114325
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	114326
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	114327
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	114328
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	114329
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	114330
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	114331
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	114332
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	114333
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	114334
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	114335
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	114336
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	114337
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	114338
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	114339
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	114340
2927.12, or 3716.11 of the Revised Code;	114341
(b) Felonious sexual penetration in violation of former	114342
section 2907.12 of the Revised Code;	114343
(c) A violation of section 2905.04 of the Revised Code as it	114344
existed prior to July 1, 1996;	114345
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	114346
the Revised Code when the underlying offense that is the object of	114347
the conspiracy, attempt, or complicity is one of the offenses	114348
listed in divisions (A)(3)(a) to (c) of this section;	114349
(e) A violation of an existing or former municipal ordinance	114350
or law of this state, any other state, or the United States that	114351
is substantially equivalent to any of the offenses listed in	114352
divisions (A)(3)(a) to (d) of this section.	114353
(4) On receipt of a request pursuant to section 2151.86 of	114354

the Revised Code, a completed form prescribed pursuant to division 114355
(C)(1) of this section, and a set of fingerprint impressions 114356
obtained in the manner described in division (C)(2) of this 114357
section, the superintendent of the bureau of criminal 114358
identification and investigation shall conduct a criminal records 114359
check in the manner described in division (B) of this section to 114360
determine whether any information exists that indicates that the 114361
person who is the subject of the request previously has been 114362
convicted of or pleaded guilty to any of the following: 114363

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 114364
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 114365
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 114366
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 114367
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 114368
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 114369
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 114370
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 114371
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 114372
of the Revised Code, a violation of section 2905.04 of the Revised 114373
Code as it existed prior to July 1, 1996, a violation of section 114374
2919.23 of the Revised Code that would have been a violation of 114375
section 2905.04 of the Revised Code as it existed prior to July 1, 114376
1996, had the violation been committed prior to that date, a 114377
violation of section 2925.11 of the Revised Code that is not a 114378
minor drug possession offense, two or more OVI or OVUAC violations 114379
committed within the three years immediately preceding the 114380
submission of the application or petition that is the basis of the 114381
request, or felonious sexual penetration in violation of former 114382
section 2907.12 of the Revised Code; 114383

(b) A violation of an existing or former law of this state, 114384
any other state, or the United States that is substantially 114385
equivalent to any of the offenses listed in division (A)(4)(a) of 114386

this section. 114387

(5) Upon receipt of a request pursuant to section 5104.013 of 114388
the Revised Code, a completed form prescribed pursuant to division 114389
(C)(1) of this section, and a set of fingerprint impressions 114390
obtained in the manner described in division (C)(2) of this 114391
section, the superintendent of the bureau of criminal 114392
identification and investigation shall conduct a criminal records 114393
check in the manner described in division (B) of this section to 114394
determine whether any information exists that indicates that the 114395
person who is the subject of the request has been convicted of or 114396
pleaded guilty to any of the following: 114397

(a) A violation of section 2151.421, 2903.01, 2903.02, 114398
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 114399
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 114400
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 114401
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 114402
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 114403
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 114404
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 114405
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 114406
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 114407
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 114408
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 114409
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 114410
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 114411
Revised Code, felonious sexual penetration in violation of former 114412
section 2907.12 of the Revised Code, a violation of section 114413
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 114414
violation of section 2919.23 of the Revised Code that would have 114415
been a violation of section 2905.04 of the Revised Code as it 114416
existed prior to July 1, 1996, had the violation been committed 114417
prior to that date, a violation of section 2925.11 of the Revised 114418

Code that is not a minor drug possession offense, a violation of 114419
section 2923.02 or 2923.03 of the Revised Code that relates to a 114420
crime specified in this division, or a second violation of section 114421
4511.19 of the Revised Code within five years of the date of 114422
application for licensure or certification. 114423

(b) A violation of an existing or former law of this state, 114424
any other state, or the United States that is substantially 114425
equivalent to any of the offenses or violations described in 114426
division (A)(5)(a) of this section. 114427

(6) Upon receipt of a request pursuant to section 5153.111 of 114428
the Revised Code, a completed form prescribed pursuant to division 114429
(C)(1) of this section, and a set of fingerprint impressions 114430
obtained in the manner described in division (C)(2) of this 114431
section, the superintendent of the bureau of criminal 114432
identification and investigation shall conduct a criminal records 114433
check in the manner described in division (B) of this section to 114434
determine whether any information exists that indicates that the 114435
person who is the subject of the request previously has been 114436
convicted of or pleaded guilty to any of the following: 114437

(a) A violation of section 2903.01, 2903.02, 2903.03, 114438
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 114439
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 114440
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 114441
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 114442
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 114443
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 114444
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 114445
felonious sexual penetration in violation of former section 114446
2907.12 of the Revised Code, a violation of section 2905.04 of the 114447
Revised Code as it existed prior to July 1, 1996, a violation of 114448
section 2919.23 of the Revised Code that would have been a 114449
violation of section 2905.04 of the Revised Code as it existed 114450

prior to July 1, 1996, had the violation been committed prior to 114451
that date, or a violation of section 2925.11 of the Revised Code 114452
that is not a minor drug possession offense; 114453

(b) A violation of an existing or former law of this state, 114454
any other state, or the United States that is substantially 114455
equivalent to any of the offenses listed in division (A)(6)(a) of 114456
this section. 114457

(7) On receipt of a request for a criminal records check from 114458
an individual pursuant to section 4749.03 or 4749.06 of the 114459
Revised Code, accompanied by a completed copy of the form 114460
prescribed in division (C)(1) of this section and a set of 114461
fingerprint impressions obtained in a manner described in division 114462
(C)(2) of this section, the superintendent of the bureau of 114463
criminal identification and investigation shall conduct a criminal 114464
records check in the manner described in division (B) of this 114465
section to determine whether any information exists indicating 114466
that the person who is the subject of the request has been 114467
convicted of or pleaded guilty to a felony in this state or in any 114468
other state. If the individual indicates that a firearm will be 114469
carried in the course of business, the superintendent shall 114470
require information from the federal bureau of investigation as 114471
described in division (B)(2) of this section. Subject to division 114472
(F) of this section, the superintendent shall report the findings 114473
of the criminal records check and any information the federal 114474
bureau of investigation provides to the director of public safety. 114475

(8) On receipt of a request pursuant to section 1321.37, 114476
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 114477
Code, a completed form prescribed pursuant to division (C)(1) of 114478
this section, and a set of fingerprint impressions obtained in the 114479
manner described in division (C)(2) of this section, the 114480
superintendent of the bureau of criminal identification and 114481
investigation shall conduct a criminal records check with respect 114482

to any person who has applied for a license, permit, or 114483
certification from the department of commerce or a division in the 114484
department. The superintendent shall conduct the criminal records 114485
check in the manner described in division (B) of this section to 114486
determine whether any information exists that indicates that the 114487
person who is the subject of the request previously has been 114488
convicted of or pleaded guilty to any of the following: a 114489
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 114490
2925.03 of the Revised Code; any other criminal offense involving 114491
theft, receiving stolen property, embezzlement, forgery, fraud, 114492
passing bad checks, money laundering, or drug trafficking, or any 114493
criminal offense involving money or securities, as set forth in 114494
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 114495
the Revised Code; or any existing or former law of this state, any 114496
other state, or the United States that is substantially equivalent 114497
to those offenses. 114498

(9) On receipt of a request for a criminal records check from 114499
the treasurer of state under section 113.041 of the Revised Code 114500
or from an individual under section 4701.08, 4715.101, 4717.061, 114501
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 114502
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 114503
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 114504
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 114505
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 114506
accompanied by a completed form prescribed under division (C)(1) 114507
of this section and a set of fingerprint impressions obtained in 114508
the manner described in division (C)(2) of this section, the 114509
superintendent of the bureau of criminal identification and 114510
investigation shall conduct a criminal records check in the manner 114511
described in division (B) of this section to determine whether any 114512
information exists that indicates that the person who is the 114513
subject of the request has been convicted of or pleaded guilty to 114514
any criminal offense in this state or any other state. Subject to 114515

division (F) of this section, the superintendent shall send the 114516
results of a check requested under section 113.041 of the Revised 114517
Code to the treasurer of state and shall send the results of a 114518
check requested under any of the other listed sections to the 114519
licensing board specified by the individual in the request. 114520

(10) On receipt of a request pursuant to section 1121.23, 114521
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 114522
Code, a completed form prescribed pursuant to division (C)(1) of 114523
this section, and a set of fingerprint impressions obtained in the 114524
manner described in division (C)(2) of this section, the 114525
superintendent of the bureau of criminal identification and 114526
investigation shall conduct a criminal records check in the manner 114527
described in division (B) of this section to determine whether any 114528
information exists that indicates that the person who is the 114529
subject of the request previously has been convicted of or pleaded 114530
guilty to any criminal offense under any existing or former law of 114531
this state, any other state, or the United States. 114532

(11) On receipt of a request for a criminal records check 114533
from an appointing or licensing authority under section 3772.07 of 114534
the Revised Code, a completed form prescribed under division 114535
(C)(1) of this section, and a set of fingerprint impressions 114536
obtained in the manner prescribed in division (C)(2) of this 114537
section, the superintendent of the bureau of criminal 114538
identification and investigation shall conduct a criminal records 114539
check in the manner described in division (B) of this section to 114540
determine whether any information exists that indicates that the 114541
person who is the subject of the request previously has been 114542
convicted of or pleaded guilty or no contest to any offense under 114543
any existing or former law of this state, any other state, or the 114544
United States that is a disqualifying offense as defined in 114545
section 3772.07 of the Revised Code or substantially equivalent to 114546
such an offense. 114547

(12) On receipt of a request pursuant to section 2151.33 or 114548
2151.412 of the Revised Code, a completed form prescribed pursuant 114549
to division (C)(1) of this section, and a set of fingerprint 114550
impressions obtained in the manner described in division (C)(2) of 114551
this section, the superintendent of the bureau of criminal 114552
identification and investigation shall conduct a criminal records 114553
check with respect to any person for whom a criminal records check 114554
is required under that section. The superintendent shall conduct 114555
the criminal records check in the manner described in division (B) 114556
of this section to determine whether any information exists that 114557
indicates that the person who is the subject of the request 114558
previously has been convicted of or pleaded guilty to any of the 114559
following: 114560

(a) A violation of section 2903.01, 2903.02, 2903.03, 114561
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 114562
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 114563
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 114564
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 114565
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 114566
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 114567
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 114568
2925.22, 2925.23, or 3716.11 of the Revised Code; 114569

(b) An existing or former law of this state, any other state, 114570
or the United States that is substantially equivalent to any of 114571
the offenses listed in division (A)(12)(a) of this section. 114572

(13) On receipt of a request pursuant to section 3796.12 of 114573
the Revised Code, a completed form prescribed pursuant to division 114574
(C)(1) of this section, and a set of fingerprint impressions 114575
obtained in a manner described in division (C)(2) of this section, 114576
the superintendent of the bureau of criminal identification and 114577
investigation shall conduct a criminal records check in the manner 114578
described in division (B) of this section to determine whether any 114579

information exists that indicates that the person who is the 114580
subject of the request previously has been convicted of or pleaded 114581
guilty to the following: 114582

(a) A disqualifying offense as specified in rules adopted 114583
under division (B)(2)(b) of section 3796.03 of the Revised Code if 114584
the person who is the subject of the request is an administrator 114585
or other person responsible for the daily operation of, or an 114586
owner or prospective owner, officer or prospective officer, or 114587
board member or prospective board member of, an entity seeking a 114588
license from the department of commerce under Chapter 3796. of the 114589
Revised Code; 114590

(b) A disqualifying offense as specified in rules adopted 114591
under division (B)(2)(b) of section 3796.04 of the Revised Code if 114592
the person who is the subject of the request is an administrator 114593
or other person responsible for the daily operation of, or an 114594
owner or prospective owner, officer or prospective officer, or 114595
board member or prospective board member of, an entity seeking a 114596
license from the state board of pharmacy under Chapter 3796. of 114597
the Revised Code. 114598

(14) On receipt of a request required by section 3796.13 of 114599
the Revised Code, a completed form prescribed pursuant to division 114600
(C)(1) of this section, and a set of fingerprint impressions 114601
obtained in a manner described in division (C)(2) of this section, 114602
the superintendent of the bureau of criminal identification and 114603
investigation shall conduct a criminal records check in the manner 114604
described in division (B) of this section to determine whether any 114605
information exists that indicates that the person who is the 114606
subject of the request previously has been convicted of or pleaded 114607
guilty to the following: 114608

(a) A disqualifying offense as specified in rules adopted 114609
under division (B)(8)(a) of section 3796.03 of the Revised Code if 114610
the person who is the subject of the request is seeking employment 114611

with an entity licensed by the department of commerce under 114612
Chapter 3796. of the Revised Code; 114613

(b) A disqualifying offense as specified in rules adopted 114614
under division (B)(14)(a) of section 3796.04 of the Revised Code 114615
if the person who is the subject of the request is seeking 114616
employment with an entity licensed by the state board of pharmacy 114617
under Chapter 3796. of the Revised Code. 114618

(B) Subject to division (F) of this section, the 114619
superintendent shall conduct any criminal records check to be 114620
conducted under this section as follows: 114621

(1) The superintendent shall review or cause to be reviewed 114622
any relevant information gathered and compiled by the bureau under 114623
division (A) of section 109.57 of the Revised Code that relates to 114624
the person who is the subject of the criminal records check, 114625
including, if the criminal records check was requested under 114626
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 114627
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 114628
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 114629
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 114630
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 114631
5123.169, or 5153.111 of the Revised Code, any relevant 114632
information contained in records that have been sealed under 114633
section 2953.32 of the Revised Code; 114634

(2) If the request received by the superintendent asks for 114635
information from the federal bureau of investigation, the 114636
superintendent shall request from the federal bureau of 114637
investigation any information it has with respect to the person 114638
who is the subject of the criminal records check, including 114639
fingerprint-based checks of national crime information databases 114640
as described in 42 U.S.C. 671 if the request is made pursuant to 114641
section 2151.86 or 5104.013 of the Revised Code or if any other 114642
Revised Code section requires fingerprint-based checks of that 114643

nature, and shall review or cause to be reviewed any information 114644
the superintendent receives from that bureau. If a request under 114645
section 3319.39 of the Revised Code asks only for information from 114646
the federal bureau of investigation, the superintendent shall not 114647
conduct the review prescribed by division (B)(1) of this section. 114648

(3) The superintendent or the superintendent's designee may 114649
request criminal history records from other states or the federal 114650
government pursuant to the national crime prevention and privacy 114651
compact set forth in section 109.571 of the Revised Code. 114652

(4) The superintendent shall include in the results of the 114653
criminal records check a list or description of the offenses 114654
listed or described in division (A)(1), (2), (3), (4), (5), (6), 114655
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 114656
whichever division requires the superintendent to conduct the 114657
criminal records check. The superintendent shall exclude from the 114658
results any information the dissemination of which is prohibited 114659
by federal law. 114660

(5) The superintendent shall send the results of the criminal 114661
records check to the person to whom it is to be sent not later 114662
than the following number of days after the date the 114663
superintendent receives the request for the criminal records 114664
check, the completed form prescribed under division (C)(1) of this 114665
section, and the set of fingerprint impressions obtained in the 114666
manner described in division (C)(2) of this section: 114667

(a) If the superintendent is required by division (A) of this 114668
section (other than division (A)(3) of this section) to conduct 114669
the criminal records check, thirty; 114670

(b) If the superintendent is required by division (A)(3) of 114671
this section to conduct the criminal records check, sixty. 114672

(C)(1) The superintendent shall prescribe a form to obtain 114673
the information necessary to conduct a criminal records check from 114674

any person for whom a criminal records check is to be conducted 114675
under this section. The form that the superintendent prescribes 114676
pursuant to this division may be in a tangible format, in an 114677
electronic format, or in both tangible and electronic formats. 114678

(2) The superintendent shall prescribe standard impression 114679
sheets to obtain the fingerprint impressions of any person for 114680
whom a criminal records check is to be conducted under this 114681
section. Any person for whom a records check is to be conducted 114682
under this section shall obtain the fingerprint impressions at a 114683
county sheriff's office, municipal police department, or any other 114684
entity with the ability to make fingerprint impressions on the 114685
standard impression sheets prescribed by the superintendent. The 114686
office, department, or entity may charge the person a reasonable 114687
fee for making the impressions. The standard impression sheets the 114688
superintendent prescribes pursuant to this division may be in a 114689
tangible format, in an electronic format, or in both tangible and 114690
electronic formats. 114691

(3) Subject to division (D) of this section, the 114692
superintendent shall prescribe and charge a reasonable fee for 114693
providing a criminal records check under this section. The person 114694
requesting the criminal records check shall pay the fee prescribed 114695
pursuant to this division. In the case of a request under section 114696
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 114697
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 114698
the manner specified in that section. 114699

(4) The superintendent of the bureau of criminal 114700
identification and investigation may prescribe methods of 114701
forwarding fingerprint impressions and information necessary to 114702
conduct a criminal records check, which methods shall include, but 114703
not be limited to, an electronic method. 114704

(D) The results of a criminal records check conducted under 114705
this section, other than a criminal records check specified in 114706

division (A)(7) of this section, are valid for the person who is 114707
the subject of the criminal records check for a period of one year 114708
from the date upon which the superintendent completes the criminal 114709
records check. If during that period the superintendent receives 114710
another request for a criminal records check to be conducted under 114711
this section for that person, the superintendent shall provide the 114712
results from the previous criminal records check of the person at 114713
a lower fee than the fee prescribed for the initial criminal 114714
records check. 114715

(E) When the superintendent receives a request for 114716
information from a registered private provider, the superintendent 114717
shall proceed as if the request was received from a school 114718
district board of education under section 3319.39 of the Revised 114719
Code. The superintendent shall apply division (A)(1)(c) of this 114720
section to any such request for an applicant who is a teacher. 114721

(F)(1) Subject to division (F)(2) of this section, all 114722
information regarding the results of a criminal records check 114723
conducted under this section that the superintendent reports or 114724
sends under division (A)(7) or (9) of this section to the director 114725
of public safety, the treasurer of state, or the person, board, or 114726
entity that made the request for the criminal records check shall 114727
relate to the conviction of the subject person, or the subject 114728
person's plea of guilty to, a criminal offense. 114729

(2) Division (F)(1) of this section does not limit, restrict, 114730
or preclude the superintendent's release of information that 114731
relates to the arrest of a person who is eighteen years of age or 114732
older, to an adjudication of a child as a delinquent child, or to 114733
a criminal conviction of a person under eighteen years of age in 114734
circumstances in which a release of that nature is authorized 114735
under division (E)(2), (3), or (4) of section 109.57 of the 114736
Revised Code pursuant to a rule adopted under division (E)(1) of 114737
that section. 114738

(G) As used in this section:	114739
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	114740 114741 114742 114743
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	114744 114745
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	114746 114747 114748 114749 114750
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	114751 114752 114753 114754 114755 114756
Sec. 111.15. (A) As used in this section:	114757
(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.	114758 114759 114760 114761 114762 114763 114764 114765 114766 114767 114768

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

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

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

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

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

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date 114800
that is later than the effective date provided for by division 114801
(B)(1) of this section, the rule if filed as required by such 114802
division shall become effective on the later date designated by 114803
the agency. 114804

Any rule that is required to be filed under division (B)(1) 114805
of this section is also subject to division (D) of this section if 114806
not exempted by that division. 114807

If a rule incorporates a text or other material by reference, 114808
the agency shall comply with sections 121.71 to 121.76 of the 114809
Revised Code. 114810

(2) A rule of an emergency nature necessary for the immediate 114811
preservation of the public peace, health, or safety shall state 114812
the reasons for the necessity. The emergency rule, in final form 114813
and in compliance with division (B)(3) of this section, shall be 114814
filed in electronic form with the secretary of state, the director 114815
of the legislative service commission, and the joint committee on 114816
agency rule review. The emergency rule is effective immediately 114817
upon completion of the latest filing, except that if the agency in 114818
adopting the emergency rule designates an effective date, or date 114819
and time of day, that is later than the effective date and time 114820
provided for by division (B)(2) of this section, the emergency 114821
rule if filed as required by such division shall become effective 114822
at the later date, or later date and time of day, designated by 114823
the agency. 114824

An emergency rule becomes invalid at the end of the one 114825
hundred twentieth day it is in effect. Prior to that date, the 114826
agency may file the emergency rule as a nonemergency rule in 114827
compliance with division (B)(1) of this section. The agency may 114828
not refile the emergency rule in compliance with division (B)(2) 114829
of this section so that, upon the emergency rule becoming invalid 114830
under such division, the emergency rule will continue in effect 114831

without interruption for another one hundred twenty-day period. 114832

(3) An agency shall file a rule under division (B)(1) or (2) 114833
of this section in compliance with the following standards and 114834
procedures: 114835

(a) The rule shall be numbered in accordance with the 114836
numbering system devised by the director for the Ohio 114837
administrative code. 114838

(b) The rule shall be prepared and submitted in compliance 114839
with the rules of the legislative service commission. 114840

(c) The rule shall clearly state the date on which it is to 114841
be effective and the date on which it will expire, if known. 114842

(d) Each rule that amends or rescinds another rule shall 114843
clearly refer to the rule that is amended or rescinded. Each 114844
amendment shall fully restate the rule as amended. 114845

If the director of the legislative service commission or the 114846
director's designee gives an agency notice pursuant to section 114847
103.05 of the Revised Code that a rule filed by the agency is not 114848
in compliance with the rules of the legislative service 114849
commission, the agency shall within thirty days after receipt of 114850
the notice conform the rule to the rules of the commission as 114851
directed in the notice. 114852

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 114853
of this section shall be recorded by the secretary of state and 114854
the director under the title of the agency adopting the rule and 114855
shall be numbered according to the numbering system devised by the 114856
director. The secretary of state and the director shall preserve 114857
the rules in an accessible manner. Each such rule shall be a 114858
public record open to public inspection and may be transmitted to 114859
any law publishing company that wishes to reproduce it. 114860

(D) At least sixty-five days before a board, commission, 114861

department, division, or bureau of the government of the state 114862
files a rule under division (B)(1) of this section, it shall file 114863
the full text of the proposed rule in electronic form with the 114864
joint committee on agency rule review, and the proposed rule is 114865
subject to legislative review and invalidation under section 114866
106.021 of the Revised Code. If a state board, commission, 114867
department, division, or bureau makes a revision in a proposed 114868
rule after it is filed with the joint committee, the state board, 114869
commission, department, division, or bureau shall promptly file 114870
the full text of the proposed rule in its revised form in 114871
electronic form with the joint committee. A state board, 114872
commission, department, division, or bureau shall also file the 114873
rule summary and fiscal analysis prepared under section 127.18 of 114874
the Revised Code in electronic form along with a proposed rule, 114875
and along with a proposed rule in revised form, that is filed 114876
under this division. If a proposed rule has an adverse impact on 114877
businesses, the state board, commission, department, division, or 114878
bureau also shall file the business impact analysis, any 114879
recommendations received from the common sense initiative office, 114880
and the associated memorandum of response, if any, in electronic 114881
form along with the proposed rule, or the proposed rule in revised 114882
form, that is filed under this division. 114883

A proposed rule that is subject to legislative review under 114884
this division may not be adopted and filed in final form under 114885
division (B)(1) of this section unless the proposed rule has been 114886
filed with the joint committee on agency rule review under this 114887
division and the time for the joint committee to review the 114888
proposed rule has expired without recommendation of a concurrent 114889
resolution to invalidate the proposed rule. 114890

As used in this division, "commission" includes the public 114891
utilities commission when adopting rules under a federal or state 114892
statute. 114893

This division does not apply to any of the following:	114894
(1) A proposed rule of an emergency nature;	114895
(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	114896 114897 114898 114899
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	114900 114901 114902
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	114903 114904 114905
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	114906 114907 114908 114909 114910
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	114911 114912
(b) A citation to the federal law or rule that requires verbatim compliance.	114913 114914
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	114915 114916 114917 114918 114919 114920 114921
(7) A rule of the state lottery commission pertaining to instant game rules.	114922 114923

If a rule is exempt from legislative review under division 114924
(D)(5) of this section, and if the federal law or rule pursuant to 114925
which the rule was adopted expires, is repealed or rescinded, or 114926
otherwise terminates, the rule is thereafter subject to 114927
legislative review under division (D) of this section. 114928

Whenever a state board, commission, department, division, or 114929
bureau files a proposed rule or a proposed rule in revised form 114930
under division (D) of this section, it shall also file the full 114931
text of the same proposed rule or proposed rule in revised form in 114932
electronic form with the secretary of state and the director of 114933
the legislative service commission. A state board, commission, 114934
department, division, or bureau shall file the rule summary and 114935
fiscal analysis prepared under section 127.18 of the Revised Code 114936
in electronic form along with a proposed rule or proposed rule in 114937
revised form that is filed with the secretary of state or the 114938
director of the legislative service commission. 114939

Sec. 119.01. As used in sections 119.01 to 119.13 of the 114940
Revised Code: 114941

(A)(1) "Agency" means, except as limited by this division, 114942
any official, board, or commission having authority to promulgate 114943
rules or make adjudications in the civil service commission, the 114944
division of liquor control, the department of taxation, the 114945
industrial commission, the bureau of workers' compensation, the 114946
functions of any administrative or executive officer, department, 114947
division, bureau, board, or commission of the government of the 114948
state specifically made subject to sections 119.01 to 119.13 of 114949
the Revised Code, and the licensing functions of any 114950
administrative or executive officer, department, division, bureau, 114951
board, or commission of the government of the state having the 114952
authority or responsibility of issuing, suspending, revoking, or 114953
canceling licenses. 114954

Sections 119.01 to 119.13 of the Revised Code do not apply to 114955
the public utilities commission. Sections 119.01 to 119.13 of the 114956
Revised Code do not apply to the utility radiological safety 114957
board; to the controlling board; to actions of the superintendent 114958
of financial institutions and the superintendent of insurance in 114959
the taking possession of, and rehabilitation or liquidation of, 114960
the business and property of banks, savings and loan associations, 114961
savings banks, credit unions, insurance companies, associations, 114962
reciprocal fraternal benefit societies, and bond investment 114963
companies; to any action taken by the division of securities under 114964
section 1707.201 of the Revised Code; or to any action that may be 114965
taken by the superintendent of financial institutions under 114966
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 114967
~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 1349.33, 114968
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 114969

Sections 119.01 to 119.13 of the Revised Code do not apply to 114970
actions of the industrial commission or the bureau of workers' 114971
compensation under sections 4123.01 to 4123.94 of the Revised Code 114972
with respect to all matters of adjudication, or to the actions of 114973
the industrial commission, bureau of workers' compensation board 114974
of directors, and bureau of workers' compensation under division 114975
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 114976
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 114977
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 114978
(E) of section 4131.14 of the Revised Code with respect to all 114979
matters concerning the establishment of premium, contribution, and 114980
assessment rates. 114981

(2) "Agency" also means any official or work unit having 114982
authority to promulgate rules or make adjudications in the 114983
department of job and family services, but only with respect to 114984
both of the following: 114985

(a) The adoption, amendment, or rescission of rules that 114986

section 5101.09 of the Revised Code requires be adopted in 114987
accordance with this chapter; 114988

(b) The issuance, suspension, revocation, or cancellation of 114989
licenses. 114990

(B) "License" means any license, permit, certificate, 114991
commission, or charter issued by any agency. "License" does not 114992
include any arrangement whereby a person or government entity 114993
furnishes medicaid services under a provider agreement with the 114994
department of medicaid. 114995

(C) "Rule" means any rule, regulation, or standard, having a 114996
general and uniform operation, adopted, promulgated, and enforced 114997
by any agency under the authority of the laws governing such 114998
agency, and includes any appendix to a rule. "Rule" does not 114999
include any internal management rule of an agency unless the 115000
internal management rule affects private rights and does not 115001
include any guideline adopted pursuant to section 3301.0714 of the 115002
Revised Code. 115003

(D) "Adjudication" means the determination by the highest or 115004
ultimate authority of an agency of the rights, duties, privileges, 115005
benefits, or legal relationships of a specified person, but does 115006
not include the issuance of a license in response to an 115007
application with respect to which no question is raised, nor other 115008
acts of a ministerial nature. 115009

(E) "Hearing" means a public hearing by any agency in 115010
compliance with procedural safeguards afforded by sections 119.01 115011
to 119.13 of the Revised Code. 115012

(F) "Person" means a person, firm, corporation, association, 115013
or partnership. 115014

(G) "Party" means the person whose interests are the subject 115015
of an adjudication by an agency. 115016

(H) "Appeal" means the procedure by which a person, aggrieved 115017
by a finding, decision, order, or adjudication of any agency, 115018
invokes the jurisdiction of a court. 115019

(I) "Internal management rule" means any rule, regulation, or 115020
standard governing the day-to-day staff procedures and operations 115021
within an agency. 115022

Sec. 121.07. (A) Except as otherwise provided in this 115023
division, the officers mentioned in sections 121.04 and 121.05 of 115024
the Revised Code and the offices and divisions they administer 115025
shall be under the direction, supervision, and control of the 115026
directors of their respective departments, and shall perform such 115027
duties as the directors prescribe. In performing or exercising any 115028
of the examination or regulatory functions, powers, or duties 115029
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 115030
to 1315.18 of the Revised Code in the superintendent of financial 115031
institutions, the superintendent of financial institutions and the 115032
division of financial institutions are independent of and are not 115033
subject to the control of the department or the director of 115034
commerce. In the absence of the superintendent of financial 115035
institutions, the director of commerce ~~may~~ shall, for a limited 115036
period of time, perform or exercise any of those functions, 115037
powers, or duties or authorize the deputy superintendent for banks 115038
to perform or exercise any of the functions, power, or duties 115039
vested by Title XI and sections 1315.01 to 1315.18 of the Revised 115040
Code in the superintendent and the deputy superintendent for 115041
credit unions to perform or exercise any of the functions, powers, 115042
or duties vested by Chapters 1733. and 1761. of the Revised Code 115043
in the superintendent. 115044

(B) With the approval of the governor, the director of each 115045
department shall establish divisions within the department, and 115046
distribute the work of the department among such divisions. Each 115047

officer created by section 121.04 of the Revised Code shall be the head of such a division.

With the approval of the governor, the director of each department may consolidate any two or more of the offices created in the department by section 121.04 of the Revised Code, or reduce the number of or create new divisions therein.

The director of each department may prescribe rules for the government of the department, the conduct of its employees, the performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

Sec. 131.11. No money held or controlled by any probate court, juvenile court, clerk of the court of common pleas, clerk of a county court, sheriff, county recorder, director of a county department of job and family services, clerk or bailiff of a municipal court, prosecuting attorney, resident or division deputy director of highways, or treasurer of a university receiving state aid, in excess of that covered by federal deposit insurance as hereinafter described ~~or in excess of that covered by federal savings and loan insurance~~, shall be deposited in any bank, or trust company, ~~or building and loan association as defined in section 1151.01 of the Revised Code~~ until there is a hypothecation of securities as provided for in section 135.18 of the Revised Code, or until there is executed by the bank, or trust company, ~~or building and loan association~~ selected, a good and sufficient undertaking, payable to the depositor, in such sum as the depositor directs, but not less than the excess of the sum that is deposited in the depository, at any one time over and above the portion or amount of the sum as is at any time insured by the federal deposit insurance corporation created pursuant to "The Banking Act of 1933," or by ~~the federal savings and loan insurance~~

~~corporation created pursuant to the "Home Owners' Loan Act of 1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by any other agency or instrumentality of the federal government, pursuant to such acts or any acts of congress amendatory thereof.~~ 115079
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Any funds or securities in the possession or custody of any county official in an official capacity or any funds or securities the possession or custody of which is charged to any county official, including funds or securities in transit to or from any bank or trust company, may be insured by the board of county commissioners in such amount as is found necessary in the public interest. All costs of such insurance shall be paid by the county as provided in section 307.55 of the Revised Code. 115083
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With respect to any insured or secured deposit mentioned in this section which is active as defined by section 135.01 of the Revised Code, any depositor named in this section may pay a service charge which is the same as that customarily made by the institution or institutions receiving money on deposit subject to check in the city or village where the bank or trust company accepting such active deposit is located. 115091
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Sec. 135.03. Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the 115098
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board of governors of the federal reserve system. 115110

Any federal savings association, ~~any savings and loan~~ 115111
~~association or savings bank doing business under authority granted~~ 115112
~~by the superintendent of financial institutions,~~ or any savings 115113
and loan association or savings bank doing business under 115114
authority granted by the regulatory authority of another state of 115115
the United States, located in this state, and authorized to accept 115116
deposits is eligible to become a public depository, subject to 115117
sections 135.01 to 135.21 of the Revised Code. No savings 115118
association, savings and loan association, or savings bank shall 115119
receive or have on deposit at any one time public moneys, 115120
including public moneys as defined in section 135.31 of the 115121
Revised Code, in an aggregate amount in excess of thirty per cent 115122
of its total assets, as shown in its latest report to the former 115123
office of thrift supervision, the comptroller of the currency, the 115124
superintendent of financial institutions, the federal deposit 115125
insurance corporation, or the board of governors of the federal 115126
reserve system. 115127

Sec. 135.032. No ~~bank or savings and loan association~~ 115128
institution mentioned in section 135.03 of the Revised Code is 115129
eligible to become a public depository or to receive any new 115130
public deposits pursuant to sections 135.01 to 135.21 of the 115131
Revised Code, if+ 115132

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 115133
directors, officers, employees, or controlling shareholders or 115134
persons is currently a party to an active final or temporary 115135
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 115136
~~Code.~~ 115137

~~(B) In the case of an association,~~ the ~~association or any of~~ 115138
~~its directors, officers, employees, or controlling persons is~~ 115139
~~currently a party to an active final or summary cease and desist~~ 115140

~~order issued under section 1155.02 of the Revised Code to ensure~~ 115141
~~the safety and soundness of the institution.~~ 115142

Sec. 135.182. (A) As used in this section: 115143

(1) "Public depository" means that term as defined in section 115144
135.01 of the Revised Code, but also means an institution that 115145
receives or holds any public deposits as defined in section 135.31 115146
of the Revised Code. 115147

(2) "Public depositor" means that term as defined in section 115148
135.01 of the Revised Code, but also includes a county and any 115149
municipal corporation that has adopted a charter under Article 115150
XVIII, Ohio Constitution. 115151

(3) "Public deposits," "public moneys," and "treasurer" mean 115152
those terms as defined in section 135.01 of the Revised Code, but 115153
also have the same meanings as are set forth in section 135.31 of 115154
the Revised Code. 115155

(B)(1) Not later than July 1, 2017, the treasurer of state 115156
shall create the Ohio pooled collateral program. Under this 115157
program, each institution designated as a public depository that 115158
selects the pledging method prescribed in division (A)(2) of 115159
section 135.18 or division (A)(2) of section 135.37 of the Revised 115160
Code shall pledge to the treasurer of state a single pool of 115161
eligible securities for the benefit of all public depositors at 115162
the public depository to secure the repayment of all uninsured 115163
public deposits at the public depository, provided that at all 115164
times the total market value of the securities so pledged is at 115165
least equal to either of the following: 115166

(a) One hundred two per cent of the total amount of all 115167
uninsured public deposits; 115168

(b) An amount determined by rules adopted by the treasurer of 115169
state that set forth the criteria for determining the aggregate 115170

market value of the pool of eligible securities pledged by a 115171
public depository pursuant to division (B) of this section. Such 115172
criteria shall include, but are not limited to, prudent capital 115173
and liquidity management by the public depository and the safety 115174
and soundness of the public depository as determined by a 115175
third-party rating organization. 115176

(2) The treasurer of state shall monitor the eligibility, 115177
market value, and face value of the pooled securities pledged by 115178
the public depository. Each public depository shall carry in its 115179
accounting records at all times a general ledger or other 115180
appropriate account of the total amount of all public deposits to 115181
be secured by the pool, as determined at the opening of business 115182
each day, and the total market value of securities pledged to 115183
secure such deposits, and report such information to the treasurer 115184
of state in a manner and frequency as determined by the treasurer 115185
of state pursuant to rules adopted by the treasurer of state. A 115186
public depositor shall be responsible for periodically confirming 115187
the accuracy of its account balances with the treasurer of state; 115188
otherwise, the treasurer of state shall be the sole public 115189
depositor responsible for monitoring and ensuring the sufficiency 115190
of securities pledged under this section. 115191

(C) The public depository shall designate a qualified trustee 115192
approved by the treasurer of state and place with such trustee for 115193
safekeeping the eligible securities pledged pursuant to division 115194
(B) of this section. The trustee shall hold the eligible 115195
securities in an account indicating the treasurer of state's 115196
security interest in the eligible securities. The treasurer of 115197
state shall give written notice of the trustee to all public 115198
depositors for which such securities are pledged. The trustee 115199
shall report to the treasurer of state information relating to the 115200
securities pledged to secure such public deposits in a manner and 115201
frequency as determined by the treasurer of state. 115202

(D) In order for a public depository to receive public moneys 115203
under this section, the public depository and the treasurer of 115204
state shall first execute an agreement that sets forth the entire 115205
arrangement among the parties and that meets the requirements 115206
described in 12 U.S.C. 1823(e). In addition, the agreement shall 115207
authorize the treasurer of state to obtain control of the 115208
collateral pursuant to division (D) of section 1308.24 of the 115209
Revised Code. 115210

(E) The securities or other obligations described in division 115211
(D) of section 135.18 of the Revised Code shall be eligible as 115212
collateral for the purposes of division (B) of this section, 115213
provided no such securities or obligations pledged as collateral 115214
are at any time in default as to either principal or interest. 115215

(F) Any federal reserve bank or branch thereof located in 115216
this state or federal home loan bank, without compliance with 115217
Chapter 1111. of the Revised Code and without becoming subject to 115218
any other law of this state relative to the exercise by 115219
corporations of trust powers generally, is qualified to act as 115220
trustee for the safekeeping of securities, under this section. Any 115221
institution mentioned in section 135.03 or 135.32 of the Revised 115222
Code that holds a certificate of qualification issued by the 115223
superintendent of financial institutions or any institution 115224
complying with sections 1111.04, 1111.05, and 1111.06 of the 115225
Revised Code is qualified to act as trustee for the safekeeping of 115226
securities under this section, other than those belonging to 115227
itself or to an affiliate as defined in section 1101.01 of the 115228
Revised Code. 115229

(G) The public depository may substitute, exchange, or 115230
release eligible securities deposited with the qualified trustee 115231
pursuant to this section, provided that such substitution, 115232
exchange, or release is effectuated pursuant to written 115233
authorization from the treasurer of state, and such action does 115234

not reduce the total market value of the securities to an amount 115235
that is less than the amount established pursuant to division (B) 115236
of this section. 115237

(H) Notwithstanding the fact that a public depository is 115238
required to pledge eligible securities in certain amounts to 115239
secure public deposits, a qualified trustee has no duty or 115240
obligation to determine the eligibility, market value, or face 115241
value of any securities deposited with the trustee by a public 115242
depository. This applies in all situations including, but not 115243
limited to, a substitution or exchange of securities, but 115244
excluding those situations effectuated by division (I) of this 115245
section in which the trustee is required to determine face and 115246
market value. 115247

(I) The qualified trustee shall enter into a custodial 115248
agreement with the treasurer of state and public depository in 115249
which the trustee agrees to comply with entitlement orders 115250
originated by the treasurer of state without further consent by 115251
the public depository or, in the case of collateral held by the 115252
public depository in an account at a federal reserve bank, the 115253
treasurer of state shall have the treasurer's security interest 115254
marked on the books of the federal reserve bank where the account 115255
for the collateral is maintained. If the public depository fails 115256
to pay over any part of the public deposits made therein as 115257
provided by law and secured pursuant to division (B) of this 115258
section, the treasurer of state shall give written notice of this 115259
failure to the qualified trustee holding the pool of securities 115260
pledged against the public deposits, and at the same time shall 115261
send a copy of this notice to the public depository. Upon receipt 115262
of this notice, the trustee shall transfer to the treasurer of 115263
state for sale, the pooled securities that are necessary to 115264
produce an amount equal to the public deposits made by the public 115265
depositor and not paid over, less the portion of the deposits 115266

covered by any federal deposit insurance, plus any accrued 115267
interest due on the deposits. The treasurer of state shall sell 115268
any of the bonds or other securities so transferred. When a sale 115269
of bonds or other securities has been so made and upon payment to 115270
the public depositor of the purchase money, the treasurer of state 115271
shall transfer such bonds or securities whereupon the absolute 115272
ownership of such bonds or securities shall pass to the 115273
purchasers. Any surplus after deducting the amount due to the 115274
public depositor and expenses of sale shall be paid to the public 115275
depository. 115276

(J) Any charges or compensation of a qualified trustee for 115277
acting as such under this section shall be paid by the public 115278
depository and in no event shall be chargeable to the public 115279
depositor or to any officer of the public depositor. The charges 115280
or compensation shall not be a lien or charge upon the securities 115281
deposited for safekeeping prior or superior to the rights to and 115282
interests in the securities of the public depositor. The treasurer 115283
and the treasurer's bonders or surety shall be relieved from any 115284
liability to the public depositor or to the public depository for 115285
the loss or destruction of any securities deposited with a 115286
qualified trustee pursuant to this section. 115287

(K)(1) The following information is confidential and not a 115288
public record under section 149.43 of the Revised Code: 115289

(a) All reports or other information obtained or created 115290
about a public depository for purposes of division (B)(1)(b) of 115291
this section; 115292

(b) The identity of a public depositor's public depository; 115293

(c) The identity of a public depository's public depositors. 115294

(2) Nothing in this section prevents the treasurer of state 115295
from releasing or exchanging such confidential information as 115296
required by law or for the operation of the pooled collateral 115297

program. 115298

Sec. 135.32. (A) Any national bank, any bank doing business 115299
under authority granted by the superintendent of financial 115300
institutions, or any bank doing business under authority granted 115301
by the regulatory authority of another state of the United States, 115302
located in this state, is eligible to become a public depository, 115303
subject to sections 135.31 to 135.40 of the Revised Code. No bank 115304
shall receive or have on deposit at any one time public moneys, 115305
including public moneys as defined in section 135.01 of the 115306
Revised Code, in an aggregate amount in excess of thirty per cent 115307
of its total assets, as shown in its latest report to the 115308
comptroller of the currency, the superintendent of financial 115309
institutions, the federal deposit insurance corporation, or the 115310
board of governors of the federal reserve system. 115311

(B) Any federal savings association, ~~any savings and loan~~ 115312
~~association or savings bank doing business under authority granted~~ 115313
~~by the superintendent of financial institutions,~~ or any savings 115314
and loan association or savings bank doing business under 115315
authority granted by the regulatory authority of another state of 115316
the United States, located in this state, and authorized to accept 115317
deposits is eligible to become a public depository, subject to 115318
sections 135.31 to 135.40 of the Revised Code. No savings 115319
association, savings and loan association, or savings bank shall 115320
receive or have on deposit at any one time public moneys, 115321
including public moneys as defined in section 135.01 of the 115322
Revised Code, in an aggregate amount in excess of thirty per cent 115323
of its total assets, as shown in its latest report to the former 115324
office of thrift supervision, the comptroller of the currency, the 115325
superintendent of financial institutions, the federal deposit 115326
insurance corporation, or the board of governors of the federal 115327
reserve system. 115328

Sec. 135.321. No ~~bank or savings and loan association~~ 115329
institution mentioned in section 135.32 of the Revised Code is 115330
eligible to become a public depository or to receive any new 115331
public deposits pursuant to sections 135.31 to 135.40 of the 115332
Revised Code, if~~+~~ 115333

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 115334
directors, officers, employees, or controlling shareholders or 115335
persons is currently a party to an active final or temporary 115336
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 115337
~~Code.~~ 115338

~~(B) In the case of an association,~~ the ~~association or any of~~ 115339
~~its directors, officers, employees, or controlling persons is~~ 115340
~~currently a party to an active final or summary cease and desist~~ 115341
~~order issued under section 1155.02 of the Revised Code~~ to ensure 115342
the safety and soundness of the institution. 115343

Sec. 135.51. In case of any default on the part of a bank ~~or~~ 115344
~~domestic building and loan association~~ in its capacity as 115345
depository of the money of any county, municipal corporation, 115346
township, or school district, the board of county commissioners, 115347
the legislative authority of such municipal corporation, the board 115348
of township trustees, and the board of education of such school 115349
district, in lieu of immediately selling the securities received 115350
and held as security for the deposit of such money under authority 115351
of any section of the Revised Code, may retain the same, collect 115352
the interest and any installments of principal thereafter falling 115353
due on such securities, and refund, exchange, sell, or otherwise 115354
dispose of any of them, at such times and in such manner as such 115355
board of county commissioners, legislative authority, board of 115356
township trustees, or board of education determines to be 115357
advisable with a view to conserving the value of such securities 115358
for the benefit of such county, municipal corporation, township, 115359

or school district, and for the benefit of the depositors, 115360
creditors, and stockholders or other owners of such bank ~~or~~ 115361
~~building and loan association.~~ 115362

Sec. 135.52. In anticipation of the collection of the 115363
principal and interest of securities, or other disposition of 115364
them, as authorized by section 135.51 of the Revised Code, and of 115365
the payment of dividends in the liquidation of the depository bank 115366
~~or domestic savings and loan association~~, and for the purpose of 115367
providing public money immediately available for the needs of the 115368
county, municipal corporation, township, or school district, the 115369
taxing authority may issue bonds of the county, municipal 115370
corporation, township, or school district, in an amount not 115371
exceeding the moneys on deposit in the depository bank ~~or savings~~ 115372
~~and loan association~~, the payment of which is secured by such 115373
securities, after crediting to such moneys the amount realized 115374
from the sale or other disposition of any other securities pledged 115375
or deposited for such moneys, or in an amount not exceeding the 115376
value or amount ultimately to be realized from such securities to 115377
be determined by valuation made under oath by two persons who are 115378
conversant with the value of the assets represented by such 115379
securities, whichever amount is the lesser, plus an amount equal 115380
to the interest accruing on such securities during one year from 115381
and after the date of default of such bank ~~or savings and loan~~ 115382
~~association~~ in its capacity as a depository. The maturity of such 115383
bonds shall not exceed ten years and they shall bear interest at a 115384
rate not exceeding the rate determined as provided in section 9.95 115385
of the Revised Code. Such bonds shall be the general obligations 115386
of the county, municipal corporation, township, or school district 115387
issuing them. The legislation under which such bonds are issued 115388
shall comply with Section 11 of Article XII, Ohio Constitution. 115389
The amount of such bonds issued or outstanding shall not be 115390
considered in ascertaining any of the limitations on the net 115391

indebtedness of such county, municipal corporation, township, or 115392
school district prescribed by law. In all other respects, the 115393
issuance, maturities, and sale of such bonds shall be subject to 115394
Chapter 133. of the Revised Code. 115395

A sufficient amount of the moneys received from principal on 115396
the sale of such bonds to cover the interest accruing on such 115397
securities for one year, to the extent determined by the authority 115398
issuing such bonds in the resolution or ordinance of issuance 115399
under this section, shall be paid into the bond retirement fund 115400
from which the bonds are to be redeemed, together with premiums 115401
and accrued interest. The balance of such principal shall be 115402
credited to the funds to which the moneys represented by such 115403
depository balance belong, and in the respective amounts of such 115404
funds. 115405

Sec. 135.53. All principal and interest collected by the 115406
proper officer or agent of the county, municipal corporation, 115407
township, or school district, on account of the securities 115408
mentioned in section 135.51 of the Revised Code, the proceeds of 115409
any sale or other disposition of any of such securities, and any 115410
dividends received from the liquidation of the defaulting bank ~~or~~ 115411
~~domestic building and loan association~~, shall be paid into the 115412
bond retirement fund from which the bonds provided for in section 115413
135.52 of the Revised Code are to be redeemed, until the aggregate 115414
of such payments equals the requirements of such fund, whereupon 115415
such securities, and any remaining depository balance, not 115416
anticipated by such bonds, to the extent then retained by such 115417
county, municipal corporation, township, or school district, shall 115418
be assigned and delivered to the defaulting bank ~~or building and~~ 115419
~~loan association~~, to its liquidating officer, or to its successor 115420
or assignee, together with a release or other instrument showing 115421
full satisfaction of the claim of such county, municipal 115422
corporation, township, or school district against such bank₇ 115423

~~building and loan association,~~ or officer. 115424

Sec. 323.134. As used in this section, "financial 115425
institution" means a bank as defined in section 1101.01 of the 115426
Revised Code,~~a building and loan association as defined in~~ 115427
~~section 1151.01 of the Revised Code,~~ or any other person regularly 115428
engaging in the business of making or brokering residential 115429
mortgage loans on security located in this state. 115430

The county treasurer may request any financial institution to 115431
enter into an agreement with the treasurer for information 115432
exchanges limited exclusively to the purpose of real property tax 115433
billing and payment, including, but not limited to, the sharing of 115434
information that is part of a data processing system. With the 115435
approval of the county automatic data processing board or if the 115436
county has no board, with the approval of the county auditor, the 115437
county treasurer may enter such an agreement with any consenting 115438
financial institution. Where such an agreement enables the 115439
treasurer to collect the proper amounts of such taxes due without 115440
preparing and sending the tax bills required by section 323.13 of 115441
the Revised Code, the treasurer need not prepare and send such 115442
bills for any entries of real property upon which taxes are 115443
properly computed and paid by the use of such information 115444
exchange. 115445

Sec. 339.06. (A) The board of county hospital trustees, upon 115446
completion of construction or leasing and equipping of a county 115447
hospital, shall assume and continue the operation of the hospital. 115448

(B) The board of county hospital trustees shall have the 115449
entire management and control of the county hospital. The board 115450
may in writing delegate its management and control of the county 115451
hospital to the administrator of the county hospital employed 115452
under section 339.07 of the Revised Code. The board shall 115453

establish such rules for the hospital's government, management, 115454
control, and the admission of persons as are expedient. 115455

(C) The board of county hospital trustees has control of the 115456
property of the county hospital, including management and disposal 115457
of surplus property other than real estate or an interest in real 115458
estate. 115459

(D) With respect to the use of funds by the board of county 115460
hospital trustees and its accounting for the use of funds, all of 115461
the following apply: 115462

(1) The board of county hospital trustees has control of all 115463
funds used in the county hospital's operation, including moneys 115464
received from the operation of the hospital, moneys appropriated 115465
for its operation by the board of county commissioners, and moneys 115466
resulting from special levies submitted by the board of county 115467
commissioners as provided for in section 5705.22 of the Revised 115468
Code. 115469

(2) Of the funds used in the county hospital's operation, all 115470
or part of any amount determined not to be necessary to meet 115471
current demands on the hospital may be invested by the board of 115472
county hospital trustees or its designee in any classifications of 115473
securities and obligations eligible for deposit or investment of 115474
county moneys pursuant to section 135.35 of the Revised Code, 115475
subject to the approval of the board's written investment policy 115476
by the county investment advisory committee established pursuant 115477
to section 135.341 of the Revised Code. If a county hospital is 115478
based in a county that has adopted a charter under Section 3 of 115479
Article X, Ohio Constitution, such funds may be invested by the 115480
board of county hospital trustees as provided in this division or 115481
in an ordinance adopted by the legislative authority of the 115482
county, in either case subject to approval by the county 115483
investment advisory committee, or as provided in section 339.061 115484
of the Revised Code. 115485

(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year.

(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the board of county commissioners in the annual appropriation measure for the county until its budget for the applicable fiscal year is approved in accordance with division (C)(3) of this section. At any time the amount received from those sources differs from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the county hospital budget accordingly.

(5) Funds under the control of the board of county hospital trustees may be disbursed by the board, consistent with the approved budget, for the uses and purposes of the county hospital; for the replacement of necessary equipment; for the acquisition, leasing, or construction of permanent improvements to county hospital property; or for making a donation authorized by division (E) of this section. Each disbursement of funds shall be made on a voucher signed by signatories designated and approved by the board of county hospital trustees.

(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and

expenditures for the ensuing fiscal year under section 5705.28 of 115518
the Revised Code unless the board of county commissioners levies a 115519
tax for the county hospital, or such a tax is proposed, or the 115520
board of county hospital trustees desires that the board of county 115521
commissioners make an appropriation to the county hospital for the 115522
ensuing fiscal year. 115523

(7) All moneys appropriated by the board of county 115524
commissioners or from special levies by the board of county 115525
commissioners for the operation of the hospital, when collected 115526
shall be paid to the board of county hospital trustees on a 115527
warrant of the county auditor and approved by the board of county 115528
commissioners. 115529

(8) The board of county hospital trustees shall provide for 115530
the conduct of an annual financial audit of the county hospital. 115531
Not later than thirty days after it receives the final report of 115532
an annual financial audit, the board shall file a copy of the 115533
report with the board of county commissioners. 115534

(E) For the public purpose of improving the health, safety, 115535
and general welfare of the community, the board of county hospital 115536
trustees may donate to a nonprofit entity any of the following: 115537

(1) Moneys and other financial assets determined not to be 115538
necessary to meet current demands on the hospital; 115539

(2) Surplus hospital property, including supplies, equipment, 115540
office facilities, and other property that is not real estate or 115541
an interest in real estate; 115542

(3) Services rendered by the hospital. 115543

(F)(1) For purposes of division (F)(2) of this section: 115544

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 115545~~
of the Revised Code. 115546

~~(b) "Savings and loan association" has the same meaning as in 115547~~

~~section 1151.01 of the Revised Code.~~ 115548

~~(c) "Savings bank" has the same meaning as in section 1161.01
of the Revised Code.~~ 115549
115550

(2) The board of county hospital trustees may enter into a 115551
contract for a secured line of credit with a bank, ~~savings and~~ 115552
~~loan association, or savings bank~~ if the contract meets all of the 115553
following requirements: 115554

(a) The term of the contract does not exceed one year, except 115555
that the contract may provide for the automatic renewal of the 115556
contract for up to four additional one-year periods if, on the 115557
date of automatic renewal, the aggregate outstanding draws 115558
remaining unpaid under the secured line of credit do not exceed 115559
fifty per cent of the maximum amount that can be drawn under the 115560
secured line of credit. 115561

(b) The contract provides that the bank, ~~savings and loan~~ 115562
~~association, or savings bank~~ shall not commence a civil action 115563
against the board of county commissioners, any member of the 115564
board, or the county to recover the principal, interest, or any 115565
charges or other amounts that remain outstanding on the secured 115566
line of credit at the time of any default by the board of county 115567
hospital trustees. 115568

(c) The contract provides that no assets other than those of 115569
the county hospital can be used to secure the line of credit. 115570

(d) The terms and conditions of the contract comply with all 115571
state and federal statutes and rules governing the extension of a 115572
secured line of credit. 115573

(3) Any obligation incurred by a board of county hospital 115574
trustees under division (F)(2) of this section is an obligation of 115575
that board only and not a general obligation of the board of 115576
county commissioners or the county within the meaning of division 115577
(Q) of section 133.01 of the Revised Code. 115578

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both.

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section.

(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds.

(I) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, designated hospital employees, and medical staff members to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees and related expenses but nothing in this section prohibits the board from using receipts from hospital operation, other than tax funds, for the payment of such dues and fees.

(J) The following apply to the board of county hospital

trustees in relation to its employees and the employees of the county hospital:

(1) The board shall adopt the wage and salary schedule for employees.

(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section.

(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital.

(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds.

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:

(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;

(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's

accumulated sick leave;	115640
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	115641 115642
(e) Moving expenses for new employees;	115643
(f) Discounts on hospital supplies and services.	115644
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	115645 115646 115647 115648
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	115649 115650
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	115651 115652 115653 115654
(9) The board may provide employee recognition awards and hold employee recognition dinners.	115655 115656
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	115657 115658
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	115659 115660 115661 115662 115663 115664 115665
The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.	115666 115667 115668
(L) The board of county hospital trustees may retain counsel	115669

and institute legal action in its own name for the collection of 115670
delinquent accounts. The board may also employ any other lawful 115671
means for the collection of delinquent accounts. 115672

Sec. 513.17. (A) The board of hospital governors shall, with 115673
the consent and approval of the joint township district hospital 115674
board and as provided by sections 513.07 to 513.18 of the Revised 115675
Code, prepare plans and specifications, and may employ technical 115676
assistance if necessary, and proceed to erect, furnish, and equip 115677
necessary buildings for a joint township general hospital. Except 115678
where the hospital of the district is leased pursuant to section 115679
513.171 of the Revised Code, such board of governors shall appoint 115680
and fix the compensation of a suitable person to be superintendent 115681
of the hospital for such period of time as it determines, and 115682
shall employ and fix the compensation for such nurses and other 115683
employees as are necessary for the proper conduct of the hospital. 115684
Subject to the direction of the board of governors and to the 115685
rules prescribed by it, any such superintendent shall have 115686
complete charge and control of the operation of such hospital. The 115687
superintendent shall prepare and submit to the board of governors, 115688
quarterly, a statement showing the average daily per capita cost 115689
for the current expense of maintaining and operating such 115690
hospital, including the cost of ordinary repairs. 115691

(B)(1) For purposes of ~~this~~ division+ 115692

~~(a) "Bank"~~ (B)(2) of this section, "bank" has the same 115693
meaning as in section 1101.01 of the Revised Code. 115694

~~(b) "Savings and loan association" has the same meaning as in~~ 115695
~~section 1151.01 of the Revised Code.~~ 115696

~~(c) "Savings bank" has the same meaning as in section 1161.01~~ 115697
~~of the Revised Code.~~ 115698

(2) The board of hospital governors may enter into a contract 115699

for a secured line of credit with a bank, ~~savings and loan~~ 115700
~~association, or savings bank~~ if the contract meets all of the 115701
following requirements: 115702

(a) The term of the contract does not exceed one hundred 115703
eighty days. 115704

(b) The contract provides that any amount extended must be 115705
repaid in full before any additional credit can be extended. 115706

(c) The contract provides that the bank, ~~savings and loan~~ 115707
~~association, or savings bank~~ shall not commence a civil action 115708
against the joint township district hospital board, any member of 115709
the board, board of township trustees, township, or board of 115710
county commissioners to recover the principal, interest, or any 115711
charges or other amounts that remain outstanding on the secured 115712
line of credit at the time of any default by the board of hospital 115713
governors. 115714

(d) The contract provides that no assets other than those of 115715
the hospital can be used to secure the line of credit. 115716

(e) The terms and conditions of the contract comply with all 115717
state and federal statutes and rules governing the extension of a 115718
secured line of credit. 115719

(3) Any obligation incurred by a board of hospital governors 115720
under this division is an obligation of that board only and not a 115721
general obligation of the joint township district hospital board, 115722
board of county commissioners, county, board of township trustees, 115723
or township within the meaning of division (Q) of section 133.01 115724
of the Revised Code. 115725

(4) No board of hospital governors shall at any time have 115726
more than one secured line of credit under this section. 115727

(C) The board of hospital governors may grant to its 115728
employees such of the following as it determines to be customary 115729

and usual in the nonprofit hospital field in its community:	115730
(1) Paid vacation and holiday leave, for holidays listed in section 511.10 of the Revised Code, and other benefits for full-time employees;	115731 115732 115733
(2) Vacation leave and holiday pay for part-time employees on a pro rata basis;	115734 115735
(3) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	115736 115737 115738
(4) Premium pay for working on holidays listed in section 511.10 of the Revised Code;	115739 115740
(5) Moving expenses for new employees;	115741
(6) Discounts on purchases from the hospital pharmacy;	115742
(7) Discounts on hospital supplies and services.	115743
The board of hospital governors may provide employee recognition awards and hold employee recognition dinners.	115744 115745
The board of hospital governors may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	115746 115747 115748 115749 115750
The board of hospital governors may pay reasonable expenses for recruiting physicians into the district or for retaining them if all or part of the district has been designated as an area with a shortage of personal health services under the "Health Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as amended.	115751 115752 115753 115754 115755 115756
(D) The members of the board of governors shall serve without compensation, but their necessary expenses, when engaged in the business of the hospital board, shall be paid by the joint	115757 115758 115759

township district hospital board. 115760

(E) The board of hospital governors with the approval of the 115761
county commissioners may employ counsel and institute legal action 115762
in its own name for the collection of delinquent accounts. The 115763
board may also employ any other lawful means for the collection of 115764
delinquent accounts. Counsel employed under this section shall be 115765
paid from the hospital's funds. 115766

Sec. 749.081. (A) For purposes of this section: 115767

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 115768
of the Revised Code. 115769~~

~~(2) "Savings and loan association" has the same meaning as in 115770
section 1151.01 of the Revised Code. 115771~~

~~(3) "Savings bank" has the same meaning as in section 1161.01 115772
of the Revised Code. 115773~~

(B) The board of hospital commissioners may enter into a 115774
contract for a secured line of credit with a bank, ~~savings and 115775
loan association, or savings bank~~ if the contract meets all of the 115776
following requirements: 115777

(1) The term of the contract does not exceed one hundred 115778
eighty days; 115779

(2) The board's secured line of credit does not exceed five 115780
hundred thousand dollars; 115781

(3) The contract provides that any amount extended must be 115782
repaid in full before any additional credit can be extended; 115783

(4) The contract provides that the bank, ~~savings and loan 115784
association, or savings bank~~ shall not commence a civil action 115785
against the legislative authority of a municipal corporation or 115786
any member thereof, or the municipal corporation to recover the 115787
principal, interest, or any charges or other amounts that remain 115788

outstanding on the secured line of credit at the time of any 115789
default by the board of hospital commissioners; 115790

(5) The contract provides that no assets other than those of 115791
the hospital can be used to secure the line of credit; 115792

(6) The terms and conditions of the contract comply with all 115793
state and federal statutes and rules governing the extension of a 115794
secured line of credit. 115795

(C) Any obligation incurred by a board of hospital 115796
commissioners under division (B) of this section is an obligation 115797
of that board only and not a general obligation of the legislative 115798
authority of a municipal corporation or the municipal corporation 115799
within the meaning of division (Q) of section 133.01 of the 115800
Revised Code. 115801

(D) No board of hospital commissioners shall at any time have 115802
more than one secured line of credit under division (B) of this 115803
section. 115804

Sec. 755.141. If a park or recreational facility owned, 115805
operated, or maintained by a joint recreation district created 115806
under division (C) of section 755.14 of the Revised Code is the 115807
site where an exhibition sanctioned by the United States 115808
Christopher Columbus quincentenary jubilee commission is being or 115809
has been held and the exhibition is or was sponsored by the 115810
organization that is also sponsoring or has sponsored an 115811
exhibition sanctioned by the international association of 115812
horticulture producers, the following provisions shall apply, in 115813
addition to the provisions of sections 755.12 to 755.18 of the 115814
Revised Code: 115815

(A) The governor, speaker of the house of representatives, 115816
and president of the senate shall each appoint one member to the 115817
board of trustees of the district. These members may be members of 115818

the general assembly, but any members of the general assembly 115819
appointed to the board of trustees shall be nonvoting members and 115820
shall serve only while they remain members of the general 115821
assembly. Members appointed under this division shall serve terms 115822
of three years and serve without pay, and all vacancies in their 115823
positions on the board, whether for an unexpired term or at the 115824
end of a term, shall be filled in the same manner as the original 115825
appointments. 115826

(B) The board of trustees of a joint recreation district may 115827
designate the amounts and forms of property and casualty insurance 115828
protection to be provided. The expense of providing the protection 115829
shall be paid from operating funds of the joint recreation 115830
district. 115831

(C) The board of trustees of a joint recreation district may 115832
acquire, construct, maintain, and operate horticultural 115833
facilities, public banquet facilities, greenhouses, and such other 115834
facilities as are authorized in section 755.16 of the Revised 115835
Code. 115836

(D)(1) By resolution of its board of trustees, the joint 115837
recreation district may issue revenue bonds beyond the limit of 115838
bonded indebtedness provided by law, for the acquisition, 115839
construction, furnishing, or equipping of any real or personal 115840
property, or any combination thereof which it is authorized to 115841
acquire, construct, furnish, or equip, including all costs in 115842
connection with or incidental thereto. 115843

(2) The revenue bonds of the joint recreation district shall 115844
be secured only by a pledge of and a lien on the revenues of the 115845
joint recreation district that are designated in the resolution, 115846
including, but not limited to, any property to be acquired, 115847
constructed, furnished, or equipped with the proceeds of the bond 115848
issue, after provision only for the reasonable cost of operating, 115849
maintaining, and repairing the property of the joint recreation 115850

district so designated. The bonds may further be secured by the 115851
covenant of the joint recreation district to maintain rates or 115852
charges that will produce revenues sufficient to meet the costs of 115853
operating, maintaining, and repairing such property and to meet 115854
the interest and principal requirements of the bonds and to 115855
establish and maintain reserves for the foregoing purposes. The 115856
board of trustees of the joint recreation district, by resolution, 115857
may provide for the issuance of additional revenue bonds from time 115858
to time, to be secured equally and ratably, without preference, 115859
priority, or distinction, with outstanding revenue bonds, but 115860
subject to the terms and limitations of any trust agreement 115861
described in this section, and of any resolution authorizing bonds 115862
then outstanding. The board of trustees, by resolution, may 115863
designate additional property of the district, the revenues of 115864
which shall be pledged and be subject to a lien for the payment of 115865
the debt charges on revenue bonds theretofore authorized by 115866
resolution of the board of trustees, to the same extent as the 115867
revenues above described. 115868

(3) In the discretion of the board of trustees, the revenue 115869
bonds of the district may be secured by a trust agreement between 115870
the joint recreation district and a corporate trustee, that may be 115871
any trust company or bank having powers of a trust company, within 115872
or without the state. 115873

(4) The trust agreement may provide for the pledge or 115874
assignment of the revenues to be received, but shall not pledge 115875
the general credit and taxing power of the joint recreation 115876
district. The trust agreement or the resolution providing for the 115877
issuance of revenue bonds may set forth the rights and remedies of 115878
the bondholders and trustees, and may contain other provisions for 115879
protecting and enforcing their rights and remedies that are 115880
determined in the discretion of the board of trustees to be 115881
reasonable and proper. The agreement or resolution may provide for 115882

the custody, investment, and disbursement of all moneys derived 115883
from the sale of such bonds, or from the revenues of the joint 115884
recreation district, other than those moneys received from taxes 115885
levied pursuant to section 755.171 of the Revised Code, and may 115886
provide for the deposit of such funds without regard to Chapter 115887
135. of the Revised Code. 115888

(5) All bonds issued under authority of this section, 115889
regardless of form or terms and regardless of any other law to the 115890
contrary, shall have all qualities and incidents of negotiable 115891
instruments, subject to provisions for registration, and may be 115892
issued in coupon, fully registered, or other form, or any 115893
combination thereof, as the board of trustees determines. 115894
Provision may be made for the registration of any coupon bonds as 115895
to principal alone or as to both principal and interest, and for 115896
the conversion into coupon bonds of any fully registered bonds or 115897
bonds registered as to both principal and interest. 115898

(6) The revenue bonds shall bear interest at such rate or 115899
rates, shall bear such date or dates, and shall mature within 115900
thirty years following the date of issuance and in such amount, at 115901
such time or times, and in such number of installments, as may be 115902
provided in or pursuant to the resolution authorizing their 115903
issuance. Any original issue of revenue bonds shall mature not 115904
later than thirty years from their date of issue. Such resolution 115905
also shall provide for the execution of the bonds, which may be by 115906
facsimile signatures unless prohibited by the resolution, and the 115907
manner of sale of the bonds. The resolution shall provide for, or 115908
provide for the determination of, any other terms and conditions 115909
relative to the issuance, sale, and retirement of the bonds that 115910
the board of trustees in its discretion determines to be 115911
reasonable and proper. 115912

(7) Whenever a joint recreation district considers it 115913
expedient, it may issue renewal notes and refund any bonds, 115914

whether the bonds to be refunded have or have not matured. The 115915
final maturity of any notes, including any renewal notes, shall 115916
not be later than five years from the date of issue of the 115917
original issue of notes. The final maturity of any refunding bonds 115918
shall not be later than the later of thirty years from the date of 115919
issue of the original issue of bonds or the date by which it is 115920
expected, at the time of issuance of the refunding bonds, that the 115921
useful life of all of the property, other than interests in land, 115922
refinanced with proceeds of the bonds will have expired. The 115923
refunding bonds shall be sold and the proceeds applied to the 115924
purchase, redemption, or payment of the bonds to be refunded and 115925
the costs of issuance of the refunding bonds. The bonds and notes 115926
issued under this section, their transfer, and the income 115927
therefrom, shall at all times be free from taxation within the 115928
state. 115929

(E) A joint recreation district described in this section may 115930
do all of the following: 115931

(1) Operate or appoint agents to operate, or otherwise 115932
provide for the operation of, its properties and its facilities, 115933
activities, and programs and to enter into agreements and 115934
arrangements related thereto, and to receive and apply the net 115935
proceeds thereof solely to the management, operation, development, 115936
maintenance, and repair of its properties, its buildings, 115937
facilities, improvements, and grounds; 115938

(2) Impose and collect a charge for admission for selective 115939
events, exhibits, and facilities; 115940

(3) Offer memberships of various denominations for selective 115941
activities or facilities; 115942

(4) Form advisory and other support committees to the board 115943
of trustees to provide counsel and assistance to the board in the 115944
management, operation, and development of its properties, 115945

buildings, facilities, improvements, and grounds; 115946

(5) Grant licenses, or enter into leases or contracts, for 115947
the use of any part of its properties, facilities, buildings, and 115948
grounds for such length of time and upon such terms and conditions 115949
as the board of trustees deems appropriate and necessary, and 115950
grant easements in, through, or over its property; 115951

(6) Receive and accept from any federal, state, county, 115952
municipal, or local government or agency, any grant or 115953
contribution of money, property, labor, or other things of value, 115954
to be held, used, and applied for the purpose for which such 115955
grants and contributions are made; and 115956

(7) Accept and expend gifts, grants, devises, and bequests of 115957
money and property on behalf of the board of trustees and hold, 115958
use, and apply such gifts, grants, devises, and bequests according 115959
to the terms thereof. 115960

(F)(1) For purposes of division (F)(2) of this section+ 115961

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 115962
of the Revised Code. 115963~~

~~(b) "Savings and loan association" has the same meaning as in 115964
section 1151.01 of the Revised Code. 115965~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 115966
of the Revised Code. 115967~~

(2) The board of trustees may enter into a contract for a 115968
secured line of credit with a bank, ~~savings and loan association,~~ 115969
~~or savings bank~~ if the contract meets all of the following 115970
requirements: 115971

(a) The term of the contract does not exceed one year, except 115972
that the contract may provide for the automatic renewal of the 115973
contract for up to four additional one-year periods. 115974

(b) The contract provides that the bank, ~~savings and loan~~ 115975

~~association, or savings bank~~ shall not commence a civil action 115976
against the board, any member of the board, or the county or the 115977
municipal corporation to recover the principal, interest, or any 115978
charges or other amounts that remain outstanding on the secured 115979
line of credit at the time of any default by the board. 115980

(c) The contract provides that no assets other than those of 115981
the joint recreation district can be used to secure the line of 115982
credit. 115983

(d) The terms and conditions of the contract comply with all 115984
state and federal statutes and rules governing the extension of a 115985
secured line of credit. 115986

(3) Any obligation incurred by a board of trustees of a joint 115987
recreation district pursuant to division (B) of this section is an 115988
obligation of that board only and not a general obligation of the 115989
board of county commissioners, the county, or the municipal 115990
corporation within the meaning of division (Q) of section 133.01 115991
of the Revised Code. 115992

(G)(1) For purposes of division (G)(2) of this section, 115993
"lease-purchase agreement" has the same meaning as a lease with an 115994
option to purchase. 115995

(2) For any purpose for which a board of trustees of a joint 115996
recreation district described in this section is authorized to 115997
acquire real or personal property, that board may enter into a 115998
lease-purchase agreement in accordance with this section to 115999
acquire the property. 116000

The lease-purchase agreement shall provide for a series of 116001
terms in which no term extends beyond the end of the fiscal year 116002
of the joint recreation district in which that term commences. In 116003
total, the terms provided for in the agreement shall be for not 116004
more than the useful life of the real or personal property that is 116005
the subject of the agreement. A property's useful life shall be 116006

determined either by the maximum number of installment payments 116007
permitted under the statute that authorizes the board to acquire 116008
the property or, if there is no such provision, by the maximum 116009
number of years to maturity provided for the issuance of bonds in 116010
division (B) of section 133.20 of the Revised Code if bonds were 116011
to be issued by a subdivision under that section to finance such 116012
facilities. If the useful life cannot be determined under either 116013
of those statutes, it shall be estimated as provided in division 116014
(C) of section 133.20 of the Revised Code. 116015

The lease-purchase agreement shall provide that, at the end 116016
of the final term in the agreement, if all obligations of the 116017
joint recreation district have been satisfied, the title to the 116018
leased property shall vest in the joint recreation district if 116019
that title has not vested in the joint recreation district before 116020
or during the lease terms; except that the lease-purchase 116021
agreement may require the joint recreation district to pay an 116022
additional lump sum payment as a condition of obtaining that 116023
title. 116024

(3) A board of trustees of a joint recreation district that 116025
enters into a lease-purchase agreement under this section may do 116026
any of the following with the property that is the subject of the 116027
agreement: 116028

(a) If the property is personal property, assign the board's 116029
rights to that property; 116030

(b) Grant the lessor a security interest in the property; 116031

(c) If the property is real property, grant leases, 116032
easements, or licenses for underlying land or facilities under the 116033
board's control for terms not exceeding five years beyond the 116034
final term of the lease-purchase agreement. 116035

(4) The authority granted in division (G) of this section is 116036
in addition to and not in derogation of, any other financing 116037

authority provided by law. 116038

(H) The board of trustees of a joint recreation district 116039
described in this section may exercise such other powers as shall 116040
have been granted to it in the agreement between the municipal 116041
corporation and the board of county commissioners establishing the 116042
joint recreation district entered into pursuant to division (C) of 116043
section 755.14 of the Revised Code. 116044

Sec. 902.01. As used in this chapter: 116045

(A) "Bonds" means bonds, notes, or other forms of evidences 116046
of obligation issued in temporary or definitive form, including 116047
refunding bonds and notes and bonds and notes issued in 116048
anticipation of the issuance of bonds and renewal notes. 116049

(B) "Bond proceedings" means the resolution or ordinance or 116050
the trust agreement or indenture of mortgage, or combination 116051
thereof, authorizing or providing for the terms and conditions 116052
applicable to bonds issued under authority of this chapter. 116053

(C) "Borrower" means the recipient of a loan or the lessee or 116054
purchaser of a project under this chapter and is limited to a sole 116055
proprietor, or to a partnership, joint venture, firm, association, 116056
or corporation, a majority of whose stockholders, partners, 116057
members, or associates are persons or the spouses of persons 116058
related to each other within the fourth degree of kinship, 116059
according to law, provided that the sole proprietor or at least 116060
one of such related persons resides or will reside on or is or 116061
will actively operate the project or the farm or agricultural 116062
enterprise composed, in whole or in part, of the project, and 116063
provided further that the sole proprietor or all of the 116064
stockholders, members, partners, or associates are natural 116065
persons. The agricultural financing commission may establish 116066
procedures for the determination of the eligibility of borrowers 116067
under this chapter which determinations are conclusive in relation 116068

to the validity and enforceability of bonds issued under bond 116069
proceedings authorized in connection therewith, and in relation to 116070
security interests given and leases, subleases, sale agreements, 116071
loan agreements, and other agreements made in connection 116072
therewith, all in accordance with their terms. 116073

(D) "Composite financing arrangement" means the sale of a 116074
single issue of bonds to finance two or more projects, including, 116075
but not limited to, a single issue of bonds for a group of loans 116076
submitted by or through a single lending institution or with 116077
credit enhancement from a single lending institution, or the sale 116078
by or on behalf of one or more issuers of two or more issues or 116079
lots of bonds under or pursuant to a single sale agreement, single 116080
marketing arrangement, or single official statement, offering 116081
circular, or other marketing document. 116082

(E) "Issuer" means the state, or any county or municipal 116083
corporation of the state. 116084

(F) "Issuing authority" means in the case of a municipal 116085
corporation, the legislative authority thereof; and in the case of 116086
a county, the board of county commissioners or whatever officers, 116087
board, commission, council, or other body might succeed to or 116088
assume the legislative powers of the board of county 116089
commissioners. 116090

(G) "Lending institution" means ~~any domestic building and~~ 116091
~~loan association as defined in section 1151.01 of the Revised~~ 116092
~~Code, any service corporation the entire stock of which is owned~~ 116093
~~by one or more such building and loan associations,~~ a bank which 116094
that has its principal place of business located in this state, a 116095
bank subsidiary corporation that is wholly owned by a bank having 116096
its principal place of business located in this state, any state 116097
or federal governmental agency or instrumentality including 116098
without limitation the federal land bank, production credit 116099
association, or bank for cooperatives, or any of their local 116100

associations, or any other financial institution or entity 116101
authorized to make mortgage loans and qualified to do business in 116102
this state. 116103

(H) "Loan" includes a loan made to or through, or a deposit 116104
with, a lending institution or a loan made directly to the owner 116105
or operator of a project to finance one or more projects. 116106
Notwithstanding any other provision of this chapter, loans from 116107
proceeds of bonds issued under a composite financing arrangement 116108
shall be made only to or through, or by a deposit with, a lending 116109
institution, including the purchase of loans from lending 116110
institutions, or be made in any other manner in which a lending 116111
institution has been or is involved in the origination or credit 116112
enhancement of the loan. 116113

(I) "Mortgage loan" means a loan secured by a mortgage, deed 116114
of trust, or other security interest. 116115

(J) "Pledged facilities" means the project or projects 116116
mortgaged or facilities the rentals, revenues, and other income, 116117
charges, and moneys from which are pledged, or both, for the 116118
payment of the principal of and interest on the bonds issued under 116119
authority of section 902.04 of the Revised Code, and includes a 116120
project for which a loan has been made under authority of this 116121
chapter, in which case, references in this chapter to revenues of 116122
such pledged facilities or from the disposition thereof include 116123
payments made or to be made to or for the account of the issuer 116124
pursuant to such loan. 116125

(K) "Project" means real or personal property, or both, 116126
including undivided and other interests therein, acquired by gift 116127
or purchase, constructed, reconstructed, enlarged, improved, 116128
furnished, or equipped, or any combination thereof, by an issuer, 116129
or by others from the proceeds of bonds, located within the 116130
boundaries of the issuer, and used or to be used by a borrower for 116131
agricultural purposes as provided in division (D) of this section. 116132

A project is hereby determined to qualify as facilities for 116133
industry, commerce, distribution, or research described in Section 116134
13 of Article VIII, Ohio Constitution. 116135

(L) "Purchase" means, with respect to loans, the purchase of 116136
loans from, or other acquisition by an issuer of loans of, lending 116137
institutions. 116138

(M) "Revenues" means the rentals, revenues, payments, 116139
repayments, income, charges, and moneys derived or to be derived 116140
from the use, lease, sublease, rental, sale, including installment 116141
sale or conditional sale, or other disposition of pledged 116142
facilities, or derived or to be derived pursuant to a loan made 116143
for a project, bond proceeds to the extent provided in the bond 116144
proceedings for the payment of principal of, or premium, if any, 116145
or interest on the bonds, proceeds from any insurance, 116146
condemnation, or guaranty pertaining to pledged facilities or the 116147
financing thereof, any income and profit from the investment of 116148
the proceeds of bonds or of any revenues, any fees and charges 116149
received by or on behalf of an issuer for the services of or 116150
commitments by the issuer, and moneys received in repayment of and 116151
for interest on any loan made or purchased by an issuer, moneys 116152
received by an issuer upon the sale of any bonds of the issuer 116153
under section 902.04 of the Revised Code, any moneys received from 116154
investment of funds of an issuer or from the sale of collateral 116155
securing loans made or purchased by the issuer, including 116156
collateral acquired by foreclosure or other action to enforce a 116157
security interest, and any moneys received in payment of a claim 116158
under insurance, guarantees, letters of credit, or otherwise with 116159
respect to any loans made or purchased by an issuer or any 116160
collateral held by the issuer of any bonds issued under this 116161
chapter. 116162

(N) "Security interest" means a mortgage, lien, or other 116163
encumbrance on, or pledge or assignment of, or other security 116164

interest with respect to all or any part of pledged facilities, 116165
revenues, reserve funds, or other funds established under the bond 116166
proceedings, or on, of, or with respect to, a lease, sublease, 116167
sale, conditional sale, or installment sale agreement, loan 116168
agreement, or any other agreement pertaining to the lease, 116169
sublease, sale, or other disposition of a project or pertaining to 116170
a loan made for a project, or any guaranty or insurance agreement 116171
made with respect thereto, or any interest of the issuer therein, 116172
or any other interest granted, assigned, purchased, or released to 116173
secure payments of the principal of, premium, if any, or interest 116174
on any bonds or to secure any other payments to be made by an 116175
issuer under the bond proceedings. Any security interest under 116176
this chapter may be prior or subordinate to or on a parity with 116177
any other mortgage, lien, encumbrance, pledge, assignment, or 116178
other security interest. 116179

Sec. 924.10. (A) There is hereby established in the state 116180
treasury a fund for each marketing program that is established by 116181
the director of agriculture pursuant to this chapter. Except as 116182
authorized in division (B) of this section, all moneys collected 116183
by the department of agriculture from each marketing program 116184
pursuant to section 924.09 of the Revised Code shall be paid into 116185
the fund for the marketing program and shall be disbursed only 116186
pursuant to a voucher approved by the director for use in 116187
defraying the costs of administration of the marketing program and 116188
for carrying out sections 924.02, 924.03, and 924.13 of the 116189
Revised Code. 116190

(B) In lieu of deposits in the fund established pursuant to 116191
division (A) of this section, the operating committee of any 116192
marketing program established pursuant to this chapter may deposit 116193
all moneys collected pursuant to section 924.09 of the Revised 116194
Code with a bank ~~or a savings and loan association~~ as defined in 116195
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 116196

moneys collected pursuant to section 924.09 of the Revised Code 116197
and deposited pursuant to this division also shall be used only in 116198
defraying the costs of administration of the marketing program and 116199
for carrying out sections 924.02, 924.03, and 924.13 of the 116200
Revised Code. 116201

(C) Each operating committee shall establish a fiscal year 116202
for its marketing program and shall publish within sixty days of 116203
the end of each fiscal year an activity and financial report and 116204
make such report available to each producer who pays an assessment 116205
or otherwise contributes to the marketing program which the 116206
committee administers, and to other interested persons. 116207

(D) In addition to the reports required by division (C) of 116208
this section, any marketing program that deposits moneys in 116209
accordance with division (B) of this section shall submit to the 116210
director both of the following: 116211

(1) Annually, a financial statement prepared by a certified 116212
public accountant holding a live permit from the accountancy board 116213
issued pursuant to Chapter 4701. of the Revised Code. The 116214
marketing program shall file the financial statement with the 116215
director not more than sixty days after the end of each fiscal 116216
year. 116217

(2) Monthly, an unaudited financial statement. 116218

Sec. 924.26. (A) The grain marketing program operating 116219
committee shall levy on producers and, as provided in division (B) 116220
of this section, handlers the following assessments, as 116221
applicable: 116222

(1) One-half of one per cent of the per-bushel price of wheat 116223
at the first point of sale; 116224

(2) One-half of one per cent of the per-bushel price of 116225
barley at the first point of sale; 116226

(3) One-half of one per cent of the per-bushel price of rye 116227
at the first point of sale; 116228

(4) One-half of one per cent of the per-bushel price of oats 116229
at the first point of sale. 116230

(B) The director may require a handler to withhold 116231
assessments from any amounts that the handler owes to producers 116232
and to remit them to the operating committee. A handler who pays 116233
for a producer an assessment that is levied under this section may 116234
deduct the amount of the assessment from any money that the 116235
handler owes to the producer. 116236

(C) The operating committee shall deposit all money collected 116237
under this section with a bank ~~or savings and loan association~~ as 116238
defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised 116239
Code. All money so collected and deposited shall be used only for 116240
defraying the costs of administration of the marketing program and 116241
for carrying out sections 924.20 to 924.30 of the Revised Code. 116242
The operating committee shall not use any assessments that it 116243
levies for any political or legislative purpose or for 116244
preferential treatment of one person to the detriment of any other 116245
person affected by the grain marketing program. 116246

(D) The operating committee shall refund to a producer the 116247
assessments that it collects from the producer not later than 116248
thirty days after receipt of a valid application by the producer 116249
for a refund, provided that the producer complies with the 116250
procedures for a refund established by the committee under section 116251
924.24 of the Revised Code. 116252

An application for a refund shall be made on a form provided 116253
by the director. The operating committee shall ensure that refund 116254
forms are available where assessments for the grain marketing 116255
program are collected. 116256

Sec. 924.45. (A)(1) After a marketing agreement takes effect, 116257
a board of directors that will administer the marketing agreement 116258
shall be established in accordance with the terms of the marketing 116259
agreement. Except for the director of agriculture or the 116260
director's designee who shall serve as an ex officio member of the 116261
board of directors, members of the board shall be selected only 116262
from individuals who are producers that signed the marketing 116263
agreement. 116264

(2) The provisional board of directors created pursuant to 116265
division (B)(1) of section 924.42 of the Revised Code shall verify 116266
that the board of directors is established in accordance with the 116267
terms of the marketing agreement. If the provisional board of 116268
directors determines that the board of directors was not 116269
established in accordance with the terms of the marketing 116270
agreement, the provisional board shall notify the director who 116271
shall take appropriate actions to ensure that the board of 116272
directors is established in accordance with the terms of the 116273
marketing agreement. If the provisional board of directors 116274
determines that the board of directors was established in 116275
accordance with the terms of the marketing agreement, the 116276
provisional board shall cease to exist. 116277

(B) A board of directors that is established to administer a 116278
marketing agreement shall do all of the following: 116279

(1) Establish priorities of the board that are consistent 116280
with the estimated financial resources that will be generated 116281
under the terms of the marketing agreement and with the scope of 116282
the marketing agreement; 116283

(2) Prepare a budget that is consistent with the estimated 116284
financial resources that will be generated under the terms of the 116285
marketing agreement and with the scope of the marketing agreement; 116286

(3) Deposit all money collected pursuant to the marketing 116287

agreement with a bank as defined in section 1101.01 of the Revised Code ~~or with a savings and loan association as defined in section 1151.01 of the Revised Code.~~ The board shall use the money only to pay the costs of the board in administering the marketing agreement and of the activities authorized under the marketing agreement and under sections 924.40 to 924.45 of the Revised Code.

(4) Establish a fiscal year for purposes of marketing activities performed under the terms of the marketing agreement;

(5) Publish an activity and financial report not later than sixty days after the end of a fiscal year. The board shall make the report available to each producer that signed the marketing agreement and to other interested parties.

(6) Provide annually to the director of agriculture and to each producer that signed the marketing agreement a financial statement that is prepared by a person who holds a current certificate as a certified public accountant issued under Chapter 4701. of the Revised Code. The board shall provide the financial statement to the director not later than sixty days after the end of a fiscal year.

(7) Reimburse the department of agriculture for actual administrative costs incurred by the department in the administration of sections 924.40 to 924.45 of the Revised Code. However, the amount reimbursed in a fiscal year shall not exceed ten per cent of the total amount of money collected in that fiscal year by the board of directors under the authority of the marketing agreement.

(8) Perform all other acts and exercise all other powers that are reasonably necessary, proper, or advisable to effectuate the purposes of sections 924.40 to 924.45 of the Revised Code.

(C) A board of directors that is established to administer a marketing agreement may do all of the following:

(1) Propose to the director rules that are necessary for the board to perform its duties under the requirements of the marketing agreement and under sections 924.40 to 924.45 of the Revised Code;

(2) Hire personnel and contract for services that are necessary for the implementation and administration of the marketing agreement;

(3) Receive and investigate, or cause to be investigated, a complaint concerning an alleged violation of a term of the marketing agreement. If the board determines that such a violation has occurred, the board shall refer the matter to the director for enforcement.

(4) Amend the marketing agreement in accordance with the terms of the marketing agreement and with sections 924.40 to 924.45 of the Revised Code;

(5) Terminate the marketing agreement with the approval of a majority of the participating producers that are signatories to the marketing agreement. If the marketing agreement is terminated, the board shall distribute any remaining unobligated money collected under the authority of the marketing agreement to each participating producer in the same proportion that the producer paid assessments under the marketing agreement.

Sec. 1101.01. As used in Chapters 1101. to 1127. of the Revised Code, unless the context requires otherwise:

(A) "Affiliate" has the same meaning as in division (A)(1) of section 1109.53 of the Revised Code and includes a subsidiary of a bank.

(B) "Bank" or "banking corporation" means ~~a corporation an~~ entity that solicits, receives, or accepts money or its equivalent for deposit as a business, whether the deposit is made by check or

is evidenced by a certificate of deposit, passbook, note, receipt, 116349
ledger card, or otherwise. "Bank" ~~also or "banking corporation"~~ 116350
includes a state bank or ~~a corporation~~ any entity doing business 116351
as a bank ~~or, savings bank, or savings association~~ under authority 116352
granted by the office of the comptroller of the currency or the 116353
former office of thrift supervision, the appropriate bank 116354
regulatory authority of another state of the United States, or the 116355
appropriate bank regulatory authority of another country, but does 116356
not include a ~~savings association, savings bank, or~~ credit union. 116357

(C) "Bank holding company" has the same meaning as in the 116358
"Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, 116359
as amended. 116360

(D) "Banking office" means an office or other place 116361
established by a bank at which a the bank receives money or its 116362
equivalent from the public for deposit and conducts a general 116363
banking business. "Banking office" does not include any of the 116364
following: 116365

(1) Any location at which a bank receives, but does not 116366
accept, cash or other items for subsequent deposit, such as by 116367
mail or armored car service or at a lock box or night depository; 116368

(2) Any structure located within five hundred yards of a an 116369
approved banking office of a bank and operated as an extension of 116370
the services of the banking office; 116371

(3) Any automated teller machine, remote service unit, or 116372
other money transmission device owned, leased, or operated by a 116373
bank; 116374

(4) Any facility located within the geographical limits of a 116375
military installation at which a bank only accepts deposits and 116376
cashes checks; 116377

(5) Any location at which a bank takes and processes 116378
applications for loans and may disburse loan proceeds, but does 116379

not accept deposits; 116380

(6) Any location at which a bank is engaged solely in 116381
providing administrative support services for its own operations 116382
or for other depository institutions. 116383

~~(D)~~(E) "Branch" means a banking office that is not also the 116384
bank's principal place of business consistent with its articles of 116385
incorporation or articles of association. 116386

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 116387
"capital" means the sum of a the bank's: 116388

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 116389

~~(2)~~(b) To the extent permitted by the superintendent of 116390
financial institutions, paid-in capital and surplus relating to 116391
preferred stock; 116392

~~(3)~~(c) Undivided profits; and 116393

~~(4)~~(d) To the extent permitted by the superintendent the 116394
proceeds of the sale of debt securities and other assets and 116395
reserves. 116396

~~(F)~~(2) With respect to a mutual state bank, "capital" means 116397
either of the following: 116398

(a) Retained earnings; 116399

(b) At the discretion of the superintendent, any other form 116400
of capital, subject to any applicable federal and state laws. 116401

(G) "Code of regulations" includes a constitution adopted by 116402
a state bank for similar purposes. 116403

(H) "Control" has the same meaning as in division (H) of 116404
section 1109.53 of the Revised Code. 116405

~~(G) "Controlling shareholder" means a person who, directly or~~ 116406
~~indirectly, controls a bank.~~ 116407

~~(H)~~(I) "Debt securities" means obligations issued by a bank 116408

the holders of which, in the event of the insolvency or 116409
liquidation of the bank, are subordinated in right of payment to 116410
the bank's depositors and general creditors. 116411

~~(I)~~(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, 116412
as amended. 116413

(K) "Entity" has the same meaning as in section 1701.01 of 116414
the Revised Code. 116415

(L) "Federal savings association" means a federal savings and 116416
loan association or a federal savings bank doing business under 116417
authority granted by the office of the comptroller of the currency 116418
or the former office of thrift supervision. 116419

~~(J)~~(M) "Mutual holding company" means either of the 116420
following: 116421

(1) A mutual state bank or an affiliate of a mutual state 116422
bank reorganized in accordance with Chapter 1116. of the Revised 116423
Code to hold all or part of the shares of the capital stock of a 116424
subsidiary state bank; 116425

(2) A mutual holding company organized in accordance with 12 116426
U.S.C. 1467a(o) that has converted to a mutual holding company 116427
under Chapter 1116. of the Revised Code. 116428

(N) "Mutual state bank" means a state bank without stock that 116429
has governing documents consisting of articles of incorporation 116430
and code of regulations adopted by its members and bylaws adopted 116431
by its board of directors. 116432

(O) "National bank" means a bank doing business under 116433
authority granted by the office of the comptroller of the 116434
currency. 116435

~~(K)~~(P) "Net income" means all income realized or earned less 116436
all expenses realized or accrued. 116437

~~(L)~~(Q) "Paid-in capital" means the aggregate par value of all 116438

of a stock state bank's outstanding shares of all classes. 116439

~~(M)~~(R) "Person" means an individual, sole proprietorship, 116440
partnership, joint venture, association, trust, estate, business 116441
trust, limited liability company, corporation, or any similar 116442
entity or organization. 116443

(S) "Remote service unit" means an automated facility, 116444
operated by a customer of a bank, that conducts banking functions, 116445
such as receiving deposits, paying withdrawals, or lending money. 116446

(T) "Reorganization" means a consolidation, merger, or 116447
transfer of assets and liabilities pursuant to Chapter 1115. or 116448
1116. of the Revised Code. 116449

~~(N)~~(U) "Savings and loan holding company" has the same 116450
meaning as in 12 U.S.C. 1467a. 116451

(V) "Savings association" means a savings and loan 116452
association doing business under authority granted by the 116453
~~superintendent of financial institutions pursuant to Chapter 1151.~~ 116454
~~of the Revised Code, a savings and loan association doing business~~ 116455
~~under authority granted by the regulatory authority of another~~ 116456
state, or a federal savings association. "Savings association" 116457
also includes a state bank that elects to operate as a savings and 116458
loan association under section 1109.021 of the Revised Code. 116459

~~(O)~~(W) "Savings bank" means a savings bank doing business 116460
under authority granted by the ~~superintendent of financial~~ 116461
~~institutions pursuant to Chapter 1161.~~ of the Revised Code ~~or a~~ 116462
~~savings bank doing business under authority granted by the~~ 116463
regulatory authority of another state. 116464

~~(P)~~(X) "Shares" means any equity interest, including a 116465
limited partnership interest and any other equity interest in 116466
which liability is limited to the amount of the investment. 116467
"Shares" does not include a general partnership interest or any 116468
other interest involving general liability. 116469

(Y) "State bank" means a bank doing business under authority granted by the superintendent of financial institutions. "State bank" includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code.

~~(Q)~~(Z) "Stock state bank" means a state bank that has an ownership structure represented by shares of stock.

(AA) "Subsidiary" has the same meaning as in section 1109.53 of the Revised Code.

~~(R)~~(BB) "Surplus" means the total of amounts paid for shares in excess of their respective par values, amounts contributed other than for shares, and amounts transferred from undivided profits, less amounts transferred to stated capital.

~~(S)~~(CC) "Trust company" means ~~a corporation~~ an entity qualified and licensed under section 1111.06 of the Revised Code to solicit or engage in trust business in this state, or a person that is required by Chapter 1111. of the Revised Code to be a ~~corporation~~ an entity qualified and licensed under section 1111.06 of the Revised Code to solicit or engage in trust business in this state.

~~(T)~~(DD) "Undivided profits" means the cumulative undistributed amount of a bank's net income not otherwise allocated.

Sec. 1101.02. It is hereby declared to be the purpose of the general assembly in enacting Chapters 1101. to 1127. of the Revised Code to do all of the following:

(A) Delegate to the division of financial institutions rule-making power and administrative discretion, subject to Chapters 1101. to 1127. of the Revised Code, to assure the supervision and regulation of banks chartered under the laws of this state may be flexible and readily responsive to changes in

economic conditions, banking practices, and the financial services industry; 116500
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(B) Provide for the protection of the interests of depositors, creditors, shareholders, members, and the general public in banks doing business in this state; 116502
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(C) Permit banks to effectively serve the convenience and needs of their depositors, borrowers, and others, and permit the continued improvement of the products and services banks provide; 116505
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(D) Provide the opportunity for the boards and management of banks to exercise their business judgment, subject to the provisions of Chapters 1101. to 1127. and 1701. of the Revised Code; 116508
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(E) Provide state banks with competitive parity with other types of financial institutions doing business in this state; 116512
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(F) Sustain the viability of the state bank charter option and the dual banking system in this state and the United States; 116514
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~~(F)~~(G) Clarify and modernize the laws governing banking. 116516

Sec. 1101.03. (A) Except as otherwise provided in this section, every bank existing on or incorporated after ~~January 1, 1997,~~ the effective date of this amendment is subject to Chapters 1101. to 1127. of the Revised Code. 116517
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(B) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the legality of banks organized, loans or investments made or committed to be made, or transactions completed or committed before ~~January 1, 1997~~ the effective date of this amendment. 116521
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(C) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the status of any bank organized, or any banking office established or authorized, before ~~January 1, 1997~~ the effective date of this amendment. 116526
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(D) Chapters 1101. to 1127. of the Revised Code do not apply 116530
to persons in their fiduciary capacities, as follows: 116531

(1) Any person who, on ~~January 1, 1997~~ the effective date of 116532
this amendment, is serving as a fiduciary under a trust 116533
instrument, will, or other document executed before ~~January 1,~~ 116534
~~1997~~ the effective date of this amendment; 116535

(2) Any person who is named or nominated as a potential, 116536
prospective, or successor fiduciary in a trust instrument, will, 116537
or other document executed before ~~January 1, 1997~~ the effective 116538
date of this amendment. 116539

(E) Both of the following apply to every savings bank and 116540
savings and loan association that is organized under the laws of 116541
this state and is in existence as of the effective date of this 116542
amendment: 116543

(1) The powers, privileges, duties, and restrictions 116544
conferred and imposed in the charter or act of incorporation of 116545
such an institution are hereby abridged, enlarged, or otherwise 116546
modified so that each charter or act of incorporation conforms to 116547
the provisions of this title. 116548

(2) Notwithstanding any contrary provision in its charter or 116549
act of incorporation, every such institution possesses the powers, 116550
rights, and privileges and is subject to the duties, restrictions, 116551
and liabilities conferred and imposed by this title. 116552

(F) Any state bank that wishes to become or remain an 116553
affiliate of a savings and loan holding company may do so by 116554
complying with section 1109.021 of the Revised Code. 116555

Sec. 1101.05. Except as otherwise expressly provided, the 116556
provisions of Chapters 1101. to 1127. of the Revised Code and any 116557
rules adopted under those chapters: 116558

(A) Are enforceable only by the superintendent of financial 116559

institutions, the superintendent's designee, the federal deposit insurance corporation, the federal reserve, or, with respect to Chapter 1127. of the Revised Code, a prosecuting attorney; and 116560
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(B) Do not create or provide a private right of action or defense for or on behalf of any party other than the superintendent or the superintendent's designee. 116563
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Sec. 1101.15. (A)(1) Except as provided in division (A)(2) of this section, no person other than a bank doing business under authority granted by the superintendent of financial institutions, the bank chartering authority of another state, the office of the comptroller of the currency, or the bank chartering authority of a foreign country shall do either of the following: 116566
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(a) Use "bank," "banker," ~~or~~ "banking," "savings association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state; 116572
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(b) Represent itself as a bank. 116578

~~(2)(a) A corporation doing business under Chapter 1151. of the Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1151.07 of the Revised Code.~~ 116579
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~~(b) A corporation doing business under Chapter 1161. of the Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1161.09 of the~~ 116585
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Revised Code. 116590

~~(c) A corporation doing business under authority granted by the office of thrift supervision may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state.~~ 116591
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(d) A person, whether operating for profit or not, may use the ~~word~~ words "bank," "banker," ~~or~~ "banking," "savings association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name. 116596
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(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following: 116604
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(a) Use the word "trust," or a word or words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state; 116609
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(b) Otherwise represent itself as a fiduciary or trust company. 116613
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(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and, when acting in that fiduciary capacity, otherwise represent such person as a fiduciary. 116615
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(b) A person licensed by another state to serve as a fiduciary and exempt from licensure under Chapter 1111. of the 116619
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Revised Code may serve as a fiduciary to the extent permitted by 116621
the exemption. 116622

~~(c) A savings and loan association may serve as a trustee to 116623
the extent authorized by section 1151.191 of the Revised Code. 116624~~

~~(d) A savings bank may serve as a trustee to the extent 116625
authorized by section 1161.24 of the Revised Code. 116626~~

~~(e)~~ A charitable trust, business trust, real estate 116627
investment trust, personal trust, or other bona fide trust may use 116628
the word "trust" or a word or words of similar meaning in any 116629
other language, in a designation or name, or as part of a 116630
designation or name, under which business is or may be conducted. 116631

~~(f)~~(d) A person, whether operating for profit or not, may use 116632
"trust" or a word or words of similar meaning in any other 116633
language, in a designation or name, or as part of a designation or 116634
name, under which business is or may be conducted, if the 116635
superintendent determines the name, on its face, is not likely to 116636
mislead the public and authorizes the use of the name. 116637

(C) No bank or trust company shall use "state" as part of a 116638
designation or name under which it transacts business in this 116639
state, unless the bank or trust company is doing business under 116640
authority granted by the superintendent or the bank chartering 116641
authority of another state. 116642

Sec. 1101.16. (A) No person shall solicit, receive, or accept 116643
deposits money or its equivalent for deposit as a business in this 116644
state, except a state bank, a domestic association as defined in 116645
section 1151.01 of the Revised Code, a savings bank as defined in 116646
section 1161.01 of the Revised Code an entity doing business as a 116647
bank, savings bank, or savings association under authority granted 116648
by the bank regulatory authority of the United States, another 116649
state of the United States, or another country, or a credit union 116650

as defined in section 1733.01 of the Revised Code that is 116651
authorized to accept deposits in this state, ~~and except as~~ 116652
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 116653
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 116654

~~(B) No bank or bank holding company incorporated under the~~ 116655
~~laws of another state or having its principal place of business in~~ 116656
~~another state shall solicit, receive, or accept deposits in this~~ 116657
~~state unless it has established or acquired a banking office~~ 116658
~~pursuant to section 1117.01 of the Revised Code or a transaction~~ 116659
~~under section 1115.05 of the Revised Code, or transact any banking~~ 116660
~~business of any kind in this state other than lending money, trust~~ 116661
~~business in accordance with Chapter 1111. of the Revised Code, or~~ 116662
~~through or as an agent pursuant to section 1117.05 of the Revised~~ 116663
~~Code.~~ 116664

~~(C) No bank having its principal place of business in a~~ 116665
~~foreign country shall solicit, receive, or accept deposits or~~ 116666
~~transact any banking business of any kind in this state, except in~~ 116667
~~accordance with Chapter 1115. or 1119. of the Revised Code.~~ 116668

~~(D) Nothing in this section prohibits a person from making a~~ 116669
~~deposit in that person's own account with a depository institution~~ 116670
~~outside this state by means of an automated teller machine or~~ 116671
~~other money transmission device in this state. However, no~~ 116672
~~depository institution outside this state shall establish a~~ 116673
~~deposit account with or for a person in this state by means of an~~ 116674
~~automated teller machine or other money transmission device in~~ 116675
~~this state.~~ 116676

Sec. 1103.02. When the articles of incorporation and the 116677
superintendent of financial institutions' certificate of approval 116678
are filed with the secretary of state, the persons who have 116679
subscribed them or their successors and assigns shall become a 116680
body corporate by the name designated in the articles of 116681

incorporation, with succession. The legal existence of the state 116682
bank begins upon the filing of the articles of incorporation and, 116683
unless the articles of incorporation otherwise provide, its period 116684
of existence is perpetual. 116685

Sec. 1103.03. Except where the law of this state, the 116686
articles of incorporation, or the code of regulations require 116687
action to be authorized or taken by shareholders, all of the 116688
authority of a state bank shall be exercised by or under the 116689
direction of the board of directors in accordance with Chapter 116690
1105. of the Revised Code. 116691

Sec. 1103.07. (A) The name of a state bank: 116692

(1) Shall include "~~bank,~~" either of the following: 116693

(a) "Bank," "banking," "company," or "co.;" 116694

(b) "Savings," "loan," "savings and loan," "building and 116695
loan," or "thrift." 116696

(2) May include the word "state," "federal," "association," 116697
or, if approved by the superintendent of financial institutions, 116698
another term; 116699

(3) Shall not, as determined by the superintendent ~~of~~ 116700
~~financial institutions,~~ be likely to mislead the public as to the 116701
bank's character or purpose; 116702

(4) Shall, as determined by the superintendent, be 116703
distinguishable from all names already recorded by existing 116704
financial institutions in this state or for which reservations 116705
under this section are in effect, unless the existing financial 116706
institution that earliest recorded a name from which the proposed 116707
name is not distinguishable, or the person that reserved a name 116708
from which the proposed name is not distinguishable, has filed its 116709
written consent with the superintendent and with the secretary of 116710

state pursuant to division (C) of section 1701.05 of the Revised Code. 116711
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(B) To reserve a name for a state bank to be organized under Chapter 1113. or 1114. of the Revised Code or for an existing state bank, a person shall submit to the superintendent a written application for the exclusive right to use a specified name. If the superintendent finds that the specified name satisfies the requirements for a state bank name and is available for use in accordance with this section, the superintendent shall endorse approval on the application and forward the reservation to the secretary of state for filing. 116713
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(C)(1) Reservation of a name pursuant to division (B) of this section gives the applicant the exclusive right to use the name as follows: 116722
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(a) If the reservation application is submitted to the superintendent prior to submitting an application to incorporate a new state bank or amended articles of incorporation or an amendment to the articles of incorporation, for one hundred eighty days after the date on which the secretary of state filed the reservation endorsed by the superintendent, and for one year after the date on which the secretary of state filed the reservation endorsed by the superintendent if the superintendent extends the reservation; 116725
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(b) If an application to incorporate a new state bank or amended articles of incorporation or an amendment to the articles of incorporation for an existing state bank is submitted to the superintendent concurrently with the reservation application or during the time a previously filed reservation remains in effect, from the date on which the secretary of state filed the reservation endorsed by the superintendent until the superintendent approves or disapproves the incorporation of the new state bank or the amended articles of incorporation or 116734
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amendment to the articles of incorporation for an existing state 116743
bank. 116744

(2) The superintendent shall, on behalf of a state bank or 116745
other person that has reserved a name pursuant to this section, 116746
endorse and forward to the secretary of state any additional name 116747
reservations required to maintain the reservation of the name 116748
under section 1701.05 of the Revised Code for as long as the name 116749
reservation is in effect pursuant to division (C)(1) of this 116750
section. 116751

(D) For purposes of this section, a name is recorded if it is 116752
either of the following: 116753

(1) The name of a ~~financial institution~~ bank, savings bank, 116754
or savings association in its articles of incorporation or 116755
articles of association on the records of the secretary of state, 116756
superintendent of financial institutions, office of the 116757
comptroller of the currency, ~~office of thrift supervision,~~ or any 116758
of their successors; 116759

(2) Registered as, or as part of, a trade name or service 116760
mark with the secretary of state. 116761

(E)(1) Absent the express written permission of the state 116762
bank, no person shall use the name of a state bank in an 116763
advertisement, solicitation, promotional, or other material in a 116764
way that may mislead another person, or cause another person to be 116765
misled, into believing that the person issuing the advertisement, 116766
solicitation, promotional, or other material is associated or 116767
affiliated with the state bank. 116768

(2) A state bank injured by a violation of division (E)(1) of 116769
this section may bring an action in law or equity for recovery of 116770
damages, a temporary restraining order, an injunction, or any 116771
other available remedy. 116772

Sec. 1103.18. (A) Instead of a treasurer, as required by 116773
section 1701.64 of the Revised Code, a state bank may have a 116774
cashier, controller, comptroller, or other officer whose authority 116775
and duties the superintendent of financial institutions determines 116776
are essentially equivalent to those of a treasurer. 116777

(B) For any state bank that has a cashier, controller, 116778
comptroller, or other officer instead of a treasurer, as 116779
authorized by division (A) of this section, the cashier, 116780
controller, comptroller, or other officer may execute, 116781
acknowledge, or verify any instrument or take any other action 116782
that by law a treasurer of the state bank would be authorized to 116783
execute, acknowledge, verify, or take. 116784

Sec. 1103.19. When the signatures of two ~~officers~~ authorized 116785
representatives of a state bank are required, as for a certificate 116786
for an amendment of the state bank's articles of incorporation or 116787
amended articles of incorporation pursuant to section ~~1103.08~~ or 116788
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 116789
certification of a conversion pursuant to section 1115.01 of the 116790
Revised Code, a consolidation or merger pursuant to section 116791
1115.11 of the Revised Code, or a transfer of assets and 116792
liabilities pursuant to section 1115.14 of the Revised Code, one 116793
of the ~~officers~~ authorized representatives signing shall be the 116794
chairperson of the board of directors, the president, or a 116795
vice-president, as determined by the board of directors. The other 116796
~~officer~~ authorized representative signing shall be the secretary 116797
or an assistant secretary, as determined by the board of 116798
directors. 116799

Sec. 1103.20. (A) When any provision in Chapters 1101. to 116800
1127. or Chapter 1701. of the Revised Code requires a document 116801
regarding an existing, previously existing, or proposed state bank 116802

to be filed with the secretary of state, all of the following 116803
apply: 116804

(1) The person responsible for producing the document shall 116805
deliver the document, properly completed, to the superintendent of 116806
financial institutions, along with payment for any fee required 116807
for filing the document with the secretary of state. 116808

(2) The superintendent shall file the document, and any 116809
required approval by the superintendent, with the secretary of 116810
state. 116811

(3) The secretary of state shall send a certified copy of the 116812
document to both the superintendent and the state bank or other 116813
person on whose behalf the superintendent filed the document. 116814

(B) If the person responsible for producing the document to 116815
be filed fails to comply with division (A)(1) of this section, the 116816
action or transaction to which the document relates is not 116817
authorized or effective. 116818

Sec. 1103.99. Whoever violates division (E)(1) of section 116819
1103.07 of the Revised Code shall be subject to a civil penalty of 116820
up to ten thousand dollars for each day the violation is 116821
committed, repeated, or continued. 116822

Sec. 1105.01. (A) Except where the Revised Code, the articles 116823
of incorporation, or the code of regulations require action to be 116824
authorized or taken by shareholders or members, all of the 116825
authority of a state bank shall be exercised by or under the 116826
direction of the bank's board of directors. The board of directors 116827
shall consist of not less than five directors. 116828

(B) Unless the articles of incorporation or the code of 116829
regulations provide for a different term, which may not exceed 116830
three years from the date of the director's election and until the 116831
director's successor is elected and qualified, each director shall 116832

hold office until the next annual meeting of the shareholders or 116833
members and until the director's successor is elected and 116834
qualified, or until the director's earlier resignation, removal 116835
from office, or death. 116836

(C) The articles of incorporation or the code of regulations 116837
may provide for the classification of directors into either two or 116838
three classes consisting of not less than ~~three~~ two directors 116839
each. The terms of office of the several classes need not be 116840
uniform, except that no term shall exceed the maximum time 116841
specified in division (B) of this section. 116842

Sec. 1105.02. (A)(1) Of the directors on the board of 116843
directors of a state bank: 116844

(a) A majority of the directors shall be outside directors. 116845
However, in the case of a stock state bank, if eighty per cent or 116846
more of any class of the bank's voting shares are owned by a 116847
company, a majority of the directors may be officers or directors 116848
of one or more affiliates of the bank. 116849

~~(b) A majority of the directors shall be residents of this~~ 116850
~~state or live within one hundred miles of this state~~ For purposes 116851
of this section, anyone who is not an employee of the state bank 116852
or the bank holding company shall be considered an outside 116853
director. 116854

(2)(a) If during a term of office a director causes the total 116855
membership of the board to be ~~in violation of~~ out of compliance 116856
with division (A)(1)(a) ~~or (b)~~ of this section, the director 116857
forfeits the directorship, and the director's office is then 116858
vacant. 116859

~~(b) If the membership of a board of directors of a bank on~~ 116860
~~July 14, 1987, is composed in violation of division (A)(1)(a) or~~ 116861
~~(b) of this section, the directors who are holding office on that~~ 116862

~~date may continue to hold office, and may be reelected or
reappointed if there is no interruption in their respective
service.~~ 116863
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~~(e) No new director, or former director who is elected or
appointed to the board after an interruption in service, shall be
elected or appointed in violation of if it causes the total
membership of the board to be out of compliance with division
(A)(1)(a) ~~or (b)~~ of this section.~~ 116866
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(B)(1) No person who has been convicted of, or has pleaded
guilty to, a felony or any crime involving an act of fraud,
dishonesty ~~or~~, breach of trust, theft, or money laundering shall
~~take office~~ serve as a director of a bank or a subsidiary or
affiliate of a bank. The superintendent of financial institutions
may waive this restriction if the crime the person was convicted
of or pleaded guilty to was a misdemeanor or minor misdemeanor or
the equivalent thereof. 116871
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(2) If during a term of office any director is convicted of,
or pleads guilty to, a ~~felony~~ crime described under division
(B)(1) of this section, the director forfeits the directorship,
and the director's office is then vacant. 116879
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Sec. 1105.03. (A) To qualify as a director, each person
elected or appointed to the board of directors shall, within sixty
days after election or appointment, take and subscribe an oath to
diligently and honestly perform the duties of a director and to
not knowingly violate or permit to be violated any federal banking
law or any provision of Chapters 1101. to 1127. of the Revised
Code. 116883
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(B) Promptly upon execution, and within sixty days of the
person's election or appointment, the oath shall be filed with the
secretary of the state bank. 116890
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Sec. 1105.04. Each officer and employee of a state bank, 116893
prior to the discharge of the officer's or employee's duties, 116894
shall be covered by an individual, schedule, or blanket fidelity 116895
bond in favor of the bank, with terms and issuing insurer approved 116896
by the board of directors. The amount of the bond shall be set by 116897
the board of directors, and shall be reasonable given the size of 116898
the bank and nature of its business. The board of directors are 116899
not required to provide a bond covering their duties as directors. 116900

Sec. 1105.08. (A)(1) A state bank's board of directors shall 116901
meet monthly unless the bank's code of regulations provides for a 116902
different frequency of meetings, which shall not be less than 116903
quarterly. 116904

(2) Division (A)(1) of this section does not prohibit either 116905
of the following: 116906

(a) A state bank's board of directors meeting more frequently 116907
than required by division (A)(1) of this section or the bank's 116908
code of regulations; 116909

(b) The superintendent of financial institutions requiring a 116910
state bank's board of directors to meet more frequently than 116911
required by division (A)(1) of this section or the bank's code of 116912
regulations if the superintendent determines more frequent 116913
meetings are appropriate because of circumstances regarding the 116914
bank. 116915

(B) Unless prohibited by the articles of incorporation, the 116916
code of regulations, or, in the case of a committee of the board 116917
of directors, an order of the board of directors, meetings of the 116918
board of directors or a committee of the board of directors may be 116919
held ~~through~~ in any manner permitted by the laws of this state, 116920
including by communications equipment, if all persons 116921
participating can communicate with each of the others. 116922

Participation in a meeting in accordance with this division 116923
constitutes presence at the meeting. 116924

(C) Minutes shall be kept of all meetings of a state bank's 116925
board of directors and of any committees of the board of 116926
directors, and shall be recorded in a readable and reproducible 116927
form and kept at the bank. The minutes shall show the action of 116928
the board of directors or any committee of the board of directors 116929
on loans, discounts, and investments made or authorized. The 116930
minutes of all committees of the board of directors shall be 116931
submitted to the board of directors for review at each meeting of 116932
the board of directors. 116933

Sec. 1105.10. (A) Once elected or appointed, a director may 116934
be removed ~~by~~ as follows: 116935

(1) By the board of directors or the superintendent of 116936
financial institutions if ~~either~~ any of the following applies: 116937

~~(1)(a)~~ (a) The director has filed for relief or is a debtor in a 116938
case filed under Title XI of the United States Code; 116939

~~(2)(b)~~ (b) A court has determined the director is incompetent; 116940

(c) The director has been removed in accordance with federal 116941
law. 116942

(2) By the board of directors for any of the grounds set 116943
forth in the state bank's code of regulations or bylaws; 116944

(3) By a majority of the disinterested directors if they 116945
determine the director has a conflict of interest. 116946

(B)(1)(a) Except as provided in division (B)(1)(b) of this 116947
section, unless the articles of incorporation or the code of 116948
regulations of the state bank expressly provide that removal of 116949
members of the board of directors shall require a greater vote, 116950
the shareholders or members may remove all the directors, all the 116951
directors of a particular class, or any individual director from 116952

office, without assigning any cause, by the vote of the holders of 116953
a majority of the voting power entitling them to elect directors 116954
in place of those to be removed. 116955

(b) If the shareholders or members have the right to vote 116956
cumulatively in the election of directors of the bank, unless all 116957
the directors or all the directors of a particular class are 116958
removed, the vote of shareholders or members does not remove an 116959
individual director if the votes cast against the director's 116960
removal, if cumulatively voted at an election of all the directors 116961
or all the directors of a particular class, as the case may be, 116962
would be sufficient to elect at least one director. 116963

(2) If one or more directors is removed pursuant to division 116964
(B)(1) of this section, the shareholders or members may elect a 116965
new director at the same meeting for the unexpired term of each 116966
director removed. Failure of the shareholders or members to elect 116967
a director to fill the unexpired term of any director removed is 116968
deemed to create a vacancy in the board. 116969

(C) Unless the articles of incorporation or the code of 116970
regulations otherwise provide, the remaining directors, though 116971
less than a majority of the whole authorized number of directors, 116972
may, by the vote of a majority of their number, fill any vacancy 116973
in the board for the unexpired term. 116974

(1) A vacancy exists if the shareholders or members increase 116975
the authorized number of directors but fail at the meeting at 116976
which the increase is authorized, or an adjournment of the 116977
meeting, to elect the additional directors provided for, or if the 116978
shareholders or members fail at any time to elect the whole 116979
authorized number of directors. 116980

(2) The office of a member of the board of directors becomes 116981
vacant if the director dies ~~or~~, resigns, or is removed. A 116982
resignation takes effect immediately unless the director specifies 116983

another time. 116984

(D) If a vacancy created on the board of directors causes the number of directors to be less than that fixed by the articles of incorporation or code of regulations, the vacancy shall not be required to be filled until such time as an appropriate candidate is identified and duly appointed or elected. 116985
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(E) Notwithstanding divisions (B) and (C) of this section, the requirement for a quorum set forth in section 1701.62 of the Revised Code applies to a state bank's board of directors. 116990
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116992

Sec. 1105.11. ~~Any (A) A~~ A director, officer, employee, or other institution-affiliated party of a bank who knowingly violates or knowingly permits any of the officers, agents, or employees of the bank to violate any provision of Chapters 1101. to 1127. of the Revised Code shall not be liable personally and individually liable for all direct or indirect damages the bank, its shareholders or members, or any other person sustains in consequence of the a violation of or failure to comply with any provision of Chapters 1101. to 1127. of the Revised Code or the rules adopted under those chapters, including any civil money penalties, unless it can be shown that the director, officer, employee, or other institution-affiliated party knowingly violated or failed to comply with that provision of law or, with respect to a director's liability, that the director knowingly permitted any of the officers, employees, or other institution-affiliated parties to violate or fail to comply with any such provision. 116993
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(B) Nothing in this section shall be construed to deprive a director of the defenses set forth in section 1701.59 of the Revised Code. 117009
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Sec. 1107.03. No state bank shall operate without adequate capital as determined by the superintendent of financial 117012
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institutions. In evaluating the adequacy of a <u>state</u> bank's	117014
capital, the superintendent may consider any of the following:	117015
(A) The nature and volume of the bank's business;	117016
(B) The amount, nature, quality, and liquidity of the bank's	117017
assets;	117018
(C) The amount and nature of the bank's liabilities,	117019
including those that are not presently due or are contingent;	117020
(D) The amount and nature of the bank's fixed costs;	117021
(E) The history of and prospects for the bank to earn and	117022
retain income;	117023
(F) The quality of the bank's operations, <u>including risk</u>	117024
<u>management</u> ;	117025
(G) The quality of the bank's management;	117026
(H) The nature and quality of the bank's ownership;	117027
(I) Any other factor the superintendent finds to be relevant	117028
under the circumstances.	117029
Sec. 1107.05. (A) A <u>state</u> bank may issue debt securities at	117030
the times, in the amounts, and subject to the terms approved in	117031
writing by the superintendent of financial institutions.	117032
(B) The <u>In the case of a stock state bank, the</u> terms of debt	117033
securities may include either of the following:	117034
(1) Options to subscribe to or purchase the bank's shares at	117035
not less than par value;	117036
(2) The right to convert the debt securities to the bank's	117037
shares, if the par value of the shares resulting from the	117038
conversion does not exceed the value on the bank's books of the	117039
debt securities being converted.	117040
(C) The terms of any option granted in connection with the	117041

issuance of debt securities or any right to convert debt 117042
securities to shares shall not permit or require the holders of 117043
the debt securities to be held individually responsible for the 117044
state bank's debts, contracts, or engagements, ~~or for assessments~~ 117045
~~for restoration of the bank's paid in capital,~~ on the basis of 117046
their status as holders of the debt securities. 117047

Sec. 1107.07. ~~(A)~~ All stock state bank shares shall have par 117048
value, whether they are common shares or preferred shares. 117049

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 117050
~~this section:~~ 117051

~~(a) Bank shares still held as treasury shares one year after~~ 117052
~~being acquired are deemed retired and to be authorized and~~ 117053
~~unissued shares.~~ 117054

~~(b) Authorized and unissued bank shares that are not issued~~ 117055
~~or reissued and fully paid in one year after being authorized or~~ 117056
~~otherwise becoming authorized and unissued shares are deemed~~ 117057
~~canceled.~~ 117058

~~(2) Division (B)(1) of this section does not apply to bank~~ 117059
~~shares authorized or acquired and held as treasury shares for~~ 117060
~~purposes of meeting conversion rights or options, employee stock~~ 117061
~~purchase or ownership plans, mergers, consolidations, other~~ 117062
~~reorganizations, or acquisitions, purchases of real estate the~~ 117063
~~board of directors considers necessary or convenient for~~ 117064
~~transaction of the bank's business, or any other specific purpose,~~ 117065
~~in accordance with division (D) of section 1103.08 or division~~ 117066
~~(A)(1) of section 1103.09 of the Revised Code.~~ 117067

~~(C) Preferred shares retired by a bank shall be canceled and~~ 117068
~~not reissued, whether or not provision for cancellation is made in~~ 117069
~~the bank's articles of incorporation.~~ 117070

~~(D) Both common shares and preferred shares of a bank shall~~ 117071

~~be assessable, on a pro rata basis, for restoration of the bank's
paid in capital.~~ 117072
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Sec. 1107.09. (A) A stock state bank may, with the approval 117074
of the bank's board of directors, the holders of a majority of the 117075
bank's voting shares, and the superintendent of financial 117076
institutions, adopt and carry out plans for the offering or sale 117077
of, the grant of, or the grant of options on, the bank's shares to 117078
any or all employees, officers, or directors of the bank or any of 117079
the bank's subsidiaries or affiliates, or to other parties, or to 117080
a trustee on their behalf. For purposes of this section, "other 117081
parties" means any person that has provided, or will provide, a 117082
service or a benefit to the bank, as determined by the board of 117083
directors. 117084

(B) A plan may be adopted under this section for any unissued 117085
shares, treasury shares, or shares to be purchased or granted. A 117086
plan may provide for the payment or issuance of the shares at one 117087
time or in installments or for the establishment of special funds 117088
in which employees or other parties approved under division (A) of 117089
this section may participate. 117090

(C) Shares otherwise subject to pre-emptive rights may be 117091
offered or sold under a plan only when released from pre-emptive 117092
rights. Shares authorized for the purpose of carrying out a plan 117093
adopted under this section shall, ~~in accordance with division (D)~~ 117094
~~of section 1103.08 of the Revised Code,~~ be deemed released from 117095
pre-emptive rights. 117096

Sec. 1107.11. (A) Unless otherwise provided in the articles 117097
of incorporation, the holders of any class of a stock state bank's 117098
shares, other than shares that are limited as to dividend rate and 117099
liquidation price, shall, upon the offering or sale for cash of 117100
shares of the same class, have the right, during a reasonable time 117101

and on reasonable terms fixed by the directors, to purchase the 117102
shares in proportion to their respective holdings of shares of 117103
that class, at not less than par value, unless the shares offered 117104
or sold are any of the following: 117105

(1) Treasury shares; 117106

(2) Released from pre-emptive rights by the affirmative vote 117107
or written consent of the holders of either of the following: 117108

(a) Two-thirds of the shares entitled to the pre-emptive 117109
rights; 117110

(b) A majority of the shares entitled to the pre-emptive 117111
rights, if for offering and sale or granting options to any or all 117112
employees of the bank or any of the bank's subsidiaries or to a 117113
trustee on their behalf, under a plan adopted under section 117114
1107.09 of the Revised Code; 117115

(3) Offered to shareholders in satisfaction of their 117116
pre-emptive rights and not purchased by the shareholders, and 117117
thereupon issued or agreed to be issued for a consideration not 117118
less than that at which the shares were offered to the 117119
shareholders, less reasonable expenses, compensation, or discount 117120
paid or allowed for the sale, underwriting, or purchase of the 117121
shares. 117122

(B) An action arising from the offering or sale of shares 117123
under division (A) of this section shall be brought within two 117124
years after the date on which written notice or other 117125
communication of the transaction is mailed or otherwise given to 117126
the person entitled to bring the action. In no event shall any 117127
such action be brought later than four years after the cause of 117128
action accrued. 117129

(C) Pre-emptive rights with respect to shares issued by a 117130
stock state bank chartered on or after the effective date of this 117131
amendment shall be governed by section 1701.15 of the Revised 117132

Code. 117133

Sec. 1107.13. ~~(A) A~~ With the prior written approval of the 117134
superintendent of financial institutions, a stock state 117135
bank may purchase its own shares ~~only in the following circumstances:~~ 117136

~~(1) To avoid the issuance of, or to eliminate, fractional~~ 117137
~~shares;~~ 117138

~~(2) From a shareholder who, by reason of dissent, is entitled~~ 117139
~~to be paid the fair cash value of the shares;~~ 117140

~~(3) With the approval of the superintendent of financial~~ 117141
~~institutions, pursuant to authority in the bank's articles of~~ 117142
~~incorporation to purchase its shares~~ accordance with section 117143
1701.35 of the Revised Code. 117144

(B) A stock state bank that acquires shares of its stock 117145
shall retire or dispose of the shares at the time and in the 117146
manner required by the superintendent. 117147

Sec. 1107.15. A stock state bank's board of directors may 117148
declare dividends and distributions on the bank's outstanding 117149
shares, subject to all of the following conditions: 117150

(A) Except as otherwise provided in division (B) of this 117151
section, payment of a dividend or distribution may only be funded 117152
from undivided profits or, subject to the approval of the 117153
superintendent of financial institutions, from a special reserve 117154
created from proceeds from the sale of bank stock. 117155

(B) A dividend or distribution may be funded, in whole or in 117156
part, from surplus with the approval of both of the following: 117157

(1) The holders of at least two-thirds of the outstanding 117158
shares of each class of the bank's stock; 117159

(2) The superintendent ~~of financial institutions.~~ 117160

(C) A dividend or distribution may be paid in treasury shares 117161
or in authorized but unissued shares, if the board makes the 117162
required transfers to surplus and paid-in capital. 117163

(D) The approval of the superintendent is required for the 117164
declaration of dividends and distributions if the total of all 117165
dividends and distributions declared on the bank's shares in any 117166
year, and not paid in shares, exceeds the total of its net income 117167
for that year combined with its retained net income of the 117168
preceding two years. 117169

(E) Prior to the declaration of any dividend or distribution 117170
the bank has made all required allocations to reserves for losses 117171
or contingencies. 117172

Sec. 1109.01. (A) A state bank may use, exercise, and enjoy 117173
all of the powers, rights, and privileges of a corporation as set 117174
forth in section 1701.13 of the Revised Code, unless otherwise 117175
provided in its articles of incorporation and except as otherwise 117176
expressly limited by Chapters 1101. to 1127. of the Revised Code. 117177
The powers authorized under this division include the power to 117178
receive any property of any description, or any interest in 117179
property, by gift, devise, or bequest, and to make donations for 117180
the public welfare or for charitable, scientific, or educational 117181
purposes. 117182

(B) A state bank may perform all acts necessary to carry into 117183
effect the powers authorized by Title XI of the Revised Code and 117184
the purposes for which the bank was created. 117185

Sec. 1109.02. (A) In addition to exercising the powers and 117186
performing the acts authorized under Chapters 1101. to 1127. of 117187
the Revised Code, a state bank has and may exercise all powers and 117188
perform all acts attendant to the business of banking as set forth 117189
in those chapters. 117190

(B) A state bank has and may exercise all powers, perform all acts, and provide all services that are otherwise a part of or incidental to the business of banking.

(C) In addition to what is otherwise authorized under Chapters 1101. to 1127. of the Revised Code, a state bank has and may exercise all powers, perform all acts, and provide all services that are permitted for national banks and federal savings associations, other than those dealing with interest rates, regardless of the date the corresponding parity rule adopted by the superintendent of financial institutions under section 1121.05 of the Revised Code takes effect. If a state bank intends to take any such action before the adoption of the corresponding parity rule, the bank shall provide the superintendent with prior written notice of the action and the basis for the action. The superintendent, within ninety days after receipt of that notice, may prohibit the bank from taking such action if the superintendent determines it would be unsafe or unsound for the bank.

Sec. 1109.021. (A) As used in this section, "portfolio assets" and "qualified thrift investments" have the same meanings as in 12 U.S.C. 1467a, as amended.

(B) A state bank may elect to operate as a savings and loan association by filing a written notice of that election with the superintendent of financial institutions.

(C) Upon filing an election notice, a state bank shall be considered a savings and loan association if both of the following conditions are met:

(1) Its qualified thrift investments equal or exceed sixty-five per cent of its portfolio assets.

(2) Its qualified thrift investments continue to equal or

exceed sixty-five per cent of its assets on a monthly average 117221
basis in nine out of every twelve months. 117222

(D) A state bank may revoke its election notice at any time 117223
by submitting a written notice thereof to the superintendent. 117224

Sec. 1109.03. (A) No bank shall transact business in this 117225
state unless its deposit accounts are insured by the federal 117226
deposit insurance corporation, except a bank that by the terms of 117227
its articles of incorporation or articles of association is not 117228
permitted to solicit or accept deposits other than trust funds. 117229
Each bank whose deposit accounts are insured by the federal 117230
deposit insurance corporation shall maintain that insurance as a 117231
condition of doing business in this state. 117232

(B) Each bank doing business in this state shall comply with 117233
the reserve requirements of the "Federal Reserve Act of 1913," as 117234
amended. 117235

(C) Any bank doing business in this state may become a member 117236
of the federal reserve system as permitted under federal law and 117237
do all things necessary to maintain that membership in accordance 117238
with the "Federal Reserve Act of 1913," as amended. 117239

(D) Any bank doing business in this state may become a member 117240
of a federal home loan bank and do all things necessary to 117241
maintain that membership in accordance with the "Federal Home Loan 117242
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 117243
bank may purchase and hold stock in a federal home loan bank in 117244
excess of the amount required for membership, if that purchase and 117245
holding of stock is consistent with the financial condition of the 117246
bank and prudent banking practice. 117247

Sec. 1109.04. (A) A bank may, in good faith, rely: 117248

(1) On any and all information, agreements, documents, and 117249
signatures provided by its customers as being true, accurate, 117250

complete, and authentic and representing what they purport to 117251
represent; and 117252

(2) That the persons signing have full capacity and complete 117253
authority to execute and deliver any and all such documents and 117254
agreements and to act in such capacity as may be represented to 117255
the bank. 117256

As used in this division, "good faith" has the same meaning 117257
as in section 1301.201 of the Revised Code. 117258

(B) A bank may, with the customer's consent, provide 117259
electronically any statement, notice, or report required to be 117260
provided customers under this chapter. A customer's consent may be 117261
obtained electronically or in writing. 117262

(C) A bank customer may, with the bank's consent, provide 117263
electronically any notice required to be provided to the bank 117264
under this chapter. A bank's consent may be obtained 117265
electronically or in writing. 117266

Sec. 1109.05. (A) A bank may receive money on deposit and may 117267
establish the terms and conditions of each deposit contract. A 117268
bank may receive demand deposits subject to withdrawal or to 117269
payment upon the depositor's check, order, or other authorization. 117270

(B) At the time of opening a deposit account, a bank shall 117271
provide the depositor a statement containing the existing terms 117272
and conditions of the deposit contract. The statement may be set 117273
forth on the depositor's signature card, which card may be 117274
electronic or in writing. Before effecting any change in the terms 117275
and conditions of a deposit contract, a bank shall ~~send written~~ 117276
provide notice, in written or electronic form, of the change to 117277
each depositor with whom the bank has a deposit contract of the 117278
kind to be changed. Depositors and any other owners of interests 117279
in deposit accounts shall be bound by all changes banks make in 117280

their deposit contracts. 117281

(C) For each deposit account a bank shall, at minimum, do 117282
either of the following: 117283

(1) Periodically ~~send~~ make available to each deposit customer 117284
a ~~written~~ report, in written or electronic form, of the customer's 117285
deposit account activity since the last report was provided, 117286
unless the account is a certificate of deposit with no activity 117287
except for compounding interest; 117288

(2) Issue a passbook on which deposits, interest, payments, 117289
and withdrawals can be recorded. 117290

(D) A bank may secure deposits in the manner and to the 117291
extent provided or authorized by law or any lawful order of a 117292
court having custody of money and ordering money to be deposited. 117293

(E)(1) A bank may serve as a depository for public funds of 117294
this state, other states of the United States, political 117295
subdivisions of this state and other states of the United States, 117296
the United States, agencies of the United States, foreign nations, 117297
political subdivisions of foreign nations, multinational 117298
organizations, and subdivisions of multinational organizations. 117299

(2)(a) A bank may provide security for the public funds 117300
described in division (E)(1) of this section if that is a 117301
condition imposed by law for their deposit. 117302

(b) Depositors of public funds that are collateralized by 117303
securities pledged by a bank in accordance with Chapter 135. of 117304
the Revised Code and any applicable federal law shall have and 117305
maintain a first and best lien and security interest in and to 117306
such securities, any substitute securities, and the proceeds of 117307
those securities, in favor of such depositors. 117308

Sec. 1109.08. (A) A bank may provide safes, vaults, safe 117309
deposit boxes, night depositories, and other secure receptacles 117310

for the uses, purposes, and benefits of its customers, on the 117311
terms and conditions the bank prescribes. 117312

(B) A bank may, on the terms and conditions the bank 117313
prescribes, receive tangible property and evidence of tangible or 117314
intangible property for safekeeping using any of the following: 117315

(1) The bank's safes, vaults, and other secure receptacles; 117316

(2) The safes, vaults, and other secure receptacles of 117317
another bank or of a safekeeping agent or custodian that is 117318
qualified under rules adopted by the superintendent of financial 117319
institutions; 117320

(3) The bank's own safekeeping system or the safekeeping 117321
system of another bank or of a safekeeping agent or custodian that 117322
is qualified under rules adopted by the superintendent; 117323

(4) A recognized title or registration system, on the terms 117324
and conditions the bank prescribes. 117325

(C) Unless agreed to in writing by the bank, nothing in this 117326
section creates a bailment between a customer and the bank. 117327

Sec. 1109.10. If any claim not clearly consistent with the 117328
terms of any applicable authority on file with a bank is made to 117329
any deposit, safe deposit box, property held in safekeeping, 117330
security, obligation, or other property in the bank's possession 117331
or control, in whole or in part, by any person, including any 117332
depositor, individual, or group of individuals, whether or not 117333
authorized to draw on or exercise any right or control with 117334
respect to the property, the bank is not required to recognize the 117335
claim without one of the following: 117336

(A) A court order, issued by a court of competent 117337
jurisdiction and served on the bank, enjoining or restraining the 117338
bank from taking any action with respect to the property or 117339
instructing the bank to pay some or all of the balance of the 117340

account, provide access to the safe deposit box, or deliver the property as provided in the order;

(B) A bond in the form and amount and with sureties satisfactory to the bank, indemnifying the bank against any liabilities, loss, and expenses it might incur because of its recognition of the claim or because of its refusal, due to the claim, to honor or recognize any right with respect to the property.

Sec. 1109.15. (A)(1) Subject to the restrictions and limitations of the Revised Code, a state bank may do any of the following:

(a) Loan money, with or without security, and payable on demand, at maturity, in installments, or by any combination of these;

(b) Issue, advise, and confirm letters of credit authorizing the beneficiaries of the letters to draw upon the bank or its correspondents;

(c) Purchase open accounts, whether or not the accounts represent an evidence of debt.

(2) Subject to the margin requirements the superintendent of financial institutions may prescribe by rule, a state bank may make loans secured by stocks, bonds, or other securities.

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the Revised Code and any rules the superintendent prescribes, a state bank may purchase obligations of any kind with or without recourse.

(C) A state bank may acquire personal property for lease to others, if the transaction, as a whole, has the character of an extension of credit.

(D)(1) Subject to division (D)(2) of this section, any other

restrictions and limitations of the Revised Code, and any 117371
conditions, restrictions, or requirements established by the 117372
superintendent, a state bank may enter into a debt suspension 117373
agreement or debt cancellation contract with a borrower or 117374
borrowers in connection with any loan or extension of credit. 117375

(2) A state bank shall not offer or finance, directly or 117376
indirectly, a debt suspension agreement or debt cancellation 117377
contract requiring a lump sum, single payment for the agreement or 117378
contract payable at the outset of the agreement or contract, if 117379
the debt subject to the agreement or contract is secured by one to 117380
four family, residential real property. 117381

(3) For purposes of division (D) of this section, "debt 117382
cancellation contract" and "debt suspension agreement" have the 117383
same meanings as in 12 C.F.R part 37, as amended. 117384

~~(E) Unless otherwise expressly agreed in writing, the 117385
relationship between a bank and its obligor, with respect to any 117386
extension of credit, is that of a creditor and debtor, and creates 117387
no fiduciary or other relationship between the parties. 117388~~

Sec. 1109.151. Unless otherwise expressly agreed to in 117389
writing by the bank, the relationship between a bank and its 117390
obligor, or a bank and its customer, creates no fiduciary or other 117391
relationship between the parties or any special duty on the part 117392
of the bank to the customer or any other party. 117393

Sec. 1109.16. (A) The superintendent of financial 117394
institutions shall adopt rules prescribing standards for 117395
extensions of credit that are either of the following: 117396

(1) Secured by liens on interests in real estate; 117397

(2) Made for the purpose of financing the construction of 117398
either a building or improvements to real estate. 117399

(B) In prescribing the standards required by division (A) of this section, the superintendent shall consider all of the following:

(1) The risk the extensions of credit pose to the federal deposit insurance funds;

(2) The need for state banks to operate in a safe and sound manner;

(3) The availability of credit;

(4) Any other factors the superintendent considers appropriate.

(C) In prescribing the standards required by division (A) of this section, the superintendent may differentiate among types of loans on the basis of any of the following:

(1) Statutory requirements;

(2) Risk to the federal deposit insurance funds;

(3) The safety and soundness of state banks.

(D) The superintendent shall not adversely evaluate an investment or a loan made by a state bank, or consider a loan to be nonperforming, solely because the loan is secured by or the investment is in commercial, residential, or industrial property, unless the investment or loan may affect the bank's safety and soundness.

Sec. 1109.17. (A)(1) A state bank may accept drafts or bills of exchange drawn on it and may purchase acceptances of drafts or bills of exchange issued by other banks and participations in acceptances of drafts or bills of exchange issued by other banks, subject to the following limitations:

(a) For acceptances of drafts or bills of exchange described in division (B)(1) of this section, the limitations in division

(B)(2) of this section apply. 117429

(b) For acceptances of drafts or bills of exchange satisfying 117430
the requirements of division (C)(1) of this section, the 117431
limitations in division (C)(2) apply. 117432

(c) For all other acceptances of drafts or bills of exchange, 117433
the limitations on loans and extensions of credit to a person in 117434
section 1109.22 of the Revised Code apply to both of the 117435
following: 117436

(i) A state bank's total outstanding obligations for any one 117437
person on acceptances of drafts or bills of exchange that the bank 117438
has issued and on acceptances of drafts or bills of exchange and 117439
participations in acceptances of drafts or bills of exchange 117440
issued by other banks and that the bank has purchased; 117441

(ii) A state bank's total outstanding obligations on 117442
acceptances of drafts or bills of exchange issued by any one other 117443
bank. 117444

(2) For purposes of applying the limitations imposed by 117445
division (A)(1) of this section, a state bank's obligation on an 117446
acceptance of a draft or bill of exchange does not include the 117447
portion of an acceptance of a draft or bill of exchange issued by 117448
the bank that is covered by a participation agreement sold to 117449
another. 117450

(B)(1) Subject to the limitations in division (B)(2) of this 117451
section, a state bank may accept drafts or bills of exchange drawn 117452
upon it having not more than six months' sight to run, exclusive 117453
of days of grace, that are any of the following: 117454

(a) From transactions involving the importation or 117455
exportation of goods; 117456

(b) From transactions involving the domestic shipment of 117457
goods; 117458

(c) Secured at the time of acceptance by a warehouse receipt 117459
or other documentation conveying or securing title covering 117460
readily marketable staples. 117461

(2)(a) Except as provided in division (B)(2)(b) of this 117462
section, no state bank shall accept drafts or bills of exchange, 117463
or be obligated for a participation share for drafts or bills of 117464
exchange under division (B)(1) of this section, in an amount equal 117465
at any time in the aggregate to more than one hundred fifty per 117466
cent of the bank's capital. 117467

(b) The superintendent of financial institutions, under 117468
conditions the superintendent may prescribe, may authorize a state 117469
bank to accept or be obligated for a participation share in drafts 117470
or bills of exchange under division (B)(1) of this section, in an 117471
amount not exceeding at any time in the aggregate two hundred per 117472
cent of the bank's capital. 117473

(3) Notwithstanding division (B)(2) of this section, a state 117474
bank's aggregate acceptances of drafts or bills of exchange, 117475
including obligations for a participation share in drafts or bills 117476
of exchange, under division (B)(1) of this section, that arise 117477
from domestic transactions shall not exceed fifty per cent of the 117478
aggregate of all acceptances of drafts or bills of exchange, 117479
including obligations for a participation share in drafts or bills 117480
of exchange, the bank is permitted under division (B) of this 117481
section. 117482

(4) No state bank shall accept drafts or bills of exchange or 117483
be obligated for a participation share in drafts or bills of 117484
exchange under division (B)(1) of this section, whether from a 117485
foreign or domestic transaction, for any one person, partnership, 117486
corporation, association, or other entity in an amount equal at 117487
any time in the aggregate to more than ten per cent of the bank's 117488
capital, unless the bank is secured either by attached documents 117489
or by some other actual security arising from the same transaction 117490

as the acceptance. 117491

(C)(1) Subject to the limitations set forth in division 117492
(C)(2) of this section, a state bank may accept drafts or bills of 117493
exchange drawn upon it having not more than three months' sight to 117494
run, exclusive of days of grace, and drawn under conditions the 117495
superintendent may prescribe, by banks or bankers in foreign 117496
countries or dependencies or insular possessions of the United 117497
States, for the purpose of furnishing dollar exchange as required 117498
by the usages of trade in the respective countries, dependencies, 117499
or insular possessions. 117500

(2)(a) No state bank shall accept drafts or bills of exchange 117501
under division (C)(1) of this section for any one bank in an 117502
aggregate amount exceeding ten per cent of the accepting bank's 117503
capital, unless the draft or bill of exchange is accompanied by 117504
documents conveying or securing title or other adequate security. 117505

(b) No state bank shall accept drafts or bills of exchange 117506
under division (C)(1) of this section in an aggregate amount 117507
exceeding fifty per cent of the accepting bank's capital. 117508

Sec. 1109.22. (A) As used in this section: 117509

(1) "Derivative transaction" includes any transaction that is 117510
a contract, agreement, swap, warrant, note, or option that is 117511
based, in whole or in part, on the value of, any interest in, or 117512
any quantitative measure or the occurrence of any event relating 117513
to, one or more commodities, securities, currencies, interest or 117514
other rates, indices, or other assets. 117515

(2) "Loans and extensions of credit" shall include all of the 117516
following: 117517

(a) All direct or indirect advances of funds made on the 117518
basis of any obligation of a person to repay the funds or 117519
repayable from specific property pledged by or on behalf of the 117520

person; 117521

(b) To the extent specified by the superintendent of 117522
financial institutions, any liability of a bank to advance funds 117523
to or on behalf of a person pursuant to a contractual commitment; 117524

(c) Any credit exposure to a person arising from a derivative 117525
transaction between the person and a bank. 117526

(3) "Person" includes an individual; sole proprietorship; 117527
partnership; joint venture; association; trust; estate; business 117528
trust; corporation; government; agency, instrumentality, or 117529
political subdivision of a government; limited liability company; 117530
or any similar entity or organization. 117531

(B) Except as provided in divisions (C), (D), (E), and (F) of 117532
this section: 117533

(1) The total loans and extensions of credit by a state bank 117534
to a person outstanding at any one time and not fully secured, as 117535
determined in a manner consistent with division (B)(2) of this 117536
section, by collateral having a market value at least equal to the 117537
amount of the loans and extensions of credit to that person that 117538
are outstanding shall not exceed fifteen per cent of the 117539
unimpaired capital of the bank. 117540

(2) The total loans and extensions of credit by a state bank 117541
to a person outstanding at one time and fully secured by readily 117542
marketable collateral having a market value, as determined by 117543
reliable and continuously available price quotations, at least 117544
equal to the amount of the loans and extensions of credit to that 117545
person that are outstanding shall not exceed ten per cent of the 117546
unimpaired capital of the bank. 117547

(3) The limitation set forth in division (B)(2) of this 117548
section is separate from and in addition to the limitation set 117549
forth in division (B)(1) of this section. 117550

(4) Notwithstanding the limitations set forth in divisions (B)(1) and (2) of this section, any state bank may grant one or more loans in an aggregate amount of up to five hundred thousand dollars to one person, subject to any applicable restrictions under federal law. 117551
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(C) No limitation based on capital applies to loans and extensions of credit by a bank to a person that are any of the following types: 117556
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(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse; 117559
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(2) The purchase of bankers' acceptances of the kinds described in division (B) or (C) of section 1109.17 of the Revised Code and issued by other banks; 117562
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(3) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, treasury bills of the United States, or other obligations fully guaranteed as to principal and interest by the United States; 117565
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(4) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned, directly or indirectly, by the United States; 117569
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(5) Loans or extensions of credit secured by a segregated deposit account in the lending bank; 117574
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(6) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of financial institutions, or other agent in charge of the business and property of a financial institution, when the loans or extensions of credit are approved by the superintendent of financial institutions of this state; 117576
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(7) Loans or extensions of credit to the student loan marketing association. 117582
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(D) A state bank may make loans and extensions of credit 117584
secured by bills of lading, warehouse receipts, or similar 117585
documents transferring or securing title to readily marketable 117586
staples subject to the general limitations of division (B) of this 117587
section, and may make additional loans and extensions of credit 117588
secured by bills of lading, warehouse receipts, or similar 117589
documents transferring or securing title to readily marketable 117590
staples, if all of the following apply: 117591

(1) The market value of the staples securing each additional 117592
loan or extension of credit at all times equals or exceeds one 117593
hundred fifteen per cent of the outstanding amount of the loan or 117594
extension of credit. 117595

(2) The staples are fully covered by insurance whenever it is 117596
customary to insure staples of that kind. 117597

(3) The total amount of the bank's additional loans and 117598
extensions of credit outstanding to one person at any time does 117599
not exceed thirty-five per cent of the bank's capital. 117600

(E) Subject to divisions (E)(1) and (2) of this section, a 117601
state bank may make loans and extensions of credit arising from 117602
the discount of negotiable or nonnegotiable installment consumer 117603
paper. 117604

(1) If the paper carries a full recourse endorsement or 117605
unconditional guarantee by the person transferring the paper, the 117606
total amount of the installment consumer paper transferred by one 117607
person a state bank may hold at one time shall not exceed 117608
twenty-five per cent of the bank's capital, and the collateral 117609
requirements of division (B)(2) of this section do not apply. 117610

(2) The limitations set forth in division (B) of this section 117611
apply only to the loans and extensions of credit of each maker of 117612

negotiable or nonnegotiable installment consumer paper, and not to 117613
obligations arising from any full or partial recourse endorsement 117614
or guarantee by the transferor discounting the consumer paper to 117615
the state bank, if both of the following apply: 117616

(a) The state bank's files are, or the knowledge of its 117617
officers of the financial condition of each maker of the consumer 117618
paper is, reasonably adequate. 117619

(b) An officer of the state bank designated for that purpose 117620
by the bank's board of directors certifies in writing that the 117621
bank is relying primarily upon the responsibility of each maker 117622
for payment of the loans or extensions of credit and not upon any 117623
full or partial recourse endorsement or guarantee by the 117624
transferor. 117625

(F) Without regard to the collateral requirements of division 117626
(B) of this section, a state bank may have loans and extensions of 117627
credit to one person outstanding at one time not exceeding 117628
twenty-five per cent of the bank's capital of the following types: 117629

(1) Loans and extensions of credit secured by shipping 117630
documents or instruments transferring or securing title covering 117631
livestock or giving a lien on livestock, when the market value of 117632
the livestock securing the obligation is not at any time less than 117633
one hundred fifteen per cent of the face amount of the note 117634
covered; 117635

(2) Loans and extensions of credit that arise from the 117636
discount by dealers in dairy cattle of paper given in payment for 117637
dairy cattle, if the paper carries a full recourse endorsement or 117638
unconditional guarantee of the seller, and the loans and 117639
extensions of credit are secured by the cattle being sold. 117640

(G)(1) The superintendent may adopt rules to administer and 117641
carry out the purposes of this section, including, but not limited 117642
to, the following: 117643

(a) Rules defining or further defining terms used in this section, including expanding or limiting the definition of "person" defined in division (A) of this section;	117644 117645 117646
(b) Rules establishing limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit;	117647 117648 117649
(c) Rules relating to credit exposure arising from derivative transactions.	117650 117651
(2) The superintendent may determine when a loan putatively made to a person is, for purposes of this section, to be attributed to another person.	117652 117653 117654
Sec. 1109.23. (A) No <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, except as authorized by this section <u>and, with respect to executive officers, as authorized by section 1109.24 of the Revised Code.</u>	117655 117656 117657 117658 117659
(B)(1) A <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if all of the following apply to the extension of credit:	117660 117661 117662 117663
(a) The extension of credit is made on substantially the same terms, including interest rates and collateral, as those terms prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.	117664 117665 117666 117667 117668
(b) The extension of credit does not involve more than the normal risk of repayment or present other unfavorable features.	117669 117670
(c) The bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive	117671 117672 117673

officers, directors, principal shareholders, or employees of the bank. 117674
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(2) Nothing in division (B)(1) of this section shall be construed to prohibit any extension of credit made pursuant to a benefit or compensation program that meets both of the following conditions: 117676
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(a) The program is ~~widely~~ available to all employees of the bank; 117680
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(b) The program does not give preference to any officer, director, or principal shareholder of the bank, or to any related interest of an officer, director, or principal shareholder, over other employees of the bank. 117682
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(C) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would exceed an amount prescribed by the superintendent of financial institutions, only if both of the following conditions are met: 117686
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(1) The extension of credit has been approved in advance by a majority vote of the bank's entire board of directors. 117694
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(2) The executive officer, director, or principal shareholder, who or whose related interest would be obligated on the extension of credit, has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit. 117696
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(D) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding 117701
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extensions of credit by the bank to the executive officer, 117705
director, or principal shareholder and that person's related 117706
interests, would not exceed the limit on loans to a single 117707
borrower established by section 1109.22 of the Revised Code. 117708

(E)(1) A state bank may extend credit to any of its executive 117709
officers, directors, or principal shareholders, or to any of their 117710
related interests, if the extension of credit is in an amount 117711
that, when aggregated with the amount of all outstanding 117712
extensions of credit by the bank to all of its executive officers, 117713
directors, principal shareholders, and their related interests, 117714
would not exceed the bank's unimpaired capital. 117715

(2) The superintendent may prescribe a limit that is more 117716
stringent than the limit contained in division (E)(1) of this 117717
section. 117718

(3) The superintendent may make exceptions to division (E)(1) 117719
of this section for state banks with less than one hundred million 117720
dollars in deposits, if the superintendent determines that the 117721
exceptions are important to avoid constricting the availability of 117722
credit in small communities or to attract directors to those 117723
banks. In no case may the aggregate amount of all outstanding 117724
extensions of credit by a state bank to all of its executive 117725
officers, directors, principal shareholders, and their related 117726
interests, be more than two times the bank's unimpaired capital. 117727

(F)(1) If any executive officer or director of a state bank 117728
has an account at the bank, the bank may not pay from that account 117729
an amount exceeding the funds on deposit in the account. 117730

(2) Division (F)(1) does not prohibit the bank from paying 117731
funds in accordance with either of the following: 117732

(a) A written, preauthorized, interest-bearing extension of 117733
credit specifying a method of repayment; 117734

(b) A written preauthorized transfer of funds from another 117735

account of the executive officer or director at that bank. 117736

(G) No executive officer, director, or principal shareholder 117737
shall knowingly receive, or knowingly permit any of that person's 117738
related interests to receive, from a state bank, directly or 117739
indirectly, any extension of credit not authorized under this 117740
section. 117741

(H)(1) Subject to division (H)(2) of this section, for 117742
purposes of this section, any executive officer, director, or 117743
principal shareholder of any company of which the state bank is a 117744
subsidiary, or of any other subsidiary of that company, is deemed 117745
to be an executive officer, director, or principal shareholder, 117746
respectively, of the bank. 117747

(2) The superintendent may make exceptions to the application 117748
of division (H)(1) of this section for any person who is an 117749
executive officer or director of a subsidiary of a company that 117750
controls a state bank, if both of the following apply: 117751

(a) The person does not have authority to participate, and 117752
does not participate, in major policymaking functions of the bank. 117753

(b) The assets of the subsidiary do not exceed ten per cent 117754
of the consolidated assets of the company that controls the bank, 117755
and the subsidiary is not controlled by any other company. 117756

(I) For purposes of this section: 117757

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 117758
bank. 117759

(2)(a) "Company" means any corporation, limited liability 117760
company, partnership, business or other trust, association, joint 117761
venture, pool syndicate, sole proprietorship, unincorporated 117762
organization, or other business entity. 117763

(b) "Company" does not include either of the following: 117764

(i) A bank, savings bank, or savings association, the 117765

deposits of which are insured by the federal deposit insurance corporation; 117766
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(ii) A corporation the majority of the shares of which are owned by the United States or by any state of the United States. 117768
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(3) "Control" of a company or state bank by a person means the person, directly or indirectly, or acting through or in concert with one or more persons, meets any of the following: 117770
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(a) The person owns, controls, or has the power to vote twenty-five per cent or more of any class of the company's or, in the case of a stock state bank, the bank's voting securities. 117773
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(b) The person controls in any manner the election of a majority of the company's or state bank's directors. 117776
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(c) The person has the power to exercise a controlling influence over the company's or state bank's management or policies. 117778
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(4) "Executive officer" means a person who participates or has the authority to participate, other than as a director, in major policymaking functions of a company or state bank. 117781
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(5) To "extend credit" or to make an "extension of credit" means to make or renew any loan, to grant a line of credit, or to enter into any similar transaction as a result of which an executive officer, director, or principal shareholder, or any of that person's related interests, becomes obligated, directly, indirectly, or by any means whatsoever, to pay money or its equivalent to the state bank. 117784
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(6) "Principal shareholder" means a person who, directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than ten per cent of any class of voting securities of a stock state bank or company, other than a company of which the bank is a 117791
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subsidiary. 117796

(7) "Related interest" of a person means either of the 117797
following: 117798

(a) Any company controlled by that person; 117799

(b) Any political committee or campaign committee that is 117800
controlled by that person or the funds or services of which will 117801
benefit that person. 117802

(8) "Subsidiary" means any company of which a state bank or 117803
company meets any of the following: 117804

(a) The bank or company owns twenty-five per cent or more of 117805
the voting shares of the company. 117806

(b) The bank or company controls in any manner the election 117807
of a majority of the directors of the company. 117808

(c) The bank or company has the power, directly or 117809
indirectly, to exercise a controlling influence with respect to 117810
the management or policies of the company. 117811

Sec. 1109.24. (A) Except as authorized by this section or 117812
section 1109.23 of the Revised Code, no state bank may extend 117813
credit in any manner to any of its own executive officers. No 117814
executive officer of a state bank may become indebted to that bank 117815
except by means of an extension of credit the bank is authorized 117816
by this section to make. Any extension of credit made pursuant to 117817
this section shall be promptly reported to the bank's board of 117818
directors and may be made only if all of the following apply: 117819

(1) The state bank would be authorized to make the extension 117820
of credit to other borrowers. 117821

(2) The extension of credit is on terms that are not more 117822
favorable than those afforded to other non-executive borrowers. 117823

(3) The executive officer has submitted a detailed, current 117824

financial statement. 117825

(4) The extension of credit is made on the condition that it 117826
shall become due and payable on demand of the state bank at any 117827
time when the executive officer is indebted to any other bank or 117828
banks on account of extensions of credit of any one of the three 117829
categories referred to in divisions (B), (C), and (D) of this 117830
section in an aggregate amount greater than the amount of credit 117831
of the same category the state bank being served as an executive 117832
officer could extend to the executive officer. 117833

(B) With the specific prior approval of its board of 117834
directors, a state bank may make a loan to any of its executive 117835
officers if, at the time the loan is made, both of the following 117836
apply: 117837

(1) The loan is secured by a first lien on a dwelling that is 117838
expected, after the loan is made, to be owned by the executive 117839
officer and used as the executive officer's residence. 117840

(2) No other loan by the bank to the executive officer under 117841
the authority of this division is outstanding. 117842

(C) A state bank may make extensions of credit to any 117843
executive officer of the bank to finance the education of the 117844
executive officer's children. 117845

(D) A state bank may make extensions of credit not otherwise 117846
specifically authorized by this section to any of the bank's 117847
executive officers in an amount prescribed by the superintendent 117848
of financial institutions. 117849

(E) Except to the extent permitted by division (D) of this 117850
section, a state bank may not extend credit to a partnership in 117851
which one or more of the bank's executive officers are partners 117852
having, individually or together, a majority interest. For 117853
purposes of division (D) of this section, the full amount of the 117854
credit extended shall be considered to have been extended to each 117855

executive officer of the bank who is a member of the partnership. 117856

~~(F) Whenever an executive officer of a bank becomes indebted 117857
to any bank or banks, other than the bank served as an executive 117858
officer, on account of extensions of credit of any one of the 117859
categories referred to in divisions (B), (C), and (D) of this 117860
section in an aggregate amount greater than the aggregate amount 117861
of credit of the same category that could lawfully be extended to 117862
the executive officer by the bank served as an executive officer, 117863
the executive officer shall make a written report to the board of 117864
directors of the bank stating all of the following: 117865~~

~~(1) The date and amount of each extension of credit by any 117866
other bank or banks to the executive officer; 117867~~

~~(2) The security for each extension of credit; 117868~~

~~(3) The purposes for which the proceeds of the extensions of 117869
credit have been or are to be used. 117870~~

~~(G) This section does not prohibit any executive officer of a 117871
state bank from endorsing or guaranteeing any loan or other asset 117872
previously acquired by the bank in good faith, for the protection 117873
of the bank, or incurring any indebtedness to the bank for the 117874
purpose of either protecting the bank against loss or giving 117875
financial assistance to the bank. 117876~~

~~(H)(G) Each state bank shall include with, but not as part 117877
of, each report of condition made to the superintendent pursuant 117878
to section 1121.21 of the Revised Code, a report of all loans made 117879
under the authority of this section by the bank since the bank's 117880
previous report of condition. 117881~~

~~(I)(H) Each day any extension of credit in violation of this 117882
section exists is a continuation of the violation for purposes of 117883
section 1121.35 of the Revised Code. 117884~~

Sec. 1109.25. (A) No stock state bank shall lend money on the 117885

security of shares of its own stock or accept shares of its own 117886
stock in satisfaction of a debt, unless necessary to prevent loss 117887
on a debt previously contracted in good faith. 117888

(B) A stock state bank that accepts shares of its own stock 117889
as allowed by division (A) of this section shall retire or dispose 117890
of the shares at the time and in the manner required by the 117891
superintendent of financial institutions. 117892

(C) For purposes of this section, the superintendent may 117893
determine that stock of a person that controls a stock state bank, 117894
if the stock is not readily marketable, is the functional 117895
equivalent of stock of the bank and, therefore, subject to 117896
divisions (A) and (B) of this section. 117897

Sec. 1109.26. (A)(1) A state bank may own or hold for not 117898
more than five years any real estate it acquires by foreclosure, 117899
conveyance in lieu of foreclosure, or other legal proceedings 117900
relating to loan security interests or otherwise in satisfaction 117901
of a debt previously contracted. The superintendent of financial 117902
institutions may, upon application by a state bank, grant the bank 117903
the power to hold the real estate for a longer time. 117904

(2) The superintendent may, at any time, require a state bank 117905
to obtain an independent qualified appraisal of real estate the 117906
bank owns or holds in accordance with division (A)(1) of this 117907
section. 117908

(3) Real estate sold on contract, but with title remaining in 117909
the name of the state bank, shall not be considered real estate 117910
held by the bank for the purpose of divisions (A)(1) and (2) of 117911
this section. 117912

(B)(1) A state bank may own or hold for not more than five 117913
years ~~stock~~ shares of companies either acquired in securing 117914
satisfaction of a debt previously contracted in good faith or 117915

taken on a refinancing plan involving an investment that was legal 117916
at the time it was made. The superintendent may, upon application 117917
by a state bank, grant the bank the power to hold the ~~stock~~ shares 117918
for a longer time. 117919

(2) The superintendent may, at any time, require a state bank 117920
to obtain an independent qualified appraisal of the ~~stock~~ shares 117921
the bank owns or holds in accordance with ~~this~~ division (B) of 117922
this section. 117923

(C) The limitations set forth in this section shall not apply 117924
to real estate or shares owned or held by a state bank affiliate, 117925
except for a company that is a subsidiary of the state bank. 117926

Sec. 1109.31. (A) A state bank may purchase, acquire by 117927
lease, or otherwise invest in the real estate and interests in 117928
real estate the board of directors considers necessary or 117929
convenient for transaction of the bank's business, including by 117930
ownership of ~~stock of a wholly owned subsidiary corporation~~ an 117931
entity having as its exclusive authority the ownership and 117932
management of the bank's real estate interests. 117933

(B) A state bank may invest an amount equal to the greater of 117934
the bank's capital or ten per cent of its total assets in any 117935
other real estate. This limitation does not apply, however, to 117936
real estate acquired by foreclosure, conveyance in lieu of 117937
foreclosure, or other legal proceedings relating to loan security 117938
interests or otherwise in satisfaction of a debt previously 117939
contracted. 117940

Sec. 1109.32. (A) A state bank may invest in any of the 117941
following: 117942

(1) Bonds, bills, notes, or other debt securities of the 117943
United States or for which the full faith and credit of the ~~united~~ 117944
~~states~~ United States is pledged for payment of principal and 117945

interest;	117946
(2) Bonds, notes, or other debt securities issued by this state, or any state of the United States, that are the direct obligation of the issuer and for which the full faith and credit of the issuer is pledged to provide payment of the principal and interest;	117947 117948 117949 117950 117951
(3) Bonds, notes, or other debt securities of any county, municipal corporation, township, school district, improvement district, sewer district, or other subdivision of this state or any other state of the United States, that are the direct obligation of the county or the subdivision issuing them and for which the full faith and credit of the issuing county or subdivision is pledged to provide payment of principal and interest;	117952 117953 117954 117955 117956 117957 117958 117959
(4) Bonds or other debt obligations issued or guaranteed by agencies or instrumentalities of the United States, regardless of the guarantee of payment of principal and interest by the United States;	117960 117961 117962 117963
(5) Subject to conditions and restrictions the superintendent of financial institutions may prescribe, bonds, debentures, and other debt securities issued by any country or multinational organization that are the direct obligation of the issuing country or multinational organization and for which the full faith and credit of the issuing country or multinational organization is pledged to provide payment of principal and interest;	117964 117965 117966 117967 117968 117969 117970
(6) Bankers' acceptances of the kinds described in divisions (B) and (C) of section 1109.17 of the Revised Code;	117971 117972
(7) Subject to conditions and restrictions the superintendent may prescribe, bonds, debentures, and other debt securities and obligations of any state or political subdivision of a state, a public corporation, or governmental agency that are payable solely	117973 117974 117975 117976

out of anticipated revenues, commonly referred to as revenue 117977
bonds; 117978

(8) As defined and restricted by the superintendent, 117979
marketable obligations evidencing the indebtedness of any 117980
corporation in the form of bonds, notes, debentures, or equipment 117981
trust certificates, commonly referred to as investment securities. 117982

(B) In addition to any other provision of this chapter 117983
authorizing state banks to invest in bonds, debentures, or other 117984
debt securities, ~~the superintendent a state bank~~ may ~~approve~~ 117985
~~banks' investment~~ invest in bonds, debentures, and other debt 117986
securities and obligations in which national banks, savings banks, 117987
and savings associations insured by the federal deposit insurance 117988
corporation are permitted to invest. 117989

Sec. 1109.33. A state bank may apply to the superintendent of 117990
financial institutions for permission to invest, subject to the 117991
conditions and requirements prescribed by the superintendent, an 117992
amount, in the aggregate, not exceeding ten per cent of ~~the a~~ 117993
stock state bank's paid-in capital and surplus or a mutual state 117994
bank's retained earnings in the stock of banks or corporations 117995
chartered or incorporated under the laws of the United States, 117996
including section 25a of the "Federal Reserve Act of 1913," 12 117997
U.S.C. 611, as amended, and principally engaged in international 117998
or foreign banking, or in banking in a dependency or insular 117999
possession of the United States, either directly or through the 118000
agency, ownership, or control of local institutions in foreign 118001
countries, dependencies, or insular possessions. 118002

Sec. 1109.34. (A) A state bank may invest in the securities 118003
of a domestic insurance company organized under Chapter 3907. or 118004
3925. of the Revised Code, regulated by the superintendent of 118005
insurance under Title XXXIX of the Revised Code and engaged 118006

exclusively in the business of reinsuring risks, to the extent 118007
permitted by and subject to limitations and restrictions imposed 118008
by the superintendent of financial institutions by rules adopted 118009
in accordance with Chapter 119. of the Revised Code. 118010

(B)(1) The total amount any state bank may invest in the 118011
common and preferred stock, obligations, and other securities of 118012
domestic insurance companies pursuant to division (A) of this 118013
section shall not exceed ten per cent of the bank's assets. 118014

(2) A state bank may file an application with the 118015
superintendent of financial institutions for permission to invest, 118016
subject to the conditions and requirements prescribed by the 118017
superintendent of financial institutions, an amount in excess of 118018
ten per cent of the bank's capital in the common and preferred 118019
stock, bonds, debentures, and other obligations of one domestic 118020
insurance company pursuant to division (A) of this section. 118021

(C) A state bank making investments pursuant to division (A) 118022
of this section shall report the investments annually on the first 118023
day of March to the superintendent of financial institutions and 118024
the superintendent of insurance. The report shall include, for 118025
each reinsurer in which the bank has made an investment, 118026
information as to the amount of reinsurance written in this state 118027
by each line of insurance designated by the superintendent of 118028
insurance. 118029

Sec. 1109.35. (A)(1) As used in ~~this~~ division (A) of this 118030
section: 118031

(a) "Venture capital firm" means any corporation, 118032
partnership, proprietorship, limited liability company, or other 118033
entity, the principal business of which is or will be the making 118034
of investments in small businesses. 118035

(b) "Small business" means any corporation, partnership, 118036

proprietorship, limited liability company, or other entity that 118037
either does not have more than four hundred employees, or would 118038
qualify as a small business for the purpose of receiving financial 118039
assistance from small business investment companies licensed under 118040
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 118041
U.S.C. 661, as amended, and rules of the small business 118042
administration. 118043

~~(c) "Shares" means any equity interest, including a limited 118044
partnership interest and other equity interest in which liability 118045
is limited to the amount of the investment, but does not include a 118046
general partnership interest or other interests involving general 118047
liability. 118048~~

(2) A stock state bank may invest, in the aggregate, five per 118049
cent of its paid-in capital and surplus, and a mutual state bank 118050
may invest, in the aggregate, five per cent of its retained 118051
earnings, in shares issued by the following: 118052

(a) Venture capital firms organized under the laws of the 118053
United States or of this state and having an office within this 118054
state, if, as a condition of a bank making an investment in a 118055
venture capital firm, the firm agrees to use its best efforts to 118056
make investments, in an aggregate amount at least equal to the 118057
investment to be made by the bank in that venture capital firm, in 118058
small businesses having their principal office within this state 118059
and having either more than one-half of their assets within this 118060
state or more than one-half of their employees employed within 118061
this state; 118062

(b) Small businesses having more than half of their assets or 118063
employees within this state. 118064

(B)(1) A state bank may invest in the following: 118065

(a) The stocks, bonds, debentures, notes, or other evidences 118066
of indebtedness of any of the following: 118067

(i) A community improvement corporation, organized under Chapters 1702. and 1724. of the Revised Code for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area;

(ii) A development corporation, organized under Chapter 1726. of the Revised Code to promote agricultural, industrial, and business developments within the state;

(iii) A community urban redevelopment corporation, organized under Chapter 1701. or 1702. of the Revised Code and qualified to operate under Chapter 1728. of the Revised Code to initiate and conduct projects for the clearance, replanning, development, and redevelopment of blighted areas within municipal corporations.

(b) Other investments similar to the investments described in division (B)(1)(a) of this section and acceptable to the superintendent of financial institutions.

(2) A state bank's investment in any one corporation or other entity pursuant to division (B)(1) of this section shall not exceed five per cent of the bank's capital, unless the superintendent determines additional investment does not pose significant risk to the bank. A state bank's investments pursuant to division (B)(1) of this section shall not in the aggregate exceed ten per cent of the bank's capital.

Sec. 1109.36. To the extent permitted by and subject to any limitations and restrictions the superintendent of financial institutions may impose, a state bank may underwrite and deal in investments in the form of bonds, notes, debentures, or other debt securities that are any of the following:

(A) The direct obligation of or guaranteed by the United States;

(B) The direct obligation of or guaranteed by any state of

the United States or any political subdivision of any state of the 118098
United States; 118099

(C) Acceptable to the superintendent. 118100

Sec. 1109.39. In addition to the specific investments 118101
authorized in this chapter, a state bank may also invest, in the 118102
aggregate, no more than ten per cent of its assets in the common 118103
or preferred stock, obligations, or other securities of any 118104
corporations, as authorized by the bank's board of directors. 118105

Sec. 1109.40. (A) In addition to the other loan and 118106
investment authority provided for banks in Chapter 1109. of the 118107
Revised Code, but subject to all other provisions of the Revised 118108
Code, a state bank may invest up to fifteen per cent of its total 118109
assets in loans or investments authorized by the bank's board of 118110
directors. 118111

(B) If a loan or other investment is authorized under more 118112
than one section of Chapter 1109. of the Revised Code, a state 118113
bank may designate under which section the loan or investment has 118114
been or will be made. The loan or investment may be apportioned 118115
among appropriate categories, and may be moved in whole or in part 118116
from one category to another. 118117

Sec. 1109.43. (A) For purposes of this section: 118118

(1) "Bankers' bank" means a bank organized to engage 118119
exclusively in providing services to other depository institutions 118120
and depository institution holding companies and their officers, 118121
directors, and employees. 118122

(2) "Bankers' bank holding company" means a corporation that 118123
owns or controls, directly or indirectly, a majority of the shares 118124
of the capital stock of a bankers' bank, or controls in any manner 118125
the election of a majority of the directors of a bankers' bank. 118126

(3) "Depository institution" means a bank, savings ~~and loan~~ 118127
association, savings bank, or credit union. 118128

(B) A state bank may invest, in the aggregate, up to ten per 118129
cent of its capital in shares of a bankers' ~~bank~~ banks or a 118130
bankers' bank holding ~~company, or both~~ companies. 118131

(C)(1) The voting shares of a bankers' bank shall be owned by 118132
twenty or more depository institutions or depository institution 118133
holding companies, and no depository institution or depository 118134
institution holding company shall own, directly or indirectly, 118135
more than fifteen per cent of the voting shares of a bankers' 118136
bank. 118137

(2) The voting shares of a bankers' bank shall be owned, 118138
directly or indirectly, exclusively by depository institutions, 118139
depository institution holding companies, and persons who hold the 118140
shares under, or initially acquired them through, a plan for the 118141
benefit of the bankers' bank's officers and employees. 118142

~~(D) No bank or affiliate of a bank shall, directly, 118143
indirectly, or acting through one or more other persons, own or 118144
control or have the power to vote shares of any of the following: 118145~~

~~(1) More than one bankers' bank; 118146~~

~~(2) More than one bankers' bank holding company; 118147~~

~~(3) Both a bankers' bank and a bankers' bank holding company, 118148
unless the bankers' bank is an affiliate of that bankers' bank 118149
holding company. 118150~~

Sec. 1109.44. (A) A state bank may invest, in the aggregate, 118151
twenty-five per cent of its assets in the stock, obligations, and 118152
other securities of bank subsidiary corporations and bank service 118153
corporations. 118154

(B) A state bank shall obtain the approval of the 118155
superintendent of financial institutions prior to investing in, 118156

acquiring, or establishing a bank subsidiary corporation or bank service corporation, or performing any new activities in a bank subsidiary corporation or bank service corporation. 118157
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(C)(1) A bank subsidiary corporation that is a wholly owned subsidiary of the state bank may engage in any activities, except taking deposits, that are a part or an extension of the business of banking. 118160
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(2) A bank service corporation shall be owned solely by one or more ~~depository institutions~~ banks, and may, at any location, do any of the following: 118164
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(a) Provide clerical, bookkeeping, accounting, statistical, or similar services; 118167
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(b) Engage in any activities, except taking deposits, that all of its owner ~~depository institutions~~ banks are authorized to engage in; 118169
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(c) Engage in any activity, except taking deposits, the board of governors of the federal reserve system has determined to be permissible for a ~~bank~~ financial holding company under section 4(e)(8)(k)(1) of the "Bank Holding Company Act of 1956," as amended, 70 Stat. 133, 12 U.S.C.A. 1843(e)(8)(k)(1). 118172
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(D) Bank subsidiary corporations and bank service corporations are subject to examination and regulation by the superintendent. 118177
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(E) ~~Only if the company in which the investment is to be made qualifies as either a~~ A bank subsidiary corporation or a bank service corporation ~~under this section~~ may a bank invest in securities pursuant to section 1109.39 of the Revised Code or make investments pursuant to section 1109.40 of the Revised Code that result in any of the following: 118180
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(1) ~~The bank, directly or indirectly, or acting through one~~ 118186

~~or more other persons, owns, controls, or has the power to vote
twenty five per cent or more of any class of voting securities of
the company in which the investment is being made.~~

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~~(2) The bank controls in any manner the election of a
majority of the directors or trustees of the company in which the
investment is being made.~~

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~~(3) As determined by the superintendent after notice and
opportunity for a hearing, the bank directly or indirectly
exercises a controlling influence over the management or policies
of the company in which the investment is being made a lower-tier
bank subsidiary corporation or bank service corporation, subject
to the requirements of this section.~~

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Sec. 1109.441. Only for investments made under section
1109.44 of the Revised Code may a state bank invest in securities
pursuant to section 1109.39 of the Revised Code or make
investments pursuant to section 1109.40 of the Revised Code that
result in any of the following:

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(A) The state bank, directly or indirectly, or acting through
one or more other persons, owning, controlling, or having the
power to vote twenty-five per cent or more of any class of voting
securities of the company in which the investment is being made;

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(B) The state bank controlling in any manner the election of
a majority of the directors or trustees of the company in which
the investment is being made;

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(C) As determined by the superintendent of financial
institutions after notice and opportunity for a hearing, the state
bank directly or indirectly exercising a controlling influence
over the management or policies of the company in which the
investment is being made.

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Sec. 1109.45. A state bank may invest in the shares of a

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clearing corporation as defined by section 1308.01 of the Revised Code. 118217
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Sec. 1109.47. (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 118219
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(B) Division (A) of this section does not apply to any of the following: 118223
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(1) Bonds or other obligations enumerated in divisions (A)(1) to (6) of section 1109.32 of the Revised Code; 118225
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(2) Investment in a bank subsidiary corporation engaged solely in the business of holding title to real estate described in division (A) of section 1109.31 of the Revised Code; 118227
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(3) Obligations or securities, other than stock, of the federal national mortgage association, the student loan marketing association, the government national mortgage association, or the federal home loan mortgage corporation, or their successors; 118230
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(4) Common and preferred stock, obligations, and other securities of one domestic reinsurance company with the written permission of the superintendent of financial institutions as required by division (B) of section 1109.34 of the Revised Code; 118234
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(5) Shares, obligations, securities, or other interests of any other issuer with the written approval of the superintendent. 118238
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(C) For purposes of this section, no purchase by a state bank of stock in a federal reserve bank or federal home loan bank is an investment. 118240
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(D) If a state or political subdivision of a state issues securities, acting solely as a conduit for the transmission of the proceeds of the sale of the securities to one or more private entities for economic development purposes and to be repaid solely 118243
118244
118245
118246

by the private entity or entities that received the proceeds of 118247
the sale of the securities, then both of the following apply for 118248
purposes of determining the amount a state bank may invest in 118249
accordance with division (A) of this section: 118250

(1) The securities are obligations of the private entity or 118251
entities in proportion to their receipt of the proceeds. 118252

(2) The securities are not obligations of the issuing state 118253
or political subdivision. 118254

Sec. 1109.48. In exercising its investment authority, a state 118255
bank shall give equal consideration to investments that involve 118256
firms owned and controlled by minorities and firms owned and 118257
controlled by women, either alone or in joint venture with other 118258
firms, where the investments offer quality, return, and safety 118259
comparable to other investments currently available to the bank. 118260
118261

Sec. 1109.49. A state bank investing in the securities of a 118262
bank or corporation pursuant to this chapter shall furnish 118263
information concerning the financial condition of the bank or 118264
corporation to the superintendent of financial institutions upon 118265
the superintendent's demand. 118266

Sec. 1109.53. For purposes of this section and sections 118267
1109.54, 1109.55, and 1109.56 of the Revised Code: 118268

(A)(1) "Affiliate" means any of the following: 118269

(a) A company that controls the state bank and any other 118270
company controlled by the company that controls the state bank; 118271

(b) A bank subsidiary of the state bank; 118272

(c) A company that is controlled directly or indirectly, by a 118273
trust or otherwise, by or for the benefit of shareholders who 118274

beneficially or otherwise control, directly or indirectly, by 118275
trust or otherwise, the state bank or any company that controls 118276
the state bank; 118277

(d) A company in which a majority of the directors or 118278
trustees constitute a majority of the directors or trustees of the 118279
state bank or any company that controls the state bank; 118280

(e) A company, including a real estate investment trust, that 118281
is sponsored and advised on a contractual basis by the state bank 118282
or a subsidiary of the state bank; 118283

(f) An investment company to which the state bank or one of 118284
its affiliates is an investment advisor as defined in section 118285
2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 118286
U.S.C. 80a-2(a)(20), as amended; 118287

(g) A company the superintendent of financial institutions 118288
determines by rule or order to have a relationship with the state 118289
bank or one of its subsidiaries or affiliates such that covered 118290
transactions by the state bank or its subsidiary with that company 118291
may be affected by the relationship to the detriment of the state 118292
bank or its subsidiary. 118293

(2) "Affiliate" does not include any of the following: 118294

(a) A company, other than a bank, that is a subsidiary of a 118295
state bank, unless a determination is made under division 118296
(A)(1)(g) of this section not to exclude the subsidiary company 118297
from the definition of affiliate; 118298

(b) A company engaged solely in holding the premises of the 118299
state bank; 118300

(c) A company engaged solely in conducting a safe-deposit 118301
business; 118302

(d) A company engaged solely in holding obligations of the 118303
United States or its agencies or instrumentalities or obligations 118304

fully guaranteed as to principal and interest by the United States 118305
or its agencies or instrumentalities; 118306

(e) A company where control results from the exercise of 118307
rights arising out of a bona fide debt previously contracted, but 118308
only for a period of two years from the date the rights are 118309
exercised, subject to extensions granted by the superintendent of 118310
not more than one year at a time nor three years in the aggregate. 118311

(B) "Aggregate covered transactions" means the amount of the 118312
covered transactions about to be engaged in added to the current 118313
amount of all outstanding covered transactions. 118314

(C) "Company" means a corporation, limited liability company, 118315
partnership, business, trust, association, or similar organization 118316
and, unless specifically excluded by this section or section 118317
1109.54, 1109.55, or 1109.56 of the Revised Code, a bank. 118318

(D)(1) "Covered transaction" means, with respect to an 118319
affiliate of a state bank, any of the following: 118320

(a) A loan or extension of credit to the affiliate; 118321

(b) A purchase of or an investment in securities issued by 118322
the affiliate; 118323

(c) A purchase of assets, including assets subject to an 118324
agreement to repurchase, from the affiliate, except the purchase 118325
of real or personal property as specifically exempted by the 118326
superintendent by rule or order; 118327

(d) The acceptance of securities issued by the affiliate as 118328
collateral security for a loan or extension of credit to any 118329
person or company; 118330

(e) The issuance of a guarantee, acceptance, or letter of 118331
credit, including an endorsement or standby letter of credit to 118332
any person or company. 118333

(2) "Covered transaction" does not include any of the 118334

following:	118335
(a) A transaction with another bank if either of the following apply:	118336
(i) One of the banks controls eighty per cent or more of the voting shares of the other bank.	118338
(ii) The same company controls eighty per cent or more of the voting shares of both banks.	118340
(b) Making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions the superintendent may prescribe by rule or order;	118342
(c) Giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;	118346
(d) Making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by one of the following:	118348
(i) Obligations of the United States or its agencies or instrumentalities;	118351
(ii) Obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;	118353
(iii) A segregated, earmarked deposit account with the <u>state</u> bank.	118356
(e) Purchasing securities issued by a company engaged solely in one or more of the following activities:	118358
(i) Holding or operating properties used or to be used wholly or substantially by any bank subsidiary of a company that controls the <u>state</u> bank in the operations of the bank subsidiary;	118360
(ii) Conducting a safe-deposit business;	118363

(iii) Furnishing services to or performing services for a company that controls the <u>state</u> bank or its subsidiaries;	118364 118365
(iv) Liquidating assets acquired from a company that controls the <u>state</u> bank or its banking subsidiaries.	118366 118367
(f) Purchasing assets having a readily identifiable and publicly available market quotation and purchased at that market quotation or purchasing loans on a nonrecourse basis from affiliated banks;	118368 118369 118370 118371
(g) Purchasing from an affiliate a loan or extension of credit that was originated by the <u>state</u> bank and sold to the affiliate subject to a repurchase agreement or with recourse.	118372 118373 118374
(E) "Low quality asset" means an asset that is one or more of the following:	118375 118376
(1) An asset classified as "substandard," "doubtful," or "loss," or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by any of the federal deposit insurance corporation, the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, the division of financial institutions, or the financial institution regulators of other states of the United States;	118377 118378 118379 118380 118381 118382 118383 118384
(2) An asset in a nonaccrual status;	118385
(3) An asset on which principal or interest payments are more than thirty days past due;	118386 118387
(4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.	118388 118389 118390
(F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.	118391 118392 118393

(G) "Subsidiary" means, with respect to a specified company, 118394
a company that is controlled by the specified company. 118395

(H)(1) Subject to division (H)(2) of this section, a company 118396
or shareholder is deemed to have control over another company, if 118397
any of the following apply: 118398

(a) The company or shareholder, directly or indirectly, or 118399
acting through one or more other persons, owns, controls, or has 118400
the power to vote twenty-five per cent or more of any class of 118401
voting securities of the other company. 118402

(b) The company or shareholder controls in any manner the 118403
election of a majority of the directors or trustees of the other 118404
company. 118405

(c) The superintendent determines, after notice and 118406
opportunity for a hearing, the company or shareholder, directly or 118407
indirectly, exercises a controlling influence over the management 118408
or policies of the other company. 118409

(2) No company shall be found to own or control another 118410
company by virtue of the ownership or control of securities in a 118411
fiduciary capacity, except either as provided in divisions 118412
(A)(1)(c) and (d) of this section or if the company owning or 118413
controlling the securities is a business trust. 118414

(I) Any transaction by a state bank with any person shall be 118415
considered a transaction with an affiliate to the extent the 118416
proceeds of the transaction are used for the benefit of, or 118417
transferred to, an affiliate. 118418

Sec. 1109.54. (A) A state bank and its subsidiaries may 118419
engage in a covered transaction with an affiliate only if both of 118420
the following apply: 118421

(1) The aggregate amount of covered transactions by the bank 118422
and its subsidiaries with the particular affiliate will not exceed 118423

ten per cent of the bank's capital. 118424

(2) The aggregate amount of all covered transactions by the 118425
bank and its subsidiaries with all of the bank's affiliates will 118426
not exceed twenty per cent of the bank's capital. 118427

(B) A state bank and its subsidiaries may not purchase a low 118428
quality asset from an affiliate unless the bank or its subsidiary, 118429
pursuant to an independent credit evaluation, committed itself to 118430
purchase the asset prior to the time the asset was acquired by the 118431
affiliate. 118432

(C) Any covered transactions and any transactions between a 118433
state bank and an affiliate shall be on terms and conditions that 118434
are consistent with safe and sound banking practices. 118435

(D) Except as provided in division (E)(4) of this section, 118436
any loan or extension of credit to, or guarantee, acceptance, or 118437
letter of credit issued on behalf of, an affiliate by a state bank 118438
or its subsidiary shall be secured at the time of the transaction 118439
by collateral having a market value equal to any of the following: 118440

(1) One hundred per cent of the amount of the loan or 118441
extension of credit, guarantee, acceptance, or letter of credit, 118442
if the collateral is composed of any of the following: 118443

(a) Obligations of the United States or its agencies or 118444
instrumentalities; 118445

(b) Obligations fully guaranteed as to principal and interest 118446
by the United States or its agencies or instrumentalities; 118447

(c) Notes, drafts, bills of exchange, or bankers' acceptances 118448
described in division (B) or ~~(C)~~(C) of section 1109.17 of the 118449
Revised Code; 118450

(d) A segregated, earmarked deposit account with the bank. 118451

(2) One hundred ten per cent of the amount of the loan or 118452
extension of credit, guarantee, acceptance, or letter of credit, 118453

if the collateral is composed of obligations of any state or 118454
political subdivision of any state; 118455

(3) One hundred twenty per cent of the amount of the loan or 118456
extension of credit, guarantee, acceptance, or letter of credit, 118457
if the collateral is composed of other debt instruments, including 118458
receivables; 118459

(4) One hundred thirty per cent of the amount of the loan or 118460
extension of credit, guarantee, acceptance, or letter of credit, 118461
if the collateral is composed of stock, leases, or other real or 118462
personal property. 118463

(E) For purposes of division (D) of this section: 118464

(1) Any collateral that is subsequently retired or amortized 118465
shall be replaced by additional eligible collateral as needed to 118466
keep the percentage of the collateral value relative to the amount 118467
of the outstanding loan or extension of credit, guarantee, 118468
acceptance, or letter of credit equal to the minimum percentage 118469
required at the inception of the transaction. 118470

(2) A low quality asset is not acceptable as collateral for a 118471
loan or extension of credit to, or guarantee, acceptance, or 118472
letter of credit issued on behalf of, an affiliate. 118473

(3) The securities issued by an affiliate of the state bank 118474
are not acceptable as collateral for a loan or extension of credit 118475
to, or guarantee, acceptance, or letter of credit issued on behalf 118476
of, that affiliate or any other affiliate of the bank. 118477

(4) The collateral requirements set forth in divisions (D) 118478
and (E)(1) of this section do not apply to any acceptance that is 118479
fully secured by either attached documents or other property that 118480
is involved in the transaction and that has an ascertainable 118481
market value. 118482

Sec. 1109.55. (A) A state bank and its subsidiaries may 118483

engage in any of the transactions described in division (B) of 118484
this section only if one of the following applies: 118485

(1) The transaction is on terms and under circumstances, 118486
including credit standards, that are substantially the same, or at 118487
least as favorable to the bank or its subsidiary, as those 118488
prevailing at the time for comparable transactions with or 118489
involving other nonaffiliated companies. 118490

(2) In the absence of comparable transactions, the 118491
transaction is on terms and under circumstances, including credit 118492
standards, that in good faith would be offered to, or would apply 118493
to, nonaffiliated companies. 118494

(B) Division (A) of this section applies to all of the 118495
following: 118496

(1) A covered transaction with an affiliate; 118497

(2) The sale of securities or other assets to an affiliate, 118498
including assets subject to an agreement to repurchase; 118499

(3) The payment of money or the furnishing of services to an 118500
affiliate under contract, lease, or otherwise; 118501

(4) Any transaction in which an affiliate acts as an agent or 118502
broker or receives a fee for its services to the bank or to any 118503
other person. 118504

(C) No state bank or its subsidiary shall do either of the 118505
following: 118506

(1) Purchase as fiduciary any securities or other assets from 118507
an affiliate unless the purchase is permitted by one of the 118508
following: 118509

(a) The instrument creating the fiduciary relationship; 118510

(b) A court order; 118511

(c) The law of the jurisdiction governing the fiduciary 118512

relationship. 118513

(2) Whether acting as principal or fiduciary, knowingly 118514
purchase or otherwise acquire, during the existence of any 118515
underwriting or selling syndicate, any security if a principal 118516
underwriter of the security is an affiliate. 118517

Division (C)(2) of this section does not apply if the 118518
purchase or acquisition of the securities has been approved, 118519
before the securities are initially offered for sale to the 118520
public, by a majority of the directors of the bank who are not 118521
officers or employees of the bank or any of its affiliates. 118522

(D) No state bank or affiliate or subsidiary of a state bank 118523
shall publish any advertisement or enter into any agreement 118524
stating or suggesting the bank shall in any way be responsible for 118525
the obligations of its affiliates. 118526

(E) For purposes of division (C) of this section: 118527

(1) "Principal underwriter" means any underwriter, in 118528
connection with a primary distribution of securities, that is any 118529
of the following: 118530

(a) In privity of contract with the issuer or an affiliated 118531
person of the issuer; 118532

(b) Acting alone or in concert with one or more other 118533
persons, initiates or directs the formation of an underwriting 118534
syndicate; 118535

(c) Allowed a rate of gross commission, spread, or other 118536
profit greater than the rate allowed another underwriter 118537
participating in the distribution. 118538

(2) "Security" has the same meaning as in section 3(a)(10) of 118539
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 118540
78c(a)(10), as amended. 118541

Sec. 1109.59. A state bank may borrow money in any sum 118542
consistent with safety and soundness. Borrowing by means of the 118543
issuance of debt securities is subject to the approval of the 118544
superintendent of financial institutions in accordance with 118545
section 1107.05 of the Revised Code. 118546

Sec. 1109.61. No state bank shall contract to pay, or pay to 118547
any person, any fees for management or consulting services, 118548
including fees for legal, accounting, brokerage, or other similar 118549
professional services, that do not have a direct relationship to 118550
the value of the services rendered or to be rendered, based on 118551
reasonable costs consistent with current market values for 118552
services of the kind contracted for. 118553

Sec. 1109.62. A state bank may engage in the business of 118554
selling insurance through a subsidiary insurance agency subject to 118555
licensing under the law of this state and the law of every other 118556
state in which services are provided by the bank or its 118557
subsidiary. 118558

Sec. 1109.63. A state bank may buy, sell, and exchange coin 118559
and bullion. 118560

Sec. 1109.64. Subject to the limitations and restrictions of 118561
Chapters 1101. to 1127. of the Revised Code, a state bank shall 118562
have the power to do both of the following: 118563

(A) Operate travel agencies; 118564

(B) Engage in the sale of tickets for passage on common 118565
carriers, such as airlines, railroads, ships, and buses, to points 118566
within and outside the United States. 118567

Sec. 1109.65. In order to protect its interest in a property, 118568

a state bank may purchase a tax certificate under section 5721.32 118569
or 5721.33 of the Revised Code. 118570

Sec. 1109.69. (A) ~~Every~~ Unless a longer record retention 118571
period is required by applicable federal law or regulation, each 118572
bank shall retain or preserve the following bank records and 118573
supporting documents for only the following periods of time: 118574

(1) For one year: 118575

(a) Broker's confirmations, invoices, and statements relating 118576
to security transactions of the bank or for or with its customers, 118577
after date of transaction; 118578

(b) Corporate resolutions, partnership authorizations, and 118579
similar authorizations relating to closed accounts, loans that 118580
have been paid, or other completed transactions, after date of 118581
closing, payment, or completion; 118582

(c) Ledger records of safe deposit accounts, after date of 118583
last entry on the ledger; 118584

(d) Night depository records, after their date; 118585

(e) Records relating to closed Christmas club or similar 118586
limited duration special purpose accounts, after date of closing; 118587

(f) Records relating to customer collection accounts, after 118588
date of transaction; 118589

(g) Stop payment orders, after their date; 118590

(h) All records relating to closed consumer credit loans and 118591
discounts, after date of closing; 118592

(i) Deposit tickets relating to demand deposit accounts, 118593
after their date; 118594

(2) For six years: 118595

(a) Deposit and withdrawal tickets relating to open or closed 118596

savings accounts, after their date;	118597
(b) Individual ledger sheets or other records serving the same purpose that show a zero balance and that relate to demand, time, or savings deposit accounts, and safekeeping accounts, after date of last entry, or, where the ledger sheets or other records show an open balance, after date of transfer of the amount of the balance to another ledger sheet or record;	118598 118599 118600 118601 118602 118603
(c) Official checks, drafts, money orders, and other instruments for the payment of money issued by the bank and that have been canceled, after date of issue;	118604 118605 118606
(d) Records relating to closed escrow accounts, after date of closing;	118607 118608
(e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;	118609 118610 118611 118612
(f) Safe deposit access tickets and correspondence or documents relating to access, after their date;	118613 118614
(g) Lease or contract records relating to closed safe deposit accounts, after date of closing;	118615 118616
(h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after date of closing;	118617 118618 118619
(i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after date of statement, provided the bank has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its	118620 118621 118622 118623 118624 118625 118626

customer. 118627

(B) The superintendent of financial institutions may 118628
designate a retention period of either one year or six years for 118629
any record maintained by a bank but not listed in division (A) of 118630
this section. Records that are not listed in division (A) of this 118631
section and for which the superintendent has not designated a 118632
retention period shall be retained or preserved for six years from 118633
the date of completion of the transaction to which the record 118634
relates or, if the last entry has been transferred to a new record 118635
showing the continuation of a transaction not yet completed, from 118636
the date of the last entry. 118637

(C) The requirements of divisions (A) and (B) of this section 118638
may be complied with by the preservation of records in the manner 118639
prescribed in section 1109.68 of the Revised Code. 118640

(D) In construing the terms set forth in division (A) of this 118641
section, reference may be made to general banking usage. 118642

(E) A bank may dispose of any records that have been retained 118643
or preserved for the period set forth in divisions (A) and (B) of 118644
this section. 118645

(F) Any action by or against a bank based on, or the 118646
determination of which would depend on, the contents of records 118647
for which a period of retention or preservation is set forth in 118648
divisions (A) and (B) of this section shall be brought within the 118649
time for which the record must be retained or preserved. 118650

(G) Where a record may be classified under either division 118651
(A)(1) or (2) of this section, the record shall be retained or 118652
preserved for the period set forth in division (A)(2) of this 118653
section. 118654

(H) The provisions of this section do not apply to those 118655
records maintained by a bank in its capacity as a trust company. 118656

Sec. 1111.01. As used in this chapter: 118657

(A) "Charitable trust" means a charitable remainder annuity 118658
trust as defined in section 664(d) of the Internal Revenue Code, a 118659
charitable remainder unitrust as defined in section 664(d) of the 118660
Internal Revenue Code, a charitable lead or other split interest 118661
trust subject to the governing instrument requirements of section 118662
508(e) of the Internal Revenue Code, a pooled income fund as 118663
defined in section 642(c) of the Internal Revenue Code, a trust 118664
that is a private foundation as defined in section 509 of the 118665
Internal Revenue Code, or a trust of which each beneficiary is a 118666
charity. 118667

For purposes of this division and division (B) of this 118668
section, "Internal Revenue Code" means the "Internal Revenue Code 118669
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 118670

(B) "Charity" means a state university as defined in section 118671
3345.011 of the Revised Code, a community college as defined in 118672
section 3354.01 of the Revised Code, a technical college as 118673
defined in section 3357.01 of the Revised Code, a state community 118674
college as defined in section 3358.01 of the Revised Code, a 118675
private college or university that possesses a certificate of 118676
authorization issued ~~by the Ohio board of regents~~ pursuant to 118677
Chapter 1713. of the Revised Code, a trust or organization exempt 118678
from taxation under section 501(c)(3) or section 501(c)(13) of the 118679
Internal Revenue Code, or a corporation, trust, or organization 118680
described in section 170(c)(2) of the Internal Revenue Code. The 118681
term "charities" means more than one trust or organization that is 118682
a charity. 118683

(C) "Collective investment fund" means a fund established by 118684
a trust company or an affiliate of a trust company for the 118685
collective investment of assets held in a fiduciary capacity, 118686
either alone or with one or more cofiduciaries, by the 118687

establishing trust company and its affiliates. 118688

(D) "Fiduciary investment company" means a corporation that 118689
is both of the following: 118690

(1) An investment company; 118691

(2) Incorporated, owned, and operated in accordance with 118692
rules adopted by the superintendent of financial institutions for 118693
the investment of funds held by trust companies in a fiduciary 118694
capacity and for true fiduciary purposes, either alone or with one 118695
or more cofiduciaries. 118696

(E) "Home" has the same meaning as in section 3721.10 of the 118697
Revised Code. 118698

(F) "Instrument" includes any will, declaration of trust, 118699
agreement of trust, agency, or custodianship, or court order 118700
creating a fiduciary relationship. 118701

(G) "Residential facility" has the same meaning as in section 118702
5123.19 of the Revised Code. 118703

(H) "Investment company" means any investment company as 118704
defined in section 3 and registered under section 8 of the 118705
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 118706
and 80a-8, as amended. 118707

(I) "Trust business" means accepting and executing trusts of 118708
property, serving as a trustee, executor, administrator, guardian, 118709
receiver, or conservator, and providing fiduciary services as a 118710
business. "Trust business" does not include any of the following: 118711

(1) Any natural person acting as a trustee, executor, 118712
administrator, guardian, receiver, or conservator pursuant to 118713
appointment by a court of competent jurisdiction; 118714

(2) Any natural person serving as a trustee who does not hold 118715
self out to the public as willing to act as a trustee for hire. 118716
For purposes of division (I) of this section, the solicitation or 118717

advertisement of legal or accounting services by a person licensed 118718
in this state as an attorney or a person holding an Ohio permit to 118719
practice public accounting issued under division (A) of section 118720
4701.10 of the Revised Code shall not be considered to be the act 118721
of holding self out to the public as willing to act as a trustee 118722
for hire. 118723

(3) A charity, an officer or employee of a charity, or a 118724
person affiliated with a charity, serving as trustee of a 118725
charitable trust of which the charity, or another charity with a 118726
similar purpose, is a beneficiary; 118727

(4) Any natural person, home, or residential facility serving 118728
as trustee or taking other actions relative to a qualified income 118729
trust described in section 1917(d)(4)(B) of the "Social Security 118730
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 118731

(5) Other fiduciary activities the superintendent determines 118732
are not undertaken as a business. 118733

Sec. 1111.02. (A) Except as provided in ~~divisions~~ division 118734
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 118735
trust business in this state except a corporation that is one of 118736
the following: 118737

(1) A corporation licensed under section 1111.06 of the 118738
Revised Code that is one of the following: 118739

(a) A state bank ~~doing business under authority granted by~~ 118740
~~the superintendent of financial institutions;~~ 118741

(b) A ~~savings and loan association doing business under~~ 118742
~~authority granted by the superintendent of financial institutions;~~ 118743

(c) A ~~savings bank doing business under authority granted by~~ 118744
~~the superintendent of financial institutions;~~ 118745

(~~d~~) A bank authorized to accept and execute trusts and doing 118746
business under authority granted by the bank chartering authority 118747

of another state or country; 118748

~~(e)(c)~~ A corporation organized under the laws of another 118749
state or country and authorized to accept and execute trusts in 118750
that state or country. 118751

(2) A national bank or federal savings association authorized 118752
to accept and execute trusts and doing business under authority 118753
granted by the office of the comptroller of the currency; 118754

~~(3) A savings association authorized to accept and execute 118755
trusts and doing business under authority granted by the office of 118756
thrift supervision. 118757~~

(B) This chapter shall not apply to ~~any of the following~~: 118758

~~(1) A savings and loan association serving as a trustee to 118759
the extent authorized by section 1151.191 of the Revised Code; 118760~~

~~(2) A savings bank serving as a trustee to the extent 118761
authorized by section 1161.24 of the Revised Code; 118762~~

~~(3) A a corporation that is incorporated under the laws of 118763
another state or the United States, has its principal place of 118764
business in another state, is currently qualified to do and is 118765
engaging in trust business in the state where the corporation has 118766
its principal place of business, and is doing any of the 118767
following: 118768~~

~~(a)(1)~~ Serving as ancillary executor or administrator of 118769
property in this state that is in the estate of a decedent, after 118770
appointment as executor or administrator of the estate by the 118771
courts of the decedent's state of residence; 118772

~~(b)(2)~~ As trustee, acquiring, holding, or transferring a 118773
security interest in lands or other property in this state, by 118774
mortgage, deed of trust, or other instrument, to secure any 118775
evidence of indebtedness; 118776

~~(e)(3)~~ Certifying to any evidence of indebtedness. 118777

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 118778
118779

~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997:~~ 118780
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~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other document executed before July 1, 1997.~~ 118784
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Sec. 1111.03. (A) Notwithstanding any other provision of the Revised Code, any national bank or federal savings association that has been granted fiduciary powers by the office of the comptroller of the currency ~~or any federal savings association that has been granted fiduciary powers by the office of thrift supervision~~ may act in this state as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, or in any other fiduciary capacity in which trust companies qualified and licensed under section 1111.06 of the Revised Code are authorized to act in this state. For such purpose, a national bank or federal savings association shall have the same powers and rights, including but not limited to, the same right to make and accept transfers of fiduciary appointments, as are granted by the laws of this state to trust companies qualified and licensed under section 1111.06 of the Revised Code, and may solicit trust business, accept trust deposits, and maintain nonbranch trust offices in this state. A national bank or federal savings association shall not, by virtue of conducting such trust activity in this state, be subject to examination or inspection by the superintendent of financial institutions, nor shall it be required to obtain any approval, authorization, licenses, or 118788
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certification from, or pay any fee or assessment to, the 118809
superintendent in order to conduct trust activities in this state. 118810

(B) Notwithstanding the provisions of division (A) of this 118811
section, section 1111.04, division (B) of section 1111.07, and 118812
section 1111.08 of the Revised Code shall apply to national banks 118813
and federal savings associations. 118814

Sec. 1111.04. (A) Prior to soliciting or engaging in trust 118815
business in this state, a trust company shall pledge to the 118816
treasurer of state interest bearing securities authorized in 118817
division (B) of this section, having a par value, not including 118818
unaccrued interest, of one hundred thousand dollars, and approved 118819
by the superintendent of financial institutions. The trust company 118820
may pledge the securities either by delivery to the treasurer of 118821
state or by placing the securities with a qualified trustee for 118822
safekeeping to the account of the treasurer of state, the 118823
corporate fiduciary, and any other person having an interest in 118824
the securities under Chapter 1109. of the Revised Code, as their 118825
respective interests may appear and be asserted by written notice 118826
to or demand upon the qualified trustee or by order of judgment of 118827
a court. 118828

(B) Securities pledged by a trust company to satisfy the 118829
requirements of division (A) of this section shall be one or more 118830
of the following: 118831

(1) Bonds, notes, or other obligations of or guaranteed by 118832
the United States or for which the full faith and credit of the 118833
United States is pledged for the payment of principal and 118834
interest; 118835

(2) Bonds, notes, debentures, or other obligations or 118836
securities issued by any agency or instrumentality of the United 118837
States; 118838

(3) General obligations of this or any other state of the United States or any subdivision of this or any other state of the United States.

(C) The treasurer of state shall accept delivery of securities pursuant to this section when accompanied by the superintendent's approval of the securities or the written receipt of a qualified trustee describing the securities and showing the superintendent's approval of the securities, and shall issue a written acknowledgment of the delivery of the securities or the qualified trustee's receipt and the superintendent's approval to the trust company.

(D) The superintendent shall approve securities to be pledged by a trust company pursuant to this section if the securities are all of the following:

(1) Interest bearing and of the value required by division (A) of this section;

(2) Of one or more of the kinds authorized by division (B) of this section and not a derivative of or merely an interest in any of those securities;

(3) Not in default.

(E) The treasurer of state shall, with the approval of the superintendent, permit a trust company to pledge securities in substitution for securities pledged pursuant to this section and the withdrawal of the securities substituted for so long as the securities remaining pledged satisfy the requirements of division (A) of this section. The treasurer of state shall permit a trust company to collect interest paid on securities pledged pursuant to this section so long as the trust company is solvent. The treasurer of state shall, with the approval of the superintendent, permit a trust company to withdraw securities pledged pursuant to this section when the trust company has ceased to solicit or

engage in trust business in this state. 118870

(F) For purposes of this section, a qualified trustee is a 118871
federal reserve bank, a federal home loan bank, a trust company as 118872
defined in section 1101.01 of the Revised Code, or a national bank 118873
or federal savings association that has pledged securities 118874
pursuant to this section, is authorized to accept and execute 118875
trusts, and is doing business under authority granted by the 118876
office of the comptroller of the currency,~~or a savings~~ 118877
~~association that has pledged securities pursuant to this section,~~ 118878
~~is authorized to accept and execute trusts, and is doing business~~ 118879
~~under authority granted by the office of thrift supervision except~~ 118880
~~that.~~ However, a national bank or federal savings association 118881
doing business under authority granted by the office of the 118882
comptroller of the currency,~~a savings association doing business~~ 118883
~~under authority granted by the office of thrift supervision,~~ or a 118884
trust company may not act as a qualified trustee for securities it 118885
or any of its affiliates is pledging pursuant to this section. 118886

(G) The superintendent, with the approval of the treasurer of 118887
state and the attorney general, shall prescribe the form of all 118888
receipts and acknowledgments provided for by this section, and 118889
upon request shall furnish a copy of each form, with the 118890
superintendent's certification attached, to each qualified trustee 118891
eligible to hold securities for safekeeping under this section. 118892

Sec. 1111.06. (A) Any person, other than a national bank with 118893
trust powers or a federal savings association with trust powers, 118894
proposing to solicit or engage in trust business in this state 118895
shall apply to the superintendent of financial institutions to be 118896
licensed as a trust company. The superintendent shall approve or 118897
disapprove the application within sixty days after accepting it. 118898

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(B) In determining whether to approve or disapprove an 118900

application for a trust company license, the superintendent shall 118901
consider all of the following: 118902

(1) Whether the applicant is a corporation described in 118903
division (A)(1) of section 1111.02 of the Revised Code; 118904

(2) Whether the applicant's articles of incorporation or 118905
association authorize the applicant to serve as a trustee; 118906

(3) If the applicant is not a state bank, ~~savings and loan~~ 118907
~~association, or savings bank doing business under authority~~ 118908
~~granted by the superintendent~~, whether the applicant is currently 118909
qualified to do and is engaging in trust business in the state or 118910
country under the laws of which the applicant is organized; 118911

(4) Whether the applicant satisfies the requirements of 118912
section 1111.05 of the Revised Code; 118913

(5) Whether it is reasonable to believe the applicant will 118914
comply with applicable laws and observe sound fiduciary standards 118915
in conducting trust business in this state; 118916

(6) If the applicant is not a state bank, ~~savings and loan~~ 118917
~~association, or savings bank doing business under authority~~ 118918
~~granted by the superintendent~~, whether the applicant is subject to 118919
comprehensive supervision and regulation of its fiduciary 118920
activities by appropriate authorities of the state or country 118921
under the laws of which the applicant is organized. 118922

(C) In approving an application for a trust company license, 118923
the superintendent may impose any condition the superintendent 118924
determines to be appropriate. 118925

(D) When an applicant has satisfied all prior conditions 118926
imposed by the superintendent in approving the applicant's 118927
application for a trust company license and has pledged securities 118928
as required by section 1111.04 of the Revised Code, the 118929
superintendent shall issue the applicant a trust company license. 118930

A license issued pursuant to this section shall remain in force 118931
and effect until surrendered by the licensee pursuant to section 118932
1111.31 of the Revised Code or suspended or revoked by the 118933
superintendent pursuant to section 1111.32 of the Revised Code. 118934

Sec. 1111.07. (A) A trust company's license to solicit or 118935
engage in trust business in this state is not transferable or 118936
assignable. 118937

(B) Subject to section 2109.28 of the Revised Code, if any 118938
trust company enters into a merger or consolidation in which the 118939
trust company is not the surviving corporation, or transfers all 118940
or substantially all of its assets and liabilities to another 118941
corporation, the resulting, surviving, or transferee corporation 118942
shall succeed the trust company as fiduciary as a matter of law 118943
and without necessity to do anything further, if the resulting, 118944
surviving, or transferee corporation is a trust company, or a 118945
national bank or federal savings association authorized to accept 118946
and execute trusts and doing business under authority granted by 118947
the office of the comptroller of the currency, ~~or a federal~~ 118948
~~savings association authorized to accept and execute trusts and~~ 118949
~~doing business under authority granted by the office of thrift~~ 118950
~~supervision.~~ If the trust company is not the surviving corporation 118951
of a merger, enters a consolidation, or after transferring 118952
substantially all of its assets and liabilities ceases to solicit 118953
or engage in trust business in this state, the trust company shall 118954
surrender its trust company license in accordance with section 118955
1111.31 of the Revised Code. 118956

Sec. 1111.08. (A) A trust company, or a national bank or 118957
federal savings association authorized to accept and execute 118958
trusts and doing business under authority granted by the office of 118959
the comptroller of the currency, ~~or a federal savings association~~ 118960
~~authorized to accept and execute trusts and doing business under~~ 118961

~~authority granted by the office of thrift supervision~~ may transfer 118962
all or part of its trust business in this state to another trust 118963
company, or to a national bank or federal savings association 118964
authorized to accept and execute trusts and doing business under 118965
authority granted by the office of the comptroller of the 118966
currency, ~~or to a federal savings association authorized to accept~~ 118967
~~and execute trusts and doing business under authority granted by~~ 118968
~~the office of thrift supervision,~~ if all of the following have 118969
occurred: 118970

(1) Not less than sixty days before consummation of the 118971
transfer, either the transferor or transferee, or both, for each 118972
fiduciary account or relationship to be transferred, has given 118973
written notice, by regular mail to the most recent address shown 118974
on the records of the transferor, to all of the following that 118975
apply: 118976

(a) Each court having jurisdiction over the fiduciary account 118977
or relationship; 118978

(b) Each cofiduciary of the fiduciary account or 118979
relationship; 118980

(c) Each surviving settlor of the trust; 118981

(d) Each person that, alone or in conjunction with others, 118982
has the power to remove the trust company as fiduciary or appoint 118983
a successor fiduciary; 118984

(e) Except in the case of a trust described in section 401(a) 118985
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 118986
U.S.C.A. 401(a), as amended, each adult beneficiary currently 118987
receiving or entitled as a matter of right to receive a 118988
distribution of principal or income from the trust, estate, or 118989
fund; 118990

(f) In the case of a trust described in section 401(a) of the 118991
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 118992

401(a), as amended, the employer or employee organization, or 118993
both, responsible for the maintenance of the trust. 118994

(2) The transferor has filed a certified copy of the 118995
agreement for the sale with the superintendent of financial 118996
institutions. 118997

(B)(1) The transfer of a fiduciary account or relationship 118998
pursuant to division (A) of this section results in the transferee 118999
being substituted for the transferor as fiduciary as a matter of 119000
law and without necessity to do anything further. 119001

(2) The transfer of a fiduciary account or relationship 119002
pursuant to division (A) of this section does neither of the 119003
following: 119004

(a) Impair the right of any person that, alone or in 119005
conjunction with others, has the power to remove a fiduciary or 119006
appoint a successor fiduciary; 119007

(b) Absolve or discharge a transferor from any liability 119008
arising out of its breach of any fiduciary duty or obligation to 119009
the account prior to the transfer. 119010

Sec. 1111.09. (A)(1) A trust service office is any location 119011
established by a trust company as a place for either of the 119012
following: 119013

(a) Persons seeking the services of the trust company, or 119014
information about those services, to contact representatives of 119015
the trust company regarding the trust company's business. 119016

(b) The trust company's representatives to contact the trust 119017
company's customers, or potential customers, and their 119018
representatives. 119019

(2) None of the following is a trust service office: 119020

(a) Any location where a trust company conducts its 119021

operations but does not provide facilities for contact with its 119022
customers or contact by the public with the trust company; 119023

(b) Any location that is the home or place of work or 119024
business or used for the convenience of the trust company's 119025
customer, potential customer, or a representative of a customer or 119026
potential customer where the trust company's representative's 119027
contact with its customer, potential customer, or a representative 119028
of a customer or potential customer is merely incidental to the 119029
purposes for which the location is maintained and to the 119030
activities conducted there; 119031

(c) Any location where another person, including a financial 119032
institution, conducts its business and persons inquiring about 119033
trust services are merely referred to a trust company, even if 119034
referrals to a particular trust company are by exclusive 119035
arrangement and compensated. 119036

(B) A trust company may, consistent with the trust company's 119037
safe and sound operation and the law, establish and maintain trust 119038
service offices at any location, including the following: 119039

(1) If clearly identified and distinguished, at a location 119040
where another person, including a financial institution, also 119041
conducts business; 119042

(2) If the trust company is a bank, savings and loan 119043
association, or savings bank, at any of its approved banking 119044
offices or main office or branches. 119045

(C)(1) A trust company shall give notice in writing to the 119046
superintendent of financial institutions prior to establishing, 119047
relocating, or closing a trust service office in this state. 119048

(2) A trust company that is a state bank ~~doing business under~~ 119049
~~authority granted by the superintendent~~ also shall give notice in 119050
writing to the superintendent prior to establishing, relocating, 119051
or closing a trust service office outside this state. 119052

~~Sec. 1103.01~~ 1113.01. A stock state banking corporation shall 119053
be created, organized, and governed, ~~and~~ its business shall be 119054
conducted, and its directors shall be chosen, in all respects in 119055
the same manner as is provided by Chapters 1701. and 1704. of the 119056
Revised Code, for corporations generally, to the extent that is 119057
not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 119058
1111., and Chapters ~~1105.~~ 1114. to 1127. of the Revised Code. 119059

~~Sec. 1113.01~~ 1113.02. (A) Five or more natural persons, at 119060
least one of whom is a resident of this state, may, with the 119061
approval of the superintendent of financial institutions, 119062
incorporate a stock state bank. 119063

(B) The persons proposing to incorporate a stock state bank 119064
shall apply for approval of the proposed bank by submitting the 119065
application prescribed by the superintendent, which application 119066
shall include all of the following: 119067

(1) The proposed articles of incorporation and code of 119068
regulations; 119069

(2) An application for reservation of a name in accordance 119070
with section 1103.07 of the Revised Code, if reservation is 119071
desired by the incorporators and has not been previously filed; 119072

(3) The location and a description of the proposed initial 119073
banking office; 119074

(4) Information to demonstrate the proposed bank will satisfy 119075
the requirements of division (C) of section 1113.03 and any other 119076
provision of the Revised Code identified by the superintendent; 119077

(5) Any other information the superintendent requires. 119078

(C) Notwithstanding division (A) of this section, a 119079
corporation may act as the sole incorporator of a stock state bank 119080
if either of the following applies: 119081

(1) The corporation is registered with the board of governors 119082
of the federal reserve system as a bank holding company; 119083

(2) The superintendent determines the corporation is 119084
intending to form either of the following: 119085

(a) A stock state bank that functions solely in a trust or 119086
fiduciary capacity and that meets all of the requirements set 119087
forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 119088
1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended; 119089

(b) A stock state bank that engages only in credit card 119090
operations, does not accept demand deposits or deposits that the 119091
depositor may withdraw by check or similar means for payment to 119092
third parties or others, does not accept any savings or time 119093
deposit of less than one hundred thousand dollars, maintains only 119094
one office that accepts deposits, and does not engage in the 119095
business of making commercial loans. 119096

Sec. 1113.03. (A) Within ten days after receipt from the 119097
superintendent of financial institutions of notice of acceptance 119098
of an application for approval to incorporate a stock state bank, 119099
the incorporators shall publish notice of the proposed 119100
incorporation in a newspaper of general circulation in the county 119101
where the bank's initial banking office is to be located. The 119102
incorporators shall publish the notice once a week for two weeks 119103
and furnish a certified copy of it to the superintendent. The 119104
notice shall specify the name of the proposed bank, its location, 119105
the amount of the proposed capital, the names of the 119106
incorporators, the address of the superintendent, and the date by 119107
which comments on the application must be filed with the 119108
superintendent, which date shall be thirty days after the date of 119109
the first publication of the notice. 119110

(B) If any comments on the application are filed with the 119111
superintendent within the thirty-day period prescribed in division 119112

(A) of this section, the superintendent shall determine whether 119113
the comments are relevant to the requirements for incorporation of 119114
a stock state bank and, if so, investigate the comments in the 119115
manner the superintendent considers appropriate. 119116

(C) The superintendent shall examine all of the facts 119117
connected with the application to determine if all of the 119118
following requirements are met: 119119

(1) The proposed articles of incorporation and code of 119120
regulations, application for reservation of name, applicable fees, 119121
and other items required meet the requirements of the Revised 119122
Code. 119123

(2) The convenience and needs of the public will be served by 119124
the proposed bank. 119125

(3) The population and economic characteristics of the area 119126
primarily to be served afford reasonable promise of adequate 119127
support for the proposed bank. 119128

(4) The competence, experience, and integrity of the proposed 119129
directors and officers are such as to command the confidence of 119130
the community and warrant the belief that the business of the 119131
proposed bank will be honestly and efficiently conducted. 119132

(5) The capital of the proposed bank is adequate in relation 119133
to the amount and character of the anticipated business of the 119134
bank and the safety of prospective depositors. 119135

(D) Within one hundred eighty days following the date of 119136
acceptance of the application, the superintendent shall approve or 119137
disapprove the incorporation of the proposed bank upon the basis 119138
of the examination. In giving approval, the superintendent may 119139
impose conditions to be met prior to the issuance of a certificate 119140
of authority to commence business under section 1113.09 of the 119141
Revised Code. 119142

(E) If the superintendent approves the application, the superintendent shall make a certificate to that effect and forward the certificate and the articles of incorporation of the proposed bank to the secretary of state for filing.

Sec. ~~1103.06~~ 1113.04. (A) A stock state bank's articles of incorporation shall contain all of the following:

- (1) The name of the bank;
- (2) The place in this state where the bank's principal place of business is to be located;
- (3) The purpose or purposes for which the bank is formed;
- (4) The maximum number and the par value of shares the bank is authorized to have outstanding and their express terms, if any. The articles of incorporation shall not authorize shares without par value. If the shares are to be classified, the designation of each class, the number and par value of the shares of each class, and the express terms, if any, of the shares of each class shall be included.

(B) The articles of incorporation may also set forth any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the stock state bank, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares, and any provision that may be set forth in the bank's code of regulations.

Sec. 1113.05. (A) Before any subscription to shares has been received, the incorporators may, by unanimous written action and subject to ~~division (E)~~ the requirements of this section, adopt amendments to the stock state bank's articles of incorporation or amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(B) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.

(C)(1) If the incorporators propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent of financial institutions a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the incorporators.

(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied:

(a) The proposed amendment or amended articles of incorporation comply with the requirements of the Revised Code.

(b) The proposed amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors and the convenience and needs of the public.

(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify

the bank of the superintendent's approval or disapproval of the 119204
proposed amendment or amended articles of incorporation within 119205
forty-five days after the date the additional information is 119206
received. If the proposed amendment or amended articles of 119207
incorporation are disapproved by the superintendent, the 119208
superintendent shall notify the bank of the reasons for the 119209
disapproval. 119210

(4) If the superintendent fails to approve or disapprove the 119211
proposed amendment or amended articles of incorporation within the 119212
time period required under division (C)(3) of this section, the 119213
proposed amendment or amended articles of incorporation shall be 119214
considered approved. 119215

(5) If the proposed amendment or amended articles of 119216
incorporation are approved, in no event shall that approval be 119217
construed or represented as an affirmative endorsement of the 119218
amendment or amended articles of incorporation by the 119219
superintendent. 119220

(D)(1) Upon their adoption of any approved amendment to a 119221
stock state bank's articles of incorporation, the incorporators 119222
shall send to the superintendent ~~of financial institutions~~ a 119223
certificate, signed by all the incorporators, containing a copy of 119224
the resolution adopting the amendment and a statement of the 119225
manner of and basis for its adoption. 119226

(2) Upon their adoption of approved amended articles of 119227
incorporation, the incorporators shall send to the superintendent 119228
a copy of the amended articles of incorporation, accompanied by a 119229
certificate, signed by all the incorporators, containing a copy of 119230
the resolution adopting the amended articles of incorporation and 119231
a statement of the manner of and basis for its adoption. 119232

~~(D)~~(E) Upon receiving a certificate required by division 119233
~~(C)~~(D) of this section, the superintendent shall conduct whatever 119234

examination the superintendent considers necessary to determine if 119235
~~both of the following conditions are satisfied:~~ 119236

~~(1) The the manner of and basis for the adoption of the 119237
amendment or amended articles of incorporation ~~and the manner of~~ 119238
~~and basis for adoption~~ comply with the requirements of the Revised 119239
Code:~~ 119240

~~(2) The amendment or amended articles of incorporation will 119241
not adversely affect the interests of the bank's depositors and 119242
creditors and the convenience and needs of the public. 119243~~

~~(E)(F)(1) Within ~~sixty~~ thirty days after receiving a 119244
certificate required by division ~~(C)~~(D) of this section, the 119245
superintendent shall approve or disapprove the amendment or 119246
amended articles of incorporation. If the superintendent approves 119247
the amendment or amended articles of incorporation, the 119248
superintendent shall forward a certificate of that approval, a 119249
copy of the certificate required by division ~~(C)~~(D) of this 119250
section, and, ~~in the case of amended articles of incorporation,~~ 119251
a copy of the amendment or amended articles of incorporation, to the 119252
secretary of state, who shall file the documents. Upon filing by 119253
the secretary of state, the amendment or amended articles of 119254
incorporation shall be effective. 119255~~

(2) If the superintendent fails to approve or disapprove the 119256
amendment or amended articles of incorporation within ~~sixty~~ thirty 119257
days after receiving a certificate required by division ~~(C)~~(D) of 119258
this section, the bank shall forward a copy of the certificate 119259
and, ~~in the case of amended articles of incorporation,~~ a copy of 119260
the amendment or amended articles of incorporation, to the 119261
secretary of state, who shall file the documents. Upon filing by 119262
the secretary of state, the amendment or amended articles of 119263
incorporation shall be effective. 119264

Sec. 1113.06. (A) After the secretary of state has filed the 119265

articles of incorporation and certificate of approval of the 119266
superintendent of financial institutions, the incorporators, or a 119267
majority of them, shall order books to be opened for subscription 119268
to the stock state bank's shares. An installment of not less than 119269
ten per cent of the subscription price of each share shall be 119270
payable at the time of making the subscription, and the balance 119271
shall be payable as soon thereafter as the board of directors 119272
requires. 119273

(B) When the stock state bank's shares have been fully 119274
subscribed, the incorporators, or a majority of them, shall 119275
certify this fact in writing to the superintendent. The 119276
superintendent shall file the certification with the secretary of 119277
state. 119278

(C) Upon their compliance with division (B) of this section, 119279
at least a majority of the incorporators shall give not less than 119280
ten days' notice in writing by mail to the shareholders who have 119281
not waived the notice to meet at a specified time and place for 119282
the purpose of adopting a code of regulations, electing directors, 119283
and transacting any other business authorized by section 1113.08 119284
of the Revised Code. The shareholders shall meet for those 119285
purposes at the time and place specified. 119286

(D) The incorporators shall not receive any subscriptions for 119287
shares after the election of directors. 119288

Sec. 1113.08. (A) A stock state bank organized under Chapter 119289
1113. of the Revised Code shall not accept deposits, incur 119290
indebtedness, or transact any business except business that is 119291
incidental to its organization or to the obtaining of 119292
subscriptions to or payment for its shares until the bank receives 119293
a certificate of authority to commence business issued by the 119294
superintendent of financial institutions. 119295

(B) The bank shall file a report with the superintendent when 119296

it has done everything required before it can be authorized to 119297
commence business and when the subscriptions for the bank's shares 119298
have been fully paid in, in the amounts fixed by the 119299
superintendent. 119300

(C) Upon receipt of the report referred to in division (B) of 119301
this section, the superintendent shall examine the affairs of the 119302
bank and determine whether the bank has complied with all 119303
requirements necessary to entitle it to engage in business. 119304

Sec. 1113.09. (A) The superintendent of financial 119305
institutions shall issue a certificate of authority to commence 119306
business if: 119307

(1) The superintendent is satisfied, based upon the 119308
examination conducted pursuant to section 1113.08 of the Revised 119309
Code and any other facts within the knowledge of the 119310
superintendent, that the stock state bank is otherwise entitled to 119311
commence business. 119312

(2) With respect to a stock state bank that, upon commencing 119313
business, would be authorized to accept deposits other than trust 119314
funds, the superintendent has received from the federal deposit 119315
insurance corporation (FDIC) confirmation that the FDIC has 119316
approved the bank's application to become an insured bank as 119317
defined in section 3(h) of the "Federal Deposit Insurance Act," 92 119318
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 119319
required to become an insured bank as defined in section 3(h) of 119320
the "Federal Deposit Insurance Act" if, by the terms of its 119321
articles of incorporation, it is not permitted to solicit or 119322
accept deposits other than trust funds. 119323

(B) The bank shall cause the certificate of authority to 119324
commence business to be published once a week for two successive 119325
weeks in a newspaper of general circulation in the county where 119326
the bank's initial banking office is located. 119327

(C) For purposes of this section, "trust funds" means funds held in a fiduciary capacity and includes, but is not limited to, funds held as trustee, executor, administrator, guardian, or agent.

Sec. ~~1103.11~~ 1113.11. (A) Each stock state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation.

~~(B) A bank's original code of regulations shall be adopted at a meeting of shareholders held for that purpose by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.~~

~~(C) The shareholders may amend a bank's code of regulations or adopt a new code of regulations in any of the following ways:~~

~~(1) At a meeting of shareholders by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal;~~

~~(2) Without a meeting by the written consent of the holders of shares entitling them to exercise two thirds of the voting power of the bank on the proposal;~~

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of~~

~~shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~ 119358
119359
119360

~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~ 119361
119362
119363

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~ 119364
119365
119366

~~(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;~~ 119367
119368

~~(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;~~ 119369
119370
119371

~~(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;~~ 119372
119373

~~(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;~~ 119374
119375
119376

~~(6) The appointment and authority of an executive and other committees of the directors;~~ 119377
119378

~~(7) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and removal of officers;~~ 119379
119380
119381

~~(8) Defining, limiting, or regulating the exercise of the authority of the bank, the directors, the officers, or all the shareholders;~~ 119382
119383
119384

~~(9) The manner in and conditions upon which a certificated security, and the conditions upon which an uncertificated security, and the shares represented by a certificated or~~ 119385
119386
119387

~~uncertificated security, may be transferred, restrictions on the right to transfer the shares, and reservations of liens on the shares.~~

~~(F) Unless either a bank's articles of incorporation or code of regulations provides otherwise, if the code of regulations is to be amended or a new code of regulations is proposed for adoption without a meeting of the shareholders, at least ten days prior to the last day a shareholder may consent to or deny consent to the proposed amendments or new code of regulations, the secretary of the bank shall mail a copy of the proposed amendments or new code of regulations to each shareholder who would be entitled, as of the date of the mailing, to vote on the amendment or adoption.~~

~~(G) If the code of regulations is amended or a new code of regulations is adopted without a meeting of the shareholders, the secretary of the bank shall mail a copy of the amendment or the new code of regulations, or notice of the adoption of the amendment or new code of regulations, to each shareholder who would have been entitled to vote on the amendment or adoption.~~

Sec. 1103.08 1113.12. (A) After subscriptions to shares have been received by the incorporators, the shareholders of a stock state bank may, subject to ~~division (H)~~ the requirements of this section, adopt amendments to the bank's articles of incorporation or adopt amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(1) The shareholders may adopt an amendment to the bank's articles of incorporation or amended articles of incorporation at a meeting held for that purpose, as follows:

(a) By the affirmative vote of the holders of shares entitling them to exercise two-thirds of the voting power of the

bank on the proposal or, if the articles of incorporation provide 119419
or permit, by the affirmative vote of a greater or lesser 119420
proportion, but not less than a majority, of the voting power; 119421

(b) When the holders of shares of a particular class are 119422
entitled to vote as a class, by the affirmative vote of the 119423
holders of at least two-thirds or, if the articles of 119424
incorporation provide or permit, a greater or lesser portion, but 119425
not less than a majority, of the shares of the class. 119426

(2) The shareholders may adopt amended articles of 119427
incorporation to consolidate the original articles of 119428
incorporation and all previously adopted amendments to the 119429
articles of incorporation at a meeting held for that purpose by 119430
the affirmative vote of holders of shares entitling them to 119431
exercise a majority of the voting power of the bank on the 119432
proposal. 119433

(3) The shareholders may adopt an amendment to the bank's 119434
articles of incorporation or amended articles of incorporation 119435
without a meeting by the written consent of all of the holders of 119436
shares who would be entitled to vote at a meeting held for that 119437
purpose. 119438

(B) Any amendment or amended articles of incorporation of a 119439
stock state bank that would eliminate cumulative voting rights, as 119440
permitted by section 1701.69 of the Revised Code, shall not be 119441
adopted if the votes of a sufficient number of shares are cast 119442
against the amendment or amended articles of incorporation that, 119443
if cumulatively voted at an election of all directors or all 119444
directors of a particular class, would be sufficient, at the time 119445
the shareholders vote on the proposal, to elect at least one 119446
director. 119447

(C) The shareholders of a stock state bank may adopt an 119448
amendment to the bank's articles of incorporation to authorize the 119449

purchase of the bank's shares, if the amendment states that the 119450
superintendent of financial institutions must approve the purchase 119451
in writing prior to each purchase of shares. 119452

(D) The shareholders of a stock state bank may adopt an 119453
amendment to the bank's articles of incorporation to permit the 119454
bank to have authorized and unissued shares or treasury shares ~~for~~ 119455
~~any of the following purposes:~~ 119456

~~(1) Meeting conversion rights or options;~~ 119457

~~(2) Employee stock purchase or ownership plans;~~ 119458

~~(3) Mergers, consolidations, or other reorganizations, or~~ 119459
~~acquisitions;~~ 119460

~~(4) The purchase of real estate the board of directors~~ 119461
~~considers necessary or convenient for transaction of the bank's~~ 119462
~~business;~~ 119463

~~(5) Any other specific purpose.~~ 119464

~~Shares shall be considered authorized for these purposes only~~ 119465
~~if the shareholder resolutions authorizing the shares specifically~~ 119466
~~state the purposes for which the shares are authorized. Shares~~ 119467
~~authorized specifically for any of these purposes shall not be~~ 119468
~~issued for any other purpose. Shares authorized for these purposes~~ 119469
~~shall be deemed released from pre-emptive rights.~~ 119470

(E) Amended articles of incorporation shall set forth all 119471
provisions required in, and only provisions that may properly be 119472
in, original articles of incorporation or amendments to articles 119473
of incorporation at the time the amended articles of incorporation 119474
are adopted, and shall state that they supersede the existing 119475
articles of incorporation. 119476

(F)(1) If the shareholders propose the adoption of any 119477
amendment to a stock state bank's articles of incorporation or 119478
amended articles of incorporation, the bank shall send to the 119479

superintendent a copy of the proposed amendment or amended 119480
articles of incorporation for review and approval prior to 119481
adoption by the shareholders. 119482

(2) Upon receiving a proposed amendment or amended articles 119483
of incorporation, the superintendent shall conduct whatever 119484
examination the superintendent considers necessary to determine if 119485
both of the following conditions are satisfied: 119486

(a) The proposed amendment or amended articles of 119487
incorporation comply with the requirements of the Revised Code. 119488

(b) The proposed amendment or amended articles of 119489
incorporation will not adversely affect the interests of the 119490
bank's depositors and creditors and the convenience and needs of 119491
the public. 119492

(3) Within forty-five days after receiving the proposed 119493
amendment or amended articles of incorporation, the superintendent 119494
shall notify the bank of the superintendent's approval or 119495
disapproval unless the superintendent determines additional 119496
information is required. In that event, the superintendent shall 119497
request the information in writing within twenty days after the 119498
date the proposed amendment or amended articles of incorporation 119499
were received. The bank shall have thirty days to submit the 119500
information to the superintendent. The superintendent shall notify 119501
the bank of the superintendent's approval or disapproval of the 119502
proposed amendment or amended articles of incorporation within 119503
forty-five days after the date the additional information is 119504
received. If the proposed amendment or amended articles of 119505
incorporation are disapproved by the superintendent, the 119506
superintendent shall notify the bank of the reasons for the 119507
disapproval. 119508

(4) If the superintendent fails to approve or disapprove the 119509
proposed amendment or amended articles of incorporation within the 119510

time period required under division (F)(3) of this section, the 119511
proposed amendment or amended articles of incorporation shall be 119512
considered approved. 119513

(5) If the proposed amendment or amended articles of 119514
incorporation are approved, in no event shall that approval be 119515
construed or represented as an affirmative endorsement of the 119516
amendment or amended articles of incorporation by the 119517
superintendent. 119518

(G)(1) Upon adoption by the shareholders of any approved 119519
amendment to a stock state bank's articles of incorporation, the 119520
bank shall send to the superintendent a certificate containing a 119521
copy of the shareholders' resolution adopting the amendment and a 119522
statement of the manner of its adoption. If the directors proposed 119523
the amendment, the certificate shall include a copy of the 119524
resolution adopted by the directors to propose the amendment to 119525
the shareholders. The certificate shall be signed by ~~bank officers~~ 119526
the bank's authorized representatives in accordance with section 119527
1103.19 of the Revised Code. 119528

(2) Upon adoption by the shareholders of approved amended 119529
articles of incorporation, the bank shall send to the 119530
superintendent a copy of the amended articles of incorporation, 119531
accompanied by a certificate containing a copy of the 119532
shareholders' resolution adopting the amended articles of 119533
incorporation and a statement of the manner of its adoption. If 119534
the directors proposed the amended articles of incorporation, the 119535
certificate shall include a copy of the resolution adopted by the 119536
directors to propose the amended articles of incorporation to the 119537
shareholders. The certificate shall be signed by ~~bank officers~~ the 119538
bank's authorized representatives in accordance with section 119539
1103.19 of the Revised Code. 119540

~~(G)~~(H) Upon receiving a certificate required by division 119541
~~(F)~~(G) of this section, the superintendent shall conduct whatever 119542

examination the superintendent considers necessary to determine if 119543
~~both of the following conditions are satisfied:~~ 119544

~~(1) The the manner of adoption of the amendment or amended 119545
articles of incorporation ~~and the manner of adoption comply~~ 119546
complies with the requirements of the Revised Code:~~ 119547

~~(2) The amendment or amended articles of incorporation will 119548
not adversely affect the interests of the bank's depositors and 119549
creditors and the convenience and needs of the public.~~ 119550

~~(H)(I)~~(1) Within ~~sixty~~ thirty days after receiving a 119551
certificate required by division ~~(F)~~(G) of this section, the 119552
superintendent shall approve or disapprove the amendment or 119553
amended articles of incorporation. If the superintendent approves 119554
the amendment or amended articles of incorporation, the 119555
superintendent shall forward a certificate of that approval, a 119556
copy of the certificate required by division ~~(F)~~(G) of this 119557
section, and, ~~in the case of amended articles of incorporation,~~ a 119558
copy of the amendment or amended articles of incorporation, to the 119559
secretary of state, who shall file the documents. Upon filing by 119560
the secretary of state, the amendment or amended articles of 119561
incorporation shall be effective. 119562

(2) If the superintendent fails to approve or disapprove the 119563
amendment or amended articles of incorporation within ~~sixty~~ thirty 119564
days after receiving a certificate required by division ~~(F)~~(G) of 119565
this section, the bank shall forward a copy of the certificate 119566
and, ~~in the case of amended articles of incorporation,~~ a copy of 119567
the amendment or amended articles of incorporation, to the 119568
secretary of state, who shall file the documents. Upon filing by 119569
the secretary of state, the amendment or amended articles of 119570
incorporation shall be effective. 119571

Sec. ~~1103.09~~ 1113.13. (A) After subscriptions to shares have 119572
been received by the incorporators, the board of directors of a 119573

stock state bank may, subject to ~~division (F)~~ the requirements of 119574
this section, adopt amendments to the bank's articles of 119575
incorporation to do any of the following: 119576

(1) Authorize the shares necessary to meet conversion or 119577
option rights when all of the following apply: 119578

(a) The bank has issued shares of one class convertible into 119579
shares of another class or obligations convertible into shares of 119580
the bank, or has granted options to purchase shares. 119581

(b) The conversion or option rights are set forth in the 119582
articles of incorporation or have been approved by the same vote 119583
of shareholders as, at the time of the approval, would have been 119584
required to amend the articles of incorporation to authorize the 119585
shares required for that purpose. 119586

(c) The bank does not have sufficient authorized and unissued 119587
shares available to satisfy the conversion or option rights. 119588

(2) Reduce the authorized number of shares of a class by the 119589
number of shares of that class that have been redeemed, or have 119590
been surrendered to or acquired by the bank upon conversion, 119591
exchange, purchase, or otherwise, or to eliminate from the 119592
articles of incorporation all references to the shares of a class, 119593
and to make any other change required, when all of the authorized 119594
shares of that class have been redeemed, or surrendered to or 119595
acquired by the bank; 119596

(3) Reduce the authorized number of shares of a class by the 119597
number of shares of that class that were canceled, ~~pursuant to~~ 119598
~~section 1107.07 of the Revised Code,~~ for not being issued or 119599
reissued and for not being fully paid in within one year after the 119600
date they were authorized or otherwise became authorized and 119601
unissued shares. 119602

(B) The board of directors of a stock state bank may adopt 119603
amended articles of incorporation to consolidate the original 119604

articles of incorporation and all previously adopted amendments to 119605
the articles of incorporation that are in force at the time. 119606

(C) Amended articles of incorporation shall set forth all 119607
provisions required in, and only provisions that may properly be 119608
in, original articles of incorporation or amendments to articles 119609
of incorporation at the time the amended articles of incorporation 119610
are adopted, and shall state that they supersede the existing 119611
articles of incorporation. 119612

(D)(1) If the board of directors propose the adoption of any 119613
amendment to a stock state bank's articles of incorporation or 119614
amended articles of incorporation, the bank shall send to the 119615
superintendent of financial institutions a copy of the proposed 119616
amendment or amended articles of incorporation for review and 119617
approval prior to adoption by the board. 119618

(2) Upon receiving a proposed amendment or amended articles 119619
of incorporation, the superintendent shall conduct whatever 119620
examination the superintendent considers necessary to determine if 119621
both of the following conditions are satisfied: 119622

(a) The proposed amendment or amended articles of 119623
incorporation comply with the requirements of the Revised Code. 119624

(b) The proposed amendment or amended articles of 119625
incorporation will not adversely affect the interests of the 119626
bank's depositors and creditors. 119627

(3) Within forty-five days after receiving the proposed 119628
amendment or amended articles of incorporation, the superintendent 119629
shall notify the bank of the superintendent's approval or 119630
disapproval unless the superintendent determines additional 119631
information is required. In that event, the superintendent shall 119632
request the information in writing within twenty days after the 119633
date the proposed amendment or amended articles of incorporation 119634
were received. The bank shall have thirty days to submit the 119635

information to the superintendent. The superintendent shall notify 119636
the bank of the superintendent's approval or disapproval of the 119637
proposed amendment or amended articles of incorporation within 119638
forty-five days after the date the additional information is 119639
received. If the proposed amendment or amended articles of 119640
incorporation are disapproved by the superintendent, the 119641
superintendent shall notify the bank of the reasons for the 119642
disapproval. 119643

(4) If the superintendent fails to approve or disapprove the 119644
proposed amendment or amended articles of incorporation within the 119645
time period required by division (D)(3) of this section, the 119646
proposed amendment or amended articles of incorporation shall be 119647
considered approved. 119648

(5) If the proposed amendment or amended articles of 119649
incorporation are approved, in no event shall that approval be 119650
construed or represented as an affirmative endorsement of the 119651
amendment or amended articles of incorporation by the 119652
superintendent. 119653

(E)(1) Upon adoption by the board of directors of any 119654
approved amendment to a stock state bank's articles of 119655
incorporation, the bank shall send to the superintendent of 119656
~~financial institutions~~ a certificate containing a copy of the 119657
directors' resolution adopting the amendment and a statement of 119658
the manner of and basis for its adoption. The certificate shall be 119659
signed by ~~bank officers~~ the bank's authorized representatives in 119660
accordance with section 1103.19 of the Revised Code. 119661

(2) Upon adoption by the board of directors of approved 119662
amended articles of incorporation, the bank shall send to the 119663
superintendent a copy of the amended articles of incorporation, 119664
accompanied by a certificate containing a copy of the directors' 119665
resolution adopting the amended articles of incorporation and a 119666
statement of the manner of and basis for its adoption. The 119667

certificate shall be signed by ~~bank officers~~ the bank's authorized 119668
representatives in accordance with section 1103.19 of the Revised 119669
Code. 119670

~~(E)~~(F) Upon receiving a certificate required by division 119671
~~(D)~~(E) of this section, the superintendent shall conduct whatever 119672
examination the superintendent considers necessary to determine if 119673
~~both of the following conditions are satisfied:~~ 119674

~~(1) The~~ the manner of and basis for adoption of the amendment 119675
or amended articles of incorporation ~~and the manner of and basis~~ 119676
~~for adoption~~ comply with the requirements of the Revised Code: 119677

~~(2) The amendment or amended articles of incorporation will~~ 119678
~~not adversely affect the interests of the bank's depositors and~~ 119679
~~creditors and the convenience and needs of the public.~~ 119680

~~(F)~~(G)(1) Within ~~sixty~~ thirty days after receiving a 119681
certificate required by division ~~(D)~~(E) of this section, the 119682
superintendent shall approve or disapprove the amendment or 119683
amended articles of incorporation. If the superintendent approves 119684
the amendment or amended articles of incorporation, the 119685
superintendent shall forward a certificate of that approval, a 119686
copy of the certificate required by division ~~(D)~~(E) of this 119687
section, and, ~~in the case of amended articles of incorporation,~~ 119688
a copy of the amendment or amended articles of incorporation, 119689
to the secretary of state, who shall file the documents. Upon filing by 119690
the secretary of state, the amendment or amended articles of 119691
incorporation shall be effective. 119692

(2) If the superintendent fails to approve or disapprove the 119693
amendment or amended articles of incorporation within ~~sixty~~ thirty 119694
days after receiving a certificate required by division ~~(D)~~(E) of 119695
this section, the bank shall forward a copy of the certificate 119696
and, ~~in the case of amended articles of incorporation,~~ a copy of 119697
the amendment or amended articles of incorporation, to the 119698

secretary of state, who shall file the documents. Upon filing by 119699
the secretary of state, the amendment or amended articles of 119700
incorporation shall be effective. 119701

Sec. ~~1103.13~~ 1113.14. (A) A stock state bank's shareholders 119702
shall hold an annual meeting in accordance with this section and 119703
the bank's articles of incorporation and code of regulations. The 119704
purposes of the annual meeting shall include the election of 119705
directors and the presentation of the financial statements. 119706

(B) The financial statements presented at the annual meeting 119707
shall satisfy the requirements of one of the following: 119708

(1) The basic financial information required to be made 119709
available to shareholders of a stock state bank prior to the 119710
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 119711
Code; 119712

(2) The financial statements required to be presented at the 119713
annual meeting of a corporation pursuant to section 1701.38 of the 119714
Revised Code; 119715

(3) The financial statements required under federal law for a 119716
bank subject to the registration requirements of section 12 of the 119717
"Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, 119718
as amended. 119719

(C) ~~Written notice stating the time, place, and purpose or~~ 119720
~~purposes of any meeting~~ Meetings of the shareholders shall be 119721
~~given either by personal delivery or by first class mail not less~~ 119722
~~than seven nor more than sixty days before the date of the~~ 119723
~~meeting, unless the articles of incorporation or the code of~~ 119724
~~regulations specify a longer period, to each shareholder of record~~ 119725
~~entitled to notice of the meeting. The notice shall be given by or~~ 119726
~~at the direction of the president, a vice president, the~~ 119727
~~secretary, any two directors, or any other officer designated by~~ 119728

~~the bank's code of regulations. If notice is given by mail, the notice shall be addressed to the shareholder at the address as it appears on the records of the bank, and shall be deemed to have been given when deposited in the mail. In computing the period of time for the giving of notice required under this division, the date on which the notice is given shall be excluded, and the day of the meeting shall be included~~ may be called for any of the reasons and in the manner set forth in section 1701.40 of the Revised Code. Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at the meeting any meeting shall be provided in accordance with section 1701.41 of the Revised Code.

(D) The requirements of this section shall not apply with respect to annual or special meetings of shareholders of a stock state bank that is wholly owned, except for directors' qualifying shares, if any, by a bank holding company or savings and loan holding company.

Sec. ~~1103.14~~ 1113.15. (A) Prior to each annual meeting of its shareholders, each stock state bank shall make basic financial information available to its shareholders in accordance with this section unless the bank is either of the following:

(1) Subject to the registration requirements of section 12 of the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, as amended.

(2) Wholly owned, except for directors' qualifying shares, by a bank holding company.

(B) The basic financial information required to be made available under this section shall include, at a minimum, information substantially similar to both of the following:

(1) Those portions of the consolidated reports of income made

to the superintendent of financial institutions for each of the 119759
two preceding full years covering all of the following: 119760

(a) Sources and disposition of income; 119761

(b) Changes in equity capital; 119762

(c) Allowance for possible loan losses. 119763

(2) The balance sheet portion of the consolidated reports of 119764
condition made to the superintendent at the end of each of the two 119765
preceding years. 119766

(C) The bank may present the basic financial information in 119767
any format it determines suitable, including copies of the 119768
relevant portions of the consolidated reports of condition and 119769
income or an annual report. 119770

(D) The bank shall make the basic financial information 119771
available by doing either of the following: 119772

(1) Sending the information to each shareholder prior to, or 119773
concurrently with, the notice of the annual meeting of 119774
shareholders; 119775

(2) Including in, or sending with, the notice of the annual 119776
meeting of shareholders a statement indicating that basic 119777
financial information concerning the bank for the two years 119778
preceding the meeting may be obtained from the bank without 119779
charge, accompanied by the address, telephone number, and name or 119780
title of the bank employee or officer whom shareholders should 119781
contact for the information, and promptly mailing, delivering, or 119782
otherwise sending the information to any shareholder who requests 119783
it. 119784

Sec. ~~1103.15~~ 1113.16. Each Except as otherwise expressly 119785
provided in the terms for any class of shares issued by a stock 119786
state bank, every holder of a the bank's voting shares, in 119787
elections of directors and in deciding other questions at meetings 119788

of shareholders, is entitled to one vote for each share held and 119789
shall not accumulate the votes unless otherwise provided in the 119790
articles of incorporation. Any shareholder eligible to vote may 119791
vote by proxy authorized in writing. An appointment of a proxy 119792
shall expire in accordance with division (C) of section 1701.48 of 119793
the Revised Code. Unless the articles of incorporation, the code 119794
of regulations, or the contract of subscription otherwise 119795
provides, a subscriber for authorized shares is a shareholder for 119796
the purposes of this section, but no shares upon which an 119797
installment of the purchase price is overdue and unpaid shall be 119798
voted. 119799

Sec. ~~1103.16~~ 1113.17. (A) Each stock state bank shall keep 119800
correct and complete books and records of account, together with 119801
records of the proceedings, including minutes of any meetings, of 119802
its incorporators, shareholders, directors, and committees of the 119803
directors, and records of its shareholders showing their names and 119804
addresses and the number and class of shares issued or transferred 119805
of record to or by them from time to time. 119806

(B) Upon request of any shareholder eligible to attend and 119807
vote at any meeting of the bank's shareholders, the board of 119808
directors shall produce at the meeting an alphabetically arranged 119809
list, or classified lists, of the shareholders of record as of the 119810
applicable record date, showing their respective addresses and the 119811
number and class of shares held by each, and certified by the 119812
officer or agent responsible for registering issues and transfers 119813
of shares. The list or lists, certified by the officer or agent, 119814
shall be prima facie evidence of the facts shown in the list or 119815
lists. 119816

(C) Any shareholder of the bank, upon written demand stating 119817
the specific purpose of the demand, has the right to examine in 119818
person or by agent or attorney at any reasonable time and for any 119819

reasonable and proper purpose, the books and records of the bank, 119820
except books and records of deposit, agency or fiduciary accounts, 119821
loan records, and other records relating to customer services or 119822
transactions. 119823

(D) The authority granted under Title XI of the Revised Code 119824
to inspect the books and records of a stock state bank shall apply 119825
solely to the superintendent of financial institutions and to the 119826
shareholders of record of the bank. 119827

Sec. 1114.01. A mutual state bank and the rights and 119828
liabilities of its members shall be governed by its articles of 119829
incorporation, code of regulations, and bylaws and by this 119830
chapter. 119831

Sec. 1114.02. (A) Five or more natural persons, at least one 119832
of whom is a resident of this state, may, with the approval of the 119833
superintendent of financial institutions, incorporate a mutual 119834
state bank. 119835

(B) The persons proposing to incorporate a mutual state bank 119836
shall apply for approval to incorporate the bank by submitting the 119837
application prescribed by the superintendent, which application 119838
shall include all of the following: 119839

(1) The proposed articles of incorporation and code of 119840
regulations; 119841

(2) An application for reservation of a name in accordance 119842
with section 1103.07 of the Revised Code, if reservation is 119843
desired by the incorporators and has not been previously filed; 119844

(3) The location and a description of the proposed initial 119845
banking office; 119846

(4) Information to demonstrate the proposed bank will satisfy 119847
the requirements of division (C) of section 1114.03 and any other 119848

provision of the Revised Code identified by the superintendent; 119849

(5) Any other information the superintendent requires. 119850

Sec. 1114.03. (A) Within ten days after receipt from the 119851
superintendent of financial institutions of notice of acceptance 119852
of an application for approval to incorporate a mutual state bank, 119853
the incorporators shall publish notice of the proposed 119854
incorporation in a newspaper of general circulation in the county 119855
where the bank's initial banking office is to be located. The 119856
incorporators shall publish the notice once a week for two weeks 119857
and furnish a certified copy of it to the superintendent. The 119858
notice shall specify the name of the proposed bank, its location, 119859
the amount of the proposed capital, the names of the 119860
incorporators, the address of the superintendent, and the date by 119861
which comments on the application must be filed with the 119862
superintendent, which date shall be thirty days after the date of 119863
the first publication of the notice. 119864

(B) If any comments on the application are filed with the 119865
superintendent within the thirty-day period prescribed in division 119866
(A) of this section, the superintendent shall determine whether 119867
the comments are relevant to the requirements for incorporation of 119868
a mutual state bank and, if so, investigate the comments in the 119869
manner the superintendent considers appropriate. 119870

(C) The superintendent shall examine all of the facts 119871
connected with the application to determine if all of the 119872
following requirements are met: 119873

(1) The proposed articles of incorporation and code of 119874
regulations, application for reservation of name, applicable fees, 119875
and other items required meet the requirements of the Revised 119876
Code. 119877

(2) The population and economic characteristics of the area 119878

primarily to be served afford reasonable promise of adequate 119879
support for the proposed bank. 119880

(3) The competence, experience, and integrity of the proposed 119881
directors and officers are such as to command the confidence of 119882
the community and warrant the belief that the business of the 119883
proposed bank will be honestly and efficiently conducted. 119884

(4) The capital of the proposed bank is adequate in relation 119885
to the amount and character of the anticipated business of the 119886
bank and the safety of prospective depositors. 119887

(D) Within one hundred eighty days following the date of 119888
acceptance of the application, the superintendent shall approve or 119889
disapprove the incorporation of the proposed bank upon the basis 119890
of the examination. In giving approval, the superintendent may 119891
impose conditions to be met prior to the issuance of a certificate 119892
of authority to commence business under section 1114.07 of the 119893
Revised Code. 119894

(E) If the superintendent approves the application, the 119895
superintendent shall make a certificate to that effect and forward 119896
the certificate and the articles of incorporation of the proposed 119897
bank to the secretary of state for filing. 119898

Sec. 1114.04. (A) A mutual state bank's articles of 119899
incorporation shall contain all of the following: 119900

(1) The name of the bank; 119901

(2) The place in this state where the bank's principal place 119902
of business is to be located; 119903

(3) The purpose or purposes for which the bank is formed. 119904

(B) The articles of incorporation may also set forth any 119905
lawful provision for the purpose of defining, limiting, or 119906
regulating the exercise of the authority of the bank, the 119907
incorporators, the directors, the officers, the members, and any 119908

provision that may be set forth in the bank's code of regulations. 119909

Sec. 1114.05. (A) As used in the section, "authorized capital" means the initial funding required to organize a mutual state bank. 119910
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(B) The authorized capital of a mutual state bank shall be of such amount as the superintendent of financial institutions may determine based upon the amount and character of the anticipated business of the bank and the safety of prospective depositors. In addition, the superintendent may, in the superintendent's discretion, fix the amount of the expense fund for operating losses to be created by nonrefundable contributions. 119913
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(C) The organization of the mutual state bank may be completed when a sum equal to five per cent of the authorized capital, as determined by the superintendent, is paid in and the names and addresses of its officers, its code of regulations, and its bylaws have been filed with and approved by the superintendent. 119920
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(D) Five years after the mutual state bank commences business, any remaining balance in the expense fund shall be transferred to retained earnings, if the bank is on a profitable operating basis as determined by the superintendent. 119926
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Sec. 1114.06. (A) A mutual state bank organized under this chapter shall not accept deposits, incur indebtedness, or transact any business other than business that is incidental to its organization until the bank receives a certificate of authority to commence business issued by the superintendent of financial institutions under section 1114.07 of the Revised Code. 119930
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(B) The bank shall file a report with the superintendent when it has done everything required by the superintendent before it can be authorized to commence business. 119936
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(C) Upon receipt of the report referred to in division (B) of this section, the superintendent shall examine the affairs of the bank and determine whether the bank has complied with all of the requirements necessary to entitle it to engage in business. 119939
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Sec. 1114.07. (A) The superintendent of financial institutions shall issue a certificate of authority to commence business if both of the following conditions are met: 119943
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(1) The superintendent is satisfied, based upon the examination conducted pursuant to section 1114.06 of the Revised Code and any other facts within the knowledge of the superintendent, that the mutual state bank is otherwise entitled to commence business. 119946
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(2) The superintendent has received from the federal deposit insurance corporation written confirmation that it has approved the bank's application to become an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C. 1813(h), as amended. 119951
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(B) The mutual state bank shall cause the certificate of authority to commence business to be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the bank's initial banking office is located. 119956
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Sec. 1114.08. (A) A depositor of a mutual state bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the terms and conditions set forth in the articles of incorporation, code of regulations, and bylaws of the bank. 119960
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(B) The code of regulations of a mutual state bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges. 119965
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(C)(1) Unless otherwise provided in the articles of 119968

incorporation or code of regulations, a proxy granted by a 119969
depositor to the officers and directors of a mutual state bank 119970
shall expire on the date specified in the proxy. If no date is so 119971
specified, the authority granted by the proxy shall be perpetual. 119972

(2) On and after the effective date of this section, the 119973
writing or verifiable communication appointing a proxy shall be 119974
separate and distinct from any deposit agreement, loan agreement, 119975
or any other agreement, statement, document, or disclosure 119976
provided by a mutual state bank to a depositor. 119977

Sec. 1114.09. (A) Before any member deposits have been 119978
received, the incorporators may, by unanimous written action and 119979
subject to the requirements of this section, adopt amendments to 119980
the mutual state bank's articles of incorporation or amended 119981
articles of incorporation to change any provision of, or add any 119982
provision that may properly be included in, the articles of 119983
incorporation. 119984

(B) Amended articles of incorporation shall set forth all 119985
provisions required in, and only provisions that may properly be 119986
in, original articles of incorporation or amendments to articles 119987
of incorporation at the time the amended articles of incorporation 119988
are adopted, and shall state that they supersede the existing 119989
articles of incorporation. 119990

(C)(1) If the incorporators propose the adoption of any 119991
amendment to a mutual state bank's articles of incorporation or 119992
amended articles of incorporation, the bank shall send to the 119993
superintendent of financial institutions a copy of the proposed 119994
amendment or amended articles of incorporation for review and 119995
approval prior to adoption by the incorporators. 119996

(2) Upon receiving a proposed amendment or amended articles 119997
of incorporation, the superintendent shall conduct whatever 119998
examination the superintendent considers necessary to determine if 119999

both of the following conditions are satisfied: 120000

(a) The proposed amendment or amended articles of 120001
incorporation comply with the requirements of the Revised Code. 120002

(b) The proposed amendment or amended articles of 120003
incorporation will not adversely affect the interests of the 120004
bank's depositors and creditors. 120005

(3) Within forty-five days after receiving the proposed 120006
amendment or amended articles of incorporation, the superintendent 120007
shall notify the bank of the superintendent's approval or 120008
disapproval of the proposed amendment or amended articles of 120009
incorporation unless the superintendent determines additional 120010
information is required. In that event, the superintendent shall 120011
request the information in writing within twenty days after the 120012
date the proposed amendment or amended articles of incorporation 120013
were received. The bank shall have thirty days to submit the 120014
information to the superintendent. The superintendent shall notify 120015
the bank of the superintendent's approval or disapproval of the 120016
proposed amendment or amended articles of incorporation within 120017
forty-five days after the date the additional information is 120018
received. If the proposed amendment or amended articles of 120019
incorporation are disapproved by the superintendent, the 120020
superintendent shall notify the bank of the reasons for the 120021
disapproval. 120022

(4) If the superintendent fails to approve or disapprove the 120023
proposed amendment or amended articles of incorporation within the 120024
time period required under division (C)(3) of this section, the 120025
proposed amendment or amended articles of incorporation shall be 120026
considered approved. 120027

(5) If the proposed amendment or amended articles of 120028
incorporation are approved, in no event shall that approval be 120029
construed or represented as an affirmative endorsement of the 120030

amendment or amended articles of incorporation by the 120031
superintendent. 120032

(D)(1) Upon their adoption of any approved amendment to a 120033
mutual state bank's articles of incorporation, the incorporators 120034
shall send to the superintendent a certificate, signed by all the 120035
incorporators, containing a copy of the resolution adopting the 120036
amendment and a statement of the manner of and basis for its 120037
adoption. 120038

(2) Upon their adoption of approved amended articles of 120039
incorporation, the incorporators shall send to the superintendent 120040
a copy of the amended articles of incorporation, accompanied by a 120041
certificate, signed by all the incorporators, containing a copy of 120042
the resolution adopting the amended articles of incorporation and 120043
a statement of the manner of and basis for its adoption. 120044

(E) Upon receiving a certificate required by division (D) of 120045
this section, the superintendent shall conduct whatever 120046
examination the superintendent considers necessary to determine if 120047
the manner of and basis for the adoption of the amendment or 120048
amended articles of incorporation comply with the requirements of 120049
the Revised Code. 120050

(F)(1) Within thirty days after receiving a certificate 120051
required by division (D) of this section, the superintendent shall 120052
approve or disapprove the amendment or amended articles of 120053
incorporation. If the superintendent approves the amendment or 120054
amended articles of incorporation, the superintendent shall 120055
forward a certificate of that approval, a copy of the certificate 120056
required by division (D) of this section, and a copy of the 120057
amendment or amended articles of incorporation to the secretary of 120058
state, who shall file the documents. Upon filing by the secretary 120059
of state, the amendment or amended articles of incorporation shall 120060
be effective. 120061

(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation within thirty days after receiving a certificate required by division (D) of this section, the bank shall forward a copy of the certificate and a copy of the amendment or amended articles of incorporation to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation shall be effective. 120062
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Sec. 1114.10. Each mutual state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation. 120070
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Sec. 1114.11. (A)(1) The code of regulations of a mutual state bank may provide for the amendment of its articles of incorporation or code of regulations, or the adoption of amended articles of incorporation or code of regulations, at any meeting of the members for which notice has been properly given in accordance with section 1114.12 of the Revised Code. The amendment or amended articles of incorporation or code of regulations shall be adopted by a two-thirds vote of the votes cast in person or by proxy at the meeting or, if the articles of incorporation or code of regulations provide or permit, by the affirmative vote of a greater or lesser proportion, but not less than a majority, of the voting members represented at such meeting. The number of votes that each member may cast shall be determined by the code of regulations. 120075
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(2) Unless precluded by its articles of incorporation or code of regulations, a mutual state bank may adopt an amendment to its articles of incorporation or code of regulations, or amended articles of incorporation or code of regulations, at any meeting 120089
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authorized in writing by a majority of its members of record if 120093
all of the following conditions are met: 120094

(a) Notice of the meeting is given in accordance with section 120095
1114.12 of the Revised Code. 120096

(b) The notice of the proposed action to be taken at the 120097
meeting is in a form approved by the superintendent of financial 120098
institutions. 120099

(c) The proposed action is approved by a two-thirds vote of 120100
the votes cast authorizing the meeting. 120101

(d) A majority of the members of record are present in person 120102
or by proxy at the meeting. 120103

(B) The board of directors of a mutual state bank may adopt 120104
amended articles of incorporation or code of regulations to 120105
consolidate the original articles of incorporation or code of 120106
regulations and all previously adopted amendments to the articles 120107
of incorporation or code of regulations that are in force at the 120108
time. 120109

(C)(1) Amended articles of incorporation shall set forth all 120110
provisions required in, and only provisions that may properly be 120111
in, original articles of incorporation or amendments to articles 120112
of incorporation at the time the amended articles of incorporation 120113
are adopted, and shall state that they supersede the existing 120114
articles of incorporation. 120115

(2) An amended code of regulations shall set forth all 120116
provisions required in, and only provisions that may properly be 120117
in, an original code of regulations or amendments to a code of 120118
regulations at the time the amended code of regulations is 120119
adopted, and shall state that it supersedes the existing code of 120120
regulations. 120121

(D)(1) If the members or board of directors propose the 120122

adoption of any amendment to the mutual state bank's articles of 120123
incorporation or code of regulations, or amended articles of 120124
incorporation or amended code of regulations, the bank shall send 120125
to the superintendent a copy of the proposed amendment, or the 120126
proposed amended articles of incorporation or code of regulations, 120127
for review and approval prior to adoption by the members or 120128
directors. 120129

(2) Upon receiving a proposed amendment or proposed amended 120130
articles of incorporation or code of regulations, the 120131
superintendent shall conduct whatever examination the 120132
superintendent considers necessary to determine if both of the 120133
following conditions are satisfied: 120134

(a) The proposed amendment or amended articles of 120135
incorporation or code of regulations comply with the requirements 120136
of the Revised Code. 120137

(b) The proposed amendment or amended articles of 120138
incorporation or code of regulations will not adversely affect the 120139
interests of the bank's depositors and creditors. 120140

(3) Within forty-five days after receiving the proposed 120141
amendment, or the proposed amended articles of incorporation or 120142
code of regulations, the superintendent shall notify the bank of 120143
the approval or disapproval unless the superintendent determines 120144
that additional information is required. In that event, the 120145
superintendent shall request the information in writing within 120146
twenty days after the date the proposed amendment, or the proposed 120147
amended articles of incorporation or code of regulations, was 120148
received. The bank shall have thirty days to submit the 120149
information to the superintendent. The superintendent shall notify 120150
the bank of the superintendent's approval or disapproval of the 120151
proposed amendment, or the proposed amended articles of 120152
incorporation or code of regulations, within forty-five days after 120153
the date the additional information is received. If the proposed 120154

amendment or proposed amended articles of incorporation or code of regulations are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 120155
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(4) If the superintendent fails to approve or disapprove the proposed amendment or proposed amended articles of incorporation or code of regulations within the time period required under division (D)(3) of this section, the proposed amendment or proposed amended articles of incorporation or code of regulations shall be considered approved. 120159
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 120165
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(E)(1) Upon adoption by the members of any approved amendment to a mutual state bank's articles of incorporation or code of regulations, or approved amended articles of incorporation or code of regulations, the bank shall send to the superintendent a certificate containing a copy of the members' resolution adopting the amendment or amended articles of incorporation or code of regulations and a statement of the manner of and basis for its adoption. If the board of directors proposed the amendment or the amended articles of incorporation or code of regulations, the certificate shall include a copy of the resolution adopted by the directors to propose the amendment or amended articles of incorporation or code of regulations to the members. The certificate shall be signed by the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 120170
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(2) Upon adoption by the board of directors of any approved amendment to a mutual state bank's articles of incorporation or 120185
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code of regulations, or approved amended articles of incorporation 120187
or code of regulations, the bank shall provide to the 120188
superintendent a copy of the amendment or amended articles of 120189
incorporation or code of regulations, accompanied by a certificate 120190
containing a copy of the directors' resolution adopting the 120191
amendment or amended articles of incorporation or code of 120192
regulations and a statement of the manner of and basis for its 120193
adoption. The certificate shall be signed by the bank's authorized 120194
representatives in accordance with section 1103.19 of the Revised 120195
Code. 120196

(F) Upon receiving a certificate required by division (E) of 120197
this section, the superintendent shall conduct whatever 120198
examination the superintendent considers necessary to determine if 120199
the manner of and basis for adoption of the amendment or amended 120200
articles of incorporation or code of regulations comply with the 120201
requirements of the Revised Code. 120202

(G)(1) Within thirty days after receiving a certificate 120203
required by division (E) of this section, the superintendent shall 120204
approve or disapprove the amendment or amended articles of 120205
incorporation or code of regulations. If the superintendent 120206
approves the amendment or amended articles of incorporation or 120207
code of regulations, the superintendent shall forward a 120208
certificate of that approval, a copy of the certificate required 120209
by division (E) of this section, and a copy of the amendment or 120210
amended articles of incorporation or code of regulations to the 120211
secretary of state, who shall file the documents. Upon filing by 120212
the secretary of state, the amendment or amended articles of 120213
incorporation or code of regulations shall be effective. 120214

(2) If the superintendent fails to approve or disapprove the 120215
amendment or amended articles of incorporation or code of 120216
regulations within thirty days after receiving a certificate 120217
required by division (E) of this section, the bank shall forward a 120218

copy of the certificate and a copy of the amendment or amended articles of incorporation or code of regulations to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation or code of regulations shall be effective. 120219
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Sec. 1114.12. (A) Whenever members of a mutual state bank are required or authorized to elect directors or to take any other action at a meeting, either annual or special, notice of the meeting shall be given in either of the following ways: 120224
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(1) By publication, once each week on the same day of the week for three consecutive weeks immediately preceding the date of the meeting in a newspaper published in and of general circulation in the county in which the principal office of the bank is located, of a notice containing the name of the bank and the purpose, place, date, and hour of the meeting; 120228
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(2) By notice served upon or mailed to members as provided in section 1701.41 of the Revised Code. 120234
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(B) The notice required under division (A) of this section shall include a statement that, if a member granted a proxy to the officers and directors of the bank, the proxy is revocable at any time before the meeting or by attending the meeting and voting in person. 120236
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Sec. 1114.16. In the event of a liquidation or dissolution of a mutual state bank, the priority of claims shall be established by section 1125.24 of the Revised Code. 120241
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Sec. 1115.01. (A)(1) A stock state bank may do any of the following: 120244
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(a) Convert into a national bank or a federal savings association if the conversion is approved by both the office of 120246
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the comptroller of the currency and the affirmative vote or 120248
written consent of the holders of two-thirds, or such other 120249
proportion not less than a majority as the stock state bank's 120250
articles of incorporation require, of the outstanding shares of 120251
each class of the bank's stock; 120252

~~(b) Convert into a federal savings association if the 120253
conversion is approved by both the office of thrift supervision 120254
and the affirmative vote or written consent of the holders of 120255
two thirds, or such other proportion not less than a majority as 120256
the bank's articles of incorporation require, of the outstanding 120257
shares of each class of the bank's stock;~~ 120258

~~(c) Convert into a bank, savings bank, or savings and loan 120259
association pursuant to section 1151.64 of the Revised Code or the 120260
laws of another state if the conversion is approved by both the 120261
regulatory authority of the other state and the affirmative vote 120262
or written consent of the holders of two-thirds, or such other 120263
proportion not less than a majority as the stock state bank's 120264
articles of incorporation require, of the outstanding shares of 120265
each class of the bank's stock;~~ 120266

~~(d) Convert into a savings bank pursuant to section 1161.631 120267
of the Revised Code or the laws of another state if the conversion 120268
is approved by the affirmative vote or written consent of the 120269
holders of two thirds, or such other proportion not less than a 120270
majority as the bank's articles of incorporation require, of the 120271
outstanding shares of each class of the bank's stock;~~ 120272

~~(e) Convert into a bank doing business under authority 120273
granted by the bank regulatory authority of another state, 120274
pursuant to the laws of that state, if the conversion is approved 120275
by the affirmative vote or written consent of the holders of 120276
two thirds, or such other proportion not less than a majority as 120277
the bank's articles of incorporation require, of the outstanding 120278
shares of each class of the bank's stock.~~ 120279

(2) A mutual state bank may do any of the following: 120280

(a) Convert into a national bank or a federal savings association if the conversion is approved by the office of the comptroller of the currency, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption; 120281
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(b) Convert into a bank, savings bank, or savings association pursuant to the laws of another state if the conversion is approved by the regulatory authority of the other state, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption. 120288
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(B) A state bank that converts into a national bank, a federal savings association, or a bank, savings bank, or savings association doing business under authority granted by the bank regulatory authority of another state, ~~or a federal savings association~~ shall, immediately upon the conversion being effective, file with the superintendent of financial institutions all information the superintendent determines is necessary to reflect in the state's records that the bank ~~or federal savings association~~ is no longer a corporation organized and doing business under the laws of this state. 120295
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~~(B)(1) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank may, with the approval of the superintendent, convert into a state bank.~~ 120305
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~~(2) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings~~ 120309
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~~association, or savings bank proposing to convert into a state 120311
bank shall submit to the superintendent an application for the 120312
superintendent's approval of the conversion that includes all of 120313
the following: 120314~~

~~(a) A plan of conversion; 120315~~

~~(b) The proposed articles of incorporation and code of 120316
regulations of the proposed state bank; 120317~~

~~(c) An officers' certification that the directors and 120318
shareholders of the national bank, bank doing business under 120319
authority granted by the bank regulatory authority of another 120320
state, savings association, or savings bank have approved the plan 120321
of conversion and the proposed articles of incorporation and code 120322
of regulations in accordance with the applicable state or federal 120323
law and with the bank's, savings association's, or savings bank's 120324
articles of association or incorporation and code of regulations 120325
or bylaws; 120326~~

~~(d) Any other information the superintendent requires. 120327~~

~~(3) Within ten business days after receiving an application 120328
required under division (B)(2) of this section, the superintendent 120329
shall determine whether to accept the application. Within ninety 120330
days after accepting an application required under division (B)(2) 120331
of this section, the superintendent shall approve or disapprove 120332
the application. In determining whether to approve the bank's, 120333
savings association's, or savings bank's conversion into a state 120334
bank, the superintendent shall consider all of the following: 120335~~

~~(a) The adequacy of the capital and paid in capital of the 120336
proposed state bank; 120337~~

~~(b) Whether the competence, experience, and integrity of each 120338
director, executive officer, and controlling shareholder of the 120339
proposed state bank meet the criteria for acquiring control of a 120340
state bank as provided in section 1115.06 of the Revised Code; 120341~~

~~(c) Whether the proposed state bank affords reasonable
promise of successful operation;~~ 120342
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~~(d) Whether the proposed state bank meets the requirements of
Chapters 1101. to 1127. of the Revised Code.~~ 120344
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~~(4) The superintendent may condition an approval of the
conversion of a national bank, bank doing business under authority
granted by the bank regulatory authority of another state, savings
association, or savings bank into a state bank in any manner the
superintendent considers appropriate.~~ 120346
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~~(5)(a) If the superintendent approves a conversion of a
national bank, bank doing business under authority granted by the
bank regulatory authority of another state, savings association,
or savings bank into a state bank, the superintendent shall
forward a certificate of the approval of the conversion and the
state bank's articles of incorporation to the secretary of state,
and shall issue to the new state bank a certificate of authority
to commence business as a state bank.~~ 120351
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~~(b)(i) In the case of a state bank resulting from the
conversion of a savings association organized under Chapter 1151.
of the Revised Code or a savings bank organized under Chapter
1161. of the Revised Code, the secretary of state shall file the
certificate of the superintendent's approval of the conversion and
the state bank's articles of incorporation in a manner reflecting
the corporation is no longer doing business under Chapter 1151. or
1161. of the Revised Code.~~ 120359
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~~(ii) In the case of a state bank resulting from the
conversion of a national bank, a bank, savings association, or
savings bank doing business under authority granted by the
regulatory authority of another state, or a federal savings
association, the secretary of state shall file the certificate of
the superintendent's approval of the conversion and the state~~ 120367
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~~bank's articles of incorporation in a manner reflecting the state 120373
bank is newly authorized to do business under the laws of this 120374
state. 120375~~

~~(6) The conversion shall be effective on the date indicated 120376
in the superintendent's approval. Without further act or deed, the 120377
state bank resulting from the conversion shall have all property, 120378
rights, interests, and powers of its predecessor bank, savings 120379
association, or savings bank within the limits of the charter of 120380
the resulting state bank, and all duties, trusts, obligations, and 120381
liabilities of the predecessor bank, savings association, or 120382
savings bank shall continue in the state bank resulting from the 120383
conversion. 120384~~

Sec. 1115.02. A national bank, a bank doing business under 120385
authority granted by the bank regulatory authority of another 120386
state, a savings association, a savings bank, or a state or 120387
federally chartered credit union may, with the approval of the 120388
superintendent of financial institutions, convert into a stock 120389
state bank or mutual state bank by submitting an application in 120390
accordance with rules adopted by the superintendent for this 120391
purpose. 120392

Sec. 1115.03. (A)(1) A mutual state bank may convert into a 120393
stock state bank if the conversion is approved by the 120394
superintendent of financial institutions, the affirmative vote of 120395
two-thirds of the mutual state bank's board of directors, and the 120396
affirmative vote of two-thirds of the total outstanding votes 120397
eligible to be cast at the meeting at which the plan of conversion 120398
is presented to the members for adoption. 120399

(2) A stock state bank may convert into a mutual state bank 120400
if the conversion is approved by both the superintendent and the 120401
affirmative vote or written consent of the holders of two-thirds, 120402

or such other proportion not less than a majority as the stock 120403
state bank's article of incorporation require, of the outstanding 120404
shares of each class of the bank's stock. 120405

(B) A conversion under this section shall be effective on the 120406
date indicated in the materials filed with the secretary of state 120407
by the converting bank. Without further act or deed, the bank 120408
resulting from the conversion shall have all the property, rights, 120409
interests, and powers of its predecessor bank within the limits of 120410
the charter of the resulting bank, and all duties, trusts, 120411
obligations, and liabilities of the predecessor bank shall 120412
continue in the bank resulting from the conversion. 120413

Sec. 1115.05. (A) As used in this section: 120414

(1) "Acquire" or "acquisition" means any of the following 120415
transactions or actions: 120416

(a) A merger or consolidation with, or purchase of assets 120417
from, a bank holding company that has acquired an Ohio bank; 120418

(b) The acquisition of the direct or indirect ownership or 120419
control of voting shares of an Ohio bank if, after the 120420
acquisition, the acquiring bank holding company will directly or 120421
indirectly own or control the Ohio bank, unless the superintendent 120422
of financial institutions determines, in the superintendent's 120423
discretion, due to the nature of the acquisition, it should not be 120424
subject to the limitations of this section; 120425

(c) The merger or consolidation of an Ohio bank with, or the 120426
transfer of assets from an Ohio bank to, another bank, whether 120427
previously existing or chartered for the purpose of the 120428
transaction; 120429

(d) Any other action that results in the direct or indirect 120430
control of an Ohio bank. 120431

(2) "Ohio bank" means a state bank or a national bank whose 120432

principal place of business is in this state. 120433

(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this 120434
section, a bank or bank holding company whose principal place of 120435
business is in this state or any other state may charter or 120436
otherwise acquire an Ohio bank, and a bank may acquire banking 120437
offices in this state by merger or consolidation with or transfer 120438
of assets and liabilities from a bank, savings bank, or savings 120439
association that has offices in this state, if, upon consummation 120440
of the acquisition, both of the following will apply: 120441

(1) The acquiring bank with, or the acquiring bank holding 120442
company through, its affiliate banks, savings banks, and savings 120443
associations, does not control more than ten per cent of the total 120444
deposits of banks, savings banks, and savings associations in the 120445
United States, and either of the following applies: 120446

(a) The acquiring bank with, or the acquiring bank holding 120447
company through, its affiliate banks, savings banks, and savings 120448
associations, does not control more than thirty per cent of the 120449
total deposits of banks, savings banks, and savings associations 120450
in this state. 120451

(b) The acquiring bank with, or the acquiring bank holding 120452
company through, its affiliate banks, savings banks, and savings 120453
associations, controls more than thirty per cent of the total 120454
deposits of banks, savings banks, and savings associations in this 120455
state, and the superintendent approved the acquisition after 120456
determining the anticompetitive effects of the acquisition were 120457
clearly outweighed in the public interest by the probable effect 120458
of the transaction. 120459

(2) Except in the case of a foreign bank subject to Chapter 120460
1119. of the Revised Code or a bank that by the terms of its 120461
articles of incorporation or association is not permitted to 120462
solicit or accept deposits other than trust funds, the Ohio bank 120463

or any bank that has banking offices in this state will be an 120464
insured bank as defined in section 3(h) of the "Federal Deposit 120465
Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h). 120466

(C)(1) Any bank holding company proposing to charter a state 120467
bank under this section shall comply with Chapter 1113. or 1114. 120468
of the Revised Code and any rules adopted to implement that 120469
chapter. 120470

(2) If, after the proposed acquisition, the acquiring bank or 120471
bank holding company will control an existing state bank the 120472
acquiring bank or bank holding company did not control before the 120473
acquisition, and the acquisition does not include the merger or 120474
consolidation of the existing state bank with another bank, the 120475
acquiring bank or bank holding company shall comply with section 120476
1115.06 of the Revised Code and any rules adopted to implement 120477
that section. 120478

(3) If the proposed acquisition will be accomplished by means 120479
of a merger or consolidation with a state bank and the resulting 120480
bank of the merger or consolidation will be a state bank, the 120481
state bank shall comply with section 1115.11 of the Revised Code 120482
and any rules adopted to implement that section. 120483

(4) If the proposed acquisition will be accomplished by means 120484
of a transfer of assets and liabilities to a state bank, the state 120485
bank shall comply with section 1115.14 of the Revised Code and any 120486
rules adopted to implement that section. 120487

(5) If the proposed acquisition will be accomplished by 120488
forming a bank to which the bank to be acquired will transfer 120489
assets and liabilities, or with which the bank to be acquired will 120490
be merged or consolidated and the resulting bank will be a state 120491
bank, the acquiring bank holding company shall comply with section 120492
1115.23 of the Revised Code and any rules adopted to implement 120493
that section. 120494

~~(D)(1) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings association doing business under authority granted by the superintendent pursuant to Chapter 1151. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings association located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1151.052 of the Revised Code.~~

~~(2) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings bank doing business under authority granted by the superintendent pursuant to Chapter 1161. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in Ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings bank located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1161.07 of the Revised Code.~~

Sec. 1115.06. (A) As used in this section: 120525

(1) "Control" of a state bank means either of the following:	120526
(a) Power, directly or indirectly, to direct the management or policies of a state bank;	120527 120528
(b) Ownership or control of or power to vote twenty-five per cent or more of any class of voting securities of a state bank.	120529 120530
(2) "State bank" includes any bank holding company that controls a state bank, and any other company that controls a state bank and is not a bank holding company.	120531 120532 120533
(B)(1) No person, acting directly or indirectly or through or in concert with one or more other persons, shall acquire control of a state bank through a purchase, assignment, transfer, pledge, or other disposition of voting securities of a state bank unless the superintendent of financial institutions has been given sixty days' prior written notice of the proposed acquisition and within that sixty days the superintendent has not done either of the following:	120534 120535 120536 120537 120538 120539 120540 120541
(a) Disapproved the acquisition;	120542
(b) Extended the time during which the superintendent may disapprove the acquisition, as provided in division (B)(2) of this section.	120543 120544 120545
(2) The superintendent may extend the time during which the superintendent may disapprove a proposed acquisition of control, as follows:	120546 120547 120548
(a) For an additional thirty days in the discretion of the superintendent;	120549 120550
(b) For two additional extensions of not more than forty-five days each, if any of the following applies:	120551 120552
(i) The superintendent determines any acquiring party has not furnished all of the information required under division (C) of this section.	120553 120554 120555

(ii) In the superintendent's judgment, any material information submitted is substantially inaccurate. 120556
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(iii) The superintendent has been unable to complete the investigation of an acquiring person under division (E)(1) of this section because of any delay caused by, or the inadequate cooperation of, that acquiring person. 120558
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(iv) The superintendent determines additional time is needed to investigate and determine whether any acquiring person has a record of failing to comply with the requirements of subchapter II of chapter 53 of subtitle IV of Title 31 of the United States Code. 120562
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(3) An acquisition may be made prior to the expiration of the disapproval period if the superintendent issues written notice of the superintendent's intent not to disapprove the acquisition of control. 120567
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(C) ~~Except as the superintendent otherwise provides by rule,~~ a A notice required under division (B) of this section shall contain ~~the following~~ such information: 120571
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~~(1) The identity, personal history, and business background and experience of each person by whom or on whose behalf the acquisition is to be made, including each person's material business activities and affiliations during the past five years; a description of any material pending legal or administrative proceedings in which each person is a party; and any criminal indictment or conviction of each person by a state or federal court.~~ 120574
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~~(2) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five years immediately preceding the date of the notice, together with related statements of income and source and application of funds for each of the~~ 120582
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~~fiscal years then concluded, all prepared in accordance with 120587
generally accepted accounting principles consistently applied; and 120588
an interim statement of the assets and liabilities for each 120589
person, together with related statements of income and source and 120590
application of funds, as of a date not more than ninety days prior 120591
to the date of the filing of the notice. 120592~~

~~(3) The terms and conditions of the proposed acquisition and 120593
the manner in which the acquisition is to be made. 120594~~

~~(4) The identity, source, and amount of the funds or other 120595
consideration used or to be used in making the acquisition and, if 120596
any part of these funds or other consideration has been or is to 120597
be borrowed or otherwise obtained for the purpose of making the 120598
acquisition, a description of the transaction, the names of the 120599
parties, and any arrangements, agreements, or understandings with 120600
the parties. 120601~~

~~(5) Any plans or proposals any acquiring person may have to 120602
liquidate the state bank, to sell its assets or merge it with any 120603
company, or to make any other major change in its business or 120604
corporate structure or management. 120605~~

~~(6) The identification of any person employed, retained, or 120606
to be compensated by an acquiring person, or by any person on an 120607
acquiring person's behalf, to make solicitations or 120608
recommendations to shareholders for the purpose of assisting in 120609
the acquisition, and a brief description of the terms of the 120610
employment, retainer, or arrangement for compensation. 120611~~

~~(7) Copies of all invitations or tenders or advertisements 120612
making a tender offer to stockholders for purchase of their stock 120613
to be used in connection with the proposed acquisition. 120614~~

~~(8) Any additional relevant information in the form as the 120615
superintendent may require by rule or by specific request in 120616
connection with any particular notice. 120617~~

(D) Unless the superintendent determines an emergency exists 120618
or disclosure of a proposed acquisition of control would seriously 120619
threaten the safety or soundness of the state bank, each person 120620
who gives a notice required under division (B) of this section 120621
shall, within a reasonable time after receiving the 120622
superintendent's acceptance of the notice, do both of the 120623
following: 120624

(1) Publish the name of the state bank proposed to be 120625
acquired and the name of each person identified in the notice as a 120626
person by whom or for whom the acquisition is to be made; 120627

(2) Solicit public comment on the proposed acquisition, 120628
particularly from persons in the geographic area where the state 120629
bank proposed to be acquired is located, before final 120630
consideration of the notice by the superintendent. 120631

(E) Upon accepting a notice required under division (B) of 120632
this section, the superintendent shall do both of the following: 120633

(1) Conduct an investigation of the competence, experience, 120634
integrity, and financial ability of each person named in the 120635
notice as a person by whom or for whom the acquisition is to be 120636
made; 120637

(2) Make an independent determination of the accuracy and 120638
completeness of all information required to be in the notice. 120639

(F) The superintendent may disapprove any proposed 120640
acquisition of control if the superintendent finds any of the 120641
following: 120642

(1) The proposed acquisition of control would result in a 120643
monopoly or further any combination or conspiracy to monopolize or 120644
to attempt to monopolize the business of banking in any part of 120645
this state or any markets served by the state bank. 120646

(2) The effect of the proposed acquisition of control in any 120647

part of this state and any markets served by the state bank may be 120648
to substantially lessen competition, tend to create a monopoly, or 120649
in any other manner restrain trade, and the anticompetitive 120650
effects of the proposed acquisition of control are not clearly 120651
outweighed in the public interest by the probable effect of the 120652
acquisition in meeting the convenience and needs of the community 120653
to be served. 120654

(3) The financial condition of any acquiring person might 120655
jeopardize the financial stability of the state bank or prejudice 120656
the interests of the depositors of the state bank. 120657

(4) The competence, experience, or integrity of any acquiring 120658
person or of any of the proposed management personnel indicates 120659
that it would not be in the interest of the depositors of the 120660
state bank, or in the interest of the public, to permit the 120661
acquiring person to control the state bank. 120662

(5) The acquiring person neglects, fails, or refuses to 120663
furnish to the superintendent all of the information required by 120664
the superintendent. 120665

(6) The superintendent determines the proposed transaction 120666
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 120667
~~the savings association insurance fund~~ administered by the federal 120668
deposit insurance corporation. 120669

(G) Within three days after deciding to disapprove any 120670
proposed acquisition of control of a state bank, the 120671
superintendent shall notify the acquiring person in writing of the 120672
disapproval. The notice of disapproval shall provide a statement 120673
of the basis for the disapproval. 120674

(H) Within ten days after receipt of a notice of the 120675
disapproval, the acquiring person may, in accordance with Chapter 120676
119_ of the Revised Code, request a hearing conducted in 120677
accordance with that chapter on the proposed acquisition. 120678

(I) Whenever a change in control of a state bank occurs, the state bank shall promptly report to the superintendent any changes in or replacement of its chief executive officer or of any director that occurs in the next twelve-month period, and include in the report a statement of the past and current business and professional affiliations of the new chief executive officer or director.

(J)(1) The superintendent may exercise any authority vested in the superintendent under Chapter 1121. of the Revised Code in the course of conducting any investigation under division (E) of this section or any other investigation the superintendent, in the superintendent's discretion, considers necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this section or otherwise is violating, has violated, or is about to violate any provision of this section or any rule implementing this section.

(2) Whenever it appears to the superintendent any person is violating, has violated, or is about to violate any provision of this section or any rule implementing this section, the superintendent may, in the superintendent's discretion, apply to the court of common pleas of any county in which the state bank is doing business for either of the following:

(a) A temporary or permanent injunction or restraining order enjoining the person from violating this section or any rule implementing this section;

(b) Other equitable relief, including divestiture, that may be necessary to prevent violation of this section or of any rule implementing this section.

(3)(a) The courts of this state have the same jurisdiction and power in connection with the exercise of any authority by the superintendent under this section as they have under Chapter 1121.

of the Revised Code. 120710

(b) The courts of this state have jurisdiction and power to 120711
issue any injunction or restraining order or grant any equitable 120712
relief described in division (J)(2) of this section. When a court 120713
finds it appropriate, the court may grant the injunction, order, 120714
or other equitable relief without requiring the posting of any 120715
bond. 120716

(K) The resignation, termination of employment or 120717
participation, divestiture of control, or separation of or by a 120718
regulated person, including a separation caused by the closing of 120719
a state bank, shall not affect the jurisdiction and authority of 120720
the superintendent to issue any notice and otherwise proceed under 120721
this section against the regulated person, if the notice is issued 120722
no later than six years after the date of the regulated person's 120723
resignation, termination of employment or participation, or 120724
separation from or divestiture of control of a state bank. 120725

For purposes of this division, "regulated person" has the 120726
same meaning as in section 1121.01 of the Revised Code. 120727

Sec. 1115.07. (A) As used in this section: 120728

(1) "Credit outstanding" means any loan, extension of credit, 120729
issuance of a guarantee, acceptance, or letter of credit, 120730
including an endorsement or standby letter of credit, or other 120731
transaction that extends financing to a person or group of 120732
persons. 120733

(2) "Financial institution" means a state bank, national 120734
bank, savings bank, savings association, or a bank doing business 120735
under authority granted by the bank regulatory authority of 120736
another state of the United States or another country. 120737

(3) "Group of persons" includes any number of persons the 120738
financial institution reasonably believes are either of the 120739

following: 120740

(a) Persons who are acting together, in concert, or with one 120741
another to acquire or control shares of the same stock state bank, 120742
including an acquisition of shares of the same stock state bank at 120743
approximately the same time under substantially the same terms. 120744

(b) Persons who have made, or have proposed to make, a joint 120745
filing under section 13 of Title I of the "Securities Exchange Act 120746
of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding 120747
ownership of the shares of the same stock state bank. 120748

(B)(1) Except as provided in division (D) of this section, 120749
any financial institution or any affiliate of a financial 120750
institution that has credit outstanding to any person or group of 120751
persons that is secured, directly or indirectly, by shares of a 120752
stock state bank shall file a consolidated report with the 120753
superintendent of financial institutions if the credits 120754
outstanding are, in the aggregate, secured, directly or 120755
indirectly, by twenty-five per cent or more of the outstanding 120756
shares of any class of the same stock state bank. 120757

(2) For purposes of division (B)(1) of this section, any 120758
shares of the stock state bank held by the financial institution 120759
or any of its affiliates as principal shall be included in the 120760
calculation of the number of shares in which the financial 120761
institution or its affiliates has a security interest. 120762

(C) The report required under division (B)(1) of this section 120763
shall be a consolidated report on behalf of the financial 120764
institution and all its affiliates, and shall be filed in writing 120765
within thirty days after the date on which the financial 120766
institution or any of its affiliates first believes the security 120767
for any outstanding credit consists of twenty-five per cent or 120768
more of the outstanding shares of any class of a stock state bank. 120769

The report shall indicate the number and percentage of shares 120770

securing each credit outstanding, the identity of the borrower, 120771
and the number of shares held as principal by the financial 120772
institution or any of its affiliates. It also shall contain all of 120773
the information required in a notice under section 1115.06 of the 120774
Revised Code, and any other relevant information the 120775
superintendent may require by rule or by specific request in 120776
connection with a particular report. 120777

(D) A financial institution and its affiliates shall not be 120778
required to report a transaction under this section if either of 120779
the following applies: 120780

(1) The person or group of persons to whom the credit is 120781
outstanding has disclosed to the superintendent the amount 120782
borrowed from the financial institution or its affiliate and the 120783
security interest of the financial institution or its affiliate in 120784
connection with a notice given under section 1115.06 of the 120785
Revised Code or with any other application filed with the 120786
superintendent, such as an application for an interim bank 120787
charter. 120788

(2) The transaction involves either of the following: 120789

(a) A person or group of persons that has been the owner of 120790
record of the shares for at least one year; 120791

(b) Shares issued by a newly chartered stock state bank 120792
before the ~~state~~ bank's opening. 120793

Sec. 1115.11. (A) A state bank may consolidate or merge with 120794
another state bank, a bank, savings bank, or savings association 120795
doing business under authority granted by the bank regulatory 120796
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 120797
federal savings association, regardless of where it maintains its 120798
principal place of business, with the approval of all of the 120799
following: 120800

- (1) The directors of both constituent corporations; 120801
- (2)(a) The shareholders of each constituent state bank that is a stock state bank, by the affirmative vote or written consent 120802
of the holders of two-thirds, or such other proportion not less 120803
than a majority as the ~~state~~ bank's articles of incorporation or 120804
code of regulations provide, of the outstanding shares of each 120805
class of the ~~state~~ bank's stock; 120806
120807
- (b) The members of each constituent state bank that is a 120808
mutual state bank, by the affirmative vote of two-thirds, or such 120809
other proportion not less than a majority as the bank's articles 120810
of incorporation or code of regulations provide, of the voting 120811
members. 120812
- (3) The shareholders or members of the other constituent 120813
bank, savings bank, or savings association as required by the 120814
applicable state or federal law, articles of incorporation, or 120815
code of regulations; 120816
- (4) One of the following, as applicable: 120817
- (a) If the resulting corporation will be a state bank, a 120818
~~savings bank doing business under authority granted pursuant to~~ 120819
~~Chapter 1161. of the Revised Code, or a savings and loan~~ 120820
~~association doing business under authority granted pursuant to~~ 120821
~~Chapter 1151. of the Revised Code,~~ the superintendent of financial 120822
institutions; 120823
- (b) If the resulting corporation will be a national bank or 120824
federal savings association, the office of the comptroller of the 120825
currency; 120826
- (c) ~~If the resulting corporation will be a federal savings~~ 120827
~~association, the director of the office of thrift supervision;~~ 120828
- ~~(d)~~ If the resulting corporation will be a bank, savings 120829
bank, or savings association doing business under authority 120830

granted by the regulatory authority of another state, the state 120831
regulatory authority under which the bank, savings bank, or 120832
savings association is doing business. 120833

(B) For a merger or consolidation in which the resulting or 120834
surviving corporation will be a state bank, the constituent 120835
corporations, in the case of a consolidation, and the constituent 120836
corporation that will be the surviving corporation, in the case of 120837
a merger, shall file with the superintendent an application for 120838
the superintendent's approval that includes ~~all of the following:~~ 120839

~~(1) An officers' certification that the transaction has been 120840
approved by the directors and shareholders of each constituent 120841
corporation in accordance with the applicable state or federal 120842
law, articles of incorporation or association, code of 120843
regulations, or bylaws;~~ 120844

~~(2) A a copy of the consolidation or merger agreement;~~ 120845

~~(3) Any and any other information the superintendent 120846
requires. 120847~~

(C) The consolidation or merger agreement required under 120848
division (B)~~(2)~~ of this section shall include all of the 120849
following: 120850

(1) The names of the constituent corporations; 120851

(2) The agreement that the named constituent corporations 120852
will consolidate into a new state bank or the other named 120853
constituent corporations will merge with or into one specified 120854
constituent corporation; 120855

(3) Subject to the limitations set forth in section 1103.07 120856
of the Revised Code, the name of the state bank resulting from the 120857
consolidation or surviving the merger; 120858

(4) The place in this state where the resulting or surviving 120859
bank's principal place of business is to be located; 120860

(5) In the case of a consolidation, the contents of the
resulting bank's articles of incorporation, consistent with
section ~~1103.06~~ 1113.04 of the Revised Code;

(6) In the case of a merger, any amendment to the surviving
bank's articles of incorporation;

(7) The names and addresses of the directors of the resulting
or surviving bank;

(8) The terms of the consolidation or merger, how the
consolidation or merger will be effected, and how ~~any~~
consideration provided for, if any, will be distributed to the
shareholders or members of the constituent corporations.

(D) Within ten business days after receiving an application
required under division (B) of this section, the superintendent
shall determine whether to accept the application. If the
transaction is with a bank, savings bank, or savings association
doing business under authority granted by a regulatory authority
other than the superintendent, the superintendent shall notify the
regulatory authority under which the bank, savings bank, or
savings association is doing business of the application and
solicit that regulatory authority's comments. Within ninety days
after accepting an application required under division (B) of this
section, the superintendent shall approve or disapprove the
application. In making that determination, the superintendent
shall consider all of the following:

(1) Whether the transaction would result in a monopoly or
would further any combination or conspiracy to monopolize or to
attempt to monopolize the business of banking in any part of this
state and any markets served by the resulting or surviving bank;

(2) Whether the effect of the proposed transaction in any
part of this state and any markets served by the resulting or
surviving bank may be to substantially lessen competition, tend to

create a monopoly, or in any other manner restrain trade, unless 120892
the superintendent finds the anticompetitive effects of the 120893
transaction would clearly be outweighed in the public interest by 120894
the probable effect of the transaction in meeting the convenience 120895
and needs of the community to be served; 120896

(3) The financial and managerial resources and future 120897
prospects of the banks involved; 120898

(4) The convenience and needs of the communities to be 120899
served; 120900

(5) Whether, upon completion of the transaction, the 120901
resulting or surviving state bank will meet the requirements of 120902
Chapters 1101. to 1127. of the Revised Code; 120903

(6) The comments of any regulatory authority notified in 120904
accordance with division (D) of this section. 120905

(E) The superintendent may condition approval of an 120906
application under division (D) of this section in any manner the 120907
superintendent considers appropriate. 120908

(F) Before consummating a consolidation or merger authorized 120909
under division (A) of this section, a state bank shall deliver to 120910
the superintendent a certificate of consolidation or merger that 120911
satisfies the requirements of section 1701.81 of the Revised Code. 120912
The superintendent shall file the certificate of consolidation or 120913
merger with the secretary of state and, if the resulting or 120914
surviving bank of the consolidation or merger is a state bank, 120915
shall file a certified copy of the superintendent's approval of 120916
the consolidation or merger with the certificate. 120917

(G) In the case of a consolidation or merger in which the 120918
resulting or surviving corporation is a state bank, the directors 120919
and other officers named in the agreement of consolidation or 120920
merger shall serve until the date fixed in the agreement or 120921
provided in the resulting or surviving bank's code of regulations 120922

or by statute for the next annual meeting. 120923

(H)(1) When a consolidation or merger becomes effective, ~~the~~ 120924
both of the following apply: 120925

(1) The existence of each of the constituent corporations 120926
ceases as a separate entity, but continues in the resulting or 120927
surviving corporation, within the limits of the charter of the 120928
resulting or surviving corporation and subject to section 1115.20 120929
of the Revised Code, without further act or deed ~~and within.~~ 120930

(b) Within the limits of the charter of the resulting or 120931
surviving corporation, the resulting or surviving corporation has 120932
all assets and property, the rights, privileges, immunities, 120933
powers, franchises, and authority, and all obligations and ~~trusts~~ 120934
fiduciary relationships of each party to the merger or 120935
consolidation and the duties and liabilities connected with them. 120936
~~The~~ 120937

(2) The resulting or surviving corporation shall perform 120938
every ~~trust or relation~~ fiduciary relationship it has in the same 120939
manner as if it had itself originally assumed the ~~trust or~~ 120940
~~relation~~ fiduciary relationship and the obligations and 120941
liabilities connected with it. 120942

(I) Shareholders of the nonsurviving stock state bank shall 120943
have a right to dissent and shall be entitled to relief as 120944
dissenting shareholders under section 1701.85 of the Revised Code 120945
for those transactions requiring prior shareholder approval under 120946
division (A)(2) of this section. 120947

Sec. 1115.111. (A) Except as provided in division (C) of this 120948
section, no bank shall pay to any person, other than reasonable 120949
compensation for services provided in ~~his~~ the person's capacity as 120950
an employee, any management or consulting fee, including fees for 120951
legal, accounting, brokerage, or other similar professional 120952

services, not having a direct relationship to the value of actual 120953
services rendered, based on reasonable costs consistent with 120954
current market values for such services. 120955

(B) The records of the bank shall contain adequate 120956
information to permit a determination as to what services are 120957
being provided and on what basis they are being priced. At a 120958
minimum the records shall disclose a thorough review by the board 120959
of directors demonstrating all of the following: 120960

(1) That such fees are paid for specific services provided, 120961
as detailed in a fee analysis presented to the board; 120962

(2) The basis for the cost for each function or service; 120963

(3) A conclusion by the board of directors that the fees are 120964
reasonable. 120965

(C) This section does not prevent a bank from paying any of 120966
the following: 120967

(1) Dividends to shareholders that have been properly 120968
declared by the bank; 120969

(2) Reasonable compensation to officers and employees of the 120970
bank for services rendered to the bank in their capacities as 120971
officers or employees of the bank; 120972

(3) Fees to directors for their attendance at meetings of the 120973
board of directors, the executive committee, or other committees 120974
established by the board. 120975

Sec. 1115.14. (A) A state bank may transfer assets and 120976
liabilities to, and acquire assets and liabilities from, another 120977
state bank, a bank doing business under authority granted by the 120978
bank regulatory authority of another state, or a national bank, 120979
savings bank, or savings association, regardless of where it 120980
maintains its principal place of business, with the approval of 120981
all of the following: 120982

(1) The directors of both constituent corporations;	120983
(2)(a) If the assets to be transferred equal more than fifty per cent of the assets of a transferring or acquiring state bank at the time of the transfer <u>and the institution is a stock state bank</u> , the shareholders of the state bank by the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the state bank's articles of incorporation <u>or code of regulations</u> provide, of the outstanding shares of each class of the state bank's stock;	120984 120985 120986 120987 120988 120989 120990 120991
<u>(b) If the assets to be transferred equal more than fifty per cent of the assets of a transferring or acquiring state bank at the time of the transfer and the institution is a mutual state bank, the members of the state bank by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members.</u>	120992 120993 120994 120995 120996 120997 120998
(3) The shareholders <u>or members</u> of the other constituent bank, savings bank, or savings association as required by the applicable state or federal law, <u>the articles of incorporation, or the code of regulations</u> ;	120999 121000 121001 121002
(4) If the assets to be transferred equal more than fifty per cent of the assets of the acquiring state bank, the superintendent of financial institutions.	121003 121004 121005
(B) In the case of a transfer of assets and liabilities for which the superintendent's approval is required under division (A)(4) of this section, the acquiring state bank shall file with the superintendent an application that includes all of the following:	121006 121007 121008 121009 121010
(1) An officers' certification that the transaction has been approved by the directors and shareholders <u>or members</u> of each constituent corporation in accordance with the applicable state or	121011 121012 121013

federal law, articles of incorporation or association, code of regulations, or bylaws; 121014
121015

(2) A copy of the transfer agreement; 121016

(3) Any other information the superintendent requires. 121017

(C) The transfer agreement required under division (B)(2) of this section shall include all of the following: 121018
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(1) The names of the constituent corporations; 121020

(2) The agreement of the named constituent corporations that specified assets and liabilities of one will be transferred to the other in exchange for specified consideration; 121021
121022
121023

(3) Any changes to be made in the directors ~~of~~ or officers of the acquiring state bank; 121024
121025

(4) Any amendments to the acquiring state bank's articles of incorporation; 121026
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(5) The terms of the transfer, how the transfer will be effected, and how any consideration provided for will be distributed to the transferring corporation or its shareholders or members. 121028
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(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority that granted the authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the 121032
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superintendent shall consider all of the following: 121044

(1) Whether the transaction would result in a monopoly or 121045
would further any combination or conspiracy to monopolize or to 121046
attempt to monopolize the business of banking in any part of this 121047
state and any markets served by the acquiring bank; 121048

(2) Whether the effect of the proposed transaction in any 121049
part of this state and any markets served by the acquiring bank 121050
may be to substantially lessen competition, tend to create a 121051
monopoly, or in any other manner restrain trade, unless the 121052
superintendent finds that the anticompetitive effects of the 121053
transaction would clearly be outweighed in the public interest by 121054
the probable effect of the transaction in meeting the convenience 121055
and needs of the community to be served; 121056

(3) The financial and managerial resources and future 121057
prospects of the banks involved; 121058

(4) The convenience and needs of the communities to be 121059
served; 121060

(5) Whether, upon completion of the transaction, the 121061
acquiring state bank will meet the requirements of Chapters 1101. 121062
to 1127. of the Revised Code; 121063

(6) The comments of any regulatory authority notified in 121064
accordance with division (D) of this section. 121065

(E) The superintendent may condition approval of an 121066
application under division (D) of this section in any manner the 121067
superintendent considers appropriate. 121068

(F) In the case of a transfer of assets and liabilities 121069
involving a state bank that is not the acquiring corporation and 121070
that will not continue operations after the transaction, the state 121071
bank shall, immediately upon the transfer of assets and 121072
liabilities being effective, provide the superintendent with the 121073

necessary dissolution certificates and affidavits for the 121074
superintendent to file the dissolution with the secretary of 121075
state. 121076

(G) When a bank, savings bank, or savings association 121077
transfers its assets and liabilities to a state bank, the 121078
acquiring state bank shall be possessed of the rights, privileges, 121079
and powers of the transferor with respect to the transferred 121080
assets within the limits of the charter of the acquiring state 121081
bank. 121082

(H) Shareholders of a stock state bank whose assets have been 121083
transferred shall have a right to dissent and shall be entitled to 121084
relief as dissenting shareholders under section 1701.85 of the 121085
Revised Code for those transactions requiring prior shareholder 121086
approval under division (A)(2) of this section. 121087

Sec. 1115.15. Whenever an emergency, as defined by the 121088
superintendent of financial institutions, exists with regard to a 121089
state bank, national bank, savings bank, or savings association 121090
that warrants, in the opinion of the superintendent and of a 121091
majority of the members of the respective boards of directors of 121092
the constituent corporations concerned, an immediate transfer of 121093
assets and liabilities, the board of directors of a state bank 121094
may, by majority vote, transfer the assets and liabilities of the 121095
state bank or acquire the assets and liabilities of another state 121096
bank or a national bank, savings bank, or savings association 121097
without the vote or approval of the shareholders of each 121098
constituent corporation involved in the proposed transfer. No 121099
transfer pursuant to this section involving a state bank shall be 121100
made without the written consent of the superintendent. Certified 121101
copies of all proceedings of its board of directors shall be filed 121102
with the superintendent by each constituent corporation involved 121103
in the transfer. A copy of the agreement between the constituent 121104

corporations shall accompany the copies of the proceedings of the boards of directors.

Sec. 1115.20. (A) In any transfer, ~~consolidation, or merger~~ under this chapter, the rights of creditors shall be preserved unimpaired, and, unless otherwise provided, the constituent corporations shall be deemed to continue their separate existence if the continuation is necessary to preserve any creditor's rights.

(B) In any consolidation or merger under section 1115.11 of the Revised Code, the rights and obligations of the surviving or new bank shall be governed by section 1701.82 of the Revised Code.

Sec. 1115.23. (A) Any person, singly or jointly with others, may, with the approval of the superintendent of financial institutions, incorporate an interim bank for the purpose of facilitating the creation of a bank holding company, the acquisition of or transaction with an existing bank, savings association, or savings bank, or any other transaction the superintendent may approve. Prior to commencing business, an interim bank shall be a party to a reorganization with an existing bank, savings association, or savings bank pursuant to this chapter.

(B) The person or persons proposing to incorporate an interim bank under this section shall make application for approval of the proposed interim bank in the manner and form prescribed by the superintendent, which shall include delivering to the division of financial institutions the items required in divisions (B)(1) and (2) of section ~~1113.01~~ 1113.02 of the Revised Code.

(C) Approval of the interim bank pursuant to this section does not authorize the interim bank to commence business. Approval of the interim bank shall be specifically conditioned on approval

of the subsequent reorganization. The approval of the interim bank 121135
becomes void, and the interim bank shall be dissolved, if the 121136
reorganization is not approved and consummated within one year 121137
after the approval of the interim bank, unless the superintendent 121138
grants one or more extensions in writing. If no extension is 121139
granted or upon the expiration of the last extension granted, the 121140
interim bank shall provide the superintendent with the necessary 121141
dissolution certificates and affidavits for the superintendent to 121142
file the dissolution with the secretary of state. 121143

(D) The superintendent shall not disapprove an interim bank 121144
charter solely because the interim bank's paid-in capital and 121145
surplus do not aggregate more than five hundred dollars. 121146

Sec. 1115.24. (A) As used in this section: 121147

(1) "Applicant" means the person or persons seeking a shelf 121148
charter under this section. 121149

(2) "Control" has the same meaning as in section 1115.06 of 121150
the Revised Code and any rules adopted under that section. 121151

(3) "Shelf charter" means the preliminary conditional 121152
approval of a charter. 121153

(B) The superintendent of financial institutions may, at the 121154
superintendent's sole discretion, grant a shelf charter to an 121155
applicant intending or desiring to enter into a transaction 121156
resulting in any of the following: 121157

(1) Formation of an interim bank under this chapter to be 121158
used for the transactions contemplated by this section; 121159

(2) Acquisition of control of a designated or undesignated 121160
state bank; 121161

(3) Acquisition of control of a designated or undesignated 121162
bank chartered by the banking authority of any other state or the 121163
United States that the person or persons intend to convert to a 121164

<u>state bank;</u>	121165
<u>(4) Acquisition of assets from and assumption of liabilities,</u>	121166
<u>pursuant to this chapter, of a bank or from the federal deposit</u>	121167
<u>insurance corporation as receiver of a designated or undesignated</u>	121168
<u>bank headquartered in this state or any other state that the</u>	121169
<u>person or persons intend to convert to a state bank;</u>	121170
<u>(5) Formation of a de novo bank pursuant to Title XI of the</u>	121171
<u>Revised Code.</u>	121172
<u>(C) The superintendent shall prescribe the form for an</u>	121173
<u>application for a shelf charter. After reviewing an application,</u>	121174
<u>the superintendent may require the applicant to submit any</u>	121175
<u>additional information or documentation the superintendent</u>	121176
<u>considers necessary and appropriate. Factors to be considered by</u>	121177
<u>the superintendent shall include all of the following:</u>	121178
<u>(1) The availability of adequate capital for the transaction;</u>	121179
<u>(2) The existence of acceptable business plans;</u>	121180
<u>(3) Whether acceptable management, directors, and control</u>	121181
<u>persons are identified;</u>	121182
<u>(4) Whether all necessary approvals from state and federal</u>	121183
<u>agencies have been secured.</u>	121184
<u>(D)(1) A shelf charter granted under this section, and any</u>	121185
<u>final approval for a transaction described in division (B) of this</u>	121186
<u>section, shall be subject to such conditions and ongoing</u>	121187
<u>requirements as the superintendent considers appropriate.</u>	121188
<u>(2) An applicant granted a shelf charter under this section</u>	121189
<u>shall not exercise control over the bank or consummate the</u>	121190
<u>transaction authorized by the charter until the superintendent</u>	121191
<u>gives final approval of the transaction.</u>	121192
<u>(E) A shelf charter shall expire twenty-four months after the</u>	121193
<u>date it is granted, subject to the following:</u>	121194

(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 121195
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(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 121199
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(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 121201
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(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 121203
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Sec. 1115.27. (A) A state bank may merge with any of its affiliates with the approval of all of the following: 121207
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(1) The directors of all constituent corporations to the merger; 121209
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(2)(a) The shareholders of each constituent stock state bank by the affirmative vote or written consent of the holders of two-thirds, or any other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the bank's stock; 121211
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(b) The members of each constituent mutual state bank, by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members. 121217
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121219
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(3) The shareholders or members of each other constituent to the merger as required by the applicable state or federal law, the articles of incorporation, or the code of regulations; 121221
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(4) The superintendent of financial institutions. 121224

(B) The bank that will be the surviving bank in the merger 121225
shall file with the superintendent an application for the 121226
superintendent's approval that includes ~~all of the following:~~ 121227

~~(1) An officers' certification that the transaction has been 121228
approved by the directors and shareholders of each constituent 121229
corporation in accordance with the applicable state or federal 121230
law, articles of incorporation or association, code of 121231
regulations, or bylaws;~~ 121232

~~(2) A a copy of the merger agreement;~~ 121233

~~(3) Any and any other information the superintendent 121234
requires.~~ 121235

(C) The merger agreement required under division (B)~~(2)~~ of 121236
this section shall include all of the following: 121237

(1) The names of the constituent corporations; 121238

(2) The agreement of the other named constituent corporations 121239
to merge with or into one specified bank; 121240

(3) Subject to the limitations set forth in section 1103.07 121241
of the Revised Code, the name of the bank surviving from the 121242
merger. 121243

(4) The place in this state where the surviving bank's 121244
principal place of business is to be located; 121245

(5) Any amendment to the surviving bank's articles of 121246
incorporation; 121247

(6) The names and addresses of the directors of the surviving 121248
bank; 121249

(7) The terms of the merger, how it will be effected, and how 121250
~~any~~ consideration, if any, provided for will be distributed to the 121251
shareholders or members of the constituent corporations. 121252

(D) Within ten business days after receiving an application 121253

required under division (B) of this section, the superintendent 121254
shall determine whether to accept the application. Within ninety 121255
days after accepting an application required under division (B) of 121256
this section, the superintendent shall approve or disapprove the 121257
application. In making that determination, the superintendent 121258
shall consider all of the following: 121259

(1) The financial and managerial resources and future 121260
prospects of the surviving bank; 121261

(2) The convenience and needs of the communities to be 121262
served; 121263

(3) Whether, upon completion of the merger, the surviving 121264
bank will meet the requirements of Chapters 1101. to 1127. of the 121265
Revised Code; 121266

(4) Whether any of the constituents to the merger are subject 121267
to limitations that are inconsistent with the merger. 121268

(E) The superintendent may condition approval of an 121269
application under division (D) of this section in any manner the 121270
superintendent considers appropriate. 121271

(F) Before consummating a merger authorized under division 121272
(A) of this section, the bank that is to be the surviving bank of 121273
the merger shall deliver to the superintendent a certificate of 121274
merger that satisfies the requirements of section 1701.81 of the 121275
Revised Code. The superintendent shall file the certificate of 121276
merger and a certified copy of the superintendent's approval of 121277
the merger with the secretary of state. 121278

(G) The directors and other officers named in the agreement 121279
of merger shall serve until the date fixed in the agreement or 121280
provided in the surviving bank's code of regulations or by statute 121281
for the next annual meeting. 121282

(H) When a merger authorized by division (A) of this section 121283

becomes effective, the existence of each of the constituent 121284
corporations ceases as a separate entity, but continues in the 121285
surviving bank, within the limits of the charter of the surviving 121286
bank and subject to section 1115.20 of the Revised Code. Without 121287
further act or deed and within the limits of the charter of the 121288
surviving bank, the surviving bank has all assets and property, 121289
the rights, privileges, immunities, powers, franchises, and 121290
authority, and all obligations and ~~trusts~~ fiduciary relationships 121291
of each party to the merger and the duties and liabilities 121292
connected with them. The surviving bank shall perform every ~~trust~~ 121293
~~or relation~~ fiduciary relationship it has in the same manner as if 121294
it had itself originally assumed the ~~trust or relation~~ fiduciary 121295
relationship and the obligations and liabilities connected with 121296
it. 121297

Sec. 1116.01. As used in this chapter, unless the context 121298
requires otherwise: 121299

(A) "Acquiree mutual bank" means any state bank, savings 121300
association, or savings bank that meets both of the following 121301
conditions: 121302

(1) It is acquired by a mutual holding company as part of, 121303
and concurrently with, a mutual holding company reorganization. 121304

(2) It is in the mutual form immediately prior to the 121305
acquisition. 121306

(B) "Reorganization plan" means the plan to reorganize into a 121307
mutual holding company structure described in section 1116.07 of 121308
the Revised Code. 121309

(C) "Reorganizing mutual state bank" means a mutual state 121310
bank that proposes to reorganize into a mutual holding company 121311
structure in accordance with this chapter. 121312

(D) "Resulting mutual holding company" means a bank holding 121313

company organized in mutual form under this chapter and, unless 121314
otherwise indicated, a subsidiary holding company controlled by a 121315
mutual holding company organized under this chapter. 121316

(E) "Resulting stock state bank" means a stock state bank 121317
that is organized as a subsidiary of a reorganizing mutual state 121318
bank to receive a substantial part of the assets and liabilities, 121319
including all deposit accounts, of the reorganizing mutual state 121320
bank upon consummation of the reorganization. 121321

(F) "Stock bank" means a bank that has an ownership structure 121322
in the form of shares of stock and is doing business under 121323
authority granted by the superintendent of financial institutions 121324
or the bank regulatory authority of another state or the United 121325
States. 121326

(G) "Subsidiary holding company" means a stock company that 121327
is controlled by a mutual holding company and that owns the stock 121328
of a stock state bank whose depositors have membership rights in 121329
the parent mutual holding company. 121330

Sec. 1116.02. (A) A mutual holding company and any subsidiary 121331
of a mutual holding company shall be created, organized, and 121332
governed, and its business shall be conducted, in all respects in 121333
the same manner as is provided under Chapter 1701. of the Revised 121334
Code, for corporations generally, to the extent that it is not 121335
inconsistent with this chapter, Chapters 1101. to 1115., and 121336
Chapters 1117. to 1127. of the Revised Code or the rules adopted 121337
under those chapters. 121338

(B) A mutual holding company and any subsidiary of a mutual 121339
holding company organized under this chapter is subject to all 121340
powers, remedies, and sanctions provided to the superintendent of 121341
financial institutions and the division of financial institutions 121342
by Chapters 1101. to 1127. of the Revised Code. 121343

(C) Notwithstanding division (A) of this section, a nonbank subsidiary of a mutual holding company may be organized under the general corporate laws of another state of the United States. 121344
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121346

Sec. 1116.05. (A) A mutual state bank may, with the approval of the superintendent of financial institutions, reorganize to become a mutual holding company, in one of the following manners: 121347
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(1) By organizing one or more subsidiary stock state banks, one or more of which may be an interim stock state bank, the ownership of which shall be evidenced by shares of stock to be owned by the reorganizing mutual state bank and by transferring a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to one or more subsidiary stock state banks; 121350
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(2) By organizing a first tier subsidiary stock state bank, causing that subsidiary to organize a second tier subsidiary stock state bank, and transferring, by merger of the reorganizing mutual state bank with the second tier subsidiary, a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to the resulting stock state bank at which time the first tier subsidiary stock state bank becomes a mutual holding company; 121357
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(3) In any other manner approved by the superintendent. 121365

(B) As a part of its mutual holding company reorganization, a mutual state bank may organize as a subsidiary holding company of the mutual holding company, which subsidiary holding company shall own all of the outstanding voting stock of the resulting stock state bank. 121366
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(C) Before reorganizing into a mutual holding company, a reorganizing mutual state bank shall do all of the following: 121371
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(1) Obtain approval of a reorganization plan by a two-thirds 121373

<u>vote of the board of directors of the reorganizing mutual state</u>	121374
<u>bank and any acquiree mutual bank;</u>	121375
<u>(2) Obtain approval of the reorganization plan by a</u>	121376
<u>two-thirds vote, or such other proportion not less than a majority</u>	121377
<u>as the reorganizing mutual state bank's or any acquiree mutual</u>	121378
<u>bank's articles of incorporation or code of regulations provide,</u>	121379
<u>of the members' votes cast in person or by proxy at the annual</u>	121380
<u>meeting or at a special meeting of members called by the board of</u>	121381
<u>directors for the purpose of approving the reorganization plan;</u>	121382
<u>(3) File a reorganization application in the form prescribed</u>	121383
<u>by the superintendent that includes all of the following:</u>	121384
<u>(a) An officers' certification that the reorganization plan</u>	121385
<u>has been approved by the directors and members in accordance with</u>	121386
<u>applicable state law, articles of incorporation, code of</u>	121387
<u>regulations, or bylaws;</u>	121388
<u>(b) A copy of the reorganization plan;</u>	121389
<u>(c) Any other information the superintendent requires.</u>	121390
<u>Sec. 1116.06. (A) Within ten business days after receipt of</u>	121391
<u>an application for a mutual holding company reorganization under</u>	121392
<u>division (C)(3) of section 1116.05 of the Revised Code, the</u>	121393
<u>superintendent of financial institutions shall do one of the</u>	121394
<u>following:</u>	121395
<u>(1) Accept the application for processing;</u>	121396
<u>(2) Request additional information to complete the</u>	121397
<u>application;</u>	121398
<u>(3) Return the application if it is substantially incomplete.</u>	121399
<u>(B) Within one hundred eighty days after an application is</u>	121400
<u>accepted for processing, the superintendent shall approve or</u>	121401
<u>disapprove the application and, if approved, impose any conditions</u>	121402

the superintendent determines appropriate. 121403

(C) In approving or disapproving an application, the superintendent, after conducting an appropriate examination or investigation, shall consider whether: 121404
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(1) The reorganizing mutual state bank and any acquiree mutual bank will operate in a safe, sound, and prudent manner. 121407
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(2) The applicant has demonstrated that the reorganization plan is fair to the members of the reorganizing mutual state bank and any acquiree mutual bank. 121409
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(3) The interests of the reorganizing mutual state bank's depositors and creditors and the general public will not be jeopardized by the proposed reorganization into a mutual holding company; 121412
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(4) The proposed reorganization will result in a reorganizing mutual state bank or any acquiree state bank that has adequate capital, satisfactory management, and good earnings prospects; 121416
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(5) A stock issuance proposed in connection with the mutual holding company reorganization plan meets the standards established by the superintendent and any applicable state and federal securities laws; and 121419
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(6) The reorganizing mutual state bank or any acquiree mutual bank has furnished all information required in the reorganization plan and any other information requested by the superintendent regarding the proposed reorganization. 121423
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Sec. 1116.07. Each reorganization plan submitted with a mutual holding company reorganization application shall contain a description of all significant terms of the proposed reorganization and include all of the following: 121427
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(A) Any proposed stock issuance plan; 121431

(B) An opinion of counsel, or a ruling from the United States internal revenue service and the Ohio department of taxation, as to the federal and state tax treatment of the proposed reorganization; 121432
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(C) A copy of the articles of incorporation and code of regulations of the proposed mutual holding company, the resulting stock state bank, and any affiliate organizations in the holding company structure; 121436
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(D) A description of the method of reorganization under this chapter; 121440
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(E) A statement that, upon consummation of the reorganization, certain assets and liabilities, including all deposit accounts of the reorganizing mutual state bank, shall be transferred to the resulting stock state bank, which bank shall immediately become a stock state bank subsidiary of the mutual holding company or subsidiary holding company; 121442
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(F) A summary of the expenses to be incurred in connection with the reorganization; 121448
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(G) Any other information required by the superintendent of financial institutions. 121450
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Sec. 1116.08. After approving a mutual holding company reorganization application, the superintendent of financial institutions shall, to effect the reorganization, forward the articles of incorporation to the secretary of state for filing. 121452
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Sec. 1116.09. (A) A mutual holding company shall do all of the following: 121456
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(1) Confer upon existing and future depositors of the resulting stock state bank the same membership rights in the mutual holding company as were conferred upon depositors by the 121458
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articles of incorporation or code of regulations of the 121461
reorganizing mutual state bank in effect immediately prior to the 121462
reorganization; 121463

(2) Confer upon existing and future depositors of any 121464
acquiree mutual bank or any bank that is in the mutual form when 121465
acquired by the mutual holding company, the same membership rights 121466
in the mutual holding company as were conferred upon depositors by 121467
the articles of incorporation or code of regulations of the 121468
acquired mutual bank in effect immediately prior to the 121469
acquisition, provided that if the acquired mutual bank is merged 121470
into another subsidiary state bank from which the mutual holding 121471
company draws members, the depositors of the acquired mutual bank 121472
shall receive the same membership rights as the depositors of the 121473
subsidiary state bank into which the acquired mutual bank is 121474
merged; 121475

(3) Confer upon the borrowers of the resulting stock state 121476
bank who are borrowers at the time of reorganization the same 121477
membership rights in the mutual holding company as were conferred 121478
upon them by the articles of incorporation or code of regulations 121479
of the reorganizing mutual state bank in effect immediately prior 121480
to the reorganization, but not any membership rights in connection 121481
with any borrowings made after the reorganization; 121482

(4) Confer upon the borrowers of any acquiree mutual bank or 121483
any bank that is in the mutual form when acquired by the mutual 121484
holding company who are borrowers at the time of the acquisition, 121485
the same membership rights in the mutual holding company as were 121486
conferred on them by the articles of incorporation or code of 121487
regulations of the acquired mutual bank in effect immediately 121488
prior to the acquisition, but not any membership rights in 121489
connection with any borrowings made after the acquisition; 121490
provided, however, that if the acquired mutual bank is merged into 121491
another bank from which the mutual holding company draws members, 121492

the borrowers of the acquired mutual bank shall instead receive 121493
the same grandfathered membership rights as the borrowers of the 121494
subsidiary state bank into which the acquired mutual bank is 121495
merged. 121496

(B) A mutual holding company that acquires a bank in the 121497
stock form, other than a resulting stock state bank or an acquiree 121498
mutual bank, shall not confer any membership rights upon the 121499
depositors and borrowers of the stock bank, unless such stock bank 121500
is merged into a subsidiary stock state bank from which the mutual 121501
holding company draws its members, in which case the depositors of 121502
the stock bank shall receive the same membership rights as other 121503
depositors of the subsidiary stock state bank into which the stock 121504
bank is merged. 121505

Sec. 1116.10. (A) A mutual holding company and any subsidiary 121506
holding company shall be governed by a board of directors and in 121507
accordance with the articles of incorporation and code of 121508
regulations adopted in connection with the reorganization, or as 121509
amended in accordance with law or rule after the reorganization. 121510
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(B) The board of the mutual holding company and any 121512
subsidiary holding company shall have at least five members who, 121513
initially, shall consist of the board of directors of the 121514
reorganizing mutual state bank. Such members, after the formation 121515
of the mutual holding company and any subsidiary holding company, 121516
shall continue to serve as directors for the balance of the terms 121517
to which they were elected. 121518

Sec. 1116.11. All assets, rights, obligations, and 121519
liabilities of a reorganizing mutual state bank that are not 121520
expressly retained by the mutual holding company shall be 121521
transferred to the resulting stock state bank. 121522

Sec. 1116.12. Each person who holds a deposit account in a reorganizing mutual state bank or any acquiree mutual state bank immediately before the reorganization shall receive, upon consummation of the reorganization, without payment, an identical deposit account in the resulting stock state bank or acquiree mutual state bank.

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Sec. 1116.13. The following apply to a reorganization plan adopted by the board of directors of the reorganizing mutual state bank or any acquiree mutual bank:

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(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time.

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(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later time.

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Sec. 1116.16. (A) A mutual holding company organized under the laws of another state or the United States may, with the approval of the superintendent of financial institutions, convert to a mutual holding company organized under this chapter by submitting an application in accordance with rules adopted by the superintendent under section 111.15 of the Revised Code.

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(B) State banks existing as of the effective date of this section that are affiliates of a mutual holding company organized under the laws of another state or the United States and that submit an application pursuant to division (A) of this section within one year after the effective date of this section shall be eligible for an expedited review process.

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Sec. 1116.18. Subject to all necessary regulatory notices or 121553
approvals, a mutual holding company organized under this chapter 121554
may do all of the following: 121555

(A) Acquire a bank organized in mutual or stock form by 121556
merger of such bank with the subsidiary stock state bank, interim 121557
subsidiary stock bank, or subsidiary stock holding company of the 121558
mutual holding company; 121559

(B) Merge with or acquire another holding company provided 121560
that such holding company has, as one of its subsidiaries, a 121561
subsidiary banking corporation; 121562

(C) Exercise any power of, or engage in any activity 121563
permitted for, a mutual state bank; 121564

(D) Engage directly or indirectly only in such activities as 121565
are permissible activities for bank holding companies under 121566
applicable state and federal law or regulations; 121567

(E) Invest in the stock of a bank; 121568

(F) Exercise any rights, waive any rights, or take or waive 121569
any other action with respect to any securities of any subsidiary 121570
stock state bank or subsidiary stock holding company that are held 121571
by the mutual holding company. 121572

Sec. 1116.19. (A) The board of directors of a mutual holding 121573
company may from time to time, by a majority vote of the 121574
directors, do both of the following: 121575

(1) Divide equitably any surplus that is in excess of the 121576
amount required for the operations of the mutual holding company 121577
or to maintain the safety and soundness of the mutual holding 121578
company; 121579

(2) Distribute that surplus to the respective depositors of 121580
its subsidiary stock state banks in accordance with their 121581

membership rights. 121582

(B) If the superintendent of financial institutions 121583
determines that the surplus held by a mutual holding company is 121584
excessive, the superintendent may order the board of directors of 121585
the mutual holding company to make the distribution described in 121586
division (A) of this section. 121587

Sec. 1116.20. (A) A mutual holding company may establish a 121588
subsidiary holding company as a direct subsidiary to hold one 121589
hundred per cent of the stock of its subsidiary stock state bank, 121590
provided the subsidiary holding company is not formed and operated 121591
as a means of evading or frustrating the purposes of this chapter. 121592
Subject to the approval of the superintendent of financial 121593
institutions, the subsidiary holding company may be established 121594
either at the time of the initial mutual holding company 121595
reorganization or at a subsequent date. 121596

(B) In addition to its powers under Chapters 1107. and 1109. 121597
of the Revised Code, any subsidiary stock state bank or subsidiary 121598
holding company may, with the prior approval of the superintendent 121599
and subject to such rules as the superintendent may prescribe, 121600
issue one or more classes of securities, including one or more 121601
classes of common stock or preferred stock, and take any action in 121602
connection with such issuance or otherwise with respect to any 121603
such securities; provided, however, that in no event shall the 121604
mutual holding company hold less than twenty-five per cent of the 121605
combined voting power of all classes of securities of the 121606
subsidiary stock holding company or stock state bank that have 121607
voting power in the election of directors of such stock state 121608
bank. 121609

(C) Nothing in this section shall prohibit a subsidiary stock 121610
state bank or subsidiary stock holding company from issuing, in 121611
connection with an employee stock option or other employee benefit 121612

plan or with the mutual holding company reorganization or 121613
subsequent thereto, different classes of common stock to the 121614
mutual holding company and subsidiary stock state bank or 121615
subsidiary stock holding company. An issuance of securities may be 121616
made at the time of the mutual holding company reorganization or 121617
thereafter, and may be made in connection with the merger or 121618
acquisition of another bank whether organized in mutual or stock 121619
form. 121620

Sec. 1116.21. A mutual holding company organized under this 121621
chapter may, with the approval of the superintendent of financial 121622
institutions, convert to a stock holding company by submitting an 121623
application in accordance with rules adopted by the superintendent 121624
under section 1121.03 of the Revised Code. 121625

Sec. 1117.01. (A) Subject to section 1115.05 and Chapter 121626
1119. of the Revised Code, a bank, regardless of the location of 121627
its principal place of business, may establish or acquire and 121628
maintain a banking office in this state. 121629

(B)(1) With the prior written approval of the superintendent 121630
of financial institutions obtained in accordance with section 121631
1117.02 of the Revised Code, a state bank ~~doing business under~~ 121632
~~authority granted by the superintendent~~ may establish or acquire a 121633
banking office at any of the following locations: 121634

(a) Any location in this state; 121635

(b) Any location in another state of the United States; 121636

(c) Any location outside the United States. 121637

(2) The superintendent may condition approval of a banking 121638
office at any location authorized by division (B)(1)(b) or (c) of 121639
this section on an agreement satisfactory to the superintendent 121640
providing for the times, method, and reimbursement of expenses for 121641
examining the banking office. 121642

Sec. 1117.02. (A) A bank with its principal place of business 121643
in this state proposing to establish a banking office shall submit 121644
an application to the superintendent of financial institutions. 121645
The superintendent shall determine whether to accept an 121646
application for processing within ten business days after 121647
receiving the application. The superintendent shall approve or 121648
disapprove the application within sixty days after accepting it 121649
unless approval is withheld under division (E) of this section. 121650

(B) If the superintendent accepts the application, the bank 121651
shall, within ten days after receipt of the superintendent's 121652
notice of acceptance, publish notice of its proposed banking 121653
office in a newspaper of general circulation in the county where 121654
the proposed banking office is to be located and in the county 121655
where the bank currently maintains its principal place of 121656
business. The notice shall state that comments on the proposed 121657
banking office must be delivered to the division of financial 121658
institutions within fourteen days after the date the notice is 121659
published, and shall provide the division's address. 121660

(C) If the superintendent determines any comment delivered to 121661
the division regarding a proposed banking office is relevant to 121662
the criteria set forth in this section for approval of a banking 121663
office, the superintendent shall investigate the comment in any 121664
manner the superintendent considers appropriate. 121665

(D) In determining whether to approve a proposed banking 121666
office, the superintendent shall consider all of the following: 121667

(1) The adequacy of the bank's management; 121668

(2) The adequacy of the bank's capital ~~and paid-in capital~~; 121669

(3) The effect establishment of the banking office will have 121670
on the interests of the bank's depositors and shareholders or 121671
members; 121672

(4) The bank's lending record in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with both the safe and sound operation of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 1147, 12 U.S.C. 2901, as amended;

(5) Any other reasonable criteria the superintendent may establish.

(E)(1) If the superintendent determines, upon consideration of the criteria set forth in division (D) of this section, that the banking office should otherwise be approved, but the bank's lending record is not satisfactory in helping to meet the credit needs of its entire community as prescribed in division (D)(4) of this section, the superintendent shall withhold action on the application for the banking office and shall notify the bank of that decision. The bank shall, within sixty days after receipt of the notice from the superintendent, submit to the superintendent a written affirmative action lending program, which shall be a public record. The superintendent shall, within thirty days after receipt of the affirmative action lending program, determine whether the program is acceptable. If the program is not acceptable, or the bank fails to submit an affirmative action lending program within the sixty days, the superintendent shall disapprove the banking office. If the affirmative action lending program is acceptable, the superintendent shall approve the banking office.

(2)(a) In order to determine whether a bank is complying with its affirmative action lending program, the superintendent may do either of the following:

(i) The superintendent may require the bank to submit periodic reports that summarize actions it has taken to implement or maintain its affirmative action lending program. The reports shall be in a form prescribed by the superintendent, but shall not

contain any information that identifies an applicant for a loan. 121705
The reports are public records and shall be made available to any 121706
person upon request. 121707

(ii) Upon written complaint by any person, or upon the 121708
superintendent's own initiative, the superintendent may hold a 121709
public hearing. The superintendent may hold no more than one 121710
hearing every two years on each affirmative action lending 121711
program. 121712

(b) If the superintendent determines, as a result of findings 121713
made under division (E)(2)(a) of this section, that a bank is not 121714
in compliance with its affirmative action lending program, the 121715
superintendent shall order the bank to comply within a period of 121716
time determined by the superintendent. Failure to comply with that 121717
order shall be a violation of a condition imposed by the 121718
superintendent for purposes of sections 1121.32, 1121.33, 1121.35, 121719
and 1121.41 of the Revised Code. 121720

(3) As used in division (E) of this section, "affirmative 121721
action lending program" means a program to remedy any deficiency 121722
of a bank in helping to meet the credit needs of its entire 121723
community. 121724

Sec. 1117.04. A bank proposing to relocate a banking office 121725
shall do the following: 121726

(A) If the banking office is to be relocated within a 121727
one-mile radius of the banking office's current ~~service area~~ 121728
location, the bank shall notify the superintendent of financial 121729
institutions and comply with the ~~service area~~ relocation 121730
procedures established by the superintendent. 121731

(B) If the banking office is to be relocated outside a 121732
one-mile radius of the banking office's current ~~service area~~ 121733
location, the bank shall obtain the superintendent's approval for 121734

the relocation in accordance with the procedures set forth in 121735
section 1117.02 of the Revised Code for establishing a banking 121736
office and comply with the banking office closing procedures 121737
established by the superintendent. 121738

Sec. 1117.05. (A) With the written approval of the 121739
superintendent of financial institutions, a bank may contract with 121740
one or more other banks, savings banks, and savings associations 121741
to provide services to the contracting bank's customers at any or 121742
all of the offices of the other banks, savings banks, and savings 121743
associations as if the offices of the other banks, savings banks, 121744
and savings associations were offices of the contracting bank. 121745

(B) The superintendent shall determine whether to accept a 121746
bank's application for approval of a contract authorized by 121747
division (A) of this section within ten business days after 121748
receiving a bank's application for the superintendent's approval 121749
of the contract. The superintendent shall approve or disapprove 121750
the contract within thirty days after accepting the bank's 121751
application. 121752

(C) In determining whether to approve or disapprove a 121753
contract authorized by division (A) of this section, the 121754
superintendent shall consider all of the following: 121755

(1) The adequacy of the management of both the contracting 121756
bank and the other banks, savings banks, and savings associations; 121757

(2) The adequacy of the capital ~~and paid-in capital~~ of both 121758
the contracting bank and the other banks, savings banks, and 121759
savings associations; 121760

(3) The adequacy of the operations and controls of both the 121761
contracting bank and the other banks, savings banks, and savings 121762
associations; 121763

(4) Whether the contract is being used to avoid application 121764

of the criteria for establishing a banking office under section 121765
1117.02 of the Revised Code or any kind of business combination 121766
under Chapter 1115. of the Revised Code. 121767

(D) This section does not authorize a contracting bank to 121768
establish new deposit accounts, extend credit, or create new 121769
banking relationships through offices of the other banks, savings 121770
banks, and savings associations. 121771

Sec. ~~1103.21~~ 1117.07. (A) In the event of a power failure, 121772
fire, act of God, riot, strike, robbery or attempted robbery, 121773
epidemic, interruption of communication facilities, or any other 121774
reason the superintendent of financial institutions approves, or 121775
in the event of the declaration of the existence of an emergency 121776
by the governor or another person lawfully exercising the power 121777
and duties of the office of governor, an officer of a bank, 121778
designated by the board of directors of the officer's bank, in the 121779
reasonable and proper exercise of the designated officer's 121780
discretion may determine not to open one or more of the bank's 121781
banking offices on any business or banking day, or, if having 121782
opened, to close one or more of the bank's banking offices during 121783
the continuation of the occurrence or emergency. In no case shall 121784
any banking office remain closed for more than ~~forty-eight~~ two 121785
consecutive ~~hours~~ days, excluding weekends and legal holidays, 121786
without obtaining the approval of the superintendent ~~or, in the~~ 121787
~~ease of a national bank, the comptroller of the currency.~~ A 121788
designated officer closing a banking office pursuant to the 121789
authority granted under this section shall give as prompt notice 121790
of the action as conditions permit, and by any means available, to 121791
the superintendent ~~or the comptroller.~~ 121792

(B) The designated officers of a bank may close any one or 121793
more or all of the bank's banking offices on any day designated, 121794
by proclamation of the president of the United States or the 121795

governor of this state, as a day of mourning, rejoicing, or other 121796
special observance. In such a case, the bank shall not be required 121797
to comply with any other provision of the Revised Code regarding 121798
the closing or reopening of banks or financial institutions. 121799

(C) Any act required or authorized to be performed at a 121800
banking office that has not been opened or that has been closed 121801
for any time pursuant to this section, may be performed on the 121802
next succeeding business day the banking office is reopened for 121803
business. Any other provision or rule of law notwithstanding, no 121804
liability or loss of rights of any kind on the part of any person, 121805
firm, or corporation, or of the bank, shall accrue or result 121806
because of any nonopening or closing authorized by this section. 121807

(D) The right of a bank not to open or to close under this 121808
section and the protections afforded with respect to that right 121809
shall be in addition to and not in lieu of any rights or 121810
protections granted under section 1304.07 of the Revised Code. 121811

Sec. 1119.11. (A) When a foreign bank engages in an activity 121812
or undertakes an action through an agency or branch licensed under 121813
this chapter, the foreign bank is subject to the same limitations 121814
on and requirements of engaging in the activity or taking the 121815
action that apply to a state bank ~~doing business under authority~~ 121816
~~granted by the superintendent of financial institutions.~~ 121817

(B)(1) A foreign bank licensed to operate an agency shall not 121818
accept deposits from citizens or residents of the United States or 121819
exercise fiduciary powers. An account that carries a credit 121820
balance in connection with the distribution of loan proceeds is 121821
not a deposit for purposes of this section. 121822

(2) A foreign bank licensed to operate an agency may, in 121823
addition to conducting all of the permissible activities of a 121824
representative office set forth in division (B) of section 1119.06 121825
of the Revised Code, conduct limited banking activities at or 121826

through a licensed agency, including all of the following:	121827
(a) Lending money;	121828
(b) Maintaining credit balances that are incidental to or arise out of the distribution of loan proceeds;	121829 121830
(c) Receiving funds as agent to be forwarded for deposit to an existing account at another office authorized to accept deposits.	121831 121832 121833
(C) A foreign bank licensed to operate a branch may, in addition to conducting all of the permissible activities of a representative office set forth in division (B) of section 1119.06 of the Revised Code and all of the permissible activities of an agency set forth in division (B)(2) of this section, conduct the following activities at or through a licensed branch:	121834 121835 121836 121837 121838 121839
(1) Accepting deposits, the acceptance of which does not constitute engaging in domestic retail deposit activities;	121840 121841
(2) If qualified under Chapter 1111. of the Revised Code, exercising fiduciary powers;	121842 121843
(3) Other activities authorized for <u>state</u> banks doing business under authority granted by the superintendent.	121844 121845
(D) Each foreign bank licensed to operate an agency or branch shall, in the manner the superintendent <u>of financial institutions</u> prescribes, give notice to the agency's or branch's customers that deposits with that agency or branch are not insured by the federal deposit insurance corporation or otherwise.	121846 121847 121848 121849 121850
Sec. 1119.17. (A) Each foreign bank licensed under this chapter shall file with the superintendent of financial institutions any reports the superintendent may prescribe in the form and manner and containing the information the superintendent prescribes.	121851 121852 121853 121854 121855

(B) When the superintendent requires banks and trust 121856
companies to report their income and condition in accordance with 121857
~~division (A) of~~ section 1121.21 of the Revised Code, the 121858
superintendent shall require each foreign bank licensed under this 121859
chapter to report the income and condition of its representative 121860
offices, agencies, and branches in this state. 121861

Sec. 1119.23. (A) If the superintendent of financial 121862
institutions determines, in accordance with division (A) of 121863
section 1119.22 of the Revised Code, any of the conditions set 121864
forth in that division exists, the superintendent, in addition to 121865
having the authority to revoke the foreign bank's license to 121866
operate a representative office, agency, or branch in accordance 121867
with section 1119.22 of the Revised Code, also may take possession 121868
of the foreign bank's business and property in this state and 121869
appoint a receiver for the liquidation of the foreign bank's 121870
business and property in this state. 121871

(B) The superintendent's taking possession of and appointing 121872
a receiver for a foreign bank's business and property in this 121873
state pursuant to division (A) of this section, and the 121874
liquidation of the foreign bank's business and property in this 121875
state, shall, except as provided in divisions (B)(1) and (2) of 121876
this section, be conducted in accordance with the procedures and 121877
is subject to the rights, powers, duties, requirements, and 121878
limitations provided in Chapter 1125. of the Revised Code for 121879
taking possession of the business and property and liquidation of 121880
a state bank. 121881

(1) After payment of the expenses of the liquidation and 121882
claims against the foreign bank arising from its doing business in 121883
this state in accordance with section 1125.24 of the Revised Code, 121884
any remaining funds from the liquidation of the foreign bank's 121885
business and property in this state shall be distributed in the 121886

following manner: 121887

(a) If the foreign bank's business and property is being 121888
liquidated in another state of the United States, the receiver 121889
shall distribute any remaining funds from the liquidation of the 121890
foreign bank's business and property in this state to the receiver 121891
in the other state for the payment of expenses of liquidation and 121892
claims against the foreign bank's business and property in the 121893
other state. 121894

(b) If the foreign bank's business and property is being 121895
liquidated in more than one other state of the United States, the 121896
receiver shall equitably distribute any remaining funds from the 121897
liquidation of the foreign bank's business and property in this 121898
state among the receivers in the other states for the payment of 121899
the expenses of liquidation and claims against the foreign bank's 121900
business and property in the other states. 121901

(c) If there is no liquidation of the business and property 121902
of the foreign bank occurring in any other state of the United 121903
States, the receiver shall pay any remaining funds from the 121904
liquidation of the business and property of the foreign bank in 121905
this state to the domiciliary receiver of the foreign bank or, if 121906
there is no domiciliary receiver, to the foreign bank. 121907

(2)(a) When the receiver has completed the liquidation of the 121908
foreign bank's business and property in this state, the receiver 121909
shall, with notice to the superintendent, file a petition with the 121910
court for an order declaring that the foreign bank's business in 121911
this state is properly wound up in the manner provided in section 121912
1125.29 of the Revised Code. Upon the filing of a petition as 121913
provided in this division, the court shall proceed as provided in 121914
section 1125.29 of the Revised Code. 121915

(b) An order issued by the court pursuant to a petition filed 121916
in accordance with division (B)(2)(a) of this section shall do all 121917

things required by section 1125.29 of the Revised Code, but shall 121918
only declare that the foreign bank's business in this state has 121919
been properly wound up and shall not declare that the foreign bank 121920
is dissolved. The court may make whatever additional orders and 121921
grant whatever additional relief the court determines proper upon 121922
the evidence submitted. 121923

(c) Once the court issues the order declaring that the 121924
foreign bank's business in this state is properly wound up, the 121925
foreign bank shall cease doing business in this state except for 121926
any further winding up. 121927

(d) Once the court issues the order declaring the foreign 121928
bank's business in this state is properly wound up, the receiver 121929
shall promptly file a copy of the order, certified by the clerk of 121930
the court, with both the secretary of state and the 121931
superintendent. 121932

Sec. 1119.26. (A) A foreign bank may voluntarily liquidate 121933
and surrender its license to operate a representative office, 121934
agency, or branch licensed under this chapter only with the 121935
consent of the superintendent of financial institutions. 121936

(B) Prior to beginning any liquidation process, the foreign 121937
bank must file an application to voluntarily liquidate and 121938
surrender its license with the superintendent. The application 121939
shall include a plan of liquidation that includes all of the 121940
provisions required of a plan for voluntary liquidation of a state 121941
bank under division (C) of section 1125.03 of the Revised Code, 121942
except that the plan of liquidation shall be limited in scope to 121943
the particular representative office, agency, or branch to be 121944
liquidated. 121945

(C) After conducting an examination, the superintendent may 121946
approve or deny a foreign bank's application to voluntarily 121947
liquidate and surrender its license based on the superintendent's 121948

evaluation of whether or not the interests of the representative office's, agency's, or branch's creditors or, where applicable, depositors, will suffer by the surrender. The superintendent's approval is subject to any condition the superintendent may determine appropriate under the circumstances.

(D) If the superintendent approves the application to voluntarily liquidate and surrender a license, the foreign bank shall comply with the requirements of divisions (A)(1) and (2) of section 1125.04 of the Revised Code.

(E) During the implementation of the plan of liquidation pursuant to this section, the superintendent retains the authority to supervise the representative office, agency, or branch and may conduct any examination relating to either the representative office, agency, or branch or the plan of liquidation the superintendent considers necessary or appropriate.

(F) If the superintendent has reason to conclude the implementation of the plan of liquidation is not being safely or expeditiously conducted, the superintendent may do either of the following:

(1) Begin revocation proceedings under section 1119.22 of the Revised Code;

(2) Take possession of the business and property of the representative office, agency, or branch in the same manner, with the same effect, and subject to the same rights accorded the foreign bank under section 1119.23 of the Revised Code.

(G) The superintendent shall cancel the foreign bank's license to operate a representative office, agency, or branch under this chapter if the superintendent has approved the voluntary liquidation and surrender of the license and both of the following conditions have been met:

(1) The plan of liquidation has been completed.

(2) The notifications required by division (D) of this section were properly given. 121980
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Sec. 1121.01. As used in this chapter: 121982

(A) "Financial institution regulatory authority" includes a regulator of a business activity in which a bank or trust company is engaged, or has applied to engage in, to the extent that the regulator has jurisdiction over a bank or trust company engaged in that business activity. A bank or trust company is engaged in a business activity, and a regulator of that business activity has jurisdiction over the bank or trust company, whether the bank or trust company conducts the activity directly or a subsidiary or affiliate of the bank or trust company conducts the activity. 121983
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(B) "Regulated person" means any of the following: 121992

(1) A director, officer, or employee of or agent for a bank or trust company or a ~~controlling shareholder of~~ person who controls a state bank, foreign bank, or trust company~~+. For purposes of division (B)(1) of this section, "control" has the same meaning as in section 1115.06 of the Revised Code. 121993
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(2) A person who is required to obtain, but has not yet obtained, the consent of the superintendent of financial institutions to acquire control of a state bank pursuant to section 1115.06 of the Revised Code; 121998
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(3) A person participating in the conduct of the affairs of a state bank or trust company. 122002
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(C) "Participating in the conduct of the affairs of a bank or trust company" means either making decisions or, directly or indirectly, taking actions that are management or policymaking in nature and generally within the scope of authority of the bank's or trust company's board of directors or executive officers. Whether a person is or was participating in the conduct of the 122004
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affairs of a bank or trust company is an issue of fact, and not to 122010
be determined solely on the basis of the person's title, contract, 122011
or indicia of employment or independent contractor status. 122012

Sec. 1121.02. (A) The superintendent of financial 122013
institutions shall see that the laws and rules relating to ~~banks~~ 122014
institutions and businesses governed by Chapters 1101. to 1127. of 122015
the Revised Code are executed and enforced. 122016

(B) The deputy superintendent for banks shall be the 122017
principal supervisor of state banks and trust companies. In that 122018
position the deputy superintendent for banks shall, 122019
notwithstanding sections 1121.10 and 1121.11 of the Revised Code, 122020
be responsible for conducting examinations and preparing 122021
examination reports under those sections. In addition, the deputy 122022
superintendent for banks shall, notwithstanding division (A) of 122023
section 1121.03 and sections 1121.05 and 1121.06 of the Revised 122024
Code, have the authority to adopt rules and standards in 122025
accordance with those sections. In performing or exercising any of 122026
the examination, rule-making, or other regulatory functions, 122027
powers, or duties vested by this division in the deputy 122028
superintendent for banks, the deputy superintendent for banks 122029
shall be subject to the control of the superintendent of financial 122030
institutions. 122031

Sec. 1121.05. (A) Notwithstanding any provisions of the 122032
Revised Code, except as provided in division (E) of this section, 122033
the superintendent of financial institutions shall, by rule, grant 122034
state banks and trust companies doing business under authority 122035
granted by the superintendent any right, power, privilege, or 122036
benefit possessed, by virtue of statute, rule, regulation, 122037
interpretation, or judicial decision, by any of the following: 122038

(1) Banks and trust companies doing business under authority 122039

granted by the office of the comptroller of the currency or the 122040
bank regulatory authority of any other state of the United States; 122041

(2) Savings associations doing business under authority 122042
granted by the ~~superintendent of financial institutions~~, office of 122043
~~thrift supervision~~, the comptroller of the currency or the savings 122044
and loan association regulatory authority of any other state of 122045
the United States; 122046

(3) Savings banks doing business under authority granted by 122047
the ~~superintendent of financial institutions or the~~ savings bank 122048
regulatory authority of any other state of the United States; 122049

(4) Credit unions doing business under authority granted by 122050
the superintendent of financial institutions, the national credit 122051
union administration, or the credit union regulatory authority of 122052
any other state of the United States; 122053

(5) Any other banks, savings associations, or credit unions 122054
with a principal place of business in the United States doing 122055
business under authority granted under laws of the United States; 122056

(6) Any other persons ~~having an office or other place of~~ 122057
~~business in this state and~~ engaging in the business of banking, 122058
offering financial products and services, soliciting or accepting 122059
deposits, lending money, or buying or selling bullion, bills of 122060
exchange, notes, bonds, stocks, or other evidences of indebtedness 122061
~~with a view to profit whether through an office or other place of~~ 122062
business in this state or via the internet, advertising, or other 122063
form of solicitation; 122064

(7) Small business investment companies licensed under the 122065
"Small Business Investment Company Act of 1958," 72 Stat. 689, 15 122066
U.S.C. 661, as amended; 122067

(8) Persons chartered under the "Farm Credit Act of 1933," 48 122068
Stat. 257, 12 U.S.C. 1131(d), as amended. 122069

(B) The superintendent shall adopt rules authorized by 122070
division (A) of this section in accordance with section 111.15 of 122071
the Revised Code. 122072

(C) A rule adopted by the superintendent pursuant to the 122073
authority of this section becomes effective on the later of the 122074
following dates: 122075

(1) The date the superintendent issues the rule; 122076

(2) The date the statute, rule, regulation, interpretation, 122077
or judicial decision the superintendent's rule is based on becomes 122078
effective. 122079

(D)(1) The superintendent may, upon thirty days' written 122080
notice, revoke any rule adopted under the authority of this 122081
section. A rule adopted under the authority of this section, and 122082
not revoked by the superintendent, enacted into law, or adopted in 122083
accordance with Chapter 119. of the Revised Code, lapses and has 122084
no further force and effect thirty months after its effective 122085
date; however, the superintendent may adopt the rule under section 122086
111.15 of the Revised Code pursuant to this section for an 122087
additional thirty-month period. 122088

(2) The superintendent may require a state bank or trust 122089
company that has acted in reliance on a rule adopted and later 122090
revoked or lapsed under the authority of this section to bring its 122091
affected activities in compliance with the law. Unless the 122092
activities will or may result in harm to the bank or trust company 122093
as determined by the superintendent, the bank or trust company 122094
shall be granted a reasonable period of time of not less than one 122095
year nor more than two years from the date the rule is revoked or 122096
lapsed, to bring its affected activities in compliance with the 122097
law. The superintendent may, upon the written request of a state 122098
bank or trust company, grant the bank or trust company a longer 122099
period of time in which to bring its affected activities in 122100

compliance with the law. 122101

(E) The superintendent shall not adopt any rule dealing with 122102
interest rates charged under the authority of this section. 122103

Sec. 1121.06. (A) Notwithstanding any provision of the 122104
Revised Code, if any regulation, rule, interpretation, procedure, 122105
or guideline of the office of the comptroller of the currency, 122106
federal deposit insurance corporation, federal reserve board, 122107
consumer financial protection bureau, national credit union 122108
administration, or any other bank regulatory authority of the 122109
United States, or the bank regulatory authority of any other state 122110
of the United States, puts a bank or trust company doing business 122111
under authority granted by the superintendent of financial 122112
institutions at a disadvantage to ~~a national bank~~ any other type 122113
of financial institution, the superintendent may adopt a rule that 122114
reduces or eliminates the disadvantage to a bank or trust company 122115
doing business under authority granted by the superintendent. 122116

(B) The superintendent shall adopt rules authorized by 122117
division (A) of this section in accordance with section 111.15 of 122118
the Revised Code. ~~Chapter 119. of the Revised Code does not apply~~ 122119
~~to rules adopted under the authority of this section.~~ 122120

(C) A rule adopted by the superintendent pursuant to the 122121
authority of this section is effective on the later of the 122122
following dates: 122123

(1) The date the superintendent issues the rule; 122124

(2) The date the regulation, rule, interpretation, procedure, 122125
or guideline the superintendent's rule is based on becomes 122126
effective. 122127

(D)(1) The superintendent may, upon thirty days' written 122128
notice, revoke any rule adopted under the authority of this 122129
section. A rule adopted under the authority of this section and 122130

not revoked by the superintendent, enacted into law, or adopted in 122131
accordance with Chapter 119. of the Revised Code, lapses and has 122132
no further force and effect thirty months after its effective 122133
date; however, the superintendent may adopt the rule under section 122134
111.15 of the Revised Code pursuant to this section for an 122135
additional thirty-month period. 122136

(2) The superintendent may require a bank or trust company 122137
that has acted in reliance on a rule adopted and later revoked or 122138
lapsed under the authority of this section to bring its affected 122139
activities in compliance with the law. Unless the activities will 122140
or may result in harm to the bank or trust company as determined 122141
by the superintendent, the bank or trust company shall be granted 122142
a reasonable period of time of not less than one year nor more 122143
than two years from the date the rule is revoked or lapsed, to 122144
bring its affected activities in compliance with the law. The 122145
superintendent may, upon the written request of a bank or trust 122146
company, grant the bank or trust company a longer period of time 122147
in which to bring its affected activities in compliance with the 122148
law. 122149

Sec. 1121.10. (A) As often as the superintendent of financial 122150
institutions considers necessary, but at least once each 122151
twenty-four-month cycle, the superintendent, or any deputy or 122152
examiner appointed by the superintendent for that purpose, shall 122153
thoroughly examine the records and affairs of each state bank. The 122154
examination shall include a review of ~~both~~ all of the following: 122155

(1) Compliance with law; 122156

(2) Safety and soundness; 122157

(3) Other matters the superintendent determines. 122158

(B) The superintendent may examine the records and affairs of 122159
any of the following as the superintendent considers necessary: 122160

(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code; 122161
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(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's approval is required by section ~~1115.01~~ 1115.02 of the Revised Code; 122164
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(3) Any person proposing to acquire control of a state bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a state bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, ~~was with~~ respect to the state bank of which control is to be, or was, acquired; 122169
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(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code; 122176
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(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state; 122179
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(6) Any trust company. 122181

(C) The board of directors or holders of a majority of the shares of a state bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code. 122182
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(D) The superintendent may conduct all aspects of an 122192
examination concurrently or may divide the examination into 122193
constituent parts and conduct them at various times. 122194

(E) The superintendent shall preserve the report of each 122195
examination, including related correspondence received and copies 122196
of related correspondence sent, for ~~twenty~~ ten years after the 122197
examination date. 122198

Sec. 1121.12. An examination of the records and affairs of a 122199
state bank under section 1121.10 of the Revised Code may include 122200
the examination of a ~~controlling shareholder of~~ person who, 122201
directly or indirectly, controls the bank that is a bank holding 122202
company registered with the federal reserve or a savings and loan 122203
holding company, but only to the extent explicitly permitted under 122204
this section. To examine the records and affairs of a ~~controlling~~ 122205
~~shareholder~~ person who, directly or indirectly, controls a bank 122206
that is a bank holding company registered with the federal reserve 122207
or a savings and loan holding company, the superintendent of 122208
financial institutions may do one of the following: 122209

(A) Rely on an examination of the bank holding company or 122210
savings and loan holding company conducted by a financial 122211
institution regulatory authority of another state, the United 122212
States, or another country, as provided in division (A)(3) of 122213
section 1121.11 of the Revised Code; 122214

(B) Participate with the financial institution regulatory 122215
authorities of other states, the United States, and other 122216
countries in a joint or coordinated examination of the bank 122217
holding company or savings and loan holding company, provided that 122218
both of the following apply: 122219

(1) The examination of the bank holding company or savings 122220
and loan holding company is validly authorized by and conducted 122221
pursuant to the laws of this state and such other state, the 122222

United States, or other country. 122223

(2) Participation of the examiners of the division of 122224
financial institutions will increase the efficiency in regulating 122225
financial institutions, and not increase the cost of examination 122226
to the bank holding company or savings and loan holding company. 122227

(C) Examine the bank holding company or savings and loan 122228
holding company pursuant to an agreement with financial 122229
institution regulatory authorities of other states, the United 122230
States, or other countries, provided that both of the following 122231
apply: 122232

(1) The examination of the bank holding company or savings 122233
and loan holding company is validly authorized by and conducted 122234
pursuant to the laws of this state and such other state, the 122235
United States, or other country. 122236

(2) The other financial institution regulatory authority 122237
agrees to rely on the superintendent's examination in lieu of 122238
conducting its own examination. 122239

(D) Examine the bank holding company or savings and loan 122240
holding company if both of the following apply: 122241

(1) The superintendent has reasonable cause to believe that 122242
there is a significant risk of imminent material harm to the bank, 122243
or to any subsidiary or nonbank affiliate as its affairs relate to 122244
the bank, and the examination of the bank holding company or 122245
savings and loan holding company is necessary to fully determine 122246
the risk to the bank, or to determine how best to address the risk 122247
to the bank. 122248

(2) Either of the following occurs: 122249

(a) The superintendent, in writing, requests the federal 122250
reserve to examine the bank holding company, and within fifteen 122251
days the federal reserve does not commence an examination of the 122252

bank holding company and notifies the superintendent that the 122253
federal reserve does not object to the examination. 122254

(b) The banking commission concurs with the superintendent's 122255
determination of both of the following: 122256

(i) There is reasonable cause to believe that there ~~a~~ is a 122257
significant risk of imminent material harm to the bank. 122258

(ii) The examination of the bank holding company or savings 122259
and loan holding company is necessary to fully determine the risk 122260
to the bank, or to determine how best to address the risk to the 122261
bank. 122262

(E) For purposes of this section, a bank holding company 122263
includes not only the bank holding company, but also includes any 122264
nonbank affiliates of the bank holding company that are subject to 122265
examination by the federal reserve. 122266

Sec. 1121.13. An examination of the records and affairs of a 122267
state bank under section 1121.10 of the Revised Code may include 122268
the examination of a ~~controlling shareholder of~~ person who, 122269
directly or indirectly, controls the state bank ~~that~~ and is a 122270
corporation that is not a bank holding company registered with the 122271
federal reserve or a savings and loan holding company, as its 122272
affairs relate to the bank. 122273

Sec. 1121.15. (A) The superintendent of financial 122274
institutions may prescribe the manner and form of keeping the 122275
books and accounts of state banks, so the books and accounts may 122276
be as nearly uniform as circumstances permit. 122277

(B) Any person that, by contract or otherwise, performs 122278
services for a state bank or trust company or a representative 122279
office, agency, or branch licensed under Chapter 1119. of the 122280
Revised Code, whether on or off the premises of the bank, trust 122281
company, representative office, agency, or branch, is subject to 122282

examination by the superintendent as to the books and records of 122283
the bank, trust company, representative office, agency, or branch 122284
in the person's possession, to the same extent as if the services 122285
were being performed by the bank, trust company, representative 122286
office, agency, or branch itself. For the purposes of this 122287
division, "services" includes clerical, bookkeeping, accounting, 122288
statistical, and other services. A state bank, trust company, 122289
representative office, agency, or branch shall notify the 122290
superintendent in writing whenever another person is performing 122291
services of this kind for the bank, trust company, representative 122292
office, agency, or branch, or the bank, trust company, 122293
representative office, agency, or branch changes the person 122294
performing the services. 122295

Sec. 1121.16. (A) No state bank, trust company, or regulated 122296
person shall do any of the following: 122297

(1) Refuse to allow any examination authorized by section 122298
1121.10 of the Revised Code; 122299

(2) Refuse to give information required by the division of 122300
financial institutions in the course of or in relation to an 122301
examination authorized by section 1121.10 of the Revised Code; 122302

(3) Provide false or misleading information in the course of 122303
or in relation to an examination authorized by section 1121.10 of 122304
the Revised Code~~+~~, knowing it to be false or misleading. 122305

(B) If a state bank, trust company, or regulated person 122306
violates division (A) of this section, the superintendent may do 122307
any of the following: 122308

(1) Issue a cease and desist order pursuant to section 122309
1121.32 of the Revised Code, issue a removal or prohibition order 122310
pursuant to section 1121.33 of the Revised Code, ~~or~~ issue a 122311
suspension or temporary prohibition order pursuant to section 122312

1121.34 of the Revised Code, or assess a civil penalty pursuant to 122313
section 1121.35 of the Revised Code; 122314

(2) Appoint a conservator for the state bank pursuant to 122315
section 1125.09 of the Revised Code; 122316

(3) Initiate civil or criminal proceedings the superintendent 122317
considers appropriate. 122318

Sec. 1121.17. (A) Accounts and other documents required by 122319
the superintendent of financial institutions may be signed and 122320
sworn to or affirmed on behalf of a state bank or trust company by 122321
any officer or director authorized to do so by the ~~bank to do so~~ 122322
bank's or trust company's board of directors. 122323

(B) When the superintendent requires, any officer, official, 122324
employee, or director of a state bank or trust company receiving 122325
any communication from the division of financial institutions 122326
relative to examination or investigation by the superintendent 122327
shall submit the communication to the bank's or trust company's 122328
executive committee or board of directors. 122329

Sec. 1121.18. (A) ~~Information leading to, arising from, or~~ 122330
The superintendent of financial institutions and the 122331
superintendent's agents and employees shall keep privileged and 122332
confidential all information obtained in the course by the 122333
superintendent or the superintendent's agents or employees as a 122334
result of or arising out of the examination or supervision of a 122335
bank or any examination conducted pursuant to the authority of 122336
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 122337
~~confidential, from required reports, or because of their official~~ 122338
position. No person, including any person to whom the information 122339
is disclosed under the authority of this section, shall disclose 122340
the information leading to, arising from, or obtained in the 122341
~~course of an examination,~~ except as specifically provided in this 122342

section. 122343

(B) The superintendent of financial institutions and the 122344
superintendent's agents and employees may disclose the information 122345
~~leading to, arising from, or obtained in the course of an~~ 122346
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 122347
~~the Revised Code described in division (A) of this section only~~ as 122348
follows: 122349

(1) To the governor, director of commerce, or deputy director 122350
of commerce to enable them to act in the interests of the public; 122351

(2) To the banking commission to enable the commission to 122352
effectively advise the superintendent and take action on any 122353
matter the superintendent presents to the commission; 122354

(3) To financial institution regulatory authorities of this 122355
and other states, the United States, and other countries to assist 122356
them in their regulatory duties; 122357

(4) To the directors, executive officers, agents, and parent 122358
company of the bank or other person examined to assist them in 122359
conducting the business of the bank or other person examined in a 122360
safe and sound manner and in compliance with law; 122361

(5) To auditors, attorneys, or similar professionals retained 122362
by the bank or trust company to assist in conducting the business 122363
of the bank or trust company, or other person examined, in a safe 122364
and sound manner and in compliance with the law; 122365

(6) To law enforcement authorities ~~conducting~~ in connection 122366
with criminal investigations or referrals made by the 122367
superintendent; 122368

(7) To other state and federal agencies or, in the case of a 122369
state bank, to the federal home loan bank to which the bank 122370
belongs, as the superintendent determines necessary and 122371
appropriate, but only under such conditions and limitations as the 122372

superintendent, in the superintendent's sole discretion, may 122373
require. 122374

~~(C)(1) Information leading to, arising from, or obtained in~~ 122375
~~the course of an examination of a bank or other person pursuant to~~ 122376
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 122377
described in division (A) of this section shall not be 122378
discoverable from any source, and shall not be introduced into 122379
evidence, except in the following circumstances: 122380

(a) In connection with criminal proceedings; 122381

(b) When, in the opinion of the superintendent, it is 122382
appropriate with regard to enforcement actions taken and decisions 122383
made by the superintendent under the authority of Chapters 1101. 122384
to 1127. of the Revised Code regarding a bank, trust company, or 122385
other person; 122386

(c) When litigation, penalties, or an enforcement action has 122387
been initiated by the superintendent in furtherance of the powers, 122388
duties, and obligations imposed upon the superintendent by 122389
Chapters 1101. to 1127. of the Revised Code; 122390

(d) When authorized by agreements between the superintendent 122391
and financial institution regulatory authorities of this and other 122392
states, the United States, and other countries authorized by 122393
section 1121.11 of the Revised Code; 122394

(e) When and in the manner authorized in section 1181.25 of 122395
the Revised Code. 122396

(2) The discovery of information ~~leading to, arising from, or~~ 122397
~~obtained in the course of an examination~~ pursuant to division 122398
(C)(1)(b), (c), or (d) of this section shall be limited to 122399
information that directly relates to the bank, trust company, 122400
regulated person, or other person who is the subject of the 122401
enforcement action, decision, penalties, or litigation. 122402

(D) A report of an examination conducted pursuant to section 122403
1121.10 or 1121.11 of the Revised Code is the property of the 122404
division of financial institutions. Under no circumstances may the 122405
bank or other person examined, its directors, officers, employees, 122406
agents, regulated persons, or contractors, or any person having 122407
knowledge or possession of a report of examination, or any of its 122408
contents, disclose or make public in any manner the report of 122409
examination or its contents. The authority provided in division 122410
(B)(4) of this section for use of examination information to 122411
assist in conducting the business of the bank or other person 122412
examined in a safe and sound manner and in compliance with law 122413
shall not be construed to authorize disclosure of a report of 122414
examination or any of its contents in conducting business with the 122415
examined bank's or person's customers, creditors, ~~or~~ shareholders, 122416
or members, or with other persons. 122417

(E) The superintendent may, in accordance with Chapter 119. 122418
of the Revised Code, adopt rules to permit a bank, trust company, 122419
or other person to disclose the information described in division 122420
(A) of this section in limited circumstances other than those 122421
specified in this section. 122422

(F) Whoever violates this section shall be removed from 122423
office, shall be liable, with the violator's bond in damages to 122424
the person injured by the disclosure of information, and is guilty 122425
of a felony of the fourth degree. 122426

Sec. 1121.19. (A) As used in this section, a "self-assessment 122427
report" of a bank includes, but is not limited to, all of the 122428
following: 122429

(1) An evaluation of the bank's loan underwriting standards, 122430
asset quality, financial reporting to federal or state regulatory 122431
agencies, and compliance with its policies and with federal or 122432
state statutory or regulatory requirements; 122433

(2) Any communication related to the report, including 122434
electronic mails or telephone logs. 122435

(B) A self-assessment report, any portion or contents of the 122436
report, and any documents, data, compilations, analyses, or other 122437
information and material generated, created, produced, developed, 122438
or prepared as part of the self-assessment process, are privileged 122439
and not admissible or subject to discovery in any civil or 122440
administrative litigation, action, proceeding, or investigation. 122441

(C) The self-assessment privilege granted by this section to 122442
a bank and its affiliates applies regardless of whether a bank 122443
regulator or any other governmental authority in possession of a 122444
self-assessment report or any portion or contents of it 122445
subsequently discloses it or any portion or contents of it to a 122446
third party as required or permitted by any state or federal law. 122447

(D) Notwithstanding any applicable state or federal public 122448
records law, a bank regulator or any other governmental authority 122449
in possession of a self-assessment report or any portion or 122450
contents of it shall not disclose the report or any portion or 122451
contents of it to any person in response to a public records 122452
request. 122453

Sec. 1121.21. ~~(A)(1)~~ Each bank and trust company shall report 122454
its condition and income to the division of financial institutions 122455
at the times, in the form, and including the information the 122456
superintendent of financial institutions prescribes. 122457

~~(2) A bank or trust company shall maintain a summary of its~~ 122459
~~most recent report of condition and income, in the form prescribed~~ 122460
~~by the superintendent, in each of its banking or trust service~~ 122461
~~offices, post notice of the availability of the summary in each~~ 122462
~~office, and make the summary available to the public without~~ 122463
~~charge.~~ 122464

~~(B) Any bank or trust company that fails to comply with 122465
division (A)(1) or (2) of this section is subject to a forfeiture 122466
of one hundred dollars for each day the failure continues unless 122467
the bank or trust company corrects the failure within seven days 122468
after receiving the superintendent's notice of the failure. 122469~~

Sec. 1121.23. Whenever the approval of the superintendent of 122470
financial institutions is required under Chapters 1101. to 1127. 122471
of the Revised Code, or under an order or supervisory action 122472
issued or taken under those chapters, for a person to serve as an 122473
organizer, incorporator, director, executive officer, or 122474
~~controlling shareholder of~~ person who, directly or indirectly 122475
controls a bank, or to otherwise have a substantial interest in or 122476
participate in the management of a bank, the superintendent shall 122477
request the superintendent of the bureau of criminal 122478
identification and investigation, or a vendor approved by the 122479
bureau, to conduct a criminal records check based on the person's 122480
fingerprints in accordance with section 109.572 of the Revised 122481
Code. The superintendent of financial institutions shall request 122482
that criminal record information from the federal bureau of 122483
investigation be obtained as part of the criminal records check. 122484
Any fee required under division (C)(3) of section 109.572 of the 122485
Revised Code shall be paid by the person who is the subject of the 122486
request. 122487

Nothing in this section prohibits the superintendent of 122488
financial institutions from conditionally approving a person to 122489
serve as an organizer, incorporator, director, executive officer, 122490
or person who, directly or indirectly, controls a bank, or to 122491
otherwise have a substantial interest in or participate in the 122492
management of a bank, subject to receiving satisfactory results of 122493
the criminal records check. If the superintendent does not receive 122494
the results within ninety days after the criminal records check 122495
was requested, the superintendent may extend the conditional 122496

approval for not more than ninety days. 122497

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 122498
Revised Code, a proposed action or transaction is subject to the 122499
approval of the superintendent of financial institutions or an 122500
opportunity for the superintendent to disapprove, and if the 122501
person proposing the action or transaction is required to submit 122502
an application or notice to the superintendent, then the 122503
application or notice is not complete and the superintendent shall 122504
not accept it for processing until the person pays the fee 122505
established pursuant to division (C) of section 1121.29 of the 122506
Revised Code. 122507

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 122508
a proposed action or transaction is subject to the approval of the 122509
superintendent or an opportunity for the superintendent to 122510
disapprove and the superintendent must make that determination 122511
within a certain time, and if the person proposing the action or 122512
transaction is required to submit an application or notice to the 122513
superintendent, then the time in which the superintendent must 122514
make the determination does not begin to run until the 122515
superintendent has determined the application or notice is 122516
complete and has accepted it for processing. 122517

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 122518
either of the following: 122519

(a) The superintendent from denying, or issuing a disapproval 122520
of, an application or notice, prior to the superintendent's 122521
acceptance of the application or notice for processing, on the 122522
basis that the person who submitted the application or notice 122523
failed to include all of the items and address all of the issues 122524
required for the application or notice, if both of the following 122525
apply: 122526

(i) The superintendent advised the person that the 122527

application or notice was incomplete. 122528

(ii) After being advised by the superintendent that the 122529
application or notice was incomplete, the person did not, within a 122530
reasonable period of time, complete the application or notice. 122531

(b) The superintendent from denying, or issuing a disapproval 122532
of, an application or notice on the basis that the person who 122533
submitted the application or notice failed to provide the 122534
information necessary for the superintendent to adequately 122535
consider the application or notice after the superintendent's 122536
acceptance of the application or notice for processing, if both of 122537
the following apply: 122538

(i) After having begun processing the application or notice, 122539
the superintendent determined and advised the person that 122540
additional information was necessary to adequately consider the 122541
application or notice. 122542

(ii) After being advised by the superintendent that 122543
additional information was necessary to adequately consider the 122544
application or notice, the person did not, within a reasonable 122545
period of time, provide that information. 122546

~~(B)~~(C) A determination by the superintendent that an 122547
application or notice is complete and is accepted for processing 122548
means only that the application or notice, on its face, appears to 122549
include all of the items and to address all of the matters that 122550
are required. A determination by the superintendent that an 122551
application or notice is complete and is accepted for processing 122552
is not an assessment of the substance of the application or 122553
notice, or of the sufficiency of the information provided. 122554

Sec. 1121.26. When considering the impact of a proposed 122555
action or transaction on the convenience and needs of the 122556
community to be served, both of the following shall apply: 122557

(A) The superintendent of ~~banks~~ financial institutions shall 122558
assess whether the facts and circumstances relating to the 122559
proposed action or transaction reasonably indicate that the 122560
purpose for the proposed action or transaction is to engage in the 122561
banking business and provide banking services in the community to 122562
be served, rather than to raise funds for other purposes or 122563
otherwise serve a nonbanking purpose. 122564

(B) The superintendent shall not require the person proposing 122565
the action or transaction to prove any of the following: 122566

(1) There is substantial unmet need for banking services in 122567
the community. 122568

(2) The person will bring banking services or other 122569
particular advantages to the community that are not presently 122570
available there. 122571

(3) The action or transaction will not adversely affect an 122572
existing financial institution in the community. 122573

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 122574
and savings bank subject to inspection and examination by the 122575
superintendent of financial institutions and transacting business 122576
on the thirty-first day of December, or their successors in 122577
interest, shall pay to the treasurer of state assessments as 122578
provided in this section. The superintendent shall make each 122579
assessment based on the total assets as shown on the books of the 122580
bank, savings and loan association, or savings bank as of the 122581
thirty-first day of December of the previous year. The 122582
superintendent shall collect the assessment on an annual or 122583
periodic basis, as provided by the superintendent. All assessments 122584
shall be paid within fourteen days after receiving an invoice for 122585
payment of the assessment. 122586

(2) After determining the budget of the division of financial 122587

institutions for examination and regulation of banks, savings and 122588
loan associations, and savings banks, but prior to establishing 122589
the schedule of assessments under this division necessary to fund 122590
that budget, the superintendent shall consider any necessary cash 122591
reserves and any amounts collected but not yet expended or 122592
encumbered by the superintendent in the previous fiscal year's 122593
budget and remaining in the banks fund pursuant to division (C) of 122594
section 1121.30 of the Revised Code. 122595

(3) The superintendent shall establish the actual schedule of 122596
assessments on an annual basis, present the schedule to the 122597
banking commission for confirmation, and forward copies of the 122598
current year's schedule to banks, savings and loan associations, 122599
and savings banks doing business under authority granted by the 122600
superintendent, or their successors in interest. 122601

If during the period between the banking commission's 122602
confirmation of the schedule of assessments and the completion of 122603
the fiscal year in which those assessments will be collected, the 122604
banking commission determines additional money is required to 122605
adequately fund the operations of the division of financial 122606
institutions for that fiscal year, the banking commission may, by 122607
the affirmative vote of two-thirds of its members, increase the 122608
schedule of assessments for that fiscal year. The superintendent 122609
shall promptly notify each bank, savings and loan association, and 122610
savings bank of the increased assessment, and each bank, savings 122611
and loan association, and savings bank shall pay the increased 122612
assessment as made and invoiced by the superintendent. 122613

(4) A bank, savings and loan association, or savings bank 122614
authorized by the superintendent to commence business in the 122615
period between assessments shall pay the actual reasonable costs 122616
of the division's examinations and visitations. The bank, savings 122617
and loan association, or savings bank shall pay the costs within 122618
fourteen days after receiving an invoice for payment. 122619

(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 122620
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 122629
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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 122635
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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent. 122639
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(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations. 122643
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(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with 122649
122650

the division and for any expenses incurred by the division in the 122651
publication or serving of required notices. 122652

(F) Assessments and examination and application fees charged 122653
and collected pursuant to this section are not refundable. Any fee 122654
charged pursuant to this section shall be paid within fourteen 122655
days after receiving an invoice for payment of the fee. 122656

(G) The superintendent shall pay all assessments and fees 122657
charged pursuant to this section and all forfeitures required to 122658
be paid to the superintendent into the state treasury to the 122659
credit of the banks fund. 122660

Sec. 1121.30. (A) All assessments, fees, charges, and 122661
forfeitures provided for in Chapters 1101. to 1127. and sections 122662
1315.01 to 1315.18 of the Revised Code, except civil penalties 122663
assessed pursuant to section 1121.35 or 1315.152 of the Revised 122664
Code, shall be paid to the superintendent of financial 122665
institutions, and the superintendent shall deposit them into the 122666
state treasury to the credit of the banks fund, which is hereby 122667
created. 122668

(B) The superintendent may expend or obligate the banks fund 122669
to defray the costs of the division of financial institutions in 122670
administering Chapters 1101. to 1127. and sections 1315.01 to 122671
1315.18 of the Revised Code. The superintendent shall pay from the 122672
fund all actual and necessary expenses incurred by the 122673
superintendent, including for any services rendered by the 122674
department of commerce for the division's administration of 122675
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 122676
Revised Code. The fund shall be assessed a proportionate share of 122677
the administrative costs of the department and the division of 122678
financial institutions. The proportionate share of the 122679
administration costs of the division of financial institutions 122680
shall be determined in accordance with procedures prescribed by 122681

the superintendent and approved by the director of budget and 122682
management. The amount assessed for the fund's proportional share 122683
of the department's administrative costs and the division's 122684
administrative costs shall be paid from the banks fund to the 122685
division of administration fund and the division of financial 122686
institutions fund respectively. 122687

(C) Any money deposited into the state treasury to the credit 122688
of the banks fund, but not expended or encumbered by the 122689
superintendent to defray the costs of administering Chapters 1101. 122690
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 122691
shall remain in the banks fund for expenditures by the 122692
superintendent in subsequent years and shall not be used for any 122693
purpose other than as set forth in this section. 122694

Sec. 1121.33. (A) The superintendent of financial 122695
institutions may issue and serve a notice of charges and intent to 122696
remove a regulated person from office or prohibit a regulated 122697
person from further participation in the conduct of the affairs of 122698
a bank or trust company, or both, if, in the opinion of the 122699
superintendent, all of the following apply: 122700

(1) The regulated person has, directly or indirectly, done 122701
any of the following: 122702

(a) Violated any of the following: 122703

(i) A law or rule; 122704

(ii) A final cease and desist order; 122705

(iii) A condition imposed in writing by the superintendent in 122706
connection with granting an application or notice that is subject 122707
to the superintendent's approval or an opportunity for the 122708
superintendent to disapprove or other request by a bank, trust 122709
company, or regulated person; 122710

(iv) A written agreement between a bank or trust company and 122711

the superintendent, or between the regulated person and the superintendent. 122712
122713

(b) Engaged or participated in an unsafe or unsound practice 122714
in connection with a bank, trust company, or other business 122715
institution; 122716

(c) Committed or engaged in an act, omission, or practice 122717
constituting a breach of the regulated person's fiduciary duty as 122718
a regulated person. 122719

(2) The violation, practice, or breach results in any of the 122720
following: 122721

(a) A bank, trust company, or other business institution has 122722
suffered or will probably suffer substantial financial loss or 122723
other damage; 122724

(b) The interests of a bank's depositors or shareholders or 122725
trust company's beneficiaries or shareholders have been or could 122726
be prejudiced; 122727

(c) The regulated person has received or will receive 122728
financial gain or other benefit. 122729

(3) The violation, practice, or breach does either of the 122730
following: 122731

(a) Involves personal dishonesty on the part of the regulated 122732
person; 122733

(b) Demonstrates willful or continuing disregard by the 122734
regulated person for the safety and soundness of a bank, trust 122735
company, or business institution. 122736

(B) The notice of charges and intent to remove a regulated 122737
person from office or prohibit a regulated person from further 122738
participation in the conduct of the affairs of a bank or trust 122739
company shall include all of the following: 122740

(1) A statement of the violation or violations, unsafe or 122741

unsound practice or practices, or breach or breaches alleged; 122742

(2) A statement of the facts constituting the grounds for the 122743
proposed removal or prohibition order; 122744

(3) Notice that the regulated person is entitled to a 122745
hearing, in accordance with section 1121.38 of the Revised Code, 122746
to determine whether an order removing the regulated person from 122747
office, prohibiting the regulated person from further 122748
participation in the conduct of the affairs of a bank or trust 122749
company, or both, should be issued against the regulated person if 122750
the regulated person requests the hearing within thirty days after 122751
service of the notice; 122752

(4) Notice that, if the regulated person makes a timely 122753
request for a hearing, the regulated person may appear at the 122754
hearing in person, by attorney, or by presenting positions, 122755
arguments, and contentions in writing, and at the hearing may 122756
present evidence and examine witnesses for and against the 122757
regulated person. 122758

(5) Notice that failure of the regulated person to timely 122759
request a hearing to determine whether an order removing the 122760
regulated person from office, prohibiting the regulated person 122761
from further participation in the conduct of the affairs of a bank 122762
or trust company, or both, should be issued or to appear at the 122763
hearing, in person, by attorney, or by writing, is consent by the 122764
regulated person to the issuance of the order. 122765

(C) The superintendent may issue an order removing the 122766
regulated person from office or prohibiting the regulated person 122767
from further participation in the conduct of the affairs of a bank 122768
or trust company, or both, if either of the following applies: 122769

(1) The regulated person consents to the issuance of the 122770
order; 122771

(2) Upon the record of the hearing the superintendent finds 122772

the grounds for the order have been established. 122773

(D) A regulated person who has been removed from office or 122774
prohibited from further participation in the conduct of the 122775
affairs of a bank or trust company pursuant to this section or by 122776
order of the bank regulatory authority of another state or the 122777
United States shall not, while the removal or prohibition order is 122778
in effect, continue or commence to hold any office of or 122779
participate in any manner in the conduct of the affairs of any 122780
bank or trust company in this state, except as specifically 122781
permitted by the superintendent or by the bank regulatory 122782
authority of another state or the United States pursuant to 122783
modification of the order. Participation in the conduct of the 122784
affairs of a bank or trust company includes doing any of the 122785
following: 122786

(1) Soliciting, procuring, transferring, attempting to 122787
transfer, voting, or attempting to vote any proxy, consent, or 122788
authorization with respect to any voting rights in any bank or 122789
trust company; 122790

(2) Violating any voting agreement previously approved by the 122791
superintendent; 122792

(3) Voting for a director of any bank or trust company. 122793

(E) An order issued by the superintendent pursuant to this 122794
section is effective at the time specified in the order, which, in 122795
the case of an order issued pursuant to division (C)(2) of this 122796
section, shall be not less than thirty days after service of the 122797
order on the regulated person. 122798

(F) An order issued by the superintendent pursuant to this 122799
section shall remain enforceable and effective as provided in the 122800
order except to the extent it is stayed, modified, terminated, or 122801
set aside by action of the superintendent or a reviewing court. 122802

(G) The superintendent shall serve a certified copy of a 122803

removal or prohibition order issued pursuant to this section on 122804
any bank or trust company in relation to which the object of the 122805
removal or prohibition order is a regulated person. 122806

Sec. 1121.34. (A)(1) The superintendent of financial 122807
institutions may issue an order suspending a regulated person from 122808
office or temporarily prohibiting a regulated person from further 122809
participation in the conduct of the affairs of a bank or trust 122810
company, or both, if both of the following apply: 122811

(a) The superintendent serves, or has served, the regulated 122812
person with a notice of charges and intent to remove the regulated 122813
person or prohibit the regulated person from further participation 122814
in the conduct of the affairs of a bank or trust company pursuant 122815
to section 1121.33 of the Revised Code. 122816

(b) The superintendent determines the suspension or temporary 122817
prohibition is necessary for the protection of a bank or trust 122818
company or the interests of a bank's depositors or a trust 122819
company's beneficiaries. 122820

(2) An order issued pursuant to division (A)(1) of this 122821
section is effective immediately upon service on the regulated 122822
person, and remains effective and enforceable as provided in the 122823
order except to the extent it is stayed, modified, terminated, or 122824
set aside by action of the superintendent or a reviewing court. 122825
If, upon the record of a hearing, the superintendent determines 122826
not to issue an order removing a regulated person from office or 122827
prohibiting a regulated person's further participation in the 122828
conduct of the affairs of a bank or trust company pursuant to 122829
section 1121.33 of the Revised Code, the order issued pursuant to 122830
division (A)(1) of this section is terminated. 122831

(3) Within ten days after being served a suspension or 122832
temporary prohibition order pursuant to division (A)(1) of this 122833
section, a regulated person may apply to the court of common pleas 122834

of the county in which the residence of the regulated person is 122835
located, or the court of common pleas of Franklin county, for an 122836
injunction setting aside, limiting, or suspending the enforcement, 122837
operation, or effectiveness of the suspension or temporary 122838
prohibition order pending completion of the hearing on the notice 122839
of charges served on the regulated person pursuant to section 122840
1121.33 of the Revised Code, and the court has jurisdiction to 122841
issue the injunction. 122842

(B)(1) Whenever a regulated person is charged in any 122843
information, indictment, or complaint, authorized by a prosecuting 122844
attorney or a United States attorney, with the commission of or 122845
participation in a felony or a crime involving an act of fraud, 122846
dishonesty or, breach of trust, theft, or money laundering 122847
involving a depository institution, the superintendent may suspend 122848
the regulated person from office or temporarily prohibit the 122849
regulated person's further participation in the conduct of the 122850
affairs of a bank or trust company, or both. A suspension or 122851
temporary prohibition order issued pursuant to division (B)(1) of 122852
this section is effective immediately upon service on the 122853
regulated person, and remains effective and enforceable until the 122854
information, indictment, or complaint is finally disposed of or 122855
the superintendent terminates the order. 122856

(2) If a judgment of conviction or an agreement to enter a 122857
pretrial diversion or other similar program is entered against a 122858
regulated person with respect to the information, indictment, or 122859
complaint and, in the case of a judgment of conviction, is not 122860
subject to further appellate review, the superintendent may remove 122861
the regulated person from office, prohibit the regulated person 122862
from further participation in the conduct of the affairs of a bank 122863
or trust company, or both. A removal or prohibition order issued 122864
pursuant to division (B)(2) of this section is effective 122865
immediately upon service on the regulated person, and remains 122866

effective and enforceable as provided in the removal or 122867
prohibition order except to the extent it is stayed, modified, 122868
terminated, or set aside by action of the superintendent. 122869

(3) A finding of not guilty or other disposition of the 122870
information, indictment, or complaint does not preclude the 122871
superintendent from subsequently instituting proceedings pursuant 122872
to section 1121.33 of the Revised Code to remove the regulated 122873
person from office or to prohibit the regulated person from 122874
further participation in the conduct of the affairs of a bank or 122875
trust company, or both. 122876

(C) The superintendent shall serve a certified copy of a 122877
suspension or temporary prohibition order issued pursuant to 122878
division (A) or (B)(1) of this section or a removal or prohibition 122879
order issued pursuant to division (B)(2) of this section on any 122880
bank or trust company in relation to which the object of the 122881
suspension, removal, or prohibition order is a regulated person. 122882

(D) A regulated person who has been suspended, removed from 122883
office, or temporarily or otherwise prohibited from further 122884
participation in the conduct of the affairs of a bank or trust 122885
company pursuant to this section or by order of the bank 122886
regulatory authority of another state or the United States shall 122887
not, while the suspension, removal, or prohibition order is in 122888
effect, continue or commence to hold any office of or participate 122889
in any manner in the conduct of the affairs of a bank or trust 122890
company in this state, except as specifically permitted by the 122891
superintendent or by the bank regulatory authority of another 122892
state or the United States pursuant to modification of the 122893
suspension, removal, or prohibition order. Participation in the 122894
conduct of the affairs of a bank or trust company includes doing 122895
any of the following: 122896

(1) Soliciting, procuring, transferring, attempting to 122897
transfer, voting, or attempting to vote any proxy, consent, or 122898

authorization with respect to any voting rights in any bank or trust company; 122899
122900

(2) Violating any voting agreement previously approved by the superintendent; 122901
122902

(3) Voting for a director of any bank or trust company. 122903

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board shall be vested in and be exercisable by the director or directors on the board not suspended, until the time there is a quorum of the board of directors. If all the directors of a bank are suspended pursuant to this section, the superintendent shall appoint persons to serve temporarily as directors in their place, pending termination of the suspensions or until those who have been suspended cease to be directors of the bank and their successors take office. 122904
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Sec. 1121.38. (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall include findings of fact upon which the decision is predicated, and shall issue and serve on the bank, trust company, or regulated person the decision and an order consistent with the decision. Judicial review of the order is exclusively as provided in division (B) of this section. Unless a notice of appeal is filed in a court of common pleas within thirty days after service of the 122916
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superintendent's order as provided in division (B) of this 122930
section, and until the record of the administrative hearing has 122931
been filed, the superintendent may, at anytime, upon the notice 122932
and in the manner the superintendent considers proper, modify, 122933
terminate, or set aside the superintendent's order. After filing 122934
the record, the superintendent may modify, terminate, or set aside 122935
the superintendent's order with permission of the court. 122936

(a) A hearing provided for in section 1121.32, 1121.35, or 122937
1121.41 of the Revised Code shall be confidential, unless the 122938
superintendent determines that holding an open hearing would be in 122939
the public interest. Within twenty days after service of the 122940
notice of a hearing, a respondent may file a written request for a 122941
public hearing with the superintendent. A respondent's failure to 122942
file such a request constitutes a waiver of any objections to a 122943
confidential hearing. 122944

(b) A hearing provided for in section 1121.33 of the Revised 122945
Code shall be an open hearing. Within twenty days after service of 122946
the notice of a hearing, a respondent may file a written request 122947
for a confidential hearing with the superintendent. If such a 122948
request is received by the superintendent, the hearing shall be 122949
confidential unless the superintendent determines that holding an 122950
open hearing would be in the public interest. 122951

(2) In the course of, or in connection with, an 122952
administrative hearing governed by this section, the 122953
superintendent, or a person designated by the superintendent to 122954
conduct the hearing, may administer oaths and affirmations, take 122955
or cause depositions to be taken, and issue, revoke, quash, or 122956
modify subpoenas and subpoenas duces tecum. At any administrative 122957
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 122958
of the Revised Code, the record of which may be the basis of an 122959
appeal to court, a stenographic record of the testimony and other 122960
evidence submitted shall be taken at the expense of the division 122961

of financial institutions. The record shall include all of the 122962
testimony and other evidence, and any rulings on the admissibility 122963
thereof, presented at the hearing. The superintendent may adopt 122964
rules regarding these hearings. The attendance of witnesses and 122965
the production of documents provided for in this section may be 122966
required from any place within or outside the state. A party to a 122967
hearing governed by this section may apply to the court of common 122968
pleas of Franklin county, or the court of common pleas of the 122969
county in which the hearing is being conducted or the witness 122970
resides or carries on business, for enforcement of a subpoena or 122971
subpoena duces tecum issued pursuant to this section, and the 122972
courts have jurisdiction and power to order and require compliance 122973
with the subpoena. Witnesses subpoenaed under this section shall 122974
be paid the fees and mileage provided for under section 119.094 of 122975
the Revised Code. 122976

(B)(1) A bank, trust company, or regulated person against 122977
whom the superintendent issues an order upon the record of a 122978
hearing under the authority of section 1121.32, 1121.33, 1121.35, 122979
or 1121.41 of the Revised Code may obtain a review of the order by 122980
filing a notice of appeal in the court of common pleas in the 122981
county in which the principal place of business of the bank, trust 122982
company, or regulated person, or residence of the regulated 122983
person, is located, or in the court of common pleas of Franklin 122984
county, within thirty days after the date of service of the 122985
superintendent's order. The clerk of the court shall promptly 122986
transmit a copy of the notice of appeal to the superintendent, 122987
~~and~~. Within thirty days after receiving the notice of appeal, the 122988
superintendent shall file a certified copy of the record of the 122989
administrative hearing with the clerk of the court. In the event 122990
of a private hearing, the record of the administrative hearing 122991
shall be filed under seal with the clerk of the court. Upon the 122992
filing of the notice of appeal, the court has jurisdiction, which 122993
upon the filing of the record of the administrative hearing is 122994

exclusive, to affirm, modify, terminate, or set aside, in whole or 122995
in part, the superintendent's order. 122996

(2) The commencement of proceedings for judicial review 122997
pursuant to division (B) of this section does not, unless 122998
specifically ordered by the court, operate as a stay of any order 122999
issued by the superintendent. If it appears to the court an 123000
unusual hardship to the appellant bank, trust company, or 123001
regulated person will result from the execution of the 123002
superintendent's order pending determination of the appeal, and 123003
the interests of depositors and the public will not be threatened 123004
by a stay of the order, the court may grant a stay and fix its 123005
terms. 123006

(C) The superintendent may, in the sole discretion of the 123007
superintendent, apply to the court of common pleas of the county 123008
in which the principal place of business of the bank, trust 123009
company, or regulated person, or residence of the regulated 123010
person, is located, or the court of common pleas of Franklin 123011
county, for the enforcement of an effective and outstanding 123012
superintendent's order issued under section 1121.32, 1121.33, 123013
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 123014
has jurisdiction and power to order and require compliance with 123015
the superintendent's order. In an action by the superintendent 123016
pursuant to this division to enforce an order assessing a civil 123017
penalty issued under section 1121.35 of the Revised Code, the 123018
validity and appropriateness of the civil penalty is not subject 123019
to review. 123020

(D) No court has jurisdiction to affect, by injunction or 123021
otherwise, the issuance or enforcement of an order issued under 123022
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 123023
Revised Code or to review, modify, suspend, terminate, or set 123024
aside an order issued under section 1121.32, 1121.33, 1121.34, 123025
1121.35, or 1121.41 of the Revised Code, except as provided in 123026

this section, in division (G) of section 1121.32 of the Revised Code for an order issued pursuant to division (C)(3) or (4) of section 1121.32 of the Revised Code, or in division (A)(3) of section 1121.34 of the Revised Code for an order issued pursuant to division (A)(1) of section 1121.34 of the Revised Code.

(E) Nothing in this section or in any other section of the Revised Code or rules implementing this or any other section of the Revised Code shall prohibit or limit the superintendent from doing any of the following:

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;

(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.

Sec. 1121.41. (A) The superintendent of financial institutions may issue and serve a notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor for the bank or trust company, if, in the opinion of the superintendent, any of the following applies:

(1) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists.

(2) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists.

(3) The bank or trust company is in such condition that the

further transaction of business would be hazardous, financially or otherwise, to its shareholders, depositors, its creditors, or the public.

(B) The notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor shall include all of the following:

(1) A statement of the alleged basis for the superintendent's placing the bank or trust company under supervision and appointing a supervisor and the period for supervision;

(2) A statement of the facts supporting the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(3) A statement of the requirements to abate the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(4) A statement, in accordance with division (D) of this section, of actions the bank or trust company would be prohibited from undertaking during the period of supervision without the prior approval of the superintendent or the supervisor appointed by the superintendent;

(5) Notice of both of the following:

(a) The bank or trust company is entitled to a hearing, conducted in accordance with section 1121.38 of the Revised Code, to determine whether the superintendent should issue an order placing the bank or trust company under supervision and appointing a supervisor, if the bank or trust company requests the hearing within thirty days after service of the superintendent's notice of charges and intent to issue an order placing the bank or trust company under supervision and appointing a supervisor;

(b) Failure to request the hearing in the time allowed, or

failure to appear at a hearing timely requested, is consent to the 123087
issuance of the order placing the bank or trust company under 123088
supervision and appointing a supervisor. 123089

(6) Notice that if the bank or trust company makes a timely 123090
request for a hearing, all of the following apply: 123091

(a) The bank or trust company may appear at the hearing in 123092
person, by attorney, or by presenting positions, arguments, and 123093
contentions in writing. 123094

(b) At the hearing the bank or trust company may present 123095
evidence and examine witnesses for and against the bank or trust 123096
company. 123097

(c) The hearing will be set for a date within ten days after 123098
the superintendent's receipt of the request for the hearing or a 123099
later date mutually agreed to by the bank or trust company and the 123100
superintendent. 123101

(C) The superintendent may issue an order placing the bank or 123102
trust company under supervision and appointing a supervisor, if 123103
either of the following applies: 123104

(1) The bank or trust company consents to the issuance of the 123105
order; 123106

(2) Upon the record of the hearing the superintendent finds 123107
any of the following: 123108

(a) In the case of a bank, any of the conditions listed in 123109
section 1125.09 of the Revised Code for appointing a conservator 123110
or in section 1125.18 of the Revised Code for taking possession of 123111
a bank and appointing a receiver, exists. 123112

(b) In the case of a trust company, any of the conditions 123113
listed in section 1111.32 of the Revised Code for revoking a 123114
license to do trust business, exists. 123115

(c) The bank or trust company is in such condition that 123116

further transaction of business would be hazardous to its 123117
shareholders, its depositors, its creditors, or the public. 123118

(D) An order placing a bank or trust company under 123119
supervision and appointing a supervisor may prohibit the bank or 123120
trust company from doing any of the following during the period of 123121
supervision without the prior approval of either the 123122
superintendent or the supervisor appointed by the superintendent: 123123

(1) Disposing of, conveying, or encumbering any of its 123124
assets; 123125

(2) Withdrawing any of its bank accounts; 123126

(3) Lending any of its funds; 123127

(4) Investing any of its funds; 123128

(5) Transferring any of its property; 123129

(6) Incurring any debt, obligation, or liability; 123130

(7) Taking any other action specified in the order. 123131

(E) An order placing a bank or trust company under 123132
supervision and appointing a supervisor is effective at the time 123133
specified in the order which, in the case of an order issued 123134
pursuant to division (C)(2) of this section, shall not be less 123135
than thirty days after service of the order on the bank or trust 123136
company. 123137

(F) An order placing a bank or trust company under 123138
supervision and appointing a supervisor remains effective and 123139
enforceable as provided in the order, except to the extent the 123140
order is stayed, modified, terminated, or set aside by action of 123141
the superintendent or a reviewing court. 123142

(G) The cost incident to the supervisor's service shall be 123143
fixed and determined by the superintendent, and shall be a charge 123144
against the assets and funds of the bank or trust company to be 123145
allowed and paid as the superintendent determines. 123146

Sec. 1121.43. (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall ~~publish and~~ make available to the public on a monthly basis all of the following:

(1) Any written agreement or other writing for which a violation may be enforced by the superintendent;

(2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(3) Any modification or termination of an agreement, other writing, or order made available to the public pursuant to this section.

(B)(1) If, in the superintendent's discretion, the superintendent determines that ~~publishing~~ making a written agreement or other writing ~~and making it~~ available to the public pursuant to division (A)(1) of this section would be contrary to the public interest, the superintendent shall not ~~publish the written agreement or other writing or~~ make it available to the public.

(2) If the superintendent determines that ~~publishing~~ making a final order ~~and making it~~ available to the public pursuant to division (A)(2) of this section would seriously threaten the safety and soundness of a state bank or trust company, the superintendent may delay ~~the publication~~ making it available for a reasonable time.

Sec. 1121.45. (A) The superintendent of financial institutions may call and convene a meeting with the regulated persons the superintendent determines to be appropriate at a location within this state and at a date and time established by the superintendent upon notice served in accordance with section 1121.37 of the Revised Code. The regulated persons notified of the

meeting shall attend the meeting unless excused by the 123177
superintendent for reasonable cause at the superintendent's sole 123178
discretion. Failure of a regulated person to attend a meeting 123179
called and convened in accordance with this division, unless 123180
excused by the superintendent, is grounds for suspending or 123181
removing the regulated person from office or imposing civil 123182
penalties against the regulated person. 123183

(B) If a quorum of the board of directors of a bank or an 123184
affiliate of a bank attends a meeting called and convened by the 123185
superintendent pursuant to division (A) of this section, they may 123186
convene a meeting of the board of directors to address matters 123187
related to the superintendent's meeting, notwithstanding any 123188
contrary provision of the bank's articles of incorporation, code 123189
of regulations, or bylaws related to notice of a board of 123190
directors meeting. 123191

(C) The records of any meeting called and convened in 123192
accordance with division (A) of this section and the discussions, 123193
information, and documentation presented at the meeting are, in 123194
the possession of any person, confidential and privileged 123195
information and shall not be disclosed except as provided in 123196
section 1121.18 of the Revised Code. 123197

Sec. 1121.47. (A) The superintendent of financial 123198
institutions may do both of the following: 123199

(1) Summon and compel, by order or subpoena, witnesses to 123200
appear before the superintendent, deputy superintendent, examiner, 123201
~~or attorney examiner~~, or such other person designated by the 123202
superintendent and testify under oath regarding the affairs of a 123203
bank or trust company or, in relation to matters concerning a 123204
state bank, foreign bank, or trust company, a regulated person; 123205

(2) Compel, by order or subpoena, the production of any 123206
record, book, paper, document, item, or other thing pertaining to 123207

a bank or trust company or, in relation to matters concerning a 123208
state bank, foreign bank, or trust company, a regulated person. 123209

(B) The superintendent shall serve an order or subpoena 123210
issued pursuant to division (A) of this section in any manner 123211
provided by section 1121.37 of the Revised Code. 123212

(C) If a person fails to comply with an order or subpoena of 123213
the superintendent or refuses to testify to any matter regarding 123214
which the person is lawfully interrogated before the division of 123215
financial institutions, on application of the superintendent, the 123216
court of common pleas of the county in which the person resides or 123217
in which the principal place of business of the person is located, 123218
or a judge of the court, shall compel compliance by attachment 123219
proceedings as for contempt in the case of noncompliance with a 123220
subpoena issued from the court or refusal to testify in the court. 123221
Failure of a regulated person to comply fully with an order or 123222
subpoena issued under the authority of this section shall be 123223
grounds for removing the regulated person from office, prohibiting 123224
the regulated person from participating directly or indirectly in 123225
the affairs of a bank or trust company, or imposing civil 123226
penalties against the regulated person. 123227

Sec. 1121.48. (A) All suits and court proceedings brought by 123228
the superintendent of financial institutions shall be brought in 123229
the name of the state upon the superintendent's relation, and 123230
shall be conducted by the attorney general or a designee of the 123231
attorney general. 123232

(B) A suit or court proceeding brought by the superintendent 123233
may be prosecuted in the court of common pleas of Franklin county, 123234
or of any other county in which the defendant or any of the 123235
defendants resides or may be found. 123236

(C) In all suits or court proceedings brought by the 123237
superintendent, the writ may be sent by regular mail to the 123238

sheriff of any county, and the sheriff may return the writ by 123239
regular mail. The sheriff shall be allowed the same mileage and 123240
fees for the service as would be allowed if the writ had been 123241
issued from and made returnable to the court of common pleas of 123242
the sheriff's county. 123243

Sec. 1121.50. (A) As used in this section, "independent 123244
auditor" means an external, unaffiliated auditor who has a 123245
certified public accounting designation that qualifies the person 123246
to provide an auditor's report. 123247

(B) The superintendent of financial institutions may, when 123248
circumstances warrant, require a bank or trust company to have an 123249
independent auditor conduct agreed upon procedures prescribed by 123250
the superintendent. The independent auditor shall be retained, and 123251
the expense of the agreed upon procedures shall be paid, by the 123252
bank or trust company. The agreed upon procedures shall be 123253
conducted in accordance with standards established by the American 123254
institute of certified public accountants. 123255

~~(B)~~(C) The board of directors of the bank or trust company 123256
shall, within sixty days after receipt of the report prepared by 123257
the independent auditor for the agreed upon procedures conducted 123258
pursuant to this section, prepare a response to the report and 123259
file the report and the board's response with the superintendent. 123260
A report and response filed with the superintendent pursuant to 123261
this section may be disclosed only as provided in section 1121.18 123262
of the Revised Code. 123263

Sec. 1121.52. (A) If a state bank is undercapitalized, the 123264
superintendent of financial institutions shall notify the bank of 123265
the fact of the undercapitalization. The superintendent may 123266
require the bank to submit a written capital restoration plan to 123267
the superintendent within forty-five days after the bank receives 123268

<u>that notice, unless the superintendent authorizes in writing a</u>	123269
<u>longer period of time.</u>	123270
<u>(B) A capital restoration plan required under this section</u>	123271
<u>shall specify all of the following:</u>	123272
<u>(1) The steps the state bank will take to become adequately</u>	123273
<u>capitalized;</u>	123274
<u>(2) The levels of capital to be attained during the time</u>	123275
<u>frame in which the plan will be in effect;</u>	123276
<u>(3) The types and levels of activities in which the bank will</u>	123277
<u>engage;</u>	123278
<u>(4) Any other information the superintendent may require.</u>	123279
<u>(C) The superintendent shall approve a capital restoration</u>	123280
<u>plan submitted under this section if the superintendent determines</u>	123281
<u>that the plan meets both of the following conditions:</u>	123282
<u>(1) It is based on realistic assumptions and is likely to</u>	123283
<u>succeed in restoring the bank's capital.</u>	123284
<u>(2) It would not appreciably increase the risk, including</u>	123285
<u>credit risk and interest rate risk, to which the bank is exposed.</u>	123286
<u>(D) If the superintendent fails to approve a state bank's</u>	123287
<u>capital restoration plan, the superintendent shall notify the bank</u>	123288
<u>and require it to submit a revised plan within a time period</u>	123289
<u>specified by the superintendent. Upon serving that notice, the</u>	123290
<u>superintendent may immediately appoint a conservator for the bank</u>	123291
<u>or take any other action authorized under section 1121.32,</u>	123292
<u>1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code</u>	123293
<u>or any other law or rule.</u>	123294
<u>(E) Both of the following apply to any state bank that has</u>	123295
<u>submitted and is operating under a capital restoration plan</u>	123296
<u>approved under this section:</u>	123297

(1) The bank shall not be required to submit an additional capital restoration plan based on a revised calculation of its capital measures unless specifically required to do so by the superintendent. A state bank that is notified that it must submit a new or revised plan shall file a written plan with the superintendent within thirty days after the bank receives the notice, unless the superintendent authorizes in writing a different period of time. 123298
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(2) The bank may, after prior written notice to and approval by the superintendent, amend its capital restoration plan to reflect a change in circumstance. Until such time as a proposed amendment is approved by the superintendent, the bank shall implement the plan in its current form. 123306
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(F)(1) If an undercapitalized bank fails to submit a capital restoration plan required under this section within the designated period of time, upon expiration of that period, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule. 123311
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(2) If an undercapitalized bank fails, in any material respect, to implement a capital restoration plan required under this section, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code or any other law or rule. 123318
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(G) Nothing in this section prohibits the superintendent from requiring a state bank to submit a capital restoration plan at any other time the superintendent considers necessary. 123324
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Sec. 1121.56. Neither the superintendent of financial institutions ~~nor~~, any employee, agent, or contractor of the 123327
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division of financial institutions, or any supervisor appointed by 123329
the superintendent under this chapter is liable in any civil, 123330
criminal, or administrative proceeding for any mistake of judgment 123331
or discretion in any action taken, or any omission made, in good 123332
faith within the scope of the person's official capacity as 123333
assigned by the superintendent. 123334

Sec. 1123.01. (A) There is hereby created in the division of 123335
financial institutions a banking commission which shall consist of 123336
~~seven~~ nine members. The deputy superintendent for banks shall be a 123337
member of the commission and its chairperson. The governor, with 123338
the advice and consent of the senate, shall appoint the remaining 123339
~~six~~ eight members. 123340

(B) After the second Monday in January of each year, the 123341
governor shall appoint two members. Terms of office shall be for 123342
~~three~~ four years commencing on the first day of February and 123343
ending on the thirty-first day of January. Each member shall hold 123344
office from the date appointed until the end of the term for which 123345
appointed. In the case of a vacancy in the office of any member, 123346
the governor shall appoint a successor who shall hold office for 123347
the remainder of the term for which the successor's predecessor 123348
was appointed. Any member shall continue in office subsequent to 123349
the expiration date of the member's term until the member's 123350
successor is appointed, or until sixty days have elapsed, 123351
whichever occurs first. 123352

(C) No person appointed as a member of the commission may 123353
serve more than two consecutive full terms. However, a member may 123354
serve two consecutive full terms following the remainder of a term 123355
for which the member was appointed to fill a vacancy. 123356

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 123357
to the commission shall be, at the time of appointment, executive 123358
officers of state banks ~~transacting business under authority~~ 123359

~~granted by the superintendent of financial institutions, and four~~ 123360
~~all~~ of the ~~six~~ members appointed to the commission shall have 123361
banking experience as a director or officer of a bank, savings 123362
bank, or savings association insured by the federal deposit 123363
insurance corporation, a bank holding company, or a savings and 123364
loan holding company. The membership of the commission shall be 123365
representative of the banking industry as a whole, including 123366
representatives of banks of various asset sizes and ownership 123367
structures, as determined by the governor after consultation with 123368
the superintendent of financial institutions ~~from time to time.~~ 123369

(2) No person who has been convicted of, or has pleaded 123370
guilty to, a felony involving an act of fraud, dishonesty or, 123371
breach of trust, theft, or money laundering shall take or hold 123372
office as a member of the banking commission. 123373

(E) The members of the commission shall receive no salary, 123374
but their expenses incurred in the performance of their duties 123375
shall be paid from funds appropriated for that purpose. 123376

(F) The governor may remove any of the ~~six~~ eight members 123377
appointed to the commission whenever in the governor's judgment 123378
the public interest requires removal. Upon removing a member of 123379
the commission, the governor shall file with the superintendent a 123380
statement of the cause for the removal. 123381

Sec. 1123.02. (A) The banking commission shall hold regular 123382
meetings at the times and places it fixes, and shall meet at any 123383
time on call of the deputy superintendent for banks upon two days' 123384
notice unless the commission by resolution provides for a shorter 123385
notice. 123386

(B) A majority of the full commission constitutes a quorum, 123387
and action taken by a majority of those present at a meeting at 123388
which there is a quorum constitutes the action of the commission. 123389

(C) No member shall participate before the commission in a proceeding involving any bank of which the member is, or was at any time in the preceding twelve months, a member of the board of directors, an officer, an employee, or a shareholder. A member may refrain from participating in a proceeding before the commission for any other cause the member considers sufficient.

(D) The commission may, by a majority vote of those present at a meeting at which there is a quorum, adopt and amend bylaws and rules the commission, in its judgment, considers necessary and proper. The commission shall select one of its members as secretary, who shall keep a record of all its proceedings.

Sec. 1123.03. The banking commission shall do all of the following:

(A) Make recommendations to the deputy superintendent for banks and the superintendent of financial institutions on the business of banking;

(B) Consider and make recommendations on any matter the superintendent or deputy superintendent submits to the commission for that purpose;

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;

(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;

(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;

(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:

(1) Whether there is reasonable cause to believe that there

is a significant risk of imminent material harm to the bank; 123420

(2) Whether the examination of the bank holding company is 123421
necessary to fully determine the risk to the bank, or to determine 123422
how best to address the risk to the bank. 123423

Sec. 1125.01. (A) As used in this chapter, "court" means the 123424
court of common pleas of the county in which the principal place 123425
of business of a state bank, as set forth in its articles of 123426
incorporation, is located or of any other county determined by the 123427
superintendent of financial institutions to be appropriate under 123428
the circumstances. 123429

(B) The court shall have exclusive original jurisdiction of 123430
any action or proceeding relating to or arising out of the taking 123431
of possession of the property and business of a state bank under 123432
this chapter, whether before or after the bank is wound up and 123433
dissolved, as well as any action or other proceeding brought under 123434
this chapter. 123435

(C) Whenever the approval of the court is required for any 123436
act under this chapter, that approval may be given with or without 123437
a hearing held upon whatever notice, if any, the court may direct, 123438
unless otherwise provided in this chapter. At a hearing, the 123439
court, by order, may approve the actions petitioned. 123440

Sec. 1125.03. (A) A state bank may proceed with a voluntary 123441
liquidation and be closed only with both the consent of the 123442
superintendent of financial institutions and the prior approval of 123443
the shareholders or members of the bank by a vote as provided for 123444
in its articles of incorporation, if not less than a majority. 123445

(B) Prior to instituting a voluntary liquidation, a state 123446
bank shall submit to the superintendent an application for 123447
approval of its plan of voluntary liquidation and evidence 123448
satisfactory to the superintendent that the plan has been properly 123449

adopted by the bank and approved by its shareholders or members. 123450

(C) A state bank's plan of voluntary liquidation shall 123451
include provisions for all of the following: 123452

(1) The settlement of all debts and liabilities, including 123453
the claims of account holders, owed by the bank; 123454

(2) The distribution of the bank's assets that remain after 123455
the settlement of debts and liabilities to all persons entitled to 123456
them; 123457

(3) The disposition or maintenance of any remaining or 123458
unclaimed funds, real or personal property, either tangible or 123459
intangible, or other assets, whether in trust or otherwise, 123460
including the contents of safe deposit boxes or vaults; 123461

(4) The retention of the bank's records in accordance with 123462
section 1109.69 of the Revised Code; 123463

(5) The date upon which the bank shall cease doing any 123464
banking business and surrender its banking license to the 123465
superintendent. 123466

(D) Upon receipt of a plan of voluntary liquidation, the 123467
superintendent shall make an examination of the bank and shall 123468
consent to or deny an application for approval of a plan based 123469
upon the superintendent's evaluation of whether or not the 123470
interests of the bank's depositors and creditors will suffer by 123471
the liquidation. 123472

(E) The superintendent's consent to an application for 123473
approval of a plan of voluntary liquidation may be subject to any 123474
condition the superintendent determines appropriate under the 123475
circumstances. 123476

Sec. 1125.04. (A) If the superintendent of financial 123477
institutions consents to a voluntary liquidation, the 123478
superintendent shall cause a certified copy of the consent to be 123479

filed in the office of the secretary of state, and the state bank 123480
to be liquidated shall do both of the following: 123481

(1) Publish a notice of the voluntary liquidation once a week 123482
for four consecutive weeks in a newspaper of general circulation 123483
in the county in which the bank's principal place of business is 123484
located; 123485

(2) Give written notice of the voluntary liquidation, either 123486
personally or by mail, to all known creditors of and all known 123487
claimants against the bank. 123488

(B) Compliance with the notice and publication requirements 123489
of division (A) of this section satisfies any duplicate or similar 123490
notice and publication requirements of Chapter 1701. of the 123491
Revised Code. 123492

Sec. 1125.05. (A) A voluntary liquidation of a state bank 123493
shall be conducted only with the continued supervision of the 123494
superintendent of financial institutions. The superintendent may 123495
conduct any additional examinations of the bank the superintendent 123496
considers necessary or appropriate. 123497

(B) If the superintendent has reason to conclude the 123498
liquidation of a state bank is not being safely or expeditiously 123499
conducted, the superintendent may take possession of the business 123500
and property of the bank in the same manner, with the same effect, 123501
and subject to the same rights accorded the bank as if the 123502
superintendent had taken possession under the receivership 123503
provisions of this chapter. The superintendent may proceed to 123504
liquidate the affairs of the bank in the same manner as otherwise 123505
provided in this chapter. 123506

Sec. 1125.06. Upon completion of a voluntary liquidation, the 123507
liquidated state bank shall submit to the superintendent of 123508
financial institutions all documents required under Chapter 1701. 123509

of the Revised Code for a dissolution. The superintendent shall 123510
consent to the dissolution, and shall cause a certified copy of 123511
the consent to be filed, along with the bank's dissolution 123512
documents, in the office of the secretary of state. 123513

Sec. 1125.09. The superintendent of financial institutions 123514
may appoint a conservator to take possession of the property and 123515
business of a state bank and to retain possession until the bank 123516
resumes business or a receiver is appointed, as provided for in 123517
this chapter, if the superintendent finds any one or more of the 123518
following conditions: 123519

(A) The bank is in an unsafe or unsound condition to continue 123520
the business of banking. 123521

(B) The bank is insolvent, in that it has ceased to pay its 123522
debts in the ordinary course of business, it is incapable of 123523
paying its debts as they mature, or it has liabilities in excess 123524
of its assets. 123525

(C) The bank has committed a violation of law that has caused 123526
or that threatens substantial injury to any of the public, the 123527
banking industry, or the bank's depositors or other creditors. 123528

(D) The bank has refused to submit its records of account, 123529
papers, or affairs to the inspection or examination of any federal 123530
agency or the superintendent. 123531

(E) The bank has failed to pay its deposits or obligations in 123532
accordance with the terms under which the deposits were taken or 123533
the obligations were incurred. 123534

(F) A majority of the board of directors of the bank or a 123535
majority of its shareholders or members has requested the 123536
superintendent to appoint a conservator to take possession of the 123537
bank. 123538

(G) Either all positions on the board of directors of the 123539

bank are vacant or all of the directors then in office are 123540
incapacitated or otherwise unable to perform their 123541
responsibilities. 123542

(H) The bank has violated any court order, statute, rule, or 123543
regulation, or its articles of incorporation, and the 123544
superintendent determines the continued control of its own affairs 123545
threatens injury to any of the public, the banking industry, or 123546
the bank's depositors or other creditors. 123547

(I) The bank's status as an insured institution has been 123548
terminated by the federal deposit insurance corporation. 123549

Sec. 1125.10. (A) If it appears to the superintendent of 123550
financial institutions that any one or more of the conditions set 123551
forth in section 1125.09 of the Revised Code exists as to any 123552
state bank, the superintendent may appoint a conservator, which 123553
appointment may include the superintendent, and thereafter may 123554
dismiss or replace the conservator as the superintendent 123555
determines necessary or advisable. The superintendent may fix the 123556
compensation to be paid the conservator and the amount of the bond 123557
or other security, if any, to be required. 123558

(B) The superintendent may, from time to time, appoint one or 123559
more special deputy superintendents as agent or agents to assist 123560
in the duties of conservatorship. 123561

(C) The superintendent, any special deputy superintendents, 123562
or a conservator may employ and procure whatever assistance or 123563
advice is necessary in the conservatorship of the bank, and, for 123564
that purpose, may retain officers or employees of the bank as 123565
needed. 123566

(D) The superintendent may terminate the conservatorship at 123567
any time, and may appoint a receiver for liquidation of the bank 123568
on any of the grounds provided in this chapter for appointment of 123569

a receiver. 123570

(E) All expenses of a conservatorship shall be paid out of 123571
the assets of the bank, and shall be a lien on the bank's assets, 123572
which lien shall be prior to any other lien. 123573

Sec. 1125.11. (A) Upon the appointment of a conservator, the 123574
superintendent of financial institutions shall file a certified 123575
copy of the certificate of appointment in the office of the 123576
secretary of state, and thereafter no person shall obtain a lien 123577
or charge upon any assets of the state bank for any payment, 123578
advance, clearance, or liability thereafter made or incurred, nor 123579
shall the directors, officers, or agents of the bank thereafter 123580
have authority to act on behalf of the bank or to convey, 123581
transfer, assign, pledge, mortgage, or encumber any of the bank's 123582
assets. 123583

(B) The filing of the certificate of appointment in 123584
accordance with this section shall not be a condition to either 123585
the superintendent's taking possession of the property and 123586
business of a state bank or appointing a conservator for a state 123587
bank. 123588

Sec. 1125.12. (A) A conservator, under the supervision of the 123589
superintendent of financial institutions and subject to any 123590
limitations imposed by the superintendent, shall have all of the 123591
following powers: 123592

(1) To take possession of all books, records of account, and 123593
assets of the state bank; 123594

(2) To have and exercise, in the name and on behalf of the 123595
bank, all the rights, powers, and authority of the officers and 123596
directors of the bank and all voting rights of its shareholders or 123597
members; 123598

(3) To collect all debts, claims, and judgments belonging to 123599

the bank and to take any other action, including the lending of 123600
money, necessary to the operation of the bank during the 123601
conservatorship; 123602

(4) To execute in the name of the bank any instrument 123603
necessary or proper to effectuate the conservator's powers or 123604
perform its duties as conservator; 123605

(5) To initiate, pursue, compromise, and defend litigation 123606
involving any right, claim, interest, or liability of the bank; 123607

(6) To exercise all fiduciary functions of the bank as of the 123608
date of appointment as conservator; 123609

(7) To borrow money as necessary in the operation of the 123610
bank, and to secure those borrowings by the pledge or mortgage of 123611
the assets of the bank; 123612

(8) To abandon or convey title to any holder of a deed of 123613
trust, mortgage, or similar lien against property in which the 123614
bank has an interest, whenever the conservator determines that 123615
continuing to claim that interest is burdensome and of no 123616
advantage to the bank or its account holders, creditors, ~~or~~ 123617
shareholders, or members; 123618

(9) If done in good faith within the ordinary course of 123619
business or financial affairs of the bank and according to 123620
ordinary business terms, to sell any and all assets, to compromise 123621
any debt, claim, obligation, or judgment due to the bank, to 123622
discontinue any pending action or other proceeding, and to 123623
implement a restructuring of the bank in accordance with this 123624
chapter. 123625

(B) Title to any assets of the bank does not vest in the 123626
conservator. 123627

Sec. 1125.13. During the period of the conservatorship, all 123628
of the following apply: 123629

(A) The conservator may permit the state bank to continue to 123630
conduct its usual business, including the acceptance of deposits. 123631

(B) The obligations of the state bank shall continue to bear 123632
interest at the rate contracted. 123633

(C) The conservator shall make whatever reports to the 123634
superintendent of financial institutions the superintendent may 123635
from time to time require. 123636

Sec. 1125.14. (A) The conservator shall evaluate the business 123637
and assets of the state bank and, after conducting whatever 123638
investigations the circumstances may require, shall recommend to 123639
the superintendent of financial institutions that either the 123640
conservatorship of the bank be terminated or the superintendent 123641
appoint a receiver and the bank be liquidated as otherwise 123642
provided in this chapter. The conservator shall consult with the 123643
board of directors of the bank before making the recommendation. 123644
123645

(B) The conservator of the bank may submit a plan to the 123646
superintendent for approval to restructure the bank in a manner 123647
designed to return the bank to the control of its shareholders or 123648
members. As part of the plan, the conservator may take any steps 123649
the superintendent approves regarding the management, operations, 123650
or assets of the bank, including the sale of some or all of the 123651
bank's assets. The conservator shall consult with the board of 123652
directors of the bank regarding any proposed sale of all or 123653
substantially all of the bank's assets. 123654

(C) The superintendent may require the conservator to submit 123655
the plan to the shareholders or members of the bank as provided in 123656
division (D) of this section or to submit a new or revised plan 123657
for consideration by the superintendent. 123658

(D) If the conservator's plan is submitted to the 123659

shareholders or members pursuant to division (C) of this section, 123660
the superintendent shall designate the contents of notice of the 123661
vote that is to be forwarded from the conservator to the 123662
shareholders or members and shall designate the date upon which 123663
notice is to be forwarded. The date of the shareholder or member 123664
vote shall be determined by the superintendent, but shall not 123665
occur earlier than seven days or later than forty-five days after 123666
the date of the notice. 123667

If the majority of the shareholders or members do not approve 123668
the plan, the superintendent may request submission of a new plan 123669
or proceed to appoint a receiver without regard to the grounds for 123670
appointment of a receiver as otherwise provided in this chapter. 123671
If the majority of the shareholders or members approve the plan, 123672
the superintendent may terminate the conservatorship, and the 123673
shareholders or members shall elect directors to manage the bank. 123674

(E) The superintendent, at any time, including after the date 123675
notice of a vote is provided to shareholders or members of the 123676
bank under division (D) of this section, may revoke a previously 123677
approved plan of the conservator and either provide for, or 123678
request submission of, a new plan or proceed with receivership 123679
under this chapter. 123680

Sec. 1125.17. This chapter provides the full and exclusive 123681
powers and procedures for the liquidation of state banks under the 123682
laws of this state, and no receiver or other liquidating agent 123683
shall be appointed for that purpose except as expressly provided 123684
in this chapter. 123685

Sec. 1125.18. The superintendent of financial institutions 123686
may take possession of the property and business of a state bank 123687
if the superintendent finds any one or more of the following 123688
conditions: 123689

(A) The bank is in an unsafe or unsound condition to continue the business of banking. 123690
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(B) The bank is insolvent, in that it has ceased to pay its debts in the ordinary course of business, it is incapable of paying its debts as they mature, or it has liabilities in excess of its assets. 123692
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(C) The bank has refused to submit its records or affairs to the inspection or examination of any federal bank regulatory agency or the superintendent. 123696
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(D) The bank has failed to pay its deposits or obligations in accordance with the terms under which the deposits were taken or the obligations were incurred. 123699
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(E) A majority of the board of directors of the bank has requested the superintendent to appoint a receiver to take possession of the bank for the benefit of account holders, creditors, ~~or~~ shareholders, or members. 123702
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(F) The bank has violated any order of a court or of the superintendent, any statute, rule, or regulation, or its articles of incorporation, and the superintendent determines the continued control of its own affairs threatens injury to any of the public, the banking industry, or the bank's depositors or other creditors. 123706
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(G) The bank's status as an insured institution has been terminated by the federal deposit insurance corporation. 123711
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(H) The (1) In the case of a stock state bank, the bank has an impairment of paid-in capital. 123713
123714

(2) In the case of a mutual state bank, the bank has an impairment of retained earnings. 123715
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Sec. 1125.19. (A) Upon issuing a written finding that any one or more of the conditions set forth in section 1125.18 of the Revised Code for taking possession of a state bank exists and 123717
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taking possession of the state bank, the superintendent of 123720
financial institutions shall file a certified copy of the finding 123721
and the notice of possession with the court. 123722

(B) Upon the appointment of a receiver, the superintendent 123723
shall file a certified copy of the certificate of appointment in 123724
the office of the secretary of state and with the court. 123725

(C) After the superintendent files the finding of the 123726
superintendent or the certificate of appointment of the receiver, 123727
whichever occurs first, no person shall obtain a lien or charge 123728
upon any assets of the bank for any payment, advance, clearance, 123729
or liability thereafter incurred, nor shall the directors, 123730
officers, or agents of the bank have authority to act on behalf of 123731
the bank or to convey, transfer, assign, pledge, mortgage, or 123732
encumber any assets of the bank. 123733

(D) Upon taking possession of the bank, the superintendent 123734
shall post or cause to be posted an appropriate notice of closing 123735
at the main entrance of each of the bank's banking offices. 123736

(E) Neither filing nor posting of notice in accordance with 123737
this section shall be a condition to either the superintendent's 123738
taking possession of the property and business of a state bank or 123739
appointing a receiver for a state bank. 123740

Sec. 1125.20. (A) If it appears to the superintendent of 123741
financial institutions that any one or more of the conditions set 123742
forth in section 1125.18 of the Revised Code exists as to any 123743
state bank, the superintendent shall tender appointment as 123744
receiver to the federal deposit insurance corporation if any 123745
deposits in the state bank are insured by the federal deposit 123746
insurance corporation, and may tender appointment as receiver to 123747
the federal deposit insurance corporation in any other case. Upon 123748
acceptance of the appointment as receiver, the federal deposit 123749
insurance corporation shall not be required to post a bond. In 123750

addition to the powers of a receiver set forth in this chapter, 123751
the federal deposit insurance corporation, as receiver, may 123752
exercise any other liquidation or receivership powers authorized 123753
by state or federal law for a receiver of a bank. 123754

(B) If the federal deposit insurance corporation declines to 123755
accept the tendered appointment or if the superintendent is not 123756
required to tender appointment as receiver to the federal deposit 123757
insurance corporation, the superintendent may appoint, and 123758
thereafter dismiss or replace, any other receiver, including the 123759
superintendent, the superintendent determines to be necessary or 123760
advisable. The superintendent may fix the compensation to be paid 123761
the receiver and the amount of the bond or other security, if any, 123762
to be required. 123763

(C) The superintendent may, from time to time, appoint one or 123764
more special deputy superintendents as agent or agents to assist 123765
in the duties of receivership or of liquidation and distribution. 123766
No agent so appointed shall be subject to section 1181.05 of the 123767
Revised Code. 123768

(D) The superintendent, any special deputy superintendents, 123769
or a receiver may employ and procure whatever assistance or advice 123770
is necessary in the receivership or liquidation and distribution 123771
of the assets of the bank, and, for that purpose, may retain 123772
officers or employees of the bank as needed. 123773

(E) All expenses of a receivership and liquidation shall be 123774
paid out of the assets of the bank, and shall be a lien on the 123775
bank's assets, which lien shall be prior to any other lien. 123776

Sec. 1125.21. Upon the superintendent of financial 123777
institutions' appointment of a receiver, title to all of the state 123778
bank's assets shall vest in the receiver without the execution of 123779
any instrument of conveyance, assignment, transfer, or 123780
endorsement. 123781

Sec. 1125.22. (A) A receiver shall have all of the following powers: 123782
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(1) To take possession of all books, records of account, and assets of the state bank; 123784
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(2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 123786
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(3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 123789
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123791

(4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 123792
123793

(5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 123794
123795

(6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 123796
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(7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 123799
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(8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 123805
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(9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 123810
123811

(10) To distribute assets in accordance with this chapter; 123812

(11) To take any other action incident to the powers set 123813
forth in division (A) of this section. 123814

(B) Unless specifically indicated to the contrary, the powers 123815
conferred upon a receiver under this section may be exercised 123816
without court approval. However, nothing in this section shall be 123817
construed to prevent a receiver from obtaining court approval when 123818
the receiver determines approval is appropriate under the 123819
circumstances. 123820

Sec. 1125.23. (A) The receiver shall promptly cause notice of 123821
the claims procedure to be published once a month for two 123822
consecutive months in a local newspaper of general circulation and 123823
to be mailed to each person whose name appears as a creditor upon 123824
the books of the state bank, at the last address of record. 123825

(B)(1) All parties having claims of any kind against the 123826
bank, including prior judgments and claims of security, 123827
preference, priority, and offset, shall present their claims 123828
substantiated by legal proof to the receiver within one hundred 123829
eighty days after the date of the first publication of notice of 123830
the claims procedure or after actual receipt of notice of the 123831
claims procedure, whichever occurs first. 123832

(2) Within one hundred eighty days after receipt of a claim, 123833
the receiver shall notify the claimant in writing whether the 123834
claim has been allowed or disallowed. The receiver may reject any 123835
claim in whole or in part, or may reject any claim of security, 123836
preference, priority, or offset against the bank. Any claimant 123837
whose claim has been rejected by the receiver shall petition the 123838
court for a hearing on the claim within sixty days after the date 123839
the notice was mailed or be forever barred from asserting the 123840
rejected claim. 123841

(C) Any claims filed after the claim period and subsequently
accepted by the receiver or allowed by the court, shall be
entitled to share in the distribution of assets only to the extent
of the undistributed assets in the hands of the receiver on the
date the claims are accepted or allowed.

Sec. 1125.24. (A) All claims against the state bank's estate
and expenses, proved to the receiver's satisfaction or approved by
the court, shall be paid in the following order:

(1) Expenses of liquidation and receivership, including money
borrowed under authority of division (A)(6) of section 1125.22 or
division (A)(7) of section 1125.12 of the Revised Code and
interest on it, and claims for fees and assessments due the
superintendent of financial institutions;

(2) Claims given priorities under other provisions of state
or federal law;

(3) Wages and, salaries, or commissions, including vacation,
severance, and sick leave pay, of officers and employees earned
during the one-month period preceding the date of the bank's
closing in an amount, before applicable taxes and other
withholdings, that does not exceed one thousand dollars for any
one person;

(4) Deposit obligations;

(5) Other general liabilities;

(6) Obligations subordinated to deposits and other general
liabilities.

(B) Interest shall be given the same priority as the claim on
which it is based, but no interest shall be paid on any claim
until the principal of all claims within the same class has been
paid or provided for in full.

(C) Any funds remaining after satisfying the requirements of

divisions (A) and (B) of this section shall be paid to the 123872
shareholders or members. 123873

(D) Payment on claims shall be made pro rata among claims of 123874
the kind specified in each class set forth in division (A) of this 123875
section. 123876

(E) Subject to the approval of the court, the receiver may 123877
designate a separate class of claims consisting only of every 123878
unsecured claim that is less than, or reduced to, an amount the 123879
court approves for payment as reasonable and necessary for 123880
administrative convenience. 123881

(F) Subject to the approval of the court, the receiver may 123882
make periodic and interim liquidating dividends or payments. 123883

Sec. 1125.25. (A) Within one hundred days after the date of 123884
the closing of a state bank, a receiver may reject any executory 123885
contract to which the bank is a party without any further 123886
liability on the part of the bank or the receiver. The receiver's 123887
election to reject an executory contract creates no claim for 123888
compensation other than compensation accrued to the date of 123889
termination or for actual damages. 123890

(B) A receiver may ratify and assign any executory contract 123891
to which the bank is a party notwithstanding the existence of a 123892
provision in the contract permitting the termination of the 123893
executory contract, or prohibiting, conditioning, or requiring 123894
consent to any assignment of the executory contract, upon the 123895
insolvency of the bank or the appointment of a receiver. 123896

Sec. 1125.26. Whenever the federal deposit insurance 123897
corporation pays or makes available for payment the insured 123898
deposit liabilities of a state bank, the federal deposit insurance 123899
corporation, whether or not it acts as receiver, shall be 123900
subrogated to the extent of the payments to all rights of 123901

depositors against the bank. 123902

Sec. 1125.27. (A) The receiver may appoint a successor to all 123903
rights, obligations, assets, deposits, agreements, and trusts held 123904
by the closed state bank as trustee, administrator, executor, 123905
guardian, agent, or in any other fiduciary or representative 123906
capacity. The successor's duties and obligations commence upon 123907
appointment to the same extent they are binding upon the former 123908
bank and as though the successor had originally assumed the duties 123909
and obligations. Specifically, the successor shall succeed to and 123910
be entitled to administer all trusteeships, administrations, 123911
executorships, guardianships, agencies, and all other fiduciary or 123912
representative proceedings to which the closed bank is named or 123913
appointed in wills, whenever probated, or to which it is appointed 123914
by any other instrument, court order, or operation of law. 123915

(B) Within sixty days after appointment, the successor shall 123916
give written notice, insofar as practicable, to all interested 123917
parties named in the books and records of the bank or in trust 123918
documents held by it, that the successor has been appointed in 123919
accordance with state law. 123920

(C) Nothing in this section shall be construed to impair any 123921
right of the grantor or beneficiaries of trust assets to secure 123922
the appointment of a substituted trustee or manager. 123923

Sec. 1125.28. (A) The filing with the court of the finding of 123924
the superintendent of financial institutions or the certificate of 123925
appointment of the receiver, whichever occurs first, operates as 123926
an automatic stay from the date of the filing, subject to the 123927
court granting a motion for relief from the stay, applicable to 123928
all ~~entities~~ persons, of both of the following: 123929

(1) The commencement or continuation, including the issuance 123930
or employment of process, of a judicial, administrative, or other 123931

action or proceeding against the state bank that was or could have 123932
been commenced before the filing; 123933

(2) The enforcement against the bank of a judgment or other 123934
claim obtained before the filing, including claims of security, 123935
preference, priority, and offset. 123936

(B) Upon the filing with the court of the finding of the 123937
superintendent or the certificate of appointment of the receiver, 123938
whichever occurs first, any other pending judicial, 123939
administrative, or other action or proceeding against the bank 123940
shall, upon motion of the receiver, be consolidated into one 123941
action or transferred as a separate matter before the presiding 123942
judge of the court having jurisdiction of the receivership, 123943
subject, however, to the automatic stay provided in division (A) 123944
of this section. Subject to the receiver's option to have an 123945
action later consolidated or transferred, any action commenced 123946
after the superintendent's filing shall be filed as a separate 123947
matter before the presiding judge in the court having jurisdiction 123948
over the receivership. 123949

(C) The superintendent, prior to the appointment of a 123950
receiver, or the receiver, after its appointment, shall be the 123951
only party named in an action involving a state bank subject to 123952
this chapter. 123953

(D) Any action seeking to enjoin the superintendent's order 123954
appointing a receiver of a state bank shall be brought prior to 123955
the date the receiver sells all or substantially all of the assets 123956
of the bank, prior to the date the receiver transfers all or 123957
substantially all of the insured deposits to an assuming 123958
institution, or within ten days after the issuance of the order, 123959
whichever is earliest. 123960

Sec. 1125.29. (A) When a receiver has completed the 123961
liquidation of a state bank, the receiver shall, with notice to 123962

the superintendent of financial institutions, petition the court 123963
for an order declaring the bank properly wound up and dissolved. 123964

(B) After whatever notice and hearing, if any, the court may 123965
direct, the court may make an order declaring the bank properly 123966
wound up and dissolved. The order shall do both of the following, 123967
to the extent applicable: 123968

(1) Declare all of the following: 123969

(a) The bank has been properly wound up. 123970

(b) All known assets of the bank have been distributed 123971
according to the distribution priorities set forth in this 123972
chapter. 123973

(c) The bank is dissolved. 123974

(2) If there are known debts or liabilities, describe the 123975
provision made for their payment, setting forth whatever 123976
information may be necessary to enable the creditor or other 123977
person to whom payment is to be made to appear and claim payment 123978
of the debt or liability. 123979

(C) The order shall confirm a plan by the receiver for the 123980
disposition or maintenance of any remaining real or personal 123981
property or other assets, whether held in trust or otherwise and 123982
including the contents of safe deposit boxes or vaults, held by 123983
the bank for its account holders, creditors, lessees, ~~or~~ 123984
shareholders, or members. The plan shall include written notice to 123985
all known owners or beneficiaries of the assets, to be sent by 123986
first class mail to each individual's address as shown on the 123987
records of the bank. 123988

(D) The court may make whatever additional orders and grant 123989
whatever further relief it determines proper upon the evidence 123990
submitted. 123991

(E) Once the order is made declaring the bank dissolved, the 123992

corporate existence of the bank shall cease, except for purposes 123993
of any necessary additional winding up. 123994

(F) Once the order is made declaring the bank dissolved, the 123995
receiver shall promptly file a copy of the order, certified by the 123996
clerk of the court, with both the secretary of state and the 123997
superintendent. 123998

Sec. 1125.30. Subject to the approval of the court, the 123999
receiver may destroy the records of the state bank in accordance 124000
with section 1109.69 of the Revised Code after the receiver 124001
determines there is no further need for them. However, the 124002
receiver shall not destroy the records earlier than six months 124003
after the date the bank is declared dissolved by the court. 124004

Sec. 1125.33. (A) No damages may be awarded in a proceeding 124005
brought pursuant to this chapter challenging any action by the 124006
superintendent of financial institutions, special deputy 124007
superintendent, receiver, or conservator, or any employee of any 124008
of them, or any person retained for services under this chapter. 124009
Any action for damages shall be brought in the court as a separate 124010
action. 124011

(B) The superintendent, special deputy superintendent, 124012
receiver, conservator, or any employee of any of them, or any 124013
person retained for services under this chapter, is not subject to 124014
any civil liability or penalty, or to any criminal prosecution, 124015
for any error in judgment or discretion made in good faith in any 124016
action taken or omitted in an official capacity under this 124017
chapter. 124018

(C) The superintendent, special deputy superintendent, 124019
receiver, conservator, or any employee of any of them, or any 124020
person retained for services under this chapter, is not liable in 124021
damages for any action or failure to act unless it is proved by 124022

clear and convincing evidence in court that the action or failure 124023
to act involved an act or omission undertaken with deliberate 124024
intent to cause injury to any of the state bank, its shareholders, 124025
its members, its depositors, or its creditors, or undertaken with 124026
reckless disregard for the best interests of any of the bank, its 124027
shareholders, its members, its depositors, its creditors, or the 124028
public. 124029

Sec. 1181.01. The superintendent of financial institutions 124030
shall be the chief executive officer of the division of financial 124031
institutions. 124032

(A) The superintendent shall have at least five years of 124033
experience in the financial services industry or in the 124034
examination or regulation of financial institutions. 124035

(B) The superintendent shall appoint a deputy superintendent 124036
for banks, ~~a deputy superintendent for savings and loan~~ 124037
~~associations and savings banks, and a deputy superintendent for~~ 124038
~~credit unions. Each deputy superintendent who shall have possess~~ 124039
at least one of the following qualifications prior to the deputy 124040
superintendent's appointment: 124041

(1) Not less than five years of experience in that particular 124042
industry or at least five years of experience in the examination 124043
or regulation of banks, savings and loan associations, savings 124044
banks, or credit unions as a senior level officer in a bank, 124045
savings and loan association, or savings bank, a bank holding 124046
company, or a savings and loan holding company or as a senior 124047
level manager or senior professional with a primary business of, 124048
or professional focus on, auditing or providing professional 124049
advice to such institutions; 124050

(2) Not less than five years of experience as a senior level 124051
supervisor in the examination or regulation of banks, savings and 124052
loan associations, or savings banks; 124053

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 124054
124055
124056

(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 124057
124058
124059

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 124060
124061
124062
124063

(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 124064
124065

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 124066
124067
124068

(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall have possess at least one of the following qualifications prior to the deputy superintendent's appointment: 124069
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124071
124072

(1) Not less than five years of experience in as an owner, officer, or senior level manager of one or more of the consumer finance companies regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies, as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 124073
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(2) Not less than five years of experience as a senior level 124084

<u>supervisor in the examination or regulation of consumer finance</u>	124085
<u>companies;</u>	124086
<u>(3) Not less than a total of five years of experience in any</u>	124087
<u>combination of the positions described in divisions (D)(1) and (2)</u>	124088
<u>of this section.</u>	124089
<u>(E) The deputy superintendents appointed by the</u>	124090
superintendent of financial institutions pursuant to this section	124091
shall serve in the unclassified civil service.	124092
Sec. 1181.02. The superintendent of financial institutions	124093
may appoint and employ such assistants, clerks, examiners, and	124094
other employees, <u>and such professionals and agents,</u> as the prompt	124095
execution of the duties of the superintendent's office requires,	124096
and may employ attorney examiners if the superintendent considers	124097
such assistants necessary.	124098
Sec. 1181.03. (A) Before entering upon the discharge of the	124099
duties of the office of the superintendent of financial	124100
institutions, the superintendent shall give bond to the state in	124101
the sum of one million dollars with sureties approved by the	124102
governor and conditioned on the faithful discharge of the official	124103
duties of the office. The bond, with the approval of the governor	124104
and with the superintendent's oath of office endorsed on it, shall	124105
be filed with the office of the secretary of state.	124106
(B) Before entering upon the discharge of the duties of their	124107
respective offices, the deputy superintendent for banks, the	124108
deputy superintendent for savings and loan associations and	124109
savings banks, the deputy superintendent for credit unions, and	124110
the deputy superintendent for consumer finance shall each give	124111
bond to the state in the sum of five hundred thousand dollars with	124112
sureties approved by the superintendent and conditioned on the	124113
faithful performance of their respective duties. The bonds shall	124114

be filed with the office of the secretary of state. 124115

(C) The superintendent shall require of each other employee 124116
and each agent of the division of financial institutions a bond, 124117
conditioned on the faithful performance of each employee's and 124118
agent's respective duties, in an amount not less than five 124119
thousand dollars that the superintendent determines to be 124120
acceptable. The bonds may, in the discretion of the 124121
superintendent, be individual, schedule, or blanket bonds. The 124122
bonds shall be filed with the office of the secretary of state. 124123

(D) The division shall pay the cost or premium of the bonds 124124
required by this section from funds appropriated to the division 124125
for that purpose. 124126

Sec. 1181.04. Neither the superintendent of financial 124127
institutions nor any employee, agent, or contractor of the 124128
division of financial institutions shall be liable in any civil, 124129
criminal, or administrative proceeding for any mistake of judgment 124130
or discretion in any action taken, or any omission made by the 124131
superintendent ~~or~~, employee, agent, or contractor if done in good 124132
faith within the scope of the person's official capacity as 124133
assigned by the superintendent. 124134

Sec. 1181.05. (A) As used in this section, "consumer finance 124135
company" means any person required to be licensed or registered 124136
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 124137
1315.21 to 1315.30 of the Revised Code. 124138

(B) Neither the superintendent of financial institutions nor 124139
any other employee of the division of financial institutions shall 124140
do any of the following: ~~be interested~~ have a business or 124141
investment interest, directly or indirectly, in any state bank, 124142
~~savings and loan association, savings bank~~ trust company, credit 124143
union, or consumer finance company, that is under the supervision 124144

of the superintendent of financial institutions or in any 124145
affiliate of any such financial institution or company; directly 124146
or indirectly borrow money from any such financial institution or 124147
company; serve as a director or officer of or be employed by any 124148
such financial institution or company; or own an equity interest 124149
in any such financial institution or company or in any of its 124150
affiliates. For purposes of this section, an equity interest does 124151
not include the ownership of an account in a mutual savings and 124152
loan association or in a savings bank that does not have permanent 124153
stock or the ownership of a share account in a credit union. 124154

(C) Subject to division (G) of this section, an employee of 124155
the division of financial institutions may retain any extension of 124156
credit that otherwise would be prohibited by division (B) of this 124157
section if both of the following apply: 124158

(1) The employee obtained the extension of credit prior to 124159
October 29, 1995, or the commencement of the employee's employment 124160
with the division, or as a result of a change in the employee's 124161
marital status, the consummation of a merger, acquisition, 124162
transfer of assets, or other change in corporate ownership beyond 124163
the employee's control, or the sale of the extension of credit in 124164
the secondary market or other business transaction beyond the 124165
employee's control. 124166

(2) The employee liquidates the extension of credit under its 124167
original terms and without renegotiation. 124168

If the employee chooses to retain the extension of credit, 124169
the employee shall immediately provide written notice of the 124170
retention to the employee's supervisor. Thereafter, the employee 124171
shall be disqualified from participating in any decision, 124172
examination, audit, or other action that may affect that 124173
particular creditor. 124174

(D) Subject to division (G) of this section, an employee of 124175

the division of financial institutions may retain any ownership of 124176
or beneficial interest in the securities of a financial 124177
institution or consumer finance company that is under the 124178
supervision of the division of financial institutions, or of a 124179
holding company or subsidiary of such a financial institution or 124180
company, which ownership or beneficial interest otherwise would be 124181
prohibited by division (B) of this section, if the ownership or 124182
beneficial interest is acquired by the employee through 124183
inheritance or gift, prior to October 29, 1995, or the 124184
commencement of the employee's employment with the division, or as 124185
a result of a change in the employee's marital status or the 124186
consummation of a merger, acquisition, transfer of assets, or 124187
other change in ~~corporate~~ ownership beyond the employee's control. 124188

If the employee chooses to retain the ownership or beneficial 124189
interest, the employee shall immediately provide written notice of 124190
the retention to the employee's supervisor. Thereafter, the 124191
employee shall be disqualified from participating in any decision, 124192
examination, audit, or other action that may affect the issuer of 124193
the securities. However, if the ownership of or beneficial 124194
interest in the securities and the subsequent disqualification 124195
required by this division impair the employee's ability to perform 124196
the employee's duties, the employee may be ordered to divest self 124197
of the ownership of or beneficial interest in the securities or to 124198
resign. 124199

(E) Notwithstanding division (B) of this section, an employee 124200
of the division of financial institutions may have an indirect 124201
interest in the securities of a financial institution or consumer 124202
finance company that is under the supervision of the division of 124203
financial institutions, which interest arises through ownership of 124204
or beneficial interest in the securities of a publicly held mutual 124205
fund or investment trust, if the employee owns or has a beneficial 124206
interest in less than five per cent of the securities of the 124207

mutual fund or investment trust, and the mutual fund or investment 124208
trust is not advised or sponsored by a financial institution or 124209
consumer finance company that is under the supervision of the 124210
division of financial institutions. If the mutual fund or 124211
investment trust is subsequently advised or sponsored by a 124212
financial institution or consumer finance company that is under 124213
the supervision of the division of financial institutions, the 124214
employee shall immediately provide written notice of the ownership 124215
of or beneficial interest in the securities to the employee's 124216
supervisor. Thereafter, the employee shall be disqualified from 124217
participating in any decision, examination, audit, or other action 124218
that may affect the financial institution or consumer finance 124219
company. However, if the ownership of or beneficial interest in 124220
the securities and the subsequent disqualification required by 124221
this division impair the employee's ability to perform the 124222
employee's duties, the employee may be ordered to divest self of 124223
the ownership of or beneficial interest in the securities or to 124224
resign. 124225

(F)(1) For purposes of this section, the interests of an 124226
employee's spouse or dependent child arising through the ownership 124227
or control of securities shall be considered the interests of the 124228
employee, unless the employee can demonstrate to the satisfaction 124229
of the superintendent that the interests are solely the financial 124230
interest and responsibility of the spouse or dependent child, the 124231
interests are not in any way derived from the income, assets, or 124232
activity of the employee, and any financial or economic benefit 124233
from the interests is for the personal use of the spouse or 124234
dependent child. 124235

(2) If an employee's spouse or dependent child obtains 124236
interests arising through the ownership or control of securities 124237
and, pursuant to division (F)(1) of this section, the interests 124238
are not considered the interests of the employee, the employee 124239

shall immediately provide written notice of the interests to the 124240
employee's supervisor. Thereafter, the employee shall be 124241
disqualified from participating in any decision, examination, 124242
audit, or other action that may affect the issuer of the 124243
securities. 124244

(G) For purposes of divisions (C) and (D) of this section, 124245
both of the following apply: 124246

(1) With respect to any employee of the former division of 124247
consumer finance who, on the first day of the first pay period 124248
commencing after ~~the effective date of this section~~ September 26, 124249
1996, becomes an employee of the division of financial 124250
institutions, the employee's employment with the division of 124251
financial institutions is deemed to commence on the first day of 124252
the first pay period commencing after ~~the effective date of this~~ 124253
~~section~~ September 26, 1996. 124254

(2) With respect to any employee who, on October 29, 1995, 124255
became an employee of the division of financial institutions, the 124256
employee may, notwithstanding divisions (C) and (D) of this 124257
section, retain any extension of credit by a consumer finance 124258
company that was obtained at any time prior to the first day of 124259
the first pay period commencing after ~~the effective date of this~~ 124260
~~section~~ September 26, 1996, or retain any ownership of or 124261
beneficial interest in the securities of a consumer finance 124262
company, or of a holding company or subsidiary of such a company, 124263
that was acquired at any time prior to the first day of the first 124264
pay period commencing after ~~the effective date of this section~~ 124265
September 26, 1996. If the employee chooses to retain the 124266
extension of credit or the ownership or beneficial interest, the 124267
employee shall comply with divisions (C) and (D) of this section. 124268

Sec. 1181.06. There is hereby created in the state treasury 124269
the financial institutions fund. The fund shall receive 124270

assessments on the banks fund established under section 1121.30 of 124271
the Revised Code, ~~the savings institutions fund established under~~ 124272
~~section 1181.18 of the Revised Code,~~ the credit unions fund 124273
established under section 1733.321 of the Revised Code, and the 124274
consumer finance fund established under section 1321.21 of the 124275
Revised Code in accordance with procedures prescribed by the 124276
superintendent of financial institutions and approved by the 124277
director of budget and management. Such assessments shall be in 124278
addition to any assessments on these funds required under division 124279
(G) of section 121.08 of the Revised Code. All operating expenses 124280
of the division of financial institutions shall be paid from the 124281
financial institutions fund. Money in the fund shall be used only 124282
for that purpose. 124283

Sec. 1181.07. The state shall furnish the superintendent of 124284
financial institutions suitable facilities for conducting the 124285
business of the superintendent's office at the seat of government 124286
and in any other ~~city of~~ location within the state where it is 124287
necessary to keep a resident examiner. 124288

Sec. 1181.10. The seal of the superintendent of financial 124289
institutions shall be ~~one and three fourths inches in diameter and~~ 124290
~~shall be~~ surrounded by the words: "The superintendent of financial 124291
institutions of the state of Ohio." 124292

The seal shall have engraved on it the coat of arms of the 124293
state, as described in section 5.04 of the Revised Code, and shall 124294
contain the words and devices mentioned in this section and no 124295
other. 124296

Sec. 1181.11. Copies of all certificates, records, and papers 124297
in the office of the superintendent of financial institutions, 124298
including the records of the banking commission, the former 124299
savings and loan associations and savings banks board, and the 124300

credit union council, duly certified by the superintendent or, in 124301
the absence of the superintendent, a deputy superintendent having 124302
jurisdiction over the records, and authenticated by the 124303
superintendent's seal of office, shall be evidence, in all courts 124304
of this state, of every matter which could be proved by the 124305
production of the original. 124306

Sec. 1181.21. (A) As used in this section, "consumer finance 124307
company" has the same meaning as in section 1181.05 of the Revised 124308
Code. 124309

(B) The superintendent of financial institutions shall see 124310
that the laws relating to consumer finance companies are executed 124311
and enforced. 124312

(C) The deputy superintendent for consumer finance shall be 124313
the principal supervisor of consumer finance companies. In that 124314
position the deputy superintendent for consumer finance shall, 124315
notwithstanding section 1321.421, division (A) of section 1321.76, 124316
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 124317
the Revised Code, be responsible for conducting examinations and 124318
preparing examination reports under those sections and under 124319
Chapter 4712. of the Revised Code. In addition, the deputy 124320
superintendent for consumer finance shall, notwithstanding 124321
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 124322
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 124323
authority to adopt rules and standards in accordance with those 124324
sections. In performing or exercising any of the examination, 124325
rule-making, or other regulatory functions, powers, or duties 124326
vested by this division in the deputy superintendent for consumer 124327
finance, the deputy superintendent for consumer finance shall be 124328
subject to the control of the superintendent of financial 124329
institutions and the director of commerce. 124330

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 124331
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 124332
1733.32, 1733.327, and 4727.18 of the Revised Code, the 124333
superintendent of financial institutions may, in the 124334
superintendent's discretion, introduce into evidence or disclose, 124335
or authorize to be introduced into evidence or disclosed, 124336
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 124337
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 124338
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 124339
confidential, or otherwise not ~~public information or~~ a public 124340
record, ~~provided that the superintendent acts only as provided in~~ 124341
~~those sections or~~ in the following circumstances: 124342

~~(A) When in the opinion of~~ (1) In connection with any civil, 124343
criminal, or administrative investigation or examination conducted 124344
by the superintendent, ~~it is appropriate with regard to any~~ 124345
~~enforcement actions taken and decisions made by the superintendent~~ 124346
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 124347
of the Revised Code or Title XI of the Revised Code or by any 124348
other financial institution regulatory authority, any state or 124349
federal attorney general or prosecuting attorney, or any local, 124350
state, or federal law enforcement agency; 124351

~~(B) When~~ (2) In connection with any civil or criminal 124352
litigation has been or administrative enforcement action initiated 124353
or to be initiated by the superintendent in furtherance of the 124354
powers, duties, and obligations imposed upon the superintendent by 124355
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 124356
the Revised Code or Title XI of the Revised Code; 124357

~~(C) When in the opinion of the superintendent, it is~~ 124358
~~appropriate with regard to enforcement actions taken or decisions~~ 124359
~~made by other financial institution regulatory authorities to whom~~ 124360
~~the superintendent has provided the information pursuant to~~ 124361

authority in (3) To administer licensing and registration under 124362
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 124363
the Revised Code or Title XI of the Revised Code through the 124364
nationwide mortgage licensing system and registry as defined in 124365
section 1322.01 of the Revised Code. 124366

(B) If the superintendent has reason to believe that any 124367
privileged, confidential, or other nonpublic information provided 124368
pursuant to this section may be disclosed by the intended 124369
recipient, the superintendent shall seek a protective order or 124370
enter into an agreement to protect that information. 124371

(C) All reports and other information made available under 124372
this chapter remain the property of the superintendent. Except as 124373
otherwise provided in this section, no person, agency, or other 124374
authority to whom the information is made available, or any 124375
officer, director, or employee thereof, shall disclose such 124376
information except in published statistical material that does not 124377
disclose, either directly or when used in conjunction with 124378
publicly available information, the affairs of any individual or 124379
entity. 124380

(D) The superintendent shall not be considered to have waived 124381
any privilege applicable to any information by transferring that 124382
information to, or permitting that information to be used by, any 124383
federal or state agency or any other person as permitted under 124384
this chapter or Chapter 1121. of the Revised Code. 124385

Sec. 1349.16. (A) As used in this section, "financial 124386
institution" includes every bank as defined in section 1101.01 of 124387
the Revised Code, ~~savings and loan association as defined in~~ 124388
~~section 1151.01 of the Revised Code, savings bank as defined in~~ 124389
~~section 1161.01 of the Revised Code,~~ and credit union organized or 124390
qualified as such under sections 1733.01 to 1733.45 of the Revised 124391
Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 124392

U.S.C.A. 1752, as amended. 124393

(B) Before opening or authorizing signatory power over a 124394
checking account intended for personal, family, or household 124395
purposes, a financial institution: 124396

(1) Shall require the applicant to provide ~~his~~ the 124397
applicant's current address and a valid driver's or commercial 124398
driver's license or identification card issued by the registrar of 124399
motor vehicles or a deputy registrar under section 4507.50 of the 124400
Revised Code. If the applicant does not have a valid driver's or 124401
commercial driver's license or identification card, the applicant 124402
may provide an identification document that includes ~~his~~ the 124403
applicant's full name, birthdate, and signature. 124404

(2) May require the applicant to provide relevant information 124405
in addition to the information specified in division (B)(1) of 124406
this section. 124407

(C) Every person that issues or prints checks, bills of 124408
exchange, or other drafts for use with a checking account intended 124409
for personal, family, or household purposes opened on or after 124410
October 16, 1990 shall print the date on which the checking 124411
account was opened on the face of each check, bill of exchange, or 124412
other draft. 124413

(D) This section does not apply to temporary checks furnished 124414
at the time a checking account is opened. 124415

(E) This section does not create any civil cause of action 124416
against a financial institution, its directors, trustees, 124417
officers, employees, agents, representatives, or other persons 124418
acting on its behalf, or against any person that issues or prints 124419
checks, bills of exchange, or other drafts, for failure to comply 124420
with this section. 124421

Sec. 1509.07. (A)(1) Except as provided in division (A)(2) of 124422

this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 124455
until the owner provides proof of the required insurance coverage. 124456

(B)(1) Except as otherwise provided in this section, an owner 124457
of any well, before being issued a permit under section 1509.06 of 124458
the Revised Code or before operating or producing from a well, 124459
shall execute and file with the division of oil and gas resources 124460
management a surety bond conditioned on compliance with the 124461
restoration requirements of section 1509.072, the plugging 124462
requirements of section 1509.12, the permit provisions of section 124463
1509.13 of the Revised Code, and all rules and orders of the chief 124464
relating thereto, in an amount set by rule of the chief. 124465

(2) The owner may deposit with the chief, instead of a surety 124466
bond, cash in an amount equal to the surety bond as prescribed 124467
pursuant to this section or negotiable certificates of deposit or 124468
irrevocable letters of credit, issued by any bank organized or 124469
transacting business in this state ~~or by any savings and loan~~ 124470
~~association as defined in section 1151.01 of the Revised Code,~~ 124471
having a cash value equal to or greater than the amount of the 124472
surety bond as prescribed pursuant to this section. Cash or 124473
certificates of deposit shall be deposited upon the same terms as 124474
those upon which surety bonds may be deposited. If certificates of 124475
deposit are deposited with the chief instead of a surety bond, the 124476
chief shall require the bank ~~or savings and loan association~~ that 124477
issued any such certificate to pledge securities of a cash value 124478
equal to the amount of the certificate that is in excess of the 124479
amount insured by any of the agencies and instrumentalities 124480
created under the "Federal Deposit Insurance Act," 64 Stat. 873 124481
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 124482
it, including at least the federal deposit insurance corporation, 124483
~~bank insurance fund, and savings association insurance fund.~~ The 124484
securities shall be security for the repayment of the certificate 124485
of deposit. 124486

Immediately upon a deposit of cash, certificates of deposit, 124487
or letters of credit with the chief, the chief shall deliver them 124488
to the treasurer of state who shall hold them in trust for the 124489
purposes for which they have been deposited. 124490

(3) Instead of a surety bond, the chief may accept proof of 124491
financial responsibility consisting of a sworn financial statement 124492
showing a net financial worth within this state equal to twice the 124493
amount of the bond for which it substitutes and, as may be 124494
required by the chief, a list of producing properties of the owner 124495
within this state or other evidence showing ability and intent to 124496
comply with the law and rules concerning restoration and plugging 124497
that may be required by rule of the chief. The owner of an exempt 124498
Mississippian well is not required to file scheduled updates of 124499
the financial documents, but shall file updates of those documents 124500
if requested to do so by the chief. The owner of a nonexempt 124501
Mississippian well shall file updates of the financial documents 124502
in accordance with a schedule established by rule of the chief. 124503
The chief, upon determining that an owner for whom the chief has 124504
accepted proof of financial responsibility instead of bond cannot 124505
demonstrate financial responsibility, shall order that the owner 124506
execute and file a bond or deposit cash, certificates of deposit, 124507
or irrevocable letters of credit as required by this section for 124508
the wells specified in the order within ten days of receipt of the 124509
order. If the order is not complied with, all wells of the owner 124510
that are specified in the order and for which no bond is filed or 124511
cash, certificates of deposit, or letters of credit are deposited 124512
shall be plugged. No owner shall fail or refuse to plug such a 124513
well. Each day on which such a well remains unplugged thereafter 124514
constitutes a separate offense. 124515

(4) The surety bond provided for in this section shall be 124516
executed by a surety company authorized to do business in this 124517
state. 124518

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

Sec. 1509.225. (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in

lieu of a surety bond, cash in an amount equal to the surety bond 124550
as prescribed in this section, or negotiable certificates of 124551
deposit issued by any bank organized or transacting business in 124552
this state, ~~or certificates of deposit issued by any building and~~ 124553
~~loan association as defined in section 1151.01 of the Revised~~ 124554
~~Code,~~ having a cash value equal to or greater than the amount of 124555
the surety bond as prescribed in this section. Cash or 124556
certificates of deposit shall be deposited upon the same terms as 124557
those upon which surety bonds may be deposited. If certificates of 124558
deposit are deposited with the chief in lieu of a surety bond, the 124559
chief shall require the bank ~~or building and loan association~~ that 124560
issued any such certificate to pledge securities of a cash value 124561
equal to the amount of the certificate that is in excess of the 124562
amount insured by any of the agencies and instrumentalities 124563
created under the "Federal Deposit Insurance Act," 64 Stat. 873 124564
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 124565
it, including at least the federal deposit insurance corporation, 124566
~~bank insurance fund, and savings association insurance fund.~~ 124567

Such securities shall be security for the repayment of the 124568
certificate of deposit. Immediately upon a deposit of cash or 124569
certificates with the chief, the chief shall deliver it to the 124570
treasurer of state who shall hold it in trust for the purposes for 124571
which it has been deposited. 124572

(B) The surety bond provided for in this section shall be 124573
executed by a surety company authorized to do business in this 124574
state. The chief shall not approve any bond until it is personally 124575
signed and acknowledged by both principal and surety, or as to 124576
either by an attorney in fact, with a certified copy of the power 124577
of attorney attached thereto. The chief shall not approve the bond 124578
unless there is attached a certificate of the superintendent of 124579
insurance that the company is authorized to transact a fidelity 124580
and surety business in this state. All bonds shall be given in a 124581

form to be prescribed by the chief. 124582

(C) If a registered transporter is found liable for a 124583
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 124584
Code or a rule, order, or term or condition of a certificate 124585
involving, in any case, damage or injury to persons or property, 124586
or both, the court may order the forfeiture of any portion of the 124587
bond, cash, or other securities required by this section in full 124588
or partial payment of damages to the person to whom the damages 124589
are due. The treasurer of state and the chief shall deliver the 124590
bond or any cash or other securities deposited in lieu of bond, as 124591
specified in the court's order, to the person to whom the damages 124592
are due; however, execution against the bond, cash, or other 124593
securities, if necessary, is the responsibility of the person to 124594
whom the damages are due. The chief shall not release the bond, 124595
cash, or securities required by this section except by court order 124596
or until the registration is terminated. 124597

Sec. 1510.09. (A) There is hereby established a fund for any 124598
marketing program that is established by the technical advisory 124599
council under this chapter. The fund shall be in the custody of 124600
the treasurer of state, but shall not be part of the state 124601
treasury. Except as authorized in division (B) of this section, 124602
all money collected pursuant to section 1510.08 of the Revised 124603
Code for the marketing program shall be paid into the fund for the 124604
marketing program and shall be disbursed only pursuant to a 124605
voucher signed by the chairperson of the council for use in 124606
defraying the costs of administration of the marketing program and 124607
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 124608
Revised Code. 124609

(B) In lieu of deposits in the fund established under 124610
division (A) of this section, the operating committee of a 124611
marketing program established under this chapter may deposit all 124612

money collected pursuant to section 1510.08 of the Revised Code 124613
with a bank ~~or a savings and loan association~~ as defined in 124614
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 124615
money collected pursuant to section 1510.08 of the Revised Code 124616
for the marketing program and deposited pursuant to this division 124617
also shall be used only in defraying the costs of administration 124618
of the marketing program and for carrying out sections 1510.02, 124619
1510.03, and 1510.11 of the Revised Code. 124620

(C) The operating committee shall establish a fiscal year for 124621
its marketing program, shall publish an activity and financial 124622
report within sixty days of the end of each fiscal year, and shall 124623
make the report available to each producer who pays an assessment 124624
or otherwise contributes to the marketing program that the 124625
committee administers and to other interested persons. 124626

(D) In addition to the report required by division (C) of 124627
this section, an operating committee that deposits money in 124628
accordance with division (B) of this section shall annually submit 124629
to the council a financial statement prepared by a certified 124630
public accountant holding valid certification from the Ohio board 124631
of accountancy issued pursuant to Chapter 4701. of the Revised 124632
Code. The operating committee shall file the financial statement 124633
with the council not more than one hundred fifty days after the 124634
end of each fiscal year. 124635

Sec. 1514.04. (A) Upon receipt of notification from the chief 124636
of the division of mineral resources management of the chief's 124637
intent to issue an order granting a surface or in-stream mining 124638
permit to the applicant, the applicant shall file a surety bond, 124639
cash, an irrevocable letter of credit, or certificates of deposit 124640
in the amount, unless otherwise provided by rule, of ten thousand 124641
dollars. If the amount of land to be affected is more than twenty 124642
acres, the applicant also shall file a surety bond, cash, an 124643

irrevocable letter of credit, or certificates of deposit in the 124644
amount of five hundred dollars per acre of land to be affected 124645
that exceeds twenty acres. Upon receipt of notification from the 124646
chief of the chief's intent to issue an order granting an 124647
amendment to a surface or in-stream mining permit, the applicant 124648
shall file a surety bond, cash, an irrevocable letter of credit, 124649
or certificates of deposit in the amount required in this 124650
division. 124651

In the case of a surface mining permit, the bond shall be 124652
filed based on the number of acres estimated to be affected during 124653
the first year of operation under the permit. In the case of an 124654
amendment to a surface mining permit, the bond shall be filed 124655
based on the number of acres estimated to be affected during the 124656
balance of the period until the next anniversary date of the 124657
permit. 124658

In the case of an in-stream mining permit, the bond shall be 124659
filed based on the number of acres of land within the limits of 124660
the in-stream mining permit for the entire permit period. In the 124661
case of an amendment to an in-stream mining permit, the bond shall 124662
be filed based on the number of any additional acres of land to be 124663
affected within the limits of the in-stream mining permit. 124664

(B) A surety bond filed pursuant to this section and sections 124665
1514.02 and 1514.03 of the Revised Code shall be upon the form 124666
that the chief prescribes and provides and shall be signed by the 124667
operator as principal and by a surety company authorized to 124668
transact business in the state as surety. The bond shall be 124669
payable to the state and shall be conditioned upon the faithful 124670
performance by the operator of all things to be done and performed 124671
by the operator as provided in this chapter and the rules and 124672
orders of the chief adopted or issued pursuant thereto. 124673

The operator may deposit with the chief, in lieu of a surety 124674

bond, cash in an amount equal to the surety bond as prescribed in 124675
this section, or an irrevocable letter of credit or negotiable 124676
certificates of deposit issued by any bank organized or 124677
transacting business in this state, ~~or an irrevocable letter of~~ 124678
~~credit or certificates of deposit issued by any savings and loan~~ 124679
~~association as defined in section 1151.01 of the Revised Code,~~ 124680
having a cash value equal to or greater than the amount of the 124681
surety bond as prescribed in this section. Cash or certificates of 124682
deposit shall be deposited upon the same terms as the terms upon 124683
which surety bonds may be deposited. If one or more certificates 124684
of deposit are deposited with the chief in lieu of a surety bond, 124685
the chief shall require the bank ~~or savings and loan association~~ 124686
that issued any such certificate to pledge securities of a cash 124687
value equal to the amount of the certificate, or certificates, 124688
that is in excess of the amount insured by the federal deposit 124689
insurance corporation. The securities shall be security for the 124690
repayment of the certificate of deposit. 124691

(C) Immediately upon a deposit of cash, a letter of credit, 124692
or certificates with the chief, the chief shall deliver it to the 124693
treasurer of state who shall hold it in trust for the purposes for 124694
which it has been deposited. The treasurer of state shall be 124695
responsible for the safekeeping of such deposits. An operator 124696
making a deposit of cash, a letter of credit, or certificates of 124697
deposit may withdraw and receive from the treasurer of state, on 124698
the written order of the chief, all or any part of the cash, 124699
letter of credit, or certificates in the possession of the 124700
treasurer of state, upon depositing with the treasurer of state 124701
cash, or an irrevocable letter of credit, or negotiable 124702
certificates of deposit issued by any bank organized or 124703
transacting business in this state, ~~or an irrevocable letter of~~ 124704
~~credit or certificates of deposit issued by any savings and loan~~ 124705
~~association,~~ equal in value to the value of the cash, letter of 124706
credit, or certificates withdrawn. An operator may demand and 124707

receive from the treasurer of state all interest or other income 124708
from any certificates as it becomes due. If certificates deposited 124709
with and in the possession of the treasurer of state mature or are 124710
called for payment by the issuer thereof, the treasurer of state, 124711
at the request of the operator who deposited them, shall convert 124712
the proceeds of the redemption or payment of the certificates into 124713
such other negotiable certificates of deposit issued by any bank 124714
organized or transacting business in this state, ~~such other~~ 124715
~~certificates of deposit issued by any savings and loan~~ 124716
~~association,~~ or cash, as may be designated by the operator. 124717

(D) A governmental agency, as defined in division (A) of 124718
section 1514.022 of the Revised Code, or a board or commission 124719
that derives its authority from a governmental agency shall not 124720
require a surface or in-stream mining operator to file a surety 124721
bond or any other form of financial assurance for the reclamation 124722
of land to be affected by a surface or in-stream mining operation 124723
authorized under this chapter. 124724

Sec. 1707.03. (A) As used in this section, "exempt" means 124725
that, except in the case of securities the right to buy, sell, or 124726
deal in which has been suspended or revoked under an existing 124727
order of the division of securities under section 1707.13 of the 124728
Revised Code or under a cease and desist order under division (G) 124729
of section 1707.23 of the Revised Code, transactions in securities 124730
may be carried on and completed without compliance with sections 124731
1707.08 to 1707.11 of the Revised Code. 124732

(B) A sale of securities made by or on behalf of a bona fide 124733
owner, neither the issuer nor a dealer, is exempt if the sale is 124734
made in good faith and not for the purpose of avoiding this 124735
chapter and is not made in the course of repeated and successive 124736
transactions of a similar character. Any sale of securities over a 124737
stock exchange that is lawfully conducted in this state and 124738

regularly open for public patronage and that has been established 124739
and operated for a period of at least five years prior to the sale 124740
at a commission not exceeding the commission regularly charged in 124741
such transactions also is exempt. 124742

(C) The sale of securities by executors, administrators, 124743
receivers, trustees, or anyone acting in a fiduciary capacity is 124744
exempt, where such relationship was created by law, by a will, or 124745
by judicial authority, and where such sales are subject to 124746
approval by, or are made in pursuance to authority granted by, any 124747
court of competent jurisdiction or are otherwise authorized and 124748
lawfully made by such fiduciary. 124749

(D) A sale to the issuer, to a dealer, or to an institutional 124750
investor is exempt. 124751

(E) A sale in good faith, and not for the purpose of avoiding 124752
this chapter, by a pledgee of a security pledged for a bona fide 124753
debt is exempt. 124754

(F) The sale at public auction by a corporation of shares of 124755
its stock because of delinquency in payment for the shares is 124756
exempt. 124757

(G)(1) The giving of any conversion right with, or on account 124758
of the purchase of, any security that is exempt, is the subject 124759
matter of an exempt transaction, has been registered by 124760
description, by coordination, or by qualification, or is the 124761
subject matter of a transaction that has been registered by 124762
description is exempt. 124763

(2) The giving of any subscription right, warrant, or option 124764
to purchase a security or right to receive a security upon 124765
exchange, which security is exempt at the time the right, warrant, 124766
or option to purchase or right to receive is given, is the subject 124767
matter of an exempt transaction, is registered by description, by 124768
coordination, or by qualification, or is the subject matter of a 124769

transaction that has been registered by description is exempt. 124770

(3) The giving of any subscription right or any warrant or 124771
option to purchase a security, which right, warrant, or option 124772
expressly provides that it shall not be exercisable except for a 124773
security that at the time of the exercise is exempt, is the 124774
subject matter of an exempt transaction, is registered by 124775
description, by coordination, or by qualification, or at such time 124776
is the subject matter of a transaction that has been registered by 124777
description is exempt. 124778

(H) The sale of notes, bonds, or other evidences of 124779
indebtedness that are secured by a mortgage lien upon real estate, 124780
leasehold estate other than oil, gas, or mining leasehold, or 124781
tangible personal property, or which evidence of indebtedness is 124782
due under or based upon a conditional-sale contract, if all such 124783
notes, bonds, or other evidences of indebtedness are sold to a 124784
single purchaser at a single sale, is exempt. 124785

(I) The delivery of securities by the issuer on the exercise 124786
of conversion rights, the sale of securities by the issuer on 124787
exercise of subscription rights or of warrants or options to 124788
purchase securities, the delivery of voting-trust certificates for 124789
securities deposited under a voting-trust agreement, the delivery 124790
of deposited securities on surrender of voting-trust certificates, 124791
and the delivery of final certificates on surrender of interim 124792
certificates are exempt; but the sale of securities on exercise of 124793
subscription rights, warrants, or options is not an exempt 124794
transaction unless those rights, warrants, or options when granted 124795
were the subject matter of an exempt transaction under division 124796
(G) of this section or were registered by description, by 124797
coordination, or by qualification. 124798

(J) The sale of securities by a bank, savings and loan 124799
association, savings bank, or credit union organized under the 124800
laws of the United States or of this state is exempt if at a 124801

profit to that seller of not more than two per cent of the total 124802
sale price of the securities. 124803

(K)(1) The distribution by a corporation of its securities to 124804
its security holders as a share dividend or other distribution out 124805
of earnings or surplus is exempt. 124806

(2) The exchange or distribution by the issuer of any of its 124807
securities or of the securities of any of the issuer's wholly 124808
owned subsidiaries exclusively with or to its existing security 124809
holders, if no commission or other remuneration is given directly 124810
or indirectly for soliciting the exchange, is exempt. 124811

(3) The sale of preorganization subscriptions for shares of 124812
stock of a corporation prior to the incorporation of the 124813
corporation is exempt, when the sale is evidenced by a written 124814
agreement, no remuneration is given, or promised, directly or 124815
indirectly, for or in connection with the sale of those 124816
securities, and no consideration is received, directly or 124817
indirectly, by any person from the purchasers of those securities 124818
until registration by qualification, by coordination, or by 124819
description of those securities is made under this chapter. 124820

(L) The issuance of securities in exchange for one or more 124821
bona fide outstanding securities, claims, or property interests, 124822
not including securities sold for a consideration payable in whole 124823
or in part in cash, under a plan of reorganization, 124824
recapitalization, or refinancing approved by a court pursuant to 124825
the Bankruptcy Act of the United States or to any other federal 124826
act giving any federal court jurisdiction over such plan of 124827
reorganization, or under a plan of reorganization approved by a 124828
court of competent jurisdiction of any state of the United States 124829
is exempt. As used in this division, "reorganization," 124830
"recapitalization," and "refinancing" have the same meanings as in 124831
section 1707.04 of the Revised Code. 124832

(M) A sale by a licensed dealer, acting either as principal 124833
or as agent, of securities issued and outstanding before the sale 124834
is exempt, unless the sale is of one or more of the following: 124835

(1) Securities constituting the whole or a part of an unsold 124836
allotment to or subscription by a dealer as an underwriter or 124837
other participant in the distribution of those securities by the 124838
issuer, whether that distribution is direct or through an 124839
underwriter, provided that, if the issuer is such by reason of 124840
owning one-fourth or more of those securities, the dealer has 124841
knowledge of this fact or reasonable cause to believe this fact; 124842

(2) Any class of shares issued by a corporation when the 124843
number of beneficial owners of that class is less than 124844
twenty-five, with the record owner of securities being deemed the 124845
beneficial owner for this purpose, in the absence of actual 124846
knowledge to the contrary; 124847

(3) Securities that within one year were purchased outside 124848
this state or within one year were transported into this state, if 124849
the dealer has knowledge or reasonable cause to believe, before 124850
the sale of those securities, that within one year they were 124851
purchased outside this state or within one year were transported 124852
into this state; but such a sale of those securities is exempt if 124853
any of the following occurs: 124854

(a) A recognized securities manual contains the names of the 124855
issuer's officers and directors, a balance sheet of the issuer as 124856
of a date within eighteen months, and a profit and loss statement 124857
for either the fiscal year preceding that date or the most recent 124858
year of operations; 124859

(b) Those securities, or securities of the same class, within 124860
one year were registered or qualified under section 1707.09 or 124861
1707.091 of the Revised Code, and that registration or 124862
qualification is in full force and effect; 124863

(c) The sale is made by a licensed dealer on behalf of the bona fide owner of those securities in accordance with division (B) of this section;

(d) Those securities were transported into Ohio in a transaction of the type described in division (L), (K), or (I) of this section, or in a transaction registered under division (A) of section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this section, "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or who participates directly or indirectly in any such undertaking or in the underwriting thereof, but "underwriter" does not include a person whose interest is limited to a discount, commission, or profit from the underwriter or from a dealer that is not in excess of the customary distributors' or sellers' discount, commission, or profit; and "issuer" includes any person or any group of persons acting in concert in the sale of such securities, owning beneficially one-fourth or more of the outstanding securities of the class involved in the transactions in question, with the record owner of securities being deemed the beneficial owner for this purpose, in the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all securities issued or sold by the issuer in reliance upon this exemption during the period of one year ending with the date of the sale does not exceed ten. A sale of securities registered under this chapter or sold pursuant to an exemption under this chapter other than this exemption shall not be integrated with a

sale pursuant to this exemption in computing the number of 124895
purchasers under this exemption. 124896

(c) No advertisement, article, notice, or other communication 124897
published in any newspaper, magazine, or similar medium or 124898
broadcast over television or radio is used in connection with the 124899
sale, but the use of an offering circular or other communication 124900
delivered by the issuer to selected individuals does not destroy 124901
this exemption. 124902

(d) The issuer reasonably believes after reasonable 124903
investigation that the purchaser is purchasing for investment. 124904

(e) The aggregate commission, discount, and other 124905
remuneration, excluding legal, accounting, and printing fees, paid 124906
or given directly or indirectly does not exceed ten per cent of 124907
the initial offering price. 124908

(f) Any such commission, discount, or other remuneration for 124909
sales in this state is paid or given only to dealers or 124910
salespersons registered pursuant to this chapter. 124911

(2) For the purposes of division (0)(1) of this section, each 124912
of the following is deemed to be a single purchaser of a security: 124913
husband and wife, a child and its parent or guardian when the 124914
parent or guardian holds the security for the benefit of the 124915
child, a corporation, a limited liability company, a partnership, 124916
an association or other unincorporated entity, a joint-stock 124917
company, or a trust, but only if the corporation, limited 124918
liability company, partnership, association, entity, joint-stock 124919
company, or trust was not formed for the purpose of purchasing the 124920
security. 124921

(3) As used in division (0)(1) of this section, "equity 124922
security" means any stock or similar security of a corporation or 124923
any membership interest in a limited liability company; or any 124924
security convertible, with or without consideration, into such a 124925

security, or carrying any warrant or right to subscribe to or 124926
purchase such a security; or any such warrant or right; or any 124927
other security that the division considers necessary or 124928
appropriate, by such rules as it may prescribe in the public 124929
interest or for the protection of investors, to treat as an equity 124930
security. 124931

(P) The sale of securities representing interests in or under 124932
profit-sharing or participation agreements relating to oil or gas 124933
wells located in this state, or representing interests in or under 124934
oil or gas leases of real estate situated in this state, is exempt 124935
if the securities are issued by an individual, partnership, 124936
limited partnership, partnership association, syndicate, pool, 124937
trust or trust fund, or other unincorporated association and if 124938
each of the following conditions is complied with: 124939

(1) The beneficial owners of the securities do not, and will 124940
not after the sale, exceed five natural persons; 124941

(2) The securities constitute or represent interests in not 124942
more than one oil or gas well; 124943

(3) A certificate or other instrument in writing is furnished 124944
to each purchaser of the securities at or before the consummation 124945
of the sale, disclosing the maximum commission, compensation for 124946
services, cost of lease, and expenses with respect to the sale of 124947
such interests and with respect to the promotion, development, and 124948
management of the oil or gas well, and the total of that 124949
commission, compensation, costs, and expenses does not exceed 124950
twenty-five per cent of the aggregate interests in the oil or gas 124951
well, exclusive of any landowner's rental or royalty; 124952

(4) The sale is made in good faith and not for the purpose of 124953
avoiding this chapter. 124954

(Q) The sale of any security is exempt if all of the 124955
following conditions are satisfied: 124956

(1) The provisions of section 5 of the Securities Act of 1933 124957
do not apply to the sale by reason of an exemption under section 4 124958
(2) of that act. 124959

(2) The aggregate commission, discount, and other 124960
remuneration, excluding legal, accounting, and printing fees, paid 124961
or given directly or indirectly does not exceed ten per cent of 124962
the initial offering price. 124963

(3) Any such commission, discount, or other remuneration for 124964
sales in this state is paid or given only to dealers or 124965
salespersons registered under this chapter. 124966

(4) The issuer or dealer files with the division of 124967
securities, not later than sixty days after the sale, a report 124968
setting forth the name and address of the issuer, the total amount 124969
of the securities sold under this division, the number of persons 124970
to whom the securities were sold, the price at which the 124971
securities were sold, and the commissions or discounts paid or 124972
given. 124973

(5) The issuer pays a filing fee of one hundred dollars for 124974
the first filing and fifty dollars for every subsequent filing 124975
during each calendar year. 124976

(R) A sale of a money order, travelers' check, or other 124977
instrument for the transmission of money by a person qualified to 124978
engage in such business under ~~section 1109.60~~ or Chapter 1315. of 124979
the Revised Code is exempt. 124980

(S) A sale by a licensed dealer of securities that are in the 124981
process of registration under the Securities Act of 1933, unless 124982
exempt under that act, and that are in the process of 124983
registration, if registration is required under this chapter, is 124984
exempt, provided that no sale of that nature shall be consummated 124985
prior to the registration by description or qualification of the 124986
securities. 124987

(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act

of 1933 and offered and sold in compliance with section 5 of that act; 125020
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(b) At least twenty days prior to the date on which a meeting of the security holders is held or the earliest date on which corporate action may be taken when no meeting is held, there is submitted to the security holders, by that person, or by the person whose securities are to be issued in the transaction, information substantially equivalent to the information that would be required to be included in a proxy statement or information statement prepared by or on behalf of the management of an issuer subject to section 14(a) or 14(c) of the Securities Exchange Act of 1934. 125022
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(V) The sale of any security is exempt if the division by rule finds that registration is not necessary or appropriate in the public interest or for the protection of investors. 125032
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(W) Any offer or sale of securities made in reliance on the exemptions provided by Rule 505 of Regulation D made pursuant to the Securities Act of 1933 and the conditions and definitions provided by Rules 501 to 503 thereunder is exempt if the offer or sale satisfies all of the following conditions: 125035
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(1) No commission or other remuneration is given, directly or indirectly, to any person for soliciting or selling to any person in this state in reliance on the exemption under this division, except to dealers licensed in this state. 125040
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(2)(a) Unless the cause for disqualification is waived under division (W)(2)(b) of this section, no exemption under this section is available for the securities of an issuer unless the issuer did not know and in the exercise of reasonable care could not have known that any of the following applies to any of the persons described in Rule 262(a) to (c) of Regulation A under the Securities Act of 1933: 125044
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(i) The person has filed an application for registration or 125051
qualification that is the subject of an effective order entered 125052
against the issuer, its officers, directors, general partners, 125053
controlling persons or affiliates thereof, pursuant to the law of 125054
any state within five years before the filing of a notice required 125055
under division (W)(3) of this section denying effectiveness to, or 125056
suspending or revoking the effectiveness of, the registration 125057
statement. 125058

(ii) The person has been convicted of any offense in 125059
connection with the offer, sale, or purchase of any security or 125060
franchise, or any felony involving fraud or deceit, including, but 125061
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 125062
to defraud. 125063

(iii) The person is subject to an effective administrative 125064
order or judgment that was entered by a state securities 125065
administrator within five years before the filing of a notice 125066
required under division (W)(3) of this section and that prohibits, 125067
denies, or revokes the use of any exemption from securities 125068
registration, prohibits the transaction of business by the person 125069
as a dealer, or is based on fraud, deceit, an untrue statement of 125070
a material fact, or an omission to state a material fact. 125071

(iv) The person is subject to any order, judgment, or decree 125072
of any court entered within five years before the filing of a 125073
notice required under division (W)(3) of this section, 125074
temporarily, preliminarily, or permanently restraining or 125075
enjoining the person from engaging in or continuing any conduct or 125076
practice in connection with the offer, sale, or purchase of any 125077
security, or the making of any false filing with any state. 125078

(b)(i) Any disqualification under this division involving a 125079
dealer may be waived if the dealer is or continues to be licensed 125080
in this state as a dealer after notifying the commissioner of the 125081
act or event causing disqualification. 125082

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission.	125114
(Y) The offer or sale of securities by an issuer is exempt provided that all of the following apply:	125115 125116
(1) The sale of securities is made only to persons who are, or who the issuer reasonably believes are, accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.	125117 125118 125119 125120
(2) The issuer reasonably believes that all purchasers are purchasing for investment and not with a view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within twelve months of sale shall be presumed to be with a view to distribution and not for investment, except a resale to which any of the following applies:	125121 125122 125123 125124 125125 125126 125127
(a) The resale is pursuant to a registration statement effective under section 1707.09 or 1707.091 of the Revised Code.	125128 125129
(b) The resale is to an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933.	125130 125131
(c) The resale is to an institutional investor pursuant to the exemptions under division (B) or (D) of this section.	125132 125133
(3) The exemption under this division is not available to an issuer that is in the development stage and that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entities or persons.	125134 125135 125136 125137 125138
(4) The exemption under this division is not available to an issuer, if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, or beneficial owners of ten per cent or more of any class of its equity securities, any of the issuer's promoters	125139 125140 125141 125142 125143

presently connected with the issuer in any capacity, any 125144
underwriter of the securities to be offered, or any partner, 125145
director, or officer of such underwriter: 125146

(a) Within the past five years, has filed a registration 125147
statement that is the subject of a currently effective 125148
registration stop order entered by any state securities 125149
administrator or the securities and exchange commission; 125150

(b) Within the past five years, has been convicted of any 125151
criminal offense in connection with the offer, purchase, or sale 125152
of any security, or involving fraud or deceit; 125153

(c) Is currently subject to any state or federal 125154
administrative enforcement order or judgment, entered within the 125155
past five years, finding fraud or deceit in connection with the 125156
purchase or sale of any security; 125157

(d) Is currently subject to any order, judgment, or decree of 125158
any court of competent jurisdiction, entered within the past five 125159
years, that temporarily, preliminarily, or permanently restrains 125160
or enjoins the party from engaging in or continuing to engage in 125161
any conduct or practice involving fraud or deceit in connection 125162
with the purchase or sale of any security. 125163

(5) Division (Y)(4) of this section is inapplicable if any of 125164
the following applies: 125165

(a) The party subject to the disqualification is licensed or 125166
registered to conduct securities business in the state in which 125167
the order, judgment, or decree creating the disqualification was 125168
entered against the party described in division (Y)(4) of this 125169
section. 125170

(b) Before the first offer is made under this exemption, the 125171
state securities administrator, or the court or regulatory 125172
authority that entered the order, judgment, or decree, waives the 125173
disqualification. 125174

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

following applies: 125205

(a) The information is delivered through an electronic 125206
database that is restricted to persons that are accredited 125207
investors as defined in Rule 501 of Regulation D under the 125208
Securities Act of 1933. 125209

(b) The information is delivered after the issuer reasonably 125210
believes that the prospective purchaser is an accredited investor 125211
as defined in Rule 501 of Regulation D under the Securities Act of 125212
1933. 125213

(8) No telephone solicitation shall be done, unless prior to 125214
placing the telephone call, the issuer reasonably believes that 125215
the prospective purchaser to be solicited is an accredited 125216
investor as defined in Rule 501 of Regulation D under the 125217
Securities Act of 1933. 125218

(9) Dissemination of the general announcement described in 125219
division (Y)(6) of this section to persons that are not accredited 125220
investors, as defined in Rule 501 of Regulation D under the 125221
Securities Act of 1933, does not disqualify the issuer from 125222
claiming an exemption under this division. 125223

(10) The issuer shall file with the division notice of the 125224
offering of securities within fifteen days after notice of the 125225
offering is made or a general announcement is made in this state. 125226
The filing shall be on forms adopted by the division and shall 125227
include a copy of the general announcement, if one is made 125228
regarding the proposed offering, and copies of any offering 125229
materials, circulars, or prospectuses. A filing fee of one hundred 125230
dollars also shall be included. 125231

Sec. 1901.31. The clerk and deputy clerks of a municipal 125232
court shall be selected, be compensated, give bond, and have 125233
powers and duties as follows: 125234

(A) There shall be a clerk of the court who is appointed or
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton
county, Miami county, Montgomery county, Portage county, and Wayne
county municipal courts and through December 31, 2008, the
Cuyahoga Falls municipal court, if the population of the territory
equals or exceeds one hundred thousand at the regular municipal
election immediately preceding the expiration of the term of the
present clerk, the clerk shall be nominated and elected by the
qualified electors of the territory in the manner that is provided
for the nomination and election of judges in section 1901.07 of
the Revised Code.

The clerk so elected shall hold office for a term of six
years, which term shall commence on the first day of January
following the clerk's election and continue until the clerk's
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of
courts of Hamilton county shall be the clerk of the municipal
court and may appoint an assistant clerk who shall receive the
compensation, payable out of the treasury of Hamilton county in
semimonthly installments, that the board of county commissioners
prescribes. The clerk of courts of Hamilton county, acting as the
clerk of the Hamilton county municipal court and assuming the
duties of that office, shall receive compensation at one-fourth
the rate that is prescribed for the clerks of courts of common
pleas as determined in accordance with the population of the
county and the rates set forth in sections 325.08 and 325.18 of
the Revised Code. This compensation shall be paid from the county
treasury in semimonthly installments and is in addition to the
annual compensation that is received for the performance of the
duties of the clerk of courts of Hamilton county, as provided in
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, 125267
the clerks of courts of Portage county and Wayne county shall be 125268
the clerks, respectively, of the Portage county and Wayne county 125269
municipal courts and may appoint a chief deputy clerk for each 125270
branch that is established pursuant to section 1901.311 of the 125271
Revised Code and assistant clerks as the judges of the municipal 125272
court determine are necessary, all of whom shall receive the 125273
compensation that the legislative authority prescribes. The clerks 125274
of courts of Portage county and Wayne county, acting as the clerks 125275
of the Portage county and Wayne county municipal courts and 125276
assuming the duties of these offices, shall receive compensation 125277
payable from the county treasury in semimonthly installments at 125278
one-fourth the rate that is prescribed for the clerks of courts of 125279
common pleas as determined in accordance with the population of 125280
the county and the rates set forth in sections 325.08 and 325.18 125281
of the Revised Code. 125282

(d) In the Montgomery county and Miami county municipal 125283
courts, the clerks of courts of Montgomery county and Miami county 125284
shall be the clerks, respectively, of the Montgomery county and 125285
Miami county municipal courts. The clerks of courts of Montgomery 125286
county and Miami county, acting as the clerks of the Montgomery 125287
county and Miami county municipal courts and assuming the duties 125288
of these offices, shall receive compensation at one-fourth the 125289
rate that is prescribed for the clerks of courts of common pleas 125290
as determined in accordance with the population of the county and 125291
the rates set forth in sections 325.08 and 325.18 of the Revised 125292
Code. This compensation shall be paid from the county treasury in 125293
semimonthly installments and is in addition to the annual 125294
compensation that is received for the performance of the duties of 125295
the clerks of courts of Montgomery county and Miami county, as 125296
provided in sections 325.08 and 325.18 of the Revised Code. 125297

(e) Except as otherwise provided in division (A)(1)(e) of 125298

this section, in the Akron municipal court, candidates for 125299
election to the office of clerk of the court shall be nominated by 125300
primary election. The primary election shall be held on the day 125301
specified in the charter of the city of Akron for the nomination 125302
of municipal officers. Notwithstanding any contrary provision of 125303
section 3513.05 or 3513.257 of the Revised Code, the declarations 125304
of candidacy and petitions of partisan candidates and the 125305
nominating petitions of independent candidates for the office of 125306
clerk of the Akron municipal court shall be signed by at least 125307
fifty qualified electors of the territory of the court. 125308

The candidates shall file a declaration of candidacy and 125309
petition, or a nominating petition, whichever is applicable, not 125310
later than four p.m. of the ninetieth day before the day of the 125311
primary election, in the form prescribed by section 3513.07 or 125312
3513.261 of the Revised Code. The declaration of candidacy and 125313
petition, or the nominating petition, shall conform to the 125314
applicable requirements of section 3513.05 or 3513.257 of the 125315
Revised Code. 125316

If no valid declaration of candidacy and petition is filed by 125317
any person for nomination as a candidate of a particular political 125318
party for election to the office of clerk of the Akron municipal 125319
court, a primary election shall not be held for the purpose of 125320
nominating a candidate of that party for election to that office. 125321
If only one person files a valid declaration of candidacy and 125322
petition for nomination as a candidate of a particular political 125323
party for election to that office, a primary election shall not be 125324
held for the purpose of nominating a candidate of that party for 125325
election to that office, and the candidate shall be issued a 125326
certificate of nomination in the manner set forth in section 125327
3513.02 of the Revised Code. 125328

Declarations of candidacy and petitions, nominating 125329
petitions, and certificates of nomination for the office of clerk 125330

of the Akron municipal court shall contain a designation of the 125331
term for which the candidate seeks election. At the following 125332
regular municipal election, all candidates for the office shall be 125333
submitted to the qualified electors of the territory of the court 125334
in the manner that is provided in section 1901.07 of the Revised 125335
Code for the election of the judges of the court. The clerk so 125336
elected shall hold office for a term of six years, which term 125337
shall commence on the first day of January following the clerk's 125338
election and continue until the clerk's successor is elected and 125339
qualified. 125340

(f) Except as otherwise provided in division (A)(1)(f) of 125341
this section, in the Barberton municipal court, candidates for 125342
election to the office of clerk of the court shall be nominated by 125343
primary election. The primary election shall be held on the day 125344
specified in the charter of the city of Barberton for the 125345
nomination of municipal officers. Notwithstanding any contrary 125346
provision of section 3513.05 or 3513.257 of the Revised Code, the 125347
declarations of candidacy and petitions of partisan candidates and 125348
the nominating petitions of independent candidates for the office 125349
of clerk of the Barberton municipal court shall be signed by at 125350
least fifty qualified electors of the territory of the court. 125351

The candidates shall file a declaration of candidacy and 125352
petition, or a nominating petition, whichever is applicable, not 125353
later than four p.m. of the ninetieth day before the day of the 125354
primary election, in the form prescribed by section 3513.07 or 125355
3513.261 of the Revised Code. The declaration of candidacy and 125356
petition, or the nominating petition, shall conform to the 125357
applicable requirements of section 3513.05 or 3513.257 of the 125358
Revised Code. 125359

If no valid declaration of candidacy and petition is filed by 125360
any person for nomination as a candidate of a particular political 125361
party for election to the office of clerk of the Barberton 125362

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 125395

The candidates shall file a declaration of candidacy and 125396
petition, or a nominating petition, whichever is applicable, not 125397
later than four p.m. of the ninetieth day before the day of the 125398
primary election, in the form prescribed by section 3513.07 or 125399
3513.261 of the Revised Code. The declaration of candidacy and 125400
petition, or the nominating petition, shall conform to the 125401
applicable requirements of section 3513.05 or 3513.257 of the 125402
Revised Code. 125403

If no valid declaration of candidacy and petition is filed by 125404
any person for nomination as a candidate of a particular political 125405
party for election to the office of clerk of the Cuyahoga Falls 125406
municipal court, a primary election shall not be held for the 125407
purpose of nominating a candidate of that party for election to 125408
that office. If only one person files a valid declaration of 125409
candidacy and petition for nomination as a candidate of a 125410
particular political party for election to that office, a primary 125411
election shall not be held for the purpose of nominating a 125412
candidate of that party for election to that office, and the 125413
candidate shall be issued a certificate of nomination in the 125414
manner set forth in section 3513.02 of the Revised Code. 125415

Declarations of candidacy and petitions, nominating 125416
petitions, and certificates of nomination for the office of clerk 125417
of the Cuyahoga Falls municipal court shall contain a designation 125418
of the term for which the candidate seeks election. At the 125419
following regular municipal election, all candidates for the 125420
office shall be submitted to the qualified electors of the 125421
territory of the court in the manner that is provided in section 125422
1901.07 of the Revised Code for the election of the judges of the 125423
court. The clerk so elected shall hold office for a term of six 125424
years, which term shall commence on the first day of January 125425
following the clerk's election and continue until the clerk's 125426

successor is elected and qualified. 125427

(ii) Division (A)(1)(g)(i) of this section shall have no 125428
effect after December 31, 2008. 125429

(h) Except as otherwise provided in division (A)(1)(h) of 125430
this section, in the Toledo municipal court, candidates for 125431
election to the office of clerk of the court shall be nominated by 125432
primary election. The primary election shall be held on the day 125433
specified in the charter of the city of Toledo for the nomination 125434
of municipal officers. Notwithstanding any contrary provision of 125435
section 3513.05 or 3513.257 of the Revised Code, the declarations 125436
of candidacy and petitions of partisan candidates and the 125437
nominating petitions of independent candidates for the office of 125438
clerk of the Toledo municipal court shall be signed by at least 125439
fifty qualified electors of the territory of the court. 125440

The candidates shall file a declaration of candidacy and 125441
petition, or a nominating petition, whichever is applicable, not 125442
later than four p.m. of the ninetieth day before the day of the 125443
primary election, in the form prescribed by section 3513.07 or 125444
3513.261 of the Revised Code. The declaration of candidacy and 125445
petition, or the nominating petition, shall conform to the 125446
applicable requirements of section 3513.05 or 3513.257 of the 125447
Revised Code. 125448

If no valid declaration of candidacy and petition is filed by 125449
any person for nomination as a candidate of a particular political 125450
party for election to the office of clerk of the Toledo municipal 125451
court, a primary election shall not be held for the purpose of 125452
nominating a candidate of that party for election to that office. 125453
If only one person files a valid declaration of candidacy and 125454
petition for nomination as a candidate of a particular political 125455
party for election to that office, a primary election shall not be 125456
held for the purpose of nominating a candidate of that party for 125457
election to that office, and the candidate shall be issued a 125458

certificate of nomination in the manner set forth in section 125459
3513.02 of the Revised Code. 125460

Declarations of candidacy and petitions, nominating 125461
petitions, and certificates of nomination for the office of clerk 125462
of the Toledo municipal court shall contain a designation of the 125463
term for which the candidate seeks election. At the following 125464
regular municipal election, all candidates for the office shall be 125465
submitted to the qualified electors of the territory of the court 125466
in the manner that is provided in section 1901.07 of the Revised 125467
Code for the election of the judges of the court. The clerk so 125468
elected shall hold office for a term of six years, which term 125469
shall commence on the first day of January following the clerk's 125470
election and continue until the clerk's successor is elected and 125471
qualified. 125472

(2)(a) Except for the Alliance, Auglaize county, Brown 125473
county, Columbiana county, Holmes county, Putnam county, Sandusky 125474
county, Lorain, Massillon, and Youngstown municipal courts, in a 125475
municipal court for which the population of the territory is less 125476
than one hundred thousand, the clerk shall be appointed by the 125477
court, and the clerk shall hold office until the clerk's successor 125478
is appointed and qualified. 125479

(b) In the Alliance, Lorain, Massillon, and Youngstown 125480
municipal courts, the clerk shall be elected for a term of office 125481
as described in division (A)(1)(a) of this section. 125482

(c) In the Auglaize county, Brown county, Holmes county, 125483
Putnam county, and Sandusky county municipal courts, the clerks of 125484
courts of Auglaize county, Brown county, Holmes county, Putnam 125485
county, and Sandusky county shall be the clerks, respectively, of 125486
the Auglaize county, Brown county, Holmes county, Putnam county, 125487
and Sandusky county municipal courts and may appoint a chief 125488
deputy clerk for each branch office that is established pursuant 125489
to section 1901.311 of the Revised Code, and assistant clerks as 125490

the judge of the court determines are necessary, all of whom shall 125491
receive the compensation that the legislative authority 125492
prescribes. The clerks of courts of Auglaize county, Brown county, 125493
Holmes county, Putnam county, and Sandusky county, acting as the 125494
clerks of the Auglaize county, Brown county, Holmes county, Putnam 125495
county, and Sandusky county municipal courts and assuming the 125496
duties of these offices, shall receive compensation payable from 125497
the county treasury in semimonthly installments at one-fourth the 125498
rate that is prescribed for the clerks of courts of common pleas 125499
as determined in accordance with the population of the county and 125500
the rates set forth in sections 325.08 and 325.18 of the Revised 125501
Code. 125502

(d) In the Columbiana county municipal court, the clerk of 125503
courts of Columbiana county shall be the clerk of the municipal 125504
court, may appoint a chief deputy clerk for each branch office 125505
that is established pursuant to section 1901.311 of the Revised 125506
Code, and may appoint any assistant clerks that the judges of the 125507
court determine are necessary. All of the chief deputy clerks and 125508
assistant clerks shall receive the compensation that the 125509
legislative authority prescribes. The clerk of courts of 125510
Columbiana county, acting as the clerk of the Columbiana county 125511
municipal court and assuming the duties of that office, shall 125512
receive in either biweekly installments or semimonthly 125513
installments, as determined by the payroll administrator, 125514
compensation payable from the county treasury at one-fourth the 125515
rate that is prescribed for the clerks of courts of common pleas 125516
as determined in accordance with the population of the county and 125517
the rates set forth in sections 325.08 and 325.18 of the Revised 125518
Code. 125519

(3) During the temporary absence of the clerk due to illness, 125520
vacation, or other proper cause, the court may appoint a temporary 125521
clerk, who shall be paid the same compensation, have the same 125522

authority, and perform the same duties as the clerk. 125523

(B) Except in the Hamilton county, Montgomery county, Miami 125524
county, Portage county, and Wayne county municipal courts, if a 125525
vacancy occurs in the office of the clerk of the Alliance, Lorain, 125526
Massillon, or Youngstown municipal court or occurs in the office 125527
of the clerk of a municipal court for which the population of the 125528
territory equals or exceeds one hundred thousand because the clerk 125529
ceases to hold the office before the end of the clerk's term or 125530
because a clerk-elect fails to take office, the vacancy shall be 125531
filled, until a successor is elected and qualified, by a person 125532
chosen by the residents of the territory of the court who are 125533
members of the county central committee of the political party by 125534
which the last occupant of that office or the clerk-elect was 125535
nominated. Not less than five nor more than fifteen days after a 125536
vacancy occurs, those members of that county central committee 125537
shall meet to make an appointment to fill the vacancy. At least 125538
four days before the date of the meeting, the chairperson or a 125539
secretary of the county central committee shall notify each such 125540
member of that county central committee by first class mail of the 125541
date, time, and place of the meeting and its purpose. A majority 125542
of all such members of that county central committee constitutes a 125543
quorum, and a majority of the quorum is required to make the 125544
appointment. If the office so vacated was occupied or was to be 125545
occupied by a person not nominated at a primary election, or if 125546
the appointment was not made by the committee members in 125547
accordance with this division, the court shall make an appointment 125548
to fill the vacancy. A successor shall be elected to fill the 125549
office for the unexpired term at the first municipal election that 125550
is held more than one hundred thirty-five days after the vacancy 125551
occurred. 125552

(C)(1) In a municipal court, other than the Auglaize county, 125553
the Brown county, the Columbiana county, the Holmes county, the 125554

Putnam county, the Sandusky county, and the Lorain municipal 125555
courts, for which the population of the territory is less than one 125556
hundred thousand, the clerk of the municipal court shall receive 125557
the annual compensation that the presiding judge of the court 125558
prescribes, if the revenue of the court for the preceding calendar 125559
year, as certified by the auditor or chief fiscal officer of the 125560
municipal corporation in which the court is located or, in the 125561
case of a county-operated municipal court, the county auditor, is 125562
equal to or greater than the expenditures, including any debt 125563
charges, for the operation of the court payable under this chapter 125564
from the city treasury or, in the case of a county-operated 125565
municipal court, the county treasury for that calendar year, as 125566
also certified by the auditor or chief fiscal officer. If the 125567
revenue of a municipal court, other than the Auglaize county, the 125568
Brown county, the Columbiana county, the Putnam county, the 125569
Sandusky county, and the Lorain municipal courts, for which the 125570
population of the territory is less than one hundred thousand for 125571
the preceding calendar year as so certified is not equal to or 125572
greater than those expenditures for the operation of the court for 125573
that calendar year as so certified, the clerk of a municipal court 125574
shall receive the annual compensation that the legislative 125575
authority prescribes. As used in this division, "revenue" means 125576
the total of all costs and fees that are collected and paid to the 125577
city treasury or, in a county-operated municipal court, the county 125578
treasury by the clerk of the municipal court under division (F) of 125579
this section and all interest received and paid to the city 125580
treasury or, in a county-operated municipal court, the county 125581
treasury in relation to the costs and fees under division (G) of 125582
this section. 125583

(2) In a municipal court, other than the Hamilton county, 125584
Montgomery county, Miami county, Portage county, and Wayne county 125585
municipal courts, for which the population of the territory is one 125586
hundred thousand or more, and in the Lorain municipal court, the 125587

clerk of the municipal court shall receive annual compensation in 125588
a sum equal to eighty-five per cent of the salary of a judge of 125589
the court. 125590

(3) The compensation of a clerk described in division (C)(1) 125591
or (2) of this section and of the clerk of the Columbiana county 125592
municipal court is payable in either semimonthly installments or 125593
biweekly installments, as determined by the payroll administrator, 125594
from the same sources and in the same manner as provided in 125595
section 1901.11 of the Revised Code, except that the compensation 125596
of the clerk of the Carroll county municipal court is payable in 125597
biweekly installments. 125598

(D) Before entering upon the duties of the clerk's office, 125599
the clerk of a municipal court shall give bond of not less than 125600
six thousand dollars to be determined by the judges of the court, 125601
conditioned upon the faithful performance of the clerk's duties. 125602

(E) The clerk of a municipal court may do all of the 125603
following: administer oaths, take affidavits, and issue executions 125604
upon any judgment rendered in the court, including a judgment for 125605
unpaid costs; issue, sign, and attach the seal of the court to all 125606
writs, process, subpoenas, and papers issuing out of the court; 125607
and approve all bonds, sureties, recognizances, and undertakings 125608
fixed by any judge of the court or by law. The clerk may refuse to 125609
accept for filing any pleading or paper submitted for filing by a 125610
person who has been found to be a vexatious litigator under 125611
section 2323.52 of the Revised Code and who has failed to obtain 125612
leave to proceed under that section. The clerk shall do all of the 125613
following: file and safely keep all journals, records, books, and 125614
papers belonging or appertaining to the court; record the 125615
proceedings of the court; perform all other duties that the judges 125616
of the court may prescribe; and keep a book showing all receipts 125617
and disbursements, which book shall be open for public inspection 125618
at all times. 125619

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 125653
of the Revised Code, in the Hamilton county, Lawrence county, and 125654
Ottawa county municipal courts, the clerk shall pay fifty per cent 125655
of the fines received for violation of municipal ordinances and 125656
fifty per cent of the fines received for violation of township 125657
resolutions adopted pursuant to section 503.52 or 503.53 or 125658
Chapter 504. of the Revised Code into the treasury of the county. 125659
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 125660
Code and to any other section of the Revised Code that requires a 125661
specific manner of disbursement of any moneys received by a 125662
municipal court, the clerk shall pay all fines collected for the 125663
violation of state laws into the county treasury. Except in a 125664
county-operated municipal court, the clerk shall pay all costs and 125665
fees the disbursement of which is not otherwise provided for in 125666
the Revised Code into the city treasury. The clerk of a 125667
county-operated municipal court shall pay the costs and fees the 125668
disbursement of which is not otherwise provided for in the Revised 125669
Code into the county treasury. Moneys deposited as security for 125670
costs shall be retained pending the litigation. The clerk shall 125671
keep a separate account of all receipts and disbursements in civil 125672
and criminal cases, which shall be a permanent public record of 125673
the office. On the expiration of the term of the clerk, the clerk 125674
shall deliver the records to the clerk's successor. The clerk 125675
shall have other powers and duties as are prescribed by rule or 125676
order of the court. 125677

(G) All moneys paid into a municipal court shall be noted on 125678
the record of the case in which they are paid and shall be 125679
deposited in a state or national bank, ~~or a domestic savings and~~ 125680
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 125681
Revised Code, that is selected by the clerk. Any interest received 125682
upon the deposits shall be paid into the city treasury, except 125683
that, in a county-operated municipal court, the interest shall be 125684
paid into the treasury of the county in which the court is 125685

located. 125686

On the first Monday in January of each year, the clerk shall 125687
make a list of the titles of all cases in the court that were 125688
finally determined more than one year past in which there remains 125689
unclaimed in the possession of the clerk any funds, or any part of 125690
a deposit for security of costs not consumed by the costs in the 125691
case. The clerk shall give notice of the moneys to the parties who 125692
are entitled to the moneys or to their attorneys of record. All 125693
the moneys remaining unclaimed on the first day of April of each 125694
year shall be paid by the clerk to the city treasurer, except 125695
that, in a county-operated municipal court, the moneys shall be 125696
paid to the treasurer of the county in which the court is located. 125697
The treasurer shall pay any part of the moneys at any time to the 125698
person who has the right to the moneys upon proper certification 125699
of the clerk. 125700

(H) Deputy clerks of a municipal court other than the Carroll 125701
county municipal court may be appointed by the clerk and shall 125702
receive the compensation, payable in either biweekly installments 125703
or semimonthly installments, as determined by the payroll 125704
administrator, out of the city treasury, that the clerk may 125705
prescribe, except that the compensation of any deputy clerk of a 125706
county-operated municipal court shall be paid out of the treasury 125707
of the county in which the court is located. The judge of the 125708
Carroll county municipal court may appoint deputy clerks for the 125709
court, and the deputy clerks shall receive the compensation, 125710
payable in biweekly installments out of the county treasury, that 125711
the judge may prescribe. Each deputy clerk shall take an oath of 125712
office before entering upon the duties of the deputy clerk's 125713
office and, when so qualified, may perform the duties appertaining 125714
to the office of the clerk. The clerk may require any of the 125715
deputy clerks to give bond of not less than three thousand 125716
dollars, conditioned for the faithful performance of the deputy 125717

clerk's duties. 125718

(I) For the purposes of this section, whenever the population 125719
of the territory of a municipal court falls below one hundred 125720
thousand but not below ninety thousand, and the population of the 125721
territory prior to the most recent regular federal census exceeded 125722
one hundred thousand, the legislative authority of the municipal 125723
corporation may declare, by resolution, that the territory shall 125724
be considered to have a population of at least one hundred 125725
thousand. 125726

(J) The clerk or a deputy clerk shall be in attendance at all 125727
sessions of the municipal court, although not necessarily in the 125728
courtroom, and may administer oaths to witnesses and jurors and 125729
receive verdicts. 125730

Sec. 2335.25. Each clerk of a court of record, the sheriff, 125731
and the prosecuting attorney shall enter in a journal or cashbook, 125732
provided at the expense of the county, an accurate account of all 125733
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 125734
prosecuting attorney's official capacity, on the days of the 125735
receipt, and in the order of time so received, with a minute of 125736
the date and suit, or other matter, on account of which the money 125737
was received. The cashbook shall be a public record of the office, 125738
and shall, on the expiration of the term of each such officer, be 125739
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 125740
shall be the receiver of all moneys payable into ~~his~~ the clerk's 125741
office, whether collected by public officers of court or tendered 125742
by other persons, and, on request, shall pay the moneys to the 125743
persons entitled to receive them. 125744

The clerk of the court of common pleas or of the county court 125745
may deposit moneys payable into ~~his~~ the clerk's office in a bank 125746
~~or a building and loan association~~, as defined in section ~~1151.01~~ 125747
1101.01 of the Revised Code, subject to section 131.11 of the 125748

Revised Code. Any interest received upon the deposits shall be 125749
paid into the treasury of the county for which the clerk performs 125750
~~his~~ official duties. 125751

Sec. 3351.07. (A) For the purposes of this chapter, "approved 125752
lender" means any bank as defined in section 1101.01 of the 125753
Revised Code, ~~any domestic savings and loan association as defined~~ 125754
~~in section 1151.01 of the Revised Code,~~ any credit union as 125755
defined in section 1733.01 of the Revised Code, any federal credit 125756
union established pursuant to federal law, any insurance company 125757
organized or authorized to do business in this state, any pension 125758
fund eligible under the "Higher Education Amendments of 1968," 82 125759
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 125760
operation designated under division (B) of this section, or any 125761
secondary market operation established pursuant to the "Education 125762
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 125763
or under the laws of any state. 125764

(B) The governor may designate one nonprofit corporation 125765
secondary market operation to be the single nonprofit private 125766
agency designated by the state under the "Higher Education Act of 125767
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 125768
designation in effect on ~~the effective date of this amendment~~ 125769
October 16, 2009, expires December 31, 2009. Each designation 125770
after ~~the effective date of this amendment~~ October 16, 2009, shall 125771
be made by competitive selection and shall be valid for one year. 125772
The controlling board shall not waive the competitive selection 125773
requirement. 125774

(C) The nonprofit corporation designated by the governor 125775
under division (B) of this section as the private agency secondary 125776
market operation shall be considered to be an agency of the state, 125777
in accordance with section 435(d)(1)(F) of the "Higher Education 125778
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 125779

amended, exclusively for the purpose of functioning as a secondary 125780
student loan market. The corporation shall be considered a state 125781
agency only for the purposes of this division and no other 125782
division or section of the Revised Code regarding state agencies 125783
shall apply to the corporation. No liability or obligation 125784
incurred by the corporation shall be considered to be a liability 125785
or debt of the state, nor shall the state be construed to act as 125786
guarantor of any debt of the corporation. 125787

(D) The nonprofit corporation designated under division (B) 125788
of this section shall designate a separate nonprofit corporation 125789
to operate exclusively for charitable and educational purposes, 125790
complementing and supplementing the designating corporation's 125791
secondary market operation for student loans authorized under the 125792
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 125793
as amended, and promoting the general health and welfare of the 125794
state, the public interest, and a public purpose through improving 125795
student assistance programs by expanding access to higher 125796
education financing programs for students and families in need of 125797
student financial aid. In furtherance of such purposes, the 125798
separate nonprofit corporation may do all of the following: 125799

(1) Assist educational institutions in establishing financial 125800
aid programs to help students obtain an economical education; 125801

(2) Encourage financial institutions to increase educational 125802
opportunities by making funds available to both students and 125803
educational institutions; 125804

(3) Make available financial aid that supplements the 125805
financial assistance provided by eligible and approved lenders 125806
under state and federal programs; 125807

(4) Develop and administer programs that do all of the 125808
following: 125809

(a) Provide financial aid and incidental student financial 125810

aid information to students and their parents or other persons 125811
responsible for paying educational costs of those students at 125812
educational institutions; 125813

(b) Provide financial aid and information relating to it to 125814
and through educational institutions, enabling those institutions 125815
to assist students financially in obtaining an education and fully 125816
expanding their intellectual capacity and skills; 125817

(c) Better enable financial institutions to participate in 125818
student loan programs and other forms of financial aid, assisting 125819
students and educational institutions to increase education 125820
excellence and accessibility. 125821

(E) The nonprofit corporation designated under authority of 125822
division (D) of this section shall do both of the following: 125823

(1) Establish the criteria, standards, terms, and conditions 125824
for participation by students, parents, educational institutions, 125825
and financial institutions in that corporation's programs; 125826

(2) Provide the governor a report of its programs and a copy 125827
of its audited financial statements not later than one hundred 125828
eighty days after the end of each fiscal year of the corporation. 125829

No liability, obligation, or debt incurred by the corporation 125830
designated under authority of division (D) of this section or by 125831
any person under that corporation's programs shall be, or be 125832
considered to be, a liability, obligation, or debt of, or a pledge 125833
of the faith and credit of, the state, any political subdivision 125834
of the state, or any state-supported or state-assisted institution 125835
of higher education, nor shall the state or any political 125836
subdivision of the state or any state-supported or state-assisted 125837
institution of higher education be or be construed to act as an 125838
obligor under or guarantor of any liability, obligation, or debt 125839
of that corporation or of any person under that corporation's 125840
programs or incur or be construed to have incurred any other 125841

liability, obligation, or debt as a result of any acts of the corporation. 125842
125843

(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 125844
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Sec. 3767.41. (A) As used in this section: 125849

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 125850
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 125861
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 125869
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(i) Each building on the site is structurally sound, secure,	125873
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);	125874
(ii) Each building's domestic water, electrical system,	125875
elevators, emergency power, fire protection, HVAC, and sanitary	125876
system is free of health and safety hazards, functionally	125877
adequate, operable, and in good repair, as defined in 24 C.F.R.	125878
5.703(c);	125879
(iii) Each dwelling unit within the building is structurally	125880
sound, habitable, and in good repair, and all areas and aspects of	125881
the dwelling unit are free of health and safety hazards,	125882
functionally adequate, operable, and in good repair, as defined in	125883
24 C.F.R. 5.703(d)(1);	125884
(iv) Where applicable, the dwelling unit has hot and cold	125885
running water, including an adequate source of potable water, as	125886
defined in 24 C.F.R. 5.703(d)(2);	125887
(v) If the dwelling unit includes its own sanitary facility,	125888
it is in proper operating condition, usable in privacy, and	125889
adequate for personal hygiene, and the disposal of human waste, as	125890
defined in 24 C.F.R. 5.703(d)(3);	125891
(vi) The common areas are structurally sound, secure, and	125892
functionally adequate for the purposes intended. The basement,	125893
garage, carport, restrooms, closets, utility, mechanical,	125894
community rooms, daycare, halls, corridors, stairs, kitchens,	125895
laundry rooms, office, porch, patio, balcony, and trash collection	125896
areas are free of health and safety hazards, operable, and in good	125897
repair. All common area ceilings, doors, floors, HVAC, lighting,	125898
smoke detectors, stairs, walls, and windows, to the extent	125899
applicable, are free of health and safety hazards, operable, and	125900
in good repair, as defined in 24 C.F.R. 5.703(e);	125901
(vii) All areas and components of the housing are free of	125902
health and safety hazards. These areas include, but are not	125903

limited to, air quality, electrical hazards, elevators, 125904
emergency/fire exits, flammable materials, garbage and debris, 125905
handrail hazards, infestation, and lead-based paint, as defined in 125906
24 C.F.R. 5.703(f). 125907

(3) "Abate" or "abatement" in connection with any building 125908
means the removal or correction of any conditions that constitute 125909
a public nuisance and the making of any other improvements that 125910
are needed to effect a rehabilitation of the building that is 125911
consistent with maintaining safe and habitable conditions over its 125912
remaining useful life. "Abatement" does not include the closing or 125913
boarding up of any building that is found to be a public nuisance. 125914

(4) "Interested party" means any owner, mortgagee, 125915
lienholder, tenant, or person that possesses an interest of record 125916
in any property that becomes subject to the jurisdiction of a 125917
court pursuant to this section, and any applicant for the 125918
appointment of a receiver pursuant to this section. 125919

(5) "Neighbor" means any owner of property, including, but 125920
not limited to, any person who is purchasing property by land 125921
installment contract or under a duly executed purchase contract, 125922
that is located within five hundred feet of any property that 125923
becomes subject to the jurisdiction of a court pursuant to this 125924
section, and any occupant of a building that is so located. 125925

(6) "Tenant" has the same meaning as in section 5321.01 of 125926
the Revised Code. 125927

(7) "Subsidized housing" means a property consisting of more 125928
than four dwelling units that, in whole or in part, receives 125929
project-based assistance pursuant to a contract under any of the 125930
following federal housing programs: 125931

(a) The new construction or substantial rehabilitation 125932
program under section 8(b)(2) of the "United States Housing Act of 125933
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 125934

that program was in effect immediately before the first day of 125935
October, 1983; 125936

(b) The moderate rehabilitation program under section 8(e)(2) 125937
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 125938
Stat. 888, 42 U.S.C. 1437f(e)(2); 125939

(c) The loan management assistance program under section 8 of 125940
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 125941
Stat. 888, 42 U.S.C. 1437f; 125942

(d) The rent supplement program under section 101 of the 125943
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 125944
79 Stat. 667, 12 U.S.C. 1701s; 125945

(e) Section 8 of the "United States Housing Act of 1937," 125946
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 125947
conversion from assistance under section 101 of the "Housing and 125948
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 125949
12 U.S.C. 1701s; 125950

(f) The program of supportive housing for the elderly under 125951
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 125952
Stat. 654, 12 U.S.C. 1701q; 125953

(g) The program of supportive housing for persons with 125954
disabilities under section 811 of the "National Affordable Housing 125955
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 125956

(h) The rental assistance program under section 521 of the 125957
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 125958
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 125959
1490a. 125960

(8) "Project-based assistance" means the assistance is 125961
attached to the property and provides rental assistance only on 125962
behalf of tenants who reside in that property. 125963

(9) "Landlord" has the same meaning as in section 5321.01 of 125964

the Revised Code. 125965

(B)(1)(a) In any civil action to enforce any local building, 125966
housing, air pollution, sanitation, health, fire, zoning, or 125967
safety code, ordinance, resolution, or regulation applicable to 125968
buildings, that is commenced in a court of common pleas, municipal 125969
court, housing or environmental division of a municipal court, or 125970
county court, or in any civil action for abatement commenced in a 125971
court of common pleas, municipal court, housing or environmental 125972
division of a municipal court, or county court, by a municipal 125973
corporation or township in which the building involved is located, 125974
by any neighbor, tenant, or by a nonprofit corporation that is 125975
duly organized and has as one of its goals the improvement of 125976
housing conditions in the county or municipal corporation in which 125977
the building involved is located, if a building is alleged to be a 125978
public nuisance, the municipal corporation, township, neighbor, 125979
tenant, or nonprofit corporation may apply in its complaint for an 125980
injunction or other order as described in division (C)(1) of this 125981
section, or for the relief described in division (C)(2) of this 125982
section, including, if necessary, the appointment of a receiver as 125983
described in divisions (C)(2) and (3) of this section, or for both 125984
such an injunction or other order and such relief. The municipal 125985
corporation, township, neighbor, tenant, or nonprofit corporation 125986
commencing the action is not liable for the costs, expenses, and 125987
fees of any receiver appointed pursuant to divisions (C)(2) and 125988
(3) of this section. 125989

(b) Prior to commencing a civil action for abatement when the 125990
property alleged to be a public nuisance is subsidized housing, 125991
the municipal corporation, township, neighbor, tenant, or 125992
nonprofit corporation commencing the action shall provide the 125993
landlord of that property with written notice that specifies one 125994
or more defective conditions that constitute a public nuisance as 125995
that term applies to subsidized housing and states that if the 125996

landlord fails to remedy the condition within sixty days of the 125997
service of the notice, a claim pursuant to this section may be 125998
brought on the basis that the property constitutes a public 125999
nuisance in subsidized housing. Any party authorized to bring an 126000
action against the landlord shall make reasonable attempts to 126001
serve the notice in the manner prescribed in the Rules of Civil 126002
Procedure to the landlord or the landlord's agent for the property 126003
at the property's management office, or at the place where the 126004
tenants normally pay or send rent. If the landlord is not the 126005
owner of record, the party bringing the action shall make a 126006
reasonable attempt to serve the owner. If the owner does not 126007
receive service the person bringing the action shall certify the 126008
attempts to serve the owner. 126009

(2)(a) In a civil action described in division (B)(1) of this 126010
section, a copy of the complaint and a notice of the date and time 126011
of a hearing on the complaint shall be served upon the owner of 126012
the building and all other interested parties in accordance with 126013
the Rules of Civil Procedure. If certified mail service, personal 126014
service, or residence service of the complaint and notice is 126015
refused or certified mail service of the complaint and notice is 126016
not claimed, and if the municipal corporation, township, neighbor, 126017
tenant, or nonprofit corporation commencing the action makes a 126018
written request for ordinary mail service of the complaint and 126019
notice, or uses publication service, in accordance with the Rules 126020
of Civil Procedure, then a copy of the complaint and notice shall 126021
be posted in a conspicuous place on the building. 126022

(b) The judge in a civil action described in division (B)(1) 126023
of this section shall conduct a hearing at least twenty-eight days 126024
after the owner of the building and the other interested parties 126025
have been served with a copy of the complaint and the notice of 126026
the date and time of the hearing in accordance with division 126027
(B)(2)(a) of this section. 126028

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,

unless the judge, for good cause shown, extends the time for compliance. 126062
126063

(2) If the judge in a civil action described in division 126064
(B)(1) of this section finds at the hearing required by division 126065
(B)(2) of this section that the building involved is a public 126066
nuisance, if the judge additionally determines that the owner of 126067
the building previously has been afforded a reasonable opportunity 126068
to abate the public nuisance and has refused or failed to do so, 126069
and if the complaint of the municipal corporation, township, 126070
neighbor, tenant, or nonprofit corporation commencing the action 126071
requested relief as described in this division, then the judge 126072
shall offer any mortgagee, lienholder, or other interested party 126073
associated with the property on which the building is located, in 126074
the order of the priority of interest in title, the opportunity to 126075
undertake the work and to furnish the materials necessary to abate 126076
the public nuisance. Prior to selecting any interested party, the 126077
judge shall require the interested party to demonstrate the 126078
ability to promptly undertake the work and furnish the materials 126079
required, to provide the judge with a viable financial and 126080
construction plan for the rehabilitation of the building as 126081
described in division (D) of this section, and to post security 126082
for the performance of the work and the furnishing of the 126083
materials. 126084

If the judge determines, at the hearing, that no interested 126085
party is willing or able to undertake the work and to furnish the 126086
materials necessary to abate the public nuisance, or if the judge 126087
determines, at any time after the hearing, that any party who is 126088
undertaking corrective work pursuant to this division cannot or 126089
will not proceed, or has not proceeded with due diligence, the 126090
judge may appoint a receiver pursuant to division (C)(3) of this 126091
section to take possession and control of the building. 126092

(3)(a) The judge in a civil action described in division 126093

(B)(1) of this section shall not appoint any person as a receiver 126094
unless the person first has provided the judge with a viable 126095
financial and construction plan for the rehabilitation of the 126096
building involved as described in division (D) of this section and 126097
has demonstrated the capacity and expertise to perform the 126098
required work and to furnish the required materials in a 126099
satisfactory manner. An appointed receiver may be a financial 126100
institution that possesses an interest of record in the building 126101
or the property on which it is located, a nonprofit corporation as 126102
described in divisions (B)(1) and (C)(3)(b) of this section, 126103
including, but not limited to, a nonprofit corporation that 126104
commenced the action described in division (B)(1) of this section, 126105
or any other qualified property manager. 126106

(b) To be eligible for appointment as a receiver, no part of 126107
the net earnings of a nonprofit corporation shall inure to the 126108
benefit of any private shareholder or individual. Membership on 126109
the board of trustees of a nonprofit corporation appointed as a 126110
receiver does not constitute the holding of a public office or 126111
employment within the meaning of sections 731.02 and 731.12 or any 126112
other section of the Revised Code and does not constitute a direct 126113
or indirect interest in a contract or expenditure of money by any 126114
municipal corporation. A member of a board of trustees of a 126115
nonprofit corporation appointed as a receiver shall not be 126116
disqualified from holding any public office or employment, and 126117
shall not forfeit any public office or employment, by reason of 126118
membership on the board of trustees, notwithstanding any law to 126119
the contrary. 126120

(D) Prior to ordering any work to be undertaken, or the 126121
furnishing of any materials, to abate a public nuisance under this 126122
section, the judge in a civil action described in division (B)(1) 126123
of this section shall review the submitted financial and 126124
construction plan for the rehabilitation of the building involved 126125

and, if it specifies all of the following, shall approve that 126126
plan: 126127

(1) The estimated cost of the labor, materials, and any other 126128
development costs that are required to abate the public nuisance; 126129

(2) The estimated income and expenses of the building and the 126130
property on which it is located after the furnishing of the 126131
materials and the completion of the repairs and improvements; 126132

(3) The terms, conditions, and availability of any financing 126133
that is necessary to perform the work and to furnish the 126134
materials; 126135

(4) If repair and rehabilitation of the building are found 126136
not to be feasible, the cost of demolition of the building or of 126137
the portions of the building that constitute the public nuisance. 126138

(E) Upon the written request of any of the interested parties 126139
to have a building, or portions of a building, that constitute a 126140
public nuisance demolished because repair and rehabilitation of 126141
the building are found not to be feasible, the judge may order the 126142
demolition. However, the demolition shall not be ordered unless 126143
the requesting interested parties have paid the costs of 126144
demolition and, if any, of the receivership, and, if any, all 126145
notes, certificates, mortgages, and fees of the receivership. 126146

(F) Before proceeding with the duties of receiver, any 126147
receiver appointed by the judge in a civil action described in 126148
division (B)(1) of this section may be required by the judge to 126149
post a bond in an amount fixed by the judge, but not exceeding the 126150
value of the building involved as determined by the judge. 126151

The judge may empower the receiver to do any or all of the 126152
following: 126153

(1) Take possession and control of the building and the 126154
property on which it is located, operate and manage the building 126155

and the property, establish and collect rents and income, lease	126156
and rent the building and the property, and evict tenants;	126157
(2) Pay all expenses of operating and conserving the building	126158
and the property, including, but not limited to, the cost of	126159
electricity, gas, water, sewerage, heating fuel, repairs and	126160
supplies, custodian services, taxes and assessments, and insurance	126161
premiums, and hire and pay reasonable compensation to a managing	126162
agent;	126163
(3) Pay pre-receivership mortgages or installments of them	126164
and other liens;	126165
(4) Perform or enter into contracts for the performance of	126166
all work and the furnishing of materials necessary to abate, and	126167
obtain financing for the abatement of, the public nuisance;	126168
(5) Pursuant to court order, remove and dispose of any	126169
personal property abandoned, stored, or otherwise located in or on	126170
the building and the property that creates a dangerous or unsafe	126171
condition or that constitutes a violation of any local building,	126172
housing, air pollution, sanitation, health, fire, zoning, or	126173
safety code, ordinance, or regulation;	126174
(6) Obtain mortgage insurance for any receiver's mortgage	126175
from any agency of the federal government;	126176
(7) Enter into any agreement and do those things necessary to	126177
maintain and preserve the building and the property and comply	126178
with all local building, housing, air pollution, sanitation,	126179
health, fire, zoning, or safety codes, ordinances, resolutions,	126180
and regulations;	126181
(8) Give the custody of the building and the property, and	126182
the opportunity to abate the nuisance and operate the property, to	126183
its owner or any mortgagee or lienholder of record;	126184
(9) Issue notes and secure them by a mortgage bearing	126185

interest, and upon terms and conditions, that the judge approves. 126186
When sold or transferred by the receiver in return for valuable 126187
consideration in money, material, labor, or services, the notes or 126188
certificates shall be freely transferable. Any mortgages granted 126189
by the receiver shall be superior to any claims of the receiver. 126190
Priority among the receiver's mortgages shall be determined by the 126191
order in which they are recorded. 126192

(G) A receiver appointed pursuant to this section is not 126193
personally liable except for misfeasance, malfeasance, or 126194
nonfeasance in the performance of the functions of the office of 126195
receiver. 126196

(H)(1) The judge in a civil action described in division 126197
(B)(1) of this section may assess as court costs, the expenses 126198
described in division (F)(2) of this section, and may approve 126199
receiver's fees to the extent that they are not covered by the 126200
income from the property. Subject to that limitation, a receiver 126201
appointed pursuant to divisions (C)(2) and (3) of this section is 126202
entitled to receive fees in the same manner and to the same extent 126203
as receivers appointed in actions to foreclose mortgages. 126204

(2)(a) Pursuant to the police powers vested in the state, all 126205
expenditures of a mortgagee, lienholder, or other interested party 126206
that has been selected pursuant to division (C)(2) of this section 126207
to undertake the work and to furnish the materials necessary to 126208
abate a public nuisance, and any expenditures in connection with 126209
the foreclosure of the lien created by this division, is a first 126210
lien upon the building involved and the property on which it is 126211
located and is superior to all prior and subsequent liens or other 126212
encumbrances associated with the building or the property, 126213
including, but not limited to, those for taxes and assessments, 126214
upon the occurrence of both of the following: 126215

(i) The prior approval of the expenditures by, and the entry 126216
of a judgment to that effect by, the judge in the civil action 126217

described in division (B)(1) of this section; 126218

(ii) The recordation of a certified copy of the judgment 126219
entry and a sufficient description of the property on which the 126220
building is located with the county recorder in the county in 126221
which the property is located within sixty days after the date of 126222
the entry of the judgment. 126223

(b) Pursuant to the police powers vested in the state, all 126224
expenses and other amounts paid in accordance with division (F) of 126225
this section by a receiver appointed pursuant to divisions (C)(2) 126226
and (3) of this section, the amounts of any notes issued by the 126227
receiver in accordance with division (F) of this section, all 126228
mortgages granted by the receiver in accordance with that 126229
division, the fees of the receiver approved pursuant to division 126230
(H)(1) of this section, and any amounts expended in connection 126231
with the foreclosure of a mortgage granted by the receiver in 126232
accordance with division (F) of this section or with the 126233
foreclosure of the lien created by this division, are a first lien 126234
upon the building involved and the property on which it is located 126235
and are superior to all prior and subsequent liens or other 126236
encumbrances associated with the building or the property, 126237
including, but not limited to, those for taxes and assessments, 126238
upon the occurrence of both of the following: 126239

(i) The approval of the expenses, amounts, or fees by, and 126240
the entry of a judgment to that effect by, the judge in the civil 126241
action described in division (B)(1) of this section; or the 126242
approval of the mortgages in accordance with division (F)(9) of 126243
this section by, and the entry of a judgment to that effect by, 126244
that judge; 126245

(ii) The recordation of a certified copy of the judgment 126246
entry and a sufficient description of the property on which the 126247
building is located, or, in the case of a mortgage, the 126248
recordation of the mortgage, a certified copy of the judgment 126249

entry, and such a description, with the county recorder of the 126250
county in which the property is located within sixty days after 126251
the date of the entry of the judgment. 126252

(c) Priority among the liens described in divisions (H)(2)(a) 126253
and (b) of this section shall be determined as described in 126254
division (I) of this section. Additionally, the creation pursuant 126255
to this section of a mortgage lien that is prior to or superior to 126256
any mortgage of record at the time the mortgage lien is so 126257
created, does not disqualify the mortgage of record as a legal 126258
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 126259
the Revised Code. 126260

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 126261
and (3) of this section files with the judge in the civil action 126262
described in division (B)(1) of this section a report indicating 126263
that the public nuisance has been abated, if the judge confirms 126264
that the receiver has abated the public nuisance, and if the 126265
receiver or any interested party requests the judge to enter an 126266
order directing the receiver to sell the building and the property 126267
on which it is located, the judge may enter that order after 126268
holding a hearing as described in division (I)(2) of this section 126269
and otherwise complying with that division. 126270

(2)(a) The receiver or interested party requesting an order 126271
as described in division (I)(1) of this section shall cause a 126272
notice of the date and time of a hearing on the request to be 126273
served on the owner of the building involved and all other 126274
interested parties in accordance with division (B)(2)(a) of this 126275
section. The judge in the civil action described in division 126276
(B)(1) of this section shall conduct the scheduled hearing. At the 126277
hearing, if the owner or any interested party objects to the sale 126278
of the building and the property, the burden of proof shall be 126279
upon the objecting person to establish, by a preponderance of the 126280
evidence, that the benefits of not selling the building and the 126281

property outweigh the benefits of selling them. If the judge 126282
determines that there is no objecting person, or if the judge 126283
determines that there is one or more objecting persons but no 126284
objecting person has sustained the burden of proof specified in 126285
this division, the judge may enter an order directing the receiver 126286
to offer the building and the property for sale upon terms and 126287
conditions that the judge shall specify. 126288

(b) In any sale of subsidized housing that is ordered 126289
pursuant to this section, the judge shall specify that the 126290
subsidized housing not be conveyed unless that conveyance complies 126291
with applicable federal law and applicable program contracts for 126292
that housing. Any such conveyance shall be subject to the 126293
condition that the purchaser enter into a contract with the 126294
department of housing and urban development or the rural housing 126295
service of the federal department of agriculture under which the 126296
property continues to be subsidized housing and the owner 126297
continues to operate that property as subsidized housing unless 126298
the secretary of housing and urban development or the 126299
administrator of the rural housing service terminates that 126300
property's contract prior to or upon the conveyance of the 126301
property. 126302

(3) If a sale of a building and the property on which it is 126303
located is ordered pursuant to divisions (I)(1) and (2) of this 126304
section and if the sale occurs in accordance with the terms and 126305
conditions specified by the judge in the judge's order of sale, 126306
then the receiver shall distribute the proceeds of the sale and 126307
the balance of any funds that the receiver may possess, after the 126308
payment of the costs of the sale, in the following order of 126309
priority and in the described manner: 126310

(a) First, in satisfaction of any notes issued by the 126311
receiver pursuant to division (F) of this section, in their order 126312
of priority; 126313

(b) Second, any unreimbursed expenses and other amounts paid 126314
in accordance with division (F) of this section by the receiver, 126315
and the fees of the receiver approved pursuant to division (H)(1) 126316
of this section; 126317

(c) Third, all expenditures of a mortgagee, lienholder, or 126318
other interested party that has been selected pursuant to division 126319
(C)(2) of this section to undertake the work and to furnish the 126320
materials necessary to abate a public nuisance, provided that the 126321
expenditures were approved as described in division (H)(2)(a) of 126322
this section and provided that, if any such interested party 126323
subsequently became the receiver, its expenditures shall be paid 126324
prior to the expenditures of any of the other interested parties 126325
so selected; 126326

(d) Fourth, the amount due for delinquent taxes, assessments, 126327
charges, penalties, and interest owed to this state or a political 126328
subdivision of this state, provided that, if the amount available 126329
for distribution pursuant to division (I)(3)(d) of this section is 126330
insufficient to pay the entire amount of those taxes, assessments, 126331
charges, penalties, and interest, the proceeds and remaining funds 126332
shall be paid to each claimant in proportion to the amount of 126333
those taxes, assessments, charges, penalties, and interest that 126334
each is due. 126335

(e) The amount of any pre-receivership mortgages, liens, or 126336
other encumbrances, in their order of priority. 126337

(4) Following a distribution in accordance with division 126338
(I)(3) of this section, the receiver shall request the judge in 126339
the civil action described in division (B)(1) of this section to 126340
enter an order terminating the receivership. If the judge 126341
determines that the sale of the building and the property on which 126342
it is located occurred in accordance with the terms and conditions 126343
specified by the judge in the judge's order of sale under division 126344
(I)(2) of this section and that the receiver distributed the 126345

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 126377
assessments, charges, penalties, and interest owed to this state 126378
or any political subdivision of this state, that could not be 126379
satisfied from the proceeds of the sale and the remaining funds in 126380
the receiver's possession pursuant to the distribution under 126381
division (I)(3) of this section. All other liens and encumbrances 126382
with respect to the building and the property shall survive the 126383
sale, including, but not limited to, a federal tax lien notice 126384
properly filed in accordance with section 317.09 of the Revised 126385
Code prior to the time of the sale, and the easements and 126386
covenants of record running with the property that were created 126387
prior to the time of the sale. 126388

(L)(1) Nothing in this section shall be construed as a 126389
limitation upon the powers granted to a court of common pleas, a 126390
municipal court or a housing or environmental division of a 126391
municipal court under Chapter 1901. of the Revised Code, or a 126392
county court under Chapter 1907. of the Revised Code. 126393

(2) The monetary and other limitations specified in Chapters 126394
1901. and 1907. of the Revised Code upon the jurisdiction of 126395
municipal and county courts, and of housing or environmental 126396
divisions of municipal courts, in civil actions do not operate as 126397
limitations upon any of the following: 126398

(a) Expenditures of a mortgagee, lienholder, or other 126399
interested party that has been selected pursuant to division 126400
(C)(2) of this section to undertake the work and to furnish the 126401
materials necessary to abate a public nuisance; 126402

(b) Any notes issued by a receiver pursuant to division (F) 126403
of this section; 126404

(c) Any mortgage granted by a receiver in accordance with 126405
division (F) of this section; 126406

(d) Expenditures in connection with the foreclosure of a 126407

mortgage granted by a receiver in accordance with division (F) of this section; 126408
126409

(e) The enforcement of an order of a judge entered pursuant to this section; 126410
126411

(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance. 126412
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(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section. 126417
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(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code. 126421
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Sec. 4303.293. (A) Any person making application concerning a permit to conduct a business for which a permit is required under this chapter shall list on the application the name and address of each person having a legal or beneficial interest in the ownership of the business, including contracts for purchase on an installment basis. If any person is a corporation or limited liability company, the applicant shall list the names of each officer of the corporation; the names of each officer of the limited liability company, if the limited liability company has officers, and the names of the managing members of the company or the managers of the company, if the management of the company is 126428
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not reserved to its members; the names of each person owning or 126439
controlling five per cent or more of the capital stock of the 126440
corporation; and the names of each person owning or controlling 126441
five per cent or more of either the voting interests or membership 126442
interests in the limited liability company. If any person is a 126443
partnership or association, the applicant shall list the names of 126444
each partner or member of the association. Any person having a 126445
legal or beneficial interest in the ownership of the business, 126446
other than a bank as defined in section 1101.01 of the Revised 126447
Code ~~or a building and loan association as defined in section~~ 126448
~~1151.01 of the Revised Code~~, shall notify the division of liquor 126449
control of the interest, including contracts for purchase on an 126450
installment basis, occurring after the application for, or the 126451
issuance of, the permit. The notification shall be given within 126452
fifteen days of the change. Whenever the person to whom a permit 126453
has been issued is a corporation or limited liability company and 126454
any transfer of that corporation's stock or that limited liability 126455
company's membership interests is proposed such that, following 126456
the transfer, the owner of the majority or plurality of shares of 126457
stock in the corporation would change or the owner of the majority 126458
or plurality of the limited liability company's membership 126459
interests would change, the proposed transfer of stock or 126460
membership interests shall be considered a proposed transfer of 126461
ownership of the permit, and application shall be made to the 126462
division of liquor control for a transfer of ownership. The 126463
application shall be subject to the notice and hearing 126464
requirements of section 4303.26 of the Revised Code and to the 126465
restrictions imposed by section 4303.29 and division (A)(1) of 126466
section 4303.292 of the Revised Code. 126467

(B) Whoever violates this section is guilty of a misdemeanor 126468
of the first degree. 126469

Sec. 5814.01. As used in sections 5814.01 to 5814.10 of the 126470

Revised Code, unless the context otherwise requires: 126471

(A) "Benefit plan" means any plan of an employer for the 126472
benefit of any employee, any plan for the benefit of any partner, 126473
or any plan for the benefit of a proprietor, and includes, but is 126474
not limited to, any pension, retirement, death benefit, deferred 126475
compensation, employment agency, stock bonus, option, or 126476
profit-sharing contract, plan, system, account, or trust. 126477

(B) "Broker" means a person that is lawfully engaged in the 126478
business of effecting transactions in securities for the account 126479
of others. A "broker" includes a financial institution that 126480
effects such transactions and a person who is lawfully engaged in 126481
buying and selling securities for the person's own account, 126482
through a broker or otherwise, as a part of a regular business. 126483

(C) "Court" means the probate court. 126484

(D) "The custodial property" includes: 126485

(1) All securities, money, life or endowment insurance 126486
policies, annuity contracts, benefit plans, real estate, tangible 126487
and intangible personal property, proceeds of a life or endowment 126488
insurance policy, an annuity contract, or a benefit plan, and 126489
other types of property under the supervision of the same 126490
custodian for the same minor as a consequence of a transfer or 126491
transfers made to the minor, a gift or gifts made to the minor, or 126492
a purchase made by the custodian for the minor, in a manner 126493
prescribed in sections 5814.01 to 5814.10 of the Revised Code; 126494

(2) The income from the custodial property; 126495

(3) The proceeds, immediate and remote, from the sale, 126496
exchange, conversion, investment, reinvestment, or other 126497
disposition of the securities, money, life or endowment insurance 126498
policies, annuity contracts, benefit plans, real estate, tangible 126499
and intangible personal property, proceeds of a life or endowment 126500

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 126501
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(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 126503
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 126506
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 126512
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 126515
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 126522
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 126525
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 126528
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.

(P) "Trust company" means a financial institution that is 126562
authorized to exercise trust powers. 126563

(Q) "Administrator" includes an "administrator with the will 126564
annexed. 126565

Section 130.22. That existing sections 102.02, 109.572, 126566
111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 126567
135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 126568
755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 126569
1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 126570
1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 126571
1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 126572
1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 126573
1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 126574
1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 126575
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1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 126581
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1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 126584
1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 126585
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1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 126589
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1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 126591
1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 126592
1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 126593

1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 126594
1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the 126595
Revised Code are hereby repealed. 126596

Section 130.23. That sections 1105.06, 1107.01, 1109.60, 126597
1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 126598
1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 126599
1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 126600
1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 126601
1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 126602
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1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 126604
1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 126605
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1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 126608
1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 126609
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1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 126616
1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 126617
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1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 126620
1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 126621
1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 126622
1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 126623
1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 126624
1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 126625

1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 126626
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1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 126629
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1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 126633
1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 126634
1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 126635
1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 126636
1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 126637
1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 126638
1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 126639
1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 126640
1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 126641
1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 126642
1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 126643
1165.30, 1165.33, 1181.16, 1181.17, 1181.18, and 3333.93 of the 126644
Revised Code are hereby repealed. 126645

Section 130.24. Notwithstanding section 1123.01 of the 126646
Revised Code, as amended by this act, both of the following apply: 126647

(A) The appointed members who are serving on the Banking 126648
Commission as of the effective date of this section shall serve 126649
until the end of the term for which the member was appointed. The 126650
terms of office set forth in division (B) of that section and the 126651
qualifications for membership set forth in division (D) of that 126652
section shall first apply to the members appointed on or after the 126653
effective date of this section. 126654

(B) The Banking Commission shall, on the effective date of 126655
this section, additionally consist of the six members appointed to 126656

the Savings and Loan Associations and Savings Banks Board under 126657
section 1181.16 of the Revised Code. Each such member shall serve 126658
until the end of the term for which the member was appointed. 126659

Section 130.25. CASH TRANSFER FROM SAVINGS INSTITUTIONS FUND 126660

On the effective date of this section, or as soon as possible 126661
thereafter, the Director of Budget and Management, upon the 126662
written request of the Director of Commerce, may transfer the cash 126663
balance in the Savings Institutions Fund (Fund 5450) to the Banks 126664
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 126665
hereby abolished. 126666

Section 130.26. Sections 130.21, 130.22, 130.23, 130.24, 126667
130.25, and 130.26 of this act, except for sections 135.182, 126668
1121.24, 1121.29, 1121.30, and 1123.03 of the Revised Code, take 126669
effect January 1, 2018. Sections 135.182, 1121.24, 1121.29, 126670
1121.30, and 1123.03 of the Revised Code, as amended or enacted by 126671
Sections 130.21 and 130.22 of this act, take effect at the 126672
earliest time permitted by law. 126673

Section 130.27. Section 1121.02 of the Revised Code is 126674
presented in this act as a composite of the section as amended by 126675
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 126676
Assembly. The General Assembly, applying the principle stated in 126677
division (B) of section 1.52 of the Revised Code that amendments 126678
are to be harmonized if reasonably capable of simultaneous 126679
operation, finds that the composite is the resulting version of 126680
the section in effect prior to the effective date of the section 126681
as presented in this act. 126682

Section 137.10. That sections 1923.02, 3781.06, 4505.181, 126683
4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 126684
4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 4781.20, 126685

4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 4781.28, 126686
4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.37, 126687
4781.38, 4781.39, and 4781.45 be amended and new section 4781.54 126688
and section 4781.011 of the Revised Code be enacted to read as 126689
follows: 126690

Sec. 1923.02. (A) Proceedings under this chapter may be had 126691
as follows: 126692

(1) Against tenants or manufactured home park residents 126693
holding over their terms; 126694

(2) Against tenants or manufactured home park residents in 126695
possession under an oral tenancy, who are in default in the 126696
payment of rent as provided in division (B) of this section; 126697

(3) In sales of real estate, on executions, orders, or other 126698
judicial process, when the judgment debtor was in possession at 126699
the time of the rendition of the judgment or decree, by virtue of 126700
which the sale was made; 126701

(4) In sales by executors, administrators, or guardians, and 126702
on partition, when any of the parties to the complaint were in 126703
possession at the commencement of the action, after the sales, so 126704
made on execution or otherwise, have been examined by the proper 126705
court and adjudged legal; 126706

(5) When the defendant is an occupier of lands or tenements, 126707
without color of title, and the complainant has the right of 126708
possession to them; 126709

(6) In any other case of the unlawful and forcible detention 126710
of lands or tenements. For purposes of this division, in addition 126711
to any other type of unlawful and forcible detention of lands or 126712
tenements, such a detention may be determined to exist when both 126713
of the following apply: 126714

(a) A tenant fails to vacate residential premises within 126715

three days after both of the following occur: 126716

(i) The tenant's landlord has actual knowledge of or has 126717
reasonable cause to believe that the tenant, any person in the 126718
tenant's household, or any person on the premises with the consent 126719
of the tenant previously has or presently is engaged in a 126720
violation of Chapter 2925. or 3719. of the Revised Code, or of a 126721
municipal ordinance that is substantially similar to any section 126722
in either of those chapters, which involves a controlled substance 126723
and which occurred in, is occurring in, or otherwise was or is 126724
connected with the premises, whether or not the tenant or other 126725
person has been charged with, has pleaded guilty to or been 126726
convicted of, or has been determined to be a delinquent child for 126727
an act that, if committed by an adult, would be a violation as 126728
described in this division. For purposes of this division, a 126729
landlord has "actual knowledge of or has reasonable cause to 126730
believe" that a tenant, any person in the tenant's household, or 126731
any person on the premises with the consent of the tenant 126732
previously has or presently is engaged in a violation as described 126733
in this division if a search warrant was issued pursuant to 126734
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 126735
affidavit presented to obtain the warrant named or described the 126736
tenant or person as the individual to be searched and particularly 126737
described the tenant's premises as the place to be searched, named 126738
or described one or more controlled substances to be searched for 126739
and seized, stated substantially the offense under Chapter 2925. 126740
or 3719. of the Revised Code or the substantially similar 126741
municipal ordinance that occurred in, is occurring in, or 126742
otherwise was or is connected with the tenant's premises, and 126743
states the factual basis for the affiant's belief that the 126744
controlled substances are located on the tenant's premises; the 126745
warrant was properly executed by a law enforcement officer and any 126746
controlled substance described in the affidavit was found by that 126747
officer during the search and seizure; and, subsequent to the 126748

search and seizure, the landlord was informed by that or another 126749
law enforcement officer of the fact that the tenant or person has 126750
or presently is engaged in a violation as described in this 126751
division and it occurred in, is occurring in, or otherwise was or 126752
is connected with the tenant's premises. 126753

(ii) The landlord gives the tenant the notice required by 126754
division (C) of section 5321.17 of the Revised Code. 126755

(b) The court determines, by a preponderance of the evidence, 126756
that the tenant, any person in the tenant's household, or any 126757
person on the premises with the consent of the tenant previously 126758
has or presently is engaged in a violation as described in 126759
division (A)(6)(a)(i) of this section. 126760

(7) In cases arising out of Chapter 5313. of the Revised 126761
Code. In those cases, the court has the authority to declare a 126762
forfeiture of the vendee's rights under a land installment 126763
contract and to grant any other claims arising out of the 126764
contract. 126765

(8) Against tenants who have breached an obligation that is 126766
imposed by section 5321.05 of the Revised Code, other than the 126767
obligation specified in division (A)(9) of that section, and that 126768
materially affects health and safety. Prior to the commencement of 126769
an action under this division, notice shall be given to the tenant 126770
and compliance secured with section 5321.11 of the Revised Code. 126771

(9) Against tenants who have breached an obligation imposed 126772
upon them by a written rental agreement; 126773

(10) Against manufactured home park residents who have 126774
defaulted in the payment of rent or breached the terms of a rental 126775
agreement with a park operator. Nothing in this division precludes 126776
the commencement of an action under division (A)(12) of this 126777
section when the additional circumstances described in that 126778
division apply. 126779

(11) Against manufactured home park residents who have 126780
committed two material violations of the rules of the manufactured 126781
home park, of the ~~manufactured homes commission~~ division of 126782
industrial compliance of the department of commerce, or of 126783
applicable state and local health and safety codes and who have 126784
been notified of the violations in compliance with section 4781.45 126785
of the Revised Code; 126786

(12) Against a manufactured home park resident, or the estate 126787
of a manufactured home park resident, who as a result of death or 126788
otherwise has been absent from the manufactured home park for a 126789
period of thirty consecutive days prior to the commencement of an 126790
action under this division and whose manufactured home or mobile 126791
home, or recreational vehicle that is parked in the manufactured 126792
home park, has been left unoccupied for that thirty-day period, 126793
without notice to the park operator and without payment of rent 126794
due under the rental agreement with the park operator; 126795

(13) Against occupants of self-service storage facilities, as 126796
defined in division (A) of section 5322.01 of the Revised Code, 126797
who have breached the terms of a rental agreement or violated 126798
section 5322.04 of the Revised Code; 126799

(14) Against any resident or occupant who, pursuant to a 126800
rental agreement, resides in or occupies residential premises 126801
located within one thousand feet of any school premises or 126802
preschool or child day-care center premises and to whom both of 126803
the following apply: 126804

(a) The resident's or occupant's name appears on the state 126805
registry of sex offenders and child-victim offenders maintained 126806
under section 2950.13 of the Revised Code. 126807

(b) The state registry of sex offenders and child-victim 126808
offenders indicates that the resident or occupant was convicted of 126809
or pleaded guilty to a sexually oriented offense or a child-victim 126810

oriented offense in a criminal prosecution and was not sentenced 126811
to a serious youthful offender dispositional sentence for that 126812
offense. 126813

(15) Against any tenant who permits any person to occupy 126814
residential premises located within one thousand feet of any 126815
school premises or preschool or child day-care center premises if 126816
both of the following apply to the person: 126817

(a) The person's name appears on the state registry of sex 126818
offenders and child-victim offenders maintained under section 126819
2950.13 of the Revised Code. 126820

(b) The state registry of sex offenders and child-victim 126821
offenders indicates that the person was convicted of or pleaded 126822
guilty to a sexually oriented offense or a child-victim oriented 126823
offense in a criminal prosecution and was not sentenced to a 126824
serious youthful offender dispositional sentence for that offense. 126825

(B) If a tenant or manufactured home park resident holding 126826
under an oral tenancy is in default in the payment of rent, the 126827
tenant or resident forfeits the right of occupancy, and the 126828
landlord may, at the landlord's option, terminate the tenancy by 126829
notifying the tenant or resident, as provided in section 1923.04 126830
of the Revised Code, to leave the premises, for the restitution of 126831
which an action may then be brought under this chapter. 126832

(C)(1) If a tenant or any other person with the tenant's 126833
permission resides in or occupies residential premises that are 126834
located within one thousand feet of any school premises and is a 126835
resident or occupant of the type described in division (A)(14) of 126836
this section or a person of the type described in division (A)(15) 126837
of this section, the landlord for those residential premises, upon 126838
discovery that the tenant or other person is a resident, occupant, 126839
or person of that nature, may terminate the rental agreement or 126840
tenancy for those residential premises by notifying the tenant and 126841

all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises. 126842
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(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section but does not so terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly result from that decision. 126844
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(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code. 126850
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Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy. 126854
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(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code. 126862
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126864
126865
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126867

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following: 126868
126869

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or 126870
126871

structures are located, provided those buildings or structures are 126872
not used in the business of retail trade. For purposes of this 126873
division, a building or structure is not considered used in the 126874
business of retail trade if fifty per cent or more of the gross 126875
income received from sales of products in the building or 126876
structure by the owner or operator is from sales of products 126877
produced or raised in a normal crop year on farms owned or 126878
operated by the seller. 126879

(2) Existing single-family, two-family, and three-family 126880
detached dwelling houses for which applications have been 126881
submitted to the director of job and family services pursuant to 126882
section 5104.03 of the Revised Code for the purposes of operating 126883
type A family day-care homes as defined in section 5104.01 of the 126884
Revised Code. 126885

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 126886
Revised Code: 126887

(1) "Agricultural purposes" include agriculture, farming, 126888
dairying, pasturage, apiculture, algaculture meaning the farming 126889
of algae, horticulture, floriculture, viticulture, ornamental 126890
horticulture, olericulture, pomiculture, and animal and poultry 126891
husbandry. 126892

(2) "Building" means any structure consisting of foundations, 126893
walls, columns, girders, beams, floors, and roof, or a combination 126894
of any number of these parts, with or without other parts or 126895
appurtenances. 126896

(3) "Industrialized unit" means a building unit or assembly 126897
of closed construction fabricated in an off-site facility, that is 126898
substantially self-sufficient as a unit or as part of a greater 126899
structure, and that requires transportation to the site of 126900
intended use. "Industrialized unit" includes units installed on 126901
the site as independent units, as part of a group of units, or 126902

incorporated with standard construction methods to form a 126903
completed structural entity. "Industrialized unit" does not 126904
include a manufactured home as defined by division (C)(4) of this 126905
section or a mobile home as defined by division (O) of section 126906
4501.01 of the Revised Code. 126907

(4) "Manufactured home" means a building unit or assembly of 126908
closed construction that is fabricated in an off-site facility and 126909
constructed in conformance with the federal construction and 126910
safety standards established by the secretary of housing and urban 126911
development pursuant to the "Manufactured Housing Construction and 126912
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 126913
5403, and that has a permanent label or tag affixed to it, as 126914
specified in 42 U.S.C.A. 5415, certifying compliance with all 126915
applicable federal construction and safety standards. 126916

(5) "Permanent foundation" means permanent masonry, concrete, 126917
or a footing or foundation approved by the ~~manufactured homes~~ 126918
~~commission~~ division of industrial compliance of the department of 126919
commerce pursuant to Chapter 4781. of the Revised Code, to which a 126920
manufactured or mobile home may be affixed. 126921

(6) "Permanently sited manufactured home" means a 126922
manufactured home that meets all of the following criteria: 126923

(a) The structure is affixed to a permanent foundation and is 126924
connected to appropriate facilities; 126925

(b) The structure, excluding any addition, has a width of at 126926
least twenty-two feet at one point, a length of at least 126927
twenty-two feet at one point, and a total living area, excluding 126928
garages, porches, or attachments, of at least nine hundred square 126929
feet; 126930

(c) The structure has a minimum 3:12 residential roof pitch, 126931
conventional residential siding, and a six-inch minimum eave 126932
overhang, including appropriate guttering; 126933

- (d) The structure was manufactured after January 1, 1995; 126934
- (e) The structure is not located in a manufactured home park 126935
as defined by section 4781.01 of the Revised Code. 126936
- (7) "Safe," with respect to a building, means it is free from 126937
danger or hazard to the life, safety, health, or welfare of 126938
persons occupying or frequenting it, or of the public and from 126939
danger of settlement, movement, disintegration, or collapse, 126940
whether such danger arises from the methods or materials of its 126941
construction or from equipment installed therein, for the purpose 126942
of lighting, heating, the transmission or utilization of electric 126943
current, or from its location or otherwise. 126944
- (8) "Sanitary," with respect to a building, means it is free 126945
from danger or hazard to the health of persons occupying or 126946
frequenting it or to that of the public, if such danger arises 126947
from the method or materials of its construction or from any 126948
equipment installed therein, for the purpose of lighting, heating, 126949
ventilating, or plumbing. 126950
- (9) "Residential building" means a one-family, two-family, or 126951
three-family dwelling house, and any accessory structure 126952
incidental to that dwelling house. "Residential building" includes 126953
a one-family, two-family, or three-family dwelling house that is 126954
used as a model to promote the sale of a similar dwelling house. 126955
"Residential building" does not include an industrialized unit as 126956
defined by division (C)(3) of this section, a manufactured home as 126957
defined by division (C)(4) of this section, or a mobile home as 126958
defined by division (O) of section 4501.01 of the Revised Code. 126959
- (10) "Nonresidential building" means any building that is not 126960
a residential building or a manufactured or mobile home. 126961
- (11) "Accessory structure" means a structure that is attached 126962
to a residential building and serves the principal use of the 126963
residential building. "Accessory structure" includes, but is not 126964

limited to, a garage, porch, or screened-in patio. 126965

Sec. 4505.181. (A) Notwithstanding section 4505.18 of the 126966
Revised Code, a motor vehicle dealer or person acting on behalf of 126967
a motor vehicle dealer may display, offer for sale, or sell a used 126968
motor vehicle and a manufactured housing dealer or person acting 126969
on behalf of a manufactured housing dealer may display, offer for 126970
sale, or sell a used manufactured home or used mobile home without 126971
having first obtained a certificate of title for the vehicle in 126972
the name of the dealer by complying with this section. 126973

(1) The dealer or person acting on behalf of the dealer shall 126974
possess a bill of sale for each used motor vehicle, used 126975
manufactured home, and used mobile home proposed to be displayed, 126976
offered for sale, or sold under this section or a properly 126977
executed power of attorney or other related documents from the 126978
prior owner of the motor vehicle, manufactured home, or mobile 126979
home giving the dealer or person acting on behalf of the dealer 126980
authority to have a certificate of title to the motor vehicle, 126981
manufactured home, or mobile home issued in the name of the 126982
dealer, and shall retain copies of all such documents in the 126983
dealer's or person's files until such time as a certificate of 126984
title in the dealer's name is issued for each such motor vehicle, 126985
manufactured home, or mobile home by the clerk of the court of 126986
common pleas. Such documents shall be available for inspection by 126987
the bureau of motor vehicles and the ~~manufactured homes commission~~ 126988
division of real estate of the department of commerce during 126989
normal business hours. 126990

(2) If the attorney general has paid a retail purchaser of 126991
the dealer or a secured party under division (D), (E), or (G) of 126992
this section within three years prior to such date, the dealer 126993
shall post with the attorney general's office in favor of this 126994
state a bond of a surety company authorized to do business in this 126995

state, in an amount of not less than twenty-five thousand dollars, 126996
to be used solely for the purpose of compensating retail 126997
purchasers of motor vehicles, manufactured homes, or mobile homes 126998
who suffer damages due to failure of the dealer or person acting 126999
on behalf of the dealer to comply with this section. Failure to 127000
post a bond constitutes a deceptive act or practice in connection 127001
with a consumer transaction and is a violation of section 1345.02 127002
of the Revised Code. The dealer's surety shall notify the 127003
registrar and attorney general when a bond of a motor vehicle 127004
dealer is canceled and shall notify the ~~manufactured homes~~ 127005
~~commission~~ division of real estate of the department of commerce 127006
and the attorney general when a bond of a manufactured housing 127007
dealer is canceled. Such notification of cancellation shall 127008
include the effective date of and reason for cancellation. 127009

(B) If a retail purchaser purchases a used motor vehicle, 127010
used manufactured home, or used mobile home for which the dealer, 127011
pursuant to and in accordance with division (A) of this section, 127012
does not have a certificate of title issued in the name of the 127013
dealer at the time of the sale, the retail purchaser has an 127014
unconditional right to demand the dealer rescind the transaction 127015
if one of the following applies: 127016

(1) The dealer fails, on or before the fortieth day following 127017
the date of the sale, to obtain a title in the name of the retail 127018
purchaser. 127019

(2) The title for the vehicle indicates that it is a rebuilt 127020
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 127021
was not disclosed to the retail purchaser in writing prior to the 127022
execution of the purchase agreement. 127023

(3) The title for the vehicle indicates that the dealer has 127024
made an inaccurate odometer disclosure to the retail purchaser. 127025

(4) The title for the vehicle indicates that it is a 127026

"buyback" vehicle as defined in section 1345.71 of the Revised Code, and the fact that it is a "buyback" vehicle was not disclosed to the retail purchaser in the written purchase agreement.

(5) The motor vehicle is a used manufactured home or used mobile home, as defined by section 4781.01 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(C)(1) If the circumstance described in division (B)(1) of this section applies, a retail purchaser or the retail purchaser's representative shall provide the dealer notice of the request for rescission. Such notification shall occur not later than sixty days from the date the motor vehicle is titled in the name of the retail purchaser. The dealer shall have the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Reimbursement shall be only in such a manner as to reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle. If a vehicle was taken in trade as a down payment, the dealer shall return the vehicle to the consumer, unless the dealer remitted payment to a third party to satisfy any security interest. If the dealer remitted payment, the dealer shall reimburse the purchaser the value of the vehicle,

as evidenced by the bill of sale. 127059

(2) If any of the circumstances described in ~~divisions~~ 127060
division (B)(2), (3), or (4) of this section apply, a retail 127061
purchaser or the retail purchaser's representative shall provide 127062
notice to the dealer of a request for rescission. Such notification 127063
shall occur not later than one hundred eighty days from the date 127064
the vehicle is titled in the name of the retail purchaser. Upon 127065
timely notification, the dealer shall have the opportunity to 127066
comply with the dealer's obligation to refund the full purchase 127067
price of the motor vehicle. Reimbursement shall be only in such a 127068
manner as to reimburse the retail purchaser any money the retail 127069
purchaser actually paid and, in the case of a lender of the retail 127070
purchaser, the amount paid by the lender to purchase the contract 127071
or finance the sale of the vehicle. If a vehicle was taken in 127072
trade as a down payment, the dealer shall return the vehicle to 127073
the consumer, unless the dealer remitted payment to a third party 127074
to satisfy any security interest. If the dealer remitted payment, 127075
the dealer shall reimburse the purchaser the value of the vehicle, 127076
as evidenced by the bill of sale. 127077

(3) If any of the circumstances described in division (B)(5) 127078
of this section apply, a retail purchaser or the retail 127079
purchaser's representative shall notify the dealer and afford the 127080
dealer the opportunity to comply with the dealer's obligation to 127081
rescind the manufactured home or mobile home transaction. 127082

(4) If the retail purchaser does not deliver notice to the 127083
dealer within the applicable time period specified in division 127084
(C)(1), (2), or (3) of this section, the retail purchaser shall 127085
not be entitled to any recovery or have any cause of action under 127086
this section. 127087

(5) Nothing in division (C) of this section shall be 127088
construed as prohibiting the dealer and the retail purchaser or 127089
their representatives from negotiating a compromise resolution 127090

that is satisfactory to both parties. 127091

(D) If a retail purchaser notifies a dealer of one or more of 127092
the circumstances listed in division (B) of this section within 127093
the applicable time period specified in division (C)(1), (2), or 127094
(3) of this section and the dealer fails to comply with the 127095
requirements for rescission as prescribed in division (C) of this 127096
section or reach a satisfactory compromise with the retail 127097
purchaser within seven business days of presentation of the retail 127098
purchaser's rescission claim, the retail purchaser may apply to the 127099
attorney general for payment from the fund of the full purchase 127100
price to the retail purchaser. 127101

(E)(1) Upon application by a retail purchaser for payment 127102
from the fund, if the attorney general is satisfied that one or 127103
more of the circumstances contained in divisions (B)(1) to (5) of 127104
this section exist, and notification has been given within the 127105
applicable time period specified in division (C)(1), (2), or (3) 127106
of this section, the attorney general shall cause at maximum the 127107
full purchase price of the vehicle, manufactured home, or mobile 127108
home plus the cost of any additional temporary license placards to 127109
be paid to the retail purchaser from the fund. The attorney 127110
general may require delivery of the vehicle, manufactured home, or 127111
mobile home to the attorney general prior to reimbursement from 127112
the fund. Reimbursement shall be only in such a manner as to do 127113
either of the following: 127114

(a) Reimburse the retail purchaser any money the retail 127115
purchaser actually paid and, in the case of a lender of the retail 127116
purchaser, the amount paid by the lender to purchase the contract 127117
or finance the sale of the vehicle; 127118

(b) If the retail purchaser wishes to retain the vehicle, the 127119
attorney general, in the attorney general's sole discretion, may 127120
pay a lienholder of record or other holder of a secured interest 127121
in such manner that title can be transferred to the retail 127122

purchaser free of encumbrances, other than a security interest 127123
granted by the retail purchaser at the time of vehicle purchase. 127124

(2) The attorney general, in the attorney general's sole 127125
discretion, also may cause the cost of additional temporary 127126
license placards to be paid from the fund. 127127

(F) The attorney general may sell or otherwise dispose of any 127128
used motor vehicle, manufactured home, or mobile home that is 127129
delivered to the attorney general under this section, and may 127130
collect the proceeds of any bond posted under division (A) of this 127131
section by a dealer who has failed to comply with division (D) of 127132
this section. The proceeds from all such sales and collections 127133
shall be deposited into the title defect recision fund for use as 127134
specified in section 1345.52 of the Revised Code. 127135

(G) If a dealer fails to submit payment of a secured interest 127136
on a trade-in vehicle as agreed to by the dealer and retail 127137
purchaser and none of the circumstances in divisions (B)(1) to (5) 127138
applies, the retail purchaser may apply to the attorney general 127139
for payment to the secured creditor from the fund. The attorney 127140
general shall demand immediate payment from the dealer and if 127141
payment has not been made or is not immediately forthcoming, the 127142
attorney general may cause an amount equal to that which the 127143
dealer agreed to pay to the secured creditor to be paid from the 127144
fund, along with any additional interest and late fees resulting 127145
from the dealer's failure to pay the secured creditor in a timely 127146
manner. 127147

(H) Failure by a dealer to comply with both divisions (B) and 127148
(C) of this section constitutes a deceptive act or practice in 127149
connection with a consumer transaction, and is a violation of 127150
section 1345.02 of the Revised Code. 127151

(I) The remedy provided in this section to retail purchasers 127152
is in addition to any remedies otherwise available to the retail 127153

purchaser for the same conduct of the dealer or person acting on 127154
behalf of the dealer under federal law or the laws of this state 127155
or a political subdivision of this state. 127156

(J) If, at any time during any calendar year, the balance in 127157
the title defect recision fund is less than three hundred thousand 127158
dollars, the attorney general may assess all motor vehicle dealers 127159
licensed under Chapter 4517. of the Revised Code and all 127160
manufactured housing dealers licensed under Chapter 4781. of the 127161
Revised Code one hundred fifty dollars for deposit into the title 127162
defect ~~recision~~ rescission fund until the balance in the fund 127163
reaches three hundred thousand dollars. A notice of assessment 127164
shall be sent to each dealer at its licensed location. 127165

If a motor vehicle dealer or manufactured housing dealer 127166
fails to comply with this division, the attorney general may bring 127167
a civil action in a court of competent jurisdiction to collect the 127168
amount the dealer failed to pay to the attorney general for 127169
deposit into the fund. 127170

(K) Nothing in this section shall be construed as providing 127171
for payment of attorney fees to the retail purchaser. 127172

(L) As used in this section: 127173

(1) "Full purchase price" means the contract price, including 127174
charges for dealer installed options and accessories, all finance, 127175
credit insurance, and service contract charges incurred by the 127176
retail purchaser, all sales tax, license and registration fees, 127177
and the amount of any negative equity that was not already paid by 127178
the dealer to a third party to satisfy a lien, as reflected in the 127179
contract. 127180

(2) "Retail purchaser" means a person, other than a motor 127181
vehicle dealer or a manufactured housing dealer, who in good faith 127182
purchases a used motor vehicle for purposes other than resale. 127183

Sec. 4781.011. Whenever the term "manufactured homes commission" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to refer to "the department of commerce." Whenever the term "executive director of the manufactured homes commission" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the director of commerce.

Sec. 4781.04. (A) The ~~manufactured homes commission~~ department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days after the secretary of the United States department of housing and urban development adopts model standards for the installation of manufactured housing or amends those standards, the ~~commission~~ division of industrial compliance shall amend its standards as necessary to be consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary adopts or any manufacturers' standards that the secretary determines are equal to or not less stringent than the model standards.

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the ~~commission~~ division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform

installation standards the ~~commission~~ division of industrial 127215
compliance establishes pursuant to this section. 127216

(3) Govern the design, construction, installation, approval, 127217
and inspection of foundations and the base support systems for 127218
manufactured housing. The rules shall specify that the ~~commission~~ 127219
division of industrial compliance, any building department or 127220
personnel of any department, or any private third party, certified 127221
pursuant to section 4781.07 of the Revised Code shall conduct all 127222
inspections of the installation, foundations, and base support 127223
systems of manufactured housing located in manufactured home parks 127224
to determine compliance with the uniform installation standards 127225
and foundation and base support system design the ~~commission~~ 127226
division of industrial compliance establishes pursuant to this 127227
section. 127228

(4) Govern the training, experience, and education 127229
requirements for manufactured housing installers, ~~manufactured~~ 127230
~~housing dealers, manufactured housing brokers, and manufactured~~ 127231
~~housing salespersons;~~ 127232

(5) Establish a code of ethics for manufactured housing 127233
installers; 127234

(6) Govern the issuance, revocation, and suspension of 127235
licenses to manufactured housing installers; 127236

(7) Establish fees for the issuance and renewal of licenses, 127237
for conducting inspections to determine an applicant's compliance 127238
with this chapter and the rules adopted pursuant to it, and for 127239
the ~~commission's~~ division's expenses incurred in implementing this 127240
chapter; 127241

(8) Establish conditions under which a licensee may enter 127242
into contracts to fulfill the licensee's responsibilities; 127243

(9) Govern the investigation of complaints concerning any 127244
~~violation of this chapter or the rules adopted pursuant to it or~~ 127245

complaints involving the conduct of any licensed manufactured 127246
housing installer or person installing manufactured housing 127247
without a license, ~~licensed manufactured housing dealer, licensed~~ 127248
~~manufactured housing broker, or manufactured housing salesperson;~~ 127249

(10) Establish a dispute resolution program for the timely 127250
resolution of warranty issues involving new manufactured homes, 127251
disputes regarding responsibility for the correction or repair of 127252
defects in manufactured housing, and the installation of 127253
manufactured housing. The rules shall provide for the timely 127254
resolution of disputes between manufacturers, manufactured housing 127255
dealers, and installers regarding the correction or repair of 127256
defects in manufactured housing that are reported by the purchaser 127257
of the home during the one-year period beginning on the date of 127258
installation of the home. The rules also shall provide that 127259
decisions made regarding the dispute under the program are not 127260
binding upon the purchaser of the home or the other parties 127261
involved in the dispute unless the purchaser so agrees in a 127262
written acknowledgement that the purchaser signs and delivers to 127263
the program within ten business days after the decision is issued. 127264

(11) Establish the requirements and procedures for the 127265
certification of building departments and building department 127266
personnel pursuant to section 4781.07 of the Revised Code; 127267

(12) Establish fees to be charged to building departments and 127268
building department personnel applying for certification and 127269
renewal of certification pursuant to section 4781.07 of the 127270
Revised Code; 127271

(13) Develop a policy regarding the maintenance of records 127272
for any inspection authorized or conducted pursuant to this 127273
chapter. Any record maintained under division (A)(13) of this 127274
section shall be a public record under section 149.43 of the 127275
Revised Code. 127276

(14) Carry out any other provision of this chapter.	127277
(B) The manufactured homes commission <u>division of industrial compliance</u> shall do all of the following:	127278
	127279
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the commission <u>division</u> determines appropriate;	127280
	127281
	127282
	127283
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	127284
	127285
	127286
(3) Prepare and distribute any application form this chapter requires <u>sections 4781.01 to 4781.11 of the Revised Code require</u> ;	127287
	127288
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	127289
	127290
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	127291
	127292
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	127293
	127294
	127295
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	127296
	127297
(8) Inspect a sample of homes at a percentage the commission <u>division</u> determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission <u>division</u> adopts;	127298
	127299
	127300
	127301
	127302
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson ;	127303
	127304
	127305
	127306

(10) Determine appropriate disciplinary actions for 127307
violations of this chapter; 127308

(11) Conduct audits and inquiries of manufactured housing 127309
installers, ~~manufactured housing dealers, and manufactured housing~~ 127310
~~brokers~~ as appropriate for the enforcement of this chapter. The 127311
~~commission~~ division, or any person the ~~commission~~ division employs 127312
for the purpose, may review and audit the business records of any 127313
manufactured housing installer, ~~dealer, or broker~~ during normal 127314
business hours. 127315

(12) Approve an installation training course, which may be 127316
offered by the Ohio manufactured homes association or other 127317
entity; 127318

~~(13) Perform any function or duty necessary to administer 127319
this chapter and the rules adopted pursuant to it. 127320~~

(C) Nothing in this section, or in any rule adopted by the 127321
~~manufactured homes commission~~ division, shall be construed to 127322
limit the authority of a board of health to enforce section 127323
3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code 127324
or limit the authority of the department of administrative 127325
services to lease space for the use of a state agency and to group 127326
together state offices in any city in the state as provided in 127327
section 123.01 of the Revised Code. 127328

Sec. 4781.06. (A) The ~~manufactured homes commission~~ division 127329
of industrial compliance may delegate to the ~~executive director~~ 127330
the Ohio construction industry licensing board any of its duties 127331
set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 127332
of the Revised Code. 127333

(B) The ~~commission~~ division may enter into a contract with 127334
the Ohio manufactured homes association or another entity to 127335
administer the dispute resolution program created pursuant to 127336

section 4781.04 of the Revised Code. The contract shall specify 127337
the terms for the administration of the program. 127338

(C)(1) The ~~commission~~ division may enter into a contract with 127339
any private third party, municipal corporation, township, county, 127340
state agency, or the Ohio manufactured homes association, or any 127341
successor entity, to perform any of the ~~commission's~~ division's 127342
functions set forth in ~~division (B) of section~~ sections 4781.04 to 127343
4781.15 of the Revised Code that the ~~commission~~ division has not 127344
delegated to the ~~executive director~~ Ohio construction industry
licensing board. Each contract shall specify the compensation to 127346
be paid to the private third party, municipal corporation, 127347
township, county, state agency, or the Ohio manufactured homes 127348
association, or successor entity, for the performance of the 127349
~~commission's~~ division's functions. 127350

(2) Except as provided in this division, the ~~commission~~ 127351
division shall not enter into any contract with any person or 127352
building department to accept and approve plans and specifications 127353
or to inspect manufactured housing foundations and the 127354
installation of manufactured housing unless that person or 127355
building department is certified pursuant to section 4781.07 of 127356
the Revised Code. The ~~commission~~ division shall require inspectors 127357
the Ohio department of health employs to obtain certification 127358
pursuant to section 4781.07 of the Revised Code. 127359

Sec. 4781.07. (A) Pursuant to rules the ~~manufactured homes~~ 127360
~~commission~~ division of industrial compliance adopts, the 127361
~~commission~~ division may certify municipal, township, and county 127362
building departments and the personnel of those departments, or 127363
any private third party, to exercise the ~~commission's~~ division's 127364
enforcement authority, accept and approve plans and specifications 127365
for foundations, support systems and installations, and inspect 127366
manufactured housing foundations, support systems, and 127367

manufactured housing installations. Any certification is effective 127368
for three years. 127369

(B) Following an investigation and finding of facts that 127370
support its action, the ~~commission~~ division of industrial 127371
compliance may revoke or suspend certification. The ~~commission~~ 127372
division may initiate an investigation on ~~its~~ the division's own 127373
motion or the petition of a person affected by the enforcement or 127374
approval of plans. 127375

Sec. 4781.08. (A) The ~~manufactured homes commission~~ division 127376
of industrial compliance shall issue a manufactured housing 127377
~~installer's~~ installer license to any applicant who is at least 127378
eighteen years of age and meets all of the following requirements: 127379

(1) Submits an application to the ~~commission~~ division on a 127380
form the ~~commission~~ division prescribes and pays the fee the 127381
~~commission~~ division requires; 127382

(2) Completes all training requirements the ~~commission~~ 127383
division prescribes; 127384

(3) Meets the experience requirements the ~~commission~~ division 127385
prescribes by rule; 127386

(4) Has at least one year of experience installing 127387
manufactured housing under the supervision of a licensed 127388
manufactured home installer if applying for licensure after 127389
January 1, 2006; 127390

(5) Has completed an installation training course the 127391
~~commission~~ division approves, which may be offered by the Ohio 127392
manufactured homes association or other entity; 127393

(6) Receives a passing score on the licensure examination the 127394
~~commission~~ division administers; 127395

(7) Provides information the ~~commission~~ division requires to 127396

demonstrate compliance with this chapter and the rules the 127397
~~commission~~ division adopts; 127398

(8) Provides the ~~commission~~ division with three references 127399
from persons who are retailers, manufacturers, or manufactured 127400
home park operators familiar with the person's installation work 127401
experience and competency, with at least two of the three 127402
references provided after January 1, 2006, being from persons who 127403
are licensed manufactured housing installers; 127404

(9) Has liability insurance or a surety bond that is issued 127405
by an insurance or surety company authorized to transact business 127406
in Ohio, in the amount the ~~commission~~ division specifies, and 127407
containing the terms and conditions the ~~commission~~ division 127408
requires; 127409

(10) Is in compliance with section 4123.35 of the Revised 127410
Code. 127411

(B) The ~~commission~~ division of industrial compliance shall 127412
not grant a license to any person who the ~~commission~~ division 127413
finds has engaged in actions during the previous two years that 127414
constitute a ground for denial, suspension, or revocation of a 127415
license or who has had a license revoked or disciplinary action 127416
imposed by the licensing or certification board of another state 127417
or jurisdiction during the previous two years in connection with 127418
the installation of manufactured housing. 127419

(C) Any person who is licensed, certified, or otherwise 127420
approved under the laws of another state to perform functions 127421
substantially similar to those of a manufactured housing installer 127422
may apply to the ~~commission~~ division for licensure on a form the 127423
~~commission~~ division prescribes. The ~~commission~~ division shall 127424
issue a license if the standards for licensure, certification, or 127425
approval in the state in which the applicant is licensed, 127426
certified, or approved are substantially similar to or exceed the 127427

requirements set forth in this chapter and the rules adopted 127428
pursuant to it. The ~~commission~~ division may require the applicant 127429
to pass the ~~commission's~~ division's licensure examination. 127430

(D) Any license issued pursuant to this section shall bear 127431
the licensee's name and post-office address, the issue date, a 127432
serial number the ~~commission~~ division designates, and the 127433
signature of the ~~commission chairperson or a person the commission~~ 127434
division designates pursuant to rules. 127435

(E) A manufactured housing ~~installers~~ installer license 127436
expires two years after it is issued. The ~~commission~~ division of 127437
industrial compliance shall renew a license if the applicant does 127438
all of the following: 127439

(1) Meets the requirements of division (A) of this section; 127440

(2) Demonstrates compliance with the requirements of this 127441
chapter and the rules adopted pursuant to it; 127442

(3) Meets the ~~commission's~~ division's continuing education 127443
requirements. 127444

(F) No manufactured housing ~~installer's~~ installer license may 127445
be transferred to another person. 127446

Sec. 4781.09. (A) The ~~manufactured homes commission~~ division 127447
of industrial compliance may deny, suspend, revoke, or refuse to 127448
renew the license of any manufactured home installer for any of 127449
the following reasons: 127450

(1) Failure to satisfy the requirements of section 4781.08 or 127451
4781.10 of the Revised Code; 127452

(2) Violation of this chapter or any rule adopted pursuant to 127453
it; 127454

(3) Making a material misstatement in an application for a 127455
license; 127456

(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;	127457 127458 127459
(5) Failure to appear for a hearing before the commission <u>division</u> or to comply with any final adjudication order of the commission <u>division</u> issued pursuant to this chapter;	127460 127461 127462
(6) Conviction of a felony or a crime involving moral turpitude;	127463 127464
(7) Having had a license revoked, suspended, or denied by the commission <u>division</u> during the preceding two years;	127465 127466
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	127467 127468
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	127469 127470
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	127471 127472 127473
(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	127474 127475 127476 127477 127478 127479
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.	127480 127481 127482
(C) A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.	127483 127484 127485

Sec. 4781.10. (A) The ~~manufactured homes commission~~ division 127486
of industrial compliance may establish programs and requirements 127487
for continuing education for manufactured housing installers. The 127488
~~commission~~ division shall not require licensees to complete more 127489
than eight credit hours of continuing education during each 127490
license period. If the ~~commission~~ division establishes a program 127491
of continuing education, it shall require that only courses that 127492
the ~~commission~~ division preapproves be accepted for licensure 127493
credit, and unless an extension is granted pursuant to division 127494
(D) of this section, that all credit hours be successfully 127495
completed prior to the expiration of the installer's license. 127496

(B) To provide the resources to administer continuing 127497
education programs, the ~~commission~~ division may establish 127498
nonrefundable fees, including any of the following: 127499

(1) An application fee not to exceed one hundred fifty 127500
dollars charged to the sponsor of each proposed course; 127501

(2) A renewal fee not to exceed seventy-five dollars, charged 127502
to the sponsor of each course, for the annual renewal of course 127503
approval; 127504

(3) A course fee charged to the sponsor of each course 127505
offered, not to exceed five dollars per credit hour, for each 127506
person completing an approved course; 127507

(4) A student fee charged to licensees, not to exceed fifty 127508
dollars, for each course or activity a student submits to the 127509
~~commission~~ division for approval. 127510

(C) The ~~commission~~ division may adopt reasonable rules not 127511
inconsistent with this chapter to carry out any continuing 127512
education program, including rules that govern the following: 127513

(1) The content and subject matter of continuing education 127514
courses; 127515

(2) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors;	127516 127517
(3) The methods of instruction;	127518
(4) The computation of course credit;	127519
(5) The ability to carry forward course credit from one year to another;	127520 127521
(6) Conditions under which the commission <u>division</u> may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons;	127522 127523 127524
(7) Procedures for compliance with the continuing education requirements and sanctions for noncompliance.	127525 127526
(D) The commission <u>division</u> shall not renew the license of any person who fails to satisfy any continuing education requirement that the commission <u>division</u> establishes. The commission <u>division</u> may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and completes the continuing education requirements within the time the commission <u>division</u> establishes is deemed in compliance with the education requirements. The license of any person who is granted an extension shall remain in effect during the period of the extension.	127527 127528 127529 127530 127531 127532 127533 127534 127535 127536 127537
Sec. 4781.11. (A)(1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing installer is present during the installation and supervises the person who is not licensed.	127538 127539 127540 127541 127542 127543
(2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all	127544 127545

installation work that the unlicensed person performs under the 127546
licensed person's supervision. 127547

(3) A person who is not a licensed manufactured housing 127548
installer may perform foundation or base support system 127549
construction if supervised by a licensed installer. The licensed 127550
installer need not be present during the construction of the 127551
foundation or base support system but is responsible for the 127552
construction of the foundation or base support system. 127553

(B)(1) Nothing in this chapter requires a person to obtain a 127554
manufactured housing installer license to install manufactured 127555
housing for the person's own occupancy if the manufactured housing 127556
is located on property that the person owns and is not located in 127557
a manufactured home park. 127558

(2) A person who installs manufactured housing in the manner 127559
described in division (B)(1) of this section is not entitled to 127560
claim any right or remedy or to bring a cause of action under this 127561
chapter. 127562

(C) No person shall install any manufactured housing 127563
foundation or manufactured housing support system unless that 127564
foundation or support system complies with the standards the 127565
~~manufactured homes commission~~ division of industrial compliance 127566
establishes and receives all approvals and inspections that the 127567
~~commission~~ division requires. 127568

(D) Within fourteen days after the installation, a 127569
manufactured housing installer who performs or supervises a 127570
manufactured housing installation shall provide to both the 127571
treasurer and the auditor of the county in which the installation 127572
is being performed a written notice containing all of the 127573
following information: 127574

(1) The address or location of the installation; 127575

(2) The date of the installation; 127576

(3) The make and model of the installed manufactured housing unit;	127577 127578
(4) The name of the owner of the installed manufactured housing unit.	127579 127580
(E) It is a violation of this chapter to do any of the following:	127581 127582
(1) Represent another person's license as a manufactured housing installer as one's own;	127583 127584
(2) Intentionally give false or materially misleading information of any kind to the commission or to a commission member <u>division of industrial compliance</u> in connection with licensing matters;	127585 127586 127587 127588
(3) Impersonate another manufactured housing installer;	127589
(4) Use an expired, suspended, or revoked license.	127590
Sec. 4781.12. (A) The manufactured homes commission <u>division of industrial compliance</u> may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it.	127591 127592 127593 127594 127595 127596 127597
(B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the commission <u>division</u> , prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted pursuant to it.	127598 127599 127600 127601 127602
(C) Any other party adversely affected by an order of the commission <u>division</u> may appeal the order to the court of common pleas of the county in which the party adversely affected is a resident or has a place of business, except that if that party is	127603 127604 127605 127606

not a resident of this state and has no place of business in this 127607
state, the party shall appeal to the court of common pleas in 127608
Franklin county. 127609

Sec. 4781.121. (A) The ~~manufactured homes commission~~ division 127610
of industrial compliance, pursuant to section 4781.04 of the 127611
Revised Code, may investigate any person who allegedly has 127612
committed a violation. If, after an investigation the ~~commission~~ 127613
division determines that reasonable evidence exists that a person 127614
has committed a violation, within seven days after that 127615
determination, the ~~commission~~ division shall send a written notice 127616
to that person in the same manner as prescribed in section 119.07 127617
of the Revised Code for licensees, except that the notice shall 127618
specify that a hearing will be held and specify the date, time, 127619
and place of the hearing. 127620

(B) The ~~commission~~ division of industrial compliance shall 127621
hold a hearing regarding the alleged violation in the same manner 127622
prescribed for an adjudication hearing under section 119.09 of the 127623
Revised Code. If the ~~commission~~ division, after the hearing, 127624
determines that a violation has occurred, the ~~commission, upon an~~ 127625
~~affirmative vote of five of its members,~~ division may impose a 127626
fine not exceeding one thousand dollars per violation per day. The 127627
~~commission's~~ division's determination is an order that the person 127628
may appeal in accordance with section 119.12 of the Revised Code. 127629

(C) If the person who allegedly committed a violation fails 127630
to appear for a hearing, the ~~commission~~ division of industrial 127631
compliance may request the court of common pleas of the county 127632
where the alleged violation occurred to compel the person to 127633
appear before the ~~commission~~ division for a hearing. 127634

(D) If the ~~commission~~ division assesses a person a civil 127635
penalty for a violation and the person fails to pay that civil 127636
penalty within the time period prescribed by the ~~commission~~ 127637

division pursuant to section 131.02 of the Revised Code, the 127638
~~commission~~ division shall forward to the attorney general the name 127639
of the person and the amount of the civil penalty for the purpose 127640
of collecting that civil penalty. In addition to the civil penalty 127641
assessed pursuant to this section, the person also shall pay any 127642
fee assessed by the attorney general for collection of the civil 127643
penalty. 127644

(E) The authority provided to the ~~commission~~ division of 127645
industrial compliance pursuant to this section, and any fine 127646
imposed under this section, shall be in addition to, and not in 127647
lieu of, all penalties and other remedies provided in this 127648
chapter. Any fines collected pursuant to this section shall be 127649
used solely to administer and enforce this chapter and rules 127650
adopted under it. Any fees collected pursuant to this section 127651
shall be transmitted to the treasurer of state and shall be 127652
credited to the ~~manufactured homes commission regulatory~~ 127653
industrial compliance operating fund created in section ~~4781.54~~ 127654
121.084 of the Revised Code and the rules adopted thereunder. The 127655
fees shall be used only for the purpose of administering and 127656
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 127657
rules adopted thereunder. 127658

(F) As used in this section, "violation" means a violation of 127659
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 127660
to section 4781.04, of the Revised Code. 127661

Sec. 4781.14. (A) The ~~manufactured homes commission,~~ division 127662
of industrial compliance has exclusive authority to regulate 127663
manufactured home installers, the installation of manufactured 127664
housing, and manufactured housing foundations and support systems 127665
in this state. ~~By enacting this chapter, it~~ It is the intent of 127666
the general assembly to preempt municipal corporations and other 127667
political subdivisions from regulating and licensing manufactured 127668

housing installers and regulating and inspecting the installation 127669
of manufactured housing and manufactured housing foundations and 127670
support systems. 127671

(B) The ~~manufactured homes commission~~ division has exclusive 127672
power to adopt rules of uniform application throughout the state 127673
governing installation of manufactured housing, the inspection of 127674
manufactured housing foundations and support systems, the 127675
inspection of the installation of manufactured housing, the 127676
training and licensing of manufactured housing installers, and the 127677
investigation of complaints concerning manufactured housing 127678
installers. 127679

(C) The rules the ~~commission~~ division adopts pursuant to this 127680
chapter are the exclusive rules governing the installation of 127681
manufactured housing, the design, construction, and approval of 127682
foundations for manufactured housing, the licensure of 127683
manufactured home installers, and the fees charged for licensure 127684
of manufactured home installers. No political subdivision of the 127685
state or any department or agency of the state may establish any 127686
other standards governing the installation of manufactured 127687
housing, manufactured housing foundations and support systems, the 127688
licensure of manufactured housing installers, or fees charged for 127689
the licensure of manufactured housing installers. 127690

(D) Nothing in this section limits the authority of the 127691
attorney general to enforce Chapter 1345. of the Revised Code or 127692
to take any action permitted by the Revised Code against 127693
manufactured housing installers, retailers, or manufacturers. 127694

Sec. 4781.17. (A) Each person applying for a manufactured 127695
housing dealer's license or manufactured housing broker's license 127696
shall complete and deliver to the ~~manufactured homes commission~~ 127697
department of commerce, division of real estate, before the first 127698

day of April, a separate application for license for each county 127699
in which the business of selling or brokering manufactured or 127700
mobile homes is to be conducted. The application shall be in the 127701
form prescribed by the ~~commission~~ division of real estate and 127702
accompanied by the fee established by the ~~commission~~ division of 127703
real estate. The applicant shall sign and swear to the application 127704
that shall include all of the following: 127705

(1) Name of applicant and location of principal place of 127706
business; 127707

(2) Name or style under which business is to be conducted 127708
and, if a corporation, the state of incorporation; 127709

(3) Name and address of each owner or partner and, if a 127710
corporation, the names of the officers and directors; 127711

(4) The county in which the business is to be conducted and 127712
the address of each place of business therein; 127713

(5) A statement of the previous history, record, and 127714
association of the applicant and of each owner, partner, officer, 127715
and director, that is sufficient to establish to the satisfaction 127716
of the ~~commission~~ division of real estate the reputation in 127717
business of the applicant; 127718

(6) A statement showing whether the applicant has previously 127719
applied for a manufactured housing dealer's license, manufactured 127720
housing broker's license, manufactured housing salesperson's 127721
license, or, prior to July 1, 2010, a motor vehicle dealer's 127722
license, manufactured home broker's license, or motor vehicle 127723
salesperson's license, and the result of the application, and 127724
whether the applicant has ever been the holder of any such license 127725
that was revoked or suspended; 127726

(7) If the applicant is a corporation or partnership, a 127727
statement showing whether any partner, employee, officer, or 127728

director has been refused a manufactured housing dealer's license, 127729
manufactured housing broker's license, manufactured housing 127730
salesperson's license, or, prior to July 1, 2010, a motor vehicle 127731
dealer's license, manufactured home broker's license, or motor 127732
vehicle salesperson's license, or has been the holder of any such 127733
license that was revoked or suspended; 127734

(8) Any other information required by the ~~commission~~ division 127735
of real estate. 127736

(B) Each person applying for a manufactured housing 127737
salesperson's license shall complete and deliver to the 127738
~~manufactured homes commission~~ division of real estate before the 127739
first day of July an application for license. The application 127740
shall be in the form prescribed by the ~~commission~~ division of real 127741
estate and shall be accompanied by the fee established by the 127742
~~commission~~ division. The applicant shall sign and swear to the 127743
application that shall include all of the following: 127744

(1) Name and post-office address of the applicant; 127745

(2) Name and post-office address of the manufactured housing 127746
dealer or manufactured housing broker for whom the applicant 127747
intends to act as salesperson; 127748

(3) A statement of the applicant's previous history, record, 127749
and association, that is sufficient to establish to the 127750
satisfaction of the ~~commission~~ division of real estate the 127751
applicant's reputation in business; 127752

(4) A statement as to whether the applicant intends to engage 127753
in any occupation or business other than that of a manufactured 127754
housing salesperson; 127755

(5) A statement as to whether the applicant has ever had any 127756
previous application for a manufactured housing salesperson 127757
license refused or, prior to July 1, 2010, any application for a 127758
motor vehicle salesperson license refused, and whether the 127759

applicant has previously had a manufactured housing salesperson or 127760
motor vehicle salesperson license revoked or suspended; 127761

(6) A statement as to whether the applicant was an employee 127762
of or salesperson for a manufactured housing dealer or 127763
manufactured housing broker whose license was suspended or 127764
revoked; 127765

(7) A statement of the manufactured housing dealer or 127766
manufactured housing broker named therein, designating the 127767
applicant as the dealer's or broker's salesperson; 127768

(8) Any other information required by the ~~commission~~ division 127769
of real estate. 127770

(C) Any application for a manufactured housing dealer or 127771
manufactured housing broker delivered to the ~~commission~~ division 127772
of real estate under this section also shall be accompanied by a 127773
photograph, as prescribed by the ~~commission~~ division, of each 127774
place of business operated, or to be operated, by the applicant. 127775

(D) The ~~manufactured homes commission~~ division of real estate 127776
shall deposit all license fees into the state treasury to the 127777
credit of the ~~occupational licensing and~~ manufactured homes 127778
regulatory fund. 127779

Sec. 4781.18. (A) The ~~manufactured homes commission~~ division 127780
of real estate shall deny the application of any person for a 127781
license as a manufactured housing dealer or manufactured housing 127782
broker and refuse to issue the license if the ~~commission~~ division 127783
finds that any of the following is true of the applicant: 127784

(1) The applicant has made any false statement of a material 127785
fact in the application. 127786

(2) The applicant has not complied with this chapter or the 127787
rules adopted by the ~~commission~~ division of real estate under this 127788
chapter. 127789

- (3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 127790
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- (4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing. 127792
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- (5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter. 127795
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- (6) The applicant is insolvent. 127799
- (7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment. 127800
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- (8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made. 127806
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- (9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 127810
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- (B) The ~~commission~~ division of real estate shall deny the application of any person for a license as a salesperson and refuse to issue the license if the ~~commission~~ division finds that any of the following is true of the applicant: 127814
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- (1) The applicant has made any false statement of a material fact in the application. 127818
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(2) The applicant has not complied with this chapter or the rules adopted by the ~~commission~~ division of real estate under this chapter. 127820
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127822

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 127823
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(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing. 127825
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 127828
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 127836
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 127841
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127843

(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 127844
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the ~~commission~~ division of real estate may refuse to issue a license if any officer, director, or partner of the 127847
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applicant has been guilty of any act or omission that would be 127851
cause for refusing or revoking a license issued to such officer, 127852
director, or partner as an individual. The ~~commission's~~ division's 127853
finding may be based upon facts contained in the application or 127854
upon any other information the ~~commission~~ division of real estate 127855
may have. 127856

(D) Notwithstanding division (A)(4) of this section, the 127857
~~commission~~ division of real estate shall not deny the application 127858
of any person and refuse to issue a license if the ~~commission~~ 127859
division finds that the applicant is engaged or will engage in the 127860
business of selling at retail any new manufactured homes and 127861
demonstrates that the applicant has posted a bond, surety, or 127862
certificate of deposit with the ~~commission~~ division of real estate 127863
in an amount not less than one hundred thousand dollars for the 127864
protection and benefit of the applicant's customers. 127865

(E) A decision made by the ~~commission~~ division of real estate 127866
under this section may be based upon any statement contained in 127867
the application or upon any facts within the ~~commission's~~ 127868
division's knowledge. 127869

(F) Immediately upon denying an application for any of the 127870
reasons in this section, the ~~commission~~ division of real estate 127871
shall enter a final order together with the ~~commission's~~ 127872
division's findings. If the application is denied by the ~~executive~~ 127873
~~director of the commission under authority of section 4781.05 of~~ 127874
~~the Revised Code~~ division of real estate, the ~~executive director~~ 127875
division of real estate shall enter a final order ~~together with~~ 127876
~~the director's findings and certify the same to the commission.~~ 127877
The ~~commission~~ and shall issue to the applicant a written notice 127878
of refusal to grant a license that shall disclose the reason for 127879
refusal. 127880

Sec. 4781.19. (A) At the time the ~~manufactured homes~~ 127881

~~commission~~ division of real estate grants the application of any 127882
person for a license as a manufactured housing dealer, 127883
manufactured housing broker, or manufactured housing salesperson, 127884
the ~~commission~~ division shall issue to the person a license that 127885
includes the name and ~~post-office~~ business and mailing address of 127886
the person licensed. If a manufactured housing dealer or 127887
manufactured housing broker has more than one place of business in 127888
a county, the dealer or broker shall make application, in such 127889
form as the ~~commission~~ division prescribes, for a certified copy 127890
of the license issued to the dealer or broker for each place of 127891
business in the county. 127892

(B) The ~~commission~~ division of real estate may require each 127893
applicant for a manufactured housing dealer's license, 127894
manufactured housing broker's license, and manufactured housing 127895
salesperson's license issued under this chapter to pay an 127896
additional fee, which shall be used by the ~~commission~~ division to 127897
pay the costs of obtaining a record of any arrests and convictions 127898
of the applicant from the bureau of identification and 127899
investigation. The amount of the fee shall be equal to that paid 127900
by the ~~commission~~ division to obtain such record. 127901

(C) In the event of the loss, mutilation, or destruction of a 127902
manufactured housing dealer's license, manufactured housing 127903
broker's license, or manufactured housing salesperson's license, 127904
any licensee may make application to the ~~commission~~ division of 127905
real estate, in the form prescribed by the ~~commission~~ division, 127906
for a duplicate copy thereof and pay a fee established by the 127907
~~commission~~ division of real estate. 127908

(D) All manufactured housing dealers' licenses, all 127909
manufactured housing brokers' licenses, and all manufactured 127910
housing salespersons' licenses issued or renewed shall expire 127911
biennially on a day within the two-year cycle that is prescribed 127912

by the ~~manufactured homes commission~~ division of real estate, 127913
unless sooner suspended or revoked. Before the first day after the 127914
day prescribed by the ~~commission~~ division in the year that the 127915
license expires, each licensed manufactured housing dealer, 127916
manufactured housing broker, and manufactured housing salesperson, 127917
in the year in which the license will expire, shall file an 127918
application, in such form as the ~~commission~~ division of real 127919
estate prescribes, for the renewal of such license. The fee 127920
required by this section for the original license shall accompany 127921
the application. 127922

(E) Each manufactured housing dealer and manufactured housing 127923
broker shall keep the license or a certified copy thereof and a 127924
current list of the dealer's or the broker's licensed 127925
salespersons, showing the names, addresses, and serial numbers of 127926
their licenses, posted in a conspicuous place in each place of 127927
business. Each salesperson shall carry the salesperson's license 127928
or a certified copy thereof and shall exhibit such license or copy 127929
upon demand to any inspector of the ~~commission~~ division of real 127930
estate, state highway patrol trooper, police officer, or person 127931
with whom the salesperson seeks to transact business as a 127932
manufactured housing salesperson. 127933

Sec. 4781.20. The applications for licenses submitted under 127934
section 4781.17 of the Revised Code are not part of the public 127935
records but are confidential information for the use of the 127936
~~manufactured homes commission~~ division of real estate. No person 127937
shall divulge any information contained in such applications and 127938
acquired by the person in the person's capacity as an official or 127939
employee of the ~~manufactured homes commission~~ division of real 127940
estate, except in a report to the ~~commission~~ division, or when 127941
called upon to testify in any court or proceeding. 127942

Sec. 4781.21. (A) The ~~manufactured homes commission~~ division 127943

of real estate may make rules governing ~~its~~ actions relative to 127944
the suspension and revocation of manufactured housing dealers', 127945
manufactured housing brokers', and manufactured housing 127946
salespersons' licenses, and may, upon its own motion, and shall, 127947
upon the verified complaint in writing of any person, investigate 127948
the conduct of any licensee under this chapter. The ~~commission~~ 127949
division shall suspend, revoke, or refuse to renew any 127950
manufactured housing dealer's, manufactured housing broker's, or 127951
manufactured housing salesperson's license, if any ground existed 127952
upon which the license might have been refused, or if a ground 127953
exists that would be cause for refusal to issue a license. 127954

The ~~commission~~ division of real estate may suspend or revoke 127955
any license if the licensee has in any manner violated the rules 127956
adopted by the ~~commission~~ division under this chapter, or has been 127957
convicted of committing a felony or violating any law that in any 127958
way relates to the selling, taxing, licensing, or regulation of 127959
sales of manufactured or mobile homes. 127960

(B) Any salesperson's license shall be suspended upon the 127961
termination, suspension, or revocation of the license of the 127962
manufactured housing dealer or manufactured housing broker for 127963
whom the salesperson is acting, or upon the salesperson leaving 127964
the service of the manufactured housing dealer or manufactured 127965
housing broker. Upon the termination, suspension, or revocation of 127966
the license of the manufactured housing dealer or manufactured 127967
housing broker for whom the salesperson is acting, or upon the 127968
salesperson leaving the service of a licensed manufactured housing 127969
or manufactured housing broker, the licensed salesperson may make 127970
application to the ~~commission~~ division of real estate, in such 127971
form as the ~~commission~~ division prescribes, to have the 127972
salesperson's license reinstated, transferred, and registered as a 127973
salesperson for another dealer or broker. If the information 127974
contained in the application is satisfactory to the ~~commission~~ 127975

division of real estate, the ~~commission~~ division shall reinstate, 127976
transfer, or register the salesperson's license as a salesperson 127977
for other dealer or broker. The ~~commission~~ division shall 127978
establish the fee for the reinstatement and transfer of license. 127979
No license issued to a dealer, broker, or salesperson under this 127980
chapter may be transferred to any other person. 127981

(C) Any person whose manufactured housing dealer's license, 127982
manufactured housing broker's license, or manufactured housing 127983
salesperson's license is revoked, suspended, denied, or not 127984
renewed may request an adjudication hearing on the matter within 127985
thirty days after receipt of the notice of the action. If no 127986
appeal is taken within thirty days after receipt of the order, the 127987
order is final and conclusive. All appeals must be by petition in 127988
writing and verified under oath by the applicant whose application 127989
for license has been revoked, suspended, denied, or not renewed 127990
and must set forth the reason for the appeal and the reason why, 127991
in the petitioner's opinion, the order is not correct. ~~In such~~ 127992
~~appeals the board may make investigation to determine the~~ 127993
~~correctness and legality of the appealed order.~~ The hearing shall 127994
be held in accordance with Chapter 119. of the Revised Code. 127995

Sec. 4781.22. No manufactured housing dealer licensed under 127996
this chapter shall do any of the following: 127997

(A) Directly or indirectly, solicit the sale of a 127998
manufactured home or mobile home through an interested person 127999
other than a salesperson licensed in the employ of a licensed 128000
dealer; 128001

(B) Pay any commission or compensation in any form to any 128002
person in connection with the sale of a manufactured home or 128003
mobile home unless the person is licensed as a salesperson in the 128004
employ of the dealer; 128005

(C) Fail to immediately notify the ~~manufactured homes~~ 128006

~~commission~~ division of real estate upon termination of the 128007
employment of any person licensed as a salesperson to sell, 128008
display, offer for sale, or deal in manufactured homes or mobile 128009
homes for the dealer. 128010

Sec. 4781.23. (A) Each licensed manufactured housing dealer 128011
and manufactured housing broker shall notify the ~~manufactured~~ 128012
~~homes commission~~ division of real estate of any change in status 128013
as a manufactured housing dealer or manufactured housing broker 128014
during the period for which the dealer or broker is licensed, if 128015
the change of status concerns either of the following: 128016

(1) Personnel of owners, partners, officers, or directors; 128017

(2) Location of an office or principal place of business. 128018

(B) The notification required by division (A) of this section 128019
shall be made by filing with the ~~commission~~ division of real 128020
estate, within fifteen days after the change of status, a 128021
supplemental statement in a form prescribed by the ~~commission~~ 128022
division of real estate showing in what respect the status has 128023
been changed. 128024

The ~~commission~~ division of real estate may adopt a rule 128025
exempting from the notification requirement of division (A)(1) of 128026
this section any dealer if stock in the dealer or its parent 128027
company is publicly traded and if there are public records filed 128028
with and in the possession of state or federal agencies that 128029
provide the information required by division (A)(1) of this 128030
section. 128031

Sec. 4781.25. The ~~manufactured homes commission~~ division of 128032
real estate shall adopt rules for the regulation of manufactured 128033
housing brokers in accordance with Chapter 119. of the Revised 128034
Code. The rules shall require that a manufactured housing broker 128035
maintain a bond of a surety company authorized to transact 128036

business in this state in an amount determined by the ~~commission~~ 128037
division of real estate. The rules also shall require each person 128038
licensed as a manufactured housing broker to maintain at all times 128039
a special or trust bank account that is noninterest-bearing, is 128040
separate and distinct from any personal or other account of the 128041
broker, and into which shall be deposited and maintained all 128042
escrow funds, security deposits, and other moneys received by the 128043
broker in a fiduciary capacity. In a form determined by the 128044
~~commission~~ division, a manufactured housing broker shall submit 128045
written proof to the ~~commission~~ division of the continued 128046
maintenance of the special or trust account. A depository where 128047
special or trust accounts are maintained in accordance with this 128048
section shall be located in this state. 128049

Sec. 4781.26. (A) The ~~manufactured homes commission~~ division 128050
of industrial compliance, subject to Chapter 119. of the Revised 128051
Code, shall adopt, and has the exclusive power to adopt, rules of 128052
uniform application throughout the state governing the review of 128053
plans, issuance of flood plain management permits, and issuance of 128054
licenses for manufactured home parks; the location, layout, 128055
density, construction, drainage, sanitation, safety, and operation 128056
of those parks; and notices of flood events concerning, and flood 128057
protection at, those parks. The rules pertaining to flood plain 128058
management shall be consistent with and not less stringent than 128059
the flood plain management criteria of the national flood 128060
insurance program adopted under the "National Flood Insurance Act 128061
of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules 128062
shall not apply to the construction, erection, or manufacture of 128063
any building to which section 3781.06 of the Revised Code is 128064
applicable. 128065

(B) The rules pertaining to manufactured home parks 128066
constructed after June 30, 1971, shall specify that each home must 128067

be placed on its lot to provide not less than fifteen feet between 128068
the side of one home and the side of another home, ten feet 128069
between the end of one home and the side of another home, and five 128070
feet between the ends of two homes placed end to end. 128071

(C) The ~~manufactured homes commission~~ division of industrial 128072
compliance shall determine compliance with the installation, 128073
blocking, tiedown, foundation, and base support system standards 128074
for manufactured housing located in manufactured home parks 128075
adopted by the ~~commission~~ division pursuant to section 4781.04 of 128076
the Revised Code. All inspections of the installation, blocking, 128077
tiedown, foundation, and base support systems of manufactured 128078
housing in a manufactured home park that the ~~commission~~ division 128079
of industrial compliance conducts shall be conducted by a person 128080
the ~~manufactured homes commission~~ division of industrial 128081
compliance certifies pursuant to section 4781.07 of the Revised 128082
Code. 128083

(D) The ~~manufactured homes commission~~ division of industrial 128084
compliance may enter into contracts for the purpose of fulfilling 128085
the ~~commission's~~ division of industrial compliance's annual 128086
inspection responsibilities for manufactured home parks under this 128087
chapter. Boards of health of city or general health districts 128088
shall have the right of first refusal for those contracts. 128089

Sec. 4781.27. (A)(1) On or after the first day of December, 128090
but before the first day of January of the next year, every person 128091
who intends to operate a manufactured home park shall procure a 128092
license to operate the park for the next year from the 128093
~~manufactured homes commission~~ division of industrial compliance. 128094
If the applicable license fee prescribed under section 4781.28 of 128095
the Revised Code is not received by the ~~commission~~ division by the 128096
close of business on the last day of December, the applicant for 128097
the license shall pay a penalty equal to twenty-five per cent of 128098

the applicable license fee. The penalty shall accompany the 128099
license fee. If the last day of December is not a business day, 128100
the penalty attaches upon the close of business on the next 128101
business day. 128102

(2) No manufactured home park shall be maintained or operated 128103
in this state without a license. 128104

(3) No person who has received a license, upon the sale or 128105
disposition of the manufactured home park, may have the license 128106
transferred to the new operator. A person shall obtain a separate 128107
license to operate each manufactured home park. 128108

(B) Before a license is initially issued and annually 128109
thereafter, or more often if necessary, the ~~commission~~ division of 128110
industrial compliance shall cause each manufactured home park to 128111
be inspected for compliance with sections 4781.26 to 4781.35 of 128112
the Revised Code and the rules adopted under those sections. A 128113
record shall be made of each inspection on a form prescribed by 128114
the ~~commission~~ division. 128115

(C) Each person applying for an initial license to operate a 128116
manufactured home park shall provide acceptable proof to the 128117
~~commission~~ division of industrial compliance that adequate fire 128118
protection will be provided and that applicable fire codes will be 128119
adhered to in the construction and operation of the park. 128120

Sec. 4781.28. The ~~manufactured homes commission~~ division of 128121
industrial compliance may charge a fee for an annual license to 128122
operate a manufactured home park. The fee for a license shall be 128123
determined in accordance with section 4781.27 of the Revised Code 128124
and shall include the cost of licensing and all inspections. 128125

Any fees collected shall be transmitted to the treasurer of 128126
state and shall be credited to the ~~manufactured homes commission~~ 128127
~~regulatory~~ industrial compliance operating fund created in section 128128

4781.54 121.084 of the Revised Code and used only for the purpose 128129
of administering and enforcing sections 4781.26 to 4781.35 of the 128130
Revised Code and the rules adopted thereunder. 128131

Sec. 4781.29. The ~~manufactured homes commission~~ division of 128132
industrial compliance may refuse to grant, may suspend, or may 128133
revoke any license granted to any person for failure to comply 128134
with sections 4781.26 to 4781.35 of the Revised Code or with any 128135
rule adopted under section 4781.26 of the Revised Code. 128136

Sec. 4781.31. (A) No person shall cause development to occur 128137
within any portion of a manufactured home park until the plans for 128138
the development have been submitted to and reviewed and approved 128139
by the ~~manufactured homes commission~~ division of industrial 128140
compliance. This division does not require that plans be submitted 128141
to the ~~commission~~ division of industrial compliance for approval 128142
for the replacement of manufactured or mobile homes on previously 128143
approved lots in a manufactured home park when no development is 128144
to occur in connection with the replacement. Within thirty days 128145
after receipt of the plans, all supporting documents and materials 128146
required to complete the review, and the applicable plan review 128147
fee established under division (D) of this section, the ~~commission~~ 128148
division of industrial compliance shall approve or disapprove the 128149
plans. 128150

(B) Any person aggrieved by the ~~commission's~~ division's 128151
disapproval of a set of plans under division (A) of this section 128152
may request a hearing on the matter within thirty days after 128153
receipt of the ~~commission's~~ division's notice of the disapproval. 128154
The hearing shall be held in accordance with Chapter 119. of the 128155
Revised Code. Thereafter, the disapproval may be appealed in the 128156
manner provided in section 119.12 of the Revised Code. 128157

(C) The ~~commission~~ division of industrial compliance shall 128158

establish a system by which development occurring within a 128159
manufactured home park is inspected or verified in accordance with 128160
rules adopted under section 4781.26 of the Revised Code to ensure 128161
that the development complies with the plans approved under 128162
division (A) of this section. 128163

(D) The ~~commission~~ division of industrial compliance shall 128164
establish fees for reviewing plans under division (A) of this 128165
section and conducting inspections under division (C) of this 128166
section. 128167

(E) The ~~commission~~ division of industrial compliance shall 128168
charge the appropriate fees established under division (D) of this 128169
section for reviewing plans under division (A) of this section and 128170
conducting inspections under division (C) of this section. All 128171
such plan review and inspection fees received by the ~~commission~~ 128172
division shall be transmitted to the treasurer of state and shall 128173
be credited to the ~~occupational licensing and regulatory~~ 128174
industrial compliance operating fund created in section ~~4743.05~~ 128175
121.084 of the Revised Code. Moneys so credited to the fund shall 128176
be used only for the purpose of administering and enforcing 128177
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 128178
under those sections. 128179

(F) Plan approvals issued under this section do not 128180
constitute an exemption from the land use and building 128181
requirements of the political subdivision in which the 128182
manufactured home park is or is to be located. 128183

Sec. 4781.32. (A) No person shall cause development to occur 128184
or cause the replacement of a mobile or manufactured home within 128185
any portion of a manufactured home park that is located within a 128186
one-hundred-year flood plain unless the person first obtains a 128187
permit from the ~~manufactured homes commission~~ division of 128188
industrial compliance. If the development for which a permit is 128189

required under this division is to occur on a lot where a mobile 128190
or manufactured home is or is to be located, the owner of the home 128191
and the operator of the manufactured home park shall jointly 128192
obtain the permit. Each of the persons to whom a permit is jointly 128193
issued is responsible for compliance with the provisions of the 128194
approved permit that are applicable to that person. 128195

The ~~commission~~ division of industrial compliance shall 128196
disapprove an application for a permit required under this 128197
division unless the ~~commission~~ division finds that the proposed 128198
development or replacement of a mobile or manufactured home 128199
complies with the rules adopted under section 4781.26 of the 128200
Revised Code. No permit is required under this division for the 128201
construction, erection, or manufacture of any building to which 128202
section 3781.06 of the Revised Code applies. 128203

The ~~commission~~ division of industrial compliance may suspend 128204
or revoke a permit issued under this division for failure to 128205
comply with the rules adopted under section 4781.26 of the Revised 128206
Code pertaining to flood plain management or for failure to comply 128207
with the approved permit. 128208

Any person aggrieved by the disapproval, suspension, or 128209
revocation of a permit under this division by the ~~commission~~ 128210
division of industrial compliance may request a hearing on the 128211
matter within thirty days after receipt of the notice of the 128212
disapproval, suspension, or revocation. The hearing shall be held 128213
in accordance with Chapter 119. of the Revised Code. Thereafter, 128214
an appeal of the disapproval, suspension, or revocation may be 128215
taken in the manner provided in section 119.12 of the Revised 128216
Code. 128217

(B) The ~~commission~~ division of industrial compliance shall 128218
establish fees for the issuance of permits under division (A) of 128219
this section and for necessary inspections conducted to determine 128220
compliance with those permits. 128221

(C) The ~~commission~~ division of industrial compliance shall 128222
charge the appropriate fee established under division (B) of this 128223
section for the issuance of a permit under division (A) of this 128224
section or for conducting any necessary inspection to determine 128225
compliance with the permit. If the ~~commission~~ division issues such 128226
a permit or conducts such an inspection, the fee for the permit or 128227
inspection shall be transmitted to the treasurer of state and 128228
shall be credited to the ~~occupational licensing and regulatory~~ 128229
industrial compliance operating fund created in section ~~4743.05~~ 128230
121.084 of the Revised Code. Moneys so credited to the fund shall 128231
be used only for the purpose of administering and enforcing 128232
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 128233
under those sections. 128234

Sec. 4781.33. When a flood event affects a manufactured home 128235
park, the operator of the manufactured home park, in accordance 128236
with rules adopted under section 4781.26 of the Revised Code, 128237
shall notify the ~~manufactured homes commission~~ division of 128238
industrial compliance and the board of health having jurisdiction 128239
where the flood event occurred within forty-eight hours after the 128240
end of the flood event. The ~~commission~~ division, after receiving 128241
notification, shall immediately notify the board of health. 128242

After being notified of such a flood event, the board of 128243
health shall cause an inspection to be made of the manufactured 128244
home park named in the notice. The board of health shall issue a 128245
report of the inspection to the ~~commission~~ division of industrial 128246
compliance within ten days after the inspection is completed. 128247

Sec. 4781.34. (A) If a mobile or manufactured home that is 128248
located in a flood plain is substantially damaged, the owner of 128249
the home shall make all alterations, repairs, or changes to the 128250
home, and the operator of the manufactured home park shall make 128251
all alterations, repairs, or changes to the lot on which the home 128252

is located, that are necessary to ensure compliance with the flood plain management rules adopted under section 4781.26 of the Revised Code. Such alterations, repairs, or changes may include, without limitation, removal of the home or other structures.

No person shall fail to comply with this division.

(B) No person shall cause to be performed any alteration, repair, or change required by division (A) of this section unless the person first obtains a permit from the ~~manufactured homes commission~~ division of industrial compliance.

The ~~commission~~ division of industrial compliance shall disapprove an application for a permit required under this division unless the ~~commission~~ division finds that the proposed alteration, repair, or change complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The ~~commission~~ division of industrial compliance may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit for making alterations, repairs, or changes to the lot on which the manufactured home is located.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the ~~commission~~ division of industrial compliance may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code

and for necessary inspections conducted to determine compliance 128284
with those permits. 128285

(C) The ~~commission~~ division of industrial compliance shall 128286
establish fees for the issuance of permits under division (B) of 128287
this section and for necessary inspections conducted to determine 128288
compliance with those permits for making alterations, repairs, or 128289
changes to the lot on which the manufactured home is located. 128290

(D) The ~~commission~~ division of industrial compliance shall 128291
charge the appropriate fee established under division (C) of this 128292
section for the issuance of a permit under division (B) of this 128293
section or for conducting any necessary inspection to determine 128294
compliance with the permit. If the ~~commission~~ division of 128295
industrial compliance issues such a permit or conducts such an 128296
inspection, the fee for the permit or inspection shall be 128297
transmitted to the treasurer of state and shall be credited to the 128298
~~occupational licensing and regulatory~~ industrial compliance 128299
operating fund created in section ~~4743.05~~ 121.084 of the Revised 128300
Code. Moneys so credited to the fund shall be used only for the 128301
purpose of administering and enforcing sections 4781.26 to 4781.35 128302
of the Revised Code and rules adopted under those sections. 128303

Sec. 4781.35. (A) No person shall violate sections 4781.26 to 128304
4781.35 of the Revised Code or the rules adopted thereunder. 128305

(B) The prosecuting attorney of the county, the city director 128306
of law, or the attorney general, upon complaint of the 128307
~~manufactured homes commission~~ division of industrial compliance, 128308
shall prosecute to termination or bring an action for injunction 128309
against any person violating sections 4781.26 to 4781.35 of the 128310
Revised Code or the rules adopted thereunder. 128311

Sec. 4781.37. (A) Notwithstanding section 4781.36 of the 128312
Revised Code, a park operator may bring an action under Chapter 128313

1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the ~~manufactured homes commission~~ division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~commission~~ division.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code.

Sec. 4781.38. (A) A park operator who is a party to a rental agreement shall:

(1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the ~~manufactured homes~~

commission <u>division of industrial compliance;</u>	128344
(2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;	128345 128346
(3) Keep all common areas of the premises in a safe and sanitary condition;	128347 128348
(4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by the park operator;	128349 128350 128351 128352 128353
(5) Not abuse the right of access conferred by division (B) of section 4781.39 of the Revised Code;	128354 128355
(6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.	128356 128357 128358 128359 128360 128361
(B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.	128362 128363 128364 128365 128366 128367 128368 128369
Sec. 4781.39. (A) A resident who is a party to a rental agreement shall:	128370 128371
(1) Keep that part of the premises that the resident occupies and uses safe and sanitary;	128372 128373

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;	128374 128375
(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the manufactured homes commission <u>division of industrial compliance</u> , and rules of the manufactured home park;	128376 128377 128378 128379
(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises;	128380 128381 128382 128383
(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park.	128384 128385 128386 128387
(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services.	128388 128389 128390 128391 128392 128393 128394
(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under division (B) of this section.	128395 128396 128397 128398 128399 128400 128401
Sec. 4781.45. If a resident commits a material violation of the rules of the manufactured home park, of the manufactured homes	128402 128403

~~commission~~ department of commerce division of industrial 128404
compliance, or of applicable state and local health and safety 128405
codes, the park operator may deliver a written notification of the 128406
violation to the resident. The notification shall contain all of 128407
the following: 128408

(A) A description of the violation; 128409

(B) A statement that the rental agreement will terminate upon 128410
a date specified in the written notice not less than thirty days 128411
after receipt of the notice unless the resident remedies the 128412
violation; 128413

(C) A statement that the violation was material and that if a 128414
second material violation of any park or ~~commission~~ division rule, 128415
or any health and safety code, occurs within six months after the 128416
date of this notice, the rental agreement will terminate 128417
immediately; 128418

(D) A statement that a defense available to termination of 128419
the rental agreement for two material violations of park or 128420
~~commission~~ division rules, or of health and safety codes, is that 128421
the park rule is unreasonable, or that the park or ~~commission~~ 128422
division rule, or health or safety code, is not being enforced 128423
against other manufactured home park residents, or that the two 128424
violations were not willful and not committed in bad faith. 128425

If the resident remedies the condition described in the 128426
notice, whether by repair, the payment of damages, or otherwise, 128427
the rental agreement shall not terminate. The park operator may 128428
terminate the rental agreement immediately if the resident commits 128429
a second material violation of the park or ~~commission~~ division 128430
rules, or of applicable state and local health and safety codes, 128431
subject to the defense that the park rule is unreasonable, that 128432
the park or ~~commission~~ division rule, or health or safety code, is 128433
not being enforced against other manufactured home park residents, 128434

or that the two violations were not willful and not committed in 128435
bad faith. 128436

Sec. 4781.54. (A) The division of real estate shall deposit 128437
all the fees collected in the administration and enforcement 128438
sections 4781.16 to 4781.25 of the Revised Code into the 128439
manufactured homes regulatory fund, which is hereby created. All 128440
money deposited into the fund shall be used to pay the operating 128441
expenses of the division or as otherwise described in those 128442
sections. 128443

(B) The division of industrial compliance shall deposit all 128444
fees collected in the administration and enforcement sections of 128445
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 128446
Code into the industrial compliance operating fund created in 128447
section 121.084 of the Revised Code. All money deposited into the 128448
fund shall be used to pay the operating expenses of the division 128449
or as otherwise described in those sections. 128450

Section 137.11. That existing sections 1923.02, 3781.06, 128451
4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 128452
4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 128453
4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 128454
4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 128455
4781.37, 4781.38, 4781.39, and 4781.45 and sections 4781.02, 128456
4781.03, 4781.05, 4781.13, 4781.54, and 4781.55 of the Revised 128457
Code are hereby repealed. 128458

Section 137.12. Sections 137.10 and 137.11 of this act take 128459
effect January 21, 2018. 128460

Section 137.14. (A) On January 21, 2018, the Manufactured 128461
Homes Commission is abolished. The Department of Commerce is 128462
successor to, assumes the obligations, and assumes the authority 128463

of the Manufactured Homes Commission. Any business commenced but 128464
not completed by the Manufactured Homes Commission on that date 128465
shall be completed by the Department of Commerce. Any validation, 128466
right, cure, privilege, remedy, obligation, or liability is not 128467
lost or impaired solely by this abolishment and shall be 128468
administered by the Department of Commerce. Any action or 128469
proceeding pending on the effective date of this section is not 128470
affected by the abolishment of the Commission and shall be 128471
prosecuted or defended in the name of the Department. In all such 128472
actions and proceedings, the Department may be substituted as a 128473
party upon application to the court or other tribunal. 128474

(B) The Department of Commerce shall designate the positions 128475
and employees of the Manufactured Homes Commission, if any, to be 128476
transferred to the Department, along with any equipment assigned 128477
to those positions and employees. Any employee transferred to the 128478
Department retains the employee's respective classification, 128479
however the Department may reassign and reclassify the employee's 128480
position and compensation as the Department determines to be in 128481
the best interest of administration. 128482

(C) Notwithstanding section 145.297 of the Revised Code, the 128483
Department of Commerce may, at the Department's discretion and 128484
with approval from the Office of Budget and Management, establish 128485
a retirement incentive plan for eligible employees of the 128486
Manufactured Homes Commission who are members of the Public 128487
Employees Retirement System. Any retirement incentive plan 128488
established pursuant to this section shall remain in effect until 128489
January 20, 2018. 128490

(D) On January 21, 2018, all equipment, assets, supplies, 128491
records, and other property of the Manufactured Homes Commission 128492
are transferred to the Department of Commerce. 128493

(E) All rules, orders, and determinations made or undertaken 128494

by the Manufactured Homes Commission shall continue in effect as 128495
the rules, orders, and determinations of the Department of 128496
Commerce until modified, rescinded, or replaced. If necessary to 128497
ensure the integrity of the Administrative Code, the Director of 128498
the Legislative Service Commission shall renumber the rules 128499
relating to the Manufactured Homes Commission to reflect its 128500
abolishment pursuant to this section and the transfer of duties to 128501
the Department of Commerce pursuant to this act. Within one 128502
hundred eighty days after the effective date of this section, the 128503
Department of Commerce shall submit proposed rules to the Joint 128504
Committee on Agency Rule Review addressing fees and fines 128505
previously assessed by the Manufactured Homes Commission pursuant 128506
to Chapter 4781. of the Revised Code and, where reasonably 128507
possible, shall reduce the amount and frequency of collection and 128508
assessment. 128509

Section 137.15. MANUFACTURED HOMES COMMISSION TRANSFER TO 128510
DEPARTMENT OF COMMERCE 128511

On January 21, 2018, or as soon as possible thereafter, in 128512
accordance with Section 137.14 of this act, the Director of Budget 128513
and Management shall transfer the cash balance in the Manufactured 128514
Homes Commission Regulatory Fund (Fund 5MC0) used by the 128515
Manufactured Homes Commission to the Industrial Compliance 128516
Operating Fund (Fund 5560) used by the Department of Commerce. 128517
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 128518
The Director of Budget and Management shall cancel any existing 128519
encumbrances against appropriation item 996610, Manufactured Homes 128520
Regulation, and reestablish them against appropriation item 128521
800615, Industrial Compliance. The reestablished amounts are 128522
hereby appropriated. Any business commenced but not completed 128523
under appropriation item 996610, Manufactured Homes Regulation, 128524
shall be completed under appropriation item 800615, Industrial 128525
Compliance. 128526

On or before March 21, 2018, the Director of the Department 128527
of Commerce shall certify to the Director of Budget and Management 128528
an amount of cash in the Occupational Licensing Regulatory Fund 128529
(Fund 4K90) representing the amount of remaining receipts 128530
deposited into the fund by reducing the revenue deposited to the 128531
fund by the Manufactured Homes Commission from the expenditures 128532
charged to the fund by the Manufactured Homes Commission. The 128533
Director of Budget and Management may transfer up to the amount 128534
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 128535
The Director of Budget and Management shall cancel any existing 128536
encumbrances against appropriation item 996609, Manufactured Homes 128537
Operating Expenses, and reestablish them against appropriation 128538
item 800649, Manufactured Homes Regulation. The reestablished 128539
amounts are hereby appropriated. Any business commenced but not 128540
completed under appropriation item 996609, Manufactured Homes 128541
Operating Expenses, shall be completed under appropriation item 128542
800649, Manufactured Homes Regulation. Upon written request of the 128543
Director of Commerce, the Director of Budget and Management may 128544
transfer up to \$200,000 in cash from the Industrial Compliance 128545
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 128546
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 128547
regulatory and licensing functions required under Chapter 4781. of 128548
the Revised Code. 128549

Notwithstanding any provision of law to the contrary, on and 128550
after January 21, 2018, the Director of Budget and Management may 128551
make budget changes necessary by Section 137.14 of this act, if 128552
any, including administrative reorganization or program transfers. 128553
If it is determined by the Director of Commerce that additional 128554
appropriation is necessary in appropriation item 800615, 128555
Industrial Compliance, or appropriation item 800649, Manufactured 128556
Homes Regulation, to carry out the regulatory and licensing 128557
functions required by the amendments to Chapter 4781. of the 128558
Revised Code as enacted herein, the Director of Commerce shall 128559

certify the amount of additional appropriation needed to the 128560
 Director of Budget and Management. Upon the approval of the 128561
 Director of Budget and Management, amounts up to those certified 128562
 by the Director of Commerce are hereby appropriated. 128563

Section 201.10. Except as otherwise provided in this act, all 128564
 appropriation items in this act are appropriated out of any moneys 128565
 in the state treasury to the credit of the designated fund that 128566
 are not otherwise appropriated. For all appropriations made in 128567
 this act, the amounts in the first column are for fiscal year 2018 128568
 and the amounts in the second column are for fiscal year 2019. 128569
 128570

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 128571

Dedicated Purpose Fund Group 128572

4J80 889601	CPA Education	\$	325,000	\$	325,000	128573
	Assistance					
4K90 889609	Operating Expenses	\$	1,141,957	\$	1,236,965	128574
TOTAL DPF	Dedicated Purpose Fund					128575
Group		\$	1,466,957	\$	1,561,965	128576
TOTAL ALL BUDGET FUND GROUPS		\$	1,466,957	\$	1,561,965	128577

Section 205.10. ADJ ADJUTANT GENERAL 128579

General Revenue Fund 128580

GRF 745401	Ohio Military Reserve	\$	11,939	\$	11,939	128581
GRF 745404	Air National Guard	\$	1,784,474	\$	1,784,474	128582
GRF 745407	National Guard	\$	388,000	\$	388,000	128583
	Benefits					
GRF 745409	Central	\$	2,726,234	\$	2,726,234	128584
	Administration					
GRF 745499	Army National Guard	\$	3,631,421	\$	3,631,421	128585
TOTAL GRF	General Revenue Fund	\$	8,542,068	\$	8,542,068	128586

Dedicated Purpose Fund Group				128587
5340	745612	Property Operations Management	\$ 900,000 \$	900,000 128588
5360	745605	Marksmanship Activities	\$ 128,600 \$	128,600 128589
5360	745620	Camp Perry and Buckeye Inn Operations	\$ 871,400 \$	871,400 128590
5370	745604	Ohio National Guard Facilities Maintenance	\$ 190,000 \$	190,000 128591
5LY0	745626	Military Medal of Distinction	\$ 5,000 \$	5,000 128592
5U80	745613	Community Match Armories	\$ 350,000 \$	350,000 128593
TOTAL DPF Dedicated Purpose Fund Group				\$ 2,445,000 \$ 2,445,000 128594
Federal Fund Group				128595
3420	745616	Army National Guard Service Agreement	\$ 26,202,215 \$	26,202,215 128596
3E80	745628	Air National Guard Operations and Maintenance	\$ 16,107,196 \$	16,107,196 128597
3R80	745603	Counter Drug Operations	\$ 15,000 \$	15,000 128598
TOTAL FED Federal Fund Group				\$ 42,324,411 \$ 42,324,411 128599
TOTAL ALL BUDGET FUND GROUPS				\$ 53,311,479 \$ 53,311,479 128600

Section 205.20. NATIONAL GUARD BENEFITS 128602

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the

128603
128604
128605

associated programs. 128606

If necessary, in order to pay benefits in a timely manner 128607
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 128608
Adjutant General may request the Director of Budget and Management 128609
transfer appropriation from any appropriation item used by the 128610
Adjutant General to appropriation item 745407, National Guard 128611
Benefits. Such amounts are hereby appropriated. The Adjutant 128612
General may subsequently seek Controlling Board approval to 128613
restore the appropriation in the appropriation item from which 128614
such a transfer was made. 128615

For active duty members of the Ohio National Guard who died 128616
after October 7, 2001, while performing active duty, the death 128617
benefit, pursuant to section 5919.33 of the Revised Code, shall be 128618
paid to the beneficiary or beneficiaries designated on the 128619
member's Servicemembers' Group Life Insurance Policy. 128620

STATE ACTIVE DUTY COSTS 128621

Of the foregoing appropriation item 745409, Central 128622
Administration, \$50,000 in each fiscal year shall be used for the 128623
purpose of paying expenses related to state active duty of members 128624
of the Ohio organized militia, in accordance with a proclamation 128625
of the Governor. Expenses include, but are not limited to, the 128626
cost of equipment, supplies, and services, as determined by the 128627
Adjutant General's Department. On June 1 of each fiscal year, if 128628
it is determined by the Adjutant General that any portion of this 128629
\$50,000 in that fiscal year will not be used for state active duty 128630
expenses, those amounts may be encumbered by the Adjutant General 128631
for maintenance expenses. If before the end of that fiscal year, 128632
state active duty expenses occur, these encumbrances should be 128633
canceled by the Adjutant General to pay for expenses related to 128634
state active duty. 128635

CASH TRANSFER FROM THE OHIO FEDERAL MILITARY JOBS COMMISSION 128636

FUND TO THE GENERAL REVENUE FUND 128637

On July 1, 2017, or as soon as possible thereafter, the 128638
 Director of Budget and Management shall transfer \$350,000 cash 128639
 from the Ohio Federal Military Jobs Commission Fund (Fund 5SD0) 128640
 used by the Adjutant General's Department to the General Revenue 128641
 Fund. 128642

CYBER RANGE 128643

The Adjutant General's Department, in conjunction and 128644
 collaboration with the Department of Administrative Services, the 128645
 Department of Public Safety, the Department of Higher Education, 128646
 and the Department of Education shall establish and maintain a 128647
 cyber range. The Adjutant General's Department may work with 128648
 federal agencies to assist in accomplishing this objective. The 128649
 cyber range shall: (1) provide cyber training and education to 128650
 K-12 students, higher education students, Ohio National Guardsmen, 128651
 federal employees, and state and local government employees, and 128652
 (2) provide for emergency preparedness exercises and training. The 128653
 state agencies identified in this paragraph may procure any 128654
 necessary goods and services including, but not limited to, 128655
 contracted services, hardware, networking services, maintenance 128656
 costs, and the training and management costs of a cyber range. 128657
 These state agencies shall determine the amount of funds each 128658
 agency will contribute from available funds and appropriations 128659
 enacted herein in order to establish and maintain a cyber range. 128660

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 128661

General Revenue Fund 128662

GRF 100413	Enterprise Data Center	\$	7,564,900	\$	7,564,300	128663
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Solutions Lease Rental

Payments

GRF 100414	MARCS Lease Rental	\$	6,764,700	\$	6,766,800	128664
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		Payments				
GRF	100415	OAKS Lease Rental	\$	14,251,600	\$	14,344,800 128665
		Payments				
GRF	100416	STARS Lease Rental	\$	8,664,100	\$	8,628,500 128666
		Payments				
GRF	100447	Administrative	\$	93,017,500	\$	85,862,900 128667
		Buildings Lease Rental				
		Bond Payments				
GRF	100452	Lean Ohio	\$	500,000	\$	500,000 128668
GRF	100456	State IT Services	\$	1,743,771	\$	1,743,771 128669
GRF	100457	Equal Opportunity	\$	2,178,704	\$	2,178,704 128670
		Services				
GRF	100459	Ohio Business Gateway	\$	3,927,621	\$	3,927,621 128671
GRF	100469	Aronoff Center	\$	270,000	\$	270,000 128672
		Building Maintenance				
GRF	100501	MARCS Fee Offset	\$	1,000,000	\$	1,000,000 128673
GRF	130321	State Agency Support	\$	18,000,000	\$	18,000,000 128674
		Services				
TOTAL GRF	General Revenue Fund		\$	157,882,896	\$	150,787,396 128675
	Dedicated Purpose Fund Group					128676
5L70	100610	Professional	\$	1,650,000	\$	1,650,000 128677
		Development				
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000 128678
		Maintenance				
5NM0	100663	911 Program	\$	505,421	\$	505,421 128679
5V60	100619	Employee Educational	\$	900,000	\$	900,000 128680
		Development				
TOTAL DPF	Dedicated Purpose Fund		\$	3,105,421	\$	3,105,421 128681
	Group					
	Internal Service Activity Fund Group					128682
1120	100616	DAS Administration	\$	7,900,000	\$	7,900,000 128683
1150	100632	Central Service Agency	\$	1,227,255	\$	975,025 128684

1170	100644	General Services	\$	12,000,000	\$	12,000,000	128685
		Division - Operating					
1220	100637	Fleet Management	\$	9,750,000	\$	11,000,000	128686
1250	100622	Human Resources	\$	16,500,000	\$	16,500,000	128687
		Division - Operating					
1250	100657	Benefits Communication	\$	615,521	\$	615,521	128688
1280	100620	Office of Collective Bargaining	\$	4,100,000	\$	4,200,000	128689
1300	100606	Risk Management Reserve	\$	12,763,978	\$	12,763,978	128690
1320	100631	DAS Building Management	\$	51,384,799	\$	51,384,799	128691
1330	100607	IT Services Delivery	\$	127,132,306	\$	126,732,306	128692
1880	100649	Equal Opportunity	\$	1,219,082	\$	1,264,515	128693
		Division - Operating					
2100	100612	State Printing	\$	26,000,000	\$	26,000,000	128694
2290	100630	IT Governance	\$	33,457,000	\$	31,977,000	128695
2290	100640	Consolidated IT Purchases	\$	15,078,000	\$	15,348,000	128696
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	128697
4N60	100617	Major IT Purchases	\$	120,000,000	\$	120,000,000	128698
5C20	100605	MARCS Administration	\$	20,015,704	\$	21,319,640	128699
5EB0	100635	OAKS Support Organization	\$	27,500,000	\$	31,000,000	128700
5EB0	100656	OAKS Updates and Developments	\$	6,357,000	\$	6,357,000	128701
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	4,234,482	128702
5KZ0	100659	Building Improvement	\$	4,391,700	\$	2,558,281	128703
5LJ0	100661	IT Development	\$	9,000,000	\$	9,000,000	128704
5PC0	100665	Enterprise Applications	\$	83,436,960	\$	85,391,790	128705
TOTAL ISA Internal Service Activity							128706

Fund Group	\$	592,481,646	\$	600,184,678	128707
Federal Fund Group					128708
3AJ0 100623 Information Technology	\$	2,487,909	\$	740,493	128709
Grants					
TOTAL FED Federal Fund Group	\$	2,487,909	\$	740,493	128710
TOTAL ALL BUDGET FUND GROUPS	\$	755,957,872	\$	754,817,988	128711

Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 128713
PAYMENTS 128714

The foregoing appropriation item 100413, Enterprise Data 128715
Center Solutions Lease Rental Payments, shall be used for payments 128716
during the period from July 1, 2017, through June 30, 2019, 128717
pursuant to leases and agreements entered into under Chapter 125. 128718
of the Revised Code, as supplemented by Section 701.10 of S.B. 310 128719
of the 131st General Assembly, with respect to financing the costs 128720
associated with the acquisition, development, installation, and 128721
implementation of the Enterprise Data Center Solutions information 128722
technology initiative. If it is determined that additional 128723
appropriations are necessary for this purpose, the amounts are 128724
hereby appropriated. 128725

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 128726

The foregoing appropriation item 100414, MARCS Lease Rental 128727
Payments, shall be used for payments during the period from July 128728
1, 2017, through June 30, 2019, pursuant to leases and agreements 128729
entered into under Chapter 125. of the Revised Code, as 128730
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 128731
General Assembly, with respect to financing the costs associated 128732
with the acquisition, development, installation, and 128733
implementation of the Multi-Agency Radio Communications System 128734
(MARCS) upgrade. If it is determined that additional 128735
appropriations are necessary for this purpose, the amounts are 128736
hereby appropriated. 128737

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 128738

The foregoing appropriation item 100415, OAKS Lease Rental 128739
Payments, shall be used for payments during the period from July 128740
1, 2017, through June 30, 2019, pursuant to leases and agreements 128741
entered into under Chapter 125. of the Revised Code, as 128742
supplemented by Section 701.20 of S.B. 310 of the 131st General 128743
Assembly and other prior acts of the General Assembly, with 128744
respect to financing the costs associated with the acquisition, 128745
development, installation, and implementation of the Ohio 128746
Administrative Knowledge System. If it is determined that 128747
additional appropriations are necessary for this purpose, the 128748
amounts are hereby appropriated. 128749

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 128750
PAYMENTS 128751

The foregoing appropriation item 100416, STARS Lease Rental 128752
Payments, shall be used for payments during the period from July 128753
1, 2017, through June 30, 2019, pursuant to leases and agreements 128754
entered into under Chapter 125. of the Revised Code, as 128755
supplemented by Section 701.30 of S.B. 310 of the 131st General 128756
Assembly and other prior acts of the General Assembly, with 128757
respect to financing the costs associated with the acquisition, 128758
development, installation, and implementation of the State 128759
Taxation Accounting and Revenue System (STARS). If it is 128760
determined that additional appropriations are necessary for this 128761
purpose, the amounts are hereby appropriated. 128762

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 128763

The foregoing appropriation item 100447, Administrative 128764
Buildings Lease Rental Bond Payments, shall be used to meet all 128765
payments during the period from July 1, 2017, through June 30, 128766
2019, by the Department of Administrative Services pursuant to 128767
leases and agreements under Chapters 152. and 154. of the Revised 128768

Code. These appropriations are the source of funds pledged for 128769
bond service charges on related obligations issued under Chapters 128770
152. and 154. of the Revised Code. 128771

MARCS FEE OFFSET 128772

The foregoing appropriation item 100506, MARCS Fee Offset, 128773
shall be used to reduce or eliminate MARCS subscriber fees paid by 128774
villages, townships, municipal corporations, counties, and 128775
regional public safety and first response agencies classified as 128776
Tier 1 subscribers by the MARCS Steering Committee. 128777

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 128778

The Director of Administrative Services, in consultation with 128779
the Multi-Agency Radio Communication System (MARCS) Steering 128780
Committee and the Director of Budget and Management, shall 128781
determine the share of debt service payments attributable to 128782
spending for MARCS components that are not specific to any one 128783
agency and that shall be charged to the Public Safety - Highway 128784
Purposes Fund (Fund 5TM0). Such share of debt service payments 128785
shall be calculated for MARCS capital disbursements made beginning 128786
July 1, 1997. Within thirty days of any payment made from 128787
appropriation item 100447, Administrative Buildings Lease Rental 128788
Bond Payments, the Director of Administrative Services shall 128789
certify to the Director of Budget and Management the amount of 128790
this share. The Director of Budget and Management shall transfer 128791
such amounts to the General Revenue Fund from the Public Safety - 128792
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 128793
of the Revised Code. 128794

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 128795
FUND 128796

Following the conveyance of the Michael V. DiSalle Government 128797
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 128798
General Assembly, the Director of Budget and Management may adjust 128799

FY 2018 and FY 2019 General Revenue Fund appropriations of the 128800
Department of Administrative Services and other state agencies to 128801
reflect accurately the rental amounts agencies will pay the lessor 128802
of the Michael V. DiSalle Government Center for space that is 128803
supported by the General Revenue Fund and that heretofor was paid 128804
by the Department of Administrative Services. Total General 128805
Revenue Fund appropriations may decrease but may not increase as a 128806
result of the appropriation adjustments made under this section. 128807

The foregoing appropriation item 130321, State Agency Support 128808
Services, also may be used to provide funding for the cost of 128809
property appraisals or building studies that the Department of 128810
Administrative Services may be required to obtain for property 128811
that is being sold by the state or property under consideration to 128812
be renovated or purchased by the state. 128813

Notwithstanding section 125.28 of the Revised Code, the 128814
foregoing appropriation item 130321, State Agency Support 128815
Services, also may be used to pay the operating expenses of state 128816
facilities maintained by the Department of Administrative Services 128817
that are not billed to building tenants, or other costs associated 128818
with the Voinovich Center in Youngstown, Ohio. These expenses may 128819
include, but are not limited to, the costs for vacant space and 128820
space undergoing renovation, and the rent expenses of tenants that 128821
are relocated because of building renovations. These payments may 128822
be processed by the Department of Administrative Services through 128823
intrastate transfer vouchers and placed into the Building 128824
Management Fund (Fund 1320). 128825

At least once per year, the portion of appropriation item 128826
130321, State Agency Support Services, that is not used for the 128827
regular expenses of the appropriation item may be processed by the 128828
Department of Administrative Services through intrastate transfer 128829
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 128830

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 128831

Upon the request of the Director of Administrative Services, 128832
the Director of Budget and Management may transfer unobligated 128833
cash in the MARCS Administration Fund (Fund 5C20) to the General 128834
Revenue Fund to reimburse the General Revenue Fund for lease 128835
rental payments made on behalf of the MARCS upgrade. 128836

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 128837

The foregoing appropriation item 100610, Professional 128838
Development, shall be used to make payments from the Professional 128839
Development Fund (Fund 5L70) under section 124.182 of the Revised 128840
Code. If it is determined by the Director of Budget and Management 128841
that additional amounts are necessary, the amounts are hereby 128842
appropriated. 128843

911 PROGRAM 128844

The foregoing appropriation item 100663, 911 Program, shall 128845
be used by the Department of Administrative Services to pay the 128846
administrative and marketing and educational costs of the 128847
Statewide Emergency Services Internet Protocol Network program. 128848

EMPLOYEE EDUCATIONAL DEVELOPMENT 128849

The foregoing appropriation item 100619, Employee Educational 128850
Development, shall be used to make payments from the Employee 128851
Educational Development Fund (Fund 5V60) under section 124.86 of 128852
the Revised Code. The fund shall be used to pay the costs of 128853
administering educational programs under existing collective 128854
bargaining agreements with District 1199, the Health Care and 128855
Social Service Union, Service Employees International Union; State 128856
Council of Professional Educators; Ohio Education Association and 128857
National Education Association; the Fraternal Order of Police Ohio 128858
Labor Council, Unit 2; and the Ohio State Troopers Association, 128859
Units 1 and 15. 128860

If it is determined by the Director of Budget and Management 128861

that additional amounts are necessary, the amounts are hereby 128862
appropriated. 128863

Section 207.40. CENTRAL SERVICE AGENCY FUND 128864

The foregoing appropriation item 100632, Central Service 128865
Agency, shall be used to purchase the equipment, products, and 128866
services that are needed to maintain existing automated 128867
applications for the professional licensing boards and the Casino 128868
Control Commission to support board licensing functions in fiscal 128869
year 2018 until these functions are replaced by the Ohio 128870
Professionals Licensing System. The Department of Administrative 128871
Services shall establish charges for recovering the costs of 128872
carrying out these functions. The charges shall be billed to the 128873
professional licensing boards and the Casino Control Commission, 128874
and deposited via intrastate transfer vouchers to the credit of 128875
the Central Service Agency Fund (Fund 1150). 128876

Upon implementation of the replacement Ohio Professionals 128877
Licensing System and the decommissioning of the existing automated 128878
applications, the Director of Budget and Management may transfer 128879
any cash balances that remain in the Central Service Agency Fund 128880
(Fund 1150) and that are attributable to the operation of the 128881
existing automated applications to the Professions Licensing 128882
System Fund (Fund 5JQ0). 128883

GENERAL SERVICE CHARGES 128884

The Department of Administrative Services, with the approval 128885
of the Director of Budget and Management, shall establish charges 128886
for recovering the costs of administering the programs funded by 128887
the General Services Fund (Fund 1170) and the State Printing Fund 128888
(Fund 2100). 128889

COLLECTIVE BARGAINING ARBITRATION EXPENSES 128890

The Department of Administrative Services may seek 128891

reimbursement from state agencies for the actual costs and 128892
expenses the Department incurs in the collective bargaining 128893
arbitration process. The reimbursements shall be processed through 128894
intrastate transfer vouchers and credited to the Collective 128895
Bargaining Fund (Fund 1280). 128896

EQUAL OPPORTUNITY PROGRAM 128897

The Department of Administrative Services, with the approval 128898
of the Director of Budget and Management, shall establish charges 128899
for recovering the costs of administering the activities supported 128900
by the State EEO Fund (Fund 1880). These charges shall be 128901
deposited to the credit of Fund 1880 upon payment made by state 128902
agencies, state-supported or state-assisted institutions of higher 128903
education, and tax-supported agencies, municipal corporations, and 128904
other political subdivisions of the state, for services rendered. 128905

CONSOLIDATED IT PURCHASES 128906

The foregoing appropriation item 100640, Consolidated IT 128907
Purchases, shall be used by the Department of Administrative 128908
Services acting as the purchasing agent for one or more government 128909
entities under the authority of division (G) of section 125.18 of 128910
the Revised Code to make information technology purchases at a 128911
lower aggregate cost than each individual government entity could 128912
have obtained independently for that information technology 128913
purchase. 128914

INVESTMENT RECOVERY FUND 128915

Notwithstanding division (B) of section 125.14 of the Revised 128916
Code, cash balances in the Investment Recovery Fund (Fund 4270) 128917
may be used to support the operating expenses of the Federal 128918
Surplus Operating Program created in sections 125.84 to 125.90 of 128919
the Revised Code. 128920

MAJOR IT PURCHASES CHARGES 128921

The Department of Administrative Services may bill agencies 128922
for actual expenditures made for major IT purchases if those 128923
expenditures are not recovered as part of the information 128924
technology services rates the Department charges and deposits into 128925
the Information Technology Fund (Fund 1330) created in section 128926
125.15 of the Revised Code. These charges shall be deposited to 128927
the credit of the Major IT Purchases Fund (Fund 4N60). 128928

PROFESSIONS LICENSING SYSTEM 128929

The foregoing appropriation item, 100658, Ohio Professionals 128930
Licensing System, shall be used to purchase the equipment, 128931
products, and services necessary to develop and maintain a 128932
replacement automated licensing system for the professional 128933
licensing boards. 128934

Upon request by the Director of Administrative Services, the 128935
Director of Budget and Management may transfer up to \$14,000,000 128936
in cash during the FY 2018-FY 2019 biennium from the Occupational 128937
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 128938
Operating Fund (Fund 5C60), and the Casino Control Commission - 128939
Operating Fund (Fund 5HS0), to the Professions Licensing System 128940
Fund (Fund 5JQ0). The amount transferred from each fund shall be 128941
in proportion to the number of current licenses issued by the 128942
licensing boards and commissions that use each fund, and for the 128943
Casino Control Commission, the number of current and anticipated 128944
licenses. The transferred amounts shall be used by the Director of 128945
Administrative Services for the initial acquisition and 128946
development of the Professions Licensing System. The transferred 128947
amounts are hereby appropriated to appropriation item 100658, 128948
Professionals Licensing System. The unobligated, unexpended amount 128949
of the cash transferred in FY 2018 is hereby reappropriated for 128950
the same purpose in FY 2019. 128951

Effective with the implementation of the replacement 128952
licensing system, the Department of Administrative Services shall 128953

establish charges for recovering the costs of ongoing maintenance 128954
of the system that are not otherwise recovered under section 128955
125.18 of the Revised Code. The charges shall be billed to state 128956
agencies, boards, and commissions using the state's enterprise 128957
electronic licensing system and deposited via intrastate transfer 128958
vouchers to the credit of the Professions Licensing System Fund 128959
(Fund 5JQ0), which is hereby created in the state treasury. 128960

Notwithstanding any provision of the Revised Code to the 128961
contrary, the Department of Administrative Services may assess a 128962
transaction fee on each license or registration issued as part of 128963
an electronic licensing system operated by the Department in an 128964
amount determined by the Department not to exceed three dollars 128965
and fifty cents. The transaction fee shall apply to all 128966
transactions, regardless of form, that immediately precede the 128967
issuance, renewal, reinstatement, or reactivation of, or other 128968
activity that results in, a license or registration to operate as 128969
a regulated professional or entity. Each license or registration 128970
is a separate transaction to which a fee under this section 128971
applies. Notwithstanding any provision of the Revised Code to the 128972
contrary, if a transaction fee is assessed pursuant to this 128973
section, no agency, board, or commission shall issue a license or 128974
registration without first collecting the fee. The Director of 128975
Administrative Services may collect the fee or require a state 128976
agency, board, or commission for which the system is being 128977
operated to collect the fee. Amounts received under this division 128978
shall be deposited in or transferred to the Professions Licensing 128979
System Fund (Fund 5JQ0) and used to operate the electronic 128980
licensing system. 128981

BUILDING IMPROVEMENT FUND 128982

The foregoing appropriation item 100659, Building 128983
Improvement, shall be used to make payments from the Building 128984
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 128985

required in facilities maintained by the Department of 128986
Administrative Services. The Department of Administrative Services 128987
shall conduct or contract for regular assessments of these 128988
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 128989
the cost of the repairs and improvements that are recommended to 128990
occur within the next five years, with the following exception 128991
described below. 128992

Upon request of the Director of Administrative Services, the 128993
Director of Budget and Management may permit a cash transfer from 128994
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 128995
of operating and maintaining facilities managed by the Department 128996
of Administrative Services that are not charged to tenants during 128997
the same fiscal year. 128998

Should the cash balance in Fund 1320 be determined to be 128999
sufficient, the Director of Administrative Services may request 129000
that the Director of Budget and Management transfer cash from Fund 129001
1320 to 5KZ0 in an amount equal to the initial cash transfer made 129002
under this section plus applicable interest. 129003

INFORMATION TECHNOLOGY DEVELOPMENT 129004

The foregoing appropriation item 100661, IT Development, 129005
shall be used by the Department of Administrative Services to pay 129006
the costs of modernizing the state's information technology 129007
management and investment practices away from a limited, 129008
agency-specific focus in favor of a statewide methodology 129009
supporting development of enterprise solutions. 129010

Notwithstanding any provision of law to the contrary, the 129011
Department of Administrative Services, with the approval of the 129012
Director of Budget and Management, may charge state agencies an 129013
information technology development assessment based on state 129014
agencies' information technology expenditures or other 129015
methodology. The revenue from this assessment shall be deposited 129016

into the Information Technology Development Fund (Fund 5LJ0), 129017
which is hereby created. 129018

ENTERPRISE APPLICATIONS 129019

The foregoing appropriation item 100665, Enterprise 129020
Applications, shall be used for the operation and management of 129021
information technology applications that support state agencies' 129022
objectives. Charges billed to benefiting agencies shall be 129023
deposited to the credit of the Enterprise Application Fund (Fund 129024
5PC0), which is hereby created in the state treasury. 129025

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 129026

The Director of Administrative Services shall determine and 129027
implement strategies that benefit the enterprise by improving 129028
efficiency, reducing costs or enhancing capacity of information 129029
technology (IT) services. Such improvements and efficiencies may 129030
result in the consolidation and transfer of such services. As 129031
determined to be necessary for successful implementation of this 129032
section and notwithstanding any provision of law to the contrary, 129033
the Director of Administrative Services may request the Director 129034
of Budget and Management to consolidate or transfer IT-specific 129035
budget authority between agencies or within an agency as necessary 129036
to implement enterprise IT cost containment strategies and related 129037
efficiencies. Once the Director of Budget and Management is 129038
satisfied that the proposed initiative is cost advantageous to the 129039
enterprise, the Director of Budget and Management may transfer 129040
appropriations, funds and cash as needed to implement the proposed 129041
initiative. The establishment of any new fund or additional 129042
appropriation as a result of this section shall be subject to 129043
Controlling Board approval. 129044

The Director of Budget and Management and the Director of 129045
Administrative Services may transfer any employees, assets, and 129046
liabilities, including, but not limited to, records, contracts, 129047

and agreements in order to facilitate the improvements determined 129048
in accordance with this section. 129049

Section 209.10. AGE DEPARTMENT OF AGING 129050

General Revenue Fund 129051

GRF 490321 Operating Expenses \$ 1,494,465 \$ 1,494,465 129052

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 129053

Ombudsman

GRF 490411 Senior Community \$ 6,890,484 \$ 6,890,484 129054

Services

GRF 490414 Alzheimer's Respite \$ 2,495,245 \$ 2,495,245 129055

GRF 490506 National Senior \$ 222,792 \$ 222,792 129056

Service Corps

GRF 656423 Long-Term Care Budget \$ 3,295,584 \$ 3,295,584 129057

- State

TOTAL GRF General Revenue Fund \$ 14,876,018 \$ 14,876,018 129058

Dedicated Purpose Fund Group 129059

4800 490606 Senior Community \$ 372,523 \$ 372,523 129060

Outreach and
Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 129061

Care Ombudsman
Program

5BA0 490620 Ombudsman Support \$ 1,500,000 \$ 1,500,000 129062

5K90 490613 Long-Term Care \$ 1,350,000 \$ 1,350,000 129063

Consumers Guide

5MT0 490627 Board of Executives \$ 800,000 \$ 800,000 129064

of Long-Term Services
and Supports

5T40 656625 Health Care Grants - \$ 200,000 \$ 200,000 129065

State

5TI0 656624 Provider \$ 120,000 \$ 120,000 129066

Certification				
5W10	490616	Resident Services	\$ 344,700	\$ 344,700 129067
Coordinator Program				
TOTAL DPF Dedicated Purpose				129068
Fund Group			\$ 5,687,223	\$ 5,687,223 129069
Federal Fund Group				129070
3220	490618	Federal Aging Grants	\$ 8,700,000	\$ 8,700,000 129071
3C40	656623	Long-Term Care Budget	\$ 3,500,000	\$ 3,500,000 129072
- Federal				
3M40	490612	Federal Independence	\$ 58,655,080	\$ 58,655,080 129073
Services				
TOTAL FED	Federal Fund Group		\$ 70,855,080	\$ 70,855,080 129074
TOTAL ALL BUDGET FUND GROUPS			\$ 91,418,321	\$ 91,418,321 129075

Section 209.20. LONG-TERM CARE 129077

Pursuant to an interagency agreement, the Department of 129078
 Medicaid may designate the Department of Aging to perform 129079
 assessments under section 5165.04 of the Revised Code. The 129080
 Department of Aging shall provide long-term care consultations 129081
 under section 173.42 of the Revised Code to assist individuals in 129082
 planning for their long-term health care needs. 129083

The Department of Aging shall administer the Medicaid 129084
 waiver-funded PASSPORT Home Care Program, the Assisted Living 129085
 Program, and PACE as delegated by the Department of Medicaid in an 129086
 interagency agreement. 129087

PERFORMANCE-BASED REIMBURSEMENT 129088

The Department of Aging may design and utilize a payment 129089
 method for PASSPORT administrative agency operations that includes 129090
 a pay-for-performance incentive component that is earned by a 129091
 PASSPORT administrative agency when defined consumer and policy 129092
 outcomes are achieved. 129093

Section 209.30. MYCARE OHIO	129094
The authority of the Office of the State Long Term Care	129095
Ombudsman as described in sections 173.14 to 173.28 of the Revised	129096
Code extends to MyCare Ohio during the period of the federal	129097
financial alignment demonstration program.	129098
SENIOR COMMUNITY SERVICES	129099
The foregoing appropriation item 490411, Senior Community	129100
Services, may be used for programs, services, and activities	129101
designated by the Department of Aging, including, but not limited	129102
to, home-delivered and congregate meals, transportation services,	129103
personal care services, respite services, adult day services, home	129104
repair, care coordination, prevention and disease self-management,	129105
and decision support systems. The Department may also use these	129106
funds to provide grants to community organizations to support and	129107
expand evidence-based/informed programming. Service priority shall	129108
be given to low income, frail, and/or cognitively impaired persons	129109
60 years of age and over.	129110
NATIONAL SENIOR SERVICE CORPS	129111
The foregoing appropriation item 490506, National Senior	129112
Service Corps, may be used by the Department of Aging to fund	129113
grants to organizations that receive federal funds from the	129114
Corporation for National and Community Service to support the	129115
following Senior Corps programs: the Foster Grandparents Program,	129116
the Senior Companion Program, and the Retired Senior Volunteer	129117
Program. A recipient of these grant funds shall use the funds to	129118
support priorities established by the Department and the Ohio	129119
State Office of the Corporation for National and Community	129120
Service. Neither the Department nor any area agencies on aging	129121
that are involved in the distribution of these funds to	129122
lower-tiered grant recipients may use any portion of these funds	129123
to cover administrative costs.	129124

Section 209.40. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 129125
129126

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it. 129127
129128
129129
129130
129131

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 129132

General Revenue Fund 129133

GRF 700401 Animal Health Programs \$ 3,580,022 \$ 3,676,588 129134

GRF 700403 Dairy Division \$ 1,168,769 \$ 1,168,769 129135

GRF 700404 Ohio Proud \$ 19,400 \$ 48,500 129136

GRF 700406 Consumer Protection \$ 1,175,617 \$ 1,306,567 129137

Lab

GRF 700407 Food Safety \$ 1,325,582 \$ 1,325,582 129138

GRF 700409 Farmland Preservation \$ 73,887 \$ 73,887 129139

GRF 700410 Plant Industry \$ 145,500 \$ 145,500 129140

GRF 700412 Weights and Measures \$ 208,644 \$ 596,644 129141

GRF 700415 Poultry Inspection \$ 605,471 \$ 605,471 129142

GRF 700418 Livestock Regulation \$ 746,212 \$ 1,134,212 129143

Program

GRF 700424 Livestock Testing and \$ 92,493 \$ 92,493 129144

Inspections

GRF 700426 Dangerous and \$ 750,000 \$ 750,000 129145

Restricted Animals

GRF 700427 High Volume Breeder \$ 894,835 \$ 1,234,335 129146

Kennel Control

GRF 700428 Soil and Water \$ 3,510,430 \$ 3,510,430 129147

Division

GRF 700499 Meat Inspection \$ 4,567,547 \$ 4,567,547 129148

		Program - State Share				
GRF 700501	County Agricultural Societies		\$ 379,673	\$ 379,673	129149	
GRF 700509	Soil and Water District Support		\$ 2,553,941	\$ 3,329,941	129150	
TOTAL GRF	General Revenue Fund		\$ 21,798,023	\$ 23,946,139	129151	
	Dedicated Purpose Fund Group				129152	
4900 700651	License Plates - Sustainable Agriculture		\$ 17,500	\$ 17,500	129153	
4940 700612	Agricultural Commodity Marketing Program		\$ 253,000	\$ 253,000	129154	
4960 700626	Ohio Grape Industries		\$ 1,100,000	\$ 1,100,000	129155	
4970 700627	Grain Warehouse Program		\$ 450,000	\$ 450,000	129156	
4C90 700605	Commercial Feed and Seed		\$ 1,975,571	\$ 1,975,571	129157	
4D20 700609	Auction Education		\$ 50,000	\$ 50,000	129158	
4E40 700606	Utility Radiological Safety		\$ 140,176	\$ 140,176	129159	
4P70 700610	Food Safety Inspection		\$ 993,743	\$ 993,743	129160	
4R00 700636	Ohio Proud Marketing		\$ 60,500	\$ 30,500	129161	
4R20 700637	Dairy Industry Inspection		\$ 1,852,950	\$ 1,852,950	129162	
4T60 700611	Poultry and Meat Inspection		\$ 160,000	\$ 160,000	129163	
5780 700620	Ride Inspection		\$ 1,351,974	\$ 1,351,974	129164	
5B80 700629	Auctioneers		\$ 361,450	\$ 361,450	129165	
5BV0 700660	Heidelberg Water Quality Lab		\$ 250,000	\$ 250,000	129166	
5BV0 700661	Soil and Water		\$ 8,600,000	\$ 8,000,000	129167	

		Districts			
5FC0	700648	Plant Pest Program	\$	1,400,000	\$ 1,400,000 129168
5H20	700608	Metrology Lab and Scale Certification	\$	1,175,000	\$ 925,000 129169
5L80	700604	Livestock Management Program	\$	500,000	\$ 332,000 129170
5MA0	700657	Dangerous and Restricted Animals	\$	19,000	\$ 19,000 129171
5MR0	700658	High Volume Breeders and Kennels	\$	626,415	\$ 320,000 129172
5MS0	700659	Captive Deer	\$	40,000	\$ 40,000 129173
5QW0	700653	Watershed Assistance	\$	515,000	\$ 515,000 129174
6520	700634	Animal, Consumer, and ATL Labs	\$	5,305,734	\$ 5,066,896 129175
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,200,000	\$ 5,200,000 129176
TOTAL DPF Dedicated Purpose					129177
Fund Group			\$	32,398,013	\$ 30,804,760 129178
Internal Service Activity Fund Group					129179
5DA0	700644	Laboratory Administration Support	\$	1,204,626	\$ 1,204,626 129180
5GH0	700655	Administrative Support	\$	5,374,048	\$ 5,374,048 129181
TOTAL ISA Internal Service Activity					129182
Fund Group			\$	6,578,674	\$ 6,578,674 129183
Capital Projects Fund Group					129184
7057	700632	Clean Ohio Agricultural Easement Operating	\$	610,000	\$ 610,000 129185
TOTAL CPF Capital Projects Fund			\$	610,000	\$ 610,000 129186

Group

Federal Fund Group					129187	
3260 700618	Meat Inspection	\$	5,194,424	\$	5,194,424	129188
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	360,000	\$	360,000	129189
	Revolving					
3820 700601	Federal Cooperative	\$	7,000,000	\$	7,000,000	129190
	Contracts					
3AB0 700641	Agricultural Easement	\$	350,000	\$	350,000	129191
3J40 700607	Federal	\$	1,209,234	\$	1,209,234	129192
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,095,972	\$	6,095,972	129193
	Industry					
TOTAL FED	Federal Fund Group	\$	20,209,630	\$	20,209,630	129194
TOTAL ALL BUDGET	FUND GROUPS	\$	81,594,340	\$	82,149,203	129195

Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS 129197

The foregoing appropriation item 700426, Dangerous and 129198
 Restricted Animals, shall be used to administer the Dangerous and 129199
 Restricted Wild Animal Permitting Program. 129200

COUNTY AGRICULTURAL SOCIETIES 129201

The foregoing appropriation item 700501, County Agricultural 129202
 Societies, shall be used to reimburse county and independent 129203
 agricultural societies for expenses related to Junior Fair 129204
 activities. 129205

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 129206
BASIN 129207

Of the foregoing appropriation item 700509, Soil and Water 129208
 District Support, \$350,000 in each fiscal year shall be used by 129209

the Department of Agriculture for a program to support soil and 129210
water conservation districts in the Western Lake Erie Basin in 129211
complying with provisions of Sub. S.B. 1 of the 131st General 129212
Assembly. The Department shall approve a soil and water district's 129213
application for funding under the program if the application 129214
demonstrates that funding will be used for, but not limited to, 129215
providing technical assistance, developing applicable nutrient or 129216
manure management plans, hiring and training of soil and water 129217
conservation district staff on best conservation practices, or 129218
other activities the Director determines appropriate to assist 129219
farmers in the Western Lake Erie Basin in complying with the 129220
provisions of Sub. S.B. 1 of the 131st General Assembly. 129221

SOIL AND WATER DISTRICTS 129222

In addition to state payments to soil and water conservation 129223
districts authorized by section 940.08 of the Revised Code, the 129224
Department of Agriculture may use appropriation item 700661, Soil 129225
and Water Districts, to pay any soil and water conservation 129226
district an annual amount not to exceed \$40,000 upon receipt of a 129227
request and justification from the district and approval by the 129228
Ohio Soil and Water Conservation Commission. The county auditor 129229
shall credit the payments to the special fund established under 129230
section 940.08 of the Revised Code for use by the local soil and 129231
water conservation district. The amounts received by each district 129232
shall be expended for the purposes of the district. 129233

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 129234

The foregoing appropriation item 700632, Clean Ohio 129235
Agricultural Easement Operating, shall be used by the Department 129236
of Agriculture in administering Ohio Agricultural Easement Fund 129237
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 129238
5301.67 to 5301.70 of the Revised Code. 129239

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 129240

Dedicated Purpose Fund Group					129241
4Z90 898602 Small Business	\$	400,000	\$	400,000	129242
Ombudsman					
5700 898601 Operating Expenses	\$	200,000	\$	200,000	129243
5A00 898603 Small Business	\$	450,000	\$	450,000	129244
Assistance					
TOTAL DPF Dedicated Purpose Fund	\$	1,050,000	\$	1,050,000	129245
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,050,000	\$	1,050,000	129246

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 129248

AUTHORITY TRUST ACCOUNT 129249

Notwithstanding any other provision of law to the contrary, 129250
the Air Quality Development Authority may reimburse the Air 129251
Quality Development Authority trust account established under 129252
section 3706.10 of the Revised Code from all operating funds of 129253
the agency for expenses pertaining to the administration and 129254
shared costs incurred by the Air Quality Development Authority in 129255
the execution of responsibilities as prescribed in Chapter 3706. 129256
of the Revised Code. The reimbursement shall be made by voucher 129257
and completed in accordance with the administrative indirect costs 129258
allocation plan approved by the Office of Budget and Management. 129259

Section 215.10. ARC ARCHITECTS BOARDS 129260

Dedicated Purpose Fund Group					129261
4K90 891609 Operating	\$	576,916	\$	604,765	129262
TOTAL DPF Dedicated Purpose Fund					129263
Group	\$	576,916	\$	604,765	129264
TOTAL ALL BUDGET FUND GROUPS	\$	576,916	\$	604,765	129265

Section 217.10. ART OHIO ARTS COUNCIL 129267

General Revenue Fund 129268

GRF 370321	Operating Expenses	\$	1,923,129	\$	1,923,129	129269
GRF 370502	State Program	\$	12,680,750	\$	12,680,750	129270
	Subsidies					
TOTAL GRF	General Revenue Fund	\$	14,603,879	\$	14,603,879	129271
	Dedicated Purpose Fund Group					129272
4600 370602	Arts Council Program	\$	325,000	\$	325,000	129273
	Support					
4B70 370603	Percent for Art	\$	225,000	\$	225,000	129274
	Acquisitions					
TOTAL DPF	Dedicated Purpose Fund	\$	550,000	\$	550,000	129275
	Group					
	Federal Fund Group					129276
3140 370601	Federal Support	\$	1,250,000	\$	1,250,000	129277
TOTAL FED	Federal Fund Group	\$	1,250,000	\$	1,250,000	129278
TOTAL ALL BUDGET FUND GROUPS		\$	16,403,879	\$	16,403,879	129279
	FEDERAL SUPPORT					129280
	Notwithstanding any provision of law to the contrary, the					129281
	foregoing appropriation item 370601, Federal Support, shall be					129282
	used by the Ohio Arts Council for subsidies only, and not for its					129283
	administrative costs, unless the Council is required to use a					129284
	portion of the funds for administrative costs under conditions of					129285
	the federal grant.					129286
	Section 219.10. ATH ATHLETIC COMMISSION					129287
	Dedicated Purpose Fund Group					129288
4K90 175609	Operating Expenses	\$	326,525	\$	326,525	129289
TOTAL DPF	Dedicated Purpose Fund	\$	326,525	\$	326,525	129290
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	326,525	\$	326,525	129291
	Section 221.10. AGO ATTORNEY GENERAL					129293
	General Revenue Fund					129294

GRF	055321	Operating Expenses	\$	41,439,602	\$	41,439,602	129295
GRF	055405	Law-Related Education	\$	68,950	\$	68,950	129296
GRF	055406	BCIRS Lease Rental	\$	3,255,800	\$	3,161,000	129297
		Payments					
GRF	055411	County Sheriffs' Pay	\$	889,455	\$	934,765	129298
		Supplement					
GRF	055415	County Prosecutors'	\$	1,061,830	\$	1,115,020	129299
		Pay Supplement					
GRF	055431	Drug Abuse Response	\$	2,500,000	\$	2,500,000	129300
		Team Grants					
GRF	055501	Rape Crisis Centers	\$	1,500,000	\$	1,500,000	129301
TOTAL GRF		General Revenue Fund	\$	50,715,637	\$	50,719,337	129302
		Dedicated Purpose Fund Group					129303
1060	055612	Attorney General	\$	65,318,182	\$	61,818,182	129304
		Operating					
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	129305
4170	055621	Domestic Violence	\$	25,000	\$	25,000	129306
		Shelter					
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	129307
		Foundations					
4190	055623	Claims Section	\$	57,439,892	\$	57,439,892	129308
4200	055603	Attorney General	\$	2,432,925	\$	2,432,925	129309
		Antitrust					
4210	055617	Police Officers'	\$	2,944,355	\$	1,500,000	129310
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	129311
4Y70	055608	Title Defect Recision	\$	613,751	\$	613,751	129312
4Z20	055609	BCI Asset Forfeiture	\$	2,500,000	\$	2,500,000	129313
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	129314
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	129315

		Enforcement				
5L50	055619	Law Enforcement	\$	9,377,803	\$	0 129316
		Assistance Program				
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409 129317
		Training - Casino				
5MP0	055657	Peace Officer	\$	325,000	\$	325,000 129318
		Training Commission				
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000 129319
		Enforcement Trust				
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000 129320
		Enforcement				
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728 129321
		Waste Background				
		Investigations				
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000 129322
		Oversight,				
		Administration, and				
		Enforcement				
TOTAL DPF		Dedicated Purpose Fund				129323
Group			\$	190,790,950	\$	176,468,792 129324
		Internal Service Activity Fund Group				129325
1950	055660	Workers' Compensation	\$	8,778,072	\$	8,778,072 129326
		Section				
TOTAL ISA		Internal Service Activity	\$	8,778,072	\$	8,778,072 129327
Fund Group						
		Holding Account Fund Group				129328
R004	055631	General Holding	\$	1,000,000	\$	1,000,000 129329
		Account				
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000 129330
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000 129331
R042	055601	Organized Crime	\$	750,000	\$	750,000 129332
		Commission				

		Distributions				
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000 129333
		Redistribution				
TOTAL	HLD	Holding Account				129334
Fund Group			\$	8,250,000	\$	8,250,000 129335
Federal Fund Group						129336
3060	055620	Medicaid Fraud	\$	8,961,419	\$	8,961,419 129337
		Control				
3830	055634	Crime Victims	\$	70,000,000	\$	70,000,000 129338
		Assistance				
3E50	055638	Attorney General	\$	2,320,999	\$	2,320,999 129339
		Pass-Through Funds				
3FV0	055656	Crime Victim	\$	3,155,000	\$	3,155,000 129340
		Compensation				
3R60	055613	Attorney General	\$	2,799,999	\$	2,799,999 129341
		Federal Funds				
TOTAL	FED	Federal Fund Group	\$	87,237,417	\$	87,237,417 129342
TOTAL	ALL BUDGET	FUND GROUPS	\$	345,772,076	\$	331,453,618 129343

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 129345
 SCIENCE 129346

Of the foregoing appropriation item 055321, Operating 129347
 Expenses, \$600,000 in each fiscal year shall be used for the Ohio 129348
 Center for the Future of Forensic Science at Bowling Green State 129349
 University. The purpose of the Center shall be to foster forensic 129350
 science research techniques (BCI Eminent Scholar) and to create 129351
 professional training opportunities to students (BCI Scholars) in 129352
 the forensic science fields. 129353

DOMESTIC VIOLENCE PROGRAM 129354

Of the foregoing appropriation item 055321, Operating 129355
 Expenses, \$100,000 in each fiscal year may be used by the Attorney 129356
 General for the purpose of providing funding to domestic violence 129357

programs as defined in section 109.46 of the Revised Code.	129358
ORGANIZED CRIME INVESTIGATIONS COMMISSION PILOT PROJECT	129359
Of the foregoing appropriation item 055321, Operating	129360
Expenses, \$50,000 in each fiscal year shall be used for a pilot	129361
project developing new investigatory tools for the Organized Crime	129362
Investigations Commission on behalf of task forces investigating	129363
drug trafficking and related criminal activity.	129364
COUNTY SHERIFFS' PAY SUPPLEMENT	129365
The foregoing appropriation item 055411, County Sheriffs' Pay	129366
Supplement, shall be used for the purpose of supplementing the	129367
annual compensation of county sheriffs as required by section	129368
325.06 of the Revised Code.	129369
At the request of the Attorney General, the Director of	129370
Budget and Management may transfer appropriation from	129371
appropriation item 055321, Operating Expenses, to appropriation	129372
item 055411, County Sheriffs' Pay Supplement. Any appropriation so	129373
transferred shall be used to supplement the annual compensation of	129374
county sheriffs as required by section 325.06 of the Revised Code.	129375
COUNTY PROSECUTORS' PAY SUPPLEMENT	129376
The foregoing appropriation item 055415, County Prosecutors'	129377
Pay Supplement, shall be used for the purpose of supplementing the	129378
annual compensation of certain county prosecutors as required by	129379
section 325.111 of the Revised Code.	129380
At the request of the Attorney General, the Director of	129381
Budget and Management may transfer appropriation from	129382
appropriation item 055321, Operating Expenses, to appropriation	129383
item 055415, County Prosecutors' Pay Supplement. Any appropriation	129384
so transferred shall be used to supplement the annual compensation	129385
of county prosecutors as required by section 325.111 of the	129386
Revised Code.	129387

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY	129388
PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT	129389
FUND	129390
On July 1, 2017, or as soon as possible thereafter, the	129391
Director of Budget and Management shall transfer \$3,500,000 cash	129392
from the Controlling Board Emergency Purposes/Contingencies Fund	129393
(Fund 5KM0) to the Attorney General Reimbursement Fund (Fund	129394
1060).	129395
ATTORNEY GENERAL OPERATING	129396
Of the foregoing appropriation item 055612, Attorney General	129397
Operating, \$2,000,000 in fiscal year 2018 shall be used by the	129398
Attorney General to fund criminal laboratory case work primarily	129399
related to opioid or other criminal cases submitted to the Bureau	129400
of Criminal Investigation.	129401
Of the foregoing appropriation item 055612, Attorney General	129402
Operating, \$1,500,000 in fiscal year 2018 shall be used to support	129403
each public forensic laboratory in Ohio that is accredited in	129404
chemistry by The American Society of Crime Laboratory	129405
Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ	129406
National Accreditation Board (ANAB) to perform chemistry	129407
laboratory work. The Attorney General shall distribute the funds	129408
directly to such laboratories based on the recommendation of the	129409
Forensic Science Institute of Ohio, provided that no accredited	129410
laboratory shall receive less than \$100,000.	129411
DRUG ABUSE RESPONSE TEAM EXPANSION GRANT PROGRAM	129412
The Attorney General shall establish the Drug Abuse Response	129413
Team Grant Program for the purpose of replicating or expanding	129414
successful law enforcement programs that address the opioid	129415
epidemic similar to the Drug Abuse Response Team established by	129416
the Lucas County Sheriff's Department, and the Quick Response	129417
Teams established in Colerain Township's Department of Public	129418

Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose,

the amounts are hereby appropriated.					129481
COLLECTION PAYMENT REDISTRIBUTION					129482
The foregoing appropriation item 055650, Collection Payment					129483
Redistribution, shall be used for the purpose of allocating the					129484
revenue where debtors mistakenly paid the client agencies instead					129485
of the Attorney General's Collections Enforcement Section. If it					129486
is determined that additional amounts are necessary for this					129487
purpose, the amounts are hereby appropriated.					129488
Section 223.10. AUD AUDITOR OF STATE					129489
General Revenue Fund					129490
GRF 070321 Operating Expenses	\$	28,539,720	\$	28,539,720	129491
GRF 070403 Fiscal	\$	789,029	\$	789,029	129492
Watch/Emergency					
Technical Assistance					
GRF 070409 School District	\$	960,000	\$	960,000	129493
Performance Audits					
TOTAL GRF General Revenue Fund	\$	30,288,749	\$	30,288,749	129494
Dedicated Purpose Fund Group					129495
1090 070601 Public Audit Expense	\$	10,803,057	\$	10,803,057	129496
- Intrastate					
4220 070602 Public Audit Expense	\$	37,306,649	\$	38,806,649	129497
- Local Government					
5840 070603 Training Program	\$	483,564	\$	483,564	129498
5JZ0 070606 LEAP Revolving Loans	\$	410,952	\$	410,952	129499
6750 070605 Uniform Accounting	\$	3,398,351	\$	3,398,351	129500
Network					
TOTAL DPF Dedicated Purpose Fund					129501
Group	\$	52,402,573	\$	53,902,573	129502
TOTAL ALL BUDGET FUND GROUPS	\$	82,691,322	\$	84,191,322	129503
SCHOOL DISTRICT PERFORMANCE AUDITS					129504

The foregoing appropriation item 070409, School District Performance Audits, shall be used by the Auditor of State, in consultation with the Department of Education and the Office of Budget and Management, for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities pursuant to section 3316.042 of the Revised Code.

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Section 225.10. BRB BOARD OF BARBER EXAMINERS

129512

Dedicated Purpose Fund Group

129513

4K90 877609	Operating Expenses	\$	433,805	\$	0	129514
TOTAL DPF	Dedicated Purpose Fund	\$	433,805	\$	0	129515

Group

TOTAL ALL BUDGET FUND GROUPS		\$	433,805	\$	0	129516
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Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT

129518

General Revenue Fund

129519

GRF 042321	Budget Development	\$	3,073,172	\$	3,112,524	129520
	and Implementation					

GRF 042416	Office of Health	\$	401,989	\$	415,577	129521
	Transformation					

GRF 042425	Shared Services	\$	1,338,600	\$	1,285,250	129522
	Development					

GRF 042435	Gubernatorial	\$	0	\$	221,625	129523
	Transition					

TOTAL GRF General Revenue Fund		\$	4,813,761	\$	5,034,976	129524
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Internal Service Activity Fund Group

129525

1050 042603	Financial Management	\$	15,624,379	\$	16,044,968	129526
1050 042620	Shared Services	\$	7,326,179	\$	7,493,986	129527

Operating

TOTAL ISA Internal Service Activity						129528
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Fund Group		\$	22,950,558	\$	23,538,954	129529
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Fiduciary Fund Group				129530
5EH0 042604	Forgery Recovery	\$	30,000 \$	30,000 129531
TOTAL FID	Fiduciary Fund Group	\$	30,000 \$	30,000 129532
Federal Fund Group				129533
3CM0 042606	Office of Health	\$	414,422 \$	428,430 129534
	Transformation -			
	Federal			
TOTAL FED	Federal Fund Group	\$	414,422 \$	428,430 129535
TOTAL ALL BUDGET	FUND GROUPS	\$	28,208,741 \$	29,032,360 129536

Section 229.20. AUDIT COSTS 129538

All centralized audit costs associated with either Single 129539
 Audit Schedules or financial statements prepared in conformance 129540
 with generally accepted accounting principles for the state shall 129541
 be paid from the foregoing appropriation item 042603, Financial 129542
 Management. 129543

Costs associated with the audit of the Auditor of State shall 129544
 be paid from the foregoing appropriation item 042321, Budget 129545
 Development and Implementation. 129546

SHARED SERVICES 129547

The foregoing appropriation items 042425, Shared Services 129548
 Development, and 042620, Shared Services Operating, shall be used 129549
 by the Director of Budget and Management to support the Shared 129550
 Services program pursuant to division (D) of section 126.21 of the 129551
 Revised Code. 129552

The Director of Budget and Management shall include the 129553
 recovery of costs to operate the Shared Services program in the 129554
 accounting and budgeting services payroll rate and through direct 129555
 charges using intrastate transfer vouchers billed to agencies for 129556
 services rendered using a methodology determined by the Director 129557
 of Budget and Management. Such cost recovery revenues shall be 129558

deposited to the credit of the Accounting and Budgeting Fund (Fund 129559
1050). 129560

INTERNAL AUDIT 129561

The Director of Budget and Management shall include the 129562
recovery of costs to operate the Internal Audit Program pursuant 129563
to section 126.45 of the Revised Code in the accounting and 129564
budgeting services payroll rate and through direct charges using 129565
intrastate transfer vouchers billed to agencies reviewed by the 129566
program using a methodology determined by the Director of Budget 129567
and Management. Such cost recovery revenues shall be deposited to 129568
the credit of Fund 1050. 129569

FORGERY RECOVERY 129570

The foregoing appropriation item 042604, Forgery Recovery, 129571
shall be used to reissue warrants that have been certified as 129572
forgeries by the rightful recipient as determined by the Bureau of 129573
Criminal Identification and Investigation and the Treasurer of 129574
State. Upon receipt of funds to cover the reissuance of the 129575
warrant, the Director of Budget and Management shall reissue a 129576
state warrant of the same amount. Any additional amounts needed to 129577
reissue warrants backed by the receipt of funds are hereby 129578
appropriated. 129579

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 129580

General Revenue Fund 129581

GRF 874100	Personal Services	\$	2,497,866	\$	2,497,866	129582
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GRF 874320	Maintenance and	\$	1,368,765	\$	1,368,765	129583
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Equipment

TOTAL GRF	General Revenue Fund	\$	3,866,631	\$	3,866,631	129584
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Dedicated Purpose Fund Group 129585

2080 874601	Underground Parking	\$	4,110,625	\$	4,245,906	129586
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Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	129587
	Education Center and					
	Arts					
TOTAL DPF Dedicated Purpose						129588
Fund Group		\$	4,116,625	\$	4,251,906	129589
Internal Service Activity Fund Group						129590
4S70 874602	Statehouse Gift	\$	800,000	\$	800,000	129591
	Shop/Events					
TOTAL ISA Internal Service Activity						129592
Fund Group		\$	800,000	\$	800,000	129593
TOTAL ALL BUDGET FUND GROUPS						129594
MAINTENANCE AND EQUIPMENT						129595
On July 1, 2017, or as soon as possible thereafter, the						129596
Executive Director of the Capitol Square Review and Advisory Board						129597
may certify to the Director of Budget and Management an amount up						129598
to the unexpended, unencumbered balance of the foregoing						129599
appropriation item 874320, Maintenance and Equipment, at the end						129600
of fiscal year 2017 to be reappropriated to fiscal year 2018. The						129601
amount certified is hereby appropriated to the same appropriation						129602
item for fiscal year 2018.						129603
On July 1, 2018, or as soon as possible thereafter, the						129604
Executive Director of the Capitol Square Review and Advisory Board						129605
may certify to the Director of Budget and Management an amount up						129606
to the unexpended, unencumbered balance of the foregoing						129607
appropriation item 874320, Maintenance and Equipment, at the end						129608
of fiscal year 2018 to be reappropriated to fiscal year 2019. The						129609
amount certified is hereby appropriated to the same appropriation						129610
item for fiscal year 2019.						129611
UNDERGROUND PARKING GARAGE FUND						129612
Notwithstanding division (G) of section 105.41 of the Revised						129613
Code and any other provision to the contrary, moneys in the						129614

Underground Parking Garage Fund (Fund 2080) may be used for 129615
personnel and operating costs related to the operations of the 129616
Statehouse and the Statehouse Underground Parking Garage. 129617

HOUSE AND SENATE PARKING REIMBURSEMENT 129618

On July 1 of each fiscal year, or as soon as possible 129619
thereafter, the Director of Budget and Management shall transfer 129620
\$500,000 cash from the General Revenue Fund to the Underground 129621
Parking Garage Fund (Fund 2080). The amounts transferred under 129622
this section shall be used to reimburse the Capitol Square Review 129623
and Advisory Board for legislative parking costs. 129624

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 129625
SCHOOLS 129626

Dedicated Purpose Fund Group 129627

4K90 233601 Operating Expenses	\$	540,260	\$	540,260	129628
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TOTAL DPF Dedicated Purpose Fund	\$	540,260	\$	540,260	129629
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	129630
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Section 233.20. The State Board of Career Colleges and 129632
Schools shall refund all student disclosure course fees charged to 129633
schools by the Board under paragraph (B) of rule 3332-1-22.1 of 129634
the Administrative Code and collected since January 2017 for the 129635
purpose of refunding that money to students who were charged that 129636
fee by the college or school. Private career schools, as defined 129637
in section 3332.01 of the Revised Code, shall refund the 129638
respective amount received under this section to each student who 129639
paid the fee. 129640

Section 235.10. CAC CASINO CONTROL COMMISSION 129641

Dedicated Purpose Fund Group 129642

5HS0 955321 Operating Expenses	\$	13,327,155	\$	13,659,745	129643
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5NU0 955601	Casino Commission	\$	250,000	\$	250,000	129644
	Enforcement					
TOTAL DPF	Dedicated Purpose Fund	\$	13,577,155	\$	13,909,745	129645
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,577,155	\$	13,909,745	129646
Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD						129648
Dedicated Purpose Fund Group						129649
4K90 930609	Operating Expenses	\$	547,999	\$	561,739	129650
TOTAL DPF	Dedicated Purpose Fund	\$	547,999	\$	561,739	129651
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	547,999	\$	561,739	129652
Section 239.10. CHR STATE CHIROPRACTIC BOARD						129654
Dedicated Purpose Fund Group						129655
4K90 878609	Operating Expenses	\$	646,000	\$	646,700	129656
TOTAL DPF	Dedicated Purpose Fund	\$	646,000	\$	646,700	129657
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	646,000	\$	646,700	129658
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION						129660
General Revenue Fund						129661
GRF 876321	Operating Expenses	\$	5,039,359	\$	5,599,288	129662
TOTAL GRF	General Revenue Fund	\$	5,039,359	\$	5,599,288	129663
Internal Service Activity Fund Group						129664
2170 876604	Operations Support	\$	4,000	\$	4,000	129665
TOTAL ISA	Internal Service Activity					129666
Fund Group		\$	4,000	\$	4,000	129667
Federal Fund Group						129668
3340 876601	Federal Programs	\$	3,581,649	\$	3,319,965	129669
TOTAL FED	Federal Special Revenue					129670
Fund Group		\$	3,581,649	\$	3,319,965	129671

TOTAL ALL BUDGET FUND GROUPS		\$	8,625,008	\$	8,923,253	129672	
Section 243.10. COM DEPARTMENT OF COMMERCE						129674	
Dedicated Purpose Fund Group						129675	
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	129676
Recovery							
4H90	800608	Cemeteries	\$	343,249	\$	295,244	129677
4X20	800619	Financial Institutions	\$	1,717,044	\$	1,717,044	129678
5430	800602	Unclaimed	\$	7,984,977	\$	7,984,977	129679
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	129680
5440	800612	Banks	\$	9,677,471	\$	9,677,471	129681
5460	800610	Fire Marshal	\$	17,297,687	\$	17,297,687	129682
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	129683
5470	800603	Real Estate	\$	69,655	\$	69,655	129684
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	129685
5490	800614	Real Estate	\$	3,750,000	\$	3,584,329	129686
5500	800617	Securities	\$	5,216,985	\$	5,284,994	129687
5520	800604	Credit Union	\$	3,600,000	\$	3,675,000	129688
5530	800607	Consumer Finance	\$	4,548,563	\$	4,628,963	129689
5560	800615	Industrial Compliance	\$	30,582,452	\$	30,478,277	129690
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	129691
Departments							
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	129692
Education							
5GK0	800609	Securities Investor	\$	682,150	\$	682,150	129693
Education/Enforcement							
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	129694
5LC0	800644	Liquor JobsOhio	\$	276,817	\$	276,817	129695
Extraordinary Allowance							
5LN0	800645	Liquor Operating	\$	8,810,087	\$	8,352,353	129696
Services							

5LP0	800646	Liquor Regulatory	\$	9,562,022	\$	9,067,080	129697
		Operating Expenses					
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	129698
		Officers' Dependent					
		Fund					
5SU0	800649	Manufactured Homes	\$	54,800	\$	159,706	129699
		Regulation					
5SY0	800650	Medical Marijuana	\$	1,121,279	\$	1,135,692	129700
		Control Program					
5X60	800623	Video Service	\$	412,693	\$	412,693	129701
6530	800629	UST Registration/Permit	\$	2,301,714	\$	2,301,714	129702
		Fee					
6A40	800630	Real Estate	\$	778,175	\$	722,672	129703
		Appraiser-Operating					
TOTAL DPF	Dedicated Purpose						129704
Fund Group			\$	184,640,144	\$	183,656,842	129705
Internal Service Activity	Fund Group						129706
1630	800620	Division of	\$	8,043,364	\$	8,043,364	129707
		Administration					
1630	800637	Information Technology	\$	9,780,626	\$	9,540,704	129708
TOTAL ISA	Internal Service Activity						129709
Fund Group			\$	17,823,990	\$	17,584,068	129710
Federal Fund Group							129711
3480	800622	Underground Storage	\$	1,186,180	\$	1,186,180	129712
		Tanks					
3480	800624	Leaking Underground	\$	1,950,000	\$	1,950,000	129713
		Storage Tanks					
TOTAL FED	Federal Fund Group		\$	3,136,180	\$	3,136,180	129714
TOTAL ALL BUDGET	FUND GROUPS		\$	205,600,314	\$	204,377,090	129715
Section 243.20.	UNCLAIMED FUNDS PAYMENTS						129717
	The foregoing appropriation item 800625, Unclaimed						129718

Funds-Claims, shall be used to pay claims under section 169.08 of 129719
the Revised Code. If it is determined by the Director of Commerce 129720
that additional appropriation amounts are necessary to make such 129721
payments, the Director of Commerce may request that the Director 129722
of Budget and Management increase such amounts. Such amounts are 129723
hereby appropriated. 129724

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 129725

The foregoing appropriation item 800631, Real Estate 129726
Appraiser Recovery, shall be used to pay settlements, judgments, 129727
and court orders under section 4763.16 of the Revised Code. If it 129728
is determined by the Director of Commerce that additional 129729
appropriation amounts are necessary to make such payments, the 129730
Director of Commerce may request that the Director of Budget and 129731
Management increase such amounts. Such amounts are hereby 129732
appropriated. 129733

The foregoing appropriation item 800611, Real Estate 129734
Recovery, shall be used to pay settlements, judgments, and court 129735
orders under section 4735.12 of the Revised Code. If it is 129736
determined by the Director of Commerce that additional 129737
appropriation amounts are necessary to make such payments, the 129738
Director of Commerce may request that the Director of Budget and 129739
Management increase such amounts. Such amounts are hereby 129740
appropriated. 129741

FIRE DEPARTMENT GRANTS 129742

(A) The foregoing appropriation item 800639, Fire Department 129743
Grants, shall be used to make annual grants to the following 129744
eligible recipients: volunteer fire departments, fire departments 129745
that serve one or more small municipalities or small townships, 129746
joint fire districts comprised of fire departments that primarily 129747
serve small municipalities or small townships, local units of 129748
government responsible for such fire departments, and local units 129749

of government responsible for the provision of fire protection 129750
services for small municipalities or small townships. For the 129751
purposes of these grants, a private fire company, as that phrase 129752
is defined in section 9.60 of the Revised Code, that is providing 129753
fire protection services under a contract to a political 129754
subdivision of the state, is an additional eligible recipient for 129755
a training grant. 129756

Eligible recipients that consist of small municipalities or 129757
small townships that all intend to contract with the same fire 129758
department or private fire company for fire protection services 129759
may jointly apply and be considered for a grant. If a joint 129760
applicant is awarded a grant, the State Fire Marshal shall, if 129761
feasible, proportionately award the grant and any equipment 129762
purchased with grant funds to each of the joint applicants based 129763
upon each applicant's contribution to and demonstrated need for 129764
fire protection services. For the purpose of this grant program, 129765
an eligible recipient or any firefighting entity that is 129766
contracted to serve an eligible recipient may only file, be listed 129767
as joint applicant, or be designated as a service provider on one 129768
grant application per fiscal year. 129769

If the grant awarded to joint applicants is an equipment 129770
grant and the equipment to be purchased cannot be readily 129771
distributed or possessed by multiple recipients, each of the joint 129772
applicants shall be awarded by the State Fire Marshal an ownership 129773
interest in the equipment so purchased in proportion to each 129774
applicant's contribution to and demonstrated need for fire 129775
protection services. The joint applicants shall then mutually 129776
agree on how the equipment is to be maintained, operated, stored, 129777
or disposed of. If, for any reason, the joint applicants cannot 129778
agree as to how jointly owned equipment is to be maintained, 129779
operated, stored, or disposed of or any of the joint applicants no 129780
longer maintain a contract with the same fire protection service 129781

provider as the other applicants, then the joint applicants shall, 129782
with the assistance of the State Fire Marshal, mutually agree as 129783
to how the jointly owned equipment is to be maintained, operated, 129784
stored, disposed of, or owned. If the joint applicants cannot 129785
agree how the grant equipment is to be maintained, operated, 129786
stored, disposed of, or owned, the State Fire Marshal may, in its 129787
discretion, require all of the equipment acquired by the joint 129788
applicants with grant funds to be returned to the State Fire 129789
Marshal. The State Fire Marshal may then award the returned 129790
equipment to any eligible recipients. For this paragraph only, an 129791
"equipment grant" also includes a MARCS Grant. 129792

(B) Except as otherwise provided in this section, the grants 129793
shall be used by recipients to purchase firefighting or rescue 129794
equipment or gear or similar items, to provide full or partial 129795
reimbursement for the documented costs of firefighter training, 129796
or, at the discretion of the State Fire Marshal, to cover fire 129797
department costs for providing fire protection services in that 129798
grant recipient's jurisdiction. 129799

(1) Of the foregoing appropriation item 800639, Fire 129800
Department Grants, up to \$1,000,000 per fiscal year may be used to 129801
pay for the State Fire Marshal's costs of providing firefighter I 129802
certification classes or other firefighter classes approved by the 129803
State Fire Marshal at no cost to selected students attending the 129804
Ohio Fire Academy or other class providers approved by the State 129805
Fire Marshal. The State Fire Marshal may establish the 129806
qualifications and selection processes for students to attend such 129807
classes by written policy, and such students shall be considered 129808
eligible recipients of fire department grants for the purposes of 129809
this portion of the grant program. 129810

(2) Of the foregoing appropriation item 800639, Fire 129811
Department Grants, up to \$3,000,000 in each fiscal year may be 129812
used for MARCS Grants. MARCS Grants may be used for the payment of 129813

user access fees by the eligible recipient to access MARCS. 129814

For purposes of this section, a MARCS Grant is a grant for 129815
systems, equipment, or services that are a part of, integrated 129816
into, or otherwise interoperable with the Multi-Agency Radio 129817
Communication System (MARCS) operated by the state. 129818

MARCS Grant awards may be up to \$50,000 in each fiscal year 129819
per eligible recipient. Each eligible recipient may only apply, as 129820
a separate entity or as a part of a joint application, for one 129821
MARCS Grant per fiscal year. The State Fire Marshal may give a 129822
preference in the awarding of MARCS Grants to grants that will 129823
enhance the overall interoperability and effectiveness of 129824
emergency communication networks in the geographic region that 129825
includes and that is adjacent to the applicant. Eligible 129826
recipients that are or were awarded fire department grants that 129827
are not MARCS Grants may also apply for and receive MARCS Grants 129828
in accordance with criteria for the awarding of grant funds 129829
established by the State Fire Marshal. 129830

(3) Grant awards for firefighting or rescue equipment or gear 129831
or for fire department costs of providing fire protection services 129832
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 129833
fiscal year if an eligible entity serves a jurisdiction in which 129834
the Governor declared a natural disaster during the preceding or 129835
current fiscal year in which the grant was awarded. In addition to 129836
any grant funds awarded for rescue equipment or gear, or for fire 129837
department costs associated with the provision of fire protection 129838
services, an eligible entity may receive a grant for up to \$15,000 129839
per fiscal year for full or partial reimbursement of the 129840
documented costs of firefighter training. For each fiscal year, 129841
the State Fire Marshal shall determine the total amounts to be 129842
allocated for each eligible purpose. 129843

(C) The grants shall be administered by the State Fire 129844
Marshal in accordance with rules the State Fire Marshal adopts as 129845

part of the state fire code adopted pursuant to section 3737.82 of 129846
the Revised Code that are necessary for the administration and 129847
operation of the grant program. The rules may further define the 129848
entities eligible to receive grants and establish criteria for the 129849
awarding and expenditure of grant funds, including methods the 129850
State Fire Marshal may use to verify the proper use of grant funds 129851
or to obtain reimbursement for or the return of equipment for 129852
improperly used grant funds. To the extent consistent with this 129853
section and until the rules are updated, the existing rules in the 129854
state fire code adopted pursuant to section 3737.82 of the Revised 129855
Code for fire department grants under this section apply to MARCS 129856
Grants. Any amounts in appropriation item 800639, Fire Department 129857
Grants, in excess of the amount allocated for these grants may be 129858
used for the administration of the grant program. 129859

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 129860

Upon the written request of the Director of Commerce, the 129861
Director of Budget and Management may transfer up to \$500,000 in 129862
cash from the Real Estate Recovery Fund (Fund 5480) and up to 129863
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 129864
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 129865
5490) during the biennium ending June 30, 2019. 129866

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND 129867

Upon the written request of the Director of Commerce, the 129868
Director of Budget and Management may transfer up to \$300,000 in 129869
cash from the State Fire Marshal Fund (Fund 5460) to the Small 129870
Government Fire Department Services Revolving Loan Fund (Fund 129871
5F10) during the biennium ending June 30, 2019. 129872

Of the foregoing appropriation item 800635, Small Government 129873
Fire Departments, \$150,000 in fiscal year 2018 shall be used to 129874
provide a loan for fire training center equipment to a fire 129875
training center that received an appropriation in S.B. 310 of the 129876

131st General Assembly. 129877

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 129878

Dedicated Purpose Fund Group 129879

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 129880

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 129881

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 129882

Section 247.10. CEB CONTROLLING BOARD 129884

Internal Service Activity Fund Group 129885

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 129886

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 129887

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 129888

Section 247.20. FEDERAL SHARE 129890

In transferring appropriations to or from appropriation items 129891

that have federal shares identified in this act, the Controlling 129892

Board shall add or subtract corresponding amounts of federal 129893

matching funds at the percentages indicated by the state and 129894

federal division of the appropriations in this act. Such changes 129895

are hereby appropriated. 129896

DISASTER SERVICES 129897

The Disaster Services Fund (Fund 5E20) shall be used by the 129898

Controlling Board, pursuant to requests submitted by state 129899

agencies, to transfer cash used for the payment of state agency 129900

disaster relief program expenses for disasters that have a written 129901

Governor's authorization, if the Director of Budget and Management 129902

determines that sufficient funds exist. 129903

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

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Section 249.10. COS COSMETOLOGY AND BARBER BOARD

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Dedicated Purpose Fund Group

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4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760

129923

TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760

129924

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760

129925

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE

129927

AND FAMILY THERAPIST BOARD

129928

Dedicated Purpose Fund Group

129929

4K90 899609 Operating Expenses \$ 1,518,224 \$ 1,625,312

129930

TOTAL DPF Dedicated Purpose Fund \$ 1,518,224 \$ 1,625,312

129931

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,518,224 \$ 1,625,312

129932

Section 253.10. CLA COURT OF CLAIMS				129934
General Revenue Fund				129935
GRF 015321	Operating Expenses	\$ 2,536,419	\$ 2,536,419	129936
GRF 015403	Public Records	\$ 518,700	\$ 539,280	129937
Adjudication				
TOTAL GRF	General Revenue Fund	\$ 3,055,119	\$ 3,075,699	129938
Dedicated Purpose Fund Group				129939
5K20 015603	CLA Victims of Crime	\$ 462,515	\$ 480,463	129940
TOTAL DPF	Dedicated Purpose Fund	\$ 462,515	\$ 480,463	129941
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 3,517,634	\$ 3,556,162	129942
PUBLIC RECORDS ADJUDICATION				129943
The foregoing appropriation item 015403, Public Records				129944
Adjudication, shall be used by the Court of Claims to perform its				129945
duties and responsibilities as directed by S.B. 321 of the 131st				129946
General Assembly.				129947
Section 255.10. DEN STATE DENTAL BOARD				129948
Dedicated Purpose Fund Group				129949
4K90 880609	Operating Expenses	\$ 1,754,868	\$ 1,830,082	129950
TOTAL DPF	Dedicated Purpose Fund	\$ 1,754,868	\$ 1,830,082	129951
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,754,868	\$ 1,830,082	129952
Section 257.10. BDP BOARD OF DEPOSIT				129954
Dedicated Purpose Fund Group				129955
4M20 974601	Board of Deposit	\$ 1,876,000	\$ 1,876,000	129956
TOTAL DPF	Dedicated Purpose Fund	\$ 1,876,000	\$ 1,876,000	129957
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,876,000	\$ 1,876,000	129958

	BOARD OF DEPOSIT EXPENSE FUND				129959	
	Upon receiving certification of expenses from the Treasurer				129960	
	of State, the Director of Budget and Management shall transfer				129961	
	cash from the Investment Earnings Redistribution Fund (Fund 6080)				129962	
	to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				129963	
	shall be used pursuant to section 135.02 of the Revised Code to				129964	
	pay for any and all necessary expenses of the Board of Deposit or				129965	
	for banking charges and fees required for the operation of the				129966	
	State of Ohio Regular Account.				129967	
	Section 259.10. DEV DEVELOPMENT SERVICES AGENCY				129968	
	General Revenue Fund				129969	
GRF	195402 Coal Research and	\$	227,368	\$	227,368	129970
	Development Program					
GRF	195405 Minority Business	\$	1,696,358	\$	1,696,358	129971
	Development					
GRF	195415 Business Development	\$	3,208,941	\$	3,208,941	129972
	Services					
GRF	195426 Redevelopment	\$	824,500	\$	1,067,000	129973
	Assistance					
GRF	195453 Technology Programs	\$	13,549,956	\$	13,299,956	129974
	and Grants					
GRF	195454 Small Business and	\$	3,057,174	\$	3,057,174	129975
	Export Assistance					
GRF	195455 Appalachian Workforce	\$	3,172,000	\$	3,172,000	129976
	Assistance					
GRF	195497 CDBG Operating Match	\$	1,021,604	\$	1,021,604	129977
GRF	195501 Appalachian Local	\$	100,000	\$	100,000	129978
	Development Districts					
GRF	195537 Ohio-Israel	\$	200,000	\$	200,000	129979
	Agricultural					
	Initiative					

GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	6,319,500	\$	7,820,600	129980
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	87,015,000	\$	95,039,900	129981
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	11,092,900	\$	12,380,400	129982
TOTAL GRF	General Revenue Fund		\$	131,485,301	\$	142,291,301	129983
	Dedicated Purpose Fund Group						129984
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	129985
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	129986
4F20	195639	State Special Projects	\$	102,104	\$	102,104	129987
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	129988
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	129989
5CG0	195679	Alternative Fuel Transportation	\$	2,000,000	\$	2,000,000	129990
5HR0	195403	Appalachian Workforce Assistance	\$	5,662,518		5,662,518	129991
5HR0	195622	Defense Development Assistance	\$	350,000	\$	350,000	129992
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	129993

5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000	129994
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	129995
5M50	195660	Advanced Energy Loan Programs	\$	10,000,000	\$	10,000,000	129996
5MH0	195644	SiteOhio Administration	\$	25,000	\$	25,000	129997
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	129998
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	129999
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	130000
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	130001
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	130002
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	130003
TOTAL DPF		Dedicated Purpose Fund Group	\$	462,215,089	\$	462,215,089	130004
		Internal Service Activity Fund Group					130005
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	130006
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	130007
TOTAL ISA		Internal Service Activity Fund Group	\$	11,500,000	\$	11,500,000	130008

Facilities Establishment Fund Group				130009
5S90	195628	Capital Access Loan Program	\$ 2,500,000 \$	2,500,000 130010
7009	195664	Innovation Ohio	\$ 5,000,000 \$	5,000,000 130011
7010	195665	Research and Development	\$ 5,000,000 \$	5,000,000 130012
7037	195615	Facilities Establishment	\$ 25,000,000 \$	25,000,000 130013
TOTAL FCE Facilities Establishment Fund Group				\$ 37,500,000 \$ 37,500,000 130014
Bond Research and Development Fund Group				130015
7011	195686	Third Frontier Tax Exempt - Operating	\$ 750,000 \$	750,000 130016
7011	195687	Third Frontier Research and Development Projects	\$ 20,000,000 \$	20,000,000 130017
7014	195620	Third Frontier Taxable - Operating	\$ 1,710,000 \$	1,710,000 130018
7014	195692	Research and Development Taxable Bond Projects	\$ 90,850,250 \$	90,850,250 130019
TOTAL BRD Bond Research and Development Fund Group				\$ 113,310,250 \$ 113,310,250 130020
Capital Projects Fund Group				130021
7003	195663	Clean Ohio Revitalization Operating	\$ 600,000 \$	0 130022
TOTAL CPF Capital Projects Fund Group				\$ 600,000 \$ 0 130023
Federal Fund Group				130024
3080	195603	Housing Assistance Programs	\$ 12,000,000 \$	12,000,000 130025

3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	130026
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	130027
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	130028
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	130029
3080	195672	Manufacturing Extension Partnership	\$	5,500,000	\$	5,500,000	130030
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	130031
3080	195696	State Trade and Export Promotion	\$	800,000	\$	800,000	130032
3350	195610	Energy Programs	\$	200,000	\$	200,000	130033
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	130034
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	130035
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	130036
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	130037
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	130038
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	130039
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	130040
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000	130041
TOTAL	FED	Federal Fund Group	\$	373,226,779	\$	373,226,779	130042
TOTAL	ALL BUDGET FUND GROUPS		\$	1,129,837,419	\$	1,140,043,419	130043

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM	130045
The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.	130046 130047 130048 130049
MINORITY BUSINESS DEVELOPMENT	130050
The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.	130051 130052 130053 130054 130055 130056 130057
BUSINESS DEVELOPMENT SERVICES	130058
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices.	130059 130060 130061
REDEVELOPMENT ASSISTANCE	130062
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.	130063 130064 130065 130066 130067
TECHNOLOGY PROGRAMS AND GRANTS	130068
Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$10,000,000 in each fiscal year shall be used pursuant to sections 122.28 to 122.36 of the Revised Code, of	130069 130070 130071 130072 130073 130074

which not more than ten per cent shall be used for operating 130075
expenses incurred in administering the program; and \$25,000 in 130076
each fiscal year shall be allocated to the Camp Ravenna Joint 130077
Military Training Center to help with securing federal funding in 130078
promoting the defense of the United States. 130079

SMALL BUSINESS AND EXPORT ASSISTANCE 130080

The foregoing appropriation item 195454, Small Business and 130081
Export Assistance, may be used to provide a range of business 130082
assistance, including grants to local organizations to support 130083
economic development activities that promote small business 130084
development, entrepreneurship, and exports of Ohio's goods and 130085
services, in conjunction with local organizations funded through 130086
appropriation item 195405, Minority Business Development. The 130087
foregoing appropriation item shall also be used as matching funds 130088
for grants from the United States Small Business Administration 130089
and other federal agencies, pursuant to Public Law No. 96-302 as 130090
amended by Public Law No. 98-395, and regulations and policy 130091
guidelines for the programs pursuant thereto. 130092

APPALACHIAN WORKFORCE ASSISTANCE 130093

The foregoing GRF appropriation item 195455, Appalachian 130094
Workforce Assistance, shall be used in conjunction with Ohio 130095
Incumbent Workforce Job Training Fund (Fund 5HR0) appropriation 130096
item 195403, Appalachian Workforce Assistance. 130097

CDBG OPERATING MATCH 130098

The foregoing appropriation item 195497, CDBG Operating 130099
Match, shall be used as matching funds for grants from the United 130100
States Department of Housing and Urban Development pursuant to the 130101
Housing and Community Development Act of 1974 and regulations and 130102
policy guidelines for the programs pursuant thereto. 130103

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 130104

The foregoing appropriation item 195501, Appalachian Local	130105
Development Districts shall be allocated to the iBELIEVE	130106
Foundation to provide opportunities for Appalachian youth to	130107
develop twenty-first century skills, including leadership,	130108
communication, and problem-solving for college access and	130109
retention.	130110
OHIO-ISRAEL AGRICULTURAL INITIATIVE	130111
The foregoing appropriation item 195537, Ohio-Israel	130112
Agricultural Initiative, shall be used for the Ohio-Israel	130113
Agricultural Initiative.	130114
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT	130115
SERVICE	130116
The foregoing appropriation line item 195901, Coal Research	130117
and Development General Obligation Bond Debt Service, shall be	130118
used to pay all debt service and related financing costs during	130119
the period July 1, 2017, through June 30, 2019, on obligations	130120
issued under sections 151.01 and 151.07 of the Revised Code.	130121
THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION	130122
BOND DEBT SERVICE	130123
The foregoing appropriation item 195905, Third Frontier	130124
Research and Development General Obligation Bond Debt Service,	130125
shall be used to pay all debt service and related financing costs	130126
during the period from July 1, 2017, through June 30, 2019, on	130127
obligations issued under sections 151.01 and 151.10 of the Revised	130128
Code.	130129
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	130130
SERVICE	130131
The foregoing appropriation item 195912, Job Ready Site	130132
Development General Obligation Bond Debt Service, shall be used to	130133
pay all debt service and related financing costs during the period	130134

from July 1, 2017, through June 30, 2019, on obligations issued 130135
under sections 151.01 and 151.11 of the Revised Code. 130136

Section 259.30. MINORITY BUSINESS BONDING FUND 130137

Notwithstanding Chapters 122., 169., and 175. of the Revised 130138
Code, the Director of Development Services may, upon the 130139
recommendation of the Minority Development Financing Advisory 130140
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal 130141
year 2019 biennium of unclaimed funds administered by the Director 130142
of Commerce and allocated to the Minority Business Bonding Program 130143
under section 169.05 of the Revised Code. 130144

If needed for the payment of losses arising from the Minority 130145
Business Bonding Program, the Director of Budget and Management 130146
may, at the request of the Director of Development Services, 130147
request that the Director of Commerce transfer unclaimed funds 130148
that have been reported by holders of unclaimed funds under 130149
section 169.05 of the Revised Code to the Minority Bonding Fund 130150
(Fund 4490). The transfer of unclaimed funds shall only occur 130151
after proceeds of the initial transfer of \$2,700,000 by the 130152
Controlling Board to the Minority Business Bonding Program have 130153
been used for that purpose. If expenditures are required for 130154
payment of losses arising from the Minority Business Bonding 130155
Program, such expenditures shall be made from appropriation item 130156
195658, Minority Business Bonding Contingency in the Minority 130157
Business Bonding Fund, and such amounts are hereby appropriated. 130158

BUSINESS ASSISTANCE PROGRAMS 130159

The foregoing appropriation item 195649, Business Assistance 130160
Programs, shall be used for administrative expenses associated 130161
with the operation of loan incentives within the Office of 130162
Strategic Business Investments. 130163

STATE SPECIAL PROJECTS 130164

The State Special Projects Fund (Fund 4F20), may be used for 130165
the deposit of private-sector funds from utility companies and for 130166
the deposit of other miscellaneous state funds. State moneys so 130167
deposited may also be used to match federal grants and to support 130168
low-income energy assistance programs. 130169

MINORITY BUSINESS ENTERPRISE LOAN 130170

All repayments from the Minority Development Financing 130171
Advisory Board Loan Program shall be deposited in the State 130172
Treasury to the credit of the Minority Business Enterprise Loan 130173
Fund (Fund 4W10). 130174

APPALACHIAN WORKFORCE ASSISTANCE 130175

On July 1, 2018, or as soon as possible thereafter, the 130176
Director of Budget and Management shall transfer cash from the 130177
Economic Development Programs Fund (Fund 5JC0) to the Ohio 130178
Incumbent Workforce Job Training Fund (Fund 5HR0) in an amount 130179
necessary to provide Fund 5HR0 with sufficient funding to support 130180
the full fiscal year 2019 appropriation to the foregoing 130181
appropriation item 195403, Appalachian Workforce Assistance. 130182

The foregoing appropriation item 195403, Appalachian 130183
Workforce Assistance, may be used for the administrative costs of 130184
planning and liaison activities for the Governor's Office of 130185
Appalachia, to provide financial assistance to projects in Ohio's 130186
Appalachian counties, to support four local development districts, 130187
and to pay dues for the Appalachian Regional Commission. These 130188
funds may be used to match federal funds from the Appalachian 130189
Regional Commission. Programs funded through the foregoing 130190
appropriation item shall be identified and recommended by the 130191
local development districts and approved by the Governor's Office 130192
of Appalachia. The Development Services Agency shall conduct 130193
compliance and regulatory review of the programs recommended by 130194
the local development districts. Moneys allocated under the 130195

foregoing appropriation item may be used to fund projects 130196
including, but not limited to, those designated by the local 130197
development districts as community investment and rapid response 130198
projects. 130199

Of the foregoing appropriation item 195403, Appalachian 130200
Workforce Assistance, in each fiscal year, \$170,000 shall be 130201
allocated to the Ohio Valley Regional Development Commission, 130202
\$170,000 shall be allocated to the Ohio Mid-Eastern Government 130203
Association, \$170,000 shall be allocated to the Buckeye 130204
Hills-Hocking Valley Regional Development District, and \$70,000 130205
shall be allocated to the Eastgate Regional Council of 130206
Governments. Local development districts receiving funding under 130207
this section shall use the funds for the implementation and 130208
administration of programs and duties under section 107.21 of the 130209
Revised Code. 130210

DEFENSE DEVELOPMENT ASSISTANCE 130211

On July 1, 2017, or as soon as possible thereafter, the 130212
Director of Budget and Management shall transfer \$700,000 cash 130213
from the OhioMeansJobs Workforce Development Revolving Loan Fund 130214
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 130215
(Fund 5HR0). 130216

Of the foregoing appropriation item 195622, Defense 130217
Development Assistance, \$250,000 in each fiscal year shall be 130218
allocated to Development Projects, Inc., for economic development 130219
programs and the creation of new jobs to leverage and support 130220
mission gains at Department of Defense and related facilities in 130221
Ohio by working with future base realignment and closure 130222
activities and ongoing Department of Defense efficiency and 130223
partnership initiatives, assisting efforts to secure Department of 130224
Defense support contracts for Ohio companies, assessing and 130225
supporting regional job training and workforce development needs 130226
generated by the Department of Defense and the Ohio aerospace 130227

industry, promoting technology transfer to Ohio businesses, and 130228
for expanding job training and economic development programs in 130229
human performance and cyber security related initiatives. 130230

Of the foregoing appropriation item 195622, Defense 130231
Development Assistance, \$100,000 in each fiscal year shall be 130232
allocated to the Aerospace Professional Development Center in 130233
Dayton for statewide workforce development services in the 130234
aerospace industry. 130235

TAX INCENTIVES OPERATING 130236

On July 1, 2017, or as soon as possible thereafter, the 130237
Director of Budget and Management shall transfer \$700,000 cash 130238
from Fund 5MK0 to Fund 5JR0. 130239

ADVANCED ENERGY LOAN PROGRAMS 130240

The foregoing appropriation item 195660, Advanced Energy Loan 130241
Programs, shall be used to provide financial assistance to 130242
customers for eligible advanced energy projects for residential, 130243
commercial, and industrial business, local government, educational 130244
institution, nonprofit, and agriculture customers. The 130245
appropriation item may be used to match federal grant funding and 130246
to pay for the program's administrative costs as provided in 130247
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 130248
by the Director of Development Services. 130249

On July 1, 2017, or as soon as possible thereafter, the 130250
Director of Budget and Management shall transfer cash in an amount 130251
equal to the unexpended, unencumbered balance of the Advanced 130252
Energy Research and Development Taxable Fund (Fund 7004), from 130253
Fund 7004 to the Advanced Energy Fund (Fund 5M50). 130254

TRAVEL AND TOURISM COOPERATIVE PROJECTS 130255

The foregoing appropriation item 195690, Travel and Tourism 130256
Cooperative Projects, shall be used for the marketing and 130257

promotion of travel and tourism in Ohio. The Travel and Tourism 130258
Cooperative Projects Fund (Fund 5W50) shall consist solely of 130259
leveraged private sector paid advertising dollars received in 130260
tourism marketing assistance and co-op programs. 130261

VOLUME CAP ADMINISTRATION 130262

The foregoing appropriation item 195654, Volume Cap 130263
Administration, shall be used for expenses related to the 130264
administration of the Volume Cap Program. Revenues received by the 130265
Volume Cap Administration Fund (Fund 6170) shall consist of 130266
application fees, forfeited deposits, and interest earned from the 130267
custodial account held by the Treasurer of State. 130268

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 130269

The Director of Development Services may assess offices of 130270
the agency for the cost of central service operations. An 130271
assessment shall contain the characteristics of administrative 130272
ease and uniform application. A division's payments shall be 130273
credited to the Supportive Services Fund (Fund 1350) using an 130274
intrastate transfer voucher. 130275

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 130276

The foregoing appropriation item 195636, Development Services 130277
Reimbursable Expenditures, shall be used for reimbursable costs 130278
incurred by the agency. Revenues to the General Reimbursement Fund 130279
(Fund 6850) shall consist of moneys charged for administrative 130280
costs that are not central service costs and repayments of loans, 130281
including the interest thereon, made from the Water and Sewer Fund 130282
(Fund 4440). 130283

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 130284

The foregoing appropriation item 195628, Capital Access Loan 130285
Program, shall be used for operating, program, and administrative 130286

expenses of the program. Funds of the Capital Access Loan Program 130287
shall be used to assist participating financial institutions in 130288
making program loans to eligible businesses that face barriers in 130289
accessing working capital and obtaining fixed-asset financing. 130290

The Director of Budget and Management may transfer an amount 130291
not to exceed \$1,000,000 cash in each fiscal year from the 130292
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 130293
Access Loan Fund (Fund 5S90). 130294

INNOVATION OHIO 130295

The foregoing appropriation item 195664, Innovation Ohio, 130296
shall be used to provide for Innovation Ohio purposes, including 130297
loan guarantees and loans under Chapter 166. and particularly 130298
sections 166.12 to 166.16 of the Revised Code. 130299

RESEARCH AND DEVELOPMENT 130300

The foregoing appropriation item 195665, Research and 130301
Development, shall be used to provide for research and development 130302
purposes, including loans, under Chapter 166. and particularly 130303
sections 166.17 to 166.21 of the Revised Code. 130304

FACILITIES ESTABLISHMENT 130305

The foregoing appropriation item 195615, Facilities 130306
Establishment, shall be used for the purposes of the Facilities 130307
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 130308
Code. 130309

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 130310

Notwithstanding Chapter 166. of the Revised Code, an amount 130311
not to exceed \$3,500,000 in cash in each fiscal year may be 130312
transferred from the Facilities Establishment Fund (Fund 7037) to 130313
the Business Assistance Fund (Fund 4510). The transfer is subject 130314
to Controlling Board approval under division (B) of section 166.03 130315
of the Revised Code. 130316

Notwithstanding Chapter 166. of the Revised Code, the 130317
Director of Budget and Management may transfer an amount not to 130318
exceed \$2,000,000 in cash in each fiscal year from the Facilities 130319
Establishment Fund (Fund 7037) to the Minority Business Enterprise 130320
Loan Fund (Fund 4W10). 130321

Notwithstanding Chapter 166. of the Revised Code, the 130322
Director of Budget and Management may transfer an amount not to 130323
exceed \$2,000,000 in cash in each fiscal year from the Facilities 130324
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 130325
(Fund 5S90). 130326

Section 259.60. THIRD FRONTIER OPERATING COSTS 130327

The foregoing appropriation items 195686, Third Frontier Tax 130328
Exempt - Operating, and 195620, Third Frontier Taxable - 130329
Operating, shall be used for operating expenses incurred by the 130330
Development Services Agency in administering projects pursuant to 130331
sections 184.10 to 184.20 of the Revised Code. Operating expenses 130332
paid from appropriation item 195686 shall be limited to the 130333
administration of projects funded from the Third Frontier Research 130334
& Development Fund (Fund 7011) and operating expenses paid from 130335
appropriation item 195620 shall be limited to the administration 130336
of projects funded from the Third Frontier Research & Development 130337
Taxable Bond Project Fund (Fund 7014). 130338

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 130339
PROJECTS** 130340

The foregoing appropriation items 195687, Third Frontier 130341
Research & Development Projects, and 195692, Research & 130342
Development Taxable Bond Projects, shall be used by the 130343
Development Services Agency to fund selected projects which may 130344
include the Ohio Tech Internship Program. Eligible costs are those 130345
costs of research and development projects to which the proceeds 130346
of the Third Frontier Research & Development Fund (Fund 7011) and 130347

the Research & Development Taxable Bond Project Fund (Fund 7014) 130348
are to be applied. 130349

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 130350

The Director of Budget and Management may approve written 130351
requests from the Director of Development Services for the 130352
transfer of appropriations between appropriation items 195687, 130353
Third Frontier Research & Development Projects, and 195692, 130354
Research & Development Taxable Bond Projects, based upon awards 130355
recommended by the Third Frontier Commission. 130356

In fiscal year 2019, the Director of Development Services may 130357
request that the Director of Budget and Management reappropriate 130358
any unexpended, unencumbered balances of the prior fiscal year's 130359
appropriation to the foregoing appropriation items 195687, Third 130360
Frontier Research & Development Projects, and 195692, Research & 130361
Development Taxable Bond Projects, for fiscal year 2019. The 130362
Director of Budget and Management may request additional 130363
information necessary for evaluating these requests, and the 130364
Director of Development Services shall provide the requested 130365
information to the Director of Budget and Management. Based on the 130366
information provided by the Director of Development Services, the 130367
Director of Budget and Management shall determine the amounts to 130368
be reappropriated, and those amounts are hereby reappropriated for 130369
fiscal year 2019. 130370

Section 259.70. CLEAN OHIO REVITALIZATION OPERATING 130371

The foregoing appropriation item 195663, Clean Ohio 130372
Revitalization Operating, shall be used by the Development 130373
Services Agency in administering Clean Ohio Revitalization Fund 130374
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 130375
Revised Code. 130376

Section 259.80. HEAP WEATHERIZATION 130377

Up to fifteen per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

Section 259.90. The Development Services Agency, the Department of Mental Health and Addiction Services, and the Ohio State University shall collaborate to develop a web site and an application for mobile devices that provide resources and information regarding opioid addiction treatment services.

Section 259.100. LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM

On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 195546, Lakes in Economic Distress Revolving Loan Program, to be reappropriated in fiscal year 2018. The amount certified is hereby reappropriated to the foregoing appropriation item in fiscal year 2018 for the same purpose or to support stormwater drainage infrastructure improvements at the Buckeye Lake Dam or a stormwater drainage study at the Buckeye Lake Dam.

On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount equaling the unexpended, unencumbered balance of the portion of the foregoing appropriation

item 195407, Travel and Tourism, that was earmarked for grants to 130408
assist businesses and other entities adversely affected due to 130409
economic circumstances that result in the declaration of a lake as 130410
an area under economic distress by the Director of Natural 130411
Resources pursuant to section 122.641 of the Revised Code. The 130412
amount certified is hereby reappropriated to the foregoing 130413
appropriation item in fiscal year 2018 for the same purpose. 130414

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 130415

General Revenue Fund 130416

GRF	320411	Special Olympics	\$	100,000	\$	100,000	130417
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	130418
GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	20,323,000	\$	19,426,900	130419
GRF	322420	Screening & Early Identification	\$	300,999	\$	300,999	130420
GRF	322421	Part C Early Intervention	\$	10,887,711	\$	10,887,711	130421
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	130422
GRF	322451	Family Support Services	\$	5,843,767	\$	5,843,767	130423
GRF	322501	County Boards Subsidies	\$	43,266,294	\$	43,266,294	130424
GRF	322507	County Board Case Management	\$	2,450,000	\$	1,462,500	130425
GRF	322508	Employment First Initiative	\$	2,724,111	\$	2,724,111	130426
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	130427
GRF	653321	Medicaid Program	\$	7,000,000	\$	7,000,000	130428

		Support - State				
GRF	653407	Medicaid Services	\$	576,275,649	\$	583,775,649 130429
TOTAL GRF		General Revenue Fund	\$	673,280,954	\$	678,897,354 130430
		Dedicated Purpose Fund Group				130431
5GE0	320606	Central Office	\$	13,339,487	\$	13,339,487 130432
		Operating Expenses				
5QM0	320607	System Transformation	\$	1,000,000	\$	0 130433
		Supports				
2210	322620	Supplement Service	\$	500,000	\$	500,000 130434
		Trust				
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000 130435
		Facilities				
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000 130436
4890	653632	Developmental Centers	\$	10,718,092	\$	10,718,092 130437
		Direct Care Services				
5EV0	653627	Medicaid Program	\$	1,500,000	\$	1,500,000 130438
		Support				
5GE0	653606	ICF/IID and Waiver	\$	38,406,616	\$	39,614,603 130439
		Match				
5S20	653622	Medicaid	\$	20,032,154	\$	20,032,154 130440
		Administration &				
		Oversight				
5Z10	653624	County Board Waiver	\$	340,210,215	\$	374,726,690 130441
		Match				
TOTAL DPF		Dedicated Purpose Fund	\$	427,356,564	\$	462,081,026 130442
		Group				
		Internal Service Activity Fund Group				130443
1520	653609	DC and Residential	\$	17,000,000	\$	9,000,000 130444
		Facilities Operating				
		Services				
TOTAL ISA		Internal Service Activity	\$	17,000,000	\$	9,000,000 130445
		Fund Group				

Federal Fund Group					130446
3250 322612	Community Social	\$ 27,677,572	\$ 27,677,572		130447
	Service Programs				
3A40 653654	Medicaid Services	\$ 1,683,779,023	\$ 1,718,457,466		130448
3A40 653655	Medicaid Support	\$ 61,000,000	\$ 62,000,000		130449
3A50 320613	Developmental	\$ 3,324,187	\$ 3,324,187		130450
	Disabilities Council				
TOTAL FED	Federal Fund Group	\$ 1,775,780,782	\$ 1,811,459,225		130451
TOTAL ALL BUDGET	FUND GROUPS	\$ 2,893,418,300	\$ 2,961,437,605		130452

Section 261.12. SPECIAL OLYMPICS 130454

The foregoing appropriation item 320411, Special Olympics, 130455
shall be distributed to The Ohio State University to support its 130456
hosting of the annual Special Olympics Ohio Summer Games. 130457

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 130458

LEASE-RENTAL BOND PAYMENTS 130459

The foregoing appropriation item 320415, Developmental 130460
Disabilities Facilities Lease Rental Bond Payments, shall be used 130461
to meet all payments during the period from July 1, 2017, through 130462
June 30, 2019, by the Department of Developmental Disabilities 130463
under leases and agreements made under section 154.20 of the 130464
Revised Code. These appropriations are the source of funds pledged 130465
for bond service charges on related obligations issued under 130466
Chapter 154. of the Revised Code. 130467

Section 261.30. SCREENING AND EARLY IDENTIFICATION 130468

At the discretion of the Director of Developmental 130469
Disabilities, the foregoing appropriation item 322420, Screening 130470
and Early Identification, shall be used for professional and 130471
program development related to early identification/screening and 130472
intervention for children with autism and other complex 130473

developmental disabilities and their families. 130474

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 130475

The foregoing appropriation item 322451, Family Support 130476
Services, may be used as follows in fiscal year 2018 and fiscal 130477
year 2019: 130478

(A) The appropriation item may be used to provide a subsidy 130479
to county boards of developmental disabilities for family support 130480
services provided under section 5126.11 of the Revised Code. The 130481
subsidy shall be paid in quarterly installments and allocated to 130482
county boards according to a formula the Director of Developmental 130483
Disabilities shall develop in consultation with representatives of 130484
county boards. A county board shall use not more than seven per 130485
cent of its subsidy for administrative costs. 130486

(B) The appropriation item may be used to distribute funds to 130487
county boards for the purpose of addressing economic hardships and 130488
to promote efficiency of operations. In consultation with 130489
representatives of county boards, the Director shall determine the 130490
amount of funds to distribute for these purposes and the criteria 130491
for distributing the funds. 130492

Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS 130493

(A) Except as provided in the section of this act titled 130494
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 130495
appropriation item 322501, County Boards Subsidies, shall be used 130496
for the following purposes: 130497

(1) To provide a subsidy to county boards of developmental 130498
disabilities in quarterly installments and allocated according to 130499
a formula developed by the Director of Developmental Disabilities 130500
in consultation with representatives of county boards. Except as 130501
provided in section 5126.0511 of the Revised Code or in division 130502
(B) of this section, county boards shall use the subsidy for early 130503

childhood services and adult services provided under section 130504
5126.05 of the Revised Code, service and support administration 130505
provided under section 5126.15 of the Revised Code, or supported 130506
living as defined in section 5126.01 of the Revised Code. 130507

(2) To provide funding, as determined necessary by the 130508
Director, for residential services, including room and board, and 130509
support service programs that enable individuals with 130510
developmental disabilities to live in the community. 130511

(3) To distribute funds to county boards of developmental 130512
disabilities to address economic hardships and promote efficiency 130513
of operations. The Director shall determine, in consultation with 130514
representatives of county boards, the amount of funds to 130515
distribute for these purposes and the criteria for distributing 130516
the funds. 130517

(B) In collaboration with the county's family and children 130518
first council, a county board of developmental disabilities may 130519
transfer portions of funds received under this section, to a 130520
flexible funding pool in accordance with the section of this act 130521
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 130522

Section 261.60. EMPLOYMENT FIRST INITIATIVE 130523

The foregoing appropriation item 322508, Employment First 130524
Initiative, shall be used to increase employment opportunities for 130525
individuals with developmental disabilities through the Employment 130526
First Initiative in accordance with section 5123.022 of the 130527
Revised Code. 130528

Of the foregoing appropriation item, 322508, Employment First 130529
Initiative, the Director of Developmental Disabilities shall 130530
transfer, in each fiscal year, to the Opportunities for Ohioans 130531
with Disabilities Agency an amount agreed upon by the Director of 130532
Developmental Disabilities and the Executive Director of the 130533

Opportunities for Ohioans with Disabilities Agency. The transfer 130534
shall be made via an intrastate transfer voucher. The transferred 130535
funds shall be used to support the Employment First Initiative. 130536
The Opportunities for Ohioans with Disabilities Agency shall use 130537
the funds transferred as state matching funds to obtain available 130538
federal grant dollars for vocational rehabilitation services. Any 130539
federal match dollars received by the Opportunities for Ohioans 130540
with Disabilities Agency shall be used for the initiative. The 130541
Director of Developmental Disabilities and the Executive Director 130542
of the Opportunities for Ohioans with Disabilities Agency shall 130543
enter into an interagency agreement in accordance with section 130544
3304.181 of the Revised Code that will specify the 130545
responsibilities of each agency under the initiative. Under the 130546
interagency agreement, the Opportunities for Ohioans with 130547
Disabilities Agency shall retain responsibility for eligibility 130548
determination, order of selection, plan approval, plan amendment, 130549
and release of vendor payments. 130550

The remainder of appropriation item 322508, Employment First 130551
Initiative, shall be used to develop a long-term, sustainable 130552
system that places individuals with developmental disabilities in 130553
community employment, as defined in section 5123.022 of the 130554
Revised Code. 130555

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 130556

The foregoing appropriation item 322509, Community Supports 130557
and Rental Assistance, may be used by the Director of 130558
Developmental Disabilities to provide funding to county boards of 130559
developmental disabilities for rental assistance to individuals 130560
with developmental disabilities receiving home and community-based 130561
services as defined in section 5123.01 of the Revised Code 130562
pursuant to section 5124.60 of the Revised Code or section 5124.69 130563
of the Revised Code and individuals with developmental 130564

disabilities who enroll in a Medicaid waiver component providing 130565
home and community-based services after receiving preadmission 130566
counseling pursuant to section 5124.68 of the Revised Code. The 130567
Director shall establish the methodology for determining the 130568
amount and distribution of such funding. 130569

Section 261.80. MEDICAID SERVICES 130570

(A) As used in this section: 130571

(1) "Home and community-based services" has the same meaning 130572
as in section 5123.01 of the Revised Code. 130573

(2) "ICF/IID services" has the same meaning as in section 130574
5124.01 of the Revised Code. 130575

(B) Except as provided in section 5123.0416 of the Revised 130576
Code, the purposes for which the foregoing appropriation item 130577
653407, Medicaid Services, shall be used include the following: 130578

(1) Home and community-based services; 130579

(2) Implementation of the requirements of the agreement 130580
settling the consent decree in Sermak v. Manuel, Case No. 130581
C-2-80-220, United States District Court for the Southern District 130582
of Ohio, Eastern Division; 130583

(3) Implementation of the requirements of the agreement 130584
settling the consent decree in the Martin v. Strickland, Case No. 130585
89-CV-00362, United States District Court for the Southern 130586
District of Ohio, Eastern Division; 130587

(4) ICF/IID services; 130588

(5) Up to \$3,000,000 in each fiscal year shall be used to 130589
increase employment opportunities for Medicaid-eligible 130590
individuals with developmental disabilities through the Employment 130591
First Initiative; 130592

(6) Up to \$14,000,000 in each fiscal year may be used to 130593

distribute funds to county boards of developmental disabilities to 130594
address economic hardships and promote efficiency of operations, 130595
notwithstanding section 5126.18 of the Revised Code. The Director 130596
of Developmental Disabilities shall determine, in consultation 130597
with representatives of county boards, the amount of funds to 130598
distribute for these purposes and the criteria for distributing 130599
the funds; and 130600

(7) Other programs as identified by the Director of 130601
Developmental Disabilities. 130602

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES 130603

Of the foregoing appropriation item 320606, Central Office 130604
Operating Expenses, \$100,000 in each fiscal year shall be provided 130605
to the Ohio Center for Autism and Low Incidence to establish a 130606
lifespan autism hub to support families and professionals. 130607

**Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT 130608
SERVICES** 130609

Any county funds received by the Department of Developmental 130610
Disabilities from county boards of developmental disabilities for 130611
active treatment shall be deposited in the Developmental 130612
Disabilities Operating Fund (Fund 4890). 130613

Section 261.110. SYSTEM TRANSFORMATION SUPPORTS 130614

The foregoing appropriation item 320607, System 130615
Transformation Supports, may be used by the Director of 130616
Developmental Disabilities as follows: 130617

(A) To purchase one or more residential facility beds for the 130618
purpose of reducing the number of beds that are certified for 130619
participation in Medicaid as ICF/IID beds in Ohio. The Director 130620
shall establish priorities for the purchase of beds which may 130621
include beds located in a building in which a nursing facility is 130622

also located and beds which are in a residential facility of 130623
sixteen beds or greater. The purchase price of a bed shall be the 130624
price the Director determines is reasonable based on the 130625
established priorities. Division (B) of section 127.16 of the 130626
Revised Code shall not apply to a purchase made under this 130627
section. 130628

(B) To fund other system transformation initiatives 130629
identified by the Director. 130630

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS 130631

The foregoing appropriation item 322612, Community Social 130632
Service Programs, may be used by the Director of Developmental 130633
Disabilities to purchase one or more residential facility beds for 130634
the purpose of reducing the number of beds that are certified for 130635
participation in Medicaid as ICF/IID beds in Ohio. The Director 130636
shall establish priorities for the purchase of beds which may 130637
include beds located in a building in which a nursing facility is 130638
also located and beds which are in a residential facility of 130639
sixteen beds or greater. The purchase price of a bed shall be the 130640
price the Director determines is reasonable based on the 130641
established priorities. Division (B) of section 127.16 of the 130642
Revised Code shall not apply to a purchase made under this 130643
section. 130644

A portion of the foregoing appropriation item 322612, 130645
Community Social Service Programs, may be used to provide a 130646
subsidy, disbursed in quarterly installments, to county family and 130647
children first council administrative agencies to support central 130648
coordination and child find activities in accordance with 34 130649
C.F.R. 303.302. In consultation with the Early Intervention 130650
Services Advisory Council established under section 5123.0422 of 130651
the Revised Code, the Director of Developmental Disabilities shall 130652
establish a formula for allocating the funds and restrictions on 130653

the use of the funds. 130654

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 130655

As used in this section, "home and community-based services" 130656
has the same meaning as in section 5123.01 of the Revised Code. 130657

The Director of Developmental Disabilities shall establish a 130658
methodology to be used in fiscal year 2018 and fiscal year 2019 to 130659
estimate the quarterly amount each county board of developmental 130660
disabilities is to pay of the nonfederal share of home and 130661
community-based services that section 5126.0510 of the Revised 130662
Code requires county boards to pay. Each quarter, the Director 130663
shall submit to a county board written notice of the amount the 130664
county board is to pay for that quarter. The notice shall specify 130665
when the payment is due. 130666

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 130667

If a county board of developmental disabilities does not 130668
fully pay any amount owed to the Department of Developmental 130669
Disabilities by the due date established by the Department, the 130670
Director of Developmental Disabilities may withhold the amount the 130671
county board did not pay from any amounts due to the county board. 130672
The Director may use any appropriation item or fund used by the 130673
Department to transfer cash to any other fund used by the 130674
Department in an amount equal to the amount owed the Department 130675
that the county board did not pay. Transfers under this section 130676
shall be made using an intrastate transfer voucher. 130677

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 130678

Developmental centers of the Department of Developmental 130679
Disabilities may provide services to persons with developmental 130680
disabilities living in the community or to providers of services 130681
to these persons. The Department may develop a method for recovery 130682

of all costs associated with the provision of these services. 130683

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS 130684

(A) In fiscal year 2018 and fiscal year 2019, the Director of 130685
Developmental Disabilities may authorize the continuation or 130686
implementation of one or more innovative pilot projects that, in 130687
the judgment of the Director, are likely to assist in promoting 130688
the objectives of Chapter 5123. or 5126. of the Revised Code. 130689
Subject to division (B) of this section and notwithstanding any 130690
provision of Chapters 5123. and 5126. of the Revised Code and any 130691
rule adopted under either chapter, a pilot project authorized by 130692
the Director may be continued or implemented in a manner 130693
inconsistent with one or more provisions of either chapter or one 130694
or more rules adopted under either chapter. Before authorizing a 130695
pilot program, the Director shall consult with entities interested 130696
in the issue of developmental disabilities, including the Ohio 130697
Provider Resource Association, Ohio Association of County Boards 130698
of Developmental Disabilities, Ohio Health Care Association/Ohio 130699
Centers for Intellectual Disabilities, the Values and Faith 130700
Alliance, and ARC of Ohio. 130701

(B) The Director may not authorize a pilot project to be 130702
implemented in a manner that would cause the state to be out of 130703
compliance with any requirements for a program funded in whole or 130704
in part with federal funds. 130705

Section 261.165. FISCAL YEAR 2018 MEDICAID RATES FOR ICFs/IID 130706
IN PEER GROUPS 1 AND 2 130707

(A) As used in this section: 130708

(1) "Change of operator," "entering operator," "exiting 130709
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 130710
group 1," "peer group 2," "peer group 3," "provider," and 130711
"provider agreement" have the same meanings as in section 5124.01 130712

of the Revised Code. 130713

(2) "Franchise permit fee" means the fee imposed by sections 130714
5168.60 to 5168.71 of the Revised Code. 130715

(B)(1) This section applies to each ICF/IID that is in peer 130716
group 1 or peer group 2 and to which any of the following applies: 130717

(a) The provider of the ICF/IID has a valid Medicaid provider 130718
agreement for the ICF/IID on June 30, 2017, and a valid Medicaid 130719
provider agreement for the ICF/IID during fiscal year 2018. 130720

(b) The ICF/IID undergoes a change of operator that takes 130721
effect during fiscal year 2018, the exiting operator has a valid 130722
Medicaid provider agreement for the ICF/IID on the day immediately 130723
preceding the effective date of the change of operator, and the 130724
entering operator has a valid Medicaid provider agreement for the 130725
ICF/IID during fiscal year 2018. 130726

(c) The ICF/IID is a new ICF/IID for which the provider 130727
obtains an initial provider agreement during fiscal year 2018. 130728

(2) This section does not apply to an ICF/IID in peer group 130729
3. 130730

(3) The Department of Developmental Disabilities shall follow 130731
this section in determining the rate to be paid for ICF/IID 130732
services provided during fiscal year 2018 by ICFs/IID subject to 130733
this section notwithstanding anything to the contrary in Chapter 130734
5124. of the Revised Code. 130735

(C)(1) Except as otherwise provided in this section, the 130736
provider of an ICF/IID to which this section applies shall be 130737
paid, for ICF/IID services the ICF/IID provides during fiscal year 130738
2018, the total per Medicaid day rate determined for the ICF/IID 130739
under division (C)(2) or (3) of this section. 130740

(2) Except in the case of a new ICF/IID, the fiscal year 2018 130741
total per Medicaid day rate for an ICF/IID to which this section 130742

applies shall be the ICF/IID's total per Medicaid day rate 130743
determined for the ICF/IID in accordance with Chapter 5124. of the 130744
Revised Code for the fiscal year with the following modifications: 130745

(a) The ICF/IID's efficiency incentive for capital costs, as 130746
determined under division (F) of section 5124.17 of the Revised 130747
Code, shall be reduced by 50%. 130748

(b) In place of the maximum cost per case-mix unit 130749
established for the ICF/IID's peer group under division (C) of 130750
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 130751
per case-mix unit shall be the amount the Department determined 130752
for the ICF/IID's peer group for fiscal year 2016 in accordance 130753
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 130754
131st General Assembly. 130755

(c) In place of the inflation adjustment otherwise calculated 130756
under division (D) of section 5124.19 of the Revised Code for the 130757
purpose of division (A)(1)(b) of that section, an inflation 130758
adjustment of 1.014 shall be used. 130759

(d) In place of the efficiency incentive otherwise calculated 130760
under division (B)(2) of section 5124.21 of the Revised Code, the 130761
ICF/IID's efficiency incentive for indirect care costs shall be 130762
the following: 130763

(i) In the case of an ICF/IID in peer group 1, not more than 130764
\$3.69; 130765

(ii) In the case of an ICF/IID in peer group 2, not more than 130766
\$3.19. 130767

(e) In place of the maximum rate for indirect care costs 130768
established for the ICF/IID's peer group under division (C) of 130769
section 5124.21 of the Revised Code, the maximum rate for indirect 130770
care costs for the ICF/IID's peer group shall be an amount the 130771
Department shall determine in accordance with division (E) of this 130772
section. 130773

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2016 shall be multiplied by 1.014.

(h) After all of the modifications specified in divisions (C)(2)(a) to (g) of this section have been made, the ICF/IID's total per Medicaid day rate shall be increased by a direct support personnel payment equal to 3.04% of the ICF/IID's desk-reviewed, actual, allowable per Medicaid day direct care costs from calendar year 2016.

(3) The fiscal year 2018 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for the fiscal years with the following modifications:

(a) In place of the amount determined under division (B)(1) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for capital costs shall be the median rate for all ICFs/IID determined under section 5124.17 of the Revised Code with the modification made under division (C)(2)(a) of this section.

(b) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group; 130805
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(ii) Multiply the median determined under division (C)(3)(b)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2016; 130807
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130809

(iii) Multiply the product determined under division (C)(3)(b)(ii) of this section by 1.014. 130810
130811

(c) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the amount of the maximum rate for indirect costs determined for the ICF/IID's peer group under division (E) of this section. 130812
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(d) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115% of the median rate for ICFs/IID determined under section 5124.23 of the Revised Code with the modification made under division (C)(2)(g) of this section. 130817
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(e) After all of the modifications specified in divisions (C)(3)(a) to (d) of this section have been made, the new ICF/IID's initial total per Medicaid day rate shall be increased by the median direct support personnel payment made under division (C)(2)(h) of this section. 130823
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(D) A new ICF/IID's initial total modified per Medicaid day rate for fiscal year 2018 as determined under division (C)(3) of this section shall be adjusted at the applicable time specified in division (D) of section 5124.151 of the Revised Code. If the adjustment affects the ICF/IID's rate for ICF/IID services provided during fiscal year 2018, the modifications specified in division (C)(2) of this section apply to the adjustment. 130828
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(E) In determining the amount of the maximum rate for 130835

indirect costs for the purposes of divisions (C)(2)(e) and 130836
(C)(3)(c) of this section, the Department shall strive to the 130837
greatest extent possible to do both of the following: 130838

(1) Avoid rate reductions under division (F)(1) of this 130839
section; 130840

(2) Have the amount so determined result in payment of all 130841
desk-reviewed, actual, allowable indirect care costs for the same 130842
percentage of Medicaid days for ICFs/IID in peer group 1 as for 130843
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 130844
days for May 2017. 130845

(F)(1) If the mean total per Medicaid day rate for all 130846
ICFs/IID to which this section applies, as determined under 130847
division (C) of this section as of July 1, 2017, and weighted by 130848
Medicaid days for May of fiscal year 2017 is other than the amount 130849
determined under division (F)(2) of this section, the Department 130850
shall adjust, for fiscal year 2018, the total per Medicaid day 130851
rate for each ICF/IID to which this section applies by a 130852
percentage that is equal to the percentage by which the mean total 130853
per Medicaid day rate is greater or less than the amount 130854
determined under division (F)(2) of this section. 130855

(2) The amount to be used for the purpose of division (F)(1) 130856
of this section shall be not less than \$290.10. The Department, in 130857
its sole discretion, may use a larger amount for the purpose of 130858
that division. In determining whether to use a larger amount, the 130859
Department may consider any of the following: 130860

(a) The reduction in the total Medicaid-certified capacity of 130861
all ICFs/IID that occurs in fiscal year 2017, and the reduction 130862
that is projected to occur in fiscal year 2018, as a result of 130863
either of the following: 130864

(i) A downsizing pursuant to a plan approved by the 130865
Department under section 5123.042 of the Revised Code; 130866

(ii) A conversion of beds to providing home and community-based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.	130867 130868 130869
(b) The increase in Medicaid payments made for ICF/IID services provided during fiscal year 2017, and the increase that is projected to occur in fiscal year 2018, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code;	130870 130871 130872 130873 130874
(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;	130875 130876
(d) Other factors the Department determines to be relevant.	130877
(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.	130878 130879 130880 130881 130882 130883
Section 261.167. GENERAL ASSEMBLY'S INTENT REGARDING NEW ICF/IID MEDICAID PAYMENT FORMULA	130884 130885
(A) As used in this section:	130886
(1) "Current formula rate" means an ICF/IID's Medicaid payment rate as determined in accordance with the formula established in Chapter 5124. of the Revised Code, as in effect on the effective date of this section, but as modified by an uncodified statute for the specific fiscal year for which the ICF/IID's Medicaid payment rate is determined.	130887 130888 130889 130890 130891 130892
(2) "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	130893 130894
(B) It is the General Assembly's intent to enact legislation establishing a new formula to be used to determine Medicaid	130895 130896

payment rates for ICF/IID services beginning not sooner than July 1, 2018, and not later than January 1, 2019.

(C)(1) The Department of Developmental Disabilities shall work in collaboration with all of the following to finalize recommendations for the new formula to be submitted to the General Assembly:

- (a) The Ohio Association of County Boards;
- (b) The Ohio Health Care Association;
- (c) The Ohio Provider Resource Association;
- (d) The Values and Faith Alliance;
- (e) The Academy of Senior Health Services.

(2) The Department shall not submit recommendations for the new formula to the General Assembly unless all of the organizations specified in division (C)(1) of this section support the recommendations.

(D)(1) All of the following shall be included in the recommendations for the new formula that is submitted to the General Assembly:

(a) Using the Ohio Developmental Disabilities Profile as the assessment instrument for determining case-mix scores used to calculate rates for the direct care costs of ICFs/IID;

(b) Determining rates for capital using an ICF/IID's current asset value and a rate of return;

(c) Including all of the following in the calculation of an ICF/IID's current asset value:

- (i) The ICF/IID's age;
- (ii) The date and cost of capital improvements made to the ICF/IID;
- (iii) The ICF/IID's current Medicaid-certified capacity;

(iv) An RS Means Construction Cost Index;	130926
(v) A rate of depreciation;	130927
(vi) Estimated equipment value;	130928
(vii) Estimated land value.	130929
(d) Establishing a quality incentive rate component to take effect July 1, 2019, and having the initial rate determined using data from calendar year 2018;	130930 130931 130932
(e) Establishing new peer groups that are differentiated by Medicaid-certified capacity;	130933 130934
(f) Considering the changing acuity level of ICF/IID residents, including residents with intensive behavioral and intensive medical needs;	130935 130936 130937
(g) Establishing a method to transition ICFs/IID to the new formula that provides for the Department to do all of the following for the first thirty-six months that the new formula is in effect:	130938 130939 130940 130941
(i) Comparing each ICF/IID's Medicaid payment rate determined under the new formula with its current formula rate;	130942 130943
(ii) Paying the ICF/IID its current formula rate rate instead of the rate determined under the new formula if that rate is less than its current formula rate;	130944 130945 130946
(iii) Subject to division (D)(1)(g)(iv) of this section, paying the ICF/IID the rate determined for it under the new formula if that rate is greater than its current formula rate;	130947 130948 130949
(iv) Specifying, to the extent the Department determines necessary and subject to division (D)(2) of this section, a maximum percentage by which an ICF/IID's rate determined under the new formula may exceed its current formula rate and paying the ICF/IID a rate adjusted in accordance with the maximum percentage if the percentage difference between the ICF/IID's rate determined	130950 130951 130952 130953 130954 130955

under the new formula and its current formula rate is greater than 130956
the maximum percentage. 130957

(2) If, for the purpose of division (D)(1)(g)(iv) of this 130958
section, the Department specifies a maximum percentage by which an 130959
ICF/IID's rate determined under the new formula may exceed its 130960
current formula rate, the Department shall strive to the greatest 130961
extent possible to ensure that the mean total per Medicaid day 130962
fiscal year 2019 rate for all ICFs/IID subject to the section of 130963
this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID RATES 130964
DETERMINED UNDER NEW FORMULA" equals the amount determined under 130965
division (D)(2) of that section. 130966

Section 261.168. FISCAL YEAR 2019 ICF/IID MEDICAID RATES 130967
DETERMINED UNDER CURRENT FORMULA 130968

(A) As used in this section: 130969

(1) "Change of operator," "entering operator," "exiting 130970
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 130971
group 1," "peer group 2," "peer group 3," "provider," and 130972
"provider agreement" have the same meanings as in section 5124.01 130973
of the Revised Code. 130974

(2) "Franchise permit fee" means the fee imposed by sections 130975
5168.60 to 5168.71 of the Revised Code. 130976

(B)(1) This section applies to each ICF/IID that is in peer 130977
group 1 or peer group 2 and to which any of the following apply: 130978

(a) The provider of the ICF/IID has a valid Medicaid provider 130979
agreement for the ICF/IID on June 30, 2018, and a valid Medicaid 130980
provider agreement for the ICF/IID during fiscal year 2019. 130981

(b) The ICF/IID undergoes a change of operator that takes 130982
effect during fiscal year 2019, the exiting operator has a valid 130983
Medicaid provider agreement for the ICF/IID on the day immediately 130984
preceding the effective date of the change of operator, and the 130985

entering operator has a valid Medicaid provider agreement for the 130986
ICF/IID during fiscal year 2019. 130987

(c) The ICF/IID is a new ICF/IID for which the provider 130988
obtains an initial provider agreement during fiscal year 2019. 130989

(2) This section does not apply to an ICF/IID in peer group 130990
3. 130991

(3) Notwithstanding anything to the contrary in Chapter 5124. 130992
of the Revised Code, the Department of Developmental Disabilities 130993
shall follow this section in determining the rates to be paid 130994
under this section for ICF/IID services provided during fiscal 130995
year 2019 by ICFs/IID subject to this section. 130996

(C)(1) Except as otherwise provided in this section and the 130997
section of this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID 130998
RATES DETERMINED UNDER NEW FORMULA," the provider of an ICF/IID to 130999
which this section applies shall be paid, for ICF/IID services the 131000
ICF/IID provides during fiscal year 2019, the total per Medicaid 131001
day rate determined for the ICF/IID under division (C)(2) or (3) 131002
of this section. 131003

(2) Except in the case of a new ICF/IID, the fiscal year 2019 131004
total per Medicaid day rate for an ICF/IID to which this section 131005
applies shall be the ICF/IID's total per Medicaid day rate 131006
determined for the ICF/IID in accordance with Chapter 5124. of the 131007
Revised Code for the fiscal year with the following modifications: 131008

(a) The ICF/IID's efficiency incentive for capital costs, as 131009
determined under division (F) of section 5124.17 of the Revised 131010
Code, shall be reduced by 50%. 131011

(b) In place of the maximum cost per case-mix unit 131012
established for the ICF/IID's peer group under division (C) of 131013
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 131014
per case-mix unit shall be the amount the Department determined 131015
for the ICF/IID's peer group for fiscal year 2016 in accordance 131016

with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, not more than \$3.69;

(ii) In the case of an ICF/IID in peer group 2, not more than \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an amount the Department shall determine in accordance with division (E) of this section.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2017 shall be multiplied by 1.014.

(h) After all of the modifications specified in divisions

(C)(2)(a) to (g) of this section have been made, the ICF/IID's 131047
total per Medicaid day rate shall be increased by a direct support 131048
personnel payment equal to 3.04% of the ICF/IID's desk-reviewed, 131049
actual, allowable, per Medicaid day direct care costs from 131050
calendar year 2017. 131051

(3) The fiscal year 2019 initial total per Medicaid day rate 131052
for a new ICF/IID to which this section applies shall be the 131053
ICF/IID's initial total per Medicaid day rate determined for the 131054
ICF/IID in accordance with section 5124.151 of the Revised Code 131055
for the fiscal year with the following modifications: 131056

(a) In place of the amount determined under division (B)(1) 131057
of section 5124.151 of the Revised Code, the new ICF/IID's initial 131058
per Medicaid day rate for capital costs shall be the median rate 131059
for all ICFs/IID determined under section 5124.17 of the Revised 131060
Code with the modification made under division (C)(2)(a) of this 131061
section. 131062

(b) In place of the amount determined under division 131063
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 131064
cost or resident assessment data for the new ICF/IID, the new 131065
ICF/IID's initial per Medicaid day rate for direct care costs 131066
shall be determined as follows: 131067

(i) Determine the median of the costs per case-mix units of 131068
each peer group; 131069

(ii) Multiply the median determined under division 131070
(C)(3)(b)(i) of this section by the median annual average case-mix 131071
score for the new ICF/IID's peer group for calendar year 2017; 131072

(iii) Multiply the product determined under division 131073
(C)(3)(b)(ii) of this section by 1.014. 131074

(c) In place of the amount determined under division (B)(3) 131075
of section 5124.151 of the Revised Code, the new ICF/IID's initial 131076
per Medicaid day rate for indirect care costs shall be the amount 131077

of the maximum rate for indirect costs determined for the 131078
ICF/IID's peer group under division (E) of this section. 131079

(d) In place of the amount determined under division (B)(4) 131080
of section 5124.151 of the Revised Code, the new ICF/IID's initial 131081
per Medicaid day rate for other protected costs shall be 115% of 131082
the median rate for ICFs/IID determined under section 5124.23 of 131083
the Revised Code with the modification made under division 131084
(C)(2)(g) of this section. 131085

(e) After all of the modifications specified in divisions 131086
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 131087
initial total per Medicaid day rate shall be increased by the 131088
median direct support personnel payment made under division 131089
(C)(2)(h) of this section. 131090

(D) A new ICF/IID's initial total modified per Medicaid day 131091
rate for fiscal year 2019 as determined under division (C)(3) of 131092
this section shall be adjusted at the applicable time specified in 131093
division (D) of section 5124.151 of the Revised Code. If the 131094
adjustment affects the ICF/IID's rate for ICF/IID services 131095
provided during fiscal year 2019, the modifications specified in 131096
division (C)(2) of this section apply to the adjustment. 131097

(E) In determining the amount of the maximum rate for 131098
indirect costs for the purposes of divisions (C)(2)(e) and 131099
(C)(3)(c) of this section, the Department shall strive to the 131100
greatest extent possible to do both of the following: 131101

(1) Avoid rate reductions under division (F)(1) of this 131102
section; 131103

(2) Have the amount so determined result in payment of all 131104
desk-reviewed, actual, allowable indirect care costs for the same 131105
percentage of Medicaid days for ICFs/IID in peer group 1 as for 131106
ICFs/IID in peer group 2 as of July 1, 2018, based on May 2018 131107
Medicaid days. 131108

(F)(1) If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of July 1, 2018, and weighted by May 2018 Medicaid days is other than the amount determined under division (F)(2) of this section, the Department shall adjust, for fiscal year 2019, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater or less than the amount determined under division (F)(2) of this section.

(2) The amount to be used for the purpose of division (F)(1) of this section shall be not less than \$290.10. The Department, in its sole discretion, may use a larger amount for the purpose of that division. In determining whether to use a larger amount, the Department may consider any of the following:

(a) The reduction in the total Medicaid-certified capacity of all ICFs/IID that occurs in fiscal year 2018, and the reduction that is projected to occur in fiscal year 2019, as a result of either of the following:

(i) A downsizing pursuant to a plan approved by the Department under section 5123.042 of the Revised Code;

(ii) A conversion of beds to providing home and community-based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

(b) The increase in Medicaid payments made for ICF/IID services provided during fiscal year 2018, and the increase that is projected to occur in fiscal year 2019, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code;

(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;

(d) Other factors the Department determines to be relevant.	131140
(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.	131141 131142 131143 131144 131145 131146
Section 261.169. FISCAL YEAR 2019 ICF/IID MEDICAID RATES DETERMINED UNDER NEW FORMULA	131147 131148
(A) As used in this section:	131149
(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.	131150 131151 131152 131153
(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	131154 131155
(B) This section applies to each ICF/IID to which any of the following apply:	131156 131157
(1) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.	131158 131159 131160
(2) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.	131161 131162 131163 131164 131165 131166
(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019.	131167 131168

(C) Beginning on the date that a new formula for determining Medicaid payment rates for ICF/IID services established pursuant to the section of this act titled "GENERAL ASSEMBLY'S INTENT REGARDING NEW ICF/IID MEDICAID PAYMENT FORMULA" begins to be used, ICFs/IID to which this section applies shall cease to be paid the rates determined under the section of this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID RATES DETERMINED UNDER CURRENT FORMULA." Subject to the cap established under division (D) of this section and the transition established pursuant to division (D)(1)(g) of the section of this act titled "GENERAL ASSEMBLY'S INTENT REGARDING NEW ICF/IID MEDICAID PAYMENT FORMULA," the ICFs/IID instead shall be paid the rates determined in accordance with the new formula for ICF/IID services provided during the period beginning on the date that the new formula begins to be used and ending July 1, 2019.

(D)(1) If the mean total per Medicaid day rate for all ICFs/IID to which this section applies that is paid pursuant to division (C) of this section and weighted by May 2018 Medicaid days is other than the amount determined under division (D)(2) of this section, the Department of Developmental Disabilities shall adjust, for the part of fiscal year 2019 during which that rate is paid, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater or less than the amount determined under division (D)(2) of this section.

(2) The amount to be used for the purpose of division (D)(1) of this section shall not exceed \$295.90.

(E) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to

the state of the revenue and federal financial participation 131201
generated from the franchise permit fee. 131202

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 131203

(A) As used in this section, "ICF/IID," "ICF/IID services," 131204
and "Medicaid-certified capacity" have the same meanings as in 131205
section 5124.01 of the Revised Code. 131206

(B) The Director of Developmental Disabilities shall pay the 131207
nonfederal share of a claim for ICF/IID services using funds 131208
specified in division (C) of this section if all of the following 131209
apply: 131210

(1) Medicaid covers the ICF/IID services. 131211

(2) The ICF/IID services are provided to a Medicaid recipient 131212
to whom both of the following apply: 131213

(a) The Medicaid recipient is eligible for the ICF/IID 131214
services; 131215

(b) The Medicaid recipient does not occupy a bed in the 131216
ICF/IID that used to be included in the Medicaid-certified 131217
capacity of another ICF/IID certified by the Director of Health 131218
before June 1, 2003. 131219

(3) The ICF/IID services are provided by an ICF/IID whose 131220
Medicaid certification by the Director of Health was initiated or 131221
supported by a county board of developmental disabilities. 131222

(4) The provider of the ICF/IID services has a valid Medicaid 131223
provider agreement for the services for the time that the services 131224
are provided. 131225

(C) When required by division (B) of this section to pay the 131226
nonfederal share of a claim, the Director of Developmental 131227
Disabilities shall use the following funds to pay the claim: 131228

(1) Funds available from appropriation item 322501, County 131229

Boards Subsidies, that the Director allocates to the county board 131230
that initiated or supported the Medicaid certification of the 131231
ICF/IID that provided the ICF/IID services for which the claim is 131232
made; 131233

(2) If the amount of funds used pursuant to division (C)(1) 131234
of this section is insufficient to pay the claim in full, an 131235
amount of funds that are needed to make up the difference and 131236
available from amounts the Director allocates to other county 131237
boards from appropriation item 322501, County Boards Subsidies. 131238

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 131239
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 131240

(A) As used in this section: 131241

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 131242
that converted some or all of its beds to providing home and 131243
community-based services under the IO Waiver pursuant to section 131244
5124.60 of the Revised Code. 131245

(2) "Developmental center" and "ICF/IID" have the same 131246
meanings as in section 5124.01 of the Revised Code. 131247

(3) "IO Waiver" means the Medicaid waiver component, as 131248
defined in section 5166.01 of the Revised Code, known as 131249
Individual Options. 131250

(4) "Medicaid provider" has the same meaning as in section 131251
5164.01 of the Revised Code. 131252

(5) "Public hospital" has the same meaning as in section 131253
5122.01 of the Revised Code. 131254

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 131255
whom all of the following apply: 131256

(a) The enrollee resided in a developmental center, converted 131257
facility, or public hospital immediately before enrolling in the 131258

IO Wavier.	131259
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	131260 131261 131262 131263 131264
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.	131265 131266 131267 131268 131269
(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.	131270 131271 131272 131273 131274 131275 131276 131277
(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2017, and ending June 30, 2019, provides routine homemaker/personal care services to a qualifying IO enrollee.	131278 131279 131280 131281 131282
(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.	131283 131284 131285 131286 131287
Section 261.220. UPDATING AUTHORIZING STATUTE CITATIONS	131288

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Director of Developmental Disabilities is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

Section 261.230. DEVELOPMENTAL DISABILITIES STAKEHOLDER WORKGROUP

(A) Not later than thirty days after the effective date of this section, the Department of Developmental Disabilities shall convene a stakeholder workgroup to do both of the following:

(1) Evaluate services provided to individuals with developmental disabilities living in the community;

(2) Develop recommendations related to the provision of such services.

The workgroup shall include the following as members: representatives of the Department, county boards of developmental disabilities, service providers, and individuals with developmental disabilities and their family members. Members of the workgroup shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties. A representative of the Department shall serve as the chairperson of the workgroup. The Department shall provide the workgroup any administrative assistance the workgroup needs.

(B) Not later than one year after the workgroup first

convenes, it shall develop and submit to the Department and 131319
General Assembly a report with recommendations addressing the 131320
following topics: 131321

(1) Determining whether immediate action is necessary to 131322
ensure the health and safety of an individual with a developmental 131323
disability or a group of such individuals, including through the 131324
use of standardized protocols; 131325

(2) Supporting quality services beyond those necessary for 131326
minimum compliance; 131327

(3) Monitoring the health and safety of individuals with 131328
developmental disabilities, including through on-site monitoring 131329
and monitoring conducted by the Department or arranged for by the 131330
Department; 131331

(4) Clarifying the roles and responsibilities of the 131332
Department, county boards, and service providers, including when 131333
adverse actions are taken. 131334

The workgroup may include any other recommendations in the 131335
report it determines necessary. The workgroup shall submit its 131336
report to the General Assembly in accordance with section 101.68 131337
of the Revised Code. 131338

(C) The workgroup shall cease to exist on the submission of 131339
its report. 131340

(D) To the extent authorized by current law, the Director of 131341
Developmental Disabilities may adopt rules to implement the 131342
recommendations included in the report. If a recommendation 131343
requires a statutory change or current law does not provide the 131344
Director the authority to adopt a particular rule, the report 131345
shall include a recommendation that the General Assembly enact 131346
legislation making the statutory change or giving the Director the 131347
authority to adopt the rule. 131348

Section 263.10. OBDOHIO BOARD OF DIETETICS				131349
Dedicated Purpose Fund Group				131350
4K90 860609	Operating Expenses	\$	234,381 \$	0 131351
TOTAL DPF Dedicated Purpose Fund Group				0 131352
TOTAL ALL BUDGET FUND GROUPS				0 131353
 Section 265.10. EDU DEPARTMENT OF EDUCATION				131355
General Revenue Fund				131356
GRF 200321	Operating Expenses	\$	14,693,536 \$	14,736,578 131357
GRF 200408	Early Childhood Education	\$	68,116,789 \$	68,116,789 131358
GRF 200420	Information Technology Development and Support	\$	3,770,170 \$	3,770,170 131359
GRF 200422	School Management Assistance	\$	2,077,615 \$	2,113,413 131360
GRF 200424	Policy Analysis	\$	428,962 \$	428,962 131361
GRF 200426	Ohio Educational Computer Network	\$	15,457,000 \$	15,457,000 131362
GRF 200427	Academic Standards	\$	3,819,487 \$	3,819,487 131363
GRF 200437	Student Assessment	\$	55,959,287 \$	56,025,042 131364
GRF 200439	Accountability/Report Cards	\$	413,167 \$	913,167 131365
GRF 200442	Child Care Licensing	\$	1,852,200 \$	1,887,863 131366
GRF 200446	Education Management Information System	\$	7,574,367 \$	7,620,414 131367
GRF 200448	Educator Preparation	\$	1,410,384 \$	1,410,384 131368
GRF 200455	Community Schools and Choice Programs	\$	4,435,845 \$	4,585,028 131369
GRF 200465	Education Technology	\$	5,179,107 \$	5,179,107 131370

Resources				
GRF 200502	Pupil Transportation	\$	546,738,753	\$ 527,129,809 131371
GRF 200505	School Lunch Match	\$	8,963,500	\$ 8,963,500 131372
GRF 200511	Auxiliary Services	\$	150,594,178	\$ 150,594,178 131373
GRF 200532	Nonpublic	\$	68,034,790	\$ 68,034,790 131374
Administrative Cost				
Reimbursement				
GRF 200540	Special Education	\$	152,350,000	\$ 152,350,000 131375
Enhancements				
GRF 200545	Career-Technical	\$	10,437,366	\$ 9,500,892 131376
Education Enhancements				
GRF 200550	Foundation Funding	\$	6,799,382,816	\$ 6,936,728,845 131377
GRF 200566	Literacy Improvement	\$	750,000	\$ 1,250,000 131378
GRF 200572	Adult Education	\$	7,533,216	\$ 8,702,475 131379
Programs				
GRF 200573	EdChoice Expansion	\$	38,400,000	\$ 47,700,000 131380
GRF 200574	Half-Mill Maintenance	\$	18,715,000	\$ 18,912,000 131381
Equalization				
GRF 200576	Adaptive Sports	\$	50,000	\$ 50,000 131382
Program				
GRF 657401	Medicaid in Schools	\$	295,500	\$ 295,500 131383
TOTAL GRF	General Revenue Fund	\$	7,987,433,035	\$ 8,116,275,393 131384
Dedicated Purpose Fund Group				131385
4520 200638	Charges and	\$	1,000,000	\$ 1,000,000 131386
Reimbursements				
4540 200610	High School	\$	1,187,065	\$ 0 131387
Equivalency				
4550 200608	Commodity Foods	\$	16,000,000	\$ 16,000,000 131388
4L20 200681	Teacher Certification	\$	16,002,297	\$ 16,002,297 131389
and Licensure				
5980 200659	Auxiliary Services	\$	2,930,000	\$ 2,930,000 131390
Reimbursement				
5H30 200687	School District	\$	8,000,000	\$ 8,000,000 131391

		Solvency Assistance					
5KX0	200691	Ohio School	\$	828,600	\$	828,600	131392
		Sponsorship Program					
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000	131393
		Refunds					
5U20	200685	National Education	\$	150,000	\$	150,000	131394
		Statistics					
5UC0	200662	Accountability/Report	\$	5,000,000	\$	5,000,000	131395
		Cards					
6200	200615	Educational	\$	800,000	\$	600,000	131396
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	52,447,962	\$	51,060,897	131397
Group							
Internal Service Activity Fund Group							131398
1380	200606	Information	\$	7,047,645	\$	7,047,645	131399
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766	131400
		Support					
4V70	200633	Interagency Program	\$	500,000	\$	500,000	131401
		Support					
TOTAL ISA		Internal Service Activity	\$	15,404,411	\$	15,404,411	131402
Fund Group							
State Lottery Fund Group							131403
7017	200612	Foundation Funding	\$	1,086,030,000	\$	1,087,030,000	131404
7017	200629	Community Connectors	\$	4,000,000	\$	4,000,000	131405
7017	200684	Community School	\$	16,600,000	\$	16,600,000	131406
		Facilities					
TOTAL SLF		State Lottery Fund Group	\$	1,106,630,000	\$	1,107,630,000	131407
Federal Fund Group							131408
3670	200607	School Food Services	\$	10,080,635	\$	10,280,635	131409

3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000	131410
3AF0	657601	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	131411
3AN0	200671	School Improvement Grants	\$	25,000,000	\$	25,000,000	131412
3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000	131413
3D20	200667	Math Science Partnerships	\$	7,000,000	\$	7,000,000	131414
3EH0	200620	Migrant Education	\$	2,500,000	\$	2,500,000	131415
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	131416
3GE0	200674	Summer Food Service Program	\$	14,856,635	\$	14,856,635	131417
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,677,340	\$	4,677,340	131418
3HF0	200649	Federal Education Grants	\$	6,364,327	\$	6,364,327	131419
3L60	200617	Federal School Lunch	\$	394,612,000	\$	406,450,000	131420
3L70	200618	Federal School Breakfast	\$	142,688,750	\$	154,103,850	131421
3L80	200619	Child/Adult Food Programs	\$	106,913,755	\$	106,913,755	131422
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	131423
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	131424
3M20	200680	Individuals with Disabilities Education Act	\$	445,000,000	\$	445,000,000	131425
3T40	200613	Public Charter Schools	\$	14,200,000	\$	14,200,000	131426
3Y20	200688	21st Century	\$	47,500,000	\$	47,500,000	131427

		Community Learning Centers				
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000 131428
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411 131429
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000 131430
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000 131431
3Z30	200645	Consolidated Federal Grant Administration	\$	10,168,964	\$	10,168,964 131432
TOTAL FED	Federal Fund Group		\$	2,004,032,717	\$	2,027,485,817 131433
TOTAL ALL BUDGET FUND GROUPS			\$	11,165,948,125	\$	11,317,856,518 131434

Section 265.20. OPERATING EXPENSES 131436

A portion of the foregoing appropriation item 200321, 131437
Operating Expenses, shall be used by the Department of Education 131438
to provide matching funds related to career-technical education 131439
under 20 U.S.C. 2321. 131440

EARLY CHILDHOOD EDUCATION 131441

The Department of Education shall distribute the foregoing 131442
appropriation item 200408, Early Childhood Education, to pay the 131443
costs of early childhood education programs. The Department shall 131444
distribute such funds directly to qualifying providers. 131445

(A) As used in this section: 131446

(1) "Provider" means a city, local, exempted village, or 131447
joint vocational school district; an educational service center; a 131448
community school sponsored by an exemplary sponsor; a chartered 131449
nonpublic school; an early childhood education child care provider 131450
licensed under Chapter 5104. of the Revised Code that participates 131451
in and meets at least the third highest tier of the Step Up to 131452
Quality program established pursuant to section 5104.29 of the 131453

Revised Code; or a combination of entities described in this paragraph. 131454
131455

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section. 131456
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(3) In the case of a community school, "new eligible provider" means any of the following: 131463
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(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year; 131465
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(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 131471
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(i) It has received, on its most recent report card, either of the following: 131473
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(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 131475
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(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 131480
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(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. (ii) It did not receive state funding for Early Childhood Education in the previous fiscal year. (c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section. (4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday. (b) If funds remain in the program once awards have been made for eligible children under division (A)(4)(a) of this section on the first day of October of each fiscal year, a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines shall be considered an eligible child. (5) "Early learning program standards" means early learning program standards for school readiness developed by the Department

to assess the operation of early learning and development programs. 131515
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(6) "Early learning and development programs" has the same meaning as section 5104.29 of the Revised Code. 131517
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children. 131519
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(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards. 131524
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(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2018, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 263.20 of Am. Sub. H.B. 64 of the 131st General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation. 131529
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After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2019, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or 131539
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special projects to promote quality and innovation. 131546

(E)(1) The Department shall distribute any new or remaining 131547
funding to existing providers of early childhood education 131548
programs or any new eligible providers in an effort to invest in 131549
high quality early childhood programs where there is a need as 131550
determined by the Department. The Department shall distribute the 131551
new or remaining funds to existing providers of early childhood 131552
education programs or any new eligible providers to serve 131553
additional eligible children based on community economic 131554
disadvantage, limited access to high quality preschool or 131555
childcare services, and demonstration of high quality preschool 131556
services as determined by the Department using new metrics 131557
developed pursuant to Ohio's Race to the Top—Early Learning 131558
Challenge Grant, awarded to the Department in December 2011. 131559

(2) Awards under divisions (D) and (E) of this section shall 131560
be distributed on a per-pupil basis, and in accordance with 131561
division (I) of this section. The Department may adjust the 131562
per-pupil amount so that the per-pupil amount multiplied by the 131563
number of eligible children enrolled and receiving services on the 131564
first day of December or the business day closest to that date 131565
equals the amount allocated under this section. 131566

(F) Costs for developing and administering an early childhood 131567
education program may not exceed fifteen per cent of the total 131568
approved costs of the program. 131569

All providers shall maintain such fiscal control and 131570
accounting procedures as may be necessary to ensure the 131571
disbursement of, and accounting for, these funds. The control of 131572
funds provided in this program, and title to property obtained, 131573
shall be under the authority of the approved provider for purposes 131574
provided in the program unless, as described in division (K) of 131575
this section, the program waives its right for funding or a 131576
program's funding is eliminated or reduced due to its inability to 131577

meet financial or early learning program standards. The approved 131578
provider shall administer and use such property and funds for the 131579
purposes specified. 131580

(G) The Department may examine a provider's financial and 131581
program records. If the financial practices of the program are not 131582
in accordance with standard accounting principles or do not meet 131583
financial standards outlined under division (F) of this section, 131584
or if the program fails to substantially meet the early learning 131585
program standards, meet a quality rating level in the Step Up to 131586
Quality program established pursuant to section 5104.29 of the 131587
Revised Code as prescribed by the Department, or exhibits below 131588
average performance as measured against the standards, the early 131589
childhood education program shall propose and implement a 131590
corrective action plan that has been approved by the Department. 131591
The approved corrective action plan shall be signed by the chief 131592
executive officer and the executive of the official governing body 131593
of the provider. The corrective action plan shall include a 131594
schedule for monitoring by the Department. Such monitoring may 131595
include monthly reports, inspections, a timeline for correction of 131596
deficiencies, and technical assistance to be provided by the 131597
Department or obtained by the early childhood education program. 131598
The Department may withhold funding pending corrective action. If 131599
an early childhood education program fails to satisfactorily 131600
complete a corrective action plan, the Department may deny 131601
expansion funding to the program or withdraw all or part of the 131602
funding to the program and establish a new eligible provider 131603
through a selection process established by the Department. 131604

(H)(1) If the early childhood education program is licensed 131605
by the Department of Education and is not highly rated, as 131606
determined by the Director of Job and Family Services, under the 131607
Step Up to Quality program established pursuant to section 5104.29 131608
of the Revised Code, the program shall do all of the following: 131609

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	131610 131611
(b) Align curriculum to the early learning content standards developed by the Department;	131612 131613
(c) Meet any child or program assessment requirements prescribed by the Department;	131614 131615
(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;	131616 131617 131618 131619
(e) Document and report child progress as prescribed by the Department;	131620 131621
(f) Meet and report compliance with the early learning program standards as prescribed by the Department;	131622 131623
(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.	131624 131625
(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.	131626 131627 131628 131629 131630
(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half	131631 131632 131633 131634 131635 131636 131637 131638 131639

hours per week or that exceed the minimum school year. For any 131640
provider for which a standard early childhood education schedule 131641
creates a hardship or for which the provider shows evidence that 131642
the provider is working in collaboration with a preschool special 131643
education program, the provider may submit a waiver to the 131644
Department requesting an alternate schedule. If the Department 131645
approves a waiver for an alternate schedule that provides services 131646
for less time than the standard early childhood education 131647
schedule, the Department may reduce the provider's annual 131648
allocation proportionately. Under no circumstances shall an annual 131649
allocation be increased because of the approval of an alternate 131650
schedule. 131651

(J) Each provider shall develop a sliding fee scale based on 131652
family incomes and shall charge families who earn more than two 131653
hundred per cent of the federal poverty guidelines, as defined in 131654
division (A)(3) of section 5101.46 of the Revised Code, for the 131655
early childhood education program. 131656

The Department shall conduct an annual survey of each 131657
provider to determine whether the provider charges families 131658
tuition or fees, the amount families are charged relative to 131659
family income levels, and the number of families and students 131660
charged tuition and fees for the early childhood program. 131661

(K) If an early childhood education program voluntarily 131662
waives its right for funding, or has its funding eliminated for 131663
not meeting financial standards or the early learning program 131664
standards, the provider shall transfer control of title to 131665
property, equipment, and remaining supplies obtained through the 131666
program to providers designated by the Department and return any 131667
unexpended funds to the Department along with any reports 131668
prescribed by the Department. The funding made available from a 131669
program that waives its right for funding or has its funding 131670
eliminated or reduced may be used by the Department for new grant 131671

awards or expansion grants. The Department may award new grants or 131672
expansion grants to eligible providers who apply. The eligible 131673
providers who apply must do so in accordance with the selection 131674
process established by the Department. 131675

(L) Eligible expenditures for the Early Childhood Education 131676
Program shall be claimed each fiscal year to help meet the state's 131677
TANF maintenance of effort requirement. The Superintendent of 131678
Public Instruction and the Director of Job and Family Services 131679
shall enter into an interagency agreement to carry out the 131680
requirements under this division, which shall include developing 131681
reporting guidelines for these expenditures. 131682

(M)(1) The Department of Education and the Department of Job 131683
and Family Services shall continue to work toward establishing the 131684
following in common between early childhood education programs and 131685
publicly funded child care: 131686

(a) An application; 131687

(b) Program eligibility; 131688

(c) Funding; 131689

(d) An attendance policy; 131690

(e) An attendance tracking system. 131691

(2) In accordance with section 5104.34 of the Revised Code, 131692
eligible families may receive publicly funded child care beyond 131693
the standard early childhood schedule defined in division (I) of 131694
this section. 131695

(3) All providers, agencies, and school districts 131696
participating in the early childhood education program or 131697
providing care to eligible families beyond the standard early 131698
childhood schedule shall follow the common policies established 131699
under this division. 131700

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 131701

PROGRAM 131702

Of the foregoing appropriation item 200408, Early Childhood 131703
Education, a portion in each fiscal year may be used by the 131704
Department of Education to establish a pilot program that employs 131705
one or more parent choice models to deliver early childhood 131706
education to eligible children. 131707

If the Department establishes any such pilot program, the 131708
Department shall designate one or more geographical areas within 131709
the state in which to operate the pilot program. The Department 131710
may consider designating areas with multiple providers of 131711
high-quality early childhood education programs that have a 131712
capacity to serve additional eligible children for the purpose of 131713
identifying potential obstacles to implementing a parent choice 131714
model. Each parent participating in the pilot program may choose 131715
an early childhood education program from among all providers 131716
within the designated area. 131717

The Department shall establish procedures for implementation 131718
of the pilot program, including a process for parents to apply for 131719
the program. Except as otherwise provided in the Department's 131720
procedures, the Department and providers shall operate in 131721
accordance with this section in implementing the pilot program. 131722
However, the Department may expand the definition of "eligible 131723
child" to include in the pilot program a child who is at least 131724
three years of age as of the district entry date for kindergarten 131725
and has one or more additional risk factors including, but not 131726
limited to, "exited Help Me Grow Home Visiting," "exited Early 131727
Intervention and not eligible for preschool special education," or 131728
currently placed in foster care, so long as the child meets all 131729
other eligibility requirements of this section. 131730

The Department of Education shall collaborate with the 131731
departments of Job and Family Services, Developmental 131732
Disabilities, Health, and Mental Health and Addiction Services, as 131733

needed, in establishing any pilot program. The Department of 131734
Education also may select a non-state entity, which may include an 131735
educational service center, a county department of job and family 131736
services, a childcare resource and referral agency, or a county 131737
family and children first council established under section 121.37 131738
of the Revised Code, to partner with the Department on the pilot 131739
program. 131740

As part of the pilot program, the Department may set aside a 131741
portion of the funds for an evaluation of the pilot program. 131742

EARLY CHILDHOOD EDUCATION PILOT PROGRAM IN APPALACHIA 131743

Of the foregoing appropriation item 200408, Early Childhood 131744
Education, a portion in each fiscal year shall be used by the 131745
Department of Education to implement a pilot program in not more 131746
than two counties in the Appalachian region of the state. The 131747
Department shall distribute funding to existing providers of early 131748
childhood education programs or any new eligible providers to 131749
serve a total of one hundred twenty-five eligible children in each 131750
fiscal year. The Department shall collect and review data from the 131751
participating programs on at least the following: 131752

(A) The number of eligible children served with the funding 131753
distributed under the pilot program and the amount of funding, if 131754
any, that was not used; 131755

(B) The developmental progress of eligible children who were 131756
served with the funding distributed under the pilot program; 131757

(C) The pilot program's identified challenges and successes 131758
in enrolling and serving preschool children. 131759

The Department may also use a portion of funds for 131760
administration and evaluation of the effectiveness of the pilot 131761
program. The Department shall consider the data collected from the 131762
pilot program in determining the process for distributing funding 131763
to providers under this section in subsequent fiscal years. 131764

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT 131765
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The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications. 131767
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Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 131781

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code. 131782
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Section 265.60. POLICY ANALYSIS 131788

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of 131789
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current trends in education practice, efficient and effective use 131795
of resources, and evaluation of programs to improve education 131796
results. A portion of these funds shall be used to maintain a 131797
longitudinal database to support the assessment of the impact of 131798
policies and programs on Ohio's education and workforce 131799
development systems. The research efforts supported by this 131800
appropriation item shall be used to supply information and 131801
analysis of data to and in consultation with the General Assembly 131802
and other state policymakers, including the Office of Budget and 131803
Management and the Legislative Service Commission. 131804

Of the foregoing appropriation item, 200424, Policy Analysis, 131805
a portion may be used by the Department to support the development 131806
and implementation of an evidence-based clearinghouse to support 131807
school improvement strategies as part of the Every Student 131808
Succeeds Act. 131809

The Department may use funding from this appropriation item 131810
to purchase or contract for the development of software systems or 131811
contract for policy studies that will assist in the provision and 131812
analysis of policy-related information. Funding from this 131813
appropriation item also may be used to monitor and enhance quality 131814
assurance for research-based policy analysis and program 131815
evaluation to enhance the effective use of education information 131816
to inform education policymakers. 131817

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 131818

The foregoing appropriation item 200426, Ohio Educational 131819
Computer Network, shall be used by the Department of Education to 131820
maintain a system of information technology throughout Ohio and to 131821
provide technical assistance for such a system in support of the 131822
P-16 State Education Technology Plan developed under section 131823
3353.09 of the Revised Code. 131824

Of the foregoing appropriation item 200426, Ohio Educational 131825

Computer Network, up to \$9,686,658 in each fiscal year shall be 131826
used by the Department to support connection of all public school 131827
buildings and participating chartered nonpublic schools to the 131828
state's education network, to each other, and to the Internet. In 131829
each fiscal year, the Department shall use these funds to assist 131830
information technology centers or school districts with the 131831
operational costs associated with this connectivity. The 131832
Department shall develop a formula and guidelines for the 131833
distribution of these funds to information technology centers or 131834
individual school districts. As used in this section, "public 131835
school building" means a school building of any city, local, 131836
exempted village, or joint vocational school district, any 131837
community school established under Chapter 3314. of the Revised 131838
Code, any college preparatory boarding school established under 131839
Chapter 3328. of the Revised Code, any STEM school established 131840
under Chapter 3326. of the Revised Code, any educational service 131841
center building used for instructional purposes, the Ohio School 131842
for the Deaf and the Ohio School for the Blind, high schools 131843
chartered by the Ohio Department of Youth Services, or high 131844
schools operated by Ohio Department of Rehabilitation and 131845
Corrections' Ohio Central School System. 131846

Of the foregoing appropriation item 200426, Ohio Educational 131847
Computer Network, up to \$4,843,329 in each fiscal year shall be 131848
used, through a formula and guidelines devised by the Department, 131849
to support the activities of designated information technology 131850
centers, as defined by State Board of Education rules, to provide 131851
school districts and chartered nonpublic schools with 131852
computer-based student and teacher instructional and 131853
administrative information services, including approved 131854
computerized financial accounting, to ensure the effective 131855
operation of local automated administrative and instructional 131856
systems, and to monitor and support the quality of data submitted 131857
to the Department. 131858

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 265.80. ACADEMIC STANDARDS 131873

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum. The Department shall utilize educational service centers, consistent with requirements of section 3312.01 of the Revised Code, in the development and delivery of professional development programs supported under this section.

Section 265.90. STUDENT ASSESSMENT 131883

Of the foregoing appropriation item 200437, Student Assessment, up to \$2,760,000 in each fiscal year may be used to support the assessments required under section 3301.0715 of the Revised Code.

The remainder of appropriation item 200437, Student 131888

Assessment, shall be used to develop, field test, print, 131889
distribute, score, report results, and support other associated 131890
costs for the tests required under sections 3301.0710, 3301.0711, 131891
and 3301.0712 of the Revised Code and for similar purposes as 131892
required by section 3301.27 of the Revised Code. The funds may 131893
also be used to update and develop diagnostic assessments 131894
administered under sections 3301.079, 3301.0715, and 3313.608 of 131895
the Revised Code. 131896

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 131897
ASSESSMENT 131898

In fiscal year 2018 and fiscal year 2019, if the 131899
Superintendent of Public Instruction determines that additional 131900
funds are needed to fully fund the requirements of sections 131901
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 131902
and this act for assessments of student performance, the 131903
Superintendent may recommend the reallocation of unexpended and 131904
unencumbered General Revenue Fund appropriations within the 131905
Department of Education to appropriation item 200437, Student 131906
Assessment, to the Director of Budget and Management. If the 131907
Director determines that such a reallocation is required, the 131908
Director may transfer unexpended and unencumbered appropriations 131909
within the Department of Education as necessary to appropriation 131910
item 200437, Student Assessment. 131911

Section 265.100. ACCOUNTABILITY/REPORT CARDS 131912

The foregoing appropriation item 200439, 131913
Accountability/Report Cards, shall be used in conjunction with 131914
appropriation item 200662, Accountability/Report Cards. 131915

CHILD CARE LICENSING 131916

The foregoing appropriation item 200442, Child Care 131917
Licensing, shall be used by the Department of Education to license 131918

and to inspect preschool and school-age child care programs under 131919
sections 3301.52 to 3301.59 of the Revised Code. 131920

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 131921

The foregoing appropriation item 200446, Education Management 131922
Information System, shall be used by the Department of Education 131923
to improve the Education Management Information System (EMIS). 131924

Of the foregoing appropriation item 200446, Education 131925
Management Information System, up to \$725,000 in each fiscal year 131926
shall be distributed to designated information technology centers 131927
for costs relating to processing, storing, and transferring data 131928
for the effective operation of the EMIS. These costs may include, 131929
but are not limited to, personnel, hardware, software development, 131930
communications connectivity, professional development, and support 131931
services, and to provide services to participate in the State 131932
Education Technology Plan developed under section 3353.09 of the 131933
Revised Code. 131934

The remainder of appropriation item 200446, Education 131935
Management Information System, shall be used to develop and 131936
support the data definitions and standards adopted by the 131937
Education Management Information System Advisory Board, including 131938
the ongoing development and maintenance of the data dictionary and 131939
data warehouse. In addition, such funds shall be used to support 131940
the development and implementation of data standards; the design, 131941
development, and implementation of a new data exchange system; and 131942
responsibilities related to the school report cards prescribed by 131943
section 3302.03 of the Revised Code and value-added progress 131944
dimension calculations. 131945

Any provider of software meeting the standards approved by 131946
the Education Management Information System Advisory Board shall 131947
be designated as an approved vendor and may enter into contracts 131948
with local school districts, community schools, STEMS schools, 131949

information technology centers, or other educational entities for 131950
the purpose of collecting and managing data required under Ohio's 131951
education management information system (EMIS) laws. On an annual 131952
basis, the Department shall convene an advisory group of school 131953
districts, community schools, and other education-related entities 131954
to review EMIS data definitions and data format standards. The 131955
advisory group shall recommend changes and enhancements based upon 131956
surveys of its members, education agencies in other states, and 131957
current industry practices, to reflect best practices, align with 131958
federal initiatives, and meet the needs of school districts. 131959

School districts, STEM schools, and community schools not 131960
implementing a uniform set of data definitions and data format 131961
standards for EMIS purposes shall have all EMIS funding withheld 131962
until they are in compliance. 131963

Section 265.120. EDUCATOR PREPARATION 131964

Of the foregoing appropriation item 200448, Educator 131965
Preparation, up to \$339,783 in each fiscal year may be used by the 131966
Department of Education to monitor and support Ohio's State System 131967
of Support, as defined by the Every Student Succeeds Act. 131968

Of the foregoing appropriation item 200448, Educator 131969
Preparation, up to \$67,957 in each fiscal year may be used by the 131970
Department to support the Educator Standards Board under section 131971
3319.61 of the Revised Code and reforms under sections 3302.042, 131972
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 131973
3319.58 of the Revised Code. 131974

Of the foregoing appropriation item 200448, Educator 131975
Preparation, \$250,000 in each fiscal year shall be distributed to 131976
Teach For America to increase recruitment of potential corps 131977
members at select Ohio universities, train and develop first-year 131978
and second-year teachers in the Teach for America program in Ohio, 131979
and expand alumni support and networking within the state. 131980

Of the foregoing appropriation item 200448, Educator 131981
Preparation, \$75,000 in fiscal year 2018 and \$100,000 in fiscal 131982
year 2019 shall be used to support training for selected school 131983
staff through the FASTER Saves Lives Program for the purpose of 131984
stopping active shooters and treating casualties. 131985

Of the foregoing appropriation item 200448, Educator 131986
Preparation, \$25,000 in fiscal year 2018 shall be used to purchase 131987
trauma training and equipment for school staff that have completed 131988
FASTER Saves Lives training in active shooter response or tactical 131989
combat casualty care. An amount equal to the unexpended, 131990
unencumbered balance of this earmark at the end of fiscal year 131991
2018 is hereby reappropriated for the same purpose for fiscal year 131992
2019. 131993

The remainder of the foregoing appropriation item 200448, 131994
Educator Preparation, may be used for implementation of teacher 131995
and principal evaluation systems, including incorporation of 131996
student growth as a metric in those systems, and teacher 131997
value-added reports. 131998

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 131999

The foregoing appropriation item 200455, Community Schools 132000
and Choice Programs, may be used by the Department of Education 132001
for operation of the school choice programs. 132002

Of the foregoing appropriation item 200455, Community Schools 132003
and Choice Programs, a portion in each fiscal year may be used by 132004
the Department for developing and conducting training sessions for 132005
community schools and sponsors and prospective sponsors of 132006
community schools as prescribed in division (A)(1) of section 132007
3314.015 of the Revised Code, and other schools participating in 132008
school choice programs. 132009

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 132010

Of the foregoing appropriation item 200465, Education 132011
Technology Resources, up to \$2,500,000 in each fiscal year shall 132012
be used for the Union Catalog and InfOhio Network and to support 132013
the provision of electronic resources with priority given to 132014
resources that support the teaching of state academic content 132015
standards in all public schools. Consideration shall be given by 132016
the Department of Education to coordinating the allocation of 132017
these moneys with the efforts of Libraries Connect Ohio, whose 132018
members include OhioLINK, the Ohio Public Information Network, and 132019
the State Library of Ohio. 132020

Of the foregoing appropriation item 200465, Education 132021
Technology Resources, up to \$1,778,879 in each fiscal year shall 132022
be used by the Department to provide grants to educational 132023
television stations working with partner education technology 132024
centers to provide Ohio public schools with instructional 132025
resources and services, with priority given to resources and 132026
services aligned with state academic content standards. Such 132027
resources and services shall be based upon the advice and approval 132028
of the Department, based on a formula developed in consultation 132029
with Ohio's educational television stations and educational 132030
technology centers. 132031

The remainder of the foregoing appropriation item 200465, 132032
Education Technology Resources, may be used to support training, 132033
technical support, guidance, and assistance with compliance 132034
reporting to school districts and public libraries applying for 132035
federal E-Rate funds; for oversight and guidance of school 132036
district technology plans; and for support to district technology 132037
personnel. Funds may also be used to support the 132038
eTranscript/student records exchange initiative between the 132039
Department of Education and the Department of Higher Education, 132040
the internet safety training for teachers and administrators 132041
required under the "Protecting Children in the 21st Century Act," 132042

Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 132043
for students in grades kindergarten through eight aligned to state 132044
and national standards that, at a minimum, includes a focus on 132045
online safety skills such as safety with personally identifiable 132046
information, social media platforms, cyber-bullying prevention, 132047
digital identity theft, hacking, and plagiarism. Such a program of 132048
study shall provide the electronic data necessary for E-rate 132049
compliance reporting at the student, classroom, and district 132050
levels. 132051

Section 265.150. PUPIL TRANSPORTATION 132052

Of the foregoing appropriation item 200502, Pupil 132053
Transportation, up to \$838,930 in each fiscal year may be used by 132054
the Department of Education for training prospective and 132055
experienced school bus drivers in accordance with training 132056
programs prescribed by the Department. 132057

Of the foregoing appropriation item 200502, Pupil 132058
Transportation, up to \$60,469,220 in each fiscal year may be used 132059
by the Department for special education transportation 132060
reimbursements to school districts and county DD boards for 132061
transportation operating costs as provided in divisions (C) and 132062
(F) of section 3317.024 of the Revised Code. 132063

The remainder of the foregoing appropriation item 200502, 132064
Pupil Transportation, shall be used to distribute the amounts 132065
calculated for transportation aid under divisions (E), (F), and 132066
(G) of section 3317.0212 of the Revised Code and division (D)(2) 132067
of section 3314.091 of the Revised Code. 132068

PAYMENTS IN LIEU OF TRANSPORTATION 132069

For purposes of division (D) of section 3327.02 of the 132070
Revised Code, if a parent, guardian, or other person in charge of 132071
a pupil accepts an offer from a school district of payment in lieu 132072

of providing transportation for the pupil, the school district 132073
shall pay that parent, guardian, or other person an amount that 132074
shall be not less than \$250 and not more than the amount 132075
determined by the Department as the average cost of pupil 132076
transportation for the previous school year. Payment may be 132077
prorated if the time period involved is only a part of the school 132078
year. 132079

Section 265.160. SCHOOL LUNCH MATCH 132080

The foregoing appropriation item 200505, School Lunch Match, 132081
shall be used to provide matching funds to obtain federal funds 132082
for the school lunch program. 132083

Any remaining appropriation after providing matching funds 132084
for the school lunch program may be used to partially reimburse 132085
school buildings within school districts that are required to have 132086
a school breakfast program under section 3313.813 of the Revised 132087
Code, at a rate decided by the Department. 132088

Section 265.170. AUXILIARY SERVICES 132089

Of the foregoing appropriation item 200511, Auxiliary 132090
Services, up to \$2,600,000 in each fiscal year may be used for 132091
payment of the College Credit Plus Program for nonpublic secondary 132092
school participants. The Department of Education shall distribute 132093
these funds according to rule 3333-1-65.8 of the Administrative 132094
Code, adopted by the Department of Higher Education pursuant to 132095
division (A) of section 3365.071 of the Revised Code. 132096

The remainder of the foregoing appropriation item 200511, 132097
Auxiliary Services, shall be used by the Department for the 132098
purpose of implementing sections 3317.06 and 3317.062 of the 132099
Revised Code. 132100

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 132101

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year.

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 132108

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,000,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated

vocational rehabilitation counselors who shall work directly with 132133
school districts to provide transition services for students with 132134
disabilities. Services shall include vocational rehabilitation 132135
services such as person-centered career planning, summer work 132136
experiences, job placement, and retention services for mutually 132137
eligible students with disabilities. 132138

The Superintendent of Public Instruction and the Executive 132139
Director of the Opportunities for Ohioans with Disabilities Agency 132140
shall enter into an interagency agreement that shall specify the 132141
responsibilities of each agency under the program. Under the 132142
interagency agreement, the Opportunities for Ohioans with 132143
Disabilities Agency shall retain responsibility for all 132144
nondelegable functions, including eligibility and order of 132145
selection determination, individualized plan for employment (IPE) 132146
approval, IPE amendments, case closure, and release of vendor 132147
payments. 132148

Of the foregoing appropriation item 200540, Special Education 132149
Enhancements, up to \$2,000,000 in each fiscal year shall be used 132150
by the Department of Education to build capacity to deliver a 132151
regional system of training, support, coordination, and direct 132152
service for secondary transition services for students with 132153
disabilities beginning at fourteen years of age. These special 132154
education enhancements shall support all students with 132155
disabilities, regardless of partner agency eligibility 132156
requirements, to provide stand-alone direct secondary transition 132157
services by school districts. Secondary transition services shall 132158
include, but not be limited to, job exploration counseling, 132159
work-based learning experiences, counseling on opportunities for 132160
enrollment in comprehensive transition or post-secondary 132161
educational programs at institutions of higher education, 132162
workplace readiness training to develop occupational skills, 132163
social skills and independent living skills, and instruction in 132164

self-advocacy. Regional training shall support the expansion of 132165
transition to work endorsement opportunities for middle school and 132166
secondary level special education intervention specialists in 132167
order to develop the necessary skills and competencies to meet the 132168
secondary transition needs of students with disabilities beginning 132169
at fourteen years of age. 132170

The remainder of appropriation item 200540, Special Education 132171
Enhancements, shall be distributed by the Department of Education 132172
to school districts and institutions, as defined in section 132173
3323.091 of the Revised Code, for preschool special education 132174
funding under section 3317.0213 of the Revised Code. 132175

The Department may reimburse school districts and 132176
institutions for services provided by instructional assistants, 132177
related services, as defined in rule 3301-51-11 of the 132178
Administrative Code, physical therapy services provided by a 132179
licensed physical therapist or physical therapist assistant under 132180
the supervision of a licensed physical therapist, as required 132181
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 132182
Administrative Code, and occupational therapy services provided by 132183
a licensed occupational therapist or occupational therapy 132184
assistant under the supervision of a licensed occupational 132185
therapist, as required under Chapter 4755. of the Revised Code and 132186
Chapter 4755-7 of the Administrative Code. Nothing in this section 132187
authorizes occupational therapy assistants or physical therapist 132188
assistants to generate or manage their own caseloads. 132189

The Department shall require school districts, educational 132190
service centers, county DD boards, and institutions serving 132191
preschool children with disabilities to adhere to Ohio's early 132192
learning program standards, participate in the Step Up to Quality 132193
program established pursuant to section 5104.29 of the Revised 132194
Code, and document child progress using research-based indicators 132195
prescribed by the Department and report results annually. The 132196

reporting dates and method shall be determined by the Department. 132197
Effective July 1, 2018, all programs shall be rated through the 132198
Step Up to Quality program. 132199

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 132200

Of the foregoing appropriation item 200545, Career-Technical 132201
Education Enhancements, up to \$2,563,568 in each fiscal year shall 132202
be used to fund secondary career-technical education at 132203
institutions, the Ohio School for the Deaf, and the Ohio State 132204
School for the Blind using a grant-based methodology, 132205
notwithstanding section 3317.05 of the Revised Code. 132206

Of the foregoing appropriation item 200545, Career-Technical 132207
Education Enhancements, up to \$2,872,948 in fiscal year 2018 and 132208
\$1,936,474 in fiscal year 2019 shall be used by the Department of 132209
Education to fund competitive grants to tech prep consortia that 132210
expand the number of students enrolled in tech prep programs. 132211
These grant funds shall be used to directly support expanded tech 132212
prep programs provided to students enrolled in school districts, 132213
including joint vocational school districts, and affiliated higher 132214
education institutions. This support may include the purchase of 132215
equipment. 132216

Of the foregoing appropriation item 200545, Career-Technical 132217
Education Enhancements, up to \$3,100,850 in each fiscal year shall 132218
be used by the Department to support existing High Schools That 132219
Work (HSTW) sites, develop and support new sites, fund technical 132220
assistance, and support regional centers and middle school 132221
programs. The purpose of HSTW is to combine challenging academic 132222
courses and modern career-technical studies to raise the academic 132223
achievement of students. HSTW provides intensive technical 132224
assistance, focused staff development, targeted assessment 132225
services, and ongoing communications and networking opportunities. 132226

Of the foregoing appropriation item 200545, Career-Technical 132227

Education Enhancements, up to \$600,000 in each fiscal year shall 132228
be used by the Department to enable students in agricultural 132229
programs to enroll in a fifth quarter of instruction based on the 132230
agricultural education model of delivering work-based learning 132231
through supervised agricultural experience. The Department shall 132232
determine eligibility criteria and the reporting process for the 132233
Agriculture 5th Quarter Project and shall fund as many programs as 132234
possible given the set-aside. The eligibility criteria developed 132235
by the Department shall allow these funds to support supervised 132236
agricultural experience that occurs anytime outside of the regular 132237
school day. 132238

Of the foregoing appropriation item 200545, Career-Technical 132239
Education Enhancements, up to \$200,000 in each fiscal year may be 132240
used to support career planning and reporting through the Ohio 132241
Means Jobs web site. 132242

Of the foregoing appropriation item 200545, Career-Technical 132243
Education Enhancements, up to \$1,000,000 in each fiscal year shall 132244
be used to support payments to city, local, and exempted village 132245
school districts, community schools, STEM schools, and joint 132246
vocational school districts whose students earn an 132247
industry-recognized credential or receive a journeyman 132248
certification recognized by the United States Department of Labor. 132249
The educating entity shall be required to inform students enrolled 132250
in career-technical education courses that lead to an 132251
industry-recognized credential about the opportunity to earn these 132252
credentials. The Department of Education shall work with the 132253
Department of Higher Education and the Governor's Office of 132254
Workforce Transformation to develop a schedule for reimbursement 132255
based on the Department of Education's list of industry-recognized 132256
credentials, the time it takes to earn the credential, and the 132257
cost to obtain the credential. The educating entity shall pay for 132258
the cost of the credential for an economically disadvantaged 132259

student and may claim and receive reimbursement. The educating 132260
entity may claim reimbursement based on the Department of 132261
Education's reimbursement schedule up to six months after the 132262
student has graduated from high school. If the amount appropriated 132263
is not sufficient, the Department shall prorate the amounts so 132264
that the aggregate amount appropriated is not exceeded. 132265

Of the foregoing appropriation item 200545, Career-Technical 132266
Education Enhancements, \$100,000 in each fiscal year shall be used 132267
to prepare students for careers in culinary arts and restaurant 132268
management under the Ohio ProStart school restaurant program. 132269

Section 265.210. FOUNDATION FUNDING 132270

Of the foregoing appropriation item 200550, Foundation 132271
Funding, up to \$40,000,000 in each fiscal year shall be used to 132272
provide additional state aid to school districts, joint vocational 132273
school districts, community schools, and STEM schools for special 132274
education students under division (C)(3) of section 3314.08, 132275
section 3317.0214, division (B) of section 3317.16, and section 132276
3326.34 of the Revised Code, except that the Controlling Board may 132277
increase these amounts if presented with such a request from the 132278
Department of Education at the final meeting of the fiscal year. 132279

Of the foregoing appropriation item 200550, Foundation 132280
Funding, up to \$3,800,000 in each fiscal year shall be used to 132281
fund gifted education at educational service centers. The 132282
Department shall distribute the funding through the unit-based 132283
funding methodology in place under division (L) of section 132284
3317.024, division (E) of section 3317.05, and divisions (A), (B), 132285
and (C) of section 3317.053 of the Revised Code as they existed 132286
prior to fiscal year 2010. 132287

Of the foregoing appropriation item 200550, Foundation 132288
Funding, up to \$40,000,000 in each fiscal year shall be reserved 132289
to fund the state reimbursement of educational service centers 132290

under the section of this act entitled "EDUCATIONAL SERVICE 132291
CENTERS FUNDING." 132292

Of the foregoing appropriation item 200550, Foundation 132293
Funding, up to \$3,500,000 in each fiscal year shall be distributed 132294
to educational service centers for School Improvement Initiatives 132295
and for the provision of technical assistance to schools and 132296
districts. The Department may distribute these funds through a 132297
competitive grant process. 132298

Of the foregoing appropriation item 200550, Foundation 132299
Funding, up to \$10,000,000 in fiscal year 2018 and up to 132300
\$7,000,000 in fiscal year 2019 shall be reserved for payments 132301
under section 3317.028 of the Revised Code. If this amount is not 132302
sufficient, the Department shall prorate the payment amounts so 132303
that the aggregate amount allocated in this paragraph is not 132304
exceeded. 132305

Of the foregoing appropriation item 200550, Foundation 132306
Funding, up to \$28,600,000 in fiscal year 2018 and up to 132307
\$26,400,000 in fiscal year 2019 shall be used to support school 132308
choice programs. 132309

Of the portion of the funds distributed to the Cleveland 132310
Municipal School District under this section, up to \$15,400,000 in 132311
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 132312
to operate the school choice program in the Cleveland Municipal 132313
School District under sections 3313.974 to 3313.979 of the Revised 132314
Code. Notwithstanding divisions (B) and (C) of section 3313.978 132315
and division (C) of section 3313.979 of the Revised Code, up to 132316
\$1,000,000 in each fiscal year of this amount shall be used by the 132317
Cleveland Municipal School District to provide tutorial assistance 132318
as provided in division (H) of section 3313.974 of the Revised 132319
Code. The Cleveland Municipal School District shall report the use 132320
of these funds in the district's three-year continuous improvement 132321
plan as described in section 3302.04 of the Revised Code in a 132322

manner approved by the Department. 132323

Of the foregoing appropriation item 200550, Foundation 132324
Funding, up to \$1,500,000 in each fiscal year may be used for 132325
payment of the College Credit Plus Program for students instructed 132326
at home pursuant to section 3321.04 of the Revised Code. 132327

Of the foregoing appropriation item 200550, Foundation 132328
Funding, an amount shall be available in each fiscal year to be 132329
paid to joint vocational school districts in accordance with 132330
division (A) of section 3317.16 of the Revised Code, and the 132331
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 132332
VOCATIONAL SCHOOL DISTRICTS." 132333

Of the foregoing appropriation item 200550, Foundation 132334
Funding, up to \$700,000 in each fiscal year shall be used by the 132335
Department for a program to pay for educational services for youth 132336
who have been assigned by a juvenile court or other authorized 132337
agency to any of the facilities described in division (A) of the 132338
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 132339

Of the foregoing appropriation item 200550, Foundation 132340
Funding, a portion may be used to pay college-preparatory boarding 132341
schools the per pupil boarding amount pursuant to section 3328.34 132342
of the Revised Code. 132343

Of the foregoing appropriation item 200550, Foundation 132344
Funding, up to \$1,000,000 in each fiscal year shall be used for 132345
the Bright New Leaders for Ohio Schools Program created and 132346
implemented by the nonprofit corporation incorporated pursuant to 132347
section 3319.271 of the Revised Code, to provide an alternative 132348
path for individuals to receive training and development in the 132349
administration of primary and secondary education and leadership, 132350
enable those individuals to earn degrees and obtain licenses in 132351
public school administration, and promote the placement of those 132352
individuals in public schools that have a poverty percentage 132353

greater than fifty per cent. 132354

Of the foregoing appropriation item 200550, Foundation 132355
Funding, a portion in each fiscal year shall be used to pay 132356
community schools and STEM schools the amounts calculated for the 132357
graduation and third-grade reading bonuses under sections 3314.085 132358
and 3326.41 of the Revised Code. 132359

Of the foregoing appropriation item 200550, Foundation 132360
Funding, up to \$600,000 in each fiscal year may be used by the 132361
Department for duties and activities related to the establishment 132362
of academic distress commissions under section 3302.10 of the 132363
Revised Code. A portion of the funds may be used as matching funds 132364
for any monetary contributions made by a school district for which 132365
an academic distress commission is established or by the 132366
district's local community to support innovative education 132367
programs or a high-quality school accelerator as provided for in 132368
section 3302.10 of the Revised Code. 132369

The remainder of appropriation item 200550, Foundation 132370
Funding, shall be used to distribute the amounts calculated for 132371
formula aid under section 3317.022 of the Revised Code, the 132372
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 132373
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," and the section of 132374
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 132375
VILLAGE SCHOOL DISTRICTS." 132376

Appropriation items 200502, Pupil Transportation, 200540, 132377
Special Education Enhancements, and 200550, Foundation Funding, 132378
other than specific set-asides, are collectively used in each 132379
fiscal year to pay state formula aid obligations for school 132380
districts, community schools, STEM schools, college preparatory 132381
boarding schools, and joint vocational school districts under this 132382
act. The first priority of these appropriation items, with the 132383
exception of specific set-asides, is to fund state formula aid 132384
obligations. It may be necessary to reallocate funds among these 132385

appropriation items or use excess funds from other general revenue 132386
fund appropriation items in the Department of Education's budget 132387
in each fiscal year in order to meet state formula aid 132388
obligations. If it is determined that it is necessary to transfer 132389
funds among these appropriation items or to transfer funds from 132390
other General Revenue Fund appropriations in the Department's 132391
budget to meet state formula aid obligations, the Superintendent 132392
of Public Instruction shall seek approval from the Director of 132393
Budget and Management to transfer funds as needed. 132394

The Superintendent of Public Instruction shall make payments, 132395
transfers, and deductions, as authorized by Title XXXIII of the 132396
Revised Code in amounts substantially equal to those made in the 132397
prior year, or otherwise, at the discretion of the Superintendent, 132398
until at least the effective date of the amendments and enactments 132399
made to Title XXXIII by this act. Any funds paid to districts or 132400
schools under this section shall be credited toward the annual 132401
funds calculated for the district or school after the changes made 132402
to Title XXXIII in this act are effective. Upon the effective date 132403
of changes made to Title XXXIII in this act, funds shall be 132404
calculated as an annual amount. 132405

**Section 265.220. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 132406
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 132407**

(A) The Department of Education shall distribute funds within 132408
appropriation item 200550, Foundation Funding, for temporary 132409
transitional aid in each fiscal year to each qualifying city, 132410
local, and exempted village school district. 132411

(1) For fiscal years 2018 and 2019, the Department shall pay 132412
temporary transitional aid to each city, local, and exempted 132413
village school district according to the following formula: 132414

(The district's transitional aid guarantee base x the district's 132415
transitional aid guarantee base percentage) - the district's 132416

foundation funding for the guarantee	132417
If the computation made under this division results in a	132418
negative number, the district's funding under this division shall	132419
be zero.	132420
(2) As used in this section, "foundation funding for the	132421
guarantee" for each city, local, and exempted village school	132422
district, for fiscal year 2018, equals the sum of the following	132423
amounts for that fiscal year:	132424
(a) The opportunity grant under division (A)(1) of section	132425
3317.022 of the Revised Code;	132426
(b) Targeted assistance funds under division (A)(2) of	132427
section 3317.022 of the Revised Code;	132428
(c) Additional state aid for special education and related	132429
services under division (A)(3) of section 3317.022 of the Revised	132430
Code;	132431
(d) Kindergarten through third grade literacy funds under	132432
division (A)(4) of section 3317.022 of the Revised Code;	132433
(e) Economically disadvantaged funds under division (A)(5) of	132434
section 3317.022 of the Revised Code;	132435
(f) Limited English proficiency funds under division (A)(6)	132436
of section 3317.022 of the Revised Code;	132437
(g) Gifted identification and unit funds under division	132438
(A)(7) of section 3317.022 of the Revised Code;	132439
(h) Career-technical education funds under division (A)(8) of	132440
section 3317.022 of the Revised Code;	132441
(i) Career-technical education associated services funds	132442
under division (A)(9) of section 3317.022 of the Revised Code;	132443
(j) Capacity aid funds under division (A)(10) of section	132444
3317.022 of the Revised Code;	132445

(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	132446 132447
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	132448 132449
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	132450 132451 132452
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	132453 132454
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	132455 132456 132457 132458
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	132459 132460
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	132461 132462
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	132463 132464 132465
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	132466 132467
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	132468 132469
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	132470 132471
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	132472 132473
(h) Career-technical education funds under division (A)(8) of	132474

section 3317.022 of the Revised Code;	132475
(i) Career-technical education associated services funds	132476
under division (A)(9) of section 3317.022 of the Revised Code;	132477
(j) Capacity aid funds under division (A)(10) of section	132478
3317.022 of the Revised Code;	132479
(k) The graduation bonus under division (A)(11) of section	132480
3317.022 of the Revised Code;	132481
(l) The third grade reading bonus under division (A)(12) of	132482
section 3317.022 of the Revised Code;	132483
(m) Transportation funds under divisions (E) and (F) of	132484
section 3317.0212 of the Revised Code and division (D)(2) of	132485
section 3314.091 of the Revised Code;	132486
(n) Transportation supplement funds under division (G) of	132487
section 3317.0212 of the Revised Code.	132488
(4) As used in this section, the "transitional aid guarantee	132489
base" for each city, local, and exempted village school district,	132490
for fiscal year 2018, equals the sum of the following amounts	132491
computed for the district for fiscal year 2017 after any	132492
reductions made for fiscal year 2017 under division (B) of Section	132493
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	132494
(a) The opportunity grant under division (A)(1) of section	132495
3317.022 of the Revised Code;	132496
(b) Targeted assistance funds under division (A)(2) of	132497
section 3317.022 of the Revised Code;	132498
(c) Additional state aid for special education and related	132499
services under division (A)(3) of section 3317.022 of the Revised	132500
Code;	132501
(d) Kindergarten through third grade literacy funds under	132502
division (A)(4) of section 3317.022 of the Revised Code;	132503

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	132504 132505
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	132506 132507
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	132508 132509
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	132510 132511
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	132512 132513
(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	132514 132515
(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	132516 132517
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	132518 132519
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	132520 132521 132522
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	132523 132524
(o) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	132525 132526
(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section.	132527 132528 132529 132530 132531
(6) The "transitional aid guarantee base percentage" for each	132532

city, local, and exempted village school district, for fiscal 132533
years 2018 and 2019, shall be computed as follows: 132534

(a) Calculate each district's total ADM percentage change in 132535
accordance with the following formula: 132536

(The district's total ADM for fiscal year 2016 / the district's 132537
total ADM for fiscal year 2014) - 1 132538

(b) Determine the district's transitional aid guarantee base 132539
percentage as follows: 132540

(i) If the district's total ADM percentage change calculated 132541
in division (A)(6)(a) of this section equals a decrease of ten per 132542
cent or more, then the district's transitional aid guarantee base 132543
percentage shall be equal to ninety-five per cent. 132544

(ii) If the district's total ADM percentage change calculated 132545
in division (A)(6)(a) of this section equals a decrease of less 132546
than ten per cent but more than five per cent, then the district's 132547
transitional aid guarantee base percentage shall be equal to the 132548
district's total ADM percentage change calculated in division 132549
(A)(6)(a) of this section plus one hundred five per cent. 132550

(iii) If the district's total ADM percentage change 132551
calculated in division (A)(6)(a) of this section equals a decrease 132552
of five per cent or less, no change, or an increase of any amount, 132553
then the district's transitional aid guarantee base percentage 132554
shall be equal to one hundred per cent. 132555

(7) The Department of Education shall adjust, as necessary, 132556
the transitional aid guarantee base of any local school district 132557
that participates in the establishment of a joint vocational 132558
school district that begins receiving payments under section 132559
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 132560
2019 but does not receive payments for the prior fiscal year. The 132561
Department shall adjust any such local school district's guarantee 132562
base according to the amounts received by the district in the 132563

prior fiscal year for career-technical education students who 132564
attend the newly established joint vocational school district. 132565

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 132566
in fiscal years 2018 and 2019, no city, local, or exempted village 132567
school district shall be allocated foundation funding subject to 132568
the limitation for the current fiscal year that is greater than 132569
the district's limitation base multiplier times the district's 132570
limitation base for the current fiscal year, except as provided in 132571
division (B)(9) of this section. 132572

(2) As used in this section, "foundation funding subject to 132573
the limitation" for each city, local, and exempted village school 132574
district, for fiscal year 2018, equals the sum of the following 132575
amounts for that fiscal year: 132576

(a) The opportunity grant under division (A)(1) of section 132577
3317.022 of the Revised Code; 132578

(b) Targeted assistance funds under division (A)(2) of 132579
section 3317.022 of the Revised Code; 132580

(c) Additional state aid for special education and related 132581
services under division (A)(3) of section 3317.022 of the Revised 132582
Code; 132583

(d) Kindergarten through third grade literacy funds under 132584
division (A)(4) of section 3317.022 of the Revised Code; 132585

(e) Economically disadvantaged funds under division (A)(5) of 132586
section 3317.022 of the Revised Code; 132587

(f) Limited English proficiency funds under division (A)(6) 132588
of section 3317.022 of the Revised Code; 132589

(g) Gifted identification and unit funds under division 132590
(A)(7) of section 3317.022 of the Revised Code; 132591

(h) Capacity aid funds under division (A)(10) of section 132592
3317.022 of the Revised Code; 132593

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	132594 132595 132596
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	132597 132598
(k) Temporary transitional aid under division (A) of this section.	132599 132600
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	132601 132602 132603 132604
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	132605 132606
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	132607 132608
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	132609 132610 132611
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	132612 132613
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	132614 132615
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	132616 132617
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	132618 132619
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	132620 132621
(i) Transportation funds under divisions (E) and (F) of	132622

section 3317.0212 of the Revised Code and division (D)(2) of	132623
section 3314.091 of the Revised Code;	132624
(j) Transportation supplement funds under division (G) of	132625
section 3317.0212 of the Revised Code;	132626
(k) Temporary transitional aid under division (A) of this	132627
section.	132628
(4) As used in this section, the "limitation base" for each	132629
city, local, and exempted village school district, for fiscal year	132630
2018, equals the sum of the following amounts computed for the	132631
district for fiscal year 2017 after any reductions made for fiscal	132632
year 2017 under division (B) of Section 263.230 of Am. Sub. H.B.	132633
64 of the 131st General Assembly:	132634
(a) The opportunity grant under division (A)(1) of section	132635
3317.022 of the Revised Code;	132636
(b) Targeted assistance funds under division (A)(2) of	132637
section 3317.022 of the Revised Code;	132638
(c) Additional state aid for special education and related	132639
services under division (A)(3) of section 3317.022 of the Revised	132640
Code;	132641
(d) Kindergarten through third grade literacy funds under	132642
division (A)(4) of section 3317.022 of the Revised Code;	132643
(e) Economically disadvantaged funds under division (A)(5) of	132644
section 3317.022 of the Revised Code;	132645
(f) Limited English proficiency funds under division (A)(6)	132646
of section 3317.022 of the Revised Code;	132647
(g) Gifted identification and unit funds under division	132648
(A)(7) of section 3317.022 of the Revised Code;	132649
(h) Capacity aid funds under division (A)(10) of section	132650
3317.022 of the Revised Code;	132651

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	132652 132653 132654
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	132655 132656
(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	132657 132658
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	132659 132660 132661 132662 132663
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	132664 132665
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	132666 132667
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	132668 132669 132670
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	132671 132672
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	132673 132674
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	132675 132676
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	132677 132678
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	132679 132680

(i) Transportation funds under divisions (E) and (F) of 132681
section 3317.0212 of the Revised Code and division (D)(2) of 132682
section 3314.091 of the Revised Code; 132683

(j) Transportation supplement funds under division (G) of 132684
section 3317.0212 of the Revised Code; 132685

(k) Temporary transitional aid under division (A) of this 132686
section; 132687

(l) The cap offset amount computed under the section of this 132688
act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 132689
VILLAGE SCHOOL DISTRICTS. 132690

(6)(a) The "limitation base multiplier" for each city, local, 132691
and exempted village school district, for fiscal year 2018, shall 132692
be computed as follows: 132693

(i) If the district's total ADM percentage change calculated 132694
in division (A)(6)(a) of this section equals an increase of five 132695
and one-half per cent or more, then the district's limitation base 132696
multiplier shall be equal to 1.055. 132697

(ii) If the district's total ADM percentage change calculated 132698
in division (A)(6)(a) of this section equals an increase of less 132699
than five and one-half per cent but more than three per cent, then 132700
the district's limitation base multiplier shall be equal to the 132701
district's total ADM percentage change calculated in division 132702
(A)(6)(a) of this section plus one. 132703

(iii) If the district's total ADM percentage change 132704
calculated in division (A)(6)(a) of this section equals an 132705
increase of three per cent or less, no change, or a decrease of 132706
any amount, then the district's limitation base multiplier shall 132707
be equal to 1.03. 132708

(b) The "limitation base multiplier" for each city, local, 132709
and exempted village school district, for fiscal year 2019, shall 132710

be computed as follows: 132711

(i) If the district's total ADM percentage change calculated 132712
in division (A)(6)(a) of this section equals an increase of six 132713
per cent or more, then the district's limitation base multiplier 132714
shall be equal to 1.06. 132715

(ii) If the district's total ADM percentage change calculated 132716
in division (A)(6)(a) of this section equals an increase of less 132717
than six per cent but more than three per cent, then the 132718
district's limitation base multiplier shall be equal to the 132719
district's total ADM percentage change calculated in division 132720
(A)(6)(a) of this section plus one. 132721

(iii) If the district's total ADM percentage change 132722
calculated in division (A)(6)(a) of this section equals an 132723
increase of three per cent or less, no change, or a decrease of 132724
any amount, then the district's limitation base multiplier shall 132725
be equal to 1.03. 132726

(7) The Department of Education shall adjust, as necessary, 132727
the limitation base of any local school district that participates 132728
in the establishment of a joint vocational school district that 132729
begins receiving payments under section 3317.16 of the Revised 132730
Code for fiscal year 2018 or fiscal year 2019 but does not receive 132731
such payments for the prior fiscal year. The Department shall 132732
adjust any such local school district's limitation base according 132733
to the amounts received by the district in the prior fiscal year 132734
for career-technical education students who attend the newly 132735
established joint vocational school district. 132736

(8) For fiscal year 2018 and fiscal year 2019, the Department 132737
shall reduce a district's payments under divisions (A)(1), (2), 132738
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 132739
Code proportionately as necessary in order to comply with this 132740
division. If those amounts are insufficient, the Department shall 132741

proportionately reduce a district's payments under division (A)(3) 132742
of section 3317.022 of the Revised Code and divisions (E), (F), 132743
and (G) of section 3317.0212 of the Revised Code. 132744

(9)(a) For purposes of division (B)(9) of this section, 132745
"eligible school district" shall have the same meaning as in 132746
division (F)(1) of section 3317.017 of the Revised Code. 132747

(b) Notwithstanding any provision of law to the contrary, an 132748
eligible school district shall not be allocated foundation funding 132749
subject to the limitation in the current fiscal year that is 132750
greater than the greater of the amounts described in divisions 132751
(B)(9)(b)(i) and (ii) of this section: 132752

(i) The amount calculated for the district for the current 132753
fiscal year under division (B)(1) of this section; 132754

(ii) The lesser of the amounts described in divisions 132755
(B)(9)(b)(ii)(I) and (II) of this section: 132756

(I) The district's foundation funding subject to the 132757
limitation for the current fiscal year; 132758

(II) The district's limitation base for the current fiscal 132759
year plus the district's taxes charged and payable against all 132760
property on the tax list of real and public utility property for 132761
the tax year three years preceding the tax year in which the 132762
current fiscal year ends minus the district's taxes charged and 132763
payable against all property on the tax list of real and public 132764
utility property for the tax year two years preceding the tax year 132765
in which the current fiscal year ends. 132766

Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT 132767
VOCATIONAL SCHOOL DISTRICTS 132768

(A) The Department of Education shall distribute funds within 132769
appropriation item 200550, Foundation Funding, for temporary 132770
transitional aid in each fiscal year to each qualifying joint 132771

vocational school district. 132772

(1) For fiscal years 2018 and 2019, the Department shall pay 132773
temporary transitional aid to each joint vocational school 132774
district according to the following formula: 132775

(The district's transitional aid guarantee base x the district's 132776
transitional aid guarantee base percentage) - the district's 132777
foundation funding for the guarantee 132778

If the computation made under this division results in a 132779
negative number, the district's funding under this division shall 132780
be zero. 132781

(2) As used in this section, "foundation funding for the 132782
guarantee" for each joint vocational school district, for fiscal 132783
year 2018, equals the sum of the following amounts for that fiscal 132784
year: 132785

(a) The opportunity grant under division (A)(1) of section 132786
3317.16 of the Revised Code; 132787

(b) Additional state aid for special education and related 132788
services under division (A)(2) of section 3317.16 of the Revised 132789
Code; 132790

(c) Economically disadvantaged funds under division (A)(3) of 132791
section 3317.16 of the Revised Code; 132792

(d) Limited English proficiency funds under division (A)(4) 132793
of section 3317.16 of the Revised Code; 132794

(e) Career-technical education funds under division (A)(5) of 132795
section 3317.16 of the Revised Code; 132796

(f) Career-technical education associated services funds 132797
under division (A)(6) of section 3317.16 of the Revised Code; 132798

(g) The graduation bonus under division (A)(7) of section 132799
3317.16 of the Revised Code. 132800

(3) As used in this section, "foundation funding for the 132801

guarantee" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;

(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;

(g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.

(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of

section 3317.16 of the Revised Code;	132832
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	132833 132834
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	132835 132836
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	132837 132838
(g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code;	132839 132840
(h) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.	132841 132842
(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section.	132843 132844 132845 132846 132847
(6) The "transitional aid guarantee base percentage" for a joint vocational school district, for fiscal year 2018 and fiscal year 2019, shall be computed as follows:	132848 132849 132850
(a) Calculate each district's formula ADM percentage change in accordance with the following formula:	132851 132852
(The district's formula ADM for fiscal year 2016 / the district's formula ADM for fiscal year 2014) - 1	132853 132854
(b) Determine the district's transitional aid guarantee base percentage as follows:	132855 132856
(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent.	132857 132858 132859 132860
(ii) If the district's formula ADM percentage change	132861

calculated in division (A)(6)(a) of this section equals a decrease 132862
of less than ten per cent but more than five per cent, then the 132863
district's transitional aid guarantee base percentage shall be 132864
equal to the district's formula ADM percentage change calculated 132865
in division (A)(6)(a) of this section plus one hundred five per 132866
cent. 132867

(iii) If the district's formula ADM percentage change 132868
calculated in division (A)(6)(a) of this section equals a decrease 132869
of five per cent or less, no change, or an increase of any amount, 132870
then the district's transitional aid guarantee base percentage 132871
shall be equal to one hundred per cent. 132872

(7) The Department of Education shall establish, as 132873
necessary, the transitional aid guarantee base of any joint 132874
vocational school district that begins receiving payments under 132875
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 132876
year 2019 but does not receive such payments for the prior fiscal 132877
year. The Department shall establish any such joint vocational 132878
school district's guarantee base as an amount equal to the 132879
absolute value of the sum of the associated adjustments of any 132880
local school district's guarantee bases under division (A)(7) of 132881
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 132882
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 132883

(B)(1) Notwithstanding division (A) of section 3317.16 of the 132884
Revised Code in fiscal years 2018 and 2019, no joint vocational 132885
school district shall be allocated foundation funding subject to 132886
the limitation for the current fiscal year that is greater than 132887
the district's limitation base multiplier times the district's 132888
limitation base for the current fiscal year. 132889

(2) As used in this section, "foundation funding subject to 132890
the limitation" for each joint vocational school district, for 132891
fiscal year 2018, equals the sum of the following amounts for that 132892
fiscal year: 132893

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	132894 132895
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	132896 132897 132898
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	132899 132900
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	132901 132902
(e) Temporary transitional aid under division (A) of this section.	132903 132904
(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	132905 132906 132907 132908
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	132909 132910
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	132911 132912 132913
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	132914 132915
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	132916 132917
(e) Temporary transitional aid under division (A) of this section.	132918 132919
(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under	132920 132921 132922 132923

division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:	132924 132925
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	132926 132927
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	132928 132929 132930
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	132931 132932
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	132933 132934
(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.	132935 132936
(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	132937 132938 132939 132940 132941
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	132942 132943
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	132944 132945 132946
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	132947 132948
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	132949 132950
(e) Temporary transitional aid under division (A) of this section.	132951 132952

(6)(a) The "limitation base multiplier" for each joint vocational school district, for fiscal year 2018, shall be computed as follows:

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of five and one-half per cent or more, then the district's limitation base multiplier shall be equal to 1.055.

(ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than five and one-half per cent but more than three per cent, then the district's limitation base multiplier shall be equal to the district's formula ADM percentage change calculated in division (A)(6)(a) of this section plus one.

(iii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of three per cent or less, no change, or a decrease of any amount, then the district's limitation base multiplier shall be equal to 1.03.

(b) The "limitation base multiplier" for each joint vocational school district, for fiscal year 2019, shall be computed as follows:

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of six per cent or more, then the district's limitation base multiplier shall be equal to 1.06.

(ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than six per cent but more than three per cent, then the district's limitation base multiplier shall be equal to the district's formula ADM percentage change calculated in division (A)(6)(a) of this section plus one.

(iii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of three per cent or less, no change, or a decrease of any amount, then the district's limitation base multiplier shall be equal to 1.03.

(7) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(7) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(8) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(2) of section 3317.16 of the Revised Code.

Section 265.233. CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

(A) For purposes of this section:

(1) A district's "combined state aid for fiscal year 2017" means the sum of:

(a) The sum of the district's payments for fiscal year 2017 under sections 3317.022 and 3317.0212 of the Revised Code after

any amounts are added or subtracted under Section 263.230 of Am. 133014
Sub. H.B. 64 of the 131st General Assembly; 133015

(b) The district's payments under division (C)(1) of section 133016
5709.92 of the Revised Code for fiscal year 2017. 133017

(2) A district's "combined state aid for fiscal year 2018" 133018
means the sum of: 133019

(a) The sum of the district's payments for fiscal year 2018 133020
under sections 3317.022 and 3317.0212 of the Revised Code after 133021
any amounts are added or subtracted under the section of this act 133022
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 133023
VILLAGE SCHOOL DISTRICTS"; 133024

(b) The district's payments under division (C)(2) of section 133025
5709.92 of the Revised Code for fiscal year 2018. 133026

(3) An "eligible school district" is a city, local, or 133027
exempted village school district that meets both of the following 133028
criteria: 133029

(a) The sum of the amounts calculated for the school district 133030
under section 3317.022 and 3317.0212 of the Revised Code is 133031
limited by division (B)(1) of the section of this act entitled 133032
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 133033
SCHOOL DISTRICTS" for fiscal year 2018; 133034

(b) The district's combined state aid for fiscal year 2017 133035
minus the district's combined state aid for fiscal year 2018 is 133036
greater than zero. 133037

(B) For fiscal year 2018, the Department of Education shall 133038
compute and pay a cap offset amount to each eligible school 133039
district equal to the lesser of the amounts calculated in 133040
divisions (B)(1) and (2) of this section: 133041

(1) The district's combined state aid for fiscal year 2017 133042
minus the district's combined state aid for fiscal year 2018; 133043

(2) The absolute value of the difference between the sum of 133044
the amounts calculated under sections 3317.022 and 3317.0212 of 133045
the Revised Code for the district before and after application of 133046
the limitation under division (B)(1) of the section of this act 133047
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 133048
VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. 133049

Section 265.240. LITERACY IMPROVEMENT 133050

The foregoing appropriation item 200566, Literacy 133051
Improvement, shall be used by the Department of Education to 133052
support early literacy activities to align state, local, and 133053
federal efforts in order to bolster all students' reading success. 133054
Funds shall be distributed to educational service centers to 133055
establish and support regional literacy professional development 133056
teams. A portion of the funds may be used by the Department for 133057
program administration, monitoring, technical assistance, support, 133058
research, and evaluation. 133059

Section 265.250. ADULT EDUCATION PROGRAMS 133060

The foregoing appropriation item 200572, Adult Education 133061
Programs, shall be used in each fiscal year to make payments to 133062
institutions participating in the Adult Diploma Pilot Program 133063
under section 3313.902 of the Revised Code; to make payments under 133064
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 133065
Code; and to pay career-technical planning districts for the 133066
amounts reimbursed to students, as prescribed in this section. 133067

Each career-technical planning district shall reimburse 133068
individuals taking a nationally recognized high school equivalency 133069
examination approved by the Department of Education for the first 133070
time for application fees, examination fees, or both, in excess of 133071
\$40, up to a maximum reimbursement per individual of \$80. Each 133072
career-technical planning district shall designate a site or sites 133073

where individuals may register and take an approved examination. 133074
For each individual who registers for an approved examination, the 133075
career-technical planning district shall make available and offer 133076
career counseling services, including information on adult 133077
education programs that are available. A portion of the 133078
appropriation item may be reimbursed to the Department of Youth 133079
Services and the Department of Rehabilitation and Correction for 133080
individuals in these facilities who have taken an approved 133081
examination for the first time. The amounts reimbursed shall not 133082
exceed the per-individual amounts reimbursed to other individuals 133083
under this section for an approved examination. 133084

Notwithstanding any provision of law to the contrary, the 133085
unexpended balance of appropriations for payments under section 133086
3313.902 of the Revised Code at the end of each fiscal year may be 133087
encumbered by the Department of Education and remain available for 133088
payment for a period not to exceed two years from the end of each 133089
fiscal year in which the funds were originally appropriated, in 133090
accordance with guidelines established by the Superintendent of 133091
Public Instruction. 133092

Of the foregoing appropriation item 200572, Adult Education 133093
Programs, a portion may be used for program administration, 133094
technical assistance, support, research, and evaluation of adult 133095
education programs, including high school equivalency examinations 133096
approved by the Department of Education. 133097

Section 265.260. EDCHOICE EXPANSION 133098

The foregoing appropriation item 200573, EdChoice Expansion, 133099
shall be used to provide for the scholarships awarded under the 133100
expansion of the educational choice program established under 133101
section 3310.032 of the Revised Code. The number of scholarships 133102
awarded under the expansion of the educational choice program 133103
shall not exceed the number that can be funded with the 133104

appropriations made by the General Assembly for this purpose. 133105

Notwithstanding section 3310.16 of the Revised Code, as it 133106
existed prior to the amendment of that section by this act, if the 133107
scholarships awarded under section 3310.032 of the Revised Code in 133108
the first application period for the 2017-2018 school year use the 133109
entirety of the amount appropriated by the General Assembly for 133110
such scholarships for that school year, the Department of 133111
Education need not conduct a second application period for 133112
scholarships under that section. If, after the first application 133113
period, there are funds remaining to award scholarships under 133114
section 3310.032 of the Revised Code, the Department shall conduct 133115
a second application period in accordance with section 3310.16 of 133116
the Revised Code. 133117

HALF-MILL MAINTENANCE EQUALIZATION 133118

The foregoing appropriation item 200574, Half-Mill 133119
Maintenance Equalization, shall be used to make payments pursuant 133120
to section 3318.18 of the Revised Code. 133121

ADAPTIVE SPORTS PROGRAM 133122

The foregoing appropriation item 200576, Adaptive Sports 133123
Program, shall be used by the Department of Education, in 133124
collaboration with the Adaptive Sports Program of Ohio, to fund 133125
adaptive sports programs in school districts across the state. 133126

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 133127

The foregoing appropriation item, 657401, Medicaid in Schools 133128
Program, shall be used by the Department of Education to support 133129
the Medicaid in Schools Program. 133130

Section 265.290. HIGH SCHOOL EQUIVALENCY 133131

The foregoing appropriation item 200610, High School 133132
Equivalency, shall be used in conjunction with appropriation item 133133

200572, Adult Education Programs. 133134

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 133135

The foregoing appropriation item 200681, Teacher 133136
Certification and Licensure, shall be used by the Department of 133137
Education in each year of the biennium to administer and support 133138
teacher certification and licensure activities. Notwithstanding 133139
section 3319.51 of the Revised Code, a portion of the foregoing 133140
appropriation may also be used for implementation of teacher and 133141
principal evaluation systems, including incorporation of student 133142
growth as a metric in those systems, and teacher value-added 133143
reports. 133144

Section 265.310. AUXILIARY SERVICES REIMBURSEMENT 133145

Notwithstanding section 3317.064 of the Revised Code, if the 133146
unexpended, unencumbered cash balance is sufficient, the Treasurer 133147
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 133148
days after the effective date of this section, and \$1,500,000 in 133149
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 133150
Personnel Unemployment Compensation Fund to the Auxiliary Services 133151
Reimbursement Fund (Fund 5980) used by the Department of 133152
Education. 133153

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 133154

(A) Of the foregoing appropriation item 200687, School 133155
District Solvency Assistance, \$5,000,000 in each fiscal year shall 133156
be allocated to the School District Shared Resource Account and 133157
\$5,000,000 in each fiscal year shall be allocated to the 133158
Catastrophic Expenditures Account. These funds shall be used to 133159
provide assistance and grants to school districts to enable them 133160
to remain solvent under section 3316.20 of the Revised Code. 133161
Assistance and grants shall be subject to approval by the 133162

Controlling Board. Except as provided under division (C) of this 133163
section, any required reimbursements from school districts for 133164
solvency assistance shall be made to the appropriate account in 133165
the School District Solvency Assistance Fund (Fund 5H30). 133166

(B) Notwithstanding any provision of law to the contrary, 133167
upon the request of the Superintendent of Public Instruction, the 133168
Director of Budget and Management may make transfers to the School 133169
District Solvency Assistance Fund (Fund 5H30) from any fund used 133170
by the Department of Education or the General Revenue Fund to 133171
maintain sufficient cash balances in Fund 5H30 in fiscal years 133172
2018 and 2019. Any cash transferred is hereby appropriated. The 133173
transferred cash may be used by the Department to provide 133174
assistance and grants to school districts to enable them to remain 133175
solvent and to pay unforeseeable expenses of a temporary or 133176
emergency nature that the school district is unable to pay from 133177
existing resources. The Director shall notify the members of the 133178
Controlling Board of any such transfers. 133179

(C) If the cash balance of the School District Solvency 133180
Assistance Fund (Fund 5H30) is insufficient to pay solvency 133181
assistance in fiscal years 2018 and 2019, at the request of the 133182
Superintendent of Public Instruction, and with the approval of the 133183
Controlling Board, the Director of Budget and Management may 133184
transfer cash from the Lottery Profits Education Reserve Fund 133185
(Fund 7018) to Fund 5H30 to provide assistance and grants to 133186
school districts to enable them to remain solvent and to pay 133187
unforeseeable expenses of a temporary nature that they are unable 133188
to pay from existing resources under section 3316.20 of the 133189
Revised Code. Such transfers are hereby appropriated to 133190
appropriation item 200670, School District Solvency Assistance - 133191
Lottery. Any required reimbursements from school districts for 133192
solvency assistance granted from appropriation item 200670, School 133193
District Solvency Assistance - Lottery, shall be made to Fund 133194

7018. 133195

Section 265.323. ACCOUNTABILITY/REPORT CARDS 133196

Of the foregoing appropriation item 200662, 133197
Accountability/Report Cards, \$500,000 in each fiscal year shall be 133198
used as matching funds to support efforts by the Accelerate Great 133199
Schools public-private partnership to increase the number of 133200
high-performing schools in Cincinnati, to attract and develop 133201
excellent school leaders and teachers, and to engage families and 133202
communities in fostering educational improvement. 133203

Of the foregoing appropriation item 200662, 133204
Accountability/Report Cards, a portion in each fiscal year may be 133205
used to train district and regional specialists and district 133206
educators in the use of the value-added progress dimension and in 133207
the use of data as it relates to improving student achievement. 133208
This training may include teacher and administrator professional 133209
development in the use of data to improve instruction and student 133210
learning, and teacher and administrator training in understanding 133211
teacher value-added reports and how they can be used as a 133212
component in measuring teacher and administrator effectiveness. A 133213
portion of this funding shall be provided to educational service 133214
centers to support training and professional development under 133215
this section consistent with section 3312.01 of the Revised Code. 133216

The remainder of appropriation item 200662, 133217
Accountability/Report Cards, shall be used by the Department of 133218
Education to incorporate a statewide value-added progress 133219
dimension into performance ratings for school districts and for 133220
the development of an accountability system that includes the 133221
preparation and distribution of school report cards, funding and 133222
expenditure accountability reports under sections 3302.03 and 133223
3302.031 of the Revised Code, the development and maintenance of 133224
teacher value-added reports, the teacher student linkage/roster 133225

verification process, and the performance management section of 133226
the Department's web site required by section 3302.26 of the 133227
Revised Code. 133228

Section 265.324. TRANSFER FROM STATE BOARD OF EDUCATION 133229
LICENSURE FUND TO THE ACCOUNTABILITY/REPORT CARDS FUND 133230

Notwithstanding any provision of law to the contrary, on July 133231
1 of each fiscal year, or as soon as possible thereafter, the 133232
Director of Budget and Management shall transfer \$5,000,000 cash 133233
from the State Board of Education Licensure Fund (Fund 4L20) to 133234
the Accountability/Report Cards Fund (Fund 5UC0), which is hereby 133235
created in the state treasury. 133236

Section 265.325. TRANSFER FROM THE OHIOMEANSJOBS WORKFORCE 133237
DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE EDUCATIONAL 133238
GRANTS FUND (FUND 6200) 133239

Notwithstanding any provision of law to the contrary, on July 133240
1, 2017, or as soon as possible thereafter, the Director of Budget 133241
and Management shall transfer \$400,000 cash from the OhioMeansJobs 133242
Workforce Development Revolving Loan Fund (Fund 5NH0) to the 133243
Educational Grants Fund (Fund 6200). 133244

EDUCATIONAL IMPROVEMENT GRANTS 133245

Of the foregoing appropriation item 200615, Educational 133246
Improvement Grants, \$100,000 in each fiscal year shall be 133247
distributed to the Lake County Educational Service Center to 133248
support the Lake and Geauga Counties Manufacturing K-12 133249
Partnership. 133250

Of the foregoing appropriation item 200615, Educational 133251
Improvement Grants, \$125,000 in fiscal year 2018 shall be 133252
distributed to the Trumbull County Educational Service Center to 133253
support the creation of a STEAM program. 133254

Of the foregoing appropriation item 200615, Educational
Improvement Grants, \$75,000 in fiscal year 2018 shall be used to
support the creation of an additional welding laboratory at the
Trumbull Career and Technical Center.

Section 265.330. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding,
shall be used in conjunction with appropriation item 200550,
Foundation Funding, to provide state foundation payments to school
districts.

The Department of Education, with the approval of the
Director of Budget and Management, shall determine the monthly
distribution schedules of appropriation item 200550, Foundation
Funding, and appropriation item 200612, Foundation Funding. If
adjustments to the monthly distribution schedule are necessary,
the Department shall make such adjustments with the approval of
the Director.

COMMUNITY CONNECTORS PROGRAM

The foregoing appropriation item 200629, Community
Connectors, shall be used by the Superintendent of Public
Instruction to create the Community Connectors Grant Program. The
Superintendent shall develop guidelines for the grants. The
guidelines shall prioritize grant applicants that deliver
volunteer-based K-12 programs that foster financial literacy,
career readiness, and entrepreneurship skills through experiential
learning opportunities in classroom settings. The program shall
award competitive matching grants to provide funding for local
networks of volunteers and organizations to sponsor career
advising and mentoring for students in eligible school districts.
Each grant award shall match up to three times the funds allocated
to the project by the local network. However, the Superintendent
may prescribe a maximum grant award, which shall not be less than

\$150,000. The Superintendent shall not prohibit grant recipients 133286
in prior fiscal years from reapplying for grants awarded under 133287
this section. Eligible school districts are those with a high 133288
percentage of students in poverty, a high number of students not 133289
graduating on time, and other criteria as determined by the 133290
Superintendent. Eligible school districts shall partner with 133291
members of the business community, civic organizations, or the 133292
faith-based community to provide sustainable career advising and 133293
mentoring services. Upon the request of the Superintendent of 133294
Public Instruction and the approval of the Director of Budget and 133295
Management, an amount equal to the unexpended, unencumbered 133296
portion of the foregoing appropriation item 200629, Community 133297
Connectors, at the end of fiscal year 2018 is hereby 133298
reappropriated to the Department for the same purpose for fiscal 133299
year 2019. 133300

Notwithstanding any provision of law to the contrary, grants 133301
awarded under this section may be used by grant recipients for 133302
grant-related expenses for a period not to exceed three years from 133303
the date of the award, according to guidelines established by the 133304
Superintendent. 133305

COMMUNITY SCHOOL FACILITIES 133306

The foregoing appropriation item 200684, Community School 133307
Facilities, shall be used to pay each community school established 133308
under Chapter 3314. of the Revised Code and each STEM school 133309
established under Chapter 3326. of the Revised Code an amount 133310
equal to \$25 in each fiscal year for each full-time equivalent 133311
pupil in an internet- or computer-based community school and \$200 133312
in each fiscal year for each full-time equivalent pupil in all 133313
other community or STEM schools for assistance with the cost 133314
associated with facilities. If the amount appropriated is not 133315
sufficient, the Department shall prorate the amounts so that the 133316
aggregate amount appropriated is not exceeded. 133317

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND	133318
(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.	133319 133320 133321 133322
(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.	133323 133324 133325 133326
(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,030,000,000 in fiscal year 2017.	133327 133328 133329 133330 133331
(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,078,130,000 in fiscal year 2018.	133332 133333 133334 133335 133336
(E) Notwithstanding any provision of law to the contrary, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.	133337 133338 133339 133340
Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING	133341
As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.	133342 133343 133344
As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the	133345 133346

Revised Code. 133347

In each fiscal year, the Department of Education shall pay 133348
the governing board of each high-performing educational service 133349
center state funds equal to twenty-six dollars times its student 133350
count, and to the governing board of each other center, state 133351
funds equal to twenty-four dollars times its student count. 133352

If the amount earmarked for the state reimbursement of 133353
educational service centers in appropriation item 200550, 133354
Foundation Funding, is not sufficient, the Department shall 133355
prorate the payment amounts by reducing the per-pupil amount paid 133356
for students in the educational service center's student count 133357
attributable to a "big-eight school district," as defined in 133358
section 3314.02 of the Revised Code, so that the appropriation is 133359
not exceeded. 133360

Notwithstanding any provision of law to the contrary, a 133361
school district that has not entered into an agreement for 133362
services with an educational service center as of June 30, 2017, 133363
shall be prohibited from entering into such an agreement during 133364
the period from July 1, 2017, through June 30, 2019. 133365

Section 265.370. On July 1, 2017, or as soon as possible 133366
thereafter, the Superintendent of Public Instruction shall certify 133367
to the Director of Budget and Management the unexpended, 133368
unencumbered cash balances of the Neglected and Delinquent 133369
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 133370
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 133371
School Climate Transformation Fund (Fund 3GP0), the Project Aware 133372
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 133373
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 133374
3H90). Upon receipt of certification from the Superintendent, the 133375
Director may transfer the cash balances of those funds to the 133376
Department of Education Federal Education Grants Fund (Fund 3HF0). 133377

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 133378
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The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate. 133380
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Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS 133386
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(A) As used in this section: 133388

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 133389
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 133391
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2018 and 2019 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 133394
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(C) In addition to any state foundation payments made, in each of fiscal years 2018 and 2019, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted 133399
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costs for those same students in fiscal year 2001. If the 133408
difference is a negative number, the amount of the subsidy shall 133409
be zero. 133410

(D) The amount of any subsidy paid to a community school 133411
under this section shall not be deducted from the school district 133412
in which any of the students enrolled in the community school are 133413
entitled to attend school under section 3313.64 or 3313.65 of the 133414
Revised Code. The amount of any subsidy paid to a community school 133415
under this section shall be paid from funds appropriated to the 133416
Department in appropriation item 200550, Foundation Funding. 133417

Section 265.400. EARMARK ACCOUNTABILITY 133418

At the request of the Superintendent of Public Instruction, 133419
any entity that receives a budget earmark under the Department of 133420
Education shall submit annually to the chairpersons of the 133421
committees of the House of Representatives and the Senate 133422
primarily concerned with education and education funding and to 133423
the Department a report that includes a description of the 133424
services supported by the funds, a description of the results 133425
achieved by those services, an analysis of the effectiveness of 133426
the program, and an opinion as to the program's applicability to 133427
other school districts. For an earmarked entity that received 133428
state funds from an earmark in the prior fiscal year, no funds 133429
shall be provided by the Department to an earmarked entity for a 133430
fiscal year until its report for the prior fiscal year has been 133431
submitted. 133432

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 133433

A community school established under Chapter 3314. of the 133434
Revised Code that was open for operation as a community school as 133435
of May 1, 2005, may operate from or in any home, as defined in 133436
section 3313.64 of the Revised Code, located in the state, 133437

regardless of when the community school's operations from or in a particular home began.

Section 265.420. USE OF VOLUNTEERS

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in

foundation funding or transitional aid funding, and the state 133468
shall not have liability for reimbursement of the amount of such 133469
reduction in foundation funding or transitional aid funding. 133470

(B) As used in this section: 133471

(1) "Community school" means a community school established 133472
under Chapter 3314. of the Revised Code. 133473

(2) "Entitled to attend school" means entitled to attend 133474
school in a school district under section 3313.64 or 3313.65 of 133475
the Revised Code. 133476

(3) "Foundation funding" means payments calculated for the 133477
respective fiscal year under Chapter 3317. of the Revised Code. 133478

(4) "Transitional aid funding" means payments calculated for 133479
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 133480
of the 125th General Assembly, as subsequently amended; Section 133481
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 133482
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 133483
of the 127th General Assembly. 133484

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 133485

In collaboration with the County Family and Children First 133486
Council, a city, local, or exempted village school district, 133487
community school, STEM school, joint vocational school district, 133488
educational service center, or county board of developmental 133489
disabilities that receives allocations from the Department of 133490
Education from appropriation item 200550, Foundation Funding, or 133491
appropriation item 200540, Special Education Enhancements, may 133492
transfer portions of those allocations to a flexible funding pool 133493
authorized by the Section of this act entitled "FAMILY AND 133494
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 133495
maintenance of effort or for federal or state funding matching 133496
requirements shall not be transferred unless the allocation may 133497

still be used to meet such requirements.	133498
Section 265.450. PRIVATE TREATMENT FACILITY PROJECT	133499
(A) As used in this section:	133500
(1) The following are "participating residential treatment centers":	133501
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133502
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133503
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133504
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133505
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133506
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133507
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	133508
(b) Abraxas, in Shelby;	133509
(c) Paint Creek, in Bainbridge;	133510
(d) F.I.R.S.T., in Mansfield.	133511
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	133512
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	133513
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	133514
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	133515
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	133516
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	133517
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	133518
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	133519
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	133520
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	133521
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	133522
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	133523
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	133524
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a	133525
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a	133526

residential treatment facility specified in division (A) of this 133527
section shall be enrolled in an approved educational program 133528
located in or near the facility. Approval of the educational 133529
program shall be contingent upon compliance with the criteria 133530
established for such programs by the Department of Education. The 133531
educational program shall be provided by a school district or 133532
educational service center, or by the residential facility itself. 133533
Maximum flexibility shall be given to the residential treatment 133534
facility to determine the provider. In the event that a voluntary 133535
agreement cannot be reached and the residential facility does not 133536
choose to provide the educational program, the educational service 133537
center in the county in which the facility is located shall 133538
provide the educational program at the treatment center to 133539
children under twenty-two years of age residing in the treatment 133540
center. 133541

(C) Any school district responsible for tuition for a 133542
residential child shall, notwithstanding any conflicting provision 133543
of the Revised Code regarding tuition payment, pay tuition for the 133544
child for fiscal year 2018 and fiscal year 2019 to the education 133545
program provider and in the amount specified in this division. If 133546
there is no school district responsible for tuition for a 133547
residential child and if the participating residential treatment 133548
center to which the child is assigned is located in the city, 133549
exempted village, or local school district that, if the child were 133550
not a resident of that treatment center, would be the school 133551
district where the child is entitled to attend school under 133552
sections 3313.64 and 3313.65 of the Revised Code, that school 133553
district, notwithstanding any conflicting provision of the Revised 133554
Code, shall pay tuition for the child for fiscal year 2018 and 133555
fiscal year 2019 under this division unless that school district 133556
is providing the educational program to the child under division 133557
(B) of this section. 133558

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2018 and 2019, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall

be used to supplement, not supplant, funds from other public 133590
sources for which the school district, service center, or 133591
residential treatment facility is entitled or eligible. 133592

(F) The Department of Education shall track the utilization 133593
of funds provided to school districts, educational service 133594
centers, and residential treatment facilities under this section 133595
and monitor the effect of the funding on the educational programs 133596
they provide in participating residential treatment facilities. 133597
The Department shall monitor the programs for educational 133598
accountability. 133599

Section 265.460. (A) The Superintendent of Public Instruction 133600
may form partnerships with Ohio's business community, including 133601
the Ohio Business Roundtable, to create and implement initiatives 133602
that connect students with the business community in an effort to 133603
increase student engagement and job readiness through internships, 133604
work study, and site-based learning experiences. 133605

(B) If the Superintendent forms a partnership pursuant to 133606
division (A) of this section, the initiatives created and 133607
implemented through that partnership shall do all of the 133608
following: 133609

(1) Support the career connection learning strategies 133610
described in division (B)(2) of section 3301.079 of the Revised 133611
Code; 133612

(2) Provide an opportunity for students to earn high school 133613
credit toward graduation or to meet curriculum requirements in 133614
accordance with divisions (J)(1) and (2) of section 3313.603 of 133615
the Revised Code; 133616

(3) Inform the development of student success plans pursuant 133617
to division (C) of section 3313.6020 of the Revised Code. 133618

Section 265.470. The Department of Education shall provide 133619

assistance to the State Board of Education for the purposes of 133620
updating the statewide plan on subject area competency, including 133621
credit by examination, pursuant to division (J)(2) of section 133622
3313.603 of the Revised Code, to reduce barriers to student 133623
participation in credit flexibility options. 133624

Upon completion, the Department shall inform students, 133625
parents, and schools of the updated plan. 133626

Section 265.480. The Department of Education shall conduct a 133627
study to determine the appropriate amounts of funding for each 133628
category and sub-category of students identified as gifted under 133629
Chapter 3324. of the Revised Code, as well as the most appropriate 133630
method for funding gifted education courses and programs. The 133631
study shall include, but not be limited to, costs for effective 133632
and appropriate identification, staffing, professional 133633
development, technology, materials, and supplies at the district 133634
level. The Department shall emphasize adequate funding and 133635
delivery of services for smaller, rural school districts, 133636
including statewide support needed for this population. 133637

Not later than May 1, 2018, the Department shall issue a 133638
report of its findings and recommendations to the Governor, the 133639
President of the Senate, the Speaker of the House of 133640
Representatives, and the members of the primary and secondary 133641
education committees of the Senate and the House of 133642
Representatives. 133643

Section 265.490. Upon receipt of federal funds under Title 133644
IV, Part A, Student Support and Academic Enrichment Grants, and 133645
after payments are made pursuant to education programs included in 133646
this block grant program, the Department shall direct any unused 133647
funds to cover all or part of the cost of Advanced Placement tests 133648
and International Baccalaureate registration and exam fees for 133649

low-income students. 133650

Section 265.500. (A) "Eligible sponsor" means a sponsor to 133651
which both of the following apply with respect to the sponsor 133652
evaluation conducted under section 3314.016 of the Revised Code 133653
for the 2015-2016 school year: 133654

(1) The sponsor had its sponsorship authority revoked for 133655
receiving an overall rating of "poor" under division (B)(7)(c) of 133656
section 3314.016 of the Revised Code. 133657

(2) The sponsor received a score of "3" or higher or a grade 133658
of "B" or higher on the academic performance component of the 133659
sponsor rating under division (B)(1)(a) of section 3314.016 of the 133660
Revised Code. 133661

(B) Notwithstanding section 3314.016 of the Revised Code, an 133662
eligible sponsor may, for the 2017-2018 school year renew its 133663
sponsorship of any school it sponsored prior to the revocation of 133664
its sponsorship authority as a result of the sponsor evaluation 133665
conducted under section 3314.016 of the Revised Code for the 133666
2015-2016 school year. 133667

(C) If an eligible sponsor renews sponsorship of a school 133668
under division (B) of this section and receives a score of "3" or 133669
a "B" or higher, or an equivalent score as determined by the 133670
Department of Education, on the academic performance component of 133671
the sponsor rating under division (B)(1)(a) of section 3314.016 of 133672
the Revised Code for the 2017-2018 school year, that sponsor may 133673
continue to sponsor that school for the 2018-2019 school year so 133674
long as the sponsor receives an overall rating of "ineffective" or 133675
higher. 133676

Section 267.10. ELC OHIO ELECTIONS COMMISSION 133677
General Revenue Fund 133678

GRF 051321	Operating Expenses	\$	418,613	\$	435,221	133679
TOTAL GRF	General Revenue Fund	\$	418,613	\$	435,221	133680
Dedicated Purpose Fund Group						133681
4P20 051601	Operating Support	\$	199,460	\$	199,460	133682
TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	133683
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	618,073	\$	634,681	133684

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL						133686
DIRECTORS						133687
Dedicated Purpose Fund Group						133688
4K90 881609	Operating Expenses	\$	791,253	\$	843,973	133689
TOTAL DPF	Dedicated Purpose Fund	\$	791,253	\$	843,973	133690
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	791,253	\$	843,973	133691

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS						133693
Fiduciary Fund Group						133694
1240 995673	Payroll Deductions	\$	760,000,000	\$	780,000,000	133695
8060 995666	Accrued Leave Fund	\$	70,000,000	\$	71,930,634	133696
8070 995667	Disability Fund	\$	22,136,000	\$	22,689,000	133697
8080 995668	State Employee Health	\$	842,858,402	\$	926,309,037	133698
Benefit Fund						
8090 995669	Dependent Care	\$	3,406,139	\$	3,484,478	133699
Spending Account						
8100 995670	Life Insurance	\$	1,632,004	\$	1,700,545	133700
Investment Fund						
8110 995671	Parental Leave	\$	3,952,606	\$	4,084,972	133701
Benefit Fund						
8130 995672	Health Care Spending	\$	11,043,565	\$	11,341,741	133702
Account						
TOTAL FID	Fiduciary Fund Group	\$	1,715,028,716	\$	1,821,540,407	133703

TOTAL ALL BUDGET FUND GROUPS \$ 1,715,028,716 \$ 1,821,540,407 133704

Section 271.20. PAYROLL DEDUCTION FUND 133706

The foregoing appropriation item 995673, Payroll Deductions, 133707
shall be used to make payments from the Payroll Deduction Fund 133708
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 133709
is determined by the Director of Budget and Management that 133710
additional amounts are necessary, the amounts are hereby 133711
appropriated. 133712

ACCRUED LEAVE LIABILITY FUND 133713

The foregoing appropriation item 995666, Accrued Leave Fund, 133714
shall be used to make payments from the Accrued Leave Liability 133715
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 133716
If it is determined by the Director of Budget and Management that 133717
additional amounts are necessary, the amounts are hereby 133718
appropriated. 133719

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 133720

The foregoing appropriation item 995667, Disability Fund, 133721
shall be used to make payments from the State Employee Disability 133722
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 133723
Revised Code. If it is determined by the Director of Budget and 133724
Management that additional amounts are necessary, the amounts are 133725
hereby appropriated. 133726

STATE EMPLOYEE HEALTH BENEFIT FUND 133727

The foregoing appropriation item 995668, State Employee 133728
Health Benefit Fund, shall be used to make payments from the State 133729
Employee Health Benefit Fund (Fund 8080) pursuant to section 133730
124.87 of the Revised Code. If it is determined by the Director of 133731
Budget and Management that additional amounts are necessary, the 133732
amounts are hereby appropriated. 133733

DEPENDENT CARE SPENDING FUND 133734

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are

hereby appropriated. 133766

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 133767

General Revenue Fund 133768

GRF 125321 Operating Expenses \$ 3,804,336 \$ 3,828,961 133769

TOTAL GRF General Revenue Fund \$ 3,804,336 \$ 3,828,961 133770

Dedicated Purpose Fund Group 133771

5720 125603 Training and \$ 141,000 \$ 131,000 133772

Publications

TOTAL DPF Dedicated Purpose Fund \$ 141,000 \$ 131,000 133773

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,945,336 \$ 3,959,961 133774

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 133776

Dedicated Purpose Fund Group 133777

4K90 892609 Operating Expenses \$ 1,123,966 \$ 1,227,821 133778

TOTAL DPF Dedicated Purpose Fund \$ 1,123,966 \$ 1,227,821 133779

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,123,966 \$ 1,227,821 133780

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 133782

General Revenue Fund 133783

GRF 715502 Auto Emissions \$ 8,927,160 \$ 8,919,594 133784

E-Check Program

TOTAL GRF General Revenue Fund \$ 8,927,160 \$ 8,919,594 133785

Dedicated Purpose Fund Group 133786

4D50 715618 Recycled State \$ 50,000 \$ 50,000 133787

Materials

4J00 715638 Underground Injection \$ 408,004 \$ 408,004 133788

Control

4K20 715648 Clean Air - Non Title \$ 4,205,800 \$ 4,896,690 133789

		V					
4K30	715649	Solid Waste	\$	13,130,050	\$	13,130,050	133790
4K40	715650	Surface Water Protection	\$	9,990,000	\$	10,705,000	133791
4K50	715651	Drinking Water Protection	\$	7,512,528	\$	7,797,557	133792
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	133793
4R50	715656	Scrap Tire Management	\$	2,277,786	\$	2,277,786	133794
4R90	715658	Voluntary Action Program	\$	963,847	\$	948,139	133795
4T30	715659	Clean Air - Title V Permit Program	\$	9,860,800	\$	9,944,120	133796
5000	715608	Immediate Removal Special Account	\$	825,710	\$	825,509	133797
5030	715621	Hazardous Waste Facility Management	\$	4,853,470	\$	4,980,458	133798
5050	715623	Hazardous Waste Cleanup	\$	11,406,593	\$	11,787,426	133799
5050	715698	Response and Investigations	\$	3,750,000	\$	3,750,000	133800
5320	715646	Recycling and Litter Control	\$	4,698,000	\$	4,698,000	133801
5410	715670	Site Specific Cleanup	\$	2,283,719	\$	2,285,357	133802
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	133803
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	133804
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	133805
5BC0	715624	Surface Water	\$	5,731,967	\$	5,731,967	133806
5BC0	715672	Air Pollution Control	\$	6,000,000	\$	6,000,000	133807
5BC0	715673	Drinking and Ground Water	\$	3,324,235	\$	3,324,235	133808

5BC0	715676	Assistance and Prevention	\$	1,812,000	\$	1,862,000	133809
5BC0	715677	Laboratory	\$	2,500,000	\$	2,500,000	133810
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	133811
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	133812
5BC0	715692	Administration	\$	13,302,000	\$	13,302,000	133813
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	133814
5BT0	715679	C&DD Groundwater Monitoring	\$	320,000	\$	320,000	133815
5BY0	715681	Auto Emissions Test	\$	2,344,450	\$	2,367,016	133816
5H40	715664	Groundwater Support	\$	302,489	\$	302,489	133817
5PZ0	715696	Drinking Water Loan Fee	\$	800,000	\$	800,000	133818
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	133819
6440	715631	Emergency Response Radiological Safety	\$	332,403	\$	352,430	133820
6760	715642	Water Pollution Control Loan Administration	\$	2,137,237	\$	2,061,832	133821
6760	715699	Water Quality Administration	\$	2,725,000	\$	2,725,000	133822
6780	715635	Air Toxic Release	\$	133,636	\$	76,437	133823
6790	715636	Emergency Planning	\$	2,747,391	\$	2,747,391	133824
6960	715643	Air Pollution Control Administration	\$	950,400	\$	1,001,800	133825
6990	715644	Water Pollution Control Administration	\$	750,000	\$	457,100	133826
6A10	715645	Environmental Education	\$	1,100,000	\$	1,100,000	133827

TOTAL DPF Dedicated Purpose Fund Group	\$	129,120,391	\$	131,106,669	133828
Internal Service Activity Fund Group					133829
1990 715602 Laboratory Services	\$	705,239	\$	705,239	133830
2190 715604 Central Support	\$	6,814,000	\$	6,858,000	133831
Indirect					
4A10 715640 Operating Expenses	\$	1,350,000	\$	1,350,000	133832
TOTAL ISA Internal Service Activity Fund Group	\$	8,869,239	\$	8,913,239	133833
Capital Projects Fund Group					133834
5S10 715607 Clean Ohio	\$	363,700	\$	0	133835
Revitalization					
Operating					
TOTAL CPF Capital Projects Fund Group	\$	363,700	\$	0	133836
Federal Fund Group					133837
3530 715612 Public Water Supply	\$	2,113,020	\$	2,113,020	133838
3570 715619 Air Pollution Control	\$	6,140,203	\$	6,140,203	133839
- Federal					
3620 715605 Underground Injection	\$	102,859	\$	102,859	133840
Control - Federal					
3BU0 715684 Water Quality	\$	14,183,989	\$	14,183,989	133841
Protection					
3CS0 715688 Federal NRD	\$	200,000	\$	200,000	133842
Settlements					
3F20 715630 Revolving Loan Fund -	\$	2,900,000	\$	2,900,000	133843
Operating					
3F30 715632 Federally Supported	\$	5,250,000	\$	5,250,000	133844
Cleanup and Response					
3T30 715669 Drinking Water State	\$	2,809,470	\$	2,809,470	133845
Revolving Fund					
3V70 715606 Agencywide Grants	\$	450,000	\$	450,000	133846

TOTAL FED Federal Fund Group	\$	34,149,541	\$	34,149,541	133847
TOTAL ALL BUDGET FUND GROUPS	\$	181,430,031	\$	183,089,043	133848

Section 277.20. ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM 133850

During the period from July 1, 2017, to June 30, 2019, the 133851
Director of Budget and Management, in consultation with the 133852
Director of Development Services and the Director of Environmental 133853
Protection, shall transfer up to \$5,000,000 cash from the 133854
Alternative Fuel Transportation Fund (Fund 5CG0) used by the 133855
Development Services Agency to the Non-Title V Clean Air Fund 133856
(Fund 4K20) used by the Ohio Environmental Protection Agency. The 133857
transferred amount is hereby appropriated to appropriation item 133858
715648, Clean Air - Non Title V, and shall be used for the 133859
Alternative Vehicle Conversion Program established under section 133860
122.076 of the Revised Code. 133861

AREAWIDE PLANNING AGENCIES 133862

The Director of Environmental Protection Agency may award 133863
grants from appropriation item 715687, Areawide Planning Agencies, 133864
to areawide planning agencies engaged in areawide water quality 133865
management and planning activities in accordance with Section 208 133866
of the "Federal Clean Water Act," 33 U.S.C. 1288. 133867

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 133868
BUSINESS ASSISTANCE FUND 133869

On July 1, 2017, or as soon as possible thereafter, the 133870
Director of Budget and Management may transfer \$1,500,000 cash 133871
from the Small Business Assistance Fund (Fund 5A00) used by the 133872
Air Quality Development Authority to the Title V Clean Air Fund 133873
(Fund 4T30) used by the Environmental Protection Agency. 133874

CASH TRANSFER TO THE ENVIRONMENTAL PROTECTION REMEDIATION 133875
FUND FROM THE LITTER PREVENTION AND RECYCLING FUND 133876

On July 1, 2017, or as soon as possible thereafter, the 133877

Director of Budget and Management, in consultation with the 133878
Director of Environmental Protection, may transfer up to 133879
\$3,650,000 cash from the Litter Prevention and Recycling Fund 133880
(Fund 5320) to the Environmental Protection Remediation Fund (Fund 133881
5410), to be used for the remediation of the ARCO construction and 133882
demolition debris site in Cleveland, Ohio. The amount transferred 133883
is hereby appropriated to appropriation item 715670, Site Specific 133884
Cleanup. 133885

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 133886
TIRE MANAGEMENT FUND 133887

The Director of Budget and Management, in consultation with 133888
the Director of Environmental Protection, shall establish a 133889
schedule of cash transfers totaling up to \$4,712,000 from the 133890
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 133891
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 133892
2019. 133893

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 133894
PROGRAM 133895

On January 1, 2018, the Asbestos Abatement Licensure and 133896
Certification Program is transferred from the Department of Health 133897
to the Environmental Protection Agency. For the purposes of the 133898
transfer, all of the following apply: 133899

(A) All rules, orders, and determinations of the Department 133900
related to the Program shall continue in effect as the rules, 133901
orders, and determinations of the Agency until rules for the 133902
Program are adopted and become effective for the Agency. If 133903
necessary to ensure the integrity of the numbering system of the 133904
Administrative Code, the Director of the Legislative Service 133905
Commission shall renumber the rules to reflect their transfer to 133906
the Agency. 133907

Any licenses, certificates, permits, registrations, 133908

approvals, or endorsements issued before January 1, 2018, by the Department of Health related to the Program shall continue in effect as if issued by the Agency.

(B) Any business commenced but not completed by the Director of Health relating to the Program on the effective date of the amendment of the statutes governing the Program by this act shall be completed by the Director of Environmental Protection. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this act and shall be administered by the Director of Environmental Protection in accordance with this act.

(C) All of the orders and determinations of the Director of Health relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or rescinded by the Director of Environmental Protection.

(D) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code or the applicable collective bargaining agreement, all of the employees of the Department of Health working full-time for the Program are transferred to the Agency and retain their same positions. The Director of Environmental Protection may assign, reassign, classify, reclassify, transfer, reduce, promote, or demote any employees transferred from the Department who are not subject to Chapter 4117. of the Revised Code.

Any employment records and actions, including personnel actions, disciplinary actions, performance improvement plans, and performance evaluations transfer with the employee. Absent authorization from the employee, the Department is not to transfer to the Agency any medical documentation regarding the employee in its possession. These employees will be subject to the policies, procedures, and work rules of the Agency.

(E) All equipment and assets relating to the Program are 133940
transferred from the Department to the Agency. 133941

(F) Whenever the Department or Director of Health, in 133942
relation to the Program, is referred to in any law, contract, or 133943
other document, the reference shall be deemed to refer to the 133944
Agency or its Director, whichever is appropriate in context. 133945

(G) Any action or proceeding pending on the effective date of 133946
the amendment of the statutes governing the Program by this act is 133947
not affected by the transfer of the functions of that Program by 133948
this act and shall be prosecuted or defended in the name of the 133949
Director of Environmental Protection or the Agency, whichever is 133950
appropriate in context. In all such actions and proceedings, the 133951
Director of Environmental Protection or the Agency, whichever is 133952
appropriate in context, upon application to the court, shall be 133953
substituted as a party. 133954

(H) The Directors of Health and Environmental Protection may 133955
enter into a memorandum of understanding in order to facilitate 133956
the transfer of the Program. 133957

(I) On January 1, 2018, or as soon as possible thereafter, 133958
the Director of Budget and Management may transfer up to \$400,000 133959
cash from the General Operations Fund (Fund 4700) used by the 133960
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 133961
in section 3704.035 of the Revised Code and used by the Agency. 133962
Upon completion of the transfer, the Director of Budget and 133963
Management shall cancel any existing encumbrances against Fund 133964
4700 appropriation item 440647, Fee Supported Programs, related to 133965
the Program, and reestablish them against Fund 4K20, appropriation 133966
item 715648, Clean Air - Non-Title V. The reestablished 133967
encumbrance amounts are hereby appropriated. 133968

CLEAN OHIO REVITALIZATION OPERATING 133969

On July 1, 2018, or as soon as possible thereafter, the 133970

Director of Environmental Protection may request that the Director 133971
of Budget and Management reappropriate any unexpended, 133972
unencumbered balance of the prior fiscal year's appropriation to 133973
the foregoing appropriation item 715607, Clean Ohio Revitalization 133974
Operating, for fiscal year 2019. The Director of Budget and 133975
Management may request additional information necessary for 133976
evaluating the request, and the Director of Environmental 133977
Protection shall provide the requested information to the Director 133978
of Budget and Management. Based on the information provided by the 133979
Director of Environmental Protection, the Director of Budget and 133980
Management shall determine the amount to be reappropriated, and 133981
those amounts are hereby reappropriated for fiscal year 2019. 133982

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 133983

General Revenue Fund 133984
GRF 172321 Operating Expenses \$ 608,205 \$ 608,205 133985
TOTAL GRF General Revenue Fund \$ 608,205 \$ 608,205 133986
TOTAL ALL BUDGET FUND GROUPS \$ 608,205 \$ 608,205 133987

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 133989

General Revenue Fund 133990
GRF 935401 Statehouse News \$ 314,797 \$ 314,797 133991
Bureau
GRF 935402 Ohio Government \$ 1,408,526 \$ 1,408,526 133992
Telecommunications
Services
GRF 935410 Content Development, \$ 3,838,381 \$ 3,838,381 133993
Acquisition, and
Distribution
GRF 935430 Broadcast Education \$ 3,679,216 \$ 3,679,216 133994
Operating
TOTAL GRF General Revenue Fund \$ 9,240,920 \$ 9,240,920 133995

Dedicated Purpose Fund Group				133996
5FK0 935608 Media Services	\$	95,000	\$ 95,000	133997
TOTAL DPF Dedicated Purpose Fund Group	\$	95,000	\$ 95,000	133998
Internal Service Activity Fund Group				133999
4F30 935603 Affiliate Services	\$	4,000	\$ 4,000	134000
4T20 935605 Government	\$	7,000	\$ 7,000	134001
Television/Telecommunications Operating				
TOTAL ISA Internal Service Activity Fund Group	\$	11,000	\$ 11,000	134003
TOTAL ALL BUDGET FUND GROUPS	\$	9,346,920	\$ 9,346,920	134004

Section 281.20. STATEHOUSE NEWS BUREAU 134006

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 134007
134008
134009

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 134010

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 134011
134012
134013
134014
134015
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134017

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 134018

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 134019
134020
134021
134022
134023

Of the foregoing appropriation item 935410, Content 134024
Development, Acquisition, and Distribution, up to \$977,856 in each 134025
fiscal year shall be allocated equally among the Ohio educational 134026
television stations. Funds shall be used for the production of 134027
interactive instructional programming series with priority given 134028
to resources aligned with state academic content standards. The 134029
programming shall be targeted to the needs of the one-third lowest 134030
capacity school districts as determined by the district's state 134031
share index calculated by the Department of Education. 134032

Of the foregoing appropriation item 935410, Content 134033
Development, Acquisition, and Distribution, up to \$2,574,472 in 134034
each fiscal year shall be distributed by the Broadcast Educational 134035
Media Commission to Ohio's qualified public educational television 134036
stations and educational radio stations to support their 134037
operations. The funds shall be distributed pursuant to an 134038
allocation formula used by the Ohio Educational Telecommunications 134039
Network Commission unless a substitute formula is developed by the 134040
Broadcast Educational Media Commission in consultation with Ohio's 134041
qualified public educational television stations and educational 134042
radio stations. 134043

Of the foregoing appropriation item 935410, Content 134044
Development, Acquisition, and Distribution, up to \$286,053 in each 134045
fiscal year shall be distributed by the Broadcast Educational 134046
Media Commission to Ohio's qualified radio reading services to 134047
support their operations. The funds shall be distributed pursuant 134048
to an allocation formula used by the Ohio Educational 134049
Telecommunications Network Commission unless a substitute formula 134050
is developed by the Broadcast Educational Media Commission in 134051
consultation with Ohio's qualified radio reading services. 134052

Section 283.10. ETH OHIO ETHICS COMMISSION 134053

General Revenue Fund 134054

GRF 146321	Operating Expenses	\$	1,457,245	\$	1,724,311	134055
TOTAL GRF	General Revenue Fund	\$	1,457,245	\$	1,724,311	134056
Dedicated Purpose Fund Group						134057
4M60 146601	Operating Support	\$	862,026	\$	650,000	134058
TOTAL DPF	Dedicated Purpose Fund	\$	862,026	\$	650,000	134059
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	2,319,271	\$	2,374,311	134060

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 134062

General Revenue Fund						134063
GRF 723403	Junior Fair Subsidy	\$	363,750	\$	363,750	134064
TOTAL GRF	General Revenue Fund	\$	363,750	\$	363,750	134065
Dedicated Purpose Fund Group						134066
4N20 723602	Ohio State Fair	\$	375,000	\$	375,000	134067
Harness Racing						
5060 723601	Operating Expenses	\$	14,413,166	\$	14,913,166	134068
5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	134069
and Repairs						
TOTAL DPF	Dedicated Purpose Fund	\$	15,088,166	\$	15,588,166	134070
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	15,451,916	\$	15,951,916	134071

STATE FAIR RESERVE 134072

The General Manager of the Expositions Commission, in 134073
consultation with the Director of Budget and Management, may 134074
submit a request to the Controlling Board to use available amounts 134075
in the State Fair Reserve Fund (Fund 6400) if revenues from either 134076
the 2017 or the 2018 Ohio State Fair are unexpectedly low. 134077

On July 1 of each fiscal year, or as soon as possible 134078
thereafter, the Director of Budget and Management, in consultation 134079
with the General Manager of the Expositions Commission, may 134080
determine that the Ohio Expositions Fund (Fund 5060) has a cash 134081

balance in excess of the anticipated operating costs of the 134082
 Exposition Commission in that fiscal year. Notwithstanding section 134083
 991.04 of the Revised Code, the Director of Budget and Management 134084
 may transfer an amount up to the excess cash from Fund 5060 to 134085
 Fund 6400 in each fiscal year. 134086

GROUNDS MAINTENANCE AND REPAIRS 134087

 The foregoing appropriation item 723604, Grounds Maintenance 134088
 and Repairs, shall be used for maintenance and repairs on the 134089
 grounds of the Ohio Expo Center. 134090

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 134091

General Revenue Fund 134092

GRF 230321 Operating Expenses \$ 6,305,000 \$ 6,305,000 134093

GRF 230401 Cultural Facilities \$ 30,500,000 \$ 32,431,200 134094

 Lease Rental Bond

 Payments

GRF 230458 State Construction \$ 1,697,500 \$ 1,455,000 134095

 Management Services

GRF 230908 Common Schools \$ 373,134,900 \$ 402,025,700 134096

 General Obligation

 Bond Debt Service

TOTAL GRF General Revenue Fund \$ 411,637,400 \$ 442,216,900 134097

Internal Service Activity Fund Group 134098

1310 230639 State Construction \$ 8,500,000 \$ 8,750,000 134099

 Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,750,000 134100

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 420,137,400 \$ 450,966,900 134101

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 134103

PAYMENTS 134104

 The foregoing appropriation item 230401, Cultural Facilities 134105

Lease Rental Bond Payments shall be used to meet all payments 134106
during the period from July 1, 2017, through June 30, 2019, by the 134107
Ohio Facilities Construction Commission under the primary leases 134108
and agreements for cultural and sports facilities made under 134109
Chapters 152. and 154. of the Revised Code. These appropriations 134110
are the source of funds pledged for bond service charges on 134111
related obligations issued under Chapters 152. and 154. of the 134112
Revised Code. 134113

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 134114

The foregoing appropriation item 230908, Common Schools 134115
General Obligation Bond Debt Service, shall be used to pay all 134116
debt service and related financing costs during the period from 134117
July 1, 2017, through June 30, 2019, on obligations issued under 134118
sections 151.01 and 151.03 of the Revised Code. 134119

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 134120

The foregoing appropriation item 230458, State Construction 134121
Management Services, shall be used by the Ohio Facilities 134122
Construction Commission in administering Cultural and Sports 134123
Facilities Building Fund (Fund 7030) projects pursuant to section 134124
123.201 of the Revised Code. 134125

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 134126

At the request of the Executive Director of the Ohio 134127
Facilities Construction Commission, the Director of Budget and 134128
Management may cancel encumbrances for school district projects 134129
from a previous biennium if the district has not raised its local 134130
share of project costs within thirteen months of receiving 134131
Controlling Board approval under section 3318.05 or 3318.41 of the 134132
Revised Code. The Executive Director of the Ohio Facilities 134133
Construction Commission shall certify the amounts of the canceled 134134
encumbrances to the Director of Budget and Management on a 134135

quarterly basis. The amounts of the canceled encumbrances are 134136
hereby appropriated. 134137

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 134138
APPROPRIATIONS 134139

On July 1, 2017, or as soon as possible thereafter, the 134140
Executive Director of the Ohio Facilities Construction Commission 134141
shall certify to the Director of Budget and Management the amount 134142
of cash receipts and related investment income, irrevocable 134143
letters of credit from a bank, or certification of the 134144
availability of funds that have been received from a county or a 134145
municipal corporation for deposit into the Capital Donations Fund 134146
(Fund 5A10) and that are related to an anticipated project. These 134147
amounts are hereby appropriated to appropriation item C37146, 134148
Capital Donations. Prior to certifying these amounts to the 134149
Director, the Executive Director shall make a written agreement 134150
with the participating entity on the necessary cash flows required 134151
for the anticipated construction or equipment acquisition project. 134152

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 134153
MAINTENANCE LEVY 134154

The Ohio Facilities Construction Commission shall amend the 134155
project agreement between the Commission and a school district 134156
that is participating in the Accelerated Urban School Building 134157
Assistance Program on the effective date of this section, if the 134158
Commission determines that it is necessary to do so in order to 134159
comply with division (B)(3)(c) of section 3318.38 of the Revised 134160
Code. 134161

Section 287.60. Notwithstanding any other provision of law to 134162
the contrary, the Ohio Facilities Construction Commission may 134163
determine the amount of funding available for disbursement in a 134164
given fiscal year for any project approved under sections 3318.01 134165

to 3318.20 of the Revised Code in order to keep aggregate state 134166
capital spending within approved limits and may take actions 134167
including, but not limited to, determining the schedule for design 134168
or bidding of approved projects, to ensure appropriate and 134169
supportable cash flow. 134170

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 134171
DISTRICT 134172

Notwithstanding division (B) of section 3318.40 of the 134173
Revised Code, the Ohio Facilities Construction Commission may 134174
provide assistance to at least one joint vocational school 134175
district each fiscal year for the acquisition of classroom 134176
facilities in accordance with sections 3318.40 to 3318.45 of the 134177
Revised Code. 134178

Section 289.10. GOV OFFICE OF THE GOVERNOR 134179

General Revenue Fund 134180

GRF 040321 Operating Expenses	\$	2,805,474	\$	2,805,474	134181
TOTAL GRF General Revenue Fund	\$	2,805,474	\$	2,805,474	134182

Internal Service Activity Fund Group 134183

5AK0 040607 Government Relations	\$	313,870	\$	313,870	134184
TOTAL ISA Internal Service Activity					134185

Fund Group	\$	313,870	\$	313,870	134186
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TOTAL ALL BUDGET FUND GROUPS	\$	3,119,344	\$	3,119,344	134187
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GOVERNMENT RELATIONS 134188

A portion of the foregoing appropriation item 040607, 134189
Government Relations, may be used to support Ohio's membership in 134190
national or regional associations. 134191

The Office of the Governor may charge any state agency of the 134192
executive branch using an intrastate transfer voucher such amounts 134193
necessary to defray the costs incurred for the conduct of 134194

governmental relations associated with issues that can be 134195
 attributed to the agency. Amounts collected shall be deposited in 134196
 the Government Relations Fund (Fund 5AK0). 134197

Section 291.10. DOH DEPARTMENT OF HEALTH 134198

General Revenue Fund 134199

GRF 440413	Local Health	\$	1,500,000	\$	1,500,000	134200
	Departments					
GRF 440416	Mothers and Children	\$	4,295,175	\$	4,295,175	134201
	Safety Net Services					
GRF 440431	Free Clinic Safety Net	\$	362,326	\$	362,326	134202
	Services					
GRF 440438	Breast and Cervical	\$	658,574	\$	658,574	134203
	Cancer Screening					
GRF 440444	AIDS Prevention and	\$	2,489,621	\$	3,489,621	134204
	Treatment					
GRF 440451	Public Health	\$	3,644,079	\$	3,644,079	134205
	Laboratory					
GRF 440452	Child and Family	\$	580,954	\$	580,954	134206
	Health Services Match					
GRF 440453	Health Care Quality	\$	5,032,723	\$	5,032,723	134207
	Assurance					
GRF 440454	Environmental	\$	1,173,147	\$	1,173,147	134208
	Health/Radiation					
	Protection					
GRF 440459	Help Me Grow	\$	19,980,226	\$	19,980,226	134209
GRF 440465	FQHC Primary Care	\$	2,345,478	\$	2,345,478	134210
	Workforce Initiative					
GRF 440472	Alcohol Testing	\$	750,000	\$	750,000	134211
GRF 440474	Infant Vitality	\$	6,903,187	\$	6,903,187	134212
GRF 440477	Emergency Preparation	\$	1,500,000	\$	1,500,000	134213
	and Response					

GRF 440481	Lupus Awareness	\$	100,000	\$	100,000	134214
GRF 440482	Chronic Disease/Health Promotion	\$	3,475,984	\$	3,475,984	134215
GRF 440483	Infectious Disease Prevention and Control	\$	4,500,000	\$	4,500,000	134216
GRF 440505	Medically Handicapped Children	\$	10,512,451	\$	10,512,451	134217
GRF 440507	Targeted Health Care Services-Over 21	\$	1,090,414	\$	1,090,414	134218
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,500,000	\$	3,500,000	134219
TOTAL GRF	General Revenue Fund	\$	74,394,339	\$	75,394,339	134220
	Highway Safety Fund Group					134221
4T40 440603	Child Highway Safety	\$	300,000	\$	300,000	134222
TOTAL HSF	Highway Safety Fund Group	\$	300,000	\$	300,000	134223
	Dedicated Purpose Fund Group					134224
4700 440647	Fee Supported Programs	\$	26,630,900	\$	26,678,120	134225
4710 440619	Certificate of Need	\$	878,433	\$	878,433	134226
4730 440622	Lab Operating Expenses	\$	6,900,000	\$	6,900,000	134227
4770 440627	Medically Handicapped Children Audit	\$	2,500,000	\$	2,500,000	134228
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	134229
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	134230
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	134231
4G00 440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	134232
4L30 440609	HIV Care and Miscellaneous	\$	17,500,000	\$	17,500,000	134233

		Expenses				
4P40	440628	Ohio Physician Loan	\$	700,000	\$	700,000 134234
		Repayment				
4V60	440641	Save Our Sight	\$	2,750,000	\$	2,750,000 134235
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194 134236
5BX0	440656	Tobacco Use Prevention Cessation and Enforcement	\$	12,500,000	\$	12,500,000 134237
5CN0	440645	Choose Life	\$	150,000	\$	60,000 134238
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000 134239
5ED0	440651	Smoke Free Indoor Air	\$	500,000	\$	500,000 134240
5G40	440639	Adoption Services	\$	20,000	\$	20,000 134241
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000 134242
5QH0	440661	Dental Hygienist Resource Shortage Area	\$	5,000	\$	5,000 134243
5QJ0	440662	Dental Hygienist Loan Repayments	\$	135,000	\$	135,000 134244
5SH0	440520	Children's Wish Grant Program	\$	150,000	\$	150,000 134245
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000 134246
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000 134247
6100	440626	Radiation Emergency Response	\$	1,210,000	\$	1,300,000 134248
6660	440607	Medically Handicapped Children - County Assessments	\$	21,739,617	\$	21,739,617 134249
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000 134250
TOTAL	DPF	Dedicated Purpose Fund Group	\$	101,929,007	\$	101,976,227 134251

Internal Service Activity Fund Group				134252
1420	440646	Agency Health	\$ 3,750,000 \$ 3,750,000	134253
		Services		
2110	440613	Central Support	\$ 25,000,000 \$ 25,000,000	134254
		Indirect Costs		
TOTAL ISA Internal Service Activity Fund Group				134255
Holding Account Fund Group				134256
R014	440631	Vital Statistics	\$ 44,986 \$ 44,986	134257
R048	440625	Refunds, Grants	\$ 20,000 \$ 20,000	134258
		Reconciliation, and		
		Audit Settlements		
TOTAL HLD Holding Account Fund Group				134259
Federal Fund Group				134260
3200	440601	Maternal Child Health	\$ 23,500,000 \$ 23,500,000	134261
		Block Grant		
3870	440602	Preventive Health	\$ 8,000,000 \$ 8,000,000	134262
		Block Grant		
3890	440604	Women, Infants, and	\$ 230,000,000 \$ 230,000,000	134263
		Children		
3910	440606	Medicare Survey and	\$ 16,000,000 \$ 16,000,000	134264
		Certification		
3920	440618	Federal Public Health	\$ 92,144,287 \$ 92,144,287	134265
		Programs		
3GD0	654601	Medicaid Program	\$ 23,630,029 \$ 24,340,949	134266
		Support		
3GN0	440660	Public Health	\$ 25,000,000 \$ 25,000,000	134267
		Emergency		
		Preparedness		
TOTAL FED Federal Fund Group				134268
TOTAL ALL BUDGET FUND GROUPS				134269

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES	134271
Of the foregoing appropriation item 440416, Mothers and	134272
Children Safety Net Services, \$200,000 in each fiscal year shall	134273
be used to assist families with hearing impaired children under	134274
twenty-one years of age in purchasing hearing aids and hearing	134275
assistive technology. The Director of Health shall adopt rules	134276
governing the distribution of these funds, including rules that do	134277
both of the following: (1) establish eligibility criteria to	134278
include families with incomes at or below four hundred per cent of	134279
the federal poverty guidelines as defined in section 5101.46 of	134280
the Revised Code, and (2) develop a sliding scale of disbursements	134281
under this section based on family income. The Director may adopt	134282
other rules as necessary to implement this section. Rules adopted	134283
under this section shall be adopted in accordance with Chapter	134284
119. of the Revised Code.	134285
AIDS PREVENTION AND TREATMENT	134286
The foregoing appropriation item 440444, AIDS Prevention and	134287
Treatment, shall be used to administer educational and other	134288
prevention initiatives.	134289
FQHC PRIMARY CARE WORKFORCE INITIATIVE	134290
The foregoing appropriation item 440465, FQHC Primary Care	134291
Workforce Initiative, shall be provided to the Ohio Association of	134292
Community Health Centers to administer the FQHC Primary Care	134293
Workforce Initiative. The Initiative shall provide medical,	134294
dental, behavioral health, physician assistant, and advanced	134295
practice nursing students with clinical rotations through	134296
federally qualified health centers.	134297
INFANT VITALITY	134298
The foregoing appropriation item 440474, Infant Vitality,	134299
shall be used to fund a multi-pronged population health approach	134300

to address infant mortality. This approach may include the 134301
following: increasing awareness; supporting data collection; 134302
analysis and interpretation to inform decision-making and ensure 134303
accountability; targeting resources where the need is greatest; 134304
and implementing quality improvement science and programming that 134305
is evidence-based or based on emerging practices. Measurable 134306
interventions may include activities related to safe sleep, 134307
community engagement, Centering Pregnancy, newborn screening, safe 134308
birth spacing, gestational diabetes, smoking cessation, 134309
breastfeeding, care coordination, and progesterone. 134310

EMERGENCY PREPARATION AND RESPONSE 134311

The foregoing appropriation item 440477, Emergency 134312
Preparation and Response, shall be used to support public health 134313
emergency preparedness and response efforts at the state level or 134314
at a regional sub-level within the state, and may also be used to 134315
support data infrastructure projects related to public health 134316
emergency preparedness/response. 134317

CHRONIC DISEASE/HEALTH PROMOTION 134318

Of the unexpended, unencumbered balance of appropriation item 134319
440477, Emergency Preparation and Response, \$20,000 at the end of 134320
fiscal year 2017 is hereby reappropriated to the foregoing 134321
appropriation item 440482, Chronic Disease/Health Promotion, for 134322
fiscal year 2018. These funds shall be used to purchase naloxone. 134323

LUPUS AWARENESS 134324

The foregoing appropriation item 440481, Lupus Awareness, 134325
shall be used for the Lupus Education and Awareness Program. 134326

TARGETED HEALTH CARE SERVICES-OVER 21 134327

The foregoing appropriation item 440507, Targeted Health Care 134328
Services-Over 21, shall be used to administer the Cystic Fibrosis 134329
Program and to implement the Hemophilia Insurance Premium Payment 134330

Program. The Department of Health shall expend \$100,000 in each 134331
fiscal year to implement the Hemophilia Insurance Premium Payment 134332
Program. 134333

The foregoing appropriation item 440507, Targeted Health Care 134334
Services-Over 21, shall also be used to provide essential 134335
medications and to pay the copayments for drugs approved by the 134336
Department of Health and covered by Medicare Part D that are 134337
dispensed to Bureau for Children with Medical Handicaps (BCMH) 134338
participants for the Cystic Fibrosis Program. 134339

The Department shall expend all of these funds. 134340

FEE SUPPORTED PROGRAMS 134341

Of the foregoing appropriation item 440647, Fee Supported 134342
Programs, \$2,160,000 in each fiscal year shall be used to 134343
distribute subsidies to local health departments on a per capita 134344
basis. 134345

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL 134346
SUPPORT INDIRECT COSTS FUND 134347

On July 1, 2018, or as soon as possible thereafter, the 134348
Director of Budget and Management may transfer up to \$400,000 cash 134349
from the General Operations Fund (Fund 4700) to the Central 134350
Support Indirect Costs Fund (Fund 2110). Any transferred cash is 134351
hereby appropriated. 134352

MEDICALLY HANDICAPPED CHILDREN AUDIT 134353

The Medically Handicapped Children Audit Fund (Fund 4770) 134354
shall receive revenue from audits of hospitals and recoveries from 134355
third-party payers. Moneys may be expended for payment of audit 134356
settlements and for costs directly related to obtaining recoveries 134357
from third-party payers and for encouraging Medically Handicapped 134358
Children's Program recipients to apply for third-party benefits. 134359
Moneys also may be expended for payments for diagnostic and 134360

treatment services on behalf of medically handicapped children, as 134361
defined in division (A) of section 3701.022 of the Revised Code, 134362
and Ohio residents who are twenty-one or more years of age and who 134363
are suffering from cystic fibrosis or hemophilia. Moneys may also 134364
be expended for administrative expenses incurred in operating the 134365
Medically Handicapped Children's Program. 134366

GENETICS SERVICES 134367

The foregoing appropriation item 440608, Genetics Services, 134368
shall be used by the Department of Health to administer programs 134369
authorized by sections 3701.501 and 3701.502 of the Revised Code. 134370
None of these funds shall be used to counsel or refer for 134371
abortion, except in the case of a medical emergency. 134372

TOBACCO USE PREVENTION CESSATION AND ENFORCEMENT 134373

Of the foregoing appropriation item 440656, Tobacco Use 134374
Prevention Cessation and Enforcement, \$750,000 in each fiscal year 134375
shall be used to award grants in accordance with the section of 134376
this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 134377

Of the foregoing appropriation item 440656, Tobacco Use 134378
Prevention Cessation and Enforcement, \$250,000 in each fiscal year 134379
shall be distributed to boards of health for the Baby and Me 134380
Tobacco Free Program. The Director of Health shall determine how 134381
the funds are to be distributed, but shall prioritize awards to 134382
boards that serve women who reside in communities that have the 134383
highest infant mortality rates in this state, as identified under 134384
section 3701.142 of the Revised Code. 134385

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 134386

The foregoing appropriation item 440607, Medically 134387
Handicapped Children - County Assessments, shall be used to make 134388
payments under division (E) of section 3701.023 of the Revised 134389
Code. 134390

TOXICOLOGY SCREENINGS	134391
The foregoing appropriation item 440621, Toxicology	134392
Screenings, shall be used in accordance with division (G)(1) of	134393
section 757.20 of this act.	134394
Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM	134395
(A) The Department of Health shall create the Moms Quit for	134396
Two Grant Program. Recognizing the significant health risks posed	134397
to women and their children by tobacco use during and after	134398
pregnancy, the Department shall award grants to private, nonprofit	134399
entities or government entities that demonstrate the ability to	134400
deliver evidence-based tobacco cessation interventions to women	134401
who reside in communities that have the highest incidence of	134402
infant mortality, as determined by the Director of Health, and who	134403
are pregnant or live with children. Funds awarded under this	134404
section shall not be used to provide tobacco cessation	134405
interventions to women who are eligible for Medicaid. The	134406
Department may adopt any rules it considers necessary to	134407
administer the Program.	134408
(B) The Department shall create a grant application and	134409
develop a process for receiving and evaluating completed grant	134410
applications on a competitive basis. The Department shall give	134411
first preference to the entities described in division (A) of this	134412
section that are able to target the interventions to pregnant	134413
women and second preference to such entities that are able to	134414
target the interventions to women living with children. The	134415
Department's decision regarding a submitted grant application is	134416
final.	134417
(C) The Department shall establish performance objectives to	134418
be met by grant recipients. The Department shall monitor the	134419
performance of each grant recipient in meeting the objectives.	134420

(D) Not later than December 31, 2017, the Department shall 134421
evaluate the program and prepare a report describing its findings 134422
and make a recommendation on whether the Program should be 134423
continued. The Department shall provide a copy of the report to 134424
the Governor and General Assembly. The copy to the General 134425
Assembly shall be provided in accordance with section 101.68 of 134426
the Revised Code. The Department also shall make the report 134427
available to the public on the Department's internet web site. 134428

Section 291.40. WIC VENDOR CONTRACTS 134429

(A) As used in this section, "WIC" means the Special 134430
Supplemental Nutrition Program for Women, Infants, and Children 134431
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 134432
42 U.S.C. 1786, as amended. 134433

(B) During fiscal year 2018 and fiscal year 2019, the 134434
Department of Health shall process and review a WIC vendor 134435
contract application pursuant to Chapter 3701-42 of the 134436
Administrative Code not later than forty-five days after receipt 134437
of the application if the applicant is a WIC-contracted vendor at 134438
the time of application and meets all of the following 134439
requirements: 134440

(1) Submits a complete WIC vendor application with all 134441
required documents and information; 134442

(2) Passes the required unannounced preauthorization visit 134443
within forty-five days of submitting a complete application; 134444

(3) Completes the required in-person training within 134445
forty-five days of submitting the complete application. 134446

(C) If an applicant fails to meet any of the requirements 134447
described in division (B) of this section, the Department shall 134448
deny the application for the contract. After an application has 134449
been denied, the applicant may reapply for a contract to act as a 134450

WIC vendor during the contracting cycle that is applicable to the 134451
applicant's WIC region. 134452

Section 291.43. CASH TRANSFER TO THE TOBACCO USE PREVENTION 134453
FUND 134454

On July 1, 2017, or as soon as possible thereafter, the 134455
Director of Budget and Management shall transfer the cash balance 134456
in the Lung Cancer Research Fund (Fund 5CY0) to the Tobacco Use 134457
Prevention Fund (Fund 5BX0). Upon completion of the transfer, Fund 134458
5CY0 is hereby abolished. The Director of Budget and Management 134459
shall cancel any existing encumbrances against appropriation item 134460
195682, Lung Cancer and Lung Disease Research, and reestablish 134461
them against appropriation item 440656, Tobacco Use Prevention 134462
Cessation and Enforcement. The reestablished encumbrance amounts 134463
are hereby appropriated. 134464

Section 291.70. CASH TRANSFER TO EMERGENCY PREPARATION AND 134465
RESPONSE FUND 134466

If the Director of Health determines that there are 134467
insufficient funds in appropriation item 440477, Emergency 134468
Preparation and Response, for public health emergency preparedness 134469
and response activities, the Director may certify to the Director 134470
of Budget and Management an amount necessary to address these 134471
activities. Upon certification, the Director of Budget and 134472
Management shall transfer up to \$500,000 cash in each fiscal year 134473
from the Controlling Board Emergency Purposes/Contingencies Fund 134474
(Fund 5KM0) to the Emergency Preparation and Response Fund (Fund 134475
5UA0), which is hereby created in the state treasury. The amount 134476
transferred is hereby appropriated. 134477

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 134478
Dedicated Purpose Fund Group 134479

4610 372601	Operating Expenses	\$	12,500	\$	12,500	134480
TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	134481
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	134482

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 134484

General Revenue Fund						134485
GRF 148321	Operating Expenses	\$	445,395	\$	460,385	134486
TOTAL GRF	General Revenue Fund	\$	445,395	\$	460,385	134487
Dedicated Purpose Fund Group						134488
6010 148602	Special Initiatives	\$	24,558	\$	24,558	134489
TOTAL DPF	Dedicated Purpose					134490
Fund Group		\$	24,558	\$	24,558	134491
TOTAL ALL BUDGET FUND GROUPS		\$	469,953	\$	484,943	134492

Section 297.10. OHS OHIO HISTORY CONNECTION 134494

General Revenue Fund						134495
GRF 360501	Education and	\$	4,155,712	\$	4,155,712	134496
	Collections					
GRF 360502	Site and Museum	\$	5,762,853	\$	5,762,853	134497
	Operations					
GRF 360504	Ohio Preservation	\$	281,300	\$	281,300	134498
	Office					
GRF 360505	National	\$	485,000	\$	485,000	134499
	Afro-American Museum					
GRF 360506	Hayes Presidential	\$	485,000	\$	485,000	134500
	Center					
GRF 360509	Outreach and	\$	155,583	\$	155,583	134501
	Partnership					
TOTAL GRF	General Revenue Fund	\$	11,325,448	\$	11,325,448	134502
Dedicated Purpose Fund Group						134503
5KL0 360602	Ohio History Tax	\$	150,000	\$	150,000	134504

	Check-off				
5PD0 360603	Ohio History License	\$	10,000	\$	10,000 134505
	Plate				
TOTAL DPF Dedicated Purpose Fund		\$	160,000	\$	160,000 134506
Group					
TOTAL ALL BUDGET FUND GROUPS		\$	11,485,448	\$	11,485,448 134507
	SUBSIDY APPROPRIATION				134508
	Upon approval by the Director of Budget and Management, the				134509
	foregoing appropriation items shall be released to the Ohio				134510
	History Connection in quarterly amounts that in total do not				134511
	exceed the annual appropriations. The funds and fiscal records of				134512
	the Ohio History Connection for fiscal year 2018 and fiscal year				134513
	2019 shall be examined by independent certified public accountants				134514
	approved by the Auditor of State, and a copy of the audited				134515
	financial statements shall be filed with the Office of Budget and				134516
	Management. The Ohio History Connection shall prepare and submit				134517
	to the Office of Budget and Management the following:				134518
	(A) An estimated operating budget for each fiscal year of the				134519
	biennium. The operating budget shall be submitted at or near the				134520
	beginning of each calendar year.				134521
	(B) Financial reports, indicating actual receipts and				134522
	expenditures for the fiscal year to date. These reports shall be				134523
	filed at least semiannually during the fiscal biennium.				134524
	The foregoing appropriations shall be considered to be the				134525
	contractual consideration provided by the state to support the				134526
	state's offer to contract with the Ohio History Connection under				134527
	section 149.30 of the Revised Code.				134528
	OUTREACH AND PARTNERSHIP				134529
	Of the foregoing appropriation item 360509, Outreach and				134530
	Partnership, \$70,000 in each fiscal year shall be distributed to				134531
	the Ohio World War I Centennial Working Group.				134532

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES				134533
General Revenue Fund				134534
GRF 025321	Operating Expenses	\$ 23,756,565	\$ 23,756,565	134535
TOTAL GRF General Revenue Fund				134536
Internal Service Activity Fund Group				134537
1030 025601	House of	\$ 1,433,664	\$ 1,433,664	134538
Representatives				
Reimbursement				
4A40 025602	Miscellaneous Sales	\$ 37,849	\$ 37,849	134539
TOTAL Internal Service Activity				134540
Fund Group				134541
TOTAL ALL BUDGET FUND GROUPS				134542
OPERATING EXPENSES				134543
On July 1, 2017, or as soon as possible thereafter, the Chief				134544
Administrative Officer of the House of Representatives may certify				134545
to the Director of Budget and Management an amount up to the				134546
unexpended, unencumbered balance of the foregoing appropriation				134547
item 025321, Operating Expenses, at the end of fiscal year 2017 to				134548
be reappropriated to fiscal year 2018. The amount certified is				134549
hereby reappropriated to the same appropriation item for fiscal				134550
year 2018.				134551
On July 1, 2018, or as soon as possible thereafter, the Chief				134552
Administrative Officer of the House of Representatives may certify				134553
to the Director of Budget and Management an amount up to the				134554
unexpended, unencumbered balance of the foregoing appropriation				134555
item 025321, Operating Expenses, at the end of fiscal year 2018 to				134556
be reappropriated to fiscal year 2019. The amount certified is				134557
hereby reappropriated to the same appropriation item for fiscal				134558
year 2019.				134559
HOUSE REIMBURSEMENT				134560

If it is determined by the Chief Administrative Officer of 134561
the House of Representatives that additional appropriations are 134562
necessary for the foregoing appropriation item 025601, House 134563
Reimbursement, the amounts are hereby appropriated. 134564

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 134565

Dedicated Purpose Fund Group 134566

5AZ0 997601 Housing Finance Agency \$ 12,176,000 \$ 12,176,000 134567

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,176,000 \$ 12,176,000 134568

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,176,000 \$ 12,176,000 134569

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 134571

General Revenue Fund 134572

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 134573

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 134574

Internal Service Activity Fund Group 134575

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 134576

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 134577

General for BWC/OIC

TOTAL ISA Internal Service Activity 134578

Fund Group \$ 825,000 \$ 825,000 134579

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 134580

Section 305.10. INS DEPARTMENT OF INSURANCE 134582

Dedicated Purpose Fund Group 134583

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 134584

OSHIIP

5540 820606 Operating Expenses \$ 26,937,840 \$ 26,937,840 134585

5550 820605 Examination \$ 8,127,549 \$ 8,127,549 134586

5PT0 820613	Captive Insurance	\$	650,000	\$	650,000	134587
	Regulation &					
	Supervision					
TOTAL DPF	Dedicated Purpose					134588
Fund Group		\$	35,895,389	\$	35,895,389	134589
Federal Fund Group						134590
3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	134591
	Grant					
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	134592
TOTAL ALL BUDGET FUND GROUPS		\$	38,688,539	\$	38,688,539	134593
MARKET CONDUCT EXAMINATION						134594
When conducting a market conduct examination of any insurer						134595
doing business in this state, the Superintendent of Insurance may						134596
assess the costs of the examination against the insurer. The						134597
Superintendent may enter into consent agreements to impose						134598
administrative assessments or fines for conduct discovered that						134599
may be violations of statutes or rules administered by the						134600
Superintendent. All costs, assessments, or fines collected shall						134601
be deposited to the credit of the Department of Insurance						134602
Operating Fund (Fund 5540).						134603
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES						134604
The Director of Budget and Management, at the request of the						134605
Superintendent of Insurance, may transfer cash from the Department						134606
of Insurance Operating Fund (Fund 5540), established by section						134607
3901.021 of the Revised Code, to the Superintendent's Examination						134608
Fund (Fund 5550), established by section 3901.071 of the Revised						134609
Code, only for expenses incurred in examining domestic fraternal						134610
benefit societies as required by section 3921.28 of the Revised						134611
Code.						134612
TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION						134613
AND SUPERVISION						134614

When funds from captive insurance company application fees, 134615
reimbursements from captive insurance companies for examinations, 134616
and other sources have accrued to the Captive Insurance Regulation 134617
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 134618
sufficient to sustain operations, the Director of Budget and 134619
Management, in consultation with the Superintendent of Insurance, 134620
shall establish a schedule for repaying the amounts previously 134621
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 134622
Fund 5540. 134623

Section 305.20. APPLICATION FOR INNOVATIVE WAIVER 134624

The Superintendent of Insurance shall apply to the United 134625
States Secretary of Health and Human Services and the United 134626
States Secretary of the Treasury for an innovative waiver 134627
regarding health insurance coverage in this state as prescribed in 134628
section 3901.052 of the Revised Code not later than January 31, 134629
2018. 134630

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 134631

General Revenue Fund 134632
GRF 600321 Program Support \$ 28,543,219 \$ 28,543,219 134633
GRF 600410 TANF State Maintenance \$ 148,500,326 \$ 148,500,326 134634
of Effort
GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 134635
State/Maintenance of
Effort
GRF 600416 Information Technology \$ 58,615,048 \$ 58,615,048 134636
Projects
GRF 600420 Child Support Programs \$ 6,576,797 \$ 6,576,797 134637
GRF 600421 Family Assistance \$ 3,103,334 \$ 3,103,334 134638
Programs
GRF 600423 Families and Children \$ 16,219,491 \$ 16,219,491 134639

	Programs				
GRF 600445	Unemployment Insurance	\$	20,955,498	\$	20,955,498 134640
	Administration				
GRF 600502	Child Support - Local	\$	23,456,891	\$	23,456,891 134641
GRF 600504	Healthier Buckeye Grant	\$	50,000	\$	50,000 134642
	Program				
GRF 600511	Disability Financial	\$	3,927,452	\$	0 134643
	Assistance				
GRF 600521	Family Assistance -	\$	44,748,768	\$	44,748,768 134644
	Local				
GRF 600523	Family and Children	\$	77,268,993	\$	77,268,993 134645
	Services				
GRF 600528	Adoption Services	\$	28,922,517	\$	28,922,517 134646
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000 134647
	Community Protection				
	Services				
GRF 600534	Adult Protective	\$	2,740,000	\$	2,740,000 134648
	Services				
GRF 600535	Early Care and	\$	141,285,241	\$	141,285,241 134649
	Education				
GRF 600541	Kinship Permanency	\$	1,000,000	\$	1,000,000 134650
	Incentive Program				
GRF 600546	Healthy Food Financing	\$	100,000	\$	100,000 134651
	Initiative				
GRF 655425	Medicaid Program	\$	7,000,000	\$	7,000,000 134652
	Support				
GRF 655522	Medicaid Program	\$	37,119,931	\$	37,119,931 134653
	Support - Local				
GRF 655523	Medicaid Program	\$	41,000,000	\$	0 134654
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund	\$	788,095,245	\$	743,167,793 134655
	Dedicated Purpose Fund Group				134656

1980	600647	Children's Trust Fund	\$	5,000,000	\$	5,000,000	134657
4A80	600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000	134658
4A90	600607	Unemployment Compensation Administration Fund	\$	14,000,000	\$	14,000,000	134659
4E70	600604	Family and Children Services Collections	\$	650,000	\$	650,000	134660
4F10	600609	Family and Children Activities	\$	708,000	\$	708,000	134661
5DM0	600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000	134662
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	134663
5HC0	600695	Unemployment Compensation Interest	\$	1,000,000	\$	1,000,000	134664
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	134665
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	134666
5RX0	600699	Workforce Development Projects	\$	2,000,000	\$	2,000,000	134667
5RY0	600698	Human Services Project	\$	2,500,000	\$	2,750,000	134668
5TZ0	600674	Children's Crisis Care	\$	150,000	\$	150,000	134669
5U60	600663	Family and Children Support	\$	3,000,000	\$	3,000,000	134670
TOTAL DPF		Dedicated Purpose Fund Group	\$	80,608,000	\$	80,858,000	134671
		Internal Service Activity Fund Group					134672
5HL0	600602	State and County Shared Services	\$	2,000,000	\$	2,000,000	134673
TOTAL ISA		Internal Service Activity	\$	2,000,000	\$	2,000,000	134674

Fund Group						
Fiduciary Fund Group						134675
1920	600646	Child Support	\$ 110,000,000	\$ 110,000,000		134676
		Intercept - Federal				
5830	600642	Child Support	\$ 14,000,000	\$ 14,000,000		134677
		Intercept - State				
5B60	600601	Food Assistance	\$ 1,000,000	\$ 1,000,000		134678
		Intercept				
TOTAL FID		Fiduciary Fund Group	\$ 125,000,000	\$ 125,000,000		134679
Holding Account Fund Group						134680
R012	600643	Refunds and Audit	\$ 500,000	\$ 500,000		134681
		Settlements				
TOTAL HLD		Holding Account Fund	\$ 500,000	\$ 500,000		134682
Group						
Federal Fund Group						134683
3270	600606	Child Welfare	\$ 27,500,000	\$ 27,500,000		134684
3310	600615	Veterans Programs	\$ 7,000,000	\$ 7,000,000		134685
3310	600624	Employment Services	\$ 26,000,000	\$ 26,000,000		134686
		Programs				
3310	600686	Workforce Programs	\$ 5,800,000	\$ 5,800,000		134687
3840	600610	Food Assistance	\$ 145,000,000	\$ 145,000,000		134688
		Programs				
3850	600614	Refugee Services	\$ 12,000,000	\$ 12,000,000		134689
3950	600616	Federal Discretionary	\$ 1,500,000	\$ 1,500,000		134690
		Grants				
3960	600620	Social Services Block	\$ 42,000,000	\$ 42,000,000		134691
		Grant				
3970	600626	Child Support -	\$ 175,000,000	\$ 175,000,000		134692
		Federal				
3980	600627	Adoption Program -	\$ 175,000,000	\$ 175,000,000		134693
		Federal				
3A20	600641	Emergency Food	\$ 4,000,000	\$ 4,000,000		134694

		Distribution				
3AW0	600675	Fatherhood Commission	\$	3,000,000	\$	3,000,000 134695
3D30	600648	Children's Trust Fund	\$	2,000,000	\$	2,000,000 134696
		Federal				
3F01	655624	Medicaid Program	\$	180,000,000	\$	172,491,905 134697
		Support - Federal				
3H70	600617	Child Care Federal	\$	231,000,000	\$	232,000,000 134698
3N00	600628	Foster Care Program -	\$	240,000,000	\$	240,000,000 134699
		Federal				
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 134700
3V00	600688	Workforce Innovation	\$	108,000,000	\$	108,000,000 134701
		and Opportunity Act				
		Programs				
3V40	600632	Trade Programs	\$	15,000,000	\$	15,000,000 134702
3V40	600678	Federal Unemployment	\$	85,814,212	\$	80,814,212 134703
		Programs				
3V40	600679	Unemployment	\$	5,000,000	\$	5,000,000 134704
		Compensation Review				
		Commission - Federal				
3V60	600689	TANF Block Grant	\$	836,437,504	\$	848,935,211 134705
TOTAL FED		Federal Fund Group	\$	2,327,585,766	\$	2,328,575,378 134706
TOTAL ALL BUDGET FUND GROUPS			\$	3,323,789,011	\$	3,280,101,171 134707

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 134709

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 134710
134711
134712
134713

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 134714
134715
134716
134717

(C) In fiscal year 2018, the foregoing appropriation item 134718
655523, Medicaid Program Support - Local Transportation, may be 134719
provided to county departments of job and family services to 134720
administer the Medicaid transportation program. 134721

(D) At the request of the Director of Job and Family 134722
Services, the Director of Budget and Management may transfer 134723
appropriations between the following appropriation items to ensure 134724
county administrative funds are expended from the proper 134725
appropriation item: 134726

(1) Appropriation item 600521, Family Assistance - Local, and 134727
appropriation item 655522, Medicaid Program Support - Local; and 134728

(2) Appropriation item 655523, Medicaid Program Support - 134729
Local Transportation, and appropriation item 655522, Medicaid 134730
Program Support - Local. 134731

(E) If receipts credited to the Medicaid Program Support Fund 134732
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 134733
(Fund 3840) exceed the amounts appropriated, the Director of Job 134734
and Family Services shall request the Director of Budget and 134735
Management to authorize expenditures from those funds in excess of 134736
the amounts appropriated. Upon approval of the Director of Budget 134737
and Management, the additional amounts are hereby appropriated. 134738

Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM 134739

Of the foregoing appropriation item 600689, TANF Block Grant, 134740
\$15,000,000 in each fiscal year shall be used to support a kinship 134741
caregiver child care program to provide child care to kinship 134742
caregivers, as defined in section 5101.85 of the Revised Code. 134743

The Department of Job and Family Services may adopt rules in 134744
accordance with Chapter 119. of the Revised Code as necessary to 134745
carry out the purposes of this section. Any rules shall at least 134746
include eligibility criteria, benefit amounts, and attendance 134747

tracking requirements. 134748

Section 307.26. OHIO PARENTING AND PREGNANCY PROGRAM 134749

Of the foregoing appropriation item 600410, TANF State 134750
Maintenance of Effort, \$300,000 in each fiscal year shall be used 134751
to support the Ohio Parenting and Pregnancy Program. 134752

Section 307.30. NAME OF FOOD STAMP PROGRAM 134753

The Director of Job and Family Services is not required to 134754
amend rules regarding the Food Stamp Program to change the name of 134755
the program to the Supplemental Nutrition Assistance Program. The 134756
Director may refer to the program as the Food Stamp Program, the 134757
Supplemental Nutrition Assistance Program, or the Food Assistance 134758
Program in rules and documents of the Department of Job and Family 134759
Services. 134760

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 134761

Of the foregoing appropriation items 600410, TANF State 134762
Maintenance of Effort, 600658, Public Assistance Activities, and 134763
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 134764
year shall be used to provide funds to the Ohio Association of 134765
Food Banks to purchase and distribute food products. 134766

Notwithstanding section 5101.46 of the Revised Code and any 134767
other provision in this bill, including funds designated for the 134768
Ohio Association of Food Banks in this section, in fiscal year 134769
2018 and fiscal year 2019, the Director of Job and Family Services 134770
shall provide assistance from eligible funds to the Ohio 134771
Association of Food Banks in an amount not less than \$19,550,000 134772
in each fiscal year. 134773

Eligible nonfederal expenditures made by member food banks of 134774
the Association shall be counted by the Department of Job and 134775
Family Services toward the TANF maintenance of effort requirements 134776

of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 134777
shall enter into an agreement with the Ohio Association of Food 134778
Banks, in accordance with sections 5101.80 and 5101.801 of the 134779
Revised Code, to carry out the requirements under this section. 134780

Section 307.45. UNAFFILIATED FOOD BANKS 134781

Of the foregoing appropriation item 600689, TANF Block Grant, 134782
\$500,000 in each fiscal year shall be provided to food banks or 134783
food pantries unaffiliated with the Ohio Association of Food 134784
Banks. 134785

Section 307.47. CHILDREN'S HUNGER ALLIANCE 134786

Of the foregoing appropriation item 600689, TANF Block Grant, 134787
\$250,000 in each fiscal year shall be provided, in accordance with 134788
sections 5101.80 and 5101.801 of the Revised Code, to the 134789
Children's Hunger Alliance to assist with meal sponsorship, 134790
consultations and nutrition education, school district nutrition 134791
programs, afterschool nutrition programs, and summer nutrition 134792
programs. No portion of the provided funds may be used for 134793
marketing purposes. 134794

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 134795

The foregoing appropriation item 600658, Public Assistance 134796
Activities, shall be used by the Department of Job and Family 134797
Services to meet the TANF maintenance of effort requirements of 42 134798
U.S.C. 609(a)(7). When the state is assured that it will meet the 134799
maintenance of effort requirement, the Department of Job and 134800
Family Services may use funds from appropriation item 600658, 134801
Public Assistance Activities, to support public assistance 134802
activities. 134803

Section 307.60. FOOD STAMPS TRANSFER 134804

On July 1, 2017, or as soon as possible thereafter, the 134805
Director of Budget and Management may transfer up to \$1,000,000 134806
cash from the Supplemental Nutrition Assistance Program Fund (Fund 134807
3840), to the Food Assistance Fund (Fund 5ES0). 134808

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 134809
COMMUNITY INITIATIVES 134810

Of the foregoing appropriation item 600689, TANF Block Grant, 134811
up to \$6,540,000 in each fiscal year shall be used, in accordance 134812
with sections 5101.80 and 5101.801 of the Revised Code, to provide 134813
support to programs or organizations that provide services that 134814
align with the mission and goals of the Governor's Office of 134815
Faith-Based and Community Initiatives, as outlined in section 134816
107.12 of the Revised Code, and that further at least one of the 134817
four purposes of the TANF program, as specified in 42 U.S.C. 601. 134818

Section 307.80. INDEPENDENT LIVING INITIATIVE 134819

Of the foregoing appropriation item 600689, TANF Block Grant, 134820
up to \$2,000,000 in each fiscal year shall be used, in accordance 134821
with sections 5101.80 and 5101.801 of the Revised Code, to support 134822
the Independent Living Initiative, including life skills training 134823
and work supports for older children in foster care and those who 134824
have recently aged out of foster care. 134825

Section 307.90. OHIO COMMISSION ON FATHERHOOD 134826

Of the foregoing appropriation item 600689, TANF Block Grant, 134827
\$1,000,000 in each fiscal year shall be provided to the Ohio 134828
Commission on Fatherhood. 134829

Section 307.93. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 134830

Of the foregoing appropriation item 600689, TANF Block Grant, 134831
\$1,000,000 in each fiscal year shall be provided, in accordance 134832

with sections 5101.80 and 5101.801 of the Revised Code, to the 134833
Ohio Alliance of Boys and Girls Clubs to provide after-school and 134834
summer programs that protect at-risk children and enable youth to 134835
become responsible adults. Not less than \$50,000 in each fiscal 134836
year shall be provided to the Boys and Girls Club of Massillon. 134837

Section 307.95. BIG BROTHERS BIG SISTERS 134838

Of the foregoing appropriation item 600689, TANF Block Grant, 134839
\$500,000 in each fiscal year shall be provided, in accordance with 134840
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 134841
Big Sisters of Central Ohio to provide mentoring services to 134842
children throughout the state who have experienced trauma in their 134843
lives, including parental incarceration. 134844

Section 307.96. FAMILY AND YOUTH IN CRISIS 134845

Of the foregoing appropriation item 600689, TANF Block Grant, 134846
\$5,000,000 in each fiscal year shall be utilized to provide 134847
services to youth with complex care needs whose parent or legal 134848
guardian is at risk of relinquishing custody of the youth in order 134849
to access needed services. Funds shall be administered pursuant to 134850
division (A)(3) of section 121.37 of the Revised Code. The 134851
Director of the Ohio Family and Children First Cabinet shall seek 134852
stakeholder input and issue written guidance regarding 134853
requirements to access these funds no later than 60 days following 134854
the effective date of this section. 134855

Section 307.97. COURT APPOINTED SPECIAL ADVOCATES 134856

Of the foregoing appropriation item 600689, TANF Block Grant, 134857
\$100,000 in each fiscal year shall be used, in consultation with 134858
the Supreme Court of Ohio, to provide funding for the 134859
establishment of up to three local court-appointed special 134860
advocate programs in areas of the state that are not served by an 134861

existing program. 134862

Of the foregoing appropriation item 600689, TANF Block Grant, 134863
\$100,000 in each fiscal year shall be used, in consultation with 134864
the Supreme Court of Ohio, to provide funding for the recruitment 134865
and training of additional local court-appointed special advocates 134866
in areas of the state with high rates of heroin use and overdoses. 134867

Of the foregoing appropriation item 600689, TANF Block Grant, 134868
\$100,000 in each fiscal year shall be used, in consultation with 134869
the Supreme Court of Ohio, to provide funding that enhances the 134870
role of local court-appointed special advocate programs in the 134871
recruitment, training, and support of local court-appointed 134872
special advocates. 134873

Section 307.100. FAMILIES AND CHILDREN PROGRAMS 134874

Of the foregoing appropriation item 600423, Families and 134875
Children Programs, \$2,000,000 in each fiscal year shall be used by 134876
the Office of Families and Children to fund Predictive Analytics 134877
to use current and historical data to predict future outcomes and 134878
behaviors in high-risk foster care children. 134879

Of the foregoing appropriation item 600423, Families and 134880
Children Programs, \$750,000 in each fiscal year shall be used to 134881
support the Star House Youth Drop-In Center to provide services 134882
for homeless youth. 134883

Section 307.110. FAMILY AND CHILDREN SERVICES 134884

Of the foregoing appropriation item 600523, Family and 134885
Children Services, up to \$3,200,000 shall be used to match 134886
eligible federal Title IV-B ESSA funds and federal Title IV-E 134887
Chafee funds allocated to public children services agencies. 134888

Of the foregoing appropriation item, 600523, Family and 134889
Children Services, not less than \$60,040,010 in each fiscal year 134890

shall be provided to public children services agencies. Of that 134891
amount, \$8,800,000 in each fiscal year shall be used to provide an 134892
initial allocation of \$100,000 to each county and the remainder 134893
shall be provided using the formula in section 5101.14 of the 134894
Revised Code. 134895

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 134896

In collaboration with the county family and children first 134897
council, a county department of job and family services or public 134898
children services agency that receives an allocation from the 134899
Department of Job and Family Services from the foregoing 134900
appropriation item 600523, Family and Children Services, or 134901
600533, Child, Family, and Community Protection Services, may 134902
transfer a portion of either or both allocations to a flexible 134903
funding pool as authorized by the section of this act titled 134904
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 134905

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 134906
SERVICES** 134907

(A) The foregoing appropriation item 600533, Child, Family, 134908
and Community Protection Services, shall be distributed to county 134909
departments of job and family services. County departments shall 134910
use the funds distributed to them under this section as follows, 134911
in accordance with the written plan of cooperation entered into 134912
under section 307.983 of the Revised Code: 134913

(1) To assist individuals in achieving or maintaining 134914
self-sufficiency, including by reducing or preventing dependency 134915
among individuals with family income not exceeding two hundred per 134916
cent of the federal poverty guidelines; 134917

(2) Subject to division (B) of this section, to respond to 134918
reports of abuse, neglect, or exploitation of children and adults, 134919
including through the differential response approach program; 134920

(3) To provide outreach and referral services regarding home 134921
and community-based services to individuals at risk of placement 134922
in a group home or institution, regardless of the individuals' 134923
family income and without need for a written application; 134924

(4) To provide outreach, referral, application assistance, 134925
and other services to assist individuals receive assistance, 134926
benefits, or services under Medicaid; Title IV-A programs, as 134927
defined in section 5101.80 of the Revised Code; the Supplemental 134928
Nutrition Assistance Program; and other public assistance 134929
programs. 134930

(B) Protective services may be provided to a child or adult 134931
as part of a response, under division (A)(2) of this section, to a 134932
report of abuse, neglect, or exploitation without regard to a 134933
child or adult's family income and without need for a written 134934
application. The protective services may be provided if the case 134935
record documents circumstances of actual or potential abuse, 134936
neglect, or exploitation. 134937

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 134938

The foregoing appropriation item 600609, Family and Children 134939
Activities, shall be used to expend miscellaneous foundation funds 134940
and grants to support family and children services activities. 134941

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 134942

Notwithstanding section 5101.073 of the Revised Code, the 134943
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 134944
consist of earned federal revenue the final disposition of which 134945
is unknown. 134946

Section 307.160. ADOPTION ASSISTANCE LOAN 134947

The Department of Job and Family Services may use the State 134948
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 134949

of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated.

Section 307.170. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both.

The Director of Job and Family Services shall ensure, for licensed child care programs that are rated in the quality rating and improvement system, that reimbursement rates for each rating tier are not lower than the reimbursement rates for each corresponding rating tier that were in effect on December 31, 2016.

Section 307.180. CASH TRANSFER FROM THE UNEMPLOYMENT INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the cash balance of the Unemployment Insurance Support - Other Sources Fund (Fund 5KU0). Upon certification, the Director of Budget and Management may transfer the amount certified to the Unemployment Compensation Administration Fund (Fund 4A90).

Section 307.190. VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.193. CHILDREN'S CRISIS CARE

The foregoing appropriation item 600674, Children's Crisis Care, shall be used in accordance with division (G)(4) of Section 757.20 of this act.

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund

in excess of the amounts appropriated. Upon the approval of the 135009
Director of Budget and Management, the additional amounts are 135010
hereby appropriated. 135011

Section 307.210. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 135012
PROGRAM 135013

During the period that begins July 1, 2017, and ends on the 135014
effective date of the enactment by this act of section 5116.01 of 135015
the Revised Code, the Comprehensive Case Management and Employment 135016
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 135017
131st General Assembly shall continue in operation as enacted by 135018
that act with the following modification: the minimum age for 135019
participation in the program is reduced to fourteen. Beginning 135020
with the effective date of section 5116.01 of the Revised Code, as 135021
enacted by this act, the Comprehensive Case Management and 135022
Employment Program shall begin operation in accordance with 135023
Chapter 5116. of the Revised Code. 135024

Section 307.230. HEALTHIER BUCKEYE GRANT PILOT PROGRAM 135025

The Director of Job and Family Services shall permit 135026
individuals and organizations receiving grant awards under the 135027
Healthier Buckeye Grant Pilot Program established under Section 135028
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 135029
those grant awards through December 31, 2017. 135030

Section 307.240. TRANSFER FROM THE UNEMPLOYMENT COMPENSATION 135031
INTEREST CONTINGENCY FUND (FUND 5HC0) TO THE GENERAL REVENUE FUND 135032

On July 1, 2018, or as soon as possible thereafter, the 135033
Director of Budget and Management shall transfer not less than 135034
\$10,000,000 cash from the Unemployment Compensation Interest 135035
Contingency Fund (Fund 5HC0) to the General Revenue Fund. If the 135036
unexpended, unencumbered cash balance in Fund 5HC0 is less than 135037

\$10,000,000, the Director shall transfer the balance to the 135038
General Revenue Fund. 135039

Section 307.250. TRANSFER FROM THE HEALTHIER BUCKEYE FUND 135040
(FUND 5RC0) TO THE GENERAL REVENUE FUND 135041

On July 1, 2017, or as soon as possible thereafter, the 135042
Director of Budget and Management shall transfer the unexpended, 135043
unencumbered cash balance in the Healthier Buckeye Fund (Fund 135044
5RC0) to the General Revenue Fund. 135045

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 135046
General Revenue Fund 135047

GRF 029321 Operating Expenses	\$	496,885	\$	496,885	135048
TOTAL GRF General Revenue Fund	\$	496,885	\$	496,885	135049
TOTAL ALL BUDGET FUND GROUPS	\$	496,885	\$	496,885	135050

OPERATING GUIDANCE 135051

The Legislative Service Commission shall act as fiscal agent 135052
for the Joint Committee on Agency Rule Review. Members of the 135053
Committee shall be paid in accordance with section 101.35 of the 135054
Revised Code. 135055

OPERATING EXPENSES 135056

On July 1, 2017, or as soon as possible thereafter, the 135057
Executive Director of the Joint Committee on Agency Rule Review 135058
may certify to the Director of Budget and Management an amount up 135059
to the unexpended, unencumbered balance of the foregoing 135060
appropriation item 029321, Operating Expenses, at the end of 135061
fiscal year 2017 to be reappropriated to fiscal year 2018. The 135062
amount certified is hereby reappropriated to the same 135063
appropriation item for fiscal year 2018. 135064

On July 1, 2018, or as soon as possible thereafter, the 135065
Executive Director of the Joint Committee on Agency Rule Review 135066

may certify to the Director of Budget and Management an amount up 135067
to the unexpended, unencumbered balance of the foregoing 135068
appropriation item 029321, Operating Expenses, at the end of 135069
fiscal year 2018 to be reappropriated to fiscal year 2019. The 135070
amount certified is hereby reappropriated to the same 135071
appropriation item for fiscal year 2019. 135072

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 135073

General Revenue Fund 135074
GRF 048321 Operating Expenses \$ 340,814 \$ 502,982 135075
TOTAL GRF General Revenue Fund \$ 340,814 \$ 502,982 135076
TOTAL ALL BUDGET FUND GROUPS \$ 340,814 \$ 502,982 135077

OPERATING EXPENSES 135078

The foregoing appropriation item 048321, Operating Expenses, 135079
shall be used to support expenses related to the Joint Medicaid 135080
Oversight Committee created by section 103.41 of the Revised Code. 135081

On July 1, 2017, or as soon as possible thereafter, the 135082
Executive Director of the Joint Medicaid Oversight Committee may 135083
certify to the Director of Budget and Management an amount up to 135084
the unexpended, unencumbered balance of the foregoing 135085
appropriation item 048321, Operating Expenses, at the end of 135086
fiscal year 2017 to be reappropriated to fiscal year 2018. The 135087
amount certified is hereby reappropriated to the same 135088
appropriation item for fiscal year 2018. 135089

On July 1, 2018, or as soon as possible thereafter, the 135090
Executive Director of the Joint Medicaid Oversight Committee may 135091
certify to the Director of Budget and Management an amount up to 135092
the unexpended, unencumbered balance of the foregoing 135093
appropriation item 048321, Operating Expenses, at the end of 135094
fiscal year 2018 to be reappropriated to fiscal year 2019. The 135095
amount certified is hereby reappropriated to the same 135096

appropriation item for fiscal year 2019.	135097
The Legislative Service Commission shall act as fiscal agent	135098
for the Joint Medicaid Oversight Committee.	135099
Section 313.20. HEALTH COVERAGE STUDIES	135100
(A) The Joint Medicaid Oversight Committee shall conduct a	135101
study to determine the feasibility of simultaneously implementing	135102
both of the following in this state:	135103
(1) A plan that is similar to the Healthy Indiana Plan	135104
established under the laws of the state of Indiana;	135105
(2) A high-risk pool that provides health coverage to	135106
uninsured residents of this state.	135107
(B) The Committee shall prepare a report of its findings from	135108
the study. Not later than one year after the effective date of	135109
this section, the Committee shall submit a copy of its report to	135110
the Governor and, in accordance with section 101.68 of the Revised	135111
Code, the General Assembly.	135112
Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO	135113
General Revenue Fund	135114
GRF 018321 Operating Expenses \$ 718,463 \$ 715,163	135115
TOTAL GRF General Revenue Fund \$ 718,463 \$ 715,163	135116
Dedicated Purpose Fund Group	135117
4030 018601 Ohio Jury \$ 408,282 \$ 431,346	135118
Instructions	
TOTAL DPF Dedicated Purpose Fund \$ 408,282 \$ 431,346	135119
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 1,126,745 \$ 1,146,509	135120
STATE COUNCIL OF UNIFORM STATE LAWS	135121
Notwithstanding section 105.26 of the Revised Code, of the	135122

foregoing appropriation item 018321, Operating Expenses, up to 135123
 \$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019 135124
 shall be used to pay the expenses of the State Council of Uniform 135125
 State Laws, including membership dues to the National Conference 135126
 of Commissioners on Uniform State Laws. 135127

OHIO JURY INSTRUCTIONS FUND 135128

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 135129
 grants, royalties, dues, conference fees, bequests, devises, and 135130
 other gifts received for the purpose of supporting costs incurred 135131
 by the Judicial Conference of Ohio in its activities as a part of 135132
 the judicial system of the state as determined by the Judicial 135133
 Conference Executive Committee. Fund 4030 shall be used by the 135134
 Judicial Conference of Ohio to pay expenses incurred in its 135135
 activities as a part of the judicial system of the state as 135136
 determined by the Judicial Conference Executive Committee. Any 135137
 receipts credited to Fund 4030 in excess of the amount originally 135138
 appropriated from the fund are hereby appropriated for the 135139
 purposes authorized. No money in Fund 4030 shall be transferred to 135140
 any other fund by the Director of Budget and Management or the 135141
 Controlling Board. 135142

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 135143

General Revenue Fund 135144

GRF 005321 Operating Expenses - \$ 161,228,513 \$ 169,614,282 135145
 Judiciary/Supreme
 Court

GRF 005406 Law-Related Education \$ 166,172 \$ 166,172 135146

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 135147
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 164,744,685 \$ 173,130,454 135148

Dedicated Purpose Fund Group 135149

4C80	005605	Attorney Services	\$	8,166,646	\$	8,122,279	135150
5HT0	005617	Court Interpreter Certification	\$	8,670	\$	9,537	135151
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	135152
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	135153
6720	005601	Judiciary/Supreme Court Education	\$	100,000	\$	100,000	135154
6A80	005606	Supreme Court Admissions	\$	1,457,461	\$	1,477,098	135155
TOTAL DPF	Dedicated Purpose Fund Group		\$	10,088,777	\$	10,064,914	135156
Fiduciary Fund Group							135157
5JY0	005620	County Law Library Resources Boards	\$	357,500	\$	357,500	135158
TOTAL FID	Fiduciary Fund Group		\$	357,500	\$	357,500	135159
Federal Fund Group							135160
3J00	005603	Federal Grants	\$	1,705,708	\$	1,528,315	135161
TOTAL FED	Federal Fund Group		\$	1,705,708	\$	1,528,315	135162
TOTAL ALL BUDGET FUND GROUPS			\$	176,896,670	\$	185,081,183	135163

Section 317.20. LAW-RELATED EDUCATION 135165

The foregoing appropriation item 005406, Law-Related 135166
Education, shall be distributed directly to the Ohio Center for 135167
Law-Related Education for the purposes of providing continuing 135168
citizenship education activities to primary and secondary 135169
students, expanding delinquency prevention programs, increasing 135170
activities for at-risk youth, and accessing additional public and 135171
private money for new programs. 135172

OHIO COURTS TECHNOLOGY INITIATIVE 135173

The foregoing appropriation item 005409, Ohio Courts 135174
Technology Initiative, shall be used to fund an initiative by the 135175

Supreme Court to facilitate the exchange of information and 135176
warehousing of data by and between Ohio courts and other justice 135177
system partners through the creation of an Ohio Courts Network, 135178
the delivery of technology services to courts throughout the 135179
state, including the provision of hardware, software, and the 135180
development and implementation of educational and training 135181
programs for judges and court personnel, and operation of the 135182
Commission on Technology and the Courts by the Supreme Court for 135183
the promulgation of statewide rules, policies, and uniform 135184
standards, and to aid in the orderly adoption and comprehensive 135185
use of technology in Ohio courts. 135186

ATTORNEY SERVICES 135187

The Attorney Services Fund (Fund 4C80) shall consist of money 135188
received by the Supreme Court (The Judiciary) pursuant to the 135189
Rules for the Government of the Bar of Ohio. In addition to 135190
funding other activities considered appropriate by the Supreme 135191
Court, the foregoing appropriation item 005605, Attorney Services, 135192
may be used to compensate employees and to fund appropriate 135193
activities of the following offices established by the Supreme 135194
Court: the Office of Disciplinary Counsel, the Board of 135195
Commissioners on Grievances and Discipline, the Clients' Security 135196
Fund, and the Attorney Services Division. If it is determined by 135197
the Administrative Director of the Supreme Court that additional 135198
appropriations are necessary, the amounts are hereby appropriated. 135199

No money in Fund 4C80 shall be transferred to any other fund 135200
by the Director of Budget and Management or the Controlling Board. 135201
Interest earned on money in Fund 4C80 shall be credited to the 135202
fund. 135203

COURT INTERPRETER CERTIFICATION 135204

The Court Interpreter Certification Fund (Fund 5HT0) shall 135205
consist of money received by the Supreme Court (The Judiciary) 135206

pursuant to Rules 80 through 87 of the Rules of Superintendence 135207
for the Courts of Ohio. The foregoing appropriation item 005617, 135208
Court Interpreter Certification, shall be used to provide 135209
training, to provide the written examination, and to pay language 135210
experts to rate, or grade, the oral examinations of those applying 135211
to become certified court interpreters. If it is determined by the 135212
Administrative Director that additional appropriations are 135213
necessary, the amounts are hereby appropriated. 135214

No money in Fund 5HT0 shall be transferred to any other fund 135215
by the Director of Budget and Management or the Controlling Board. 135216
Interest earned on money in Fund 5HT0 shall be credited to the 135217
fund. 135218

CIVIL JUSTICE PROGRAM 135219

The Civil Justice Program Fund (Fund 5SP0) shall consist of 135220
(1) \$50 voluntary donations made as part of the biennium attorney 135221
registration process and (2) \$150 increase in the *pro hac vice* 135222
fees for out-of-state attorneys pursuant to Government of the Bar 135223
Rule amendments. The foregoing appropriation item 005626, Civil 135224
Justice Program, shall be used by the Supreme Court of Ohio for 135225
grants to not-for-profit organizations and agencies dedicated to 135226
providing civil legal aid to underserved populations, to fund 135227
innovative programs directed at this purpose, and to increase 135228
access to judicial service to that population. 135229

No money in Fund 5SP0 shall be transferred to any other fund 135230
by the Director of Budget and Management or the Controlling Board. 135231
Interest earned on money in Fund 5SP0 shall be credited to the 135232
fund. 135233

GRANTS AND AWARDS 135234

The Grants and Awards Fund (Fund 5T80) shall consist of 135235
grants and other money awarded to the Supreme Court (The 135236
Judiciary) by the State Justice Institute, the Division of 135237

Criminal Justice Services, or other entities. The foregoing 135238
appropriation item 005609, Grants and Awards, shall be used in a 135239
manner consistent with the purpose of the grant or award. If it is 135240
determined by the Administrative Director of the Supreme Court 135241
that additional appropriations are necessary, the amounts are 135242
hereby appropriated. 135243

No money in Fund 5T80 shall be transferred to any other fund 135244
by the Director of Budget and Management or the Controlling Board. 135245
Interest earned on money in Fund 5T80 shall be credited or 135246
transferred to the General Revenue Fund. 135247

JUDICIARY/SUPREME COURT EDUCATION 135248

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 135249
consist of fees paid for attending judicial and public education 135250
on the law, reimbursement of costs for judicial and public 135251
education on the law, and other gifts and grants received for the 135252
purpose of judicial and public education on the law. The foregoing 135253
appropriation item 005601, Judiciary/Supreme Court Education, 135254
shall be used to pay expenses for judicial education courses for 135255
judges, court personnel, and those who serve the courts, and for 135256
public education on the law. If it is determined by the 135257
Administrative Director of the Supreme Court that additional 135258
appropriations are necessary, the amounts are hereby appropriated. 135259

No money in Fund 6720 shall be transferred to any other fund 135260
by the Director of Budget and Management or the Controlling Board. 135261
Interest earned on money in Fund 6720 shall be credited to the 135262
fund. 135263

SUPREME COURT ADMISSIONS 135264

The foregoing appropriation item 005606, Supreme Court 135265
Admissions, shall be used to compensate Supreme Court employees 135266
who are primarily responsible for administering the attorney 135267
admissions program under the Rules for the Government of the Bar 135268

of Ohio, and to fund any other activities considered appropriate 135269
by the court. Moneys shall be deposited into the Supreme Court 135270
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 135271
Government of the Bar of Ohio. If it is determined by the 135272
Administrative Director of the Supreme Court that additional 135273
appropriations are necessary, the amounts are hereby appropriated. 135274

No money in Fund 6A80 shall be transferred to any other fund 135275
by the Director of Budget and Management or the Controlling Board. 135276
Interest earned on money in Fund 6A80 shall be credited to the 135277
fund. 135278

COUNTY LAW LIBRARY RESOURCES BOARDS 135279

The Statewide Consortium of County Law Library Resources 135280
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 135281
to section 307.515 of the Revised Code into a county's law library 135282
resources fund and forwarded by that county's treasurer for 135283
deposit in the state treasury pursuant to division (E)(1) of 135284
section 3375.481 of the Revised Code. The foregoing appropriation 135285
item 005620, County Law Library Resources Boards, shall be used 135286
for the operation of the Statewide Consortium of County Law 135287
Library Resources Boards. If it is determined by the 135288
Administrative Director of the Supreme Court that additional 135289
appropriations are necessary, the amounts are hereby appropriated. 135290

No money in Fund 5JY0 shall be transferred to any other fund 135291
by the Director of Budget and Management or the Controlling Board. 135292
Interest earned on money in Fund 5JY0 shall be credited to the 135293
fund. 135294

FEDERAL GRANTS 135295

The Federal Grants Fund (Fund 3J00) shall consist of grants 135296
and other moneys awarded to the Supreme Court (The Judiciary) by 135297
the United States Government or other entities that receive the 135298
moneys directly from the United States Government and distribute 135299

those moneys to the Supreme Court (The Judiciary). The foregoing 135300
 appropriation item 005603, Federal Grants, shall be used in a 135301
 manner consistent with the purpose of the grant or award. If it is 135302
 determined by the Administrative Director of the Supreme Court 135303
 that additional appropriations are necessary, the amounts are 135304
 hereby appropriated. 135305

No money in Fund 3J00 shall be transferred to any other fund 135306
 by the Director of Budget and Management or the Controlling Board. 135307
 However, interest earned on money in Fund 3J00 shall be credited 135308
 or transferred to the General Revenue Fund. 135309

Section 319.10. LEC LAKE ERIE COMMISSION 135310

Dedicated Purpose Fund Group					135311
4C00 780601 Lake Erie Protection	\$	568,000	\$	571,000	135312
TOTAL DPF Dedicated Purpose					135313
Fund Group	\$	568,000	\$	571,000	135314
TOTAL ALL BUDGET FUND GROUPS	\$	568,000	\$	571,000	135315

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 135316

On July 1 of each fiscal year, or as soon as possible 135317
 thereafter, the Director of Budget and Management may transfer 135318
 cash from the funds specified below, up to the amounts specified 135319
 below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 135320
 accept contributions and transfers made to the fund. 135321

Fund	Fund Name	User	FY 2018	FY 2019	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	135322
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	135323
4700	General Operations	Department of Health	\$25,000	\$25,000	135324
1570	Central Support	Department of	\$25,000	\$25,000	135325

GRF 035410	Legislative	\$	8,569,500	\$	8,569,500	135380
	Information Systems					
TOTAL GRF	General Revenue Fund	\$	27,718,640	\$	27,318,640	135381
	Dedicated Purpose Fund Group					135382
4100 035601	Sale of Publications	\$	10,000	\$	10,000	135383
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	135384
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	27,728,640	\$	27,328,640	135385

Section 323.20. OPERATING EXPENSES 135387

On July 1, 2017, or as soon as possible thereafter, the 135388
 Director of the Legislative Service Commission may certify to the 135389
 Director of Budget and Management an amount up to the unexpended, 135390
 unencumbered balance of the foregoing appropriation item 035321, 135391
 Operating Expenses, at the end of fiscal year 2017 to be 135392
 reappropriated to fiscal year 2018. The amount certified is hereby 135393
 reappropriated to the same appropriation item for fiscal year 135394
 2018. 135395

On July 1, 2018, or as soon as possible thereafter, the 135396
 Director of the Legislative Service Commission may certify to the 135397
 Director of Budget and Management an amount up to the unexpended, 135398
 unencumbered balance of the foregoing appropriation item 035321, 135399
 Operating Expenses, at the end of fiscal year 2018 to be 135400
 reappropriated to fiscal year 2019. The amount certified is hereby 135401
 reappropriated to the same appropriation item for fiscal year 135402
 2019. 135403

LEGISLATIVE TASK FORCE ON REDISTRICTING 135404

An amount equal to the unexpended, unencumbered balance of 135405
 the foregoing appropriation item 035407, Legislative Task Force on 135406
 Redistricting, at the end of fiscal year 2017 is hereby 135407
 reappropriated to the Legislative Service Commission for the same 135408
 purpose for fiscal year 2018. 135409

An amount equal to the unexpended, unencumbered balance of 135410
the foregoing appropriation item 035407, Legislative Task Force on 135411
Redistricting, at the end of fiscal year 2018 is hereby 135412
reappropriated to the Legislative Service Commission for the same 135413
purpose for fiscal year 2019. 135414

LEGISLATIVE INFORMATION SYSTEMS 135415

On July 1, 2017, or as soon as possible thereafter, the 135416
Director of the Legislative Service Commission may certify to the 135417
Director of Budget and Management an amount up to the unexpended, 135418
unencumbered balance of the foregoing appropriation item 035410, 135419
Legislative Information Systems, at the end of fiscal year 2017 to 135420
be reappropriated to fiscal year 2018. The amount certified is 135421
hereby reappropriated to the same appropriation item for fiscal 135422
year 2018. 135423

On July 1, 2018, or as soon as possible thereafter, the 135424
Director of the Legislative Service Commission may certify to the 135425
Director of Budget and Management an amount up to the unexpended, 135426
unencumbered balance of the foregoing appropriation item 035410, 135427
Legislative Information Systems, at the end of fiscal year 2018 to 135428
be reappropriated to fiscal year 2019. The amount certified is 135429
hereby reappropriated to the same appropriation item for fiscal 135430
year 2019. 135431

LITIGATION 135432

The appropriation item 035501, Litigation, shall be used for 135433
any lawsuit in which the General Assembly is a party because a 135434
legal or constitutional challenge is made against the Ohio 135435
Constitution or an act of the General Assembly. The chairperson 135436
and vice-chairperson of the Legislative Service Commission shall 135437
both approve the use of the appropriated moneys. 135438

An amount equal to the unexpended, unencumbered balance of 135439
the appropriation item 035501, Litigation, at the end of fiscal 135440

year 2017 is hereby reappropriated to the Legislative Service 135441
 Commission for the same purpose for fiscal year 2018. 135442

An amount equal to the unexpended, unencumbered balance of 135443
 the appropriation item 035501, Litigation, at the end of fiscal 135444
 year 2018 is hereby reappropriated to the Legislative Service 135445
 Commission for the same purpose for fiscal year 2019. 135446

Section 325.10. LIB STATE LIBRARY BOARD 135447

General Revenue Fund 135448

GRF 350321 Operating Expenses \$ 4,500,000 \$ 4,500,000 135449

GRF 350401 Ohioana Library \$ 295,114 \$ 300,114 135450
 Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 135451
 Systems

TOTAL GRF General Revenue Fund \$ 5,295,114 \$ 5,300,114 135452

Dedicated Purpose Fund Group 135453

4590 350603 Services for \$ 4,190,834 \$ 4,190,834 135454
 Libraries

4S40 350604 Ohio Public Library \$ 5,689,788 \$ 5,689,788 135455
 Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 135456

TOTAL DPF Dedicated Purpose 135457

Fund Group \$ 11,154,816 \$ 11,154,816 135458

Internal Service Activity Fund 135459

1390 350602 Services for State \$ 8,000 \$ 8,000 135460
 Agencies

TOTAL ISA Internal Service Activity 135461

Fund Group \$ 8,000 \$ 8,000 135462

Federal Fund Group 135463

3130 350601 LSTA Federal \$ 5,350,000 \$ 5,350,000 135464

TOTAL FED Federal Fund Group \$ 5,350,000 \$ 5,350,000 135465

Leader of the House of Representatives, and the President and 135497
Minority Leader of the Senate on any steps being taken by OPLIN 135498
and public libraries in the state to limit and control such 135499
improper usage as well as information on technological, legal, and 135500
law enforcement trends nationally and internationally affecting 135501
this area of public access and service. 135502

(C) The Ohio Public Library Information Network, INFOhio, and 135503
OhioLINK shall, to the extent feasible, coordinate and cooperate 135504
in their purchase or other acquisition of the use of electronic 135505
databases for their respective users and shall contribute funds in 135506
an equitable manner to such effort. 135507

LIBRARY FOR THE BLIND 135508

The foregoing appropriation item 350605, Library for the 135509
Blind, shall be used for the statewide Talking Book Program to 135510
assist the blind and disabled. 135511

TRANSFER TO OPLIN TECHNOLOGY FUND 135512

Notwithstanding sections 5747.03 and 5747.47 of the Revised 135513
Code and any other provision of law to the contrary, in accordance 135514
with a schedule established by the Director of Budget and 135515
Management, the Director of Budget and Management shall transfer 135516
\$3,689,788 cash in each fiscal year from the Public Library Fund 135517
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 135518

TRANSFER TO LIBRARY FOR THE BLIND FUND 135519

Notwithstanding sections 5747.03 and 5747.47 of the Revised 135520
Code and any other provision of law to the contrary, in accordance 135521
with a schedule established by the Director of Budget and 135522
Management, the Director of Budget and Management shall transfer 135523
\$1,274,194 cash in each fiscal year from the Public Library Fund 135524
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 135525

Section 327.10. LCO LIQUOR CONTROL COMMISSION 135526

Dedicated Purpose Fund Group				135527
5LP0 970601 Commission Operating	\$	844,553	\$	851,269
Expenses				135528
TOTAL DPF Dedicated Purpose Fund	\$	844,553	\$	851,269
Group				135529
TOTAL ALL BUDGET FUND GROUPS	\$	844,553	\$	851,269
				135530

Section 329.10. LOT STATE LOTTERY COMMISSION 135532

State Lottery Fund Group				135533
7044 950321 Operating Expenses	\$	50,000,000	\$	50,000,000
7044 950402 Advertising Contracts	\$	25,800,000	\$	25,800,000
7044 950403 Gaming Contracts	\$	68,258,704	\$	68,917,884
7044 950601 Direct Prize Payments	\$	142,307,278	\$	142,949,268
7044 950605 Problem Gambling	\$	3,300,000	\$	3,300,000
8710 950602 Annuity Prizes	\$	81,000,000	\$	81,000,000
TOTAL SLF State Lottery Fund				135540
Group	\$	370,665,982	\$	371,967,152
TOTAL ALL BUDGET FUND GROUPS	\$	370,665,982	\$	371,967,152
				135542

OPERATING EXPENSES 135543

Notwithstanding sections 127.14 and 131.35 of the Revised 135544
Code, the Controlling Board may, at the request of the State 135545
Lottery Commission, authorize expenditures from the State Lottery 135546
Fund in excess of the amounts appropriated, up to a maximum of 10 135547
per cent of anticipated total revenue accruing from the sale of 135548
lottery products. Upon the approval of the Controlling Board, the 135549
additional amounts are hereby appropriated. 135550

DIRECT PRIZE PAYMENTS 135551

Any amounts, in addition to the amounts appropriated in 135552
appropriation item 950601, Direct Prize Payments, that the 135553
Director of the State Lottery Commission determines to be 135554
necessary to fund prizes are hereby appropriated. 135555

ANNUITY PRIZES	135556
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.	135557 135558 135559 135560 135561 135562 135563
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.	135564 135565 135566 135567
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	135568
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,082,630,000 in fiscal year 2018 and \$1,093,630,000 in fiscal year 2019. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.	135569 135570 135571 135572 135573 135574
Section 331.10. MHC MANUFACTURED HOMES COMMISSION	135575
Dedicated Purpose Fund Group	135576
4K90 996609 Operating Expenses \$ 227,165 \$ 0	135577
5MC0 996610 Manufactured Homes \$ 460,212 \$ 0	135578
Regulation	
TOTAL DPF Dedicated Purpose Fund \$ 687,377 \$ 0	135579
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 687,377 \$ 0	135580
Section 333.10. MCD DEPARTMENT OF MEDICAID	135582
General Revenue Fund	135583

GRF	651425	Medicaid Program	\$	176,312,968	\$	178,754,197	135584
		Support - State					
GRF	651525	Medicaid Health Care					135585
		Services					
		State	\$	3,763,967,966	\$	3,917,695,014	135586
		Federal	\$	9,901,479,541	\$	10,234,340,703	135587
		Medicaid Health Care	\$	13,665,447,507	\$	14,152,035,717	135588
		Services Total					
GRF	651526	Medicare Part D	\$	440,611,628	\$	479,694,803	135589
TOTAL GRF		General Revenue Fund					135590
		State	\$	4,380,892,562	\$	4,576,144,014	135591
		Federal	\$	9,901,479,541	\$	10,234,340,703	135592
		GRF Total	\$	14,282,372,103	\$	14,810,484,717	135593
		Dedicated Purpose Fund Group					135594
4E30	651605	Resident Protection	\$	4,878,000	\$	4,878,000	135595
		Fund					
5AJ0	651631	Money Follows the	\$	12,760,900	\$	12,373,500	135596
		Person					
5AN0	651686	Care Innovation and	\$	60,000,000	\$	60,000,000	135597
		Community Improvement					
		Program					
5DL0	651639	Medicaid Services -	\$	774,381,570	\$	722,709,203	135598
		Recoveries					
5DL0	651685	Medicaid Recoveries -	\$	36,146,571	\$	41,328,516	135599
		Program Support					
5FX0	651638	Medicaid Services -	\$	12,000,000	\$	12,000,000	135600
		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	619,104,791	\$	647,635,236	135601
		Hospital Upper					
		Payment Limit					
5KC0	651682	Health Care Grants -	\$	5,000,000	\$	5,000,000	135602
		State					
5R20	651608	Medicaid Services -	\$	405,666,000	\$	405,666,000	135603

		Long Term				
5SC0	651683	Medicaid Services -	\$	30,000,000	\$	30,000,000 135604
		Physician UPL				
5TN0	651684	Medicaid Services -	\$	593,195,389	\$	660,893,005 135605
		HIC Fee				
5TZ0	651600	Brigid's Path Program	\$	500,000	\$	500,000 135606
6510	651649	Medicaid Services -	\$	238,057,429	\$	199,250,372 135607
		Hospital Care				
		Assurance Program				
TOTAL DPF	Dedicated Purpose Fund		\$	2,791,690,650	\$	2,802,233,832 135608
	Group					
	Holding Account Fund Group					135609
R055	651644	Refunds and	\$	1,000,000	\$	1,000,000 135610
		Reconciliation				
TOTAL HLD	Holding Account Fund		\$	1,000,000	\$	1,000,000 135611
	Group					
	Federal Fund Group					135612
3ER0	651603	Medicaid Health and	\$	61,896,000	\$	61,896,000 135613
		Transformation				
		Technology				
3F00	651623	Medicaid Services -	\$	6,353,919,469	\$	6,478,785,019 135614
		Federal				
3F00	651624	Medicaid Program	\$	607,899,720	\$	682,203,750 135615
		Support - Federal				
3FA0	651680	Health Care Grants -	\$	38,658,704	\$	38,664,967 135616
		Federal				
3G50	651655	Medicaid Interagency	\$	125,651,597	\$	125,701,597 135617
		Pass Through				
TOTAL FED	Federal Fund Group		\$	7,188,025,490	\$	7,387,251,333 135618
TOTAL ALL BUDGET FUND GROUPS			\$	24,263,088,243	\$	25,000,969,882 135619
		Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES				135621

(A) Until July 1, 2019, the Medicaid Director has the authority to establish, change, and abolish positions for the Department of Medicaid, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Medicaid who are not subject to Chapter 4117. of the Revised Code.

(B) The authority granted under division (A) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Medicaid Director determines that the bargaining unit classification is the proper classification for that employee. The actions of the Medicaid Director shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification under this section, the Medicaid Director, or in the case of a transfer outside the Department of Medicaid, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(C) Actions taken by the Medicaid Director and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(D) A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651603, Medicaid Health and Transformation Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651682, Health Care Grants -

State, and 651654, Medicaid Program Support, may be used to pay 135654
for costs associated with the administration of the Medicaid 135655
program, including the assignment, reassignment, classification, 135656
reclassification, transfer, reduction, promotion, or demotion of 135657
employees authorized by this section. 135658

Section 333.30. For fiscal years 2018 and 2019, the Director 135659
of Budget and Management may transfer appropriation between 135660
appropriation item 651425, Medicaid Program Support - State, and 135661
appropriation item 655425, Medicaid Program Support. Any 135662
appropriation so transferred shall be used to resolve funding 135663
issues resulting from the transfer of medical assistance programs 135664
from the Department of Job and Family Services to the Department 135665
of Medicaid. 135666

Section 333.33. CASH TRANSFERS TO THE HEALTH AND HUMAN 135667
SERVICES FUND 135668

On July 1, 2017, or as soon as possible thereafter, the 135669
Director of Budget and Management shall transfer \$57,885,768 cash 135670
from the General Revenue Fund to the Health and Human Services 135671
Fund. 135672

Upon Controlling Board authorization of expenditures under 135673
division (B) of the section of this act titled "HEALTH AND HUMAN 135674
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 135675
Budget and Management may transfer up to \$26,309,868 cash from the 135676
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 135677
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 135678
Health and Human Services Fund. 135679

On July 1, 2018, or as soon as possible thereafter, the 135680
Director of Budget and Management shall transfer \$68,661,704 cash 135681
from the General Revenue Fund to the Health and Human Services 135682
Fund. 135683

Upon Controlling Board authorization of expenditures under 135684
division (B) of the section of this act titled "HEALTH AND HUMAN 135685
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 135686
Budget and Management may transfer up to \$34,667,668 cash from the 135687
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 135688
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 135689
Health and Human Services Fund. 135690

Section 333.34. HEALTH AND HUMAN SERVICES FUND CONTINUED 135691

(A) The Health and Human Services Fund created under Section 135692
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 135693
continue to exist during the 2018-2019 fiscal biennium. 135694

(B) The Medicaid Director may request the Controlling Board 135695
to authorize expenditure from the Health and Human Services Fund 135696
in an amount necessary to pay for the costs of the Medicaid 135697
program during the 2018-2019 fiscal biennium. The Controlling 135698
Board may authorize the expenditure if the United States Congress 135699
has not amended on or after the effective date of this section the 135700
federal law governing the federal medical assistance percentage in 135701
a manner that reduces the percentage. 135702

Section 333.40. MEDICAIDHEALTH CARE SERVICES 135703

The foregoing appropriation item 651525, Medicaid Health Care 135704
Services, shall not be limited by section 131.33 of the Revised 135705
Code. 135706

Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 135707

At the beginning of each quarter, or as soon as possible 135708
thereafter, the Medicaid Director shall certify to the Director of 135709
Budget and Management the amount withheld in accordance with 135710
section 5167.30 of the Revised Code and this section for purposes 135711

of the Managed Care Performance Payment Program. 135712

Notwithstanding section 5167.30 of the Revised Code and for 135713
only fiscal year 2019, the sum of all withholdings from Medicaid 135714
managed care organizations' premium payments under division (B) of 135715
that section shall be one per cent of the premium payments. 135716

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 135717
CARE 135718

(A) As used in this section: 135719

(1) "ICDS participant" has the same meaning as in section 135720
5164.01 of the Revised Code. 135721

(2) "Integrated Care Delivery System" and "ICDS" have the 135722
same meaning as section 5164.01 of the Revised Code. 135723

(3) "Medicaid managed care organization" has the same meaning 135724
as in section 5167.01 of the Revised Code. 135725

(B) For fiscal year 2018 and fiscal year 2019, the Department 135726
of Medicaid shall provide performance payments as provided under 135727
this section to Medicaid managed care organizations providing care 135728
under the Integrated Care Delivery System. 135729

(C) If ICDS participants receive care through Medicaid 135730
managed care organizations under ICDS, the Department shall, in 135731
consultation with the United States Centers for Medicare and 135732
Medicaid Services, do both of the following: 135733

(1) Develop quality measures designed specifically to 135734
determine the effectiveness of the health care and other services 135735
provided to ICDS participants by Medicaid managed care 135736
organizations; 135737

(2) Determine an amount to be withheld from the Medicaid 135738
premium payments paid to Medicaid managed care organizations for 135739
ICDS participants. 135740

(D)(1) For the purposes of division (C)(2) of this section, 135741
the Department shall establish an amount that is to be withheld 135742
each time a premium payment is made to a Medicaid managed care 135743
organization for an ICDS participant. The amount shall be 135744
established as a percentage of each premium payment. The 135745
percentage shall be the same for all Medicaid managed care 135746
organizations providing care to ICDS participants. 135747

(2) Each Medicaid managed care organization shall agree to 135748
the withholding as a condition of receiving or maintaining its 135749
Medicaid provider agreement with the Department. 135750

(3) When the amount is established and each time the amount 135751
is modified thereafter, the Department shall certify the amount to 135752
the Director of Budget and Management and begin withholding the 135753
amount from each premium the Department pays to a Medicaid managed 135754
care organization for an ICDS participant. 135755

(E) A Medicaid managed care organization subject to this 135756
section is not subject to section 5167.30 of the Revised Code for 135757
premium payments attributed to ICDS participants during fiscal 135758
year 2018 and fiscal year 2019. 135759

Section 333.63. BRIGID'S PATH PILOT 135760

The foregoing appropriation item 651600, Brigid's Path Pilot, 135761
shall be used in accordance with division (G)(5) of Section 757.20 135762
of this act. 135763

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 135764

The Director of Budget and Management may authorize 135765
additional expenditures from appropriation item 651623, Medicaid 135766
Services - Federal, appropriation item 651525, Medicaid Health 135767
Care Services, and appropriation item 651656, Medicaid Services - 135768
Hospital/UPL, in order to implement the programs authorized by 135769
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 135770

authorized are hereby appropriated. 135771

Section 333.80. MEDICARE PART D 135772

The foregoing appropriation item 651526, Medicare Part D, may 135773
be used by the Department of Medicaid for the implementation and 135774
operation of the Medicare Part D requirements contained in the 135775
"Medicare Prescription Drug, Improvement, and Modernization Act of 135776
2003," Pub. L. No. 108-173, as amended. Upon the request of the 135777
Department of Medicaid, the Director of Budget and Management may 135778
transfer the state share of appropriations between appropriation 135779
item 651525, Medicaid Health Care Services, and appropriation item 135780
651526, Medicare Part D. If the state share of appropriation item 135781
651525, Medicaid Health Care Services, is adjusted, the Director 135782
of Budget and Management shall adjust the federal share 135783
accordingly. The Department of Medicaid shall provide notification 135784
to the Controlling Board of any transfers at the next scheduled 135785
Controlling Board meeting. 135786

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 135787
FUND 135788

Of the amount received by the Department of Medicaid during 135789
fiscal year 2018 and fiscal year 2019 from the first installment 135790
of assessments paid under section 5168.06 of the Revised Code and 135791
intergovernmental transfers made under section 5168.07 of the 135792
Revised Code, the Medicaid Director shall deposit \$350,000 in each 135793
fiscal year into the state treasury to the credit of the Health 135794
Care Services Support and Recoveries Fund (Fund 5DL0). 135795

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 135796

If receipts credited to the Health Care Federal Fund (Fund 135797
3F00) exceed the amounts appropriated from the fund for making the 135798
hospital care assurance program distribution, the Medicaid 135799

Director may request the Director of Budget and Management to 135800
authorize expenditures from the fund in excess of the amounts 135801
appropriated. Upon the approval of the Director of Budget and 135802
Management, the additional amounts are hereby appropriated. 135803

The foregoing appropriation item 651649, Medicaid Services - 135804
Health Care Assurance Program, shall be used by the Department of 135805
Medicaid for distributing the state share of all hospital care 135806
assurance program funds to hospitals under section 5168.09 of the 135807
Revised Code. If receipts credited to the Hospital Care Assurance 135808
Program Fund (Fund 6510) exceed the amounts appropriated from the 135809
fund for making the hospital care assurance program distribution, 135810
the Medicaid Director may request the Director of Budget and 135811
Management to authorize expenditures from the fund in excess of 135812
the amounts appropriated. Upon the approval of the Director of 135813
Budget and Management, the additional amounts are hereby 135814
appropriated. 135815

Section 333.110. REFUNDS AND RECONCILIATION FUND 135816

If receipts credited to the Refunds and Reconciliation Fund 135817
exceed the amounts appropriated from the fund, the Medicaid 135818
Director may request the Director of Budget and Management to 135819
authorize expenditures from the fund in excess of the amounts 135820
appropriated. Upon approval of the Director of Budget and 135821
Management, the additional amounts are hereby appropriated. 135822

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 135823

The Medicaid Director may request the Director of Budget and 135824
Management to increase appropriation item 651655, Medicaid 135825
Interagency Pass-Through. Upon the approval of the Director of 135826
Budget and Management, the additional amounts are hereby 135827
appropriated. 135828

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 135829

In order to ensure access to a non-emergency medical 135830
transportation brokerage program established pursuant to section 135831
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 135832
upon the request of the Medicaid Director, the Director of Budget 135833
and Management may transfer the state share appropriations between 135834
General Revenue Fund appropriation item 651525, Medicaid Health 135835
Care Services, within the Department of Medicaid and 655523, 135836
Medicaid Program Support - Local Transportation, within the 135837
Department of Job and Family Services. If such a transfer occurs, 135838
the Director of Budget and Management shall adjust, using the 135839
federal reimbursement rate, the federal share appropriations of 135840
General Revenue Fund appropriation line 651525, Medicaid Health 135841
Care Services, within the Department of Medicaid, and the Medicaid 135842
Program Support Fund (3F01) appropriation line 655624, Medicaid 135843
Program Support - Federal, within the Department of Job and Family 135844
Services. The Director of Medicaid shall transmit to the Medicaid 135845
Program Support Fund (3F01) the federal funds which the Department 135846
of Medicaid, as the state's sole point of contact with the federal 135847
government for Medicaid reimbursements, has drawn for this 135848
transaction. 135849

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 135850
SYSTEM IMPLEMENTATION 135851

Upon the request of the Medicaid Director, the Director of 135852
Budget and Management may transfer up to \$5,000,000 of state share 135853
appropriations in each fiscal year between General Revenue Fund 135854
appropriation item 651525, Medicaid Health Care Services, within 135855
the Department of Medicaid, and 655522, Medicaid Program Support - 135856
Local, within the Department of Job and Family Services. If such a 135857
transfer occurs, the Director of Budget and Management shall 135858
adjust, using the federal reimbursement rate, the federal share 135859

appropriations of General Revenue Fund appropriation item 651525, 135860
Medicaid Health Care Services, within the Department of Medicaid, 135861
and the Medicaid Program Support Fund (Fund 3F01) appropriation 135862
item 655624, Medicaid Program Support - Federal, within the 135863
Department of Job and Family Services. The Director of Medicaid 135864
shall transmit to the Medicaid Program Support Fund (3F01) the 135865
federal funds which the Department of Medicaid, as the state's 135866
sole point of contact with the federal government for Medicaid 135867
reimbursements, has drawn for this transaction. 135868

Any increase in funding shall be provided to county 135869
departments of job and family services and shall only be used for 135870
costs related to transitioning to a new public assistance 135871
eligibility determination system. These funds shall not be used 135872
for existing and ongoing operating expenses. The Medicaid Director 135873
shall establish criteria for distributing these funds and for 135874
county departments of job and family services to submit allowable 135875
expenses. 135876

County departments of job and family services shall comply 135877
with new roles, processes, and responsibilities related to the new 135878
eligibility determination system. County departments of job and 135879
family services shall report to the Ohio Department of Job and 135880
Family Services and the Ohio Department of Medicaid, on a schedule 135881
determined by the Medicaid Director, how the funds were used. 135882

Section 333.150. MEDICAID PROGRAM SUPPORT - LOCAL 135883
TRANSPORTATION 135884

If the Department of Job and Family Services continues to 135885
administer the Medicaid transportation program in fiscal year 135886
2019, upon request of the Director of Job and Family Services, the 135887
Director of Budget and Management may transfer up to \$45,100,000 135888
in appropriation from appropriation item 651525, Medicaid Health 135889
Care Services, to appropriation item 655523, Medicaid Program 135890

Support-Local Transportation. Any appropriation so transferred 135891
shall be used by the Department of Job and Family Services to 135892
continue to administer the Medicaid transportation program. 135893

Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 135894

For the period beginning July 1, 2017, and ending on the 135895
effective date of the enactment by this act of section 5164.10 of 135896
the Revised Code, the Medicaid program may continue to cover state 135897
plan home and community-based services in the same manner that it 135898
covered the services during fiscal year 2016 and fiscal year 2017 135899
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 135900
Assembly. Beginning with the effective date of the enactment by 135901
this act of section 5164.10 of the Revised Code, the Medicaid 135902
program may cover state plan home and community-based services in 135903
accordance with that section. 135904

Section 333.165. FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON 135905
NURSING FACILITY PAYMENTS 135906

(A) As used in this section: 135907

(1) "Consulting organizations" means all of the following 135908
organizations: 135909

(a) LeadingAge Ohio; 135910

(b) The Academy of Senior Health Sciences; 135911

(c) The Ohio Health Care Association. 135912

(2) "Integrated care delivery system" has the same meaning as 135913
in section 5164.01 of the Revised Code. 135914

(3) "Medicaid managed care organization" has the same meaning 135915
as in section 5167.01 of the Revised Code. 135916

(4) "Nursing facility" and "nursing facility services" have 135917
the same meanings as in section 5165.01 of the Revised Code. 135918

(B) The total amount of payments made by the Department of Medicaid under the fee-for-service component of the Medicaid program in accordance with Chapter 5165. of the Revised Code, and by Medicaid managed care organizations under the Integrated Care Delivery System, for nursing facility services provided during fiscal year 2018 and fiscal year 2019 shall not exceed the following:

(1) For fiscal year 2018, \$2,659,167,368;

(2) For fiscal year 2019, \$2,664,485,703.

(C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following:

(a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019;

(b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018 and fiscal year 2019, project whether the total amount of payments to be made for the fiscal year will exceed the applicable amount specified in division (B) of this section;

(c) If the total amount of payments to be made for fiscal year 2018 or fiscal year 2019 is projected under division (C)(1)(b) of this section to exceed the applicable amount specified in division (B) of this section, determine the percentage by which each nursing facility's rate under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System needs to be reduced for the immediately following calendar quarter to ensure that the total amount of the payments to be made for the fiscal year will equal the applicable amount specified in division (B) of this section.

(2) For the purpose of division (C)(1)(a) of this section,

the Department shall provide to the consulting organizations data 135950
about the payments on a monthly basis. 135951

(D) If a rate reduction is needed to ensure that the total 135952
amount of payments made under the fee-for-service component of the 135953
Medicaid program and the Integrated Care Delivery System for 135954
nursing facility services provided during fiscal year 2018 or 135955
fiscal year 2019 equals the applicable amount specified in 135956
division (B) of this section, each nursing facility's rate shall 135957
be reduced by the percentage determined under division (C)(1)(c) 135958
of this section. The reduction shall take effect on the first day 135959
of the immediately following calendar quarter. The Department 135960
shall notify the consulting organizations of the percentage 135961
reduction at least thirty days before it is to take effect. 135962

Section 333.184. VISION CARE SERVICES 135963

Both of the following apply to vision care services provided 135964
to Medicaid recipients during the period beginning January 1, 135965
2018, and ending July 1, 2019: 135966

(A) The Department of Medicaid shall establish a maximum 135967
Medicaid payment rate for the services unless there are no claims 135968
data available to the Department needed to establish the rate. 135969

(B) No payment methodology for the services shall rely only 135970
on a vision care service provider's charged amount. 135971

Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT 135972
ENROLLEES 135973

(A) As used in this section: 135974

(1) "Helping Ohioans Move, Expanding Choice program" means 135975
the component of the Medicaid program authorized by section 135976
5164.90 of the Revised Code. 135977

(2) "Home and community-based Medicaid waiver component" has 135978

the same meaning as in section 5166.01 of the Revised Code.	135979
(3) "Ohio Access Success Project" means the program	135980
established under section 5166.35 of the Revised Code.	135981
(B) Before January 1, 2019, the Department of Medicaid shall	135982
transfer all Medicaid recipients who are enrolled in the Ohio	135983
Access Success Project to the following:	135984
(1) Except as provided in division (B)(2) of this section,	135985
the Helping Ohioans Move, Expanding Choice program;	135986
(2) If the Helping Ohioans Move, Expanding Choice program is	135987
integrated into a home and community-based services Medicaid	135988
waiver component, the same or another home and community-based	135989
services Medicaid waiver component.	135990
Section 333.220. PATIENT-CENTERED MEDICAL HOME PROGRAM	135991
The Department of Medicaid's patient-centered medical home	135992
program, also known as the Comprehensive Primary Care Program, is	135993
hereby abolished.	135994
Section 333.223. MEDICAID MANAGED CARE ACADEMIC PERFORMANCE	135995
INCENTIVES	135996
The Department of Medicaid shall not implement during the	135997
2018-2019 fiscal biennium a program under which Medicaid managed	135998
care organizations receive incentives for helping Medicaid	135999
recipients who are enrolled in the organizations and attend	136000
low-performing primary schools to improve their academic	136001
performance.	136002
Section 333.230. NURSING FACILITY BED CONVERSION PILOT	136003
PROGRAM	136004
(A) As used in this section:	136005
(1) "Nursing facility" has the same meaning as in section	136006

5165.01 of the Revised Code. 136007

(2) "Nursing facility services" has the same meaning as in 136008
section 5165.01 of the Revised Code. 136009

(B) The Department of Medicaid shall operate a pilot program 136010
during fiscal years 2018 and 2019 under which the owners of 136011
nursing facilities located in Cuyahoga County may voluntarily 136012
cease to use one or more of the nursing facilities' beds for 136013
nursing facility services and instead begin to use those beds for 136014
substance use disorder treatment services. To so convert the use 136015
of a bed, all of the following requirements must be met: 136016

(1) The bed so converted cannot be occupied by an individual 136017
receiving nursing facility services or be needed for an individual 136018
seeking such services; 136019

(2) The Department of Health must do the following: 136020

(a) If other beds in the nursing facility will continue to be 136021
used for nursing facility services after the bed is converted, 136022
reduce the nursing facility's Medicaid certified capacity and the 136023
corresponding nursing home licensed capacity by the bed being 136024
converted; 136025

(b) If no beds in the nursing facility will continue to be 136026
used for nursing facility services after the bed is converted, 136027
terminate the nursing facility's Medicaid certification and 136028
nursing home license. 136029

(3) The substance use disorder treatment services for which 136030
the bed is to be used must satisfy the applicable standards for 136031
certification under section 5119.36 of the Revised Code and, if 136032
the owner of the bed seeks state or federal funds or funds 136033
administered by a board of alcohol, drug addiction, and mental 136034
health services to pay for the services, be certified under that 136035
section. 136036

(C) The Department of Health and Department of Mental Health and Addiction Services shall assist the Department of Medicaid with the operation of the pilot program.

(D) Not later than October 1, 2019, the Department of Medicaid shall complete a report about the pilot program. The report shall include the Department's recommendations about making the pilot program a permanent and statewide program. The Department shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public.

Section 333.240. PAYMENT RATES FOR HOSPITAL SERVICES

The Medicaid payment rate for a hospital service provided during the period beginning July 1, 2017, and ending June 30, 2019, shall equal the rate that was in effect for the same type of hospital service on January 1, 2017, except for any change in that rate that occurs as a result of any rebasing or recalibration of hospital payment rates by the Department of Medicaid on July 1, 2017.

Section 333.260. BEHAVIORAL HEALTH REDESIGN

(A) As used in this section:

(1) "Behavioral health carve-in" means the inclusion of community behavioral health services in the care management system.

(2) "Care management system" means the system established under section 5167.03 of the Revised Code.

(3) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(4) "Community behavioral health services" means both of the following:	136066
	136067
(a) Alcohol and drug addiction services provided by a community addiction services provider;	136068
	136069
(b) Mental health services provided by a community mental health services provider.	136070
	136071
(5) "Community behavioral health services provider" means both of the following:	136072
	136073
(a) A community addiction services provider;	136074
(b) A community mental health services provider.	136075
(6) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code.	136076
	136077
(7) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	136078
	136079
(B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before the later of January 1, 2018, or the date the requirement established by section 5164.761 of the Revised Code is satisfied:	136080
	136081
	136082
	136083
	136084
(1) Aligning billing codes for the services to national standards;	136085
	136086
(2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services;	136087
	136088
	136089
(3) Separating and repricing the services and providing for lower acuity service coordination and support services;	136090
	136091
(4) Requiring practitioners who are employed by a community behavioral health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid	136092
	136093
	136094

claims for the services; 136095

(5) Requiring community behavioral health services providers 136096
to submit claims for the services to a third party responsible for 136097
some or all of the costs of the services before the providers 136098
submit Medicaid claims for the services. 136099

(C)(1) Not later than October 1, 2017, the Medicaid Director 136100
and Director of Mental Health and Addiction Services shall do both 136101
of the following as part of the implementation of the changes to 136102
the Medicaid program's coverage of community behavioral health 136103
services specified in division (B) of this section: 136104

(a) Adopt rules; 136105

(b) Complete and make available to the public provider 136106
manuals, claims instructions, information technology resources, 136107
and other educational and training documents. 136108

(2) None of the actions taken under division (C)(1) of this 136109
section shall provide for implementing the changes to the Medicaid 136110
program's coverage of community behavioral health services 136111
specified in division (B) of this section before the later of 136112
January 1, 2018, or the date the requirement established by 136113
section 5164.761 of the Revised Code is satisfied. 136114

(D)(1) Not later than October 1, 2017, the Medicaid Director 136115
and Director of Mental Health and Addiction Services shall 136116
complete and make available to the public all of the following: 136117

(a) All policy changes that are needed to ensure there is no 136118
gap in Medicaid recipients' access to Medicaid-covered community 136119
behavioral health services resulting from the carve-in; 136120

(b) Revisions to the contracts between the Department of 136121
Medicaid and Medicaid managed care organizations regarding the 136122
organizations' panel requirements, prompt pay standards, quality 136123
measures, and other issues related to the carve-in; 136124

(c) Informational material about each Medicaid managed care organization's provider credentialing process;	136125 136126
(d) A list containing a telephone number for each Medicaid managed care organization that may be used to contact the organization about problems regarding claims and prior authorization for services;	136127 136128 136129 136130
(e) A process that community behavioral health services providers may use to test each Medicaid managed care organization's ability to accept the providers' claims before the carve-in is implemented;	136131 136132 136133 136134
(f) A process by which community behavioral health services providers may verify a Medicaid recipient's enrollment in a Medicaid managed care organization on the day the provider renders service to the recipient;	136135 136136 136137 136138
(g) A process by which community behavioral health services providers may ask each Medicaid managed care organization questions about the implementation and administration of the carve-in.	136139 136140 136141 136142
(2) None of the actions taken under division (D)(1) of this section shall provide for implementing the behavioral health carve-in before January 1, 2018.	136143 136144 136145
Section 333.270. STUDY COMMITTEE REGARDING MEDICAID MANAGED CARE	136146 136147
(A) There is hereby established the Patient-Centered Medicaid Managed Care Long-Term Services and Supports Study Committee. The study committee shall examine the merits of including in the care management system established under section 5167.03 of the Revised Code home and community-based services available under Medicaid waiver components and nursing facility services. All of the following shall serve as members of the study committee:	136148 136149 136150 136151 136152 136153 136154

(1) The chairperson of the Finance Subcommittee on Health and Human Services of the House of Representatives;	136155 136156
(2) The chairperson of the Aging and Long-Term Care Committee of the House of Representatives;	136157 136158
(3) The chairperson of the Health and Medicaid Subcommittee of the Senate Finance Committee;	136159 136160
(4) The chairperson of the Health, Human Services, and Medicaid Committee of the Senate;	136161 136162
(5) The Executive Director of the Office of Health Transformation or the Executive Director's designee;	136163 136164
(6) The Medicaid Director or the Director's designee;	136165
(7) The Director of Aging or the Director's designee;	136166
(8) The Director of Health or the Director's designee;	136167
(9) The State Long-Term Care Ombudsman or the Ombudsman's designee;	136168 136169
(10) One representative of each of the following organizations, as appointed by the chief executive of the organization:	136170 136171 136172
(a) Leadingage Ohio;	136173
(b) The Academy of Senior Health Sciences;	136174
(c) The Ohio Aging Advocacy Coalition;	136175
(d) The Ohio Assisted Living Association;	136176
(e) The Ohio Association of Health Plans;	136177
(f) The Ohio Association of Area Agencies on Aging;	136178
(g) The Ohio Council for Home Care and Hospice;	136179
(h) The Ohio Health Care Association;	136180
(i) The Ohio Olmstead Task Force;	136181

(j) The Universal Health Care Action Network Ohio;	136182
(k) AARP Ohio;	136183
(l) The Center for Community Solutions.	136184
(B) Appointments to the study committee shall be made not later than thirty days after the effective date of this section.	136185 136186
Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the study committee is part of their usual job duties.	136187 136188 136189
(C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (A)(1) and (2) of this section as the study committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (A)(3) and(4) of this section as the committee's co-chairperson. The Department of Medicaid shall provide the study committee any administrative assistance the study committee needs.	136190 136191 136192 136193 136194 136195 136196
(D) In conducting the examination required by division (A) of this section, the study committee shall do all of the following:	136197 136198
(1) Create implementation performance measures, including measures of readiness for claims adjudication and payment, waiver care plan approvals, prior authorization, and provider verification of Medicaid recipients' enrollment in the care management system;	136199 136200 136201 136202 136203
(2) Define key domains and measures of a quality, patient-centered long-term care delivery system;	136204 136205
(3) Recommend strategies for improving long-term care consumer education and choices;	136206 136207
(4) Recommend models of long-term care that increase population health and improve coordination, including models that include a shared savings component between Medicaid managed care organizations and long-term care providers and models that include	136208 136209 136210 136211

a quality incentive pool for long-term care providers that assist Medicaid managed care organizations in increasing the quality of the long-term care delivery system;

(5) Recommend improved measures of prompt pay and care authorization requirements and penalties for noncompliance with the requirements;

(6) Define key data sets and data variables that are essential to providers being able to better manage the total quality and cost of care of an assigned or attributed patient population;

(7) Recommend data sharing models between Medicaid managed care organizations and providers;

(8) Recommend policies for contracts with Medicaid managed care organizations that eliminate administrative duplication and standardize administrative functions, such as provider credentialing, prior authorization, and billing instructions, within the care management system.

(E) The study committee shall complete a report not later than December 31, 2018. The report shall include the study committee's recommendations regarding costs, benefits, and policies. The report shall be submitted to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(F) On submission of its report, the study committee shall cease to exist.

(G) Section 809.10 of this act does not apply to this section.

Section 333.273. HEALTHY OHIO PROGRAM WAIVER SUBMISSION

Not later than January 31, 2018, the Medicaid Director shall 136242
resubmit to the United States Department of Health and Human 136243
Services a request for a federal Medicaid waiver needed to 136244
implement the Healthy Ohio Program under sections 5166.40 to 136245
5166.409 of the Revised Code. 136246

Section 333.280. GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID 136247

It is the intent of the General Assembly to use the Healthy 136248
Ohio Program, as defined in section 5166.40 of the Revised Code, 136249
as a model for making medical assistance available to the state's 136250
qualifying residents if the United States Congress transforms the 136251
Medicaid program into a federal block grant. 136252

Section 333.283. GENERAL ASSEMBLY TO VOTE ON INCLUDING 136253
LONG-TERM CARE SERVICES IN MEDICAID MANAGED CARE 136254

(A) As used in this section: 136255

(1) "Care management system" means the system established 136256
under section 5167.03 of the Revised Code. 136257

(2) "Integrated Care Delivery System" has the same meaning as 136258
in section 5164.01 of the Revised Code. 136259

(3) "Long-term care services" means both of the following: 136260

(a) Home and community-based services available under 136261
Medicaid waiver components as defined in section 5166.01 of the 136262
Revised Code; 136263

(b) Nursing facility services as defined in section 5165.01 136264
of the Revised Code. 136265

(B) Not later than December 31, 2018, the General Assembly 136266
shall consider and vote on legislation that would authorize the 136267
inclusion of long-term care services in the care management system 136268
beyond the inclusion of those services that have been implemented 136269
under the Integrated Care Delivery System. 136270

Section 333.284. AREA AGENCIES ON AGING AND MEDICAID MANAGED	136271
CARE	136272
(A) As used in this section:	136273
(1) "Care management system" means the system established	136274
under section 5167.03 of the Revised Code.	136275
(2) "Dual eligible individuals" has the same meaning as in	136276
section 5160.01 of the Revised Code.	136277
(3) "Medicaid managed care organization" has the same meaning	136278
as in section 5167.01 of the Revised Code.	136279
(4) "Medicaid waiver component" has the same meaning as in	136280
section 5166.01 of the Revised Code.	136281
(B) If the Department of Medicaid expands the inclusion of	136282
the aged, blind, and disabled Medicaid eligibility group or dual	136283
eligible individuals in the care management system during the	136284
2018-2019 fiscal biennium, the Department shall do both of the	136285
following for the remainder of the fiscal biennium:	136286
(1) Require area agencies on aging to be the coordinators of	136287
home and community-based services available under Medicaid waiver	136288
components that those individuals and that eligibility group	136289
receive and permit Medicaid managed care organizations to delegate	136290
to the agencies full-care coordination functions for those	136291
services and other health-care services those individuals and that	136292
eligibility group receive;	136293
(2) In selecting managed care organizations with which to	136294
contract under section 5167.10 of the Revised Code, give	136295
preference to those organizations that will enter into	136296
subcapitation arrangements with area agencies on aging under which	136297
the agencies are to perform, in addition to other functions,	136298
network management and payment functions for home and	136299
community-based services available under Medicaid waiver	136300

components that those individuals and that eligibility group 136301
receive. 136302

Section 333.300. NONINSTITUTIONAL LABORATORY, RADIOLOGY, AND 136303
PATHOLOGY SERVICES 136304

The Medicaid payment rates for noninstitutional laboratory, 136305
radiology, and pathology services provided to a Medicaid recipient 136306
during the period beginning January 1, 2018, and ending July 1, 136307
2019, shall be five per cent lower than the rates for the services 136308
in effect on December 31, 2017. 136309

Section 333.320. CARE INNOVATION AND COMMUNITY IMPROVEMENT 136310
PROGRAM 136311

(A) As used in this section: 136312

(1) "Nonprofit hospital agency" means a nonprofit hospital 136313
agency, as defined in section 140.01 of the Revised Code, that is 136314
affiliated with a state university as defined in section 3345.011 136315
of the Revised Code. 136316

(2) "Participating agency" means a nonprofit hospital agency 136317
or public hospital agency participating in the Care Innovation and 136318
Community Improvement Program. 136319

(3) "Public hospital agency" has the same meaning as in 136320
section 140.01 of the Revised Code. 136321

(B) The Medicaid Director shall establish the Care Innovation 136322
and Community Improvement Program for the 2018-2019 fiscal 136323
biennium. Any nonprofit hospital agency or public hospital agency 136324
may volunteer to participate in the program if the agency operates 136325
a hospital that has a Medicaid provider agreement. 136326

(C) Participating agencies are responsible for the state 136327
share of the program's costs and shall make or request the 136328
appropriate government entity to make intergovernmental transfers 136329

to pay for such costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D)(1) Each participating agency shall do at least one of the following tasks in accordance with strategies, and for the purpose of meeting goals, the Medicaid Director shall establish for the Care Innovation and Community Improvement Program:

(a) Sustain and expand community-based patient centered medical home models;

(b) Expand access to community-based dental services;

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:

(i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;

(ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.

(2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and deaths.

(3) Each participating agency shall submit annual reports to the Joint Medicaid Oversight Committee summarizing the agency's work under division (D)(1) of this section and progress in meeting the goals of the Care Innovation and Community Improvement Program.

(4) The goals the Medicaid Director establishes for the Care Innovation and Community Improvement Program shall be designed to benefit Medicaid recipients.

(E) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(F) Not later than January 1, 2018, the Medicaid Director shall establish a process to evaluate the work done by participating agencies under division (D)(1) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not doing at least one of the tasks specified

in division (D)(1) of this section or making progress in meeting 136392
the program's goals. 136393

(G) There is hereby created in the state treasury the Care 136394
Innovation and Community Improvement Program Fund. All 136395
intergovernmental transfers made under division (C) of this 136396
section shall be deposited into the fund. Money in the fund and 136397
the corresponding federal financial participation in the Health 136398
Care - Federal Fund created under section 5162.50 of the Revised 136399
Code shall be used to make supplemental payments under division 136400
(E) of this section. 136401

If the amount of the foregoing appropriation item 651686, 136402
Care Innovation and Community Improvement Program, and the 136403
corresponding federal financial participation in appropriation 136404
item 651623, Medicaid Services - Federal, are inadequate to make 136405
the supplemental payments required by division (E) of this 136406
section, the Medicaid Director may request that the Director of 136407
Budget and Management authorize additional expenditures from the 136408
Care Innovation and Community Improvement Program Fund and the 136409
Health Care - Federal Fund as needed to make the supplemental 136410
payments. If the Director of Budget and Management authorizes the 136411
additional expenditures, the additional amounts are hereby 136412
appropriated. 136413

Section 335.10. MED STATE MEDICAL BOARD 136414

Dedicated Purpose Fund Group 136415

5C60 883609 Operating Expenses \$ 10,163,504 \$ 11,064,757 136416

TOTAL DPF Dedicated Purpose Fund \$ 10,163,504 \$ 11,064,757 136417

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,163,504 \$ 11,064,757 136418

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 136420

SERVICES 136421

		General Revenue Fund					136422
GRF	336321	Central Administration	\$	14,597,616	\$	14,597,616	136423
GRF	336402	Resident Trainees	\$	450,000	\$	450,000	136424
GRF	336405	Family and Children First	\$	1,386,000	\$	1,386,000	136425
GRF	336406	Prevention and Wellness	\$	2,618,659	\$	2,618,659	136426
GRF	336410	Drug Addiction Detection	\$	2,500,000	\$	2,500,000	136427
GRF	336412	Hospital Services	\$	218,206,280	\$	222,849,644	136428
GRF	336415	Mental Health Facilities Lease	\$	20,323,000	\$	19,426,900	136429
		Rental Bond Payments					
GRF	336421	Continuum of Care Services	\$	72,214,846	\$	72,214,846	136430
GRF	336422	Criminal Justice Services	\$	13,416,418	\$	14,416,418	136431
GRF	336423	Addiction Services Partnership with Corrections	\$	25,500,000	\$	25,500,000	136432
GRF	336424	Recovery Housing	\$	1,000,000	\$	2,500,000	136433
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	136434
GRF	336504	Community Innovations	\$	9,600,000	\$	13,000,000	136435
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	136436
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	136437
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	136438
GRF	652321	Medicaid Support	\$	1,250,367	\$	1,250,367	136439

TOTAL GRF	General Revenue Fund	\$	406,566,061	\$	416,213,325	136440	
	Dedicated Purpose Fund Group					136441	
5TZ0	336600	Substance Abuse	\$	6,000,000	\$	6,000,000	136442
		Stabilization Centers					
2320	336621	Family and Children	\$	410,113	\$	410,113	136443
		First					
4750	336623	Statewide Treatment	\$	20,450,000	\$	15,550,000	136444
		and Prevention					
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733	136445
		Operating					
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000	136446
		Care					
5JL0	336629	Problem Gambling and	\$	6,267,609	\$	6,267,609	136447
		Casino Addiction					
5T90	336641	Problem Gambling	\$	1,495,000	\$	1,495,000	136448
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	136449
		Replacement					
6890	336640	Education and	\$	150,000	\$	150,000	136450
		Conferences					
TOTAL DPF	Dedicated Purpose Fund	\$	45,584,455	\$	40,684,455	136451	
	Group						
	Internal Service Activity Fund Group					136452	
1490	336609	Hospital Operating	\$	22,749,000	\$	22,790,000	136453
		Expenses					
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	136454
1500	336620	Special Education	\$	150,000	\$	150,000	136455
1510	336601	Ohio Pharmacy	\$	70,302,017	\$	70,302,017	136456
		Services					
4P90	336604	Community Mental	\$	1,250,000	\$	250,000	136457
		Health Projects					
TOTAL ISA	Internal Service Activity	\$	99,951,017	\$	98,992,017	136458	

Fund Group

Federal Fund Group					136459
3HB0 336503	Cures Opioid STR	\$	11,000,000	\$	0 136460
3240 336605	Medicaid/Medicare	\$	17,500,000	\$	17,500,000 136461
3A60 336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000 136462
3A70 336612	Social Services Block	\$	8,450,000	\$	8,450,000 136463
	Grant				
3A80 336613	Federal Grants	\$	5,500,000	\$	5,500,000 136464
3A90 336614	Mental Health Block	\$	17,058,470	\$	17,058,470 136465
	Grant				
3G40 336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756 136466
	Grant				
3H80 336606	Demonstration Grants	\$	15,000,000	\$	15,000,000 136467
3N80 336639	Administrative	\$	1,000,000	\$	1,000,000 136468
	Reimbursement				
3B10 652635	Community Medicaid	\$	5,000,000	\$	5,000,000 136469
	Legacy Costs				
3B10 652636	Community Medicaid	\$	6,000,000	\$	6,000,000 136470
	Legacy Support				
TOTAL FED	Federal Fund Group	\$	153,384,226	\$	142,384,226 136471
TOTAL ALL BUDGET	FUND GROUPS	\$	705,485,759	\$	698,274,023 136472

Section 337.30. PREVENTION AND WELLNESS 136474

The foregoing appropriation item 336406, Prevention and 136475
Wellness, shall be used as follows: 136476

(A) Up to \$500,000 in each fiscal year shall be used to 136477
support evidence-based prevention in school settings. 136478

(B) Up to \$1,500,000 in each fiscal year shall be distributed 136479
to boards of alcohol, drug addiction, and mental health services 136480
to purchase the provision of evidence-based prevention services 136481
from providers certified by the Department of Mental Health and 136482
Addiction Services. 136483

(C) Up to \$500,000 in each fiscal year shall be used to support suicide prevention efforts.

Section 337.33. DRUG ADDICTION DETECTION

The foregoing appropriation item 336410, Drug Addiction Detection, shall be used to develop a program to help teachers and educators identify students using or addicted to drugs, including opioids. The Department of Mental Health and Addiction Services shall collaborate with the Department of Education to develop this program.

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.50. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities.

(D) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be allocated to the Wingspan Care Group.

Section 337.60. CRIMINAL JUSTICE SERVICES

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:	136543 136544
(A) Provide forensic monitoring and tracking of individuals on conditional release;	136545 136546
(B) Provide forensic training;	136547
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	136548 136549 136550
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	136551 136552
(E) Provide specific grants in support of addiction services alternatives to incarceration;	136553 136554
(F) Support therapeutic communities; and	136555
(G) Support specialty dockets and expand or create new certified court programs.	136556 136557
Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED DOCKET PROGRAMS FOR DRUGS	136558 136559
(A) As used in this section:	136560
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	136561 136562
(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	136563 136564 136565 136566 136567 136568 136569
(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	136570 136571

(4) "Recovery supports" has the same meaning as in section 136572
5119.01 of the Revised Code. 136573

(B)(1) The Department of Mental Health and Addiction Services 136574
shall conduct a program to provide addiction treatment, which may 136575
include medication-assisted treatment and recovery supports, to 136576
persons who are eligible to participate in a medication-assisted 136577
treatment drug court program and are selected under this section 136578
to be participants in a MAT drug court program because of their 136579
dependence on opioids, alcohol, or both. 136580

(2) The Department shall conduct its program in collaboration 136581
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 136582
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 136583
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 136584
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 136585
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 136586
that are conducting MAT drug court programs. If in any of these 136587
counties there is no court conducting a MAT drug court program, 136588
the Department shall conduct its program in collaboration with a 136589
court that is conducting a MAT drug court program in another 136590
county. 136591

(3) In addition to conducting its program in accordance with 136592
division (B)(2) of this section, the Department may conduct its 136593
program in collaboration with any other court that is conducting a 136594
MAT drug court program. 136595

(C) In conducting its program, the Department shall 136596
collaborate with the Supreme Court, the Department of 136597
Rehabilitation and Correction, and any agency of the state that 136598
the Department of Mental Health and Addiction Services determines 136599
may be of assistance in accomplishing the objectives of the 136600
Department's program. The Department may collaborate with the 136601
boards of alcohol, drug addiction, and mental health services and 136602
with local law enforcement agencies that serve the counties in 136603

which a court participating in the Department's program is 136604
located. 136605

(D)(1) A MAT drug court program participating in the 136606
Department's program shall select the persons who are to be its 136607
participants for purposes of the Department's program. To be 136608
selected, a person must be a criminal offender or involved in a 136609
family drug or dependency court. A person shall not be selected to 136610
be a participant unless the person meets the legal and clinical 136611
eligibility criteria for the MAT drug court program and is an 136612
active participant in the MAT drug court program. 136613

(2) The total number of persons participating in the 136614
Department's program at any time shall not exceed one thousand 136615
five hundred, subject to available funding, except that the 136616
Department may authorize the maximum number to be exceeded in 136617
circumstances that the Department considers to be appropriate. 136618

(3) After a MAT drug court program enrolls a person as a 136619
participant for purposes of the Department's program, the 136620
participant shall comply with all requirements of the MAT drug 136621
court program. 136622

(E) The addiction treatment and recovery supports provided 136623
under the Department's program in collaboration with a MAT drug 136624
court program shall be provided by a community addiction services 136625
provider. The provider shall do all of the following: 136626

(1) Provide treatment based on an integrated service delivery 136627
model that consists of the coordination of care between a 136628
prescriber and the community addiction services provider; 136629

(2) Conduct professional, comprehensive substance abuse and 136630
mental health diagnostic assessments of a person under 136631
consideration for selection as a program participant to determine 136632
whether the person would benefit from substance abuse treatment 136633
and monitoring; 136634

(3) Determine, based on the assessment described in division	136635
(E)(2) of this section, the treatment needs of the program	136636
participants served by the community addiction services provider;	136637
(4) Develop, for program participants served by the community	136638
addiction services provider, individualized goals and objectives;	136639
(5) Provide access to the long-acting antagonist therapies,	136640
partial agonist therapies, or full agonist therapies, that are	136641
included in the program's medication-assisted treatment;	136642
(6) Provide other types of therapies, including psychosocial	136643
therapies, for both substance abuse and any disorders that are	136644
considered by the community addiction services provider to be	136645
co-occurring disorders;	136646
(7) Monitor program compliance through the use of regular	136647
drug testing, including urinalysis, of the program participants	136648
served by the community addiction services provider;	136649
(8) Provide access to time-limited recovery supports that	136650
help eliminate barriers to treatment and are specific to the	136651
participant's needs, including assistance with housing,	136652
transportation, child care, job training, obtaining a driver's	136653
license or state identification card, and any other matter	136654
considered relevant by the provider.	136655
(F) In the case of medication-assisted treatment provided	136656
under the Department's program, all of the following conditions	136657
apply:	136658
(1) A drug may be used only if the drug has been approved by	136659
the United States Food and Drug Administration for use in treating	136660
dependence on opioids, alcohol, or both, or for preventing relapse	136661
into the use of opioids, alcohol, or both.	136662
(2) One or more drugs may be used, but each drug that is used	136663
must constitute long-acting antagonist therapy, partial agonist	136664

therapy, or full agonist therapy. 136665

(3) If a drug constituting partial or full agonist therapy is 136666
used, the program shall provide safeguards to minimize abuse and 136667
diversion of the drug, including such safeguards as routine drug 136668
testing of program participants. 136669

(G) It is anticipated and expected that MAT drug court 136670
programs will expand their ability to serve more drug court 136671
participants as a result of increased access to commercial or 136672
publicly funded health insurance. In order to ensure that funds 136673
appropriated to support the Department's program are used in the 136674
most efficient manner with a goal of enrolling the maximum number 136675
of participants, the Medicaid Director, in collaboration with 136676
major Ohio health care plans, shall develop plans consistent with 136677
this division. There shall be no prior authorizations or step 136678
therapy for medication-assisted treatment for program 136679
participants. The plans developed under this division shall ensure 136680
all of the following: 136681

(1) The development of an efficient and timely process for 136682
review of eligibility for health benefits for all persons selected 136683
to participate in the program; 136684

(2) A rapid conversion to reimbursement for all health care 136685
services by the participant's health care plan following approval 136686
for coverage of health care benefits; 136687

(3) The development of a consistent benefit package that 136688
provides ready access to and reimbursement for essential health 136689
care services including, but not limited to, primary health care 136690
services, alcohol and opioid detoxification services, appropriate 136691
psychosocial services, and medication for long-acting injectable 136692
antagonist therapies, partial agonist therapies, and full agonist 136693
therapies; 136694

(4) The development of guidelines that require the provision 136695

of all treatment services, including medication, with minimal 136696
administrative barriers and within a time frame that meets the 136697
requirements of individual patient care plans. 136698

(H) Upon completion of the report required by division (J) of 136699
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 136700
the research institution that prepared the report shall submit the 136701
report to the Governor, Chief Justice of the Supreme Court, 136702
President of the Senate, Speaker of the House of Representatives, 136703
Director of Mental Health and Addiction Services, Director of 136704
Rehabilitation and Correction, and any state agency that the 136705
Department of Mental Health and Addiction Services collaborates 136706
with in conducting the program. 136707

(I) Not later than ninety days after the effective date of 136708
this section, the Department of Mental Health and Addiction 136709
Services shall select a research institution to evaluate the 136710
Department's program, as conducted in fiscal year 2018 and fiscal 136711
year 2019. To be selected, a research institution must have 136712
experience in evaluating multiple court systems across 136713
jurisdictions, in both rural and urban regions, experience in 136714
evaluating the use of agonist and antagonist therapies in MAT drug 136715
court programs, a record of producing material for scientific 136716
publications, expertise in health economics, and experience with 136717
patient issues involving ethics and consent. In addition, the 136718
institution must have an internal review board. 136719

The research institution selected shall prepare a report of 136720
its findings from the evaluation of the Department's program. The 136721
institution shall complete its report not later than December 31, 136722
2019. On completion, the institution shall submit the report to 136723
the Governor, Chief Justice of the Supreme Court, President of the 136724
Senate, Speaker of the House of Representatives, Department of 136725
Mental Health and Addiction Services, Department of Rehabilitation 136726
and Correction, and any other state agency that the Department of 136727

Mental Health and Addiction Services collaborates with in 136728
conducting its program. 136729

(J) Of the foregoing appropriation item 336422, Criminal 136730
Justice Services, up to \$8,000,000 in each fiscal year shall be 136731
used to support medication-assisted treatment for drug court 136732
specialized docket programs and to support the administrative 136733
expenses of courts participating in a program. 136734

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 136735
CORRECTIONS 136736

Any business commenced but not completed by July 1, 2015, by 136737
the Department of Rehabilitation and Correction regarding recovery 136738
services shall be completed by the Department of Mental Health and 136739
Addiction Services. No validation, cure, right, privilege, remedy, 136740
obligation, or liability is lost or impaired by reason of the 136741
transfer required by this section and shall be administered by the 136742
Department of Mental Health and Addiction Services. Any rules, 136743
orders, and determinations pertaining to the Bureau of Recovery 136744
Services continue in effect as rules, orders, and determinations 136745
of the Department of Mental Health and Addiction Services until 136746
modified or rescinded by the Department of Mental Health and 136747
Addiction Services. If necessary to ensure the integrity of the 136748
numbering of the Administrative Code, the Director of the 136749
Legislative Service Commission shall renumber the numbers to 136750
reflect their transfer to the Department of Mental Health and 136751
Addiction Services. 136752

Subject to the lay-off provisions of sections 124.321 to 136753
124.382 of the Revised Code, all employees of the Bureau of 136754
Recovery Services are hereby transferred to the Department of 136755
Mental Health and Addiction Services and retain their positions 136756
and all of their benefits. 136757

Wherever the Bureau of Recovery Services is referred to in 136758

any law, contract, or other document, the reference shall be 136759
deemed to refer to the Department of Mental Health and Addiction 136760
Services or its director, as appropriate. 136761

Any business commenced but not completed under appropriation 136762
item 505321, Institution Medical Services, pertaining to the 136763
Bureau of Recovery Services, shall be completed under 136764
appropriation item 336423, Addiction Services Partnership with 136765
Corrections, in the same manner, and with the same effect, as if 136766
completed with regard to appropriation item 505321, Institution 136767
Medical Services. 136768

Section 337.90. RECOVERY HOUSING 136769

The foregoing appropriation item 336424, Recovery Housing, 136770
shall be used to expand and support access to recovery housing as 136771
defined in section 340.01 of the Revised Code and in accordance 136772
with section 340.034 of the Revised Code. For expenditures that 136773
are capital in nature, the Department of Mental Health and 136774
Addiction Services shall develop procedures to administer these 136775
funds in a manner that is consistent with current community 136776
capital assistance guidelines. 136777

Section 337.100. SPECIALIZED DOCKET SUPPORT 136778

(A) The foregoing appropriation item 336425, Specialized 136779
Docket Support, shall be used to defray a portion of the annual 136780
payroll costs associated with the specialized docket of a common 136781
pleas court, municipal court, county court, juvenile court, or 136782
family court that meets all of the eligibility requirements in 136783
division (B) of this section, including a family dependency 136784
treatment docket. The foregoing appropriation item 336425, 136785
Specialized Docket Support, may also be used to defray costs 136786
associated with treatment services and recovery supports for 136787
participants. 136788

(B) To be eligible, the specialized docket must have received 136789
Supreme Court of Ohio final certification and include participants 136790
with behavioral health needs in its target population. 136791

(C) Of the foregoing appropriation item 336425, Specialized 136792
Docket Support, the Department of Mental Health and Addiction 136793
Services shall use up to one per cent of the funds appropriated in 136794
each fiscal year to pay the cost it incurs in administering the 136795
duties established in this section. 136796

(D) The Department, in consultation with the Supreme Court of 136797
Ohio, may adopt funding distribution methodology, guidelines, and 136798
procedures as necessary to carry out the purposes of this section. 136799

Section 337.103. COMMUNITY INNOVATIONS REAPPROPRIATION 136800

Of the unexpended, unencumbered balance of the foregoing 136801
appropriation item 336504, Community Innovations, at the end of 136802
fiscal year 2017, \$2,000,000 is hereby reappropriated to the same 136803
appropriation item for fiscal year 2018. These funds shall be used 136804
for the purposes of workforce recruitment and retention, including 136805
support of community behavioral health centers in the provision of 136806
clinical oversight and supervision of practitioners working toward 136807
their independent licensure, tuition reimbursement and loan 136808
repayment, and other activities that support recruitment and 136809
retention. 136810

Section 337.110. COMMUNITY INNOVATIONS 136811

The foregoing appropriation item 336504, Community 136812
Innovations, may be used by the Department of Mental Health and 136813
Addiction Services to make targeted investments in programs, 136814
projects, or systems operated by or under the authority of other 136815
state agencies, governmental entities, or private not-for-profit 136816
agencies that impact, or are impacted by, the operations and 136817
functions of the Department, with the goal of achieving a net 136818

reduction in expenditure of state general revenue funds and/or 136819
improved outcomes for Ohio citizens without a net increase in 136820
state general revenue fund spending. 136821

The Director shall identify and evaluate programs, projects, 136822
or systems proposed or operated, in whole or in part, outside of 136823
the authority of the Department, where targeted investment of 136824
these funds in the program, project, or system is expected to 136825
decrease demand for the Department or other resources funded with 136826
state general revenue funds, and/or to measurably improve outcomes 136827
for Ohio citizens with mental illness or with alcohol, drug, or 136828
gambling addictions. The Director shall have discretion to 136829
transfer money from the appropriation item to other state 136830
agencies, governmental entities, or private not-for-profit 136831
agencies in amounts, and subject to conditions, that the Director 136832
determines most likely to achieve state savings and/or improved 136833
outcomes. Distribution of moneys from this appropriation item 136834
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 136835
the Revised Code. 136836

The Department shall enter into an agreement with each 136837
recipient of community innovation funds, identifying: allowable 136838
expenditure of the funds; other commitment of funds or other 136839
resources to the program, project, or system; expected state 136840
savings and/or improved outcomes and proposed mechanisms for 136841
measurement of such savings or outcomes; and required reporting 136842
regarding expenditure of funds and savings or outcomes achieved. 136843

Of the foregoing appropriation item 336504, Community 136844
Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 136845
in fiscal year 2019 shall be used to provide funding for community 136846
projects across the state that focus on support for families, 136847
assisting families in avoiding crisis, and crisis intervention. 136848

Of the foregoing appropriation item 336504, Community 136849
Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in 136850

fiscal year 2019 shall be used to enhance access to naloxone 136851
across the state for county health departments to then disperse 136852
through a grant program to local law enforcement, emergency 136853
personnel, and first responders. If local law enforcement, 136854
emergency personnel, and first responders are not making use of 136855
the naloxone grant funds, the county health department may use 136856
grant funding to provide naloxone through a Project DAWN program 136857
within the county. 136858

Of the foregoing appropriation item 336504, Community 136859
Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 136860
fiscal year 2019 shall be used to support projects that assist 136861
local communities in implementing a full continuum of care, 136862
including workforce development, as described in division (A)(1) 136863
of section 340.03 of the Revised Code. 136864

Of the foregoing appropriation item 336504, Community 136865
Innovations, \$4,000,000 in each fiscal year shall be allocated to 136866
the Psychotropic Drug Reimbursement Program established in section 136867
5119.19 of the Revised Code. On July 1, 2018, or as soon as 136868
possible thereafter, the Director of Mental Health and Addiction 136869
Services shall certify to the Director of Budget and Management 136870
the amount of the unexpended, unencumbered allocation for the 136871
program in fiscal year 2018. The amount certified is hereby 136872
reappropriated to appropriation item 336504, Community 136873
Innovations, in fiscal year 2019 for the same purpose. 136874

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 136875

(A) The foregoing appropriation item 336510, Residential 136876
State Supplement, may be used by the Department of Mental Health 136877
and Addiction Services to provide training for residential 136878
facilities providing accommodations, supervision, and personal 136879
care services to three to sixteen unrelated adults with mental 136880
illness and to make payments to residential state supplement 136881

recipients.	136882
(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.	136883 136884 136885
Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION	136886 136887
The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.	136888 136889 136890 136891 136892 136893 136894 136895 136896
Section 337.140. MEDICAID SUPPORT	136897
The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.	136898 136899 136900
Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION	136901
A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.	136902 136903 136904 136905 136906
Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL	136907 136908
A county family and children first council may establish and	136909

operate a flexible funding pool in order to assure access to 136910
needed services by families, children, and older adults in need of 136911
protective services. The operation of the flexible funding pools 136912
shall be subject to the following restrictions: 136913

(A) The county council shall establish and operate the 136914
flexible funding pool in accordance with formal guidance issued by 136915
the Family and Children First Cabinet Council; 136916

(B) The county council shall produce an annual report on its 136917
use of the pooled funds. The annual report shall conform to a 136918
format prescribed in the formal guidance issued by the Family and 136919
Children First Cabinet Council; 136920

(C) Unless otherwise restricted, funds transferred to the 136921
flexible funding pool may include state general revenues allocated 136922
to local entities to support the provision of services to families 136923
and children; 136924

(D) The amounts transferred to the flexible funding pool 136925
shall be limited to amounts that can be redirected without 136926
impairing the achievement of the objectives for which the initial 136927
allocation is designated; and 136928

(E) Each amount transferred to the flexible funding pool from 136929
a specific allocation shall be approved for transfer by the 136930
director of the local agency that was the original recipient of 136931
the allocation. 136932

Section 337.163. DATA COLLECTION AND SHARING BY AGENCIES THAT 136933
SERVE MULTI-SYSTEM YOUTH 136934

(A) As used in this section: 136935

(1) "Behavioral Health Redesign" means proposals developed in 136936
a collaborative effort by the Office of Health Transformation, 136937
Department of Medicaid, and Department of Mental Health and 136938
Addiction Services to make revisions to the Medicaid program's 136939

coverage of community behavioral health services beginning July 1, 136940
2017, including revisions that update Medicaid billing codes and 136941
payment rates for community behavioral health services. 136942

(2) "Community behavioral health services" means both of the 136943
following: 136944

(a) Alcohol and drug addiction services provided by a 136945
community addiction services provider, as defined in section 136946
5119.01 of the Revised Code; 136947

(b) Mental health services provided by a community mental 136948
health services provider, as defined in section 5119.01 of the 136949
Revised Code. 136950

(3) "Multi-system youth" means a youth that is in need of 136951
services from two or more of the following: 136952

(a) The child welfare system; 136953

(b) The mental health and addiction services system; 136954

(c) The developmental disabilities system; 136955

(d) The juvenile court system. 136956

(B) The Director of Mental Health and Addiction Services, in 136957
the Director's position as the chairperson of the Ohio Family and 136958
Children First Cabinet Council, shall establish a strategy for 136959
data collection and sharing by agencies that serve multi-system 136960
youth. When establishing the strategy, the Director shall consider 136961
that the purpose of the data collection and sharing is to 136962
determine resource utilization, service utilization trends and 136963
gaps, and monitor outcomes. The Director shall ensure that the 136964
strategy, when implemented, is able to identify and monitor the 136965
availability of evidence-based services that target multi-system 136966
youth before and after implementation of the Behavioral Health 136967
Redesign, as well as before and after delivery of community 136968
behavioral health services is made a component of Medicaid managed 136969

care. 136970

(C) The Director shall submit a report to the Governor and 136971
General Assembly on both of the following: 136972

(1) The parameters of the strategy required by division (B) 136973
of this section; 136974

(2) The cost to implement the strategy not later than 136975
December 31, 2017. 136976

The submission to the General Assembly shall be made in 136977
accordance with section 101.68 of the Revised Code. 136978

Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 136979

The designation of administering agency for federal aid shall 136980
be held jointly by the Department of Mental Health and Addiction 136981
Services and the Department of Medicaid for determining 136982
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 136983
Department of Mental Health and Addiction Services remains the 136984
designated agency for all other purposes established by 42 U.S.C. 136985
300x et seq. and section 5119.32 of the Revised Code. 136986

Section 337.180. ACCESS SUCCESS II PROGRAM 136987

To the extent cash is available, the Director of Budget and 136988
Management may transfer cash from the Money Follows the Person 136989
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 136990
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 136991
by the Department of Mental Health and Addiction Services. The 136992
transferred cash is hereby appropriated. 136993

The Department of Mental Health and Addiction Services shall 136994
use the transferred funds to administer the Access Success II 136995
Program to help non-Medicaid patients in any hospital established, 136996
controlled, or supervised by the Department under Chapter 5119. of 136997
the Revised Code to transition from inpatient status to a 136998

community setting.					136999	
Section 337.190.	CASH TRANSFER FROM THE INDIGENT DRIVERS				137000	
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION					137001	
FUND					137002	
On a schedule determined by the Director of Budget and					137003	
Management, the Director of Mental Health and Addiction Services					137004	
shall certify to the Director of Budget and Management the amount					137005	
of excess license reinstatement fees that are available pursuant					137006	
to division (F)(2)(c) of section 4511.191 of the Revised Code to					137007	
be transferred from the Indigent Drivers Alcohol Treatment Fund					137008	
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund					137009	
4750). Upon certification, the Director of Budget and Management					137010	
may transfer cash from the Indigent Drivers Alcohol Treatment Fund					137011	
to the Statewide Treatment and Prevention Fund.					137012	
Section 337.200.	CURES OPIOID STR				137013	
The foregoing appropriation item 336503, Cures Opioid STR,					137014	
shall be used pursuant to the goals and requirements of the State					137015	
Targeted Response to the Opioid Crisis Grant provision in the					137016	
federal "21st Century Cures Act," Public Law 114-255.					137017	
Section 337.220.	SUBSTANCE ABUSE STABILIZATION CENTERS				137018	
The foregoing appropriation item 336600, Substance Abuse					137019	
Stabilization Centers, shall be used in accordance with division					137020	
(G)(3) of Section 757.20 of this act.					137021	
Section 339.10.	MIH COMMISSION ON MINORITY HEALTH				137022	
General Revenue Fund					137023	
GRF 149321	Operating Expenses	\$	654,939	\$	654,939	137024
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	137025
GRF 149502	Lupus Program	\$	93,120	\$	93,120	137026

GRF 149503	Infant Mortality	\$	985,000	\$	985,000	137027
	Health Grants					
TOTAL GRF	General Revenue Fund	\$	2,585,665	\$	2,585,665	137028
	Dedicated Purpose Fund Group					137029
4C20 149601	Minority Health	\$	50,000	\$	50,000	137030
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	137031
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	2,635,665	\$	2,635,665	137032
	Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD					137034
	Dedicated Purpose Fund Group					137035
4K90 865601	Operating Expenses	\$	587,371	\$	604,593	137036
TOTAL DPF	Dedicated Purpose Fund	\$	587,371	\$	604,593	137037
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	587,371	\$	604,593	137038
	Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES					137040
	General Revenue Fund					137041
GRF 725401	Division of	\$	1,773,000	\$	1,773,000	137042
	Wildlife-Operating					
	Subsidy					
GRF 725413	Parks and Recreational	\$	39,002,200	\$	44,442,400	137043
	Facilities Lease					
	Rental Bond Payments					
GRF 725456	Canal Lands	\$	130,950	\$	130,950	137044
GRF 725505	Healthy Lake Erie	\$	800,000	\$	1,000,000	137045
	Program					
GRF 725507	Coal and Mine Safety	\$	2,773,178	\$	2,773,178	137046
	Programs					
GRF 725903	Natural Resources	\$	25,450,300	\$	19,317,800	137047
	General Obligation					

		Bond Debt Service					
GRF	727321	Division of Forestry	\$	2,672,919	\$	4,612,919	137048
GRF	729321	Office of Information	\$	179,750	\$	179,750	137049
		Technology					
GRF	730321	Parks and Recreation	\$	30,579,551	\$	30,596,130	137050
GRF	736321	Division of	\$	2,034,175	\$	2,017,848	137051
		Engineering					
GRF	737321	Division of Water	\$	946,530	\$	1,183,161	137052
		Resources					
GRF	738321	Office of Real Estate	\$	720,175	\$	720,175	137053
		and Land Management					
GRF	741321	Division of Natural	\$	986,149	\$	1,232,686	137054
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	108,048,877	\$	109,979,997	137055
		Dedicated Purpose Fund Group					137056
2270	725406	Parks Projects	\$	850,000	\$	900,000	137057
		Personnel					
4300	725671	Canal Lands	\$	924,919	\$	927,128	137058
4S90	725622	NatureWorks Personnel	\$	800,000	\$	800,000	137059
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	137060
		Protection					
5090	725602	State Forest	\$	9,695,418	\$	8,009,525	137061
5110	725646	Ohio Geological	\$	3,922,925	\$	3,818,039	137062
		Mapping					
5120	725605	State Parks Operations	\$	31,000,000	\$	31,000,000	137063
5140	725606	Lake Erie Shoreline	\$	2,125,649	\$	1,681,699	137064
5160	725620	Water Management	\$	2,864,291	\$	2,878,291	137065
5180	725643	Oil and Gas Regulation	\$	19,444,876	\$	19,444,876	137066
		and Safety					
5180	725677	Oil and Gas Well	\$	6,000,000	\$	6,000,000	137067
		Plugging					
5210	725627	Off-Road Vehicle	\$	350,000	\$	350,000	137068
		Trails					

5220	725656	Natural Areas and Preserves	\$	650,000	\$	546,973	137069
5290	725639	Mining Regulation and Safety	\$	4,764,897	\$	4,499,705	137070
5310	725648	Reclamation Forfeiture	\$	5,315,262	\$	217,471	137071
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	137072
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	137073
5HK0	725625	Ohio Nature Preserves	\$	55,162	\$	1,000	137074
5MF0	725635	Ohio Geology License Plate	\$	5,000	\$	5,000	137075
5MW0	725604	Natural Resources Special Purposes	\$	2,000,000	\$	2,000,000	137076
5P20	725634	Wildlife Boater Angler Administration	\$	4,000,000	\$	4,000,000	137077
5TD0	725514	Park Maintenance	\$	1,356,000	\$	1,356,000	137078
6150	725661	Dam Safety	\$	1,155,691	\$	1,155,691	137079
6970	725670	Submerged Lands	\$	717,155	\$	717,155	137080
7015	740401	Division of Wildlife Conservation	\$	60,000,000	\$	60,000,000	137081
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	137082
7086	739401	Watercraft Operations	\$	21,228,023	\$	21,228,023	137083
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	137084
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	137085
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	137086
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	137087
8190	725685	Ohio River Management	\$	140,000	\$	140,000	137088
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	137089
TOTAL	DPF	Dedicated Purpose Fund	\$	192,021,824	\$	184,333,132	137090

Group

Internal Service Activity Fund Group				137091
1550	725601	Departmental Projects	\$ 1,523,950 \$	1,629,913 137092
1550	725676	Hocking Hills State Park Lodge	\$ 500,000 \$	500,000 137093
1570	725651	Central Support Indirect	\$ 5,632,162 \$	5,632,162 137094
2040	725687	Information Services	\$ 5,791,238 \$	5,791,238 137095
2050	725696	Human Resource Direct Services	\$ 2,698,048 \$	2,735,732 137096
2230	725665	Law Enforcement Administration	\$ 2,664,717 \$	2,827,473 137097
5100	725631	Maintenance - State-owned Residences	\$ 249,611 \$	249,611 137098
6350	725664	Fountain Square Facilities Management	\$ 3,647,224 \$	3,768,109 137099
TOTAL ISA Internal Service Activity Fund Group				137100
				\$ 22,706,950 \$ 23,134,238 137101
Capital Projects Fund Group				137102
7061	725405	Clean Ohio Trail Operating	\$ 301,796 \$	301,796 137103
TOTAL CPF Capital Projects Fund Group				137104
				\$ 301,796 \$ 301,796 137104
Fiduciary Fund Group				137105
4M80	725675	FOP Contract	\$ 20,219 \$	20,219 137106
TOTAL FID Fiduciary Fund Group				137107
				\$ 20,219 \$ 20,219 137107
Holding Account Fund Group				137108
R017	725659	Performance Cash Bond Refunds	\$ 528,993 \$	528,993 137109
R043	725624	Forestry	\$ 2,100,000 \$	2,100,000 137110
TOTAL HLD Holding Account				137111

Fund Group		\$	2,628,993	\$	2,628,993	137112
Federal Fund Group						137113
3320 725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	137114
3B30 725640	Federal Forest Pass-Thru	\$	350,000	\$	350,000	137115
3B40 725641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	137116
3B50 725645	Federal Abandoned Mine Lands	\$	12,541,621	\$	15,465,471	137117
3B60 725653	Federal Land and Water Conservation Grants	\$	950,634	\$	950,634	137118
3B70 725654	Reclamation - Regulatory	\$	1,986,569	\$	1,697,242	137119
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000	137120
3P20 725642	Oil and Gas - Federal	\$	147,000	\$	147,000	137121
3P30 725650	Coastal Management - Federal	\$	1,905,150	\$	1,905,150	137122
3P40 725660	Federal - Soil and Water Resources	\$	601,000	\$	608,000	137123
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	1,200,000	\$	1,200,000	137124
3Z50 725657	Federal Recreation and Trails	\$	1,600,000	\$	1,600,000	137125
TOTAL FED	Federal Fund Group	\$	22,056,974	\$	24,698,497	137126
TOTAL ALL BUDGET	FUND GROUPS	\$	347,785,633	\$	345,096,872	137127

Section 343.20. PARK MAINTENANCE 137129

The foregoing appropriation item 725514, Park Maintenance, 137130
shall be used by the Department of Natural Resources to pay the 137131
costs of projects supported by the State Park Maintenance Fund 137132

(Fund 5TD0) under section 1501.08 of the Revised Code. 137133

On July 1, 2017, or as soon as possible thereafter, the 137134
Director of Natural Resources shall certify the amount of five 137135
percent of the average of the previous five years of deposits in 137136
the State Park Fund (Fund 5120) to the Director of Budget and 137137
Management. The Director of Budget and Management may transfer up 137138
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 137139
(Fund 5TD0). 137140

Section 343.30. CENTRAL SUPPORT INDIRECT FUND 137141

The Department of Natural Resources, with approval of the 137142
Director of Budget and Management, shall use a methodology for 137143
determining each division's payments into the Central Support 137144
Indirect Fund (Fund 1570). The methodology used shall contain the 137145
characteristics of administrative ease and uniform application in 137146
compliance with federal grant requirements. It may include direct 137147
cost charges for specific services provided. Payments to Fund 1570 137148
shall be made using an intrastate transfer voucher. 137149

The foregoing appropriation item 725401, Division of 137150
Wildlife-Operating Subsidy, shall be used to pay the direct and 137151
indirect costs of the Division of Wildlife. 137152

Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE 137153
RENTAL BOND PAYMENTS 137154

The foregoing appropriation item 725413, Parks and 137155
Recreational Facilities Lease Rental Bond Payments, shall be used 137156
to meet all payments during the period from July 1, 2017, through 137157
June 30, 2019, by the Department of Natural Resources pursuant to 137158
leases and agreements made under section 154.22 of the Revised 137159
Code. These appropriations are the source of funds pledged for 137160
bond service charges on related obligations issued under Chapter 137161
154. of the Revised Code. 137162

HEALTHY LAKE ERIE PROGRAM 137163

The foregoing appropriation item 725505, Healthy Lake Erie 137164
Program, shall be used by the Director of Natural Resources, in 137165
support of (1) conservation measures in the Western Lake Erie 137166
Basin as determined by the Director; (2) funding assistance for 137167
soil testing, winter cover crops, edge of field testing, tributary 137168
monitoring, animal waste abatement; and (3) any additional efforts 137169
to reduce nutrient runoff as the Director may decide. The Director 137170
shall give priority to recommendations that encourage farmers to 137171
adopt agricultural production guidelines commonly known as 4R 137172
nutrient stewardship practices. 137173

COAL AND MINE SAFETY PROGRAM 137174

The foregoing appropriation item 725507, Coal and Mine Safety 137175
Program, shall be used for the administration of the Mine Safety 137176
Program and the Coal Regulation Program. 137177

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 137178

The foregoing appropriation item 725903, Natural Resources 137179
General Obligation Bond Debt Service, shall be used to pay all 137180
debt service and related financing costs during the period July 1, 137181
2017, through June 30, 2019, on obligations issued under sections 137182
151.01 and 151.05 of the Revised Code. 137183

Section 343.50. OIL AND GAS WELL PLUGGING 137184

The foregoing appropriation item 725677, Oil and Gas Well 137185
Plugging, shall be used exclusively for the purposes of plugging 137186
wells and to properly restore the land surface of idle and orphan 137187
oil and gas wells pursuant to section 1509.071 of the Revised 137188
Code. This appropriation item shall not be used for salaries, 137189
maintenance, equipment, or other administrative purposes, except 137190
for those costs directly attributed to the plugging of an idle or 137191
orphan well. This appropriation item shall not be used to transfer 137192

cash to any other fund or appropriation item.	137193
WELL LOG FILING FEES	137194
The Chief of the Division of Water Resources shall deposit	137195
fees forwarded to the Division pursuant to section 1521.05 of the	137196
Revised Code into the Water Management Fund (Fund 5160) for the	137197
purposes described in that section.	137198
PARKS CAPITAL EXPENSES FUND	137199
The Director of Natural Resources shall submit to the	137200
Director of Budget and Management the estimated design,	137201
engineering, and planning costs of capital-related work to be done	137202
by Department of Natural Resources staff for parks projects within	137203
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the	137204
Director of Budget and Management approves the estimated costs,	137205
the Director may release appropriations from Fund 7035	137206
appropriation item C725E6, Project Planning, for those purposes.	137207
Upon release of the appropriations, the Department of Natural	137208
Resources shall pay for these expenses from the Parks Capital	137209
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be	137210
reimbursed by Fund 7035 using an intrastate transfer voucher.	137211
NATUREWORKS CAPITAL EXPENSES FUND	137212
The Department of Natural Resources shall submit to the	137213
Director of Budget and Management the estimated design, planning,	137214
and engineering costs of capital-related work to be done by	137215
Department of Natural Resources staff for each capital improvement	137216
project within the Ohio Parks and Natural Resources Fund (Fund	137217
7031). If the Director of Budget and Management approves the	137218
estimated costs, the Director may release appropriations from Fund	137219
7031 appropriation item C725E5, Project Planning, for those	137220
purposes. Upon release of the appropriations, the Department of	137221
Natural Resources shall pay for these expenses from the Capital	137222
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be	137223

reimbursed by Fund 7031 using an intrastate transfer voucher. 137224

Section 343.60. HUMAN RESOURCES DIRECT SERVICE 137225

The foregoing appropriation item 725696, Human Resources 137226
Direct Service, shall be used to cover the cost of support, 137227
coordination, and oversight of the Department of Natural 137228
Resources' human resources functions. The Human Resources 137229
Chargeback Fund (Fund 2050) shall consist of cash transferred to 137230
it via intrastate transfer voucher from other funds as determined 137231
by the Director of Natural Resources and the Director of Budget 137232
and Management. 137233

LAW ENFORCEMENT ADMINISTRATION 137234

The foregoing appropriation item 725665, Law Enforcement 137235
Administration, shall be used to cover the cost of support, 137236
coordination, and oversight of the Department of Natural 137237
Resources' law enforcement functions. The Law Enforcement 137238
Administration Fund (Fund 2230) shall consist of cash transferred 137239
to it via intrastate transfer voucher from other funds as 137240
determined by the Director of Natural Resources and the Director 137241
of Budget and Management. 137242

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 137243

The foregoing appropriation item 725664, Fountain Square 137244
Facilities Management, shall be used for payment of repairs, 137245
renovation, utilities, property management, and building 137246
maintenance expenses for the Fountain Square complex and the 137247
Department of Natural Resources grounds at the Ohio Expo Center. 137248
Cash transferred by intrastate transfer vouchers from various 137249
department funds and rental income received by the Department of 137250
Natural Resources shall be deposited into the Fountain Square 137251
Facilities Management Fund (Fund 6350). 137252

Section 343.70. CLEAN OHIO TRAIL OPERATING EXPENSES 137253

The foregoing appropriation item 725405, Clean Ohio Trail 137254
 Operating, shall be used by the Department of Natural Resources in 137255
 administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 137256
 to section 1519.05 of the Revised Code. 137257

Section 345.10. NUR STATE BOARD OF NURSING 137258

Dedicated Purpose Fund Group 137259
 4K90 884609 Operating Expenses \$ 8,909,895 \$ 9,317,358 137260
 5AC0 884602 Nurse Education Grant \$ 1,518,500 \$ 1,518,500 137261
 Program
 5P80 884601 Nursing Special \$ 2,000 \$ 2,000 137262
 Issues
 TOTAL DPF Dedicated Purpose 137263
 Fund Group \$ 10,430,395 \$ 10,837,858 137264
 TOTAL ALL BUDGET FUND GROUPS \$ 10,430,395 \$ 10,837,858 137265

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 137267
AND ATHLETIC TRAINERS BOARD 137268

Dedicated Purpose Fund Group 137269
 4K90 890609 Operating Expenses \$ 996,053 \$ 1,059,477 137270
 TOTAL DPF Dedicated Purpose Fund 137271
 Group \$ 996,053 \$ 1,059,477
 TOTAL ALL BUDGET FUND GROUPS \$ 996,053 \$ 1,059,477 137272

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH 137274
DISABILITIES AGENCY 137275

General Revenue Fund 137276
 GRF 415402 Independent Living \$ 252,000 \$ 252,000 137277
 Council
 GRF 415406 Assistive Technology \$ 25,819 \$ 25,819 137278
 GRF 415431 Brain Injury \$ 126,567 \$ 126,567 137279
 GRF 415506 Services for \$ 15,580,444 \$ 15,580,444 137280

		Individuals with					
		Disabilities					
GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	137281
TOTAL GRF		General Revenue Fund	\$	16,012,410	\$	16,012,410	137282
		Dedicated Purpose Fund Group					137283
4670	415609	Business Enterprise	\$	1,555,368	\$	1,555,368	137284
		Operating Expenses					
4680	415618	Third Party Services	\$	12,300,000	\$	12,300,000	137285
		Funding					
4L10	415619	Services for	\$	3,575,191	\$	3,575,191	137286
		Rehabilitation					
TOTAL DPF		Dedicated Purpose					137287
Fund Group			\$	17,430,559	\$	17,430,559	137288
		Internal Service Activity Fund Group					137289
4W50	415606	Program Management	\$	12,486,502	\$	12,785,665	137290
TOTAL ISA		Internal Service Activity					137291
Fund Group			\$	12,486,502	\$	12,785,665	137292
		Federal Fund Group					137293
3170	415620	Disability	\$	82,228,048	\$	82,932,645	137294
		Determination					
3790	415616	Federal - Vocational	\$	115,837,977	\$	117,416,322	137295
		Rehabilitation					
3GH0	415602	Personal Care	\$	3,139,040	\$	3,139,040	137296
		Assistance					
3GH0	415604	Community Centers for	\$	1,022,000	\$	1,022,000	137297
		the Deaf					
3GH0	415613	Independent Living	\$	627,128	\$	627,128	137298
3L10	415608	Social Security	\$	7,000,000	\$	8,000,000	137299
		Special Program					
		Assistance					
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000	137300
		Employment					

3L40 415617	Vocational Rehabilitation Programs	\$ 1,778,721	\$ 1,778,721	137301
TOTAL FED	Federal Fund Group	\$ 212,632,914	\$ 215,915,856	137302
TOTAL ALL BUDGET FUND GROUPS		\$ 258,562,385	\$ 262,144,490	137303
	INDEPENDENT LIVING			137304
	The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.			137305 137306 137307 137308 137309
	Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.			137310 137311 137312 137313
	ASSISTIVE TECHNOLOGY			137314
	The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.			137315 137316 137317 137318
	BRAIN INJURY			137319
	The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.			137320 137321 137322 137323
	SERVICES FOR THE DEAF			137324
	The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.			137325 137326 137327
	Section 355.10. ODB OHIO OPTICAL DISPENSERS BOARD			137328

Dedicated Purpose Fund Group				137329
4K90 894609 Program Support	\$	235,768	\$	0 137330
TOTAL DPF Dedicated Purpose Fund	\$	235,768	\$	0 137331
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	235,768	\$	0 137332

Section 357.10. OPT STATE BOARD OF OPTOMETRY 137334

Dedicated Purpose Fund Group				137335
4K90 885609 Program Support	\$	227,394	\$	0 137336
TOTAL DPF Dedicated Purpose Fund	\$	227,394	\$	0 137337
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	227,394	\$	0 137338

Section 359.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 137340
AND PEDORTHICS 137341

Dedicated Purpose Fund Group				137342
4K90 973609 Operating Expenses	\$	122,574	\$	0 137343
TOTAL DPF Dedicated Purpose Fund	\$	122,574	\$	0 137344
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	122,574	\$	0 137345

Section 361.10. PEN PENSION SUBSIDIES 137346

General Revenue Fund				137347
GRF 090524 Police and Fire	\$	3,000	\$	3,000 137348
Disability Pension				
Fund				
GRF 090534 Police and Fire Ad	\$	42,000	\$	42,000 137349
Hoc Cost of Living				
GRF 090554 Police and Fire	\$	355,000	\$	355,000 137350
Survivor Benefits				
GRF 090575 Police and Fire Death	\$	20,000,000	\$	20,000,000 137351
Benefits				

TOTAL GRF General Revenue Fund	\$	20,400,000	\$	20,400,000	137352
TOTAL ALL BUDGET FUND GROUPS	\$	20,400,000	\$	20,400,000	137353

POLICE AND FIRE DEATH BENEFIT FUND 137354

The foregoing appropriation item 090575, Police and Fire 137355
 Death Benefits, shall be disbursed quarterly by the Treasurer of 137356
 State at the beginning of each quarter of each fiscal year to the 137357
 Board of Trustees of the Ohio Police and Fire Pension Fund. The 137358
 Treasurer of State shall certify such amounts quarterly to the 137359
 Director of Budget and Management. By the twentieth day of June of 137360
 each fiscal year, the Board of Trustees of the Ohio Police and 137361
 Fire Pension Fund shall certify to the Treasurer of State the 137362
 amount disbursed in the current fiscal year to make the payments 137363
 required by section 742.63 of the Revised Code and shall return to 137364
 the Treasurer of State moneys received from this appropriation 137365
 item but not disbursed. 137366

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 137367

RELEASE COMPENSATION BOARD 137368

Dedicated Purpose Fund Group 137369

6910 810632 Petroleum Underground	\$	1,433,220	\$	1,461,073	137370
Storage Tank Release					
Compensation Board -					
Operating					

TOTAL DPF Dedicated Purpose Fund	\$	1,433,220	\$	1,461,073	137371
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,433,220	\$	1,461,073	137372
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Section 367.10. PRX STATE BOARD OF PHARMACY 137374

Dedicated Purpose Fund Group 137375

4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	137376
4K90 658605 OARRS Integration -	\$	175,000	\$	210,000	137377
State					

4K90	887609	Operating Expenses	\$	8,285,214	\$	8,507,387	137378
5SG0	887612	Drug Database	\$	200,000	\$	200,000	137379
5SY0	887613	Medical Marijuana Control Program	\$	1,455,700	\$	1,335,200	137380
TOTAL DPF	Dedicated Purpose Fund Group		\$	10,265,914	\$	10,402,587	137381
Federal Fund Group							137382
3EB0	887608	2008 Developing/Enhancing PMP	\$	50,000	\$	0	137383
3HD0	887614	Pharmacy Federal Grants	\$	350,001	\$	350,000	137384
3HH0	658601	OARRS Integration - Federal	\$	1,700,000	\$	2,100,000	137385
TOTAL FED	Federal Fund Group		\$	2,100,001	\$	2,450,000	137386
TOTAL ALL BUDGET FUND GROUPS			\$	12,365,915	\$	12,852,587	137387
Section 369.10. PSY STATE BOARD OF PSYCHOLOGY							137389
Dedicated Purpose Fund Group							137390
4K90	882609	Operating Expenses	\$	624,880	\$	659,900	137391
TOTAL DPF	Dedicated Purpose Fund Group		\$	624,880	\$	659,900	137392
TOTAL ALL BUDGET FUND GROUPS			\$	624,880	\$	659,900	137394
Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION							137396
General Revenue Fund							137397
GRF	019401	State Legal Defense Services	\$	3,785,087	\$	4,006,983	137398
GRF	019403	Multi-County: State Share	\$	2,058,370	\$	2,079,410	137399
GRF	019404	Trumbull County - State Share	\$	553,340	\$	548,413	137400

GRF	019405	Training Account	\$	50,000	\$	50,000	137401
GRF	019501	County Reimbursement	\$	30,066,220	\$	31,188,211	137402
TOTAL GRF	General Revenue Fund		\$	36,513,017	\$	37,873,017	137403
Dedicated Purpose Fund Group							137404
1010	019607	Juvenile Legal Assistance	\$	207,351	\$	204,756	137405
4060	019603	Training and Publications	\$	25,000	\$	25,000	137406
4070	019604	County Representation	\$	407,613	\$	413,815	137407
4080	019605	Client Payments	\$	789,868	\$	807,884	137408
4C70	019601	Multi-County: County Share	\$	2,558,173	\$	2,662,641	137409
4N90	019613	Gifts and Grants	\$	10,530	\$	10,530	137410
4X70	019610	Trumbull County - County Share	\$	685,699	\$	698,234	137411
5740	019606	Civil Legal Aid	\$	17,760,000	\$	17,760,000	137412
5CX0	019617	Civil Case Filing Fee	\$	556,331	\$	533,722	137413
5DY0	019618	Indigent Defense Support - County Share	\$	32,868,000	\$	32,868,000	137414
5DY0	019619	Indigent Defense Support - State Office	\$	7,167,143	\$	7,212,874	137415
TOTAL DPF	Dedicated Purpose Fund Group		\$	63,035,708	\$	63,197,456	137416
Federal Fund Group							137418
3GJ0	019622	Byrne Memorial Grant	\$	7,766	\$	0	137419
3S80	019608	Federal Representation	\$	37,845	\$	38,315	137420
TOTAL FED	Federal Fund Group		\$	45,611	\$	38,315	137421
TOTAL ALL BUDGET FUND GROUPS			\$	99,594,336	\$	101,108,788	137422
INDIGENT DEFENSE OFFICE							137423

The foregoing appropriation items 019404, Trumbull County -	137424
State Share, and 019610, Trumbull County - County Share, shall be	137425
used to support an indigent defense office for Trumbull County.	137426
MULTI-COUNTY OFFICE	137427
The foregoing appropriation items 019403, Multi-County: State	137428
Share, and 019601, Multi-County: County Share, shall be used to	137429
support the Office of the Ohio Public Defender's Multi-County	137430
Branch Office Program.	137431
TRAINING ACCOUNT	137432
The foregoing appropriation item 019405, Training Account,	137433
shall be used by the Ohio Public Defender to provide legal	137434
training programs at no cost for private appointed counsel who	137435
represents at least one indigent defendant at no cost, state and	137436
county public defenders, and attorneys who contract with the Ohio	137437
Public Defender to provide indigent defense services.	137438
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	137439
FUND	137440
On July 1 of each fiscal year, or as soon as possible	137441
thereafter, the Director of Budget and Management shall transfer	137442
\$10,000 cash from the General Revenue Fund to the Legal Aid Fund	137443
(Fund 5740). The transferred cash shall be distributed by the Ohio	137444
Legal Assistance Foundation to Ohio's civil legal aid societies	137445
for the sole purpose of providing legal services for economically	137446
disadvantaged individuals.	137447
INDIGENT DEFENSE SUPPORT FUND	137448
The foregoing appropriation item 019619, Indigent Defense	137449
Support - State Office, shall be used by the Ohio Public Defender	137450
for the purposes of appointing assistant state public defenders,	137451
providing other personnel, equipment, and facilities necessary for	137452
the operation of the state public defender office, and providing	137453

training, developing and implementing electronic forms, or 137454
 establishing and maintaining an information technology system used 137455
 for the uniform operation of Chapter 120. of the Revised Code. 137456
 Notwithstanding section 120.08 of the Revised Code, from July 1, 137457
 2017, until the effective date of the amendments to that section 137458
 by this act, the Ohio Public Defender may use up to seventeen per 137459
 cent of the money in the Indigent Defense Support Fund (Fund 5DY0) 137460
 for those purposes. 137461

FEDERAL REPRESENTATION 137462

The foregoing appropriation item 019608, Federal 137463
 Representation, shall be used to support representation provided 137464
 by the Ohio Public Defender in federal court cases. 137465

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 137466

General Revenue Fund 137467

GRF	763403	EMA Operating	\$	4,300,443	\$	4,716,556	137468
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GRF	767420	Investigative Unit	\$	11,614,478	\$	11,973,378	137469
		Operating					

GRF	768425	Justice Program	\$	702,848	\$	1,001,194	137470
		Services					

GRF	769406	Homeland Security -	\$	2,586,618	\$	2,699,745	137471
		Operating					

TOTAL GRF	General Revenue Fund	\$	19,204,387	\$	20,390,873	137472
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Dedicated Purpose Fund Group 137473

4P60	768601	Justice Program	\$	330,000	\$	210,000	137474
		Services					

4V30	763662	EMA Service and	\$	751,000	\$	751,000	137475
		Reimbursements					

5BK0	768687	Criminal Justice	\$	550,000	\$	400,000	137476
		Services - Operating					

5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000	137477
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		Shelter Programs					
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	137478
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	137479
		Services Law					
		Enforcement Support					
5ML0	769635	Infrastructure	\$	100,000	\$	100,000	137480
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	137481
5RS0	768621	Community Police	\$	1,000,000	\$	1,000,000	137482
		Relations					
5Y10	767696	Ohio Investigative	\$	20,000	\$	20,000	137483
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	137484
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624	137485
		Safety					
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629	137486
		Planning					
8500	767628	Investigative Unit	\$	175,000	\$	175,000	137487
		Salvage					
TOTAL	DPF	Dedicated Purpose Fund	\$	16,759,199	\$	16,489,199	137488
		Group					
		Federal Fund Group					137489
3290	763645	Federal Mitigation	\$	7,960,000	\$	7,200,000	137490
		Program					
3370	763609	Federal Disaster	\$	20,019,000	\$	18,017,000	137491
		Relief					
3390	763647	Emergency Management	\$	49,600,000	\$	44,700,000	137492
		Assistance and					
		Training					
3FK0	768615	Justice Assistance	\$	100,000	\$	100,000	137493

		Grants - FFY11				
3FP0	767620	Ohio Investigative	\$	55,000	\$	55,000 137494
		Unit Justice				
		Contraband				
3FY0	768616	Justice Assistance	\$	100,000	\$	100,000 137495
		Grants - FFY12				
3FZ0	768617	Justice Assistance	\$	400,000	\$	400,000 137496
		Grants - FFY13				
3GA0	768618	Justice Assistance	\$	900,000	\$	900,000 137497
		Grants - FFY14				
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000 137498
		Grants - FFY15				
3GT0	767691	Investigative Unit	\$	300,000	\$	300,000 137499
		Federal Equity Share				
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000 137500
		- Food Stamps, Liquor				
		and Tobacco Laws				
3GU0	769631	Homeland Security	\$	1,400,000	\$	1,400,000 137501
		Disaster Grants				
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000 137502
3N50	763644	U.S. Department of	\$	31,672	\$	31,672 137503
		Energy Agreement				
TOTAL FED	Federal Fund Group		\$	105,265,672	\$	97,603,672 137504
TOTAL ALL BUDGET FUND GROUPS			\$	141,229,258	\$	134,483,744 137505

Section 373.20. STATE DISASTER RELIEF 137507

The State Disaster Relief Fund (Fund 5330) may accept 137508
transfers of cash or appropriations from Controlling Board 137509
appropriation items for the Ohio Emergency Management Agency 137510
disaster response costs and disaster program management costs, and 137511
may also be used for the following purposes: 137512

(A) To accept transfers of cash or appropriations from 137513
Controlling Board appropriation items for Ohio Emergency 137514

Management Agency public assistance and mitigation program match 137515
costs to reimburse eligible local governments and private 137516
nonprofit organizations for costs related to disasters; 137517

(B) To accept transfers of cash to reimburse the costs 137518
associated with Emergency Management Assistance Compact (EMAC) 137519
deployments; 137520

(C) To accept disaster related reimbursement from federal, 137521
state, and local governments. The Director of Budget and 137522
Management may transfer cash from reimbursements received by this 137523
fund to other funds of the state from which transfers were 137524
originally approved by the Controlling Board. 137525

(D) To accept transfers of cash or appropriations from 137526
Controlling Board appropriation items to fund the State Disaster 137527
Relief Program, for disasters that qualify for the program by 137528
written authorization of the Governor, and the State Individual 137529
Assistance Program for disasters that have been declared by the 137530
federal Small Business Administration and that qualify for the 137531
program by written authorization from the Governor. The Ohio 137532
Emergency Management Agency shall publish and make available 137533
application packets outlining procedures for the State Disaster 137534
Relief Program and the State Individual Assistance Program. 137535

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 137536
AGENCY SERVICE AND REIMBURSEMENT FUND 137537

On July 1 of each fiscal year, or as soon as possible 137538
thereafter, the Director of Budget and Management shall transfer 137539
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 137540
Emergency Management Agency Service and Reimbursement Fund (Fund 137541
4V30) to be distributed to the Ohio Task Force One - Urban Search 137542
and Rescue Unit, other similar urban search and rescue units 137543
around the state, and for maintenance of the statewide fire 137544
emergency response plan by an entity recognized by the Ohio 137545

Emergency Management Agency.					137546
DRUG LAW ENFORCEMENT FUND					137547
Notwithstanding division (D) of section 5502.68 of the					137548
Revised Code, in each of fiscal years 2018 and 2019, the					137549
cumulative amount of funding provided to any single drug task					137550
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not					137551
exceed \$500,000 in any calendar year.					137552
COMMUNITY POLICE RELATIONS					137553
The foregoing appropriation item 768621, Community Police					137554
Relations, shall be used to implement key recommendations of the					137555
Ohio Task Force on Community-Police Relations, including a					137556
database on use of force and officer involved shootings, a public					137557
awareness campaign, and state-provided assistance with					137558
policy-making and manuals.					137559
SARA TITLE III HAZMAT PLANNING					137560
The SARA Title III Hazmat Planning Fund (Fund 6810) is					137561
entitled to receive grant funds from the Emergency Response					137562
Commission to implement the Emergency Management Agency's					137563
responsibilities under Chapter 3750. of the Revised Code.					137564
Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					137565
Dedicated Purpose Fund Group					137566
4A30 870614 Grade Crossing	\$	750,000	\$	1,000,000	137567
Protection					
Devices-State					
4L80 870617 Pipeline Safety-State	\$	331,992	\$	331,992	137568
5610 870606 Power Siting Board	\$	581,000	\$	581,000	137569
5F60 870622 Utility and Railroad	\$	31,826,624	\$	31,826,624	137570
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	85,000	\$	85,000	137571
5LT0 870640 Intrastate	\$	195,000	\$	195,000	137572

		Registration					
5LT0	870641	Unified Carrier	\$	450,000	\$	450,000	137573
		Registration					
5LT0	870642	Hazardous Materials	\$	775,000	\$	775,000	137574
		Registration					
5LT0	870643	Non-hazardous	\$	292,000	\$	292,000	137575
		Materials Civil					
		Forfeiture					
5LT0	870644	Hazardous Materials	\$	898,800	\$	898,800	137576
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	4,750,000	\$	4,750,000	137577
		Enforcement					
5Q50	870626	Telecommunications	\$	3,500,000	\$	3,500,000	137578
		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	137579
		Protection					
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000	137580
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	44,801,416	\$	45,051,416	137581
		Group					
		Federal Fund Group					137582
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	137583
3500	870608	Motor Carrier Safety	\$	6,250,000	\$	6,250,000	137584
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	137585
		Information					
		Systems/Networks					
TOTAL FED		Federal Fund Group	\$	6,947,959	\$	6,947,959	137586
TOTAL ALL BUDGET FUND GROUPS			\$	51,749,375	\$	51,999,375	137587
		Section 377.10. PWC PUBLIC WORKS COMMISSION					137589
		General Revenue Fund					137590
GRF	150904	Conservation General	\$	37,500,000	\$	40,500,000	137591

		Obligation Bond Debt Service				
GRF	150907	Infrastructure	\$	227,005,100	\$	220,142,200 137592
		Improvement General Obligation Bond Debt Service				
TOTAL GRF	General Revenue Fund		\$	264,505,100	\$	260,642,200 137593
	Capital Projects Fund Group					137594
7038	150321	State Capital	\$	880,952	\$	880,952 137595
		Improvements Program - Operating Expenses				
7056	150403	Clean Ohio	\$	296,051	\$	296,051 137596
		Conservation Operating				
TOTAL CPF	Capital Projects Fund Group		\$	1,177,003	\$	1,177,003 137597
TOTAL ALL BUDGET FUND GROUPS			\$	265,682,103	\$	261,819,203 137598

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 137600

SERVICE 137601

The foregoing appropriation item 150904, Conservation General 137602
Obligation Bond Debt Service, shall be used to pay all debt 137603
service and related financing costs during the period from July 1, 137604
2017, through June 30, 2019, at the times they are required to be 137605
made for obligations issued under sections 151.01 and 151.09 of 137606
the Revised Code. 137607

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 137608

SERVICE 137609

The foregoing appropriation item 150907, Infrastructure 137610
Improvement General Obligation Bond Debt Service, shall be used to 137611
pay all debt service and related financing costs during the period 137612
from July 1, 2017, through June 30, 2019, at the times they are 137613

required to be made for obligations issued under sections 151.01 137614
and 151.08 of the Revised Code. 137615

CLEAN OHIO CONSERVATION OPERATING 137616

The foregoing appropriation item 150403, Clean Ohio 137617
Conservation Operating, shall be used by the Ohio Public Works 137618
Commission in administering Clean Ohio Conservation Fund (Fund 137619
7056) projects pursuant to sections 164.20 to 164.27 of the 137620
Revised Code. 137621

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 137622

The foregoing appropriation item 150321, State Capital 137623
Improvements Program - Operating Expenses, shall be used by the 137624
Ohio Public Works Commission to administer the State Capital 137625
Improvement Program under sections 164.01 to 164.16 of the Revised 137626
Code. 137627

DISTRICT ADMINISTRATION COSTS 137628

The Director of the Public Works Commission is authorized to 137629
create a District Administration Costs Program from proceeds of 137630
the Capital Improvements Fund and Local Transportation Improvement 137631
Program Fund. The program shall be used to provide for the direct 137632
costs of district administration of the nineteen public works 137633
districts. Districts choosing to participate in the program shall 137634
only expend State Capital Improvements Fund moneys for State 137635
Capital Improvements Fund costs and Local Transportation 137636
Improvement Program Fund moneys for Local Transportation 137637
Improvement Program Fund costs. The District Administration Costs 137638
Program account shall not exceed \$1,235,000 per fiscal year. Each 137639
public works district may be eligible for up to \$65,000 per fiscal 137640
year from its district allocation as provided in sections 164.08 137641
and 164.14 of the Revised Code. 137642

The Director, by rule, shall define allowable and 137643
nonallowable costs for the purpose of the District Administration 137644

Costs Program. Nonallowable costs include indirect costs, elected 137645
official salaries and benefits, and project-specific costs. No 137646
district public works committee may participate in the District 137647
Administration Costs Program without the approval of those costs 137648
by the district public works committee under section 164.04 of the 137649
Revised Code. 137650

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 137651

The Director of the Public Works Commission is authorized to 137652
create a District Administration Costs Program for districts 137653
represented by natural resource assistance councils. This program 137654
shall be funded from proceeds of the Clean Ohio Conservation Fund. 137655
The program shall be used by natural resource assistance councils 137656
in order to provide for administration costs of the nineteen 137657
natural resource assistance councils for the direct costs of 137658
council administration. Councils choosing to participate in this 137659
program may be eligible for up to \$15,000 per fiscal year from its 137660
district allocation as provided in section 164.27 of the Revised 137661
Code. The director shall define allowable and nonallowable costs 137662
for the purpose of the District Administration Costs Program. 137663
Nonallowable costs include indirect costs, elected official 137664
salaries and benefits, and project-specific costs. 137665

Section 379.10. RAC STATE RACING COMMISSION 137666

Dedicated Purpose Fund Group				137667
5620	875601	Thoroughbred Development	\$ 1,400,000 \$ 1,400,000	137668
5630	875602	Standardbred Development	\$ 1,550,000 \$ 1,550,000	137669
5650	875604	Racing Commission Operating	\$ 3,743,995 \$ 3,770,948	137670
5JK0	875610	Horse Racing Development-Casino	\$ 8,512,095 \$ 8,512,095	137671

5NL0 875611	Revenue	\$	8,000,000	\$	8,000,000	137672
	Redistribution					
TOTAL DPF	Dedicated Purpose Fund	\$	23,206,090	\$	23,233,043	137673
Group						
Fiduciary Fund Group						137674
5C40 875607	Simulcast Horse	\$	9,000,000	\$	9,000,000	137675
	Racing Purse					
TOTAL FID	Fiduciary Fund Group	\$	9,000,000	\$	9,000,000	137676
Holding Account Fund Group						137677
R021 875605	Bond Reimbursements	\$	100,000	\$	100,000	137678
TOTAL HLD	Holding Account Fund	\$	100,000	\$	100,000	137679
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	32,306,090	\$	32,333,043	137680

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION 137682

General Revenue Fund						137683
GRF 235321	Operating Expenses	\$	5,591,743	\$	5,590,720	137684
GRF 235402	Sea Grants	\$	299,250	\$	299,250	137685
GRF 235406	Articulation and	\$	1,812,773	\$	1,812,773	137686
	Transfer					
GRF 235408	Midwest Higher	\$	111,550	\$	111,550	137687
	Education Compact					
GRF 235414	Grants and Scholarship	\$	818,433	\$	818,433	137688
	Administration					
GRF 235417	Technology Maintenance	\$	4,313,698	\$	4,313,698	137689
	and Operations					
GRF 235428	Appalachian New	\$	828,000	\$	828,000	137690
	Economy Workforce					
	Partnership					
GRF 235438	Choose Ohio First	\$	16,174,447	\$	16,174,447	137691
	Scholarship					
GRF 235443	Adult Basic and	\$	7,083,344	\$	7,083,344	137692

	Literacy Education - State				
GRF 235444	Ohio Technical Centers	\$	16,476,150	\$	16,640,913 137693
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 137694
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 137695
GRF 235501	State Share of Instruction	\$	1,979,416,550	\$	1,979,416,550 137696
GRF 235502	Student Support Services	\$	632,974	\$	632,974 137697
GRF 235504	War Orphans Scholarships	\$	8,077,000	\$	8,372,500 137698
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 137699
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723 137700
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 137701
GRF 235511	Cooperative Extension Service	\$	23,968,942	\$	23,962,050 137702
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516 137703
GRF 235515	Case Western Reserve University School of Medicine	\$	2,081,865	\$	2,081,865 137704
GRF 235519	Family Practice	\$	3,071,199	\$	3,071,199 137705
GRF 235520	Shawnee State Supplement	\$	2,537,456	\$	2,537,456 137706
GRF 235525	Geriatric Medicine	\$	506,486	\$	506,486 137707
GRF 235526	Primary Care Residencies	\$	1,455,000	\$	1,455,000 137708
GRF 235535	Ohio Agricultural	\$	36,361,470	\$	36,361,470 137709

	Research and Development Center					
GRF 235536	The Ohio State University Clinical Teaching	\$	9,378,873	\$	9,378,873	137710
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,813,996	\$	7,813,996	137711
GRF 235538	University of Toledo Clinical Teaching	\$	6,012,642	\$	6,012,642	137712
GRF 235539	Wright State University Clinical Teaching	\$	2,921,058	\$	2,921,058	137713
GRF 235540	Ohio University Clinical Teaching	\$	2,823,876	\$	2,823,876	137714
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,904,353	\$	2,904,353	137715
GRF 235546	Central State Agricultural Research and Development	\$	1,437,017	\$	1,437,017	137716
GRF 235548	Central State Cooperative Extension Services	\$	1,346,976	\$	1,346,976	137717
GRF 235552	Capital Component	\$	6,350,817	\$	1,584,491	137718
GRF 235555	Library Depositories	\$	1,397,132	\$	1,397,132	137719
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	137720
GRF 235558	Long-term Care Research	\$	315,541	\$	315,541	137721
GRF 235563	Ohio College Opportunity Grant	\$	103,425,000	\$	104,875,000	137722
GRF 235572	The Ohio State	\$	743,537	\$	743,537	137723

		University Clinic Support					
GRF 235591		Co-Op Internship Program	\$	700,000	\$	700,000	137724
GRF 235599		National Guard Scholarship Program	\$	18,900,003	\$	18,900,003	137725
GRF 235909		Higher Education General Obligation Bond Debt Service	\$	271,425,600	\$	298,094,600	137726
TOTAL GRF		General Revenue Fund	\$	2,577,880,528	\$	2,601,685,550	137727
		Dedicated Purpose Fund Group					137728
2200 235614		Program Approval and Reauthorization	\$	664,562	\$	664,562	137729
4560 235603		Sales and Services	\$	199,250	\$	199,250	137730
4E80 235602		Higher Educational Facility Commission Administration	\$	50,000	\$	50,000	137731
5D40 235675		Conference/Special Purposes	\$	791,503	\$	791,503	137732
5FR0 235650		State and Non-Federal Grants and Award	\$	500,000	\$	500,000	137733
5JC0 235407		Appalachian New Economy Workforce Partnership	\$	1,477,500	\$	1,477,500	137734
5JC0 235654		Federal Research Network	\$	1,750,000	\$	1,750,000	137735
5NH0 235517		Short-Term Certificates	\$	0	\$	5,000,000	137736
5NH0 235684		OhioMeansJobs Workforce Development Revolving Loan Program	\$	250,000	\$	250,000	137737
5P30 235663		Variable Savings Plan	\$	7,250,000	\$	7,250,000	137738

6450	235664	Guaranteed Savings Plan	\$	1,061,886	\$	1,061,886	137739
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	137740
TOTAL DPF Dedicated Purpose Fund Group			\$	14,886,021	\$	19,886,021	137741
Bond Research and Development Fund Group							137742
7011	235634	Research Incentive Third Frontier	\$	8,000,000	\$	8,000,000	137743
TOTAL BRD Bond Research and Development Fund Group			\$	8,000,000	\$	8,000,000	137744
Federal Fund Group							137745
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	137746
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	137747
3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	137748
3120	235641	Adult Basic and Literacy Education - Federal	\$	16,400,000	\$	16,600,000	137749
3BG0	235651	Gear Up Grant Scholarships	\$	1,250,000	\$	1,250,000	137750
3H20	235608	Human Services Project	\$	375,000	\$	375,000	137751
3N60	235658	John R. Justice Student Loan Repayment Program	\$	60,000	\$	60,000	137752
TOTAL FED Federal Fund Group			\$	24,235,000	\$	24,435,000	137753
TOTAL ALL BUDGET FUND GROUPS			\$	2,625,001,549	\$	2,654,006,571	137754

Section 381.20. SEA GRANTS 137756

The foregoing appropriation item 235402, Sea Grants, shall be 137757

used to match federal dollars and leverage additional support by 137758
The Ohio State University's Sea Grant program, including Stone 137759
Laboratory, for research, education, and outreach to enhance the 137760
economic value, public utilization, and responsible management of 137761
Lake Erie and Ohio's coastal resources. 137762

Section 381.30. ARTICULATION AND TRANSFER 137763

The foregoing appropriation item 235406, Articulation and 137764
Transfer, shall be used by the Chancellor of Higher Education to 137765
maintain and expand the work of the Articulation and Transfer 137766
Council to develop a system of transfer policies to ensure that 137767
students at state institutions of higher education can transfer 137768
and have coursework apply to their majors and degrees at any other 137769
state institution of higher education without unnecessary 137770
duplication or institutional barriers under sections 3333.16, 137771
3333.161, and 3333.162 of the Revised Code. 137772

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 137773

The foregoing appropriation item 235408, Midwest Higher 137774
Education Compact, shall be distributed by the Chancellor of 137775
Higher Education under section 3333.40 of the Revised Code. 137776

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 137777

The foregoing appropriation item 235414, Grants and 137778
Scholarship Administration, shall be used by the Chancellor of 137779
Higher Education to manage and administer student financial aid 137780
programs created by the General Assembly and grants for which the 137781
Department of Higher Education is responsible. The appropriation 137782
item also shall be used to support all state financial aid audits 137783
and student financial aid programs created by Congress, and to 137784
provide fiscal and administrative services for the Ohio National 137785
Guard Scholarship Program. 137786

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 137787

The foregoing appropriation item 235417, Technology 137788
Maintenance and Operations, shall be used by the Chancellor of 137789
Higher Education to support the development and implementation of 137790
information technology solutions designed to improve the 137791
performance and capacity of the Department of Higher Education. 137792
The information technology solutions may be provided by the Ohio 137793
Technology Consortium (OH-TECH). 137794

Of the foregoing appropriation item 235417, Technology 137795
Maintenance and Operations, a portion in each fiscal year may be 137796
used by the Chancellor to support the continued implementation of 137797
eStudent Services, a consortium organized under division (T) of 137798
section 3333.04 of the Revised Code to expand access to dual 137799
enrollment opportunities for high school students, as well as 137800
adult and higher education opportunities through technology. The 137801
funds shall be used by eStudent Services to develop and promote 137802
learning and assessment through the use of technology, to test and 137803
provide advice on emerging learning-directed technologies, to 137804
facilitate cost-effectiveness through shared educational 137805
technology investments, and for any other priorities of the 137806
Chancellor of Higher Education. 137807

Of the foregoing appropriation item 235417, Technology 137808
Maintenance and Operations, a portion in each fiscal year shall be 137809
used by the Chancellor to implement a high priority data 137810
warehouse, advanced analytics, and visualization integration 137811
services associated with the Higher Education Information (HEI) 137812
system. The services may be facilitated by OH-TECH. 137813

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM 137814
TRANSFER 137815

On July 1, 2017, or as soon as possible thereafter, the 137816
Director of Budget and Management, upon request by the Chancellor 137817

of Higher Education, shall cancel any existing encumbrances 137818
against appropriation item 235483, Technology Integration and 137819
Professional Development, and re-establish them against 137820
appropriation item 235417, Technology Maintenance and Operations. 137821
The re-established encumbrance amounts are hereby appropriated. 137822

Section 381.63. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 137823

The foregoing appropriation item 235428, Appalachian New 137824
Economy Workforce Partnership, shall be used in conjunction with 137825
appropriation item 235407, Appalachian New Economy Workforce 137826
Partnership. 137827

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 137828

The foregoing appropriation item 235438, Choose Ohio First 137829
Scholarship, shall be used to operate the program prescribed in 137830
sections 3333.60 to 3333.69 of the Revised Code. 137831

During each fiscal year, the Chancellor of Higher Education, 137832
as soon as possible after cancellation, may certify to the 137833
Director of Budget and Management the amount of canceled 137834
prior-year encumbrances in appropriation item 235438, Choose Ohio 137835
First Scholarship. Upon receipt of the certification, the Director 137836
of Budget and Management may transfer cash, up to the certified 137837
amount, from the General Revenue Fund to the Choose Ohio First 137838
Scholarship Reserve Fund (Fund 5PV0). 137839

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 137840

The foregoing appropriation item 235443, Adult Basic and 137841
Literacy Education - State, shall be used to support the adult 137842
basic and literacy education instructional grant program and state 137843
leadership program. The supported programs shall satisfy the state 137844
match and maintenance of effort requirements for the 137845
state-administered grant program. 137846

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 137847

The foregoing appropriation item 235444, Ohio Technical 137848
Centers, shall be used by the Chancellor of Higher Education to 137849
support post-secondary adult career-technical education. The 137850
Chancellor shall provide coordination for Ohio Technical Centers 137851
through program approval processes, data collection of program and 137852
student outcomes, and subsidy disbursements from the foregoing 137853
appropriation item 235444, Ohio Technical Centers. 137854

(A)(1) As soon as possible in each fiscal year, in accordance 137855
with instructions of the Chancellor, each Ohio Technical Center 137856
shall report its actual data, consistent with the definitions in 137857
the Higher Education Information (HEI) system's files, to the 137858
Chancellor. 137859

(a) In defining the number of full-time equivalent students 137860
for state subsidy purposes, the Chancellor shall exclude all 137861
students who are not residents of Ohio. 137862

(b) A full-time equivalent student shall be defined as a 137863
student who completes 450 hours. Those students that complete some 137864
portion of 450 hours shall be counted as a partial full-time 137865
equivalent for funding purposes, while students that complete more 137866
than 450 hours shall be counted as proportionally greater than one 137867
full-time equivalent. 137868

(c) In calculating each Ohio Technical Center's full-time 137869
equivalent students, the Chancellor shall use a three-year 137870
average. 137871

(d) After June 30, 2019, Ohio Technical Centers shall operate 137872
with, or be an active candidate for, accreditation by an 137873
accreditor authorized by the United States Department of Education 137874
to be eligible to receive subsidies from the foregoing 137875
appropriation item 235444, Ohio Technical Centers. 137876

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance

for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 137909
year may be distributed by the Chancellor to Ohio Technical 137910
Centers that provide business consultation with matching local 137911
dollars, with preference to industries on the in-demand jobs list 137912
created under section 6301.11 of the Revised Code or in regionally 137913
emerging fields. Centers meeting this requirement shall receive an 137914
amount not to exceed \$25,000 per center. 137915

(C) The remainder of the foregoing appropriation item 235444, 137916
Ohio Technical Centers, in each fiscal year shall be distributed 137917
in accordance with division (A) of this section. 137918

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 137919
CENTERS 137920

(1) In fiscal year 2018, no Ohio Technical Center shall 137921
receive performance funding calculated under division (A) of this 137922
section, excluding funding for third party credentials calculated 137923
under division (A)(5) of this section, that is less than 95 per 137924
cent of the average allocation the Center received, excluding 137925
funding for third party credentials, in the three prior fiscal 137926
years. 137927

In fiscal year 2019, no Ohio Technical Center shall receive 137928
performance funding calculated under division (A) of this section, 137929
excluding funding for third party credentials calculated under 137930
division (A)(5) of this section, that is less than 94 per cent of 137931
the average allocation the Center received, excluding funding for 137932
third party credentials, in the three prior fiscal years. 137933

(2) In order to ensure that no Center receives less than the 137934
amounts identified for each fiscal year in accordance with 137935
division (D)(1) of this section, funds shall be made available to 137936
support the phase-in allocation by proportionally reducing formula 137937
earnings from each Center not receiving phase-in funding. 137938

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 137939
SUPPORT 137940

The foregoing appropriation item 235474, Area Health 137941
Education Centers Program Support, shall be used by the Chancellor 137942
of Higher Education to support the medical school regional area 137943
health education centers' educational programs for the continued 137944
support of medical and other health professions education and for 137945
support of the Area Health Education Center Program. 137946

Section 381.120. CAMPUS SAFETY AND TRAINING 137947

The foregoing appropriation item 235492, Campus Safety and 137948
Training, shall be used by the Chancellor of Higher Education for 137949
the purpose of developing model best practices for preventing and 137950
responding to sexual violence on campus. The Chancellor, in 137951
consultation with state institutions of higher education as 137952
defined in section 3345.011 of the Revised Code and private 137953
nonprofit institutions of higher education holding certificates of 137954
authorization under Chapter 1713. of the Revised Code, shall 137955
continue to develop model best practices in line with emerging 137956
trends, research, and evidence-based training for preventing and 137957
responding to sexual violence and protecting students and staff 137958
who are victims of sexual violence on campus. The Chancellor shall 137959
convene state institutions of higher education and private 137960
nonprofit institutions of higher education in the training and 137961
implementation of best practices regarding campus sexual violence. 137962

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 137963

The Chancellor of Higher Education shall establish procedures 137964
to allocate the foregoing appropriation item 235501, State Share 137965
of Instruction, based on the formulas detailed in this section 137966
that utilize the enrollment, course completion, degree attainment, 137967
and student achievement factors reported annually by each state 137968

institution of higher education participating in the Higher Education Information (HEI) system. 137969
137970

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS 137971
137972

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2019, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education. 137973
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(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code. 137979
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(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 137987

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be: 137988
137989
137990

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	\$8,678	\$8,837	137991 137992
ARTS AND HUMANITIES 2	\$12,238	\$12,463	137993
ARTS AND HUMANITIES 3	\$15,530	\$15,814	137994
ARTS AND HUMANITIES 4	\$24,455	\$24,903	137995
ARTS AND HUMANITIES 5	\$39,092	\$39,809	137996
ARTS AND HUMANITIES 6	\$40,081	\$40,815	137997
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,258	\$8,409	137998

BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,278	\$9,448	137999
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$11,903	\$12,121	138000
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$13,855	\$14,109	138001
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,149	\$22,555	138002
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$23,377	\$23,805	138003
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,909	\$35,549	138004
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,059	\$8,206	138005
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,889	\$11,088	138006
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$12,615	\$12,846	138007
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$14,845	\$15,117	138008
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,560	\$19,918	138009
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$20,673	\$21,052	138010
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$23,500	\$23,930	138011

SCIENCE, TECHNOLOGY, \$38,870 \$39,582 138012
ENGINEERING, MATHEMATICS,
MEDICINE 8

SCIENCE, TECHNOLOGY, \$54,329 \$55,324 138013
ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 138014
accordance with division (D)(2) of this section. 138015

Medical I and Medical II models shall be allocated in 138016
accordance with divisions (D)(3) and (D)(4) of this section. 138017

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 138018
AND GRADUATE WEIGHTS 138019

For the purpose of implementing the recommendations of the 138020
2006 State Share of Instruction Consultation and the Higher 138021
Education Funding Study Council that priority be given to 138022
maintaining state support for science, technology, engineering, 138023
mathematics, medicine, and graduate programs, the costs in 138024
division (B) of this section shall be weighted by the amounts 138025
provided below: 138026

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	1.0000	1.0000	138028
ARTS AND HUMANITIES 2	1.0000	1.0000	138029
ARTS AND HUMANITIES 3	1.0000	1.0000	138030
ARTS AND HUMANITIES 4	1.0000	1.0000	138031
ARTS AND HUMANITIES 5	1.0425	1.0425	138032
ARTS AND HUMANITIES 6	1.0425	1.0425	138033
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	138034
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	138035
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	138036

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	138037
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	138038
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	138039
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	138040
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	138041
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	138042
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	138043
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	138044
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	138045
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	138046
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	138047
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	138048
SCIENCE, TECHNOLOGY,	1.1361	1.1361	138049

ENGINEERING, MATHEMATICS,
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 138050
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 138051

(1) Of the foregoing appropriation item 235501, State Share 138052
of Instruction, 50 per cent of the appropriation for universities, 138053
as established in division (A)(2) of the section of this act 138054
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 138055
2019," in each fiscal year shall be reserved for support of 138056
associate, baccalaureate, master's, and professional level degree 138057
attainment. 138058

The degree attainment funding shall be allocated to 138059
universities in proportion to each campus's share of the total 138060
statewide degrees granted, weighted by the cost of the degree 138061
programs. The degree cost calculations shall include the model 138062
cost weights for the science, technology, engineering, 138063
mathematics, and medicine models as established in division (C) of 138064
this section. 138065

For degrees including credits earned at multiple 138066
institutions, degree attainment funding shall be allocated to 138067
universities in proportion to each campus's share of the 138068
student-specific cost of earned credits for the degree. Each 138069
institution shall receive its prorated share of degree funding for 138070
credits earned at that institution. Cost of credits not earned at 138071
a university main or regional campus shall be credited to the 138072
degree-granting institution for the first degree earned by a 138073
student at each degree level. The cost credited to the 138074
degree-granting institution shall not be eligible for at-risk 138075
weights and shall be limited to 12.5 per cent of the 138076
student-specific degree costs. However, the 12.5 per cent 138077
limitation shall not apply if the student transferred 12 or fewer 138078
credits into the degree granting institution. 138079

In calculating the subsidy entitlements for degree attainment 138080
for universities, the Chancellor shall use the following count of 138081
degrees and degree costs: 138082

(a) The subsidy eligible undergraduate degrees shall be 138083
defined as follows: 138084

(i) The subsidy eligible degrees conferred to students 138085
identified as residents of the state of Ohio in any term of their 138086
studies, as reported through the Higher Education Information 138087
(HEI) system student enrollment file, shall be weighted by a 138088
factor of 1. 138089

(ii) The subsidy eligible degrees conferred to students 138090
identified as out-of-state residents during all terms of their 138091
studies, as reported through the Higher Education Information 138092
(HEI) system student enrollment file, who remain in the state of 138093
Ohio at least one year after graduation, as calculated based on 138094
the three-year average in-state residency rate using the 138095
Unemployment Wage data for out-of-state graduates at each 138096
institution, shall be weighted by a factor of 50 per cent. 138097

(iii) Subsidy eligible associate degrees are defined as those 138098
earned by students attending any state-supported university main 138099
or regional campus. 138100

(b) In calculating each campus's count of degrees, the 138101
Chancellor shall use the three-year average associate, 138102
baccalaureate, master's, and professional degrees awarded for the 138103
three-year period ending in the prior year. 138104

(i) If a student is awarded an associate degree and, 138105
subsequently, is awarded a baccalaureate degree, the amount funded 138106
for the baccalaureate degree shall be limited to either the 138107
difference in cost between the cost of the baccalaureate degree 138108
and the cost of the associate degree paid previously, or if the 138109
associate degree has a higher cost than the baccalaureate degree, 138110

the cost of the credits earned by the student after the associate degree was awarded. 138111
138112

(ii) If a student earns an associate degree then, 138113
subsequently, earns a baccalaureate degree, the associate degree 138114
granting institution shall only receive the prorated share of the 138115
baccalaureate degree funding for the credits earned at that 138116
institution after the associate degree is awarded. 138117

(iii) If a student earns more than one degree at the same 138118
institution at the same degree level in the same fiscal year, the 138119
funding for the highest cost degree shall be prorated among 138120
institutions based on where the credits were earned and additional 138121
degrees shall be funded at 25 per cent of the cost of the degrees. 138122

(c) Associate degrees and baccalaureate degrees earned by a 138123
student defined as at-risk based on academic underpreparation, 138124
age, minority status, financial status, or first generation 138125
post-secondary status based on neither parent completing any 138126
education beyond high school, shall be defined as degrees earned 138127
by an at-risk student and shall be weighted by the following: 138128

A student-specific degree completion weight, where the weight 138129
is calculated based on the at-risk factors of the individual 138130
student, determined by calculating the difference between the 138131
percentage of students with each risk factor who earned a degree 138132
and the percentage of non-at-risk students who earned a degree. 138133

(2) Of the foregoing appropriation item 235501, State Share 138134
of Instruction, up to 11.78 per cent of the appropriation for 138135
universities, as established in division (A)(2) of the section of 138136
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 138137
2018 and 2019," in each fiscal year shall be reserved for support 138138
of doctoral programs to implement the funding recommendations made 138139
by representatives of the universities. The amount so reserved 138140
shall be referred to as the doctoral set-aside. 138141

In fiscal year 2018, NEOMED shall receive \$250,000 and in 138142
fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral 138143
set-aside funding allocation with the remaining doctoral set-aside 138144
allocated to universities as follows: 138145

(a) 32.50 per cent of the remaining doctoral set-aside in 138146
fiscal year 2018 and 25 per cent of the remaining doctoral 138147
set-aside in fiscal year 2019 shall be allocated to universities 138148
in proportion to their share of the statewide total of each state 138149
institution's three-year average Doctoral I equivalent FTEs as 138150
calculated on an institutional basis using historical FTEs for the 138151
period fiscal year 1994 through fiscal year 1998 with annualized 138152
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 138153
fiscal year 1998 as adjusted to reflect the effects of doctoral 138154
review and subsequent changes in Doctoral I equivalent 138155
enrollments. For the purposes of this calculation, Doctoral I 138156
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 138157
times the sum of Doctoral II FTEs. 138158

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 138159
and 50 per cent of the doctoral set-aside in fiscal year 2019 138160
shall be allocated to universities in proportion to each campus's 138161
share of the total statewide doctoral degrees, weighted by the 138162
cost of the doctoral discipline. In calculating each campus's 138163
doctoral degrees the Chancellor shall use the three-year average 138164
doctoral degrees awarded for the three-year period ending in the 138165
prior year. 138166

(c) 22.5 per cent of the doctoral set-aside in fiscal year 138167
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 138168
shall be allocated to universities in proportion to their share of 138169
research grant activity. Funding for this component shall be 138170
allocated to eligible universities in proportion to their share of 138171
research grant activity published by the National Science 138172
Foundation. Grant awards from the Department of Health and Human 138173

Services shall be weighted at 50 per cent. 138174

(3) Of the foregoing appropriation item 235501, State Share 138175
of Instruction, 6.41 per cent of the appropriation for 138176
universities, as established in division (A)(2) of the section of 138177
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 138178
2018 AND 2019," in each fiscal year shall be reserved for support 138179
of Medical II FTEs. The amount so reserved shall be referred to as 138180
the medical II set-aside. 138181

The medical II set-aside shall be allocated to universities 138182
in proportion to their share of the statewide total of each state 138183
institution's three-year average Medical II FTEs as calculated in 138184
division (A) of this section. 138185

In calculating the core subsidy entitlements for Medical II 138186
models only, students repeating terms may be no more than five per 138187
cent of current year enrollment. 138188

(4) Of the foregoing appropriation item 235501, State Share 138189
of Instruction, 1.48 per cent of the appropriation for 138190
universities, as established in division (A)(2) of the section of 138191
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 138192
2018 AND 2019," in each fiscal year shall be reserved for support 138193
of Medical I FTEs. The amount so reserved shall be referred to as 138194
the medical I set-aside. 138195

The medical I set-aside shall be allocated to universities in 138196
proportion to their share of the statewide total of each state 138197
institution's three-year average Medical I FTEs as calculated in 138198
division (A) of this section. 138199

(5) In calculating the course completion funding for 138200
universities, the Chancellor shall use the following count of FTE 138201
students: 138202

(a) The subsidy eligible enrollments by model shall equal 138203
only those FTE students who successfully complete the course as 138204

defined and reported through the Higher Education Information	138205
(HEI) system course enrollment file;	138206
(b) Those undergraduate FTE students with successful course	138207
completions, identified in division (D)(5)(a) of this section,	138208
that are defined as at-risk based on academic under-preparation or	138209
financial status shall have their eligible completions weighted by	138210
the following:	138211
(i) Institution-specific course completion indexes, where the	138212
indexes are calculated based upon the number of at-risk students	138213
enrolled during the 2014-2016 academic years; and	138214
(ii) A statewide average at-risk course completion weight	138215
determined for each subsidy model. The statewide average at-risk	138216
course completion weight shall be determined by calculating the	138217
difference between the percentage of traditional students who	138218
complete a course and the percentage of at-risk students who	138219
complete the same course.	138220
(c) The course completion earnings shall be determined by	138221
multiplying the amounts listed above in divisions (B) and (C) of	138222
this section by the subsidy-eligible FTEs for the three-year	138223
period ending in the prior year for all models except Medical I,	138224
Medical II, Doctoral I, and Doctoral II.	138225
(d) For universities, the Chancellor shall compute the course	138226
completion earnings by dividing the appropriation for	138227
universities, established in division (A)(2) of the section of	138228
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS	138229
2018 AND 2019," less the degree attainment funding as calculated	138230
in division (D)(1) of this section, less the doctoral set-aside,	138231
less the medical I set-aside, and less the medical II set-aside,	138232
by the sum of all campuses' instructional costs as calculated in	138233
division (D)(5) of this section.	138234
(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	138235

ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES	138236
(1) Of the foregoing appropriation item 235501, State Share	138237
of Instruction, 50 per cent of the appropriation for	138238
state-supported community colleges, state community colleges, and	138239
technical colleges as established in division (A)(1) of the	138240
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL	138241
YEARS 2018 AND 2019," in each fiscal year shall be reserved for	138242
course completion FTEs as aggregated by the subsidy models defined	138243
in division (B) of this section.	138244
The course completion funding shall be allocated to campuses	138245
in proportion to each campus's share of the total sector's course	138246
completions, weighted by the instructional cost of the subsidy	138247
models.	138248
To calculate the subsidy entitlements for course completions	138249
at community colleges, state community colleges, and technical	138250
colleges, the Chancellor shall use the following calculations:	138251
(a) In calculating each campus's count of FTE course	138252
completions, the Chancellor shall use a three-year average for	138253
course completions for the three year period ending in the prior	138254
year.	138255
(b) The subsidy eligible enrollments by model shall equal	138256
only those FTE students who successfully complete the course as	138257
defined and reported through the Higher Education Information	138258
(HEI) system course enrollment file.	138259
(c) Those students with successful course completions, that	138260
are defined as access students based on financial status, minority	138261
status, age, or academic under-preparation shall have their	138262
eligible course completions weighted by a statewide access weight.	138263
The weight given to any student that meets any access factor shall	138264
be 15 per cent for all course completions.	138265
(d) The model costs as used in the calculation shall be	138266

augmented by the model weights for science, technology, 138267
engineering, mathematics, and medicine models as established in 138268
division (C) of this section. 138269

(2) Of the foregoing appropriation item 235501, State Share 138270
of Instruction, 25 per cent of the appropriation for 138271
state-supported community colleges, state community colleges, and 138272
technical colleges as established in division (A)(1) of the 138273
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 138274
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 138275
for colleges in proportion to their share of college student 138276
success factors. 138277

Student success factors shall be awarded at the institutional 138278
level for each student that successfully: 138279

(a) Completes a developmental math course and, within the 138280
next year, enrolls in a college-level math course. 138281

(b) Completes a developmental English course and, within the 138282
next year, enrolls in a college-level English course. 138283

(c) Completes 12 semester credit hours of college-level 138284
coursework. 138285

(d) Completes 24 semester credit hours of college-level 138286
coursework. 138287

(e) Completes 36 semester credit hours of college-level 138288
coursework. 138289

(3) Of the foregoing appropriation item 235501, State Share 138290
of Instruction, 25 per cent of the appropriation for 138291
state-supported community colleges, state community colleges, and 138292
technical colleges shall be reserved for completion milestones. 138293

Completion milestones shall include associate degrees, 138294
technical certificates over 30 credit hours as designated by the 138295
Department of Higher Education, and students transferring to any 138296

four-year institution with at least 12 credit hours of 138297
college-level coursework earned at that community college, state 138298
community college, or technical college. 138299

The completion milestone funding shall be allocated to 138300
colleges in proportion to each institution's share of the sector's 138301
total completion milestones, weighted by the instructional cost of 138302
the associate degree, certificate, or transfer models. Costs for 138303
technical certificates over 30 hours shall be weighted at one-half 138304
of the associate degree model costs and transfers with at least 12 138305
credit hours of college-level coursework shall be weighted at 138306
one-fourth of the average cost for all associate degree model 138307
costs. 138308

(4) To calculate the subsidy entitlements for completions at 138309
community colleges, state community colleges, and technical 138310
colleges, the Chancellor shall use the following calculations: 138311

(a) In calculating each campus's count of completions, the 138312
Chancellor shall use a three-year average for completion metrics. 138313

(b) The subsidy eligible completions by model shall equal 138314
only those students who successfully complete an associate degree 138315
or technical certificate over 30 credit hours, or transfer to any 138316
four-year institution with at least 12 credit hours of 138317
college-level coursework as defined and reported in the Higher 138318
Education Information (HEI) system. Student completions reported 138319
in HEI shall have an accompanying course enrollment record in 138320
order to be subsidy eligible. 138321

(c) Those students with successful completions for associate 138322
degrees, technical certificates over 30 credit hours, or transfer 138323
to any four-year institution with at least 12 credit hours of 138324
college-level coursework, identified in division (E)(3) of this 138325
section, that are defined as access students based on financial 138326
status, minority status, age, or academic under-preparation shall 138327

have their eligible completions weighted by a statewide access 138328
weight. The weight shall be 25 per cent for students with one 138329
access factor, 66 per cent for students with two access factors, 138330
150 per cent for students with three access factors, and 200 per 138331
cent for students with four access factors. 138332

(d) For those students who complete more than one completion 138333
milestone, funding for each additional associate degree or 138334
technical certificate over 30 credit hours designated as such by 138335
the Department of Higher Education shall be funded at 50 per cent 138336
of the model costs as defined in division (3) of this section. 138337

(F) CAPITAL COMPONENT DEDUCTION 138338

After all other adjustments have been made, state share of 138339
instruction earnings shall be reduced for each campus by the 138340
amount, if any, by which debt service charged in Am. H.B. 748 of 138341
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 138342
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 138343
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 138344
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 138345
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 138346
562 of the 127th General Assembly for that campus exceeds that 138347
campus's capital component earnings. The sum of the amounts 138348
deducted shall be transferred to appropriation item 235552, 138349
Capital Component, in each fiscal year. 138350

(G) EXCEPTIONAL CIRCUMSTANCES 138351

Adjustments may be made to the state share of instruction 138352
payments and other subsidies distributed by the Chancellor of 138353
Higher Education to state colleges and universities for 138354
exceptional circumstances. No adjustments for exceptional 138355
circumstances may be made without the recommendation of the 138356
Chancellor and the approval of the Controlling Board. 138357

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 138358

INSTRUCTION	138359
The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.	138360 138361 138362 138363 138364 138365
Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.	138366 138367 138368 138369 138370
(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	138371
The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on the final data from the Chancellor.	138372 138373 138374 138375 138376 138377 138378 138379 138380
(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS	138381 138382
The presidents of public institutions of higher education as defined in section 3345.011 of the Revised Code, or their designees, in consultation with the Chancellor of Higher Education, shall study the effectiveness of the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study	138383 138384 138385 138386 138387 138388 138389

Council and as implemented in division (C) of this section. The 138390
study shall identify the extent to which STEMM and graduate 138391
weights re-allocate resources among institutions within the State 138392
Share of Instruction line item, the extent to which the resource 138393
re-allocation affects institutional production of STEMM and 138394
graduate completions, and the extent to which the weights are 138395
appropriate given current workforce data associated with emerging 138396
and in-demand fields. The study shall be completed by October 15, 138397
2017. Notwithstanding any provision of law to the contrary, the 138398
presidents of public institutions of higher education as defined 138399
in section 3345.011 of the Revised Code, or their designees, in 138400
consultation with the Chancellor, shall use the results of the 138401
study to recommend changes in the science, technology, 138402
engineering, mathematics, medicine, and graduate weights as 138403
originally recommended by the 2006 State Share of Instruction 138404
Consultation and the Higher Education Funding Study Council and as 138405
implemented in division (C) of this section. Not later than 138406
December 1, 2017, the members shall report any changes to the 138407
Governor, the General Assembly, and the Office of Budget and 138408
Management. 138409

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 138410
2018 AND 2019 138411

(A) The foregoing appropriation item 235501, State Share of 138412
Instruction, shall be distributed according to the section of this 138413
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 138414

(1) Of the foregoing appropriation item 235501, State Share 138415
of Instruction, \$456,256,006 in each fiscal year shall be 138416
distributed to state-supported community colleges, state community 138417
colleges, and technical colleges. 138418

(2) Of the foregoing appropriation item 235501, State Share 138419
of Instruction, \$1,523,160,544 in each fiscal year shall be 138420

distributed to state-supported university main and regional 138421
campuses. 138422

Section 381.160. RESTRICTION ON FEE INCREASES 138423

(A) In fiscal years 2018 and 2019, the boards of trustees of 138424
state institutions of higher education shall restrain increases in 138425
in-state undergraduate instructional and general fees. 138426

(1) For the 2017-2018 academic year, each state university or 138427
college, as defined in section 3345.12 and university branches 138428
established under Chapter 3355. of the Revised Code may increase 138429
its in-state undergraduate instructional and general fees by not 138430
more than \$10 per credit hour over what the institution charged 138431
for the previous academic year. 138432

(2) For the 2018-2019 academic year, each state university or 138433
college, as defined in section 3345.12 and university branches 138434
established under Chapter 3355. of the Revised Code may increase 138435
its in-state undergraduate instructional and general fees over 138436
what the institution charged for the 2017-2018 academic year by an 138437
amount that is not more than the rate of inflation, as measured by 138438
the consumer price index prepared by the Bureau of Labor 138439
Statistics of the United States Department of Labor (all urban 138440
consumers, all items), for the previous year or by 2.0 per cent, 138441
whichever is lower. 138442

Any fee increase under divisions (A)(1) and (2) of this 138443
section shall be used to support quality academic programming, 138444
need-based financial aid, or career services. 138445

(3) For the 2017-2018 and 2018-2019 academic years, each 138446
community college established under Chapter 3354., state community 138447
college established under Chapter 3358., or technical college 138448
established under Chapter 3357. of the Revised Code may increase 138449
its in-state undergraduate instructional and general fees by not 138450

more than \$10 per credit hour over what the institution charged 138451
for the previous academic year to support quality academic 138452
programming. 138453

(4) The limitations under divisions (A)(1) to (3) of this 138454
section do not apply to room and board, student health insurance, 138455
fees for auxiliary goods or services provided to students at the 138456
cost incurred to the institution, fees assessed to students as a 138457
pass-through for licensure and certification examinations, fees in 138458
elective courses associated with travel experiences, elective 138459
service charges, fines, voluntary sales transactions, career 138460
services, and fees, which may appear directly on a student's 138461
tuition bill as assessed by the institution's bursar, to offset 138462
the cost of providing textbooks to students. 138463

(5) For the 2017-2018 and 2018-2019 academic years, the 138464
Chancellor of Higher Education may permit a state institution of 138465
higher education to increase noninstructional program fees if the 138466
Chancellor determines the fee increase is necessary to provide 138467
quality service to students. A state institution of higher 138468
education shall submit a formal request to increase any 138469
noninstructional program fee to the Chancellor. 138470

(6) Any institution that increases any fee under division 138471
(A)(4) or (5) of this section shall demonstrate, upon request of 138472
the Chancellor, that revenue derived from the fee is dedicated for 138473
the purposes for which the fee is assessed. 138474

(B) The limitations under this section shall not apply to 138475
increases required to comply with institutional covenants related 138476
to their obligations or to meet unfunded legal mandates or legally 138477
binding obligations incurred or commitments made prior to the 138478
effective date of this section with respect to which the 138479
institution had identified such fee increases as the source of 138480
funds. Any increase required by such covenants and any such 138481
mandates, obligations, or commitments shall be reported by the 138482

Chancellor of Higher Education to the Controlling Board. These 138483
limitations may also be modified by the Chancellor, with the 138484
approval of the Controlling Board, to respond to exceptional 138485
circumstances as identified by the Chancellor. 138486

(C) These limitations shall not apply to institutions 138487
participating in an undergraduate tuition guarantee program 138488
pursuant to section 3345.48 of the Revised Code. 138489

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 138490

(A) Funds appropriated for instructional subsidies at 138491
colleges and universities may be used to provide such branch or 138492
other off-campus undergraduate courses of study and such master's 138493
degree courses of study as may be approved by the Chancellor of 138494
Higher Education. 138495

(B) In providing instructional and other services to 138496
students, boards of trustees of state institutions of higher 138497
education shall supplement state subsidies with income from 138498
charges to students. Except as otherwise provided in this act, 138499
each board shall establish the fees to be charged to all students, 138500
including an instructional fee for educational and associated 138501
operational support of the institution and a general fee for 138502
noninstructional services, including locally financed student 138503
services facilities used for the benefit of enrolled students. The 138504
instructional fee and the general fee shall encompass all charges 138505
for services assessed uniformly to all enrolled students. Each 138506
board may also establish special purpose fees, service charges, 138507
and fines as required; such special purpose fees and service 138508
charges shall be for services or benefits furnished individual 138509
students or specific categories of students and shall not be 138510
applied uniformly to all enrolled students. A tuition surcharge 138511
shall be paid by all students who are not residents of Ohio. 138512

The board of trustees of a state institution of higher 138513

education shall not authorize a waiver or nonpayment of 138514
instructional fees or general fees for any particular student or 138515
any class of students other than waivers specifically authorized 138516
by law or approved by the Chancellor. This prohibition is not 138517
intended to limit the authority of boards of trustees to provide 138518
for payments to students for services rendered the institution, 138519
nor to prohibit the budgeting of income for staff benefits or for 138520
student assistance in the form of payment of such instructional 138521
and general fees. 138522

Each state institution of higher education in its statement 138523
of charges to students shall separately identify the instructional 138524
fee, the general fee, the tuition charge, and the tuition 138525
surcharge. Fee charges to students for instruction shall not be 138526
considered to be a price of service but shall be considered to be 138527
an integral part of the state government financing program in 138528
support of higher educational opportunity for students. 138529

(C) The boards of trustees of state institutions of higher 138530
education shall ensure that faculty members devote a proper and 138531
judicious part of their work week to the actual instruction of 138532
students. Total class credit hours of production per academic term 138533
per full-time faculty member is expected to meet the standards set 138534
forth in the budget data submitted by the Chancellor of Higher 138535
Education. 138536

(D) The authority of government vested by law in the boards 138537
of trustees of state institutions of higher education shall in 138538
fact be exercised by those boards. Boards of trustees may consult 138539
extensively with appropriate student and faculty groups. 138540
Administrative decisions about the utilization of available 138541
resources, about organizational structure, about disciplinary 138542
procedure, about the operation and staffing of all auxiliary 138543
facilities, and about administrative personnel shall be the 138544
exclusive prerogative of boards of trustees. Any delegation of 138545

authority by a board of trustees in other areas of responsibility 138546
shall be accompanied by appropriate standards of guidance 138547
concerning expected objectives in the exercise of such delegated 138548
authority and shall be accompanied by periodic review of the 138549
exercise of this delegated authority to the end that the public 138550
interest, in contrast to any institutional or special interest, 138551
shall be served. 138552

Section 381.180. STUDENT SUPPORT SERVICES 138553

The foregoing appropriation item 235502, Student Support 138554
Services, shall be distributed by the Chancellor of Higher 138555
Education to Ohio's state colleges and universities that incur 138556
disproportionate costs in the provision of support services to 138557
disabled students. 138558

Section 381.190. WAR ORPHANS SCHOLARSHIPS 138559

The foregoing appropriation item 235504, War Orphans 138560
Scholarships, shall be used to reimburse state institutions of 138561
higher education for waivers of instructional fees and general 138562
fees provided by them, to provide grants to institutions that have 138563
received a certificate of authorization from the Chancellor of 138564
Higher Education under Chapter 1713. of the Revised Code, in 138565
accordance with the provisions of section 5910.04 of the Revised 138566
Code, and to fund additional scholarship benefits provided by 138567
section 5910.032 of the Revised Code. 138568

During each fiscal year, the Chancellor, as soon as possible 138569
after cancellation, may certify to the Director of Budget and 138570
Management the amount of canceled prior-year encumbrances in 138571
appropriation item 235504, War Orphans Scholarships. Upon receipt 138572
of the certification, the Director of Budget and Management may 138573
transfer cash, up to the certified amount, from the General 138574
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 138575

5PW0) . 138576

Section 381.200. OHIOLINK 138577

The foregoing appropriation item 235507, OhioLINK, shall be 138578
used by the Chancellor of Higher Education to support OhioLINK, a 138579
consortium organized under division (T) of section 3333.04 of the 138580
Revised Code to serve as the state's electronic library 138581
information and retrieval system, which provides access statewide 138582
to an extensive set of electronic databases and resources, the 138583
library holdings of Ohio's public and participating private 138584
nonprofit colleges and universities, and the State Library of 138585
Ohio. 138586

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 138587

The foregoing appropriation item 235508, Air Force Institute 138588
of Technology, shall be used to: (A) strengthen the research and 138589
educational linkages between the Wright Patterson Air Force Base 138590
and institutions of higher education in Ohio; and (B) support the 138591
Dayton Area Graduate Studies Institute, an engineering graduate 138592
consortium of Wright State University, the University of Dayton, 138593
and the Air Force Institute of Technology, with the participation 138594
of the University of Cincinnati and The Ohio State University. 138595

Section 381.220. OHIO SUPERCOMPUTER CENTER 138596

The foregoing appropriation item 235510, Ohio Supercomputer 138597
Center, shall be used by the Chancellor of Higher Education to 138598
support the operation of the Ohio Supercomputer Center, a 138599
consortium organized under division (T) of section 3333.04 of the 138600
Revised Code, located at The Ohio State University. The Ohio 138601
Supercomputer Center is a statewide resource available to Ohio 138602
research universities both public and private. It is also intended 138603
that the center be made accessible to private industry as 138604

appropriate. 138605

Funds shall be used, in part, to support AweSim, the Ohio 138606
Supercomputer Center's industrial outreach program. The Ohio 138607
Supercomputer Center's services shall support Ohio's colleges, 138608
universities, and businesses to make Ohio a leader in using 138609
computational science, modeling, and simulation to promote higher 138610
education, research, and economic competitiveness. 138611

Section 381.230. COOPERATIVE EXTENSION SERVICE 138612

Of the foregoing appropriation item 235511, Cooperative 138613
Extension Service, \$48,831 in each fiscal year shall be used to 138614
support the Food Policy Coordinator pilot project established in 138615
Section 733.61 of this act. 138616

The foregoing appropriation item 235511, Cooperative 138617
Extension Service, shall be disbursed through the Chancellor of 138618
Higher Education to The Ohio State University in monthly payments, 138619
unless otherwise determined by the Director of Budget and 138620
Management under section 126.09 of the Revised Code. 138621

Section 381.240. CENTRAL STATE SUPPLEMENT 138622

The foregoing appropriation item 235514, Central State 138623
Supplement, shall be disbursed by the Chancellor of Higher 138624
Education to Central State University in accordance with the plan 138625
developed by the Chancellor and submitted to the Governor and the 138626
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 138627
General Assembly. Funds shall be used in a manner consistent with 138628
the goals of increasing enrollment, improving course completion, 138629
and increasing the number of degrees conferred. 138630

The Chancellor shall monitor the implementation of the plan 138631
and the use of funds. Central State University shall provide any 138632
information requested by the Chancellor related to the 138633
implementation of the plan. If the Chancellor determines that 138634

Central State University's use of supplemental funds is not in 138635
accordance with the plan or if the plan is not having the desired 138636
effect, the Chancellor may notify Central State University that 138637
the plan is suspended. Upon receiving such notice, Central State 138638
University shall avoid all unnecessary expenditures under the 138639
plan. The Chancellor shall notify the Controlling Board of the 138640
suspension of the plan and within sixty days prepare a new plan 138641
for the use of any remaining funds. 138642

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 138643
MEDICINE 138644

The foregoing appropriation item 235515, Case Western Reserve 138645
University School of Medicine, shall be disbursed to Case Western 138646
Reserve University through the Chancellor of Higher Education in 138647
accordance with agreements entered into under section 3333.10 of 138648
the Revised Code, provided that the state support per full-time 138649
medical student shall not exceed that provided to full-time 138650
medical students at state universities. 138651

Section 381.260. FAMILY PRACTICE 138652

The Chancellor of Higher Education shall develop plans 138653
consistent with existing criteria and guidelines as may be 138654
required for the distribution of appropriation item 235519, Family 138655
Practice. 138656

Section 381.270. SHAWNEE STATE SUPPLEMENT 138657

The foregoing appropriation item 235520, Shawnee State 138658
Supplement, shall be disbursed by the Chancellor of Higher 138659
Education to Shawnee State University in accordance with the plan 138660
developed by the Chancellor and submitted to the Governor and the 138661
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 138662
General Assembly. Funds shall be used in a manner consistent with 138663

the goals of improving course completion, increasing the number of 138664
degrees conferred, and furthering the university's mission of 138665
service to the Appalachian region. 138666

The Chancellor shall monitor the implementation of the plan 138667
and the use of funds. Shawnee State University shall provide any 138668
information requested by the Chancellor related to the 138669
implementation of the plan. If the Chancellor determines that 138670
Shawnee State University's use of supplemental funds is not in 138671
accordance with the plan or if the plan is not having the desired 138672
effect, the Chancellor may notify Shawnee State University that 138673
the plan is suspended. Upon receiving such notice, Shawnee State 138674
University shall avoid all unnecessary expenditures under the 138675
plan. The Chancellor shall notify the Controlling Board of the 138676
suspension of the plan and within sixty days prepare a new plan 138677
for the use of any remaining funds. 138678

Section 381.280. GERIATRIC MEDICINE 138679

The Chancellor of Higher Education shall develop plans 138680
consistent with existing criteria and guidelines as may be 138681
required for the distribution of appropriation item 235525, 138682
Geriatric Medicine. 138683

Section 381.281. PRIMARY CARE RESIDENCIES 138684

The Chancellor of Higher Education shall develop plans 138685
consistent with existing criteria and guidelines as may be 138686
required for the distribution of appropriation item 235526, 138687
Primary Care Residencies. 138688

The foregoing appropriation item 235526, Primary Care 138689
Residencies, shall be distributed in each fiscal year of the 138690
biennium, based on whether or not the institution has submitted 138691
and gained approval for a plan. If the institution does not have 138692
an approved plan, it shall receive five per cent less funding per 138693

student than it would have received from its annual allocation. 138694
The remaining funding shall be distributed among those 138695
institutions that meet or exceed their targets. 138696

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 138697
CENTER 138698

The foregoing appropriation item 235535, Ohio Agricultural 138699
Research and Development Center, shall be disbursed through the 138700
Chancellor of Higher Education to The Ohio State University in 138701
monthly payments, unless otherwise determined by the Director of 138702
Budget and Management under section 126.09 of the Revised Code. 138703
The Ohio Agricultural Research and Development Center shall not be 138704
required to remit payment to The Ohio State University during the 138705
biennium ending June 30, 2019, for cost reallocation assessments. 138706
The cost reallocation assessments include, but are not limited to, 138707
any assessment on state appropriations to the Center. 138708

The Ohio Agricultural Research and Development Center, an 138709
entity of the College of Food, Agricultural, and Environmental 138710
Sciences of The Ohio State University, shall further its mission 138711
of enhancing Ohio's economic development and job creation by 138712
continuing to internally allocate on a competitive basis 138713
appropriated funding of programs based on demonstrated 138714
performance. Academic units, faculty, and faculty-driven programs 138715
shall be evaluated and rewarded consistent with agreed-upon 138716
performance expectations as called for in the College's 138717
Expectations and Criteria for Performance Assessment. 138718

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 138719

The foregoing appropriation items 235536, The Ohio State 138720
University Clinical Teaching; 235537, University of Cincinnati 138721
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 138722
235539, Wright State University Clinical Teaching; 235540, Ohio 138723

University Clinical Teaching; and 235541, Northeast Ohio Medical 138724
University Clinical Teaching, shall be distributed through the 138725
Chancellor of Higher Education. 138726

Of the foregoing appropriation item 235537, University of 138727
Cincinnati Clinical Teaching, \$100,000 in each fiscal year shall 138728
be used to support the SmartOhio Financial Literacy Program at the 138729
University of Cincinnati. 138730

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 138731
DEVELOPMENT 138732

The foregoing appropriation item 235546, Central State 138733
Agricultural Research and Development, shall be used in 138734
conjunction with appropriation item 235548, Central State 138735
Cooperative Extension Services, by Central State University for 138736
its state match requirement as an 1890 land grant university. 138737

Section 381.320. CAPITAL COMPONENT 138738

The foregoing appropriation item 235552, Capital Component, 138739
shall be used by the Chancellor of Higher Education to provide 138740
funding for prior commitments made pursuant to the state's former 138741
capital funding policy for state colleges and universities that 138742
was originally established in Am. H.B. 748 of the 121st General 138743
Assembly. Appropriations from this item shall be distributed to 138744
all campuses for which the estimated campus debt service 138745
attributable to qualifying capital projects was less than the 138746
campus's formula-determined capital component allocation. Campus 138747
allocations shall be determined by subtracting the estimated 138748
campus debt service attributable to qualifying capital projects 138749
from the campus's formula-determined capital component allocation. 138750
Moneys distributed from this appropriation item shall be 138751
restricted to capital-related purposes. 138752

Any campus for which the estimated campus debt service 138753

attributable to qualifying capital projects is greater than the 138754
campus's formula-determined capital component allocation shall 138755
have the difference subtracted from its State Share of Instruction 138756
allocation in each fiscal year. Appropriation equal to the sum of 138757
all such amounts except that of the Ohio Agricultural Research and 138758
Development Center shall be transferred from appropriation item 138759
235501, State Share of Instruction, to appropriation item 235552, 138760
Capital Component. Appropriation equal to any estimated Ohio 138761
Agricultural Research and Development Center debt service 138762
attributable to qualifying capital projects that is greater than 138763
the Center's formula-determined capital component allocation shall 138764
be transferred from appropriation item 235535, Ohio Agricultural 138765
Research and Development Center, to appropriation item 235552, 138766
Capital Component. 138767

Section 381.330. LIBRARY DEPOSITORIES 138768

The foregoing appropriation item 235555, Library 138769
Depositories, shall be distributed to the state's five regional 138770
depository libraries for the cost-effective storage of and access 138771
to lesser-used materials in university library collections. The 138772
depositories shall be administrated by the Chancellor of Higher 138773
Education, or by OhioLINK at the discretion of the Chancellor. 138774

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 138775

The foregoing appropriation item 235556, Ohio Academic 138776
Resources Network, shall be used by the Chancellor of Higher 138777
Education to support the operations of the Ohio Academic Resources 138778
Network, a consortium organized under division (T) of section 138779
3333.04 of the Revised Code, which shall include support for 138780
Ohio's colleges and universities in maintaining and enhancing 138781
network connections, using new network technologies to improve 138782
research, education, and economic development programs, and 138783

sharing information technology services. To the extent network 138784
capacity is available, OARnet shall support allocating bandwidth 138785
to eligible programs directly supporting Ohio's economic 138786
development. 138787

Section 381.350. LONG-TERM CARE RESEARCH 138788

The foregoing appropriation item 235558, Long-term Care 138789
Research, shall be disbursed to Miami University for long-term 138790
care research. 138791

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 138792

(A) Except as provided in division (C) of this section: 138793

Of the foregoing appropriation item 235563, Ohio College 138794
Opportunity Grant, at least \$97,792,598 in fiscal year 2018 and at 138795
least \$99,132,084 in fiscal year 2019 shall be used by the 138796
Chancellor of Higher Education to award need-based financial aid 138797
to students enrolled in eligible public and private nonprofit 138798
institutions of higher education, excluding early college high 138799
school and post-secondary enrollment option participants. 138800

The remainder of the foregoing appropriation item 235563, 138801
Ohio College Opportunity Grant, shall be used by the Chancellor to 138802
award needs-based financial aid to students enrolled in eligible 138803
private for-profit career colleges and schools. 138804

(B)(1) As used in this section: 138805

(a) "Eligible institution" means any institution described in 138806
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 138807
Code. 138808

(b) The three "sectors" of institutions of higher education 138809
consist of the following: 138810

(i) State colleges and universities, community colleges, 138811
state community colleges, university branches, and technical 138812

colleges;	138813
(ii) Eligible private nonprofit institutions of higher education;	138814
(iii) Eligible private for-profit career colleges and schools.	138815
(2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education.	138816
(3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.	138817
(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2018 and fiscal year 2019 based on the formula used in fiscal year 2017, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2017-2018 academic year.	138818
(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the Revised Code. In paying for scholarships under this division, the	138819
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Chancellor shall deduct funds from the allocations made under 138844
division (A) of this section. Deductions shall be proportionate to 138845
the amounts allocated to each sector from the total amounts 138846
appropriated for each sector under the foregoing appropriation 138847
item 235563, Ohio College Opportunity Grant. 138848

In each fiscal year, with the exception of sections 3333.121 138849
and 3333.124 of the Revised Code and the section of this act 138850
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 138851
shall not distribute or obligate or commit to be distributed an 138852
amount greater than what is appropriated under the foregoing 138853
appropriation item 235563, Ohio College Opportunity Grant. 138854

(D) The Chancellor shall establish, and post on the 138855
Department of Higher Education's web site, award tables based on 138856
any formulas created under division (B) of this section. The 138857
Chancellor shall notify students and institutions of any 138858
reductions in awards under this section. 138859

(E) Notwithstanding section 3333.122 of the Revised Code, no 138860
student shall be eligible to receive an Ohio College Opportunity 138861
Grant for more than ten semesters, fifteen quarters, or the 138862
equivalent of five academic years, less the number of semesters or 138863
quarters in which the student received an Ohio Instructional 138864
Grant. 138865

(F) During each fiscal year, the Chancellor, as soon as 138866
possible after cancellation, may certify to the Director of Budget 138867
and Management the amount of canceled prior-year encumbrances in 138868
appropriation item 235563, Ohio College Opportunity Grant. Upon 138869
receipt of the certification, the Director of Budget and 138870
Management may transfer cash, up to the certified amount, from the 138871
General Revenue Fund to the Ohio College Opportunity Grant Program 138872
Reserve Fund (Fund 5PU0). 138873

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 138874

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.371. CO-OP INTERNSHIP PROGRAM

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$150,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the

University of Cincinnati Internship Program.	138905
Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University.	138906 138907 138908 138909
Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University.	138910 138911 138912 138913
Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program.	138914 138915 138916
Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.	138917 138918 138919
Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.	138920 138921 138922 138923
Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM	138924
The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).	138925 138926 138927 138928 138929 138930 138931 138932 138933 138934

Section 381.390. PLEDGE OF FEES	138935
Any new pledge of fees, or new agreement for adjustment of	138936
fees, made in the biennium ending June 30, 2019, to secure bonds	138937
or notes of a state institution of higher education for a project	138938
for which bonds or notes were not outstanding on the effective	138939
date of this section shall be effective only after approval by the	138940
Chancellor of Higher Education, unless approved in a previous	138941
biennium.	138942
Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND	138943
DEBT SERVICE	138944
The foregoing appropriation item 235909, Higher Education	138945
General Obligation Bond Debt Service, shall be used to pay all	138946
debt service and related financing costs during the period from	138947
July 1, 2017, through June 30, 2019, for obligations issued under	138948
sections 151.01 and 151.04 of the Revised Code.	138949
Section 381.410. SALES AND SERVICES	138950
The Chancellor of Higher Education is authorized to charge	138951
and accept payment for the provision of goods and services. Such	138952
charges shall be reasonably related to the cost of producing the	138953
goods and services. Except as otherwise provided by law, no	138954
charges may be levied for goods or services that are produced as	138955
part of the routine responsibilities or duties of the Chancellor.	138956
All revenues received by the Chancellor shall be deposited into	138957
Fund 4560, and may be used by the Chancellor to pay for the costs	138958
of producing the goods and services.	138959
Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION	138960
ADMINISTRATION	138961
The foregoing appropriation item 235602, Higher Educational	138962

Facility Commission Administration, shall be used by the 138963
Chancellor of Higher Education for operating expenses related to 138964
the Chancellor's support of the activities of the Ohio Higher 138965
Educational Facility Commission. Upon the request of the 138966
Chancellor, the Director of Budget and Management may transfer up 138967
to \$50,000 cash in each fiscal year from the HEFC Operating 138968
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 138969
4E80). 138970

Section 381.431. APPALACHIAN NEW ECONOMY WORKFORCE 138971
PARTNERSHIP 138972

The foregoing appropriation item 235407, Appalachian New 138973
Economy Workforce Partnership, shall be distributed to Ohio 138974
University to continue a multi-campus and multi-agency coordinated 138975
effort to link Appalachia to the new economy. Ohio University 138976
shall use these funds to provide leadership in the development and 138977
implementation of initiatives in the areas of entrepreneurship, 138978
management, education, and technology. 138979

Section 381.440. FEDERAL RESEARCH NETWORK 138980

The foregoing appropriation item 235654, Federal Research 138981
Network, shall be allocated to The Ohio State University to 138982
collaborate with federal installations in Ohio, state institutions 138983
of higher education as defined in section 3345.011 of the Revised 138984
Code, private nonprofit institutions of higher education holding 138985
certificates of authorization under Chapter 1713. of the Revised 138986
Code, and the private sector to align the state's research assets 138987
with emerging missions and job growth opportunities emanating from 138988
federal installations, strengthen related workforce development 138989
and technology commercialization programs, and better position the 138990
state's university system to directly impact new job creation in 138991
Ohio. A portion of the foregoing appropriation item 235654, 138992

Federal Research Network, shall be used to support the growth of 138993
small business federal contractors in the state and to expand the 138994
participation of Ohio businesses in the federal Small Business 138995
Innovation Research Program and related federal programs. 138996

Section 381.443. SHORT-TERM CERTIFICATES 138997

The foregoing appropriation item 235517, Short-Term 138998
Certificates, shall be used by the Chancellor to award need-based 138999
financial aid to students who are enrolled in a state institution 139000
of higher education in a program that may be completed in less 139001
than one year and for which a certificate or industry-recognized 139002
credential is awarded in an in-demand job. 139003

Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 139004
REVOLVING LOAN PROGRAM 139005

The foregoing appropriation item 235684, OhioMeansJobs 139006
Workforce Development Revolving Loan Program, shall be used by the 139007
Chancellor of Higher Education to provide administrative support 139008
for the OhioMeansJobs Workforce Development Revolving Loan 139009
Program. 139010

Section 381.510. STATE FINANCIAL AID RECONCILIATION 139011

By the first day of September in each fiscal year, or as soon 139012
as possible thereafter, the Chancellor of Higher Education shall 139013
certify to the Director of Budget and Management the amount 139014
necessary to pay any outstanding prior year obligations to higher 139015
education institutions for the state's financial aid programs. The 139016
amounts certified are hereby appropriated to appropriation item 139017
235618, State Financial Aid Reconciliation, from revenues received 139018
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 139019

Section 381.513. NURSING LOAN PROGRAM 139020

The foregoing appropriation item 235606, Nursing Loan 139021
Program, shall be used to administer the nurse education 139022
assistance program. 139023

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 139024

The foregoing appropriation item 235634, Research Incentive 139025
Third Frontier, shall be used by the Chancellor of Higher 139026
Education to advance collaborative research at institutions of 139027
higher education. Of the foregoing appropriation item 235634, 139028
Research Incentive Third Frontier, up to \$2,000,000 in each fiscal 139029
year may be allocated toward research regarding the improvement of 139030
water quality, up to \$1,000,000 in each fiscal year may be 139031
allocated toward research regarding the reduction of infant 139032
mortality, up to \$1,000,000 in each fiscal year may be allocated 139033
toward research regarding opiate addiction issues in Ohio, up to 139034
\$750,000 in each fiscal year may be allocated toward research 139035
regarding cyber security initiatives, and up to \$500,000 in each 139036
fiscal year may be allocated toward the I-Corps@Ohio program. 139037

Section 381.530. VETERANS PREFERENCES 139038

The Chancellor of Higher Education shall work with the 139039
Department of Veterans Services to develop specific veterans 139040
preference guidelines for higher education institutions. These 139041
guidelines shall ensure that the institutions' hiring practices 139042
are in accordance with the intent of Ohio's veterans preference 139043
laws. 139044

Section 381.540. (A) As used in this section: 139045

(1) "Board of trustees" includes the managing authority of a 139046
university branch district. 139047

(2) "State institution of higher education" has the same 139048
meaning as in section 3345.011 of the Revised Code. 139049

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.550. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. Each institution's report shall be based on the recommendations of the Ohio Task Force on Affordability and Efficiency in Higher Education, as established by the Governor's executive order, and shall benchmark and document institutional progress towards implementing the recommendations of the Task Force as compared to the institution's prior fiscal year efficiency report.

Section 381.570. Not later than June 30, 2018, the Chancellor of Higher Education, in consultation with representatives from the Inter-University Council of Ohio and the Ohio Association of Community Colleges, shall develop a model for "3+1" baccalaureate degree programs for state universities and state community colleges, community colleges, and technical colleges. The model shall outline how a student may complete the equivalent of three academic years, or ninety semester credit hours, at a state community college, community college, or technical college and then transfer to a state university to complete the final academic year, or thirty semester credit hours, or the remainder of the student's baccalaureate degree program.

In developing the model, the Chancellor shall seek input from administrators of state institutions of higher education currently

participating in such a program, as well as faculty leaders in the 139080
academic fields or disciplines under consideration for the 139081
program. 139082

Further, the Chancellor shall evaluate existing "3+1" 139083
baccalaureate degree programs for their cost effectiveness for 139084
students. 139085

As used in this section, "state institution of higher 139086
education" and "state university" have the same meanings as in 139087
section 3345.011 of the Revised Code. 139088

Section 381.580. The Chancellor of Higher Education shall 139089
support the continued development of the Ohio Innovation Exchange 139090
for the purpose of showcasing the research expertise of Ohio's 139091
university and college faculty in a variety of fields, including, 139092
but not limited to, engineering, biomedicine, and information 139093
technology, and to identify institutional research equipment 139094
available in the state. 139095

Section 381.590. The Chancellor of Higher Education shall 139096
work with state institutions of higher education, as defined by 139097
section 3345.011 of the Revised Code, Ohio Technical Centers, as 139098
recognized by the Chancellor, and industry partners to develop 139099
program models that include project-based learning to increase 139100
continuing education and non-credit program offerings that lead to 139101
a credential in order to meet the state's in-demand job needs. 139102

Section 381.601. TRANSFERS FROM THE GRF TO THE ECONOMIC 139103
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 139104

On July 1 of each fiscal year, or as soon as possible 139105
thereafter, the Director of Budget and Management shall transfer 139106
\$1,750,000 cash from the General Revenue Fund to the Economic 139107
Development Programs Fund (Fund 5JC0) to support the 139108

appropriations made for the Federal Research Network. 139109

Section 381.617. TRANSFER FROM THE OHIO COLLEGE OPPORTUNITY 139110
GRANT PROGRAM RESERVE FUND (FUND 5PU0) TO THE GRF 139111

On July 1, 2017, or as soon as possible thereafter, the 139112
Director of Budget and Management shall transfer \$8,000,000 cash 139113
from the Ohio College Opportunity Grant Program Reserve Fund (Fund 139114
5PU0) to the General Revenue Fund for purposes of the Ohio College 139115
Opportunity Grant Program created in section 3333.122 of the 139116
Revised Code. 139117

Section 381.620. FUND NAME CHANGES 139118

On July 1, 2017, or as soon as possible thereafter, the 139119
Director of Budget and Management shall rename the Star Schools 139120
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 139121

On July 1, 2017, or as soon as possible thereafter, the 139122
Director of Budget and Management shall rename the Joyce 139123
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 139124
and Awards Fund (Fund 5FR0). 139125

On July 1, 2017, or as soon as possible thereafter, the 139126
Director of Budget and Management shall rename the Federal Grants 139127
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 139128
(Fund 3N60). 139129

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 139130
CORRECTION 139131

General Revenue Fund 139132

GRF 501321	Institutional	\$ 1,046,933,997	\$ 1,047,161,916	139133
	Operations			

GRF 501405	Halfway House	\$ 66,770,618	\$ 66,770,618	139134
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GRF 501406	Adult Correctional	\$ 78,505,000	\$ 78,540,400	139135
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		Facilities Lease					
		Rental Bond Payments					
GRF	501407	Community	\$	56,578,573	\$	73,161,958	139136
		Nonresidential					
		Programs					
GRF	501408	Community Misdemeanor	\$	9,356,800	\$	9,356,800	139137
		Programs					
GRF	501501	Community Residential	\$	78,531,698	\$	78,531,698	139138
		Programs - Community					
		Based Correctional					
		Facilities					
GRF	503321	Parole and Community	\$	80,883,748	\$	82,807,332	139139
		Operations					
GRF	504321	Administrative	\$	24,034,553	\$	24,611,945	139140
		Operations					
GRF	505321	Institution Medical	\$	267,206,462	\$	272,013,566	139141
		Services					
GRF	506321	Institution Education	\$	32,581,211	\$	33,372,312	139142
		Services					
TOTAL GRF		General Revenue Fund	\$	1,741,382,660	\$	1,766,328,545	139143
		Dedicated Purpose Fund Group					139144
4B00	501601	Sewer Treatment	\$	2,230,000	\$	2,230,000	139145
		Services					
4D40	501603	Prisoner Programs	\$	1,300,000	\$	1,300,000	139146
4L40	501604	Transitional Control	\$	1,950,000	\$	1,950,000	139147
4S50	501608	Education Services	\$	4,725,000	\$	4,725,000	139148
5AF0	501609	State and Non-Federal	\$	875,000	\$	875,000	139149
		Awards					
5H80	501617	Offender Financial	\$	2,500,000	\$	3,110,000	139150
		Responsibility					
5TZ0	501610	Probation Improvement	\$	10,000,000	\$	10,000,000	139151
		and Incentive Grants					
5UB0	501612	Institution Addiction	\$	1,000,000	\$	1,000,000	139152

Treatment Services			
TOTAL DPF Dedicated Purpose Fund	\$	24,580,000	\$ 25,190,000 139153
Group			
Internal Service Activity Fund Group			139154
1480 501602 Institutional	\$	2,925,000	\$ 2,925,000 139155
Services			
2000 501607 Ohio Penal Industries	\$	52,900,000	\$ 52,900,000 139156
4830 501605 Leased Property	\$	2,000,000	\$ 2,000,000 139157
Maintenance and			
Operating			
5710 501606 Corrections Training	\$	480,000	\$ 480,000 139158
Maintenance and			
Operating			
5L60 501611 Information	\$	1,300,000	\$ 1,300,000 139159
Technology Services			
TOTAL ISA Internal Activity			139160
Fund Group	\$	59,605,000	\$ 59,605,000 139161
Federal Fund Group			139162
3230 501619 Federal Grants	\$	1,985,000	\$ 1,985,000 139163
3CW0 501622 Federal Equitable	\$	455,000	\$ 455,000 139164
Sharing			
TOTAL FED Federal			139165
Fund Group	\$	2,440,000	\$ 2,440,000 139166
TOTAL ALL BUDGET FUND GROUPS	\$	1,828,007,660	\$ 1,853,563,545 139167
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS			139168
The foregoing appropriation item 501406, Adult Correctional			139169
Facilities Lease Rental Bond Payments, shall be used to meet all			139170
payments during the period from July 1, 2017, through June 30,			139171
2019, by the Department of Rehabilitation and Correction under the			139172
primary leases and agreements for those buildings made under			139173
Chapters 152. and 154. of the Revised Code. These appropriations			139174
are the source of funds pledged for bond service charges on			139175

related obligations issued under Chapters 152. and 154. of the Revised Code.	139176 139177
PROBATION IMPROVEMENT AND INCENTIVE GRANTS	139178
The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants in accordance with division (G)(2) of section 757.20 of this act with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.	139179 139180 139181 139182 139183 139184 139185 139186 139187
CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE INSTITUTION ADDICTION TREATMENT SERVICES FUND	139188 139189
Notwithstanding any provision of law to the contrary, on July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Institution Addiction Treatment Services Fund (Fund 5UB0), which is hereby created in the state treasury.	139190 139191 139192 139193 139194 139195
The foregoing appropriation item 501612, Institution Addiction Treatment Services, shall be used to pay for the costs of providing substance abuse treatment services to offenders incarcerated in institutions operated by the Department of Rehabilitation and Correction.	139196 139197 139198 139199 139200
OSU MEDICAL CHARGES	139201
Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care	139202 139203 139204 139205 139206

to persons who are confined in state adult correctional 139207
 facilities. The provision of necessary inpatient care billed to 139208
 the Department shall be reimbursed at a rate not to exceed the 139209
 authorized reimbursement rate for the same service established by 139210
 the Department of Medicaid under the Medicaid Program. 139211

Section 385.10. RCB RESPIRATORY CARE BOARD 139212

Dedicated Purpose Fund Group 139213
 4K90 872609 Operating Expenses \$ 363,106 \$ 0 139214
 TOTAL DPF Dedicated Purpose 139215
 Fund Group \$ 363,106 \$ 0 139216
 TOTAL ALL BUDGET FUND GROUPS \$ 363,106 \$ 0 139217

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 139219

General Revenue Fund Group 139220
 GRF 110908 Property Tax \$ 641,015,200 \$ 645,785,000 139221
 Reimbursement - Local
 Government
 GRF 200903 Property Tax \$ 1,180,084,800 \$ 1,199,315,000 139222
 Reimbursement -
 Education
 TOTAL GRF General Revenue Fund \$ 1,821,100,000 \$ 1,845,100,000 139223
 Group
 Revenue Distribution Fund Group 139224
 5JG0 110633 Gross Casino Revenue \$ 128,400,000 \$ 126,500,000 139225
 Payments-County
 5JH0 110634 Gross Casino Revenue \$ 85,600,000 \$ 84,300,000 139226
 Payments- School
 Districts
 5JJ0 110636 Gross Casino Revenue \$ 12,500,000 \$ 12,400,000 139227
 - Host City
 7047 200902 Property Tax \$ 207,311,667 \$ 165,229,141 139228

		Replacement Phase				
		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	2,250,000 139229
		Alcohol Treatment				
7050	762900	International	\$	22,000,000	\$	22,000,000 139230
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	325,000,000	\$	325,000,000 139231
		Distribution				
7060	110960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000 139232
		Fund				
7065	110965	Public Library Fund	\$	386,300,000	\$	398,100,000 139233
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 139234
		Permits				
7068	110968	State and Local	\$	196,000,000	\$	196,000,000 139235
		Government Highway				
		Distributions				
7069	110969	Local Government Fund	\$	381,800,000	\$	393,500,000 139236
7081	110907	Property Tax	\$	30,844,526	\$	16,700,147 139237
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 139238
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 139239
7104	110997	Medicaid Local Sales	\$	207,000,000	\$	0 139240
		Tax Transition Fund				
TOTAL RDF Revenue Distribution						139241
Fund Group			\$	2,375,666,193	\$	2,132,639,288 139242
Fiduciary Fund Group						139243
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 139244
		Improvement Fund				
6080	001699	Investment Earnings	\$	120,000,000	\$	125,000,000 139245
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 139246
		Local Government				

		Payments				
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000 139247
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	2,577,800,000	\$	2,653,900,000 139248
		Distribution				
7067	110967	School District	\$	435,200,000	\$	451,200,000 139249
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 139250
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000 139251
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000 139252
		Government Assistance				
7095	110995	Municipal Income Tax	\$	8,000,000	\$	8,000,000 139253
7099	762902	Permissive Tax	\$	180,000,000	\$	180,000,000 139254
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$	3,352,540,000	\$	3,449,640,000 139255
	Holding Account Fund Group					139256
R045	110617	International Fuel	\$	36,100,000	\$	36,100,000 139257
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$	36,100,000	\$	36,100,000 139258
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	7,585,406,193	\$	7,463,479,288 139259

Section 387.20. ADDITIONAL APPROPRIATIONS 139261

Appropriation items in this section shall be used for the 139262
purpose of administering and distributing the designated revenue 139263
distribution funds according to the Revised Code. If it is 139264
determined that additional appropriations are necessary for this 139265
purpose, such amounts are hereby appropriated. 139266

GENERAL REVENUE FUND TRANSFERS 139267

Notwithstanding any provision of law to the contrary, in 139268
fiscal year 2018 and fiscal year 2019, the Director of Budget and 139269
Management may transfer from the General Revenue Fund to the Local 139270
Government Tangible Property Tax Replacement Fund (Fund 7081) and 139271
the School District Tangible Property Tax Replacement Fund (Fund 139272
7047) in the Revenue Distribution Fund Group, those amounts 139273
necessary to reimburse local taxing units and school districts 139274
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 139275
fiscal year 2018 and fiscal year 2019, the Director of Budget and 139276
Management may make temporary transfers from the General Revenue 139277
Fund to ensure sufficient balances in the Local Government 139278
Tangible Property Tax Replacement Fund (Fund 7081) and the School 139279
District Tangible Property Tax Replacement Fund (Fund 7047) and to 139280
replenish the General Revenue Fund for such transfers. 139281

MUNICIPAL INCOME NET PROFITS TAX 139282

The foregoing appropriation item 110995, Municipal Income Net 139283
Profits Tax, shall be used to make payments to municipal 139284
corporations under section 5745.05 of the Revised Code. If it is 139285
determined that additional appropriations are necessary to make 139286
such payments, such amounts are hereby appropriated. 139287

PROPERTY TAX REIMBURSEMENT - EDUCATION 139288

The foregoing appropriation item 200903, Property Tax 139289
Reimbursement - Education, is appropriated to pay for the state's 139290
costs incurred because of the homestead exemption, the property 139291
tax rollback, and payments required under division (C) of section 139292
5705.2110 of the Revised Code. In cooperation with the Department 139293
of Taxation, the Department of Education shall distribute these 139294
funds directly to the appropriate school districts of the state, 139295
notwithstanding sections 321.24 and 323.156 of the Revised Code, 139296
which provide for payment of the homestead exemption and property 139297
tax rollback by the Tax Commissioner to the appropriate county 139298
treasurer and the subsequent redistribution of these funds to the 139299

appropriate local taxing districts by the county auditor. 139300

Upon receipt of these amounts, each school district shall 139301
distribute the amount among the proper funds as if it had been 139302
paid as real or tangible personal property taxes. Payments for the 139303
costs of administration shall continue to be paid to the county 139304
treasurer and county auditor as provided for in sections 319.54, 139305
321.26, and 323.156 of the Revised Code. 139306

Any sums, in addition to the amount specifically appropriated 139307
in appropriation item 200903, Property Tax Reimbursement - 139308
Education, for the homestead exemption and the property tax 139309
rollback payments, and payments required under division (C) of 139310
section 5705.2110 of the Revised Code, which are determined to be 139311
necessary for these purposes, are hereby appropriated. 139312

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 139313

The foregoing appropriation item 110908, Property Tax 139314
Reimbursement-Local Government, is hereby appropriated to pay for 139315
the state's costs incurred due to the Homestead Exemption, the 139316
Manufactured Home Property Tax Rollback, and the Property Tax 139317
Rollback. The Tax Commissioner shall distribute these funds 139318
directly to the appropriate local taxing districts, except for 139319
school districts, notwithstanding the provisions in sections 139320
321.24 and 323.156 of the Revised Code, which provide for payment 139321
of the Homestead Exemption, the Manufactured Home Property Tax 139322
Rollback, and Property Tax Rollback by the Tax Commissioner to the 139323
appropriate county treasurer and the subsequent redistribution of 139324
these funds to the appropriate local taxing districts by the 139325
county auditor. 139326

Upon receipt of these amounts, each local taxing district 139327
shall distribute the amount among the proper funds as if it had 139328
been paid as real property taxes. Payments for the costs of 139329
administration shall continue to be paid to the county treasurer 139330

and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code. 139331
139332

Any sums, in addition to the amounts specifically 139333
appropriated in appropriation item 110908, Property Tax Allocation 139334
- Local Government, for the Homestead Exemption, the Manufactured 139335
Home Property Tax Rollback, and the Property Tax Rollback 139336
payments, which are determined to be necessary for these purposes, 139337
are hereby appropriated. 139338

PUBLIC LIBRARY FUND 139339

Notwithstanding the requirement in division (B) of section 139340
131.51 of the Revised Code that the Director of Budget and 139341
Management shall credit to the Public Library Fund one and 139342
sixty-six one-hundredths per cent of the total tax revenue 139343
credited to the General Revenue Fund during the preceding month, 139344
the Director shall instead calculate these amounts during fiscal 139345
year 2018 and fiscal year 2019 using one and sixty-eight 139346
one-hundredths as the percentage. 139347

MEDICAID LOCAL SALES TAX TRANSITION FUND 139348

(A) There is hereby created in the state treasury the 139349
Medicaid Local Sales Tax Transition Fund. The fund shall consist 139350
of money transferred to it. The fund shall be used to mitigate the 139351
effects of, and assist in the adjustment to, the reduced sales tax 139352
revenues of counties and affected transit authorities caused by 139353
the repeal of sales tax collected by Medicaid health insuring 139354
corporations on health care service transactions. 139355

Amounts provided to counties and transit authorities under 139356
this section from the Medicaid Local Sales Tax Transition Fund use 139357
the jurisdictions' annualized Medicaid sales tax revenues during 139358
the calendar year 2015 and 2016 periods. Based on these figures, 139359
the payments provided in this section provide full replacement of 139360
the calculated forgone Medicaid sales tax revenues in calendar 139361

year 2017, which will occur during the October 2017 through 139362
December 2017 period. The payments under this section also reflect 139363
a computation of the ability of the counties and transit 139364
authorities to reasonably adjust to the effects of forgone 139365
Medicaid sales tax revenues. Over time, each jurisdiction will be 139366
able to absorb an increasing portion of its forgone Medicaid sales 139367
tax revenue until it has adjusted to the full forgone revenue. 139368
Before such full adjustment to the Medicaid sales tax change 139369
finally occurs, for each year in which the jurisdiction's 139370
annualized Medicaid sales tax revenue exceeds the amount it is 139371
computed as being able to reasonably absorb in that year, such 139372
difference becomes part of the overall distribution provided under 139373
this section. The amount the jurisdiction is able to absorb in a 139374
given year is the product derived from multiplying the 139375
jurisdiction's annualized total sales tax revenues for calendar 139376
years 2015 and 2016 by the total absorption rate assigned to the 139377
jurisdiction. The absorption rate, which grows by the same 139378
increment each year, is initially established at a level that 139379
takes into account the relative sales tax capacity of a 139380
jurisdiction; the assigned initial absorption rate is four percent 139381
but is a smaller amount to the extent the jurisdiction's sales tax 139382
capacity is below statewide average sales tax capacity. 139383

(B) If the Tax Commissioner orders the cessation of 139384
collection of sales and use taxes pursuant to division (B)(11)(b) 139385
of section 5739.01 of the Revised Code, the Commissioner shall 139386
certify such result to the Director of Budget and Management. 139387
After receipt of this certification by the Director, the 139388
requirements in divisions (C), (D), and (E) of this section shall 139389
take effect. 139390

(C) On or before October 15, 2017, each county and transit 139391
authority that as of January 1, 2017, levies any tax under 139392
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 139393

5741.023 of the Revised Code shall establish a County and Transit Authority Medicaid Sales Tax Transition Fund. The fund shall consist of money distributed to it under this section. Money provided to such fund shall be transferred to the general fund or other fund that receives a lawful portion of the county's or transit authority's sales tax revenue in accordance with a resolution adopted by the board of county commissioners, the county transit board, or trustees of a regional transit authority, as appropriate. Money may be transferred from the County and Transit Authority Medicaid Sales Tax Transition Fund at any time and in any quantity as indicated by the resolution.

(D) On or before November 1, 2017, the Tax Commissioner shall provide for payment to each county and transit authority of a sum equal to fifty per cent of the amount provided for the county or transit authority in division (E) of this section; on or after January 1, 2018, and before February 1, 2018, the Commissioner shall provide for payment to each such county and transit authority of a sum equal to fifty per cent of such amount. The county treasurer or transit authority fiscal officer shall deposit such amount into the County and Transit Authority Medicaid Sales Tax Transition Fund within five business days of its receipt.

(E) Distributions made to counties and transit authorities under this section shall equal the following amounts:

Counties:		
Adams	\$2,338,462	
Allen	\$499,518	
Ashland	\$247,665	
Ashtabula	\$1,953,705	
Athens	\$1,361,470	
Auglaize	\$164,879	
Belmont	\$513,695	
Brown	\$2,608,692	

Butler	\$2,131,220	139426
Carroll	\$222,196	139427
Champaign	\$696,332	139428
Clark	\$6,072,014	139429
Clermont	\$1,385,155	139430
Clinton	\$648,501	139431
Columbiana	\$4,912,012	139432
Coshocton	\$1,095,382	139433
Crawford	\$1,747,652	139434
Cuyahoga	\$25,041,192	139435
Darke	\$394,752	139436
Defiance	\$142,872	139437
Delaware	\$223,143	139438
Erie	\$152,337	139439
Fairfield	\$868,591	139440
Fayette	\$392,342	139441
Franklin	\$14,101,763	139442
Fulton	\$368,374	139443
Gallia	\$950,776	139444
Geauga	\$104,067	139445
Greene	\$681,774	139446
Guernsey	\$550,466	139447
Hamilton	\$9,611,825	139448
Hancock	\$116,906	139449
Hardin	\$662,553	139450
Harrison	\$122,629	139451
Henry	\$216,876	139452
Highland	\$1,802,649	139453
Hocking	\$982,451	139454
Holmes	\$35,327	139455
Huron	\$781,761	139456
Jackson	\$1,628,743	139457
Jefferson	\$1,717,858	139458

Knox	\$472,792	139459
Lake	\$640,963	139460
Lawrence	\$4,457,248	139461
Licking	\$1,325,897	139462
Logan	\$404,753	139463
Lorain	\$2,425,083	139464
Lucas	\$12,058,600	139465
Madison	\$534,899	139466
Mahoning	\$5,235,592	139467
Marion	\$1,688,310	139468
Medina	\$240,830	139469
Meigs	\$3,504,185	139470
Mercer	\$70,711	139471
Miami	\$426,061	139472
Monroe	\$162,021	139473
Montgomery	\$9,198,720	139474
Morgan	\$1,165,475	139475
Morrow	\$1,497,739	139476
Muskingum	\$1,580,290	139477
Noble	\$268,375	139478
Ottawa	\$226,182	139479
Paulding	\$651,361	139480
Perry	\$3,014,204	139481
Pickaway	\$2,027,117	139482
Pike	\$2,030,999	139483
Portage	\$1,168,359	139484
Preble	\$1,050,742	139485
Putnam	\$126,494	139486
Richland	\$955,179	139487
Ross	\$1,903,651	139488
Sandusky	\$558,488	139489
Scioto	\$6,331,880	139490
Seneca	\$904,551	139491

Shelby	\$201,342	139492
Stark	\$1,471,853	139493
Summit	\$2,309,202	139494
Trumbull	\$3,958,878	139495
Tuscarawas	\$353,741	139496
Union	\$111,287	139497
Van Wert	\$300,928	139498
Vinton	\$2,803,310	139499
Warren	\$317,939	139500
Washington	\$521,996	139501
Wayne	\$585,869	139502
Williams	\$496,855	139503
Wood	\$237,910	139504
Wyandot	\$121,144	139505
Transit Authorities:		139506
Greater Cleveland Regional Transit Authority	\$20,068,166	139507
Central Ohio Regional Transit Authority	\$5,273,867	139508
Laketran Transit Authority	\$160,420	139509
Western Reserve Transit Authority	\$1,055,799	139510
Greater Dayton Regional Transit Authority	\$4,605,453	139511
Portage Area Regional Transit Authority	\$234,905	139512
Stark Area Regional Transit Authority	\$735,589	139513
Metro Regional Transit Authority	\$2,315,641	139514
Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION		139515
Dedicated Purpose Fund Group		139516
4K90 893609 Operating Expenses	\$ 43,633 \$	0 139517

TOTAL DPF Dedicated Purpose				139518
Fund Group	\$	43,633	\$	0 139519
TOTAL ALL BUDGET FUND GROUPS	\$	43,633	\$	0 139520

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 139522

General Revenue Fund				139523
GRF 226321 Operations	\$	10,147,767	\$	10,385,938 139524
TOTAL GRF General Revenue Fund	\$	10,147,767	\$	10,385,938 139525

Dedicated Purpose Fund Group				139526
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4H80 226602 Education Reform	\$	354,000	\$	354,000 139527
Grants				

4M50 226601 Work Study and	\$	461,521	\$	461,521 139528
Technology Investment				

5NJ0 226622 Food Service Program	\$	9,500	\$	9,500 139529
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TOTAL DPF Dedicated Purpose				139530
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Fund Group	\$	825,021	\$	825,021 139531
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Federal Fund Group				139532
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3100 226626 Federal Grants	\$	183,000	\$	183,000 139533
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3DT0 226621 Ohio Transition	\$	650,000	\$	650,000 139534
Collaborative				

3P50 226643 Medicaid Professional	\$	100,000	\$	100,000 139535
Services				

Reimbursement

TOTAL FED Federal Fund Group	\$	933,000	\$	933,000 139536
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TOTAL ALL BUDGET FUND GROUPS	\$	11,905,788	\$	12,143,959 139537
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Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 139539

General Revenue Fund				139540
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GRF 221321 Operations	\$	10,856,987	\$	11,079,816 139541
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TOTAL GRF General Revenue Fund	\$	10,856,987	\$	11,079,816 139542
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Dedicated Purpose Fund Group				139543
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4M00 221601 Educational Program	\$	105,000	\$	105,000 139544
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		Expenses				
4M10	221602	Education Reform	\$	370,000	\$	370,000 139545
		Grants				
5H60	221609	Even Start Fees and	\$	62,999	\$	63,000 139546
		Gifts				
5NK0	221610	Food Service Program	\$	9,500	\$	9,500 139547
TOTAL DPF Dedicated Purpose						139548
Fund Group			\$	547,499	\$	547,500 139549
Federal Fund Group						139550
3110	221625	Federal Grants	\$	385,000	\$	385,000 139551
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000 139552
		Services				
		Reimbursement				
TOTAL FED Federal Fund Group			\$	591,000	\$	591,000 139553
TOTAL ALL BUDGET FUND GROUPS			\$	11,995,486	\$	12,218,316 139554
 Section 395.10. SOS SECRETARY OF STATE						139556
Dedicated Purpose Fund Group						139557
4120	050609	Notary Commission	\$	475,000	\$	475,000 139558
4S80	050610	Board of Voting	\$	7,200	\$	7,200 139559
		Machine Examiners				
5990	050603	Business Services	\$	14,385,400	\$	14,385,400 139560
		Operating Expenses				
5990	050629	Statewide Voter	\$	700,000	\$	700,000 139561
		Registration Database				
5990	050630	Elections Support	\$	2,144,030	\$	2,144,030 139562
		Supplement				
5990	050631	Precinct Election	\$	234,196	\$	234,196 139563
		Officials Training				
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000 139564
		Education				
5SN0	050626	Address	\$	100,000	\$	100,000 139565

Confidentiality			
TOTAL DPF Dedicated Purpose Fund Group	\$	18,125,826	\$ 18,125,826 139566
Holding Account Fund Group			139567
R001 050605 Uniform Commercial Code Refunds	\$	30,000	\$ 30,000 139568
R002 050606 Corporate/Business Filing Refunds	\$	85,000	\$ 85,000 139569
TOTAL HLD Holding Account Fund Group	\$	115,000	\$ 115,000 139570
Federal Fund Group			139571
3AS0 050616 Help America Vote Act (HAVA)	\$	16,000	\$ 0 139572
3FM0 050624 Miscellaneous Federal Grants	\$	8,600	\$ 4,400 139573
TOTAL FED Federal Fund Group	\$	24,600	\$ 4,400 139574
TOTAL ALL BUDGET FUND GROUPS	\$	18,265,426	\$ 18,245,226 139575

Section 395.20. CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL TRAINING 139577
139578

At the end of FY 2017, an amount equal to the unexpended, 139579
unencumbered portion of appropriation item 050602, Citizen 139580
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 139581
for the same purpose. 139582

The foregoing appropriation item 050631, Precinct Election 139583
Official Training, shall be used to reimburse county boards of 139584
elections for precinct election official (PEO) training pursuant 139585
to section 3501.27 of the Revised Code. At the end of fiscal year 139586
2018, an amount equal to the unexpended, unencumbered portion of 139587
the foregoing appropriation item 050631, Precinct Election 139588
Official Training, is hereby reappropriated in fiscal year 2019 139589
for the same purpose. 139590

BOARD OF VOTING MACHINE EXAMINERS	139591
The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	139592 139593 139594 139595 139596 139597 139598 139599 139600 139601 139602
HOLDING ACCOUNT FUND GROUP	139603
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	139604 139605 139606 139607 139608 139609 139610 139611
MISCELLANEOUS FEDERAL GRANTS	139612
Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.	139613 139614 139615 139616
ADDRESS CONFIDENTIALITY PROGRAM	139617
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).	139618 139619 139620 139621

LITIGATION RELATED EXPENSES	139622
Upon the request of the Secretary of State, the Director of	139623
Budget and Management may transfer cash and appropriation from any	139624
fund and appropriation item used by the Secretary of State to	139625
Litigation Related Expenses Fund (Fund 5QE0) appropriation item	139626
050625, Litigation Related Expenses, or Business Services	139627
Operating Expenses Fund (Fund 5990) appropriation item 050628,	139628
Litigation Related Expenses. The amounts transferred shall be used	139629
to pay for any expenses related to lawsuits or legal proceedings	139630
against the Secretary of State.	139631
ABSENT VOTER'S BALLOT APPLICATION MAILING	139632
Notwithstanding Division (B) of Section 111.31 of the Revised	139633
Code, upon the request of the Secretary of State, the Controlling	139634
Board shall approve cash transfers from the Controlling Board	139635
Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent	139636
Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by	139637
the Secretary of State to pay the costs of printing and mailing	139638
unsolicited applications for absent voters' ballots for the	139639
general election to be held in November 2018. Such amounts are	139640
hereby appropriated.	139641
BALLOT ADVERTISING COSTS	139642
Notwithstanding Division (G) of Section 3501.17 of the	139643
Revised Code, upon requests submitted by the Secretary of State,	139644
the Controlling Board may approve transfers from the Controlling	139645
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the	139646
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for	139647
the cost of public notices associated with statewide ballot	139648
initiatives.	139649
Section 397.10. SEN THE OHIO SENATE	139650
General Revenue Fund	139651

GRF 020321	Operating Expenses	\$	15,023,367	\$	15,023,367	139652
TOTAL GRF	General Revenue Fund	\$	15,023,367	\$	15,023,367	139653
Internal Service Activity Fund Group						139654
1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	139655
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	139656
TOTAL ISA	Internal Service Activity					139657
Fund Group		\$	460,297	\$	460,297	139658
TOTAL ALL BUDGET FUND GROUPS		\$	15,483,664	\$	15,483,664	139659

OPERATING EXPENSES 139660

On July 1, 2017, or as soon as possible thereafter, the Clerk 139661
of the Senate may certify to the Director of Budget and Management 139662
an amount up to the unexpended, unencumbered balance of the 139663
foregoing appropriation item 020321, Operating Expenses, at the 139664
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 139665
The amount certified is hereby reappropriated to the same 139666
appropriation item for fiscal year 2018. 139667

On July 1, 2018, or as soon as possible thereafter, the Clerk 139668
of the Senate may certify to the Director of Budget and Management 139669
an amount up to the unexpended, unencumbered balance of the 139670
foregoing appropriation item 020321, Operating Expenses, at the 139671
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 139672
The amount certified is hereby reappropriated to the same 139673
appropriation item for fiscal year 2019. 139674

Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 139675

General Revenue Fund						139676
GRF 866321	CSV Operations	\$	300,000	\$	300,000	139677
TOTAL GRF	General Revenue Fund	\$	300,000	\$	300,000	139678
Dedicated Purpose Fund Group						139679
5GN0 866605	Serve Ohio Support	\$	7,594	\$	0	139680
TOTAL DPF	Dedicated Purpose Fund	\$	7,594	\$	0	139681

Group

Federal Fund Group				139682
3R70 866617 AmeriCorps Programs	\$	8,000,000	\$ 8,000,000	139683
TOTAL FED Federal Fund Group	\$	8,000,000	\$ 8,000,000	139684
TOTAL ALL BUDGET FUND GROUPS	\$	8,307,594	\$ 8,300,000	139685

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 139687

Debt Service Fund Group				139688
7070 155905 Third Frontier	\$	86,015,000	\$ 93,539,900	139689
Research and				
Development Bond				
Retirement Fund				
7072 155902 Highway Capital	\$	117,606,700	\$ 135,589,800	139690
Improvement Bond				
Retirement Fund				
7073 155903 Natural Resources Bond	\$	25,450,300	\$ 19,317,800	139691
Retirement Fund				
7074 155904 Conservation Projects	\$	39,367,200	\$ 44,001,700	139692
Bond Retirement Fund				
7076 155906 Coal Research and	\$	6,319,500	\$ 7,820,600	139693
Development Bond				
Retirement Fund				
7077 155907 State Capital	\$	230,880,100	\$ 228,392,200	139694
Improvement Bond				
Retirement Fund				
7078 155908 Common Schools Bond	\$	375,134,900	\$ 404,025,700	139695
Retirement Fund				
7079 155909 Higher Education Bond	\$	267,425,600	\$ 295,094,600	139696
Retirement Fund				
7080 155901 Persian Gulf,	\$	7,118,300	\$ 5,090,700	139697
Afghanistan, and Iraq				
Conflict Bond				

Retirement Fund					
7090	155912	Job Ready Site	\$ 15,657,175	\$ 15,591,200	139698
Development Bond					
Retirement Fund					
TOTAL DSF Debt Service Fund Group			\$ 1,170,974,775	\$ 1,248,464,200	139699
TOTAL ALL BUDGET FUND GROUPS			\$ 1,170,974,775	\$ 1,248,464,200	139700
ADDITIONAL APPROPRIATIONS					139701
Appropriation items in this section are for the purpose of					139702
paying debt service and financing costs during the period from					139703
July 1, 2017 through June 30, 2019 on bonds or notes of the state					139704
issued under the Ohio Constitution and acts of the General					139705
Assembly. If it is determined that additional amounts are					139706
necessary for this purpose, such amounts are hereby appropriated.					139707
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					139708
DEVELOPMENT FOUNDATION					139709
Dedicated Purpose Fund Group					139710
5M90	945601	Operating Expenses	\$ 352,930	\$ 352,930	139711
TOTAL DPF Dedicated Purpose Fund			\$ 352,930	\$ 352,930	139712
Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 352,930	\$ 352,930	139713
Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS					139715
BOARD					139716
Dedicated Purpose Fund Group					139717
4K90	123609	Operating Expenses	\$ 279,708	\$ 615,704	139718
TOTAL DPF Dedicated Purpose Fund			\$ 279,708	\$ 615,704	139719
Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 279,708	\$ 615,704	139720
Section 405.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &					139722
AUDIOLOGY					139723

Dedicated Purpose Fund Group				139724
4K90 886609 Operating Expenses	\$	333,269	\$	0 139725
TOTAL DPF Dedicated Purpose Fund Group	\$	333,269	\$	0 139726
TOTAL ALL BUDGET FUND GROUPS	\$	333,269	\$	0 139727

Section 407.10. BTA BOARD OF TAX APPEALS 139729

General Revenue Fund				139730
GRF 116321 Operating Expenses	\$	1,822,552	\$ 1,857,751	139731
TOTAL GRF General Revenue Fund	\$	1,822,552	\$ 1,857,751	139732
TOTAL ALL BUDGET FUND GROUPS	\$	1,822,552	\$ 1,857,751	139733

Section 409.10. TAX DEPARTMENT OF TAXATION 139735

General Revenue Fund				139736
GRF 110321 Operating Expenses	\$	67,260,978	\$ 69,735,978	139737
GRF 110404 Tobacco Settlement Enforcement	\$	0	\$ 167,567	139738
TOTAL GRF General Revenue Fund	\$	67,260,978	\$ 69,903,545	139739
Dedicated Purpose Fund Group				139740
2280 110628 CAT Administration	\$	17,496,584	\$ 14,996,584	139741
4330 110602 Municipal Data Exchange Administration	\$	178,156	\$ 178,156	139742
4350 110607 Local Tax Administration	\$	21,000,000	\$ 21,000,000	139743
4360 110608 Motor Vehicle Audit Administration	\$	1,523,113	\$ 1,523,113	139744
4370 110606 Income Tax Refund Contribution Administration	\$	38,800	\$ 38,800	139745
4380 110609 School District Income Tax	\$	6,427,960	\$ 6,427,960	139746

		Administration					
4C60	110616	International	\$	705,869	\$	705,869	139747
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	255,836	\$	255,836	139748
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	139749
		Administration					
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	139750
		and Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	139751
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	139752
		Implementation					
5N50	110605	Municipal Income Tax	\$	2,400,000	\$	5,150,000	139753
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	139754
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	139755
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,175,897	\$	5,175,897	139756
		Administration					
5V80	110623	Property Tax	\$	6,000,000	\$	6,000,000	139757
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	139758
		Administration					
6390	110614	Cigarette Tax	\$	1,965,511	\$	1,797,944	139759
		Enforcement					
6880	110615	Local Excise Tax	\$	500,000	\$	500,000	139760
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	70,691,020	\$	68,273,453	139761
		Group					
		Fiduciary Fund Group					139762

4250	110635	Tax Refunds	\$ 1,911,472,500	\$ 1,876,628,500	139763
5CZ0	110631	Vendor's License Application	\$ 380,000	\$ 380,000	139764
6420	110613	Ohio Political Party Distributions	\$ 180,000	\$ 180,000	139765
TOTAL FID Fiduciary Fund Group			\$ 1,912,032,500	\$ 1,877,188,500	139766
Holding Account Fund Group					139767
R010	110611	Tax Distributions	\$ 25,000	\$ 25,000	139768
R011	110612	Miscellaneous Income Tax Receipts	\$ 500	\$ 500	139769
TOTAL HLD Holding Account Fund Group			\$ 25,500	\$ 25,500	139770
TOTAL ALL BUDGET FUND GROUPS			\$ 2,050,009,998	\$ 2,015,390,998	139771

Section 409.20. TAX REFUNDS 139773

The foregoing appropriation item 110635, Tax Refunds, shall 139774
be used to pay refunds under section 5703.052 of the Revised Code. 139775
If it is determined that additional appropriations are necessary 139776
for this purpose, such amounts are hereby appropriated. 139777

VENDOR'S LICENSE PAYMENTS 139778

The foregoing appropriation item 110631, Vendor's License 139779
Application, shall be used to make payments to county auditors 139780
under section 5739.17 of the Revised Code. If it is determined 139781
that additional appropriations are necessary to make such 139782
payments, such amounts are hereby appropriated. 139783

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 139784

The foregoing appropriation item 110616, International 139785
Registration Plan Administration, shall be used under section 139786
5703.12 of the Revised Code for audits of persons with vehicles 139787
registered under the International Registration Plan. 139788

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 139789

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT 139797

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code. In fiscal year 2018, expenses associated with these enforcement activities will be covered by appropriation item 110614, Cigarette Tax Enforcement.

STARS DEVELOPMENT AND IMPLEMENTATION FUND 139804

The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND 139818

(A) During fiscal year 2018 and fiscal year 2019, if the Tax 139820

Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations due to the new tax administration obligations imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional appropriations necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in Fund 5N50, the Director shall approve the certified appropriation increase. Any approved appropriation increase is hereby appropriated.

TAX AMNESTY PROMOTION AND ADMINISTRATION

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The foregoing appropriation item 110630, Tax Amnesty Promotion and Administration, shall be used to pay expenses incurred to promote and administer the tax amnesty program to be conducted from January 1, 2018, to February 15, 2018, by the Department of Taxation. The Department of Taxation and Attorney General's Office shall work in close collaboration on promotion activities in relation to the Tax Amnesty Promotion and Administration program.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION				139861
General Revenue Fund				139862
GRF	775451	Public Transportation	\$ 6,500,000 \$ 6,500,000	139863
- State				
GRF	776465	Rail Development	\$ 985,000 \$ 1,000,000	139864
GRF	777471	Airport Improvements	\$ 6,455,000 \$ 5,910,000	139865
- State				
TOTAL GRF	General Revenue Fund		\$ 13,940,000 \$ 13,410,000	139866
Dedicated Purpose Fund Group				139867
5QT0	776670	Ohio Maritime Assistance Program	\$ 2,000,000 \$ 2,000,000	139868
TOTAL DPF	Dedicated Purpose Fund		\$ 2,000,000 \$ 2,000,000	139869
TOTAL ALL BUDGET FUND GROUPS			\$ 15,940,000 \$ 15,410,000	139870

Section 411.20. AIRPORT IMPROVEMENTS - STATE 139872

The foregoing appropriation item 777471, Airport Improvements - State, shall be used by the Department of Transportation to continue the Ohio Airport Grant Program in supporting capital improvements, maintaining infrastructure, and ensuring safety at publicly owned, public use airports in the state, provided that the airports receive neither Federal Aviation Administration Air Carrier Enplanement Funds nor Air Cargo Entitlements.

Of the foregoing appropriation item 777471, Airport

Improvements - State, \$455,000 in fiscal year 2018 shall be 139881
allocated to the Columbus Regional Airport Authority to support 139882
expenses related to the renaming of the Port Columbus 139883
International Airport, as enacted in Am. Sub. S.B. 159 of the 139884
131st General Assembly. Use of the allocated funds may include the 139885
cost of replacing signage or other related expenses that have been 139886
incurred subsequent to the enactment of Am. Sub. S.B. 159 of the 139887
131st General Assembly, or future expenses associated with the 139888
name change from Port Columbus International Airport to the John 139889
Glenn International Airport. 139890

Of the foregoing appropriation item 777471, Airport 139891
Improvements - State, \$100,000 in fiscal year 2018 shall be 139892
allocated to support the installation of four new airline gates at 139893
the Akron-Canton Airport. 139894

Section 411.30. OHIO MARITIME ASSISTANCE PROGRAM 139895

The foregoing appropriation item 776670, Ohio Maritime 139896
Assistance Program, shall be used for the Ohio Maritime Assistance 139897
Program established in section 5501.91 of the Revised Code. 139898

Notwithstanding anything to the contrary in Chapter 166. of 139899
the Revised Code, at the request of the Director of 139900
Transportation, the Director of Budget and Management shall 139901
transfer \$2,000,000 cash in each fiscal year from the Facilities 139902
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 139903
Fund (Fund 5QT0), which is hereby created in the state treasury. 139904
The Ohio Maritime Assistance Fund shall consist of state and 139905
federal dollars allocated to it as permitted by law. 139906

Section 413.10. TOS TREASURER OF STATE 139907

General Revenue Fund 139908
GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 139909
GRF 090401 Office of the Sinking \$ 476,836 \$ 476,836 139910

	Fund				
GRF 090402	Continuing Education	\$	175,000	\$	175,000 139911
GRF 090406	Treasury Management	\$	1,113,900	\$	1,114,700 139912
	System Lease Rental				
	Payments				
GRF 090613	ABLE Account	\$	1,660,000	\$	1,660,000 139913
	Administration				
TOTAL GRF	General Revenue Fund	\$	11,545,515	\$	11,545,565 139914
	Dedicated Purpose Fund Group				139915
4E90 090603	Securities Lending	\$	5,415,468	\$	5,415,468 139916
	Income				
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000 139917
	Reimbursement				
5C50 090602	County Treasurer	\$	320,057	\$	320,057 139918
	Education				
5NH0 090610	OhioMeansJobs	\$	15,150,000	\$	0 139919
	Workforce Development				
6050 090609	Treasurer of State	\$	700,000	\$	700,000 139920
	Administrative Fund				
TOTAL DPF	Dedicated Purpose				139921
Fund Group		\$	22,635,525	\$	7,485,525 139922
	Fiduciary Fund Group				139923
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000 139924
TOTAL FID	Fiduciary Fund Group	\$	12,000,000	\$	12,000,000 139925
TOTAL ALL BUDGET FUND GROUPS		\$	46,181,040	\$	31,031,090 139926

Section 413.20. OFFICE OF THE SINKING FUND 139928

The foregoing appropriation item 090401, Office of the 139929
Sinking Fund, shall be used for costs incurred by or on behalf of 139930
the Commissioners of the Sinking Fund and the Ohio Public 139931
Facilities Commission with respect to State of Ohio general 139932
obligation bonds or notes, and the Treasurer of State with respect 139933

to State of Ohio general obligation and special obligation bonds 139934
or notes, including, but not limited to, printing, advertising, 139935
delivery, rating fees and the procurement of ratings, professional 139936
publications, membership in professional organizations, and other 139937
services referred to in division (D) of section 151.01 of the 139938
Revised Code. The General Revenue Fund shall be reimbursed for 139939
such costs relating to the issuance and administration of Highway 139940
Capital Improvement bonds or notes authorized under Ohio 139941
Constitution, Article VIII, Section 2m and Chapter 151. of the 139942
Revised Code. That reimbursement shall be made from appropriation 139943
item 155902, Highway Capital Improvement Bond Retirement Fund, by 139944
intrastate transfer voucher pursuant to a certification by the 139945
Office of the Sinking Fund of the actual amounts used. The amounts 139946
necessary to make such a reimbursement are hereby appropriated 139947
from the Highway Capital Improvement Bond Retirement Fund created 139948
in section 151.06 of the Revised Code. 139949

ABLE ACCOUNT ADMINISTRATION 139950

The foregoing appropriation item 090613, ABLE Account 139951
Administration, shall be used for administration of an Achieve a 139952
Better Living Experience (ABLE) account program. 139953

TAX REFUNDS 139954

The foregoing appropriation item 090635, Tax Refunds, shall 139955
be used to pay refunds under section 5703.052 of the Revised Code. 139956
If the Director of Budget and Management determines that 139957
additional amounts are necessary for this purpose, such amounts 139958
are hereby appropriated. 139959

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 139960
PAYMENTS 139961

The foregoing appropriation item 090406, Treasury Management 139962
System Lease Rental Payments, shall be used for payments during 139963

the period from July 1, 2017, through June 30, 2019, pursuant to 139964
leases and agreements entered into under Section 701.20 of Am. 139965
Sub. H.B. 497 of the 130th General Assembly with respect to 139966
financing the costs associated with the acquisition and 139967
implementation of the Treasury Management System. If it is 139968
determined that additional appropriations are necessary for this 139969
purpose, the amounts are hereby appropriated. 139970

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 139971
LOAN PROGRAM 139972

The foregoing appropriation item 090610, OhioMeansJobs 139973
Workforce Development, shall be used for the OhioMeansJobs 139974
Workforce Development Revolving Loan Program to provide loans to 139975
individuals for workforce training. 139976

Of the foregoing appropriation item 090610, OhioMeansJobs 139977
Workforce Development, up to \$250,000 in fiscal year 2018 may be 139978
used by the Treasurer of State to administer the program. 139979

Any unexpended and unencumbered portion of the foregoing 139980
appropriation item 090610, OhioMeansJobs Workforce Development, at 139981
the end of fiscal year 2018 is hereby reappropriated for the same 139982
purpose in fiscal year 2019. To the extent that reappropriated 139983
funds are available, of the foregoing appropriation item 090610, 139984
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 139985
2019 may be used by the Treasurer of State to administer the 139986
program. 139987

Section 413.50. VTO VETERANS' ORGANIZATIONS 139988

General Revenue Fund 139989

VAP AMERICAN EX-PRISONERS OF WAR 139990

GRF 743501 State Support \$ 28,910 \$ 28,910 139991

VAN ARMY AND NAVY UNION, USA, INC. 139992

GRF 746501 State Support \$ 63,539 \$ 63,539 139993

		VKW KOREAN WAR VETERANS				139994
GRF	747501	State Support	\$	57,118	\$	57,118 139995
		VJW JEWISH WAR VETERANS				139996
GRF	748501	State Support	\$	34,321	\$	34,321 139997
		VCW CATHOLIC WAR VETERANS				139998
GRF	749501	State Support	\$	66,978	\$	66,978 139999
		VPH MILITARY ORDER OF THE PURPLE HEART				140000
GRF	750501	State Support	\$	65,116	\$	65,116 140001
		VVV VIETNAM VETERANS OF AMERICA				140002
GRF	751501	State Support	\$	214,776	\$	214,776 140003
		VAL AMERICAN LEGION OF OHIO				140004
GRF	752501	State Support	\$	349,189	\$	349,189 140005
		VII AMVETS				140006
GRF	753501	State Support	\$	332,547	\$	332,547 140007
		VAV DISABLED AMERICAN VETERANS				140008
GRF	754501	State Support	\$	249,836	\$	249,836 140009
		VMC MARINE CORPS LEAGUE				140010
GRF	756501	State Support	\$	133,947	\$	133,947 140011
		V37 37TH DIVISION VETERANS' ASSOCIATION				140012
GRF	757501	State Support	\$	6,868	\$	6,868 140013
		VFW VETERANS OF FOREIGN WARS				140014
GRF	758501	State Support	\$	284,841	\$	284,841 140015
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986 140016
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986 140017
		RELEASE OF FUNDS				140018
		The Director of Budget and Management may release the				140019
		foregoing appropriation items 743501, 746501, 747501, 748501,				140020
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				140021
		and 758501, State Support.				140022
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				140023
		General Revenue Fund				140024

GRF	900321	Veterans' Homes	\$	27,017,986	\$	27,017,986	140025
GRF	900402	Hall of Fame	\$	112,106	\$	112,106	140026
GRF	900408	Department of Veterans Services	\$	2,757,269	\$	2,757,269	140027
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	7,118,300	\$	5,090,700	140028
TOTAL GRF	General Revenue Fund		\$	37,005,661	\$	34,978,061	140029
Dedicated Purpose Fund Group							140030
4840	900603	Veterans' Homes Services	\$	990,000	\$	995,000	140031
4E20	900602	Veterans' Homes Operating	\$	13,389,605	\$	13,400,000	140032
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	140033
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	140034
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	140035
TOTAL DPF	Dedicated Purpose Fund Group		\$	15,949,605	\$	15,965,000	140036
Debt Service Fund Group							140037
7041	900615	Veteran Bonus Program - Administration	\$	330,163	\$	272,687	140038
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	1,132,362	\$	1,132,706	140039
TOTAL DSF	Debt Service Fund Group		\$	1,462,525	\$	1,405,393	140041
Federal Fund Group							140042
3680	900614	Veterans Training	\$	782,898	\$	805,851	140043
3740	900606	Troops to Teachers	\$	125,002	\$	130,001	140044
3BX0	900609	Medicare Services	\$	3,352,135	\$	3,578,278	140045

3L20 900601	Veterans' Homes	\$	32,021,561	\$	33,378,119	140046
	Operations - Federal					
TOTAL FED	Federal Fund Group	\$	36,281,596	\$	37,892,249	140047
TOTAL ALL BUDGET FUND GROUPS		\$	90,699,387	\$	90,240,703	140048
	VETERANS ORGANIZATIONS' RENT					140049
	The foregoing appropriation item 900408, Department of					140050
	Veterans Services, shall be used to pay veterans organizations'					140051
	rent in buildings managed by the Department of Administrative					140052
	Services.					140053
	VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE					140054
	The foregoing appropriation item 900901, Veterans					140055
	Compensation General Obligation Bond Debt Service, shall be used					140056
	to pay all debt service and related financing costs during the					140057
	period from July 1, 2017, through June 30, 2019, on obligations					140058
	issued under sections 151.01 and 151.12 of the Revised Code.					140059
	Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD					140060
	Dedicated Purpose Fund Group					140061
4K90 888609	Operating Expenses	\$	396,369	\$	439,369	140062
TOTAL DPF	Dedicated Purpose					140063
Fund Group		\$	396,369	\$	439,369	140064
	Internal Service Activity Fund Group					140065
5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	140066
	Loan Program					
TOTAL ISA	Internal Service Activity					140067
Fund Group		\$	30,000	\$	30,000	140068
TOTAL ALL BUDGET FUND GROUPS		\$	426,369	\$	469,369	140069
	Section 419.10. VPB STATE VISION PROFESSIONALS BOARD					140071
	Dedicated Purpose Fund Group					140072
4K90 129609	Operating Expenses	\$	400,809	\$	650,607	140073

TOTAL DPF Dedicated Purpose Fund	\$	400,809	\$	650,607	140074
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	400,809	\$	650,607	140075
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES					140077
General Revenue Fund					140078
GRF 470401 RECLAIM Ohio	\$	155,590,859	\$	159,227,635	140079
GRF 470412 Juvenile Correctional	\$	17,515,369	\$	17,086,697	140080
Facilities Lease					
Rental Bond Payments					
GRF 470510 Youth Services	\$	16,285,160	\$	16,285,160	140081
GRF 472321 Parole Operations	\$	10,330,877	\$	10,481,781	140082
GRF 477321 Administrative	\$	11,285,391	\$	11,574,760	140083
Operations					
TOTAL GRF General Revenue Fund	\$	211,007,656	\$	214,656,033	140084
Dedicated Purpose Fund Group					140085
1470 470612 Vocational Education	\$	1,690,000	\$	1,463,162	140086
1750 470613 Education Services	\$	3,385,248	\$	3,492,983	140087
4790 470609 Employee Food Service	\$	60,273	\$	44,107	140088
4A20 470602 Child Support	\$	187,998	\$	153,968	140089
4G60 470605 Juvenile Special	\$	115,000	\$	115,000	140090
Revenue - Non-Federal					
5BN0 470629 E-Rate Program	\$	75,000	\$	75,000	140091
TOTAL DPF Dedicated Purpose					140092
Fund Group	\$	5,513,519	\$	5,344,220	140093
Federal Fund Group					140094
3210 470601 Education	\$	947,275	\$	961,519	140095
3210 470603 Juvenile Justice	\$	2,144,540	\$	2,232,533	140096
Prevention					
3210 470606 Nutrition	\$	930,000	\$	930,000	140097
3210 470614 Title IV-E	\$	5,766,624	\$	5,766,624	140098
Reimbursements					

3FC0 470642	Federal Juvenile Programs FFY 12	\$	1,000	\$	0	140099
3GB0 470643	Federal Juvenile Programs FFY 13	\$	16,352	\$	200	140100
3V50 470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	140101
TOTAL FED Federal						140102
Fund Group		\$	11,525,791	\$	11,610,876	140103
TOTAL ALL BUDGET FUND GROUPS						140104
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						140105
The foregoing appropriation item 470412, Juvenile						140106
Correctional Facilities Lease Rental Bond Payments, shall be used						140107
to meet all payments during the period from July 1, 2017, through						140108
June 30, 2019, by the Department of Youth Services under the						140109
leases and agreements for facilities made under Chapters 152. and						140110
154. of the Revised Code. This appropriation is the source of						140111
funds pledged for bond service charges on related obligations						140112
issued under Chapters 152. and 154. of the Revised Code.						140113
EDUCATION SERVICES						140114
The foregoing appropriation item 470613, Education Services,						140115
shall be used to fund the operating expenses of providing						140116
educational services to youth supervised by the Department of						140117
Youth Services. Operating expenses include, but are not limited						140118
to, teachers' salaries, maintenance costs, and educational						140119
equipment.						140120
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES						140121
In collaboration with the county family and children first						140122
council, the juvenile court of that county that receives						140123
allocations from one or both of the foregoing appropriation items						140124
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer						140125

portions of those allocations to a flexible funding pool as 140126
authorized by the section of this act titled "FAMILY AND CHILDREN 140127
FIRST FLEXIBLE FUNDING POOL." 140128

Section 503.10. PERSONAL SERVICE EXPENSES 140129

Unless otherwise prohibited by law, any appropriation from 140130
which personal service expenses are paid shall bear the employer's 140131
share of public employees' retirement, workers' compensation, 140132
disabled workers' relief, and insurance programs; and the costs of 140133
centralized financial services, centralized payroll processing, 140134
and related reports and services; centralized human resources 140135
services, including affirmative action and equal employment 140136
opportunity programs; the Office of Collective Bargaining; 140137
centralized information technology management services; 140138
administering the enterprise resource planning system; and 140139
administering the state employee merit system as required by 140140
section 124.07 of the Revised Code. These costs shall be 140141
determined in conformity with the appropriate sections of law and 140142
paid in accordance with procedures specified by the Office of 140143
Budget and Management. Expenditures from appropriation item 140144
070601, Public Audit Expense - Intra-State, may be exempted from 140145
the requirements of this section. 140146

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 140147
AGAINST THE STATE 140148

Except as otherwise provided in this section, an 140149
appropriation in this act or any other act may be used for the 140150
purpose of satisfying judgments, settlements, or administrative 140151
awards ordered or approved by the Court of Claims or by any other 140152
court of competent jurisdiction in connection with civil actions 140153
against the state. This authorization does not apply to 140154
appropriations to be applied to or used for payment of guarantees 140155

by or on behalf of the state, or for payments under lease 140156
agreements relating to, or debt service on, bonds, notes, or other 140157
obligations of the state. Notwithstanding any other statute to the 140158
contrary, this authorization includes appropriations from funds 140159
into which proceeds of direct obligations of the state are 140160
deposited only to the extent that the judgment, settlement, or 140161
administrative award is for, or represents, capital costs for 140162
which the appropriation may otherwise be used and is consistent 140163
with the purpose for which any related obligations were issued or 140164
entered into. Nothing contained in this section is intended to 140165
subject the state to suit in any forum in which it is not 140166
otherwise subject to suit, and is not intended to waive or 140167
compromise any defense or right available to the state in any suit 140168
against it. 140169

Section 503.30. CAPITAL PROJECT SETTLEMENTS 140170

This section specifies an additional and supplemental 140171
procedure to provide for payments of judgments and settlements if 140172
the Director of Budget and Management determines, pursuant to 140173
division (C)(4) of section 2743.19 of the Revised Code, that 140174
sufficient unencumbered moneys do not exist in the fund to support 140175
a particular appropriation to pay the amount of a final judgment 140176
rendered against the state or a state agency, including the 140177
settlement of a claim approved by a court, in an action upon and 140178
arising out of a contractual obligation for the construction or 140179
improvement of a capital facility if the costs under the contract 140180
were payable in whole or in part from a state capital projects 140181
appropriation. In such a case, the Director may either proceed 140182
pursuant to division (C)(4) of section 2743.19 of the Revised Code 140183
or apply to the Controlling Board to increase an appropriation or 140184
create an appropriation out of any unencumbered moneys in the 140185
state treasury to the credit of the capital projects fund from 140186
which the initial state appropriation was made. The amount of an 140187

increase in appropriation or new appropriation approved by the 140188
Controlling Board is hereby appropriated from the applicable 140189
capital projects fund and made available for the payment of the 140190
judgment or settlement. 140191

If the Director does not make the application authorized by 140192
this section or the Controlling Board disapproves the application, 140193
and the Director does not make application under division (C)(4) 140194
of section 2743.19 of the Revised Code, the Director shall for the 140195
purpose of making that payment make a request to the General 140196
Assembly as provided for in division (C)(5) of that section. 140197

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 140198

In order to provide funds for the reissuance of voided 140199
warrants under section 126.37 of the Revised Code, there is hereby 140200
appropriated, out of moneys in the state treasury from the fund 140201
credited as provided in section 126.37 of the Revised Code, that 140202
amount sufficient to pay such warrants when approved by the Office 140203
of Budget and Management. 140204

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 140205
BALANCES OF OPERATING APPROPRIATIONS 140206

(A) Notwithstanding the original year of appropriation or 140207
encumbrance the unexpended balance of an operating appropriation 140208
or reappropriation that a state agency lawfully encumbered prior 140209
to the close of fiscal year 2017 or fiscal year 2018 is hereby 140210
reappropriated on the first day of July of the following fiscal 140211
year from the fund from which it was originally appropriated or 140212
reappropriated for the period of time listed in this section and 140213
shall remain available only for the purpose of discharging the 140214
encumbrance: 140215

(1) For an encumbrance for personal services, maintenance, 140216
equipment, or items for resale not otherwise identified in this 140217

section for a period of not more than five months from the end of 140218
the fiscal year; 140219

(2) For an encumbrance for an item of special order 140220
manufacture not available on state contract or in the open market, 140221
for a period of not more than five months from the end of the 140222
fiscal year or, with the written approval of the Director of 140223
Budget and Management, for a period of not more than twelve months 140224
from the end of the fiscal year; 140225

(3) For an encumbrance for reclamation of land or oil and gas 140226
wells, for a period ending when the encumbered appropriation is 140227
expended provided such period does not extend beyond the FY 2018 - 140228
FY 2019 biennium; 140229

(4) For an encumbrance for any other expense not otherwise 140230
identified in this section, for such period as the Director 140231
approves, provided such period does not extend beyond the FY 2018 140232
- FY 2019 biennium. 140233

(B) Any operating appropriations for which unexpended 140234
balances are reappropriated in fiscal year 2018 or fiscal year 140235
2019 pursuant to division (A)(2) of this section shall be reported 140236
to the Controlling Board by the Director of Budget and Management 140237
by the thirty-first day of December of each year. The report shall 140238
include the item, the cost of the item, and the name of the 140239
vendor. The report shall be updated on a quarterly basis for 140240
encumbrances remaining open. 140241

(C) Upon the expiration of the reappropriation period set out 140242
in division (A) of this section, a reappropriation made by this 140243
section lapses, and the Director of Budget and Management shall 140244
cancel the encumbrance of the unexpended reappropriation not later 140245
than the end of the weekend following the expiration of the 140246
reappropriation period. 140247

(D) If the Controlling Board approved a purchase, that 140248

approval remains in effect so long as the appropriation used to 140249
make that purchase remains encumbered. 140250

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 140251

(A) The Director of Budget and Management may correct 140252
accounting errors committed by the staff of the Office of Budget 140253
and Management, such as reestablishing encumbrances or 140254
appropriations canceled in error, during the cancellation of 140255
operating encumbrances in November and of non-operating 140256
encumbrances in December. 140257

(B) The Director of Budget and Management may at any time 140258
correct accounting errors committed by staff or a state agency or 140259
state institution of higher education, as defined in section 140260
3345.011 of the Revised Code, such as reestablishing prior year 140261
non-operating encumbrances canceled or modified in error. The 140262
reestablished encumbrance amounts are hereby appropriated. 140263

Section 503.70. TEMPORARY REVENUE HOLDING 140264

The Director of Budget and Management may create funds in the 140265
state treasury solely for the purpose of temporarily holding 140266
revenue required to be credited to a fund in the state treasury, 140267
whose disposition is not immediately known at the time of receipt. 140268
Once identified, the Director shall credit the revenue to the 140269
appropriate fund in the state treasury. 140270

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 140271
RE-ESTABLISHMENT OF ENCUMBRANCES 140272

Any cash transferred by the Director of Budget and Management 140273
under section 126.15 of the Revised Code is hereby appropriated. 140274
Any amounts necessary to re-establish appropriations or 140275
encumbrances under section 126.15 of the Revised Code are hereby 140276
appropriated. 140277

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	140278
The Director of Budget and Management may transfer	140279
appropriations between the Third Frontier Research and Development	140280
Fund (Fund 7011) and the Third Frontier Research and Development	140281
Taxable Bond Fund (Fund 7014) as necessary to maintain the	140282
exclusion from the calculation of gross income for federal income	140283
taxation purposes under the "Internal Revenue Code of 1986," 100	140284
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations	140285
issued to fund projects appropriated from the Third Frontier	140286
Research and Development Fund (Fund 7011).	140287
The Director may also create new appropriation items within	140288
the Third Frontier Research and Development Taxable Bond Fund	140289
(Fund 7014) and make transfers of appropriations to them for	140290
projects originally funded from appropriations made from the Third	140291
Frontier Research and Development Fund (Fund 7011).	140292
Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES	140293
There are hereby appropriated out of any moneys in the state	140294
treasury to the credit of the General Revenue Fund, which are not	140295
otherwise appropriated, funds sufficient to make any payment	140296
required by division (B)(2) of section 5747.03 of the Revised	140297
Code.	140298
Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES	140299
APPROVED BY THE CONTROLLING BOARD	140300
Any money that the Controlling Board approves for expenditure	140301
or any increase in appropriation that the Controlling Board	140302
approves under sections 127.14, 131.35, and 131.39 of the Revised	140303
Code or any other provision of law is hereby appropriated for the	140304
period ending June 30, 2019.	140305

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE 140306
 RESIDENCE 140307

If the Governor's Residence Fund (Fund 4H20) receives payment 140308
 for use of the residence pursuant to section 107.40 of the Revised 140309
 Code, the amounts so received are hereby appropriated to 140310
 appropriation item 100604, Governor's Residence Gift. 140311

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 140312

Unless the agency and nuclear electric utility mutually agree 140313
 to a higher amount by contract, the maximum amounts that may be 140314
 assessed against nuclear electric utilities under division (B)(2) 140315
 of section 4937.05 of the Revised Code and deposited into the 140316
 specified funds are as follows: 140317

<u>Fund</u>	<u>User</u>	<u>FY 2018</u>	<u>FY 2019</u>	
Utility	Department of	\$ 140,176	\$ 140,176	140318 140319
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,210,000	\$ 1,300,000	140320
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 332,403	\$ 352,430	140321
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,258,624	\$ 1,258,624	140322

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 140323
 INTEREST EARNED 140324

Notwithstanding any provision of law to the contrary, the 140325

Director of Budget and Management, through June 30, 2019, may 140326
transfer interest earned by any state fund to the General Revenue 140327
Fund. This section does not apply to funds whose source of revenue 140328
is restricted or protected by the Ohio Constitution, federal tax 140329
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 140330
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 140331

Section 512.12. CASH TRANSERS TO THE GENERAL REVENUE FUND 140332
FROM SELECTED NON-GRF FUNDS 140333

Notwithstanding any provision of law to the contrary, in each 140334
fiscal year of the biennium ending June 30, 2019, the Director of 140335
Budget and Management may transfer cash from any funds that are 140336
not otherwise constitutionally restricted and that are used by the 140337
Department of Commerce, the Environmental Protection Agency, the 140338
Department of Insurance, the Office of the Consumers' Counsel, the 140339
Bureau of Workers' Compensation, the Ohio Industrial Commission, 140340
the Public Utilities Commission, or the State Racing Commission, 140341
an amount equaling up to two per cent of each fund's total fiscal 140342
year 2017 appropriation to the General Revenue Fund. These 140343
transfers may be made by intrastate transfer voucher. The 140344
transfers authorized under this section shall not affect any 140345
calculations required by those agencies to allocate or assess 140346
costs or charges and collection of revenue pursuant to law. 140347

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 140348
FROM NON-GRF FUNDS 140349

Notwithstanding any provision of law to the contrary, the 140350
Director of Budget and Management may transfer up to \$200,000,000 140351
in cash, during the biennium ending June 30, 2019, from 140352
non-General Revenue Funds that are not constitutionally restricted 140353
to the General Revenue Fund. 140354

Section 512.25. TRANSFER FROM THE CASINO OPERATOR SETTLEMENT 140355

FUND (FUND 5KT0) TO THE GENERAL REVENUE FUND 140356

On July 1, 2017, or as soon as possible thereafter, the 140357
Director of Budget and Management shall transfer \$10,000,000 from 140358
the Casino Operator Settlement Fund (Fund 5KT0) to the General 140359
Revenue Fund. 140360

Section 512.26. TRANSFER FROM THE OHIOMEANSJOBS WORKFORCE 140361
DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE GRF 140362

On July 1, 2017, or as soon as possible thereafter, the 140363
Director of Budget and Management shall transfer \$2,000,000 cash 140364
from the OhioMeansJobs Workforce Development Revolving Loan Fund 140365
(Fund 5NH0) to the General Revenue Fund. 140366

Section 512.30. RACETRACK RELOCATION FUND 140367

On July 1, 2017, or as soon as possible thereafter, the 140368
Director of Budget and Management shall transfer the cash balance 140369
of the Racetrack Relocation Fund (Fund 5MG0) to the General 140370
Revenue Fund. Upon completion of the transfer, the Racetrack 140371
Relocation Fund is hereby abolished. On and after July 1, 2017, 140372
any payment that is otherwise required to be credited to the 140373
Racetrack Relocation Fund shall be credited to the General Revenue 140374
Fund. 140375

Section 512.40. UNCLAIMED FUND REMITTANCE 140376

Notwithstanding division (A) of section 169.05 of the Revised 140377
Code, during the biennium ending June 30, 2019, the Director of 140378
Budget and Management may request the Director of Commerce to 140379
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 140380
funds that have been reported by holders of unclaimed funds under 140381
section 169.05 of the Revised Code, irrespective of the allocation 140382
of the unclaimed funds under that section. The Director of 140383

Commerce shall remit the funds at the time requested by the 140384
Director of Budget and Management. 140385

Section 512.50. FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 140386
BALANCE 140387

Notwithstanding divisions (B) and (C) of section 131.44 of 140388
the Revised Code, the Director of Budget and Management shall 140389
determine the surplus General Revenue Fund revenue that existed on 140390
June 30, 2017, in excess of the amount required under division 140391
(A)(3) of section 131.44 of the Revised Code, and allocate that 140392
amount, to the extent of the amount so determined, as follows: 140393

(A) First, the Director of Budget and Management shall 140394
transfer a cash amount of up to \$207,000,000 to the Medicaid Local 140395
Sales Tax Transition Fund; 140396

(B) Second, the Director shall transfer a cash amount of up 140397
to \$273,415 to the Lake Erie Protection Fund. 140398

Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND 140399

Not later than October 20, 2018, the Tax Commissioner shall 140400
calculate the growth in fiscal year 2017 revenue relative to the 140401
prior fiscal year from the sales tax imposed under section 5739.02 140402
of the Revised Code on categories that have been determined to be 140403
related to tourism and certify that amount to the Director of 140404
Budget and Management. On or before the last day of October 2018, 140405
the Director of Budget and Management may transfer from the 140406
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 140407
certified by the Commissioner under this division, except that the 140408
transfer shall not exceed the amount transferred from the General 140409
Revenue Fund to the Tourism Fund in fiscal year 2018. 140410

Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 140411

On October 1, 2017, or as soon as possible thereafter, the 140412

Director of Commerce and the Executive Director of the Board of 140413
Pharmacy shall consult with the Director of Budget and Management 140414
to determine a repayment schedule for the biennium ending June 30, 140415
2019, to fully repay the fiscal year 2017 transfer on behalf of 140416
each agency from the Emergency Purposes/Contingency Fund (Fund 140417
5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 140418
Payments made by the Department of Commerce and the Board of 140419
Pharmacy in accordance with this repayment schedule shall be 140420
credited to the General Revenue Fund. 140421

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 140422

There is hereby established in the Highway Operating Fund 140423
(Fund 7002), used by the Department of Transportation, a Diesel 140424
Emissions Reduction Grant Program. The Director of Environmental 140425
Protection shall administer the program and shall solicit, 140426
evaluate, score, and select projects submitted by public and 140427
private entities that are eligible for the federal Congestion 140428
Mitigation and Air Quality (CMAQ) Program. The Director of 140429
Transportation shall process Federal Highway 140430
Administration-approved projects as recommended by the Director of 140431
Environmental Protection. 140432

In addition to the allowable expenditures set forth in 140433
section 122.861 of the Revised Code, Diesel Emissions Reduction 140434
Grant Program funds also may be used to fund projects involving 140435
the purchase or use of hybrid and alternative fuel vehicles that 140436
are allowed under guidance developed by the Federal Highway 140437
Administration for the CMAQ Program. 140438

Public entities eligible to receive funds under section 140439
122.861 of the Revised Code and CMAQ shall be reimbursed from 140440
moneys in Fund 7002 designated for the Department of 140441
Transportation's Diesel Emissions Reduction Grant Program. 140442

Private entities eligible to receive funds under section 140443

122.861 of the Revised Code and CMAQ shall be reimbursed at the 140444
direction of the local public agency sponsor and upon approval of 140445
the Department of Transportation, through direct payments. These 140446
reimbursements shall be made from moneys in Fund 7002 designated 140447
for the Department of Transportation's Diesel Emissions Reduction 140448
Grant Program. Total expenditures from Fund 7002 for the Diesel 140449
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 140450
both fiscal year 2018 and fiscal year 2019. 140451

Any allocations under this section represent CMAQ program 140452
moneys within the Department of Transportation for use by the 140453
Diesel Emissions Reduction Grant Program by the Environmental 140454
Protection Agency. These allocations shall not reduce the amount 140455
of such moneys designated for metropolitan planning organizations. 140456

The Director of Environmental Protection, in consultation 140457
with the Director of Transportation, shall develop guidance for 140458
the distribution of funds and for the administration of the Diesel 140459
Emissions Reduction Grant Program. The guidance shall include a 140460
method of prioritization for projects, acceptable technologies, 140461
and procedures for awarding grants. 140462

Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 140463

(A) On July 1, 2017, or as soon as possible thereafter, the 140464
Director of Budget and Management shall transfer the cash balance 140465
from each of the funds as indicated in the table below to the fund 140466
also indicated in the table below. Upon completion of each 140467
transfer and on the effective date of its repeal by this act, 140468
where applicable, the fund from which the cash balance was 140469
transferred is hereby abolished. 140470

User	Transfer from:	Transfer to:			
Agency	Fund	Fund			
Code	Code	Fund Name	Code	Fund Name	
AGE	4J40	Passport/Preferred	GRF	General Revenue Fund	140474

Choices					
AGE	5AA0	Ohio's Best Rx Administration	GRF	General Revenue Fund	140475
AGE	5R50	Ohio Reads/Stars	GRF	General Revenue Fund	140476
AGR	5880	Brand Registration	6520	Animal and Consumer Protection Laboratory Fund	140477
AGR	5CP0	Ohio Agriculture License Scholarship	4900	AGRO Ohio Fund	140478
BOR	3BE0	AEFLA Incentive Grant	GRF	General Revenue Fund	140479
BOR	3T00	Ohio Loan Repayment	GRF	General Revenue Fund	140480
BOR	5FN0	College Access Challenge Grant	GRF	General Revenue Fund	140481
BOR	5HZ0	Distance Learning Clearinghouse	GRF	General Revenue Fund	140482
BOR	HJT0	Health Care Assessment Fee	GRF	General Revenue Fund	140483
BOR	5JV0	Ohio Articulation and Transfer Network	GRF	General Revenue Fund	140484
BOR	5QF0	Student Debt Reduction	GRF	General Revenue Fund	140485
BOR	5SF0	STEM Degree Loan Repayment	GRF	General Revenue Fund	140486
BOR	5X20	STEM and Foreign Language Academy	GRF	General Revenue Fund	140487
COM	7043	Liquor Control	GRF	General Revenue Fund	140488
COM	5450	Savings Institution	5440	Banks	140489
DAS	5RT0	Electronic Pollbook	GRF	General Revenue Fund	140490
DAS	5C30	Minor Construction Project Management	1320	Building Management	140491
DDD	5CT0	Intensive Behavioral Needs	5GE0	Operating and Services	140492
DDD	3M70	Community Alternative Funding Source	3A40	Medicaid-Medicare	140493

DDD	3G60	Medicaid Waiver	3A40	Medicaid-Medicare	140494
DEV	5Y60	Economic Development Contingency	GRF	General Revenue Fund	140495
DNR	5EN0	Watercraft Law Enforcement	5EM0	Natural Resources Law Enforcement	140496
DNR	2070	Real Estate	1550	Departmental Projects	140497
DNR	5260	Coal Mining Administration and Reclamation Reserve	5290	Mining Regulation and Safety	140498
DNR	5270	Surface Mining	5290	Mining Regulation and Safety	140499
DNR	5B30	Mining Regulation	5290	Mining Regulation and Safety	140500
DNR	4J20	Injection Well Review	5110	Geological Mapping	140501
DNR	4M70	Wildfire Suppression	5090	State Forest	140502
EPA	3F50	Nonpoint Source Pollution Management	3BU0	Water Quality Protection	140503
EPA	3540	Federal Hazardous Waste Management	3F30	Federally Supported Cleanup and Response	140504
LEC	5D80	Lake Erie Resources	4C00	Lake Erie Protection	140505
MCD	5KW0	Managed Care Performance Payment	GRF	General Revenue Fund	140506
MCD	5U30	Health Care Services Administration	5DL0	Medicaid Support and Recoveries	140507
MHA	5CH0	Residential State Supplement	4750	Statewide Treatment and Prevention	140508

(B) On July 1, 2017, or as soon as possible thereafter, the
Director of Budget and Management shall cancel any existing
encumbrances against each appropriation item as indicated in the
table below and reestablish them against the appropriation item
also indicated in the table below. In addition, if any other
existing encumbrances must be cancelled and reestablished to
properly close out the funds identified in division (A) of this

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section, the Director is hereby authorized to carry out those			140516
necessary transactions. These amounts are hereby appropriated.			140517
Cancel existing encumbrances	Reestablish encumbrances		140518
against:	against:		
Fund	Fund		140519
Code Appropriation Item	Code Appropriation Item		140520
5CT0 653607 - Intensive Behavioral Needs	5GE0 653606 - ICF/IID and Waiver Match		140521
3M70 653650 - CAFS Medicaid	3A40 653605 - DC and Residential Facilities Services and Support		140522
3G60 653639 - Medicaid Waiver Program Support	3A40 653605 - DC and Residential Facilities Services and Support		140523
2070 725690 - Real Estate Services	1550 725601 - Departmental Projects		140524
5EN0 725614 - Watercraft Law Enforcement	5EM0 725613 - Natural Resources Law Enforcement		140525
4J20 725628 - Injection Well Review	5110 725646 - Ohio Geological Mapping		140526
5260 725610 - Strip Mining Administration Fee	5290 725639 - Mining Regulation and Safety		140527
5270 725637 - Surface Mining Administration	5290 725639 - Mining Regulation and Safety		140528
5B30 725674 - Mining Reclamation	5290 725639 - Mining Regulation and Safety		140529
4M70 725686 - Wildfire Suppression	5090 725602 - State Forest		140530
3F50 715641 - Nonpoint Source Pollution Management	3F30 715632 - Federally Supported Cleanup and Response		140531
3540 715614 - Hazardous Waste Management - Federal	3F30 715632 - Federally Supported Cleanup and		140532

		Response		
5D80	780602 - Lake Erie Resources	4C00	780601 - Lake Erie Protection	140533
5KW0	651612 - Managed Care Performance Payments	GRF	651525 - Medicaid/Health Care Services	140534
5U30	651654 - Medicaid Program Support	5DL0	651685 - Medicaid Recoveries - Program Support	140535

(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).

(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).

(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).

(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).

Section 512.100. CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.

Section 512.120. CASH TRANSFER FROM SAVINGS INSTITUTION FUND

On the effective date of section 1121.30 of the Revised Code, 140558
as amended by this act, or as soon as possible thereafter, the 140559
Director of Budget and Management, upon the written request of the 140560
Director of the Department of Commerce, may transfer the cash 140561
balance in the Savings Institution Fund (Fund 5450) to the Banks 140562
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 140563
hereby abolished. 140564

Section 512.130. CASH TRANSFER FROM THE CONTROLLING BOARD 140565
EMERGENCY PURPOSES/CONTINGENCIES FUND 140566

On July 1, 2017, or as soon as possible thereafter, the 140567
Director of Budget and Management shall transfer \$7,500,000 cash 140568
from the Controlling Board Emergency Purposes/Contingencies Fund 140569
(Fund 5KM0) to the GRF. 140570

Section 512.140. Notwithstanding any provision of law to the 140571
contrary, not later than thirty days following the effective date 140572
of this section, the Director of Budget and Management shall 140573
transfer \$2,500,000 in cash from the General Revenue Fund to the 140574
Tax Amnesty Promotion and Administration Fund (Fund 5BW0), which 140575
is hereby created in the state treasury. The money shall be used 140576
by the Department of Taxation to pay expenses incurred in 140577
promoting and administering the tax amnesty program that is to be 140578
conducted from January 1, 2018, to February 15, 2018, pursuant to 140579
Section 757.110 of this act. 140580

The Director of Budget and Management shall transfer the 140581
first \$18,000,000 in qualifying amnesty program receipts to the 140582
General Revenue Fund, and any remaining qualifying amnesty program 140583
receipts to the Budget Stabilization Fund. As used in this 140584
section, "qualifying amnesty program receipts" means receipts from 140585
the tax amnesty program that relate to a tax the revenue from 140586
which is credited to the General Revenue Fund. If a percentage, 140587

less than one hundred per cent, of revenue from the tax is 140588
credited to the General Revenue Fund, that percentage of such 140589
receipts shall be considered qualifying amnesty program receipts. 140590

Section 512.150. TRANSFER FROM THE WORKFORCE AND HIGHER 140591
EDUCATION PROGRAMS FUND (FUND 5RA0) TO THE GENERAL REVENUE FUND 140592

On July 1, 2017, or as soon as possible thereafter, the 140593
Director of Budget and Management shall transfer the unexpended, 140594
unencumbered cash balance in the Workforce and Higher Education 140595
Programs Fund (Fund 5RA0) to the General Revenue Fund. 140596

Section 512.160. TRANSFER FROM THE LOCAL GOVERNMENT 140597
INNOVATION FUND (FUND 5KN0) TO THE GENERAL REVENUE FUND 140598

On July 1, 2017, or as soon as possible thereafter, the 140599
Director of Budget and Management shall transfer the unexpended, 140600
unencumbered cash balance in the Local Government Innovation Fund 140601
(Fund 5KN0) to the General Revenue Fund. 140602

Section 512.170. TRANSFER FROM THE STRAIGHT A FUND (FUND 140603
5RB0) TO THE GENERAL REVENUE FUND 140604

Not later than January 31, 2018, the Director of Budget and 140605
Management shall transfer the unexpended, unencumbered cash 140606
balance in the Straight A Fund (Fund 5RB0) to the General Revenue 140607
Fund. 140608

Section 515.10. (A) On the effective date of this section, 140609
the Ohio School Facilities Commission is hereby abolished and all 140610
of its functions, assets, and liabilities are transferred to the 140611
Ohio Facilities Construction Commission. The Ohio Facilities 140612
Construction Commission is successor to, assumes the power and 140613
obligations and authority of, and otherwise constitutes the 140614
continuation of the Ohio School Facilities Commission as if 140615

completed by the Ohio School Facilities Commission. Whenever the 140616
Ohio School Facilities Commission is referred to in any law, 140617
contract, or other document, the reference shall be deemed to 140618
refer to the Ohio Facilities Construction Commission. 140619

(B) Any business commenced but not completed by the Ohio 140620
School Facilities Commission shall be completed by the Ohio 140621
Facilities Construction Commission in the same manner and with the 140622
same effect as if completed by the Ohio School Facilities 140623
Commission. No validation, cure, right, privilege, remedy, 140624
obligation, or liability is lost or impaired by reason of the 140625
transfer and shall be recognized, administered, performed, or 140626
enforced by the Ohio Facilities Construction Commission. All 140627
rules, orders, resolutions, and determinations of the Ohio School 140628
Facilities Commission continue in effect as rules, orders, 140629
resolutions, and determinations of the Ohio Facilities 140630
Construction Commission until modified or rescinded by the Ohio 140631
Facilities Construction Commission. If necessary to ensure the 140632
integrity of the numbering system of the Ohio Administrative Code, 140633
the Director of the Legislative Service Commission shall renumber 140634
the Ohio School Facilities Commission's rules to reflect their 140635
transfer to the Ohio Facilities Construction Commission. 140636

(C) No judicial or administrative action or proceeding to 140637
which the Ohio School Facilities Commission or an authorized 140638
officer of the Ohio School Facilities Commission is a party that 140639
is pending on the effective date of this section, or on such later 140640
date as may be established by an authorized officer of the Ohio 140641
Facilities Construction Commission, is affected by the 140642
abolishment. Any such action or proceeding shall be prosecuted or 140643
defended in the name of the Ohio Facilities Construction 140644
Commission. On application to the court or agency, the Ohio 140645
Facilities Construction Commission or an authorized officer of the 140646
Ohio Facilities Construction Commission may be substituted for the 140647

Ohio School Facilities Commission or an authorized officer of the 140648
Ohio School Facilities Commission as a party to the action or 140649
proceeding. 140650

(D) Notwithstanding any provision of the law to the contrary, 140651
on or after the effective date of this section, the Director of 140652
Budget and Management shall make budget and accounting changes 140653
made necessary by the abolishment, if any, including 140654
administrative organization, program transfers, the renaming of 140655
funds, the creation of new funds, the transfer of state funds, and 140656
the consolidation of funds as authorized by this section. The 140657
Director may, if necessary, cancel or establish encumbrances or 140658
parts of encumbrances in fiscal years 2018 and 2019 in the 140659
appropriate fund and appropriation items for the same purpose and 140660
for payment to the same vendor. The established encumbrances are 140661
hereby appropriated. 140662

(E) All records, documents, files, equipment, assets, and 140663
other materials of the Ohio School Facilities Commission are 140664
transferred to the Ohio Facilities Construction Commission. 140665

Section 515.13. (A) The State Board of Sanitarian 140666
Registration is abolished beginning on the effective date of this 140667
section. 140668

(B) Any business commenced but not completed by the effective 140669
date of this section by the State Board of Sanitarian Registration 140670
shall be completed by the Department of Health or by the Director 140671
of Health in the same manner, and with the same effect, as if 140672
completed by the State Board of Sanitarian Registration. 140673

(C)(1) All rules, orders, and determinations of the State 140674
Board of Sanitarian Registration shall continue in effect as 140675
rules, orders, and determinations of the Director of Health, until 140676
modified or rescinded by the Director. 140677

(2) Any certificates, registrations, or continuing education credit issued before the effective date of this section by the State Board of Sanitarian Registration shall continue in effect as if issued by the Director.

(D) Beginning on the effective date of this section, whenever the term "State Board of Sanitarian Registration" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "Department of Health" or the "Director of Health," as appropriate.

Whenever the Chairperson or Vice-chairperson of the State Board of Sanitarian Registration is used in any statute, rule, contract, or other document, the use shall be construed to mean the Director of Health.

(E) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the Director of Health. No action or proceeding pending on the effective date of this section is affected by the transfer, and shall be prosecuted or defended in the name of the Department of Health or the Director of Health, as appropriate. In all such actions and proceedings, the Department of Health or the Director shall be substituted as a party.

(F) On the effective date of this section, all records, documents, files, equipment, assets, and other materials of the State Board of Sanitarian Registration are transferred to the Department of Health.

Section 515.15. BOARD OF SANITARIAN REGISTRATION TRANSFER TO THE DEPARTMENT OF HEALTH

On or before October 30, 2017, the Director of Health shall certify to the Director of Budget and Management the amount of

cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) 140708
representing the amount of remaining receipts deposited into the 140709
fund by the Board of Sanitarian Registration. The Director of 140710
Budget and Management may transfer up to this amount to the 140711
General Operations Fund (Fund 4700). The Director of Budget and 140712
Management shall cancel any existing encumbrances against 140713
appropriation item 893609, Operating Expenses, and re-establish 140714
them against appropriation item 440647, Fee Supported Programs. 140715
The re-established amounts are hereby appropriated. Any business 140716
commenced but not completed under appropriation item 893609, 140717
Operating Expenses, shall be completed under appropriation item 140718
440647, Fee Supported Programs. 140719

Notwithstanding any provision of law to the contrary, on and 140720
after the effective date of this section, the Director of Budget 140721
and Management may make any budget changes necessary as a result 140722
of the transfer to the Department of Health. 140723

Section 515.30. (A) Effective January 21, 2018, the State 140724
Board of Optometry and the Ohio Optical Dispensers Board are 140725
abolished. Sections 4725.04, 4725.05, 4725.06, 4725.07, and 140726
4725.08 of the Revised Code, as amended by this act, which 140727
establish the State Vision Professionals Board, take effect on the 140728
ninety-first day after this act is filed with the Secretary of 140729
State, in accordance with Section 812.10 of this act. The 140730
amendments to those sections replace the statutory language 140731
establishing the current State Board of Optometry, but the State 140732
Board of Optometry is not abolished until January 21, 2018. Until 140733
January 21, 2018, the State Board of Optometry shall continue to 140734
function under sections 4725.04, 4725.05, 4725.06, 4725.07, and 140735
4725.08 of the Revised Code as those sections existed immediately 140736
prior to their amendment by this act. 140737

(B) Any business commenced but not completed by January 21, 140738

2018, by the State Board of Optometry and the Ohio Optical 140739
Dispensers Board or by the executive director or executive 140740
secretary-treasurer of those boards, as applicable, shall be 140741
completed by the State Vision Professionals Board or the Executive 140742
Director of the State Vision Professionals Board in the same 140743
manner, and with the same effect, as if completed by the State 140744
Board of Optometry or the Ohio Optical Dispensers Board or by the 140745
executive director or executive secretary-treasurer of those 140746
boards, as applicable. 140747

(C) All rules, orders, and determinations of the State Board 140748
of Optometry and the Ohio Optical Dispensers Board or by the 140749
executive director or executive secretary-treasurer of those 140750
boards, as applicable, shall continue in effect as rules, orders, 140751
and determinations of the State Vision Professionals Board until 140752
modified or rescinded by the State Vision Professionals Board. If 140753
necessary to ensure the integrity of the numbering of the 140754
Administrative Code, the Director of the Legislative Service 140755
Commission shall renumber any rule to reflect its transfer to the 140756
State Vision Professionals Board. 140757

Any licenses, certificates, permits, registrations, or 140758
endorsements issued before January 21, 2018, by the State Board of 140759
Optometry or the Ohio Optical Dispensers Board shall continue in 140760
effect as if issued by the State Vision Professionals Board. 140761

(D) Effective January 21, 2018, whenever the term "State 140762
Board of Optometry" or "Ohio Optical Dispensers Board" is used in 140763
any statute, rule, contract, or other document, the use shall be 140764
construed to mean the "State Vision Professionals Board." 140765

Whenever the term "Executive Director of the State Board of 140766
Optometry" or "Executive Secretary-Treasurer of the Ohio Optical 140767
Dispensers Board" is used in a statute, rule, contract, or other 140768
document, the use shall be construed to mean the Executive 140769
Director of the State Vision Professionals Board. 140770

(E)(1) Subject to the lay-off provisions of sections 124.321 140771
to 124.328 of the Revised Code, all employees of the State Board 140772
of Optometry and the Ohio Optical Dispensers Board are transferred 140773
to the State Vision Professionals Board. The employees shall 140774
retain their positions and benefits. 140775

(2) During the period beginning January 21, 2018, and ending 140776
June 30, 2019, the Executive Director of the State Vision 140777
Professionals Board may establish, change, and abolish positions 140778
on the Board and assign, reassign, classify, reclassify, transfer, 140779
reduce, promote, or demote all employees of the Board who are not 140780
subject to Chapter 4117. of the Revised Code. 140781

(3) The authority granted to the Executive Director of the 140782
Board under division (E)(2) of this section includes assigning or 140783
reassigning an exempt employee, as defined in section 124.152 of 140784
the Revised Code, to a bargaining unit classification that the 140785
Executive Director determines is the proper classification for 140786
that employee. If an employee in the E-1 pay range is to be 140787
assigned, reassigned, classified, reclassified, transferred, 140788
reduced, or demoted to a position in a lower classification during 140789
the period specified in this section, the Executive Director, or 140790
in the case of a transfer to a position outside the Board, the 140791
Director of Administrative Services, shall assign the employee to 140792
the appropriate classification and place the employee in Step X. 140793
The employee shall not receive any increase in compensation until 140794
the maximum rate of pay for that classification exceeds the 140795
employee's compensation. 140796

(4) Actions taken by the Executive Director pursuant to 140797
division (E) of this section are not subject to appeal to the 140798
State Personnel Board of Review. 140799

(F) Notwithstanding section 145.297 of the Revised Code, the 140800
State Board of Optometry and the Ohio Optical Dispensers Board 140801
may, at that board's discretion and with approval from the Office 140802

of Budget and Management, establish a retirement incentive plan 140803
for eligible employees of those boards who are members of the 140804
Public Employees Retirement System. Any retirement incentive plan 140805
established pursuant to this section shall remain in effect until 140806
January 20, 2018. 140807

(G) No validation, cure, right, privilege, remedy, 140808
obligation, or liability is lost or impaired by reason of the 140809
transfer required by this section and shall be administered by the 140810
State Vision Professionals Board. No action or proceeding pending 140811
on the effective date of this act is affected by the transfer, and 140812
shall be prosecuted or defended in the name of the State Vision 140813
Professionals Board or the Board's Executive Director, as 140814
appropriate. In all such actions and proceedings, the State Vision 140815
Professionals Board or the Board's Executive Director shall be 140816
substituted as a party. 140817

(H) Effective January 21, 2018, all records, documents, 140818
files, equipment, assets, and other materials of the State Board 140819
of Optometry and the Ohio Optical Dispensers Board are transferred 140820
to the State Vision Professionals Board. 140821

Section 515.31. (A) Effective January 21, 2018, the Ohio 140822
Board of Dietetics is abolished. 140823

(B) Any business commenced but not completed by January 21, 140824
2018, by the Ohio Board of Dietetics, or by the Executive 140825
Secretary of the Board, shall be completed by the State Medical 140826
Board or the Executive Director of the State Medical Board in the 140827
same manner, and with the same effect, as if completed by the Ohio 140828
Board of Dietetics, or by the Executive Secretary of the Board. 140829

(C) All rules, orders, and determinations of the Ohio Board 140830
of Dietetics, or by the Executive Secretary of the Board shall 140831
continue in effect as rules, orders, and determinations of the 140832
State Medical Board until modified or rescinded by the State 140833

Medical Board. If necessary to ensure the integrity of the 140834
numbering of the Administrative Code, the Director of the 140835
Legislative Service Commission shall renumber any rule to reflect 140836
its transfer to the State Medical Board. 140837

Any licenses, certificates, permits, registrations, or 140838
endorsements issued before January 21, 2018, by the Ohio Board of 140839
Dietetics shall continue in effect as if issued by the State 140840
Medical Board. 140841

(D) Effective January 21, 2018, whenever the term "Ohio Board 140842
of Dietetics" is used in any statute, rule, contract, or other 140843
document, the use shall be construed to mean the "State Medical 140844
Board." 140845

Whenever the Executive Secretary of the Ohio Board of 140846
Dietetics is used in any statute, rule, contract, or other 140847
document, the use shall be construed to mean the Executive 140848
Director of the State Medical Board. 140849

(E)(1) Subject to the lay-off provisions of sections 124.321 140850
to 124.328 of the Revised Code, all employees of the Ohio Board of 140851
Dietetics are transferred to the State Medical Board. The 140852
employees shall retain their positions and benefits. 140853

(2) During the period beginning January 21, 2018, and ending 140854
June 30, 2019, the Executive Director of the State Medical Board 140855
may establish, change, and abolish positions on the Board and 140856
assign, reassign, classify, reclassify, transfer, reduce, promote, 140857
or demote all employees transferred to the Board under this 140858
section who are not subject to Chapter 4117. of the Revised Code. 140859

(3) The authority granted to the Executive Director of the 140860
Board under division (E)(2) of this section includes assigning or 140861
reassigning an exempt employee, as defined in section 124.152 of 140862
the Revised Code, to a bargaining unit classification that the 140863
Executive Director determines is the proper classification for 140864

that employee. If an employee in the E-1 pay range is to be 140865
assigned, reassigned, classified, reclassified, transferred, 140866
reduced, or demoted to a position in a lower classification during 140867
the period specified in this section, the Executive Director, or 140868
in the case of a transfer to a position outside the Board, the 140869
Director of Administrative Services, shall assign the employee to 140870
the appropriate classification and place the employee in Step X. 140871
The employee shall not receive any increase in compensation until 140872
the maximum rate of pay for that classification exceeds the 140873
employee's compensation. 140874

(4) Actions taken by the Executive Director pursuant to 140875
division (E) of this section are not subject to appeal to the 140876
State Personnel Board of Review. 140877

(F) Notwithstanding section 145.297 of the Revised Code, the 140878
Ohio Board of Dietetics may, at that Board's discretion and with 140879
approval from the Office of Budget and Management, establish a 140880
retirement incentive plan for eligible employees of the Board who 140881
are members of the Public Employees Retirement System. Any 140882
retirement incentive plan established pursuant to this section 140883
shall remain in effect until January 20, 2018. 140884

(G) No validation, cure, right, privilege, remedy, 140885
obligation, or liability is lost or impaired by reason of the 140886
transfer required by this section and shall be administered by the 140887
State Medical Board. No action or proceeding pending on the 140888
effective date of this act is affected by the transfer, and shall 140889
be prosecuted or defended in the name of the State Medical Board 140890
or the Board's Executive Director, as appropriate. In all such 140891
actions and proceedings, the State Medical Board or the Board's 140892
Executive Director shall be substituted as a party. 140893

(H) Effective January 21, 2018, all records, documents, 140894
files, equipment, assets, and other materials of the Ohio Board of 140895
Dietetics are transferred to the State Medical Board. 140896

Section 515.32. (A) Effective January 21, 2018, the State Board of Orthotics, Prosthetics, and Pedorthics is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive director of that board shall be completed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board or the Executive Director of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board in the same manner, and with the same effect, as if completed by the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive director of that board.

(C) All rules, orders, and determinations of the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive director of that board continues in effect as rules, orders, and determinations of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board until modified or rescinded by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the State Board of Orthotics, Prosthetics, and Pedorthics shall continue in effect as if issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

(D) Effective January 21, 2018, whenever the term "State Board of Orthotics, Prosthetics, and Pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "Ohio Occupational Therapy, Physical

Therapy, and Athletic Trainers Board." 140928

Whenever the Executive Director of the "State Board of 140929
Orthotics, Prosthetics, and Pedorthics" is used in any statute, 140930
rule, contract, or other document, the use shall be construed to 140931
mean the Executive Director of the Ohio Occupational Therapy, 140932
Physical Therapy, and Athletic Trainers Board. 140933

(E)(1) Subject to the lay-off provisions of sections 124.321 140934
to 124.328 of the Revised Code, all employees of the State Board 140935
of Orthotics, Prosthetics, and Pedorthics are transferred to the 140936
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 140937
Board. The employees shall retain their positions and benefits. 140938

(2) During the period beginning January 21, 2018, and ending 140939
June 30, 2019, the Executive Director of the Ohio Occupational 140940
Therapy, Physical Therapy, and Athletic Trainers Board may 140941
establish, change, and abolish positions on the Board and assign, 140942
reassign, classify, reclassify, transfer, reduce, promote, or 140943
demote all employees of the Board who are not subject to Chapter 140944
4117. of the Revised Code. 140945

(3) The authority granted to the Executive Director of the 140946
Board under division (E)(2) of this section includes assigning or 140947
reassigning an exempt employee, as defined in section 124.152 of 140948
the Revised Code, to a bargaining unit classification that the 140949
Executive Director determines is the proper classification for 140950
that employee. If an employee in the E-1 pay range is to be 140951
assigned, reassigned, classified, reclassified, transferred, 140952
reduced, or demoted to a position in a lower classification during 140953
the period specified in this section, the Executive Director, or 140954
in the case of a transfer to a position outside the Board, the 140955
Director of Administrative Services, shall assign the employee to 140956
the appropriate classification and place the employee in Step X. 140957
The employee shall not receive any increase in compensation until 140958
the maximum rate of pay for that classification exceeds the 140959

employee's compensation. 140960

(4) Actions taken by the Executive Director pursuant to 140961
division (E) of this section are not subject to appeal to the 140962
State Personnel Board of Review. 140963

(F) Notwithstanding section 145.297 of the Revised Code, the 140964
State Board of Orthotics, Prosthetics, and Pedorthics may, at that 140965
board's discretion and with approval from the Office of Budget and 140966
Management, establish a retirement incentive plan for eligible 140967
employees of the board who are members of the Public Employees 140968
Retirement System. Any retirement incentive plan established 140969
pursuant to this section shall remain in effect until January 20, 140970
2018. 140971

(G) No validation, cure, right, privilege, remedy, 140972
obligation, or liability is lost or impaired by reason of the 140973
transfer required by this section and shall be administered by the 140974
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 140975
Board. No action or proceeding pending on the effective date of 140976
this act is affected by the transfer, and shall be prosecuted or 140977
defended in the name of the Ohio Occupational Therapy, Physical 140978
Therapy, and Athletic Trainers Board or the Board's Executive 140979
Director, as appropriate. In all such actions and proceedings, the 140980
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 140981
Board or the Board's Executive Director shall be substituted as a 140982
party. 140983

(H) Effective January 21, 2018, all records, documents, 140984
files, equipment, assets, and other materials of the State Board 140985
of Orthotics, Prosthetics, and Pedorthics are transferred to the 140986
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 140987
Board. 140988

Section 515.33. (A) Effective January 21, 2018, the Hearing 140989
Aid Dealers and Fitters Licensing Board and the Board of 140990

Speech-Language Pathology and Audiology are abolished. 140991

(B) Any business commenced but not completed by January 21, 140992
2018, by the Hearing Aid Dealers and Fitters Licensing Board and 140993
the Board of Speech-Language Pathology and Audiology or by the 140994
executive director or secretary of those boards, as applicable, 140995
shall be completed by the State Speech and Hearing Professionals 140996
Board or the Executive Director of the State Speech and Hearing 140997
Professionals Board in the same manner, and with the same effect, 140998
as if completed by the Hearing Aid Dealers and Fitters Licensing 140999
Board or the Board of Speech-Language Pathology and Audiology or 141000
by the executive director or secretary of those boards, as 141001
applicable. 141002

(C) All rules, orders, and determinations of the Hearing Aid 141003
Dealers and Fitters Licensing Board and the Board of 141004
Speech-Language Pathology and Audiology or by the executive 141005
director or secretary of those boards, as applicable, shall 141006
continue in effect as rules, orders, and determinations of the 141007
State Speech and Hearing Professionals Board until modified or 141008
rescinded by the State Speech and Hearing Professionals Board. If 141009
necessary to ensure the integrity of the numbering of the 141010
Administrative Code, the Director of the Legislative Service 141011
Commission shall renumber any rule to reflect its transfer to the 141012
State Speech and Hearing Professionals Board. 141013

Any licenses, certificates, permits, registrations, or 141014
endorsements issued before January 21, 2018, by the Hearing Aid 141015
Dealers and Fitters Licensing Board, or the Board of 141016
Speech-Language Pathology and Audiology shall continue in effect 141017
as if issued by the State Speech and Hearing Professionals Board. 141018

(D) Effective January 21, 2018, whenever the term "Hearing 141019
Aid Dealers and Fitters Licensing Board" or "Board of 141020
Speech-Language Pathology and Audiology" is used in any statute, 141021

rule, contract, or other document, the use shall be construed to mean the "State Speech and Hearing Professionals Board."

Whenever the term "Secretary of the Hearing Aid Dealers and Fitters Licensing Board" or "Executive Director of the Board of Speech-Language Pathology and Audiology" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Speech and Hearing Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are transferred to the State Speech and Hearing Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Speech and Hearing Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X.

The employee shall not receive any increase in compensation until 141054
the maximum rate of pay for that classification exceeds the 141055
employee's compensation. 141056

(4) Actions taken by the Executive Director pursuant to 141057
division (E) of this section are not subject to appeal to the 141058
State Personnel Board of Review. 141059

(F) Notwithstanding section 145.297 of the Revised Code, the 141060
Hearing Aid Dealers and Fitters Licensing Board and the Board of 141061
Speech-Language Pathology and Audiology may, at that board's 141062
discretion and with approval from the Office of Budget and 141063
Management, establish a retirement incentive plan for eligible 141064
employees of those boards who are members of the Public Employees 141065
Retirement System. Any retirement incentive plan established 141066
pursuant to this section shall remain in effect until January 20, 141067
2018. 141068

(G) No validation, cure, right, privilege, remedy, 141069
obligation, or liability is lost or impaired by reason of the 141070
transfer required by this section and shall be administered by the 141071
State Speech and Hearing Professionals Board. No action or 141072
proceeding pending on the effective date of this act is affected 141073
by the transfer, and shall be prosecuted or defended in the name 141074
of the State Speech and Hearing Professionals Board or the Board's 141075
Executive Director, as appropriate. In all such actions and 141076
proceedings, the State Speech and Hearing Professionals Board or 141077
the Board's Executive Director shall be substituted as a party. 141078

(H) Effective January 21, 2018, all records, documents, 141079
files, equipment, assets, and other materials of the Hearing Aid 141080
Dealers and Fitters Licensing Board and the Board of 141081
Speech-Language Pathology and Audiology are transferred to the 141082
State Speech and Hearing Professionals Board. 141083

Section 515.34. (A) Effective January 21, 2018, the Ohio 141084

Respiratory Care Board is abolished. 141085

(B) Any business commenced but not completed by January 21, 141086
2018, by the Ohio Respiratory Care Board, or by the Executive 141087
Director of the Board, shall be completed by the State Board of 141088
Pharmacy, with respect to implementing Chapter 4752. of the 141089
Revised Code, and the State Medical Board, with respect to 141090
implementing Chapter 4761. of the Revised Code, or by the 141091
executive directors of those boards in the same manner, and with 141092
the same effect, as if completed by the Ohio Respiratory Care 141093
Board, or by the Executive Director of the Board. 141094

(C) All rules, orders, and determinations of the Ohio 141095
Respiratory Care Board, or by the Executive Director of the Board 141096
shall continue in effect as rules, orders, and determinations of 141097
the State Board of Pharmacy, with respect to implementing Chapter 141098
4752. of the Revised Code, and the State Medical Board, with 141099
respect to implementing Chapter 4761. of the Revised Code, until 141100
modified or rescinded by the State Board of Pharmacy or the State 141101
Medical Board. If necessary to ensure the integrity of the 141102
numbering of the Administrative Code, the Director of the 141103
Legislative Service Commission shall renumber any rule to reflect 141104
its transfer to the State Board of Pharmacy or the State Medical 141105
Board. 141106

Any licenses, certificates, permits, registrations, or 141107
endorsements issued before January 21, 2018, by the Ohio 141108
Respiratory Care Board shall continue in effect as if issued by 141109
the State Board of Pharmacy, with respect to implementing Chapter 141110
4752. of the Revised Code, and the State Medical Board, with 141111
respect to implementing Chapter 4761. of the Revised Code. 141112

(D) Effective January 21, 2018, whenever the term "Ohio 141113
Respiratory Care Board" is used in any statute, rule, contract, or 141114
other document, the use shall be construed to mean the "State 141115

Board of Pharmacy," with respect to implementing Chapter 4752. of 141116
the Revised Code, or the "State Medical Board," with respect to 141117
implementing Chapter 4761. of the Revised Code. 141118

Whenever the Executive Director of the Ohio Respiratory Care 141119
Board is used in any statute, rule, contract, or other document, 141120
the use shall be construed to mean the Executive Director of the 141121
State Board of Pharmacy, with respect to implementing Chapter 141122
4752. of the Revised Code, or the Executive Director of the State 141123
Medical Board, with respect to implementing Chapter 4761. of the 141124
Revised Code. 141125

(E)(1) Subject to the lay-off provisions of sections 124.321 141126
to 124.328 of the Revised Code, all employees of the Ohio 141127
Respiratory Care Board are transferred to the State Board of 141128
Pharmacy, with respect to implementing Chapter 4752. of the 141129
Revised Code, or the State Medical Board, with respect to 141130
implementing Chapter 4761. of the Revised Code. The employees 141131
shall retain their positions and benefits. 141132

(2) During the period beginning January 21, 2018, and ending 141133
June 30, 2019, the executive directors of the State Board of 141134
Pharmacy and the State Medical Board may establish, change, and 141135
abolish positions on those boards and assign, reassign, classify, 141136
reclassify, transfer, reduce, promote, or demote all employees 141137
transferred to those boards under this section who are not subject 141138
to Chapter 4117. of the Revised Code. 141139

(3) The authority granted to the executive directors of the 141140
State Board of Pharmacy and the State Medical Board under division 141141
(E)(2) of this section includes assigning or reassigning an exempt 141142
employee, as defined in section 124.152 of the Revised Code, to a 141143
bargaining unit classification that the executive directors 141144
determine is the proper classification for that employee. If an 141145
employee in the E-1 pay range is to be assigned, reassigned, 141146
classified, reclassified, transferred, reduced, or demoted to a 141147

position in a lower classification during the period specified in 141148
this section, the executive directors, or in the case of a 141149
transfer to a position outside those boards, the Director of 141150
Administrative Services, shall assign the employee to the 141151
appropriate classification and place the employee in Step X. The 141152
employee shall not receive any increase in compensation until the 141153
maximum rate of pay for that classification exceeds the employee's 141154
compensation. 141155

(4) Actions taken by the executive directors pursuant to 141156
division (E) of this section are not subject to appeal to the 141157
State Personnel Board of Review. 141158

(F) Notwithstanding section 145.297 of the Revised Code, the 141159
Ohio Respiratory Care Board may, at the Board's discretion and 141160
with approval from the Office of Budget and Management, establish 141161
a retirement incentive plan for eligible employees of the Board 141162
who are members of the Public Employees Retirement System. Any 141163
retirement incentive plan established pursuant to this section 141164
shall remain in effect until January 20, 2018. 141165

(G) No validation, cure, right, privilege, remedy, 141166
obligation, or liability is lost or impaired by reason of the 141167
transfer required by this section and shall be administered by the 141168
State Board of Pharmacy, with respect to implementing Chapter 141169
4752. of the Revised Code, and the State Medical Board, with 141170
respect to implementing Chapter 4761. of the Revised Code. No 141171
action or proceeding pending on the effective date of this act is 141172
affected by the transfer, and shall be prosecuted or defended in 141173
the name of the State Board of Pharmacy or the State Medical 141174
Board, as applicable, or that board's executive director, as 141175
appropriate. In all such actions and proceedings, the State Board 141176
of Pharmacy or the State Medical Board, as applicable, or that 141177
board's executive director shall be substituted as a party. 141178

(H) Effective January 21, 2018, all records, documents, 141179

files, equipment, assets, and other materials of the Ohio
Respiratory Care Board are transferred to the State Board of
Pharmacy, with respect to implementing Chapter 4752. of the
Revised Code and the State Medical Board, with respect to
implementing Chapter 4761. of the Revised Code.

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Section 515.35. Notwithstanding any provision of the law to
the contrary, on or after the effective date of this section, the
Director of Budget and Management shall make any accounting
changes made necessary by the transfers and consolidations
contained in Sections 515.30 to 515.34 of this act.

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On or after January 21, 2018, the Director of Budget and
Management may cancel any existing encumbrances of any agency
abolished in Sections 515.30 to 515.34 of this act and reestablish
those encumbrances to the State Vision Professionals Board, the
State Speech and Hearing Professionals Board, the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers
Board, the State Pharmacy Board, or the State Medical Board as
necessary. The reestablished encumbrance amounts are hereby
appropriated.

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Section 515.40. (A) On January 21, 2018, the Barber Board is
abolished. The State Cosmetology and Barber Board is successor to,
assumes the obligations, and authority of the Barber Board. Any
business commenced but not completed by the Barber Board shall be
completed by the State Cosmetology and Barber Board. Any
validation, right, cure, privilege, remedy, obligation, or
liability is not lost or impaired solely by this abolishment and
shall be administered by the State Cosmetology and Barber Board.
Any action or proceeding pending on January 21, 2018, that is not
affected by the abolishment of the Barber Board and shall be
prosecuted or defended in the name of the State Cosmetology and
Barber Board. In all such actions and proceedings, the State

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Cosmetology and Barber Board may be substituted as a party upon 141211
application to the court or other tribunal. 141212

(B)(1) Subject to the layoff provisions of sections 124.321 141213
to 124.328 of the Revised Code, on January 21, 2018, all employees 141214
of the Barber Board are transferred to the State Cosmetology and 141215
Barber Board. The employees shall retain their positions and 141216
benefits. 141217

(2) During the period beginning January 21, 2018, and ending 141218
June 30, 2019, the Executive Director of the State Cosmetology and 141219
Barber Board may establish, change, and abolish positions of the 141220
State Cosmetology and Barber Board and assign, reassign, classify, 141221
reclassify, transfer, reduce, promote, or demote all employees of 141222
the Board who are not subject to Chapter 4117. of the Revised 141223
Code. 141224

(3) The authority granted under division (B)(2) of this 141225
section includes assigning or reassigning an exempt employee, as 141226
defined in section 124.152 of the Revised Code, to a bargaining 141227
unit classification if the Executive Director determines that the 141228
bargaining unit classification is the proper classification for 141229
that employee. If an employee in the E-1 pay range is to be 141230
assigned, reassigned, classified, reclassified, transferred, 141231
reduced, or demoted to a position in a lower classification during 141232
the period specified in division (B)(2) of this section, the 141233
Executive Director, or in the case of a transfer outside the Board 141234
the Director of Administrative Services, shall assign the employee 141235
to the appropriate classification and place the employee in Step 141236
X. The employee shall not receive any increase in compensation 141237
until the maximum rate of pay for that classification exceeds the 141238
employee's compensation. 141239

(4) Actions taken by the Executive Director pursuant to 141240
division (B) of this section are not subject to appeal to the 141241

State Personnel Board of Review. 141242

(C) Notwithstanding section 145.297 of the Revised Code, the 141243
Barber Board may at the Board's discretion and with approval from 141244
the Office of Budget and Management, establish a retirement 141245
incentive plan for eligible employees of the Barber Board who are 141246
members of the Public Employees Retirement System. Any retirement 141247
incentive plan established pursuant to this section shall remain 141248
in effect until January 20, 2018. 141249

(D) On January 21, 2018, all equipment, assets, supplies, 141250
records, and other property of the Barber Board is transferred to 141251
the State Cosmetology and Barber Board. 141252

(E) All rules, orders, and determinations made or undertaken 141253
by the Barber Board shall continue in effect as the rules, orders, 141254
and determinations of the State Cosmetology and Barber Board until 141255
modified, rescinded, or replaced. If necessary to ensure the 141256
integrity of the Administrative Code, the Director of the 141257
Legislative Service Commission shall renumber the rules relating 141258
to the Barber Board to reflect its abolishment pursuant to this 141259
provision and transfer of duties to the State Cosmetology and 141260
Barber Board pursuant to the provisions contained within this act. 141261
Within one hundred eighty days after the effective date of this 141262
section, the State Cosmetology and Barber Board shall submit 141263
proposed rules to the Joint Committee on Agency Rule Review 141264
addressing fees and fines previously assessed by the Barber Board 141265
pursuant to Chapter 4709. of the Revised Code, and where 141266
reasonably possible, shall reduce the amount and frequency of 141267
collection and assessment. 141268

(F) Any licenses, certificates, permits, registrations, or 141269
endorsements issued before January 21, 2018, by the Barber Board 141270
shall continue in effect as if issued by the State Cosmetology and 141271
Barber Board. 141272

(G) On or after January 21, 2018, notwithstanding any 141273
provision of law to the contrary, the Director of Budget and 141274
Management may make budget changes made necessary by this section, 141275
including cancelling encumbrances of the Barber Board and 141276
reestablishing them as encumbrances of the State Cosmetology and 141277
Barber Board. Any reestablished encumbrances are hereby 141278
appropriated. 141279

Section 515.50. An amount up to \$100,000 of the unexpended, 141280
unencumbered balance of appropriation item 047321, Operating 141281
Expenses, at the end of fiscal year 2017 is hereby reappropriated 141282
to the same appropriation item for fiscal year 2018. Of that 141283
amount, up to \$75,000 shall be used for the Joint Education 141284
Oversight Committee's operating expenses for that fiscal year, and 141285
up to \$25,000 shall be used to pay obligations associated with the 141286
closure of the Joint Education Oversight Committee, including any 141287
final payroll expenses occurring after the closure of the 141288
Committee. 141289

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 141290

Certain appropriations are in this act for the purpose of 141291
paying debt service and financing costs on general obligation 141292
bonds or notes of the state issued pursuant to the Ohio 141293
Constitution and acts of the General Assembly. If it is determined 141294
that additional appropriations are necessary for this purpose, 141295
such amounts are hereby appropriated. 141296

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 141297

Certain appropriations are in this act for the purpose of 141298
making lease rental payments pursuant to leases and agreements 141299
relating to bonds or notes issued by the Treasurer of State, or 141300
previously by the Ohio Building Authority, pursuant to the Ohio 141301
Constitution and acts of the General Assembly. If it is determined 141302

that additional appropriations are necessary for this purpose, 141303
such amounts are hereby appropriated. 141304

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 141305
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 141306

The Office of Budget and Management shall process payments 141307
from general obligation and lease rental payment appropriation 141308
items during the period from July 1, 2017, through June 30, 2019, 141309
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 141310
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 141311
and Chapters 151., 152., and 154. of the Revised Code. Payments 141312
shall be made upon certification by the Treasurer of State of the 141313
dates and the amounts due on those dates. 141314

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 141315

If it is determined that a payment is necessary in the amount 141316
computed at the time to represent the portion of investment income 141317
to be rebated or amounts in lieu of or in addition to any rebate 141318
amount to be paid to the federal government in order to maintain 141319
the exclusion from gross income for federal income tax purposes of 141320
interest on those state obligations under section 148(f) of the 141321
Internal Revenue Code, such an amount is hereby appropriated from 141322
those funds designated by or pursuant to the applicable 141323
proceedings authorizing the issuance of state obligations. 141324

Payments for this purpose shall be approved and vouchered by 141325
the Office of Budget and Management. 141326

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 141327

Whenever the Director of Budget and Management determines 141328
that an appropriation made to a state agency from a fund of the 141329
state is insufficient to provide for the recovery of statewide 141330
indirect costs under section 126.12 of the Revised Code, the 141331

amount required for such purpose is hereby appropriated from the 141332
available receipts of such fund. 141333

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 141334
COST ALLOCATION PLAN 141335

The total transfers made from the General Revenue Fund by the 141336
Director of Budget and Management under this section shall not 141337
exceed the amounts transferred into the General Revenue Fund under 141338
section 126.12 of the Revised Code. 141339

The director of an agency may certify to the Director of 141340
Budget and Management the amount of expenses not allowed to be 141341
included in the Statewide Indirect Cost Allocation Plan under 141342
federal regulations, from any fund included in the Statewide 141343
Indirect Cost Allocation Plan, prepared as required by section 141344
126.12 of the Revised Code. 141345

Upon determining that no alternative source of funding is 141346
available to pay for such expenses, the Director of Budget and 141347
Management may transfer cash from the General Revenue Fund into 141348
the fund for which the certification is made, up to the amount of 141349
the certification. The director of the agency receiving such funds 141350
shall include, as part of the next budget submission prepared 141351
under section 126.02 of the Revised Code, a request for funding 141352
for such activities from an alternative source such that further 141353
federal disallowances would not be required. 141354

The director of an agency may certify to the Director of 141355
Budget and Management the amount of expenses paid in error from a 141356
fund included in the Statewide Indirect Cost Allocation Plan. The 141357
Director of Budget and Management may transfer cash from the fund 141358
from which the expenditure should have been made into the fund 141359
from which the expenses were erroneously paid, up to the amount of 141360
the certification. 141361

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 141373

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 141381

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 610.10. That Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended and that Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to codify it as section 3333.95 of the Revised Code to read as

follows: 141392

Sec. ~~369.540~~ 3333.95. ~~EFFICIENCY ADVISORY COMMITTEE~~ 141393

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 141394
education shall maintain an efficiency advisory committee for the 141395
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 141396
reports for campuses, identifying shared services opportunities, 141397
streamlining administrative operations, and sharing best practices 141398
in efficiencies among public institutions of higher education. The 141399
committee shall meet at the call of the ~~Chancellor~~ chancellor or 141400
the ~~Chancellor's~~ chancellor's designee. Each state institution of 141401
higher education shall designate an employee to serve as its 141402
efficiency officer responsible for the evaluation and improvement 141403
of operational efficiencies on campus. Each efficiency officer 141404
shall serve on the efficiency advisory committee. 141405

By the thirty-first day of December ~~31~~ of each year, the 141406
~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall 141407
provide a report to the ~~Office~~ office of ~~Budget~~ budget and 141408
~~Management~~ management, the ~~Governor~~ governor, and the ~~General~~ 141409
~~Assembly~~ president of the senate, and the speaker of the house of 141410
representatives compiling efficiency reports from all public 141411
institutions of higher education ~~and benchmarking efficiency gains~~ 141412
~~realized over the preceding year. The reports from each~~ 141413
~~institution shall identify efficiencies at each public institution~~ 141414
~~of higher education, and quantify revenue enhancements,~~ 141415
~~reallocation of resources, expense reductions, and cost avoidance~~ 141416
~~where possible in the areas of general operational functions,~~ 141417
~~academic program delivery, energy usage, and information~~ 141418
~~technology and procurement reforms. The reports shall particularly~~ 141419
~~emphasize areas where these reforms are demonstrating savings or~~ 141420
~~cost avoidance to students. The report shall also be made~~ 141421
available to the public on the ~~Department~~ department of Higher 141422

Education's <u>higher education's</u> web site.	141423
Section 610.11. That existing Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.	141424 141425
Section 610.20. That Section 529.10 of S.B. 310 of the 131st General Assembly be amended and that Section 529.10 of S.B. 310 of the 131st General Assembly be amended to codify it as section 123.211 of the Revised Code to read as follows:	141426 141427 141428 141429
Sec. 529.10 <u>123.211</u>. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS	141430 141431
<u>(A) Notwithstanding any contrary provision of</u> section 123.21 of the Revised Code, the Executive Director <u>executive director</u> of the Ohio Facilities Construction Commission <u>facilities</u> <u>construction commission</u> may authorize <u>any of</u> the Departments of Mental Health and Addiction Services, Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, Veterans Services, and the Bureau of Workers' Compensation <u>following agencies</u> to administer any capital facilities projects <u>project</u> , the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000 <u>one million five hundred thousand dollars:</u>	141432 141433 141434 141435 141436 141437 141438 141439 141440 141441 141442 141443
<u>(1) The department of mental health and addiction services;</u>	141444
<u>(2) The department of developmental disabilities;</u>	141445
<u>(3) The department of agriculture;</u>	141446
<u>(4) The department of job and family services;</u>	141447
<u>(5) The department of rehabilitation and correction;</u>	141448
<u>(6) The department of youth services;</u>	141449
<u>(7) The department of public safety;</u>	141450

<u>(8) The department of transportation;</u>	141451
<u>(9) The department of veterans services;</u>	141452
<u>(10) The bureau of workers' compensation;</u>	141453
<u>(11) The department of administrative services;</u>	141454
<u>(12) The state school for the deaf;</u>	141455
<u>(13) The state school for the blind. Requests</u>	141456
<u>(B) A state agency that wishes to administer a project under</u>	141457
<u>division (A) of this section shall submit a request for</u>	141458
<u>authorization to administer capital facilities projects shall be</u>	141459
<u>made through the OAKS-CI <u>Ohio administrative knowledge system</u></u>	141460
<u>capital improvements application by the applicable state agency.</u>	141461
<u>Upon the release of funds for the projects by the Controlling</u>	141462
<u>Board <u>controlling board</u> or the Director <u>director</u> of Budget <u>budget</u></u>	141463
<u>and Management <u>management</u>, the agency may administer the capital</u>	141464
<u>project or projects for which agency administration has been</u>	141465
<u>authorized without the supervision, control, or approval of the</u>	141466
<u>Executive Director <u>executive director</u> of the Ohio Facilities</u>	141467
<u>Construction Commission <u>facilities construction commission</u>.</u>	141468
<u>(C) A state agency authorized by the Executive Director</u>	141469
<u>executive director of the Ohio Facilities Construction Commission</u>	141470
<u>facilities construction commission to administer capital</u>	141471
<u>facilities projects pursuant to this section shall comply with the</u>	141472
<u>applicable procedures and guidelines established in Chapter 153.</u>	141473
<u>of the Revised Code and shall track all project information in</u>	141474
<u>OAKS-CI <u>the Ohio administrative knowledge system capital</u></u>	141475
<u>improvements application pursuant to Ohio Facilities Construction</u>	141476
<u>Commission <u>facilities construction commission</u> guidelines.</u>	141477
Section 610.21. That existing Section 529.10 of S.B. 310 of	141478
the 131st General Assembly is hereby repealed.	141479

Section 610.23. That Sections 213.10, 213.20, and 217.10 of S.B. 310 of the 131st General Assembly be amended to read as follows:

Sec. 213.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			141483
Building Improvement Fund (Fund 5KZ0)			141484
C10035 Building Improvement	\$	10,693,000	141485
TOTAL Building Improvement Fund	\$	10,693,000	141486
Administrative Building Fund (Fund 7026)			141487
C10011 Statewide Communications System	\$	3,900,000	141488
C10015 SOCC Facility Renovations	\$	15,884,371	141489
C10020 North High Street Complex Renovation	\$	18,075,000	141490
C10034 Aronoff Center - Systems/Capital Replacement	\$	750,000	141491
C10036 Rhodes Tower Renovations	\$	19,250,000	141492
C10037 <u>Voting Machine Reimbursement</u>	\$	<u>1,000,000</u>	141493
TOTAL Administrative Building Fund	\$	57,859,371	141494
		<u>58,859,371</u>	
TOTAL ALL FUNDS	\$	68,552,371	141495
		<u>69,552,371</u>	

VOTING MACHINE REIMBURSEMENT 141496

The foregoing appropriation item C10037, Voting Machine Reimbursement, shall be used to reimburse counties that have entered into agreements for new voting machines and associated services and equipment on or after January 1, 2014, as allocated based on the number of registered voters in that county as of January 1, 2017. Counties shall notify the Office of Procurement Services of the agreement to be reimbursed, and provide all necessary information to the Office before reimbursement can be issued. All reimbursements made from this appropriation are not to exceed \$250,000, and shall be paid to the county's general fund.

Sec. 213.20. The Treasurer of State is hereby authorized to 141507
issue and sell, in accordance with Section 2i of Article VIII, 141508
Ohio Constitution, and Chapter 154. and other applicable sections 141509
of the Revised Code, original obligations in an aggregate 141510
principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in 141511
addition to the original issuance of obligations heretofore 141512
authorized by prior acts of the General Assembly. These authorized 141513
obligations shall be issued, subject to applicable constitutional 141514
and statutory limitations, as needed to provide sufficient moneys 141515
to the credit of the Administrative Building Fund (Fund 7026) to 141516
pay costs associated with previously authorized capital facilities 141517
and the appropriations in this act made from Fund 7026. 141518

Sec. 217.10. COM DEPARTMENT OF COMMERCE 141519

State Fire Marshal Fund (Fund 5460) 141520

C80009	Forensic Laboratory Equipment	\$	110,000	141521
C80023	SFM Renovations and Improvements	\$	1,900,000	141522
C80026	Forensic Evidence Storage/Maintenance	\$	2,187,500	141523
	Structure			
TOTAL	State Fire Marshal Fund	\$	4,197,500	141524

Administrative Building Fund (Fund 7026) 141525

C80032	Wellston Burn Building	\$	300,000	141526
<u>C80033</u>	<u>Wayne County Regional Training Facility</u>	<u>\$</u>	<u>500,000</u>	141527
TOTAL	Administrative Building Fund	\$	300,000	141528
			<u>800,000</u>	
TOTAL ALL FUNDS		\$	4,497,500	141529
			<u>4,997,500</u>	

Section 610.24. That existing Sections 213.10, 213.20, and 141531
217.10 of S.B. 310 of the 131st General Assembly are hereby 141532
repealed. 141533

Section 610.25. That Section 253.330 of Am. Sub. S.B. 260 of 141534
the 131st General Assembly be amended to read as follows: 141535

Reappropriations

Sec. 253.330.	UCN UNIVERSITY OF CINCINNATI			141536
	Higher Education Improvement Taxable Fund (Fund 7024)			141537
C26690	Hamilton County Fairgrounds Improvements	\$	27,567	141538
	- Taxable			
TOTAL	Higher Education Improvement Taxable Fund	\$	27,567	141539
	Higher Education Improvement Fund (Fund 7034)			141540
C26502	Raymond Walters Renovations	\$	1,112	141541
C26503	Institutional and Data Processing	\$	59,883	141542
	Equipment			
C26553	Developmental Neurobiology	\$	303,750	141543
C26604	Barrett Cancer Center	\$	27,594	141544
C26606	Hebrew Union College	\$	119,167	141545
C26615	Beech Acres	\$	1,790	141546
C26666	Snyder Building Roof Replacement -	\$	472,048	141547
	Clermont			
C26669	General Electric Aviation Research	\$	1,023,199	141548
	Center			
C26671	Muntz Hall Renovations, 100 Level	\$	42,791	141549
C26673	MRI Pilot Microfactory	\$	50,976	141550
C26676	Wherry and Health Professions Building	\$	7,323,893	141551
	Rehabilitation			
C26677	Roof Repair and Replacement - Blue Ash	\$	742,072	141552
C26678	Muntz Hall - Blue Ash	\$	1,000,000	141553
C26679	HVAC Repair and Replacements - Clermont	\$	1,750,000	141554
C26681	Institutional Roof Replacement	\$	1,170,157	141555
C26682	Boys and Girls Club	\$	250,000	141556
C26684	Whole Home Modifications	\$	215,000	141557
C26685	Clermont County Airport Improvements	\$	500,000	141558

C26688	Angle X-Ray Scattering System	\$	60,000	141559
TOTAL	Higher Education Improvement Fund	\$	15,113,432	141560
			<u>14,863,432</u>	
TOTAL ALL FUNDS		\$	15,140,999	141561
			<u>14,890,999</u>	

BASIC RENOVATIONS 141562

The amount reappropriated for the foregoing appropriation 141563
item C26500, Basic Renovations, is the unencumbered and unallotted 141564
balance as of June 30, 2016, in appropriation item C26500, Basic 141565
Renovations, plus \$81,117, plus the unencumbered and unallotted 141566
balance as of June 30, 2016, in appropriation items C26628, 141567
Rieveschl 500 Teaching Lab, and C26675, Kettering Lab - Mechanical 141568
and Electrical Renovation. Prior to the expenditure of this 141569
appropriation, the University of Cincinnati shall certify to the 141570
Director of Budget and Management canceled encumbrances in the 141571
amount of at least \$81,117. 141572

WHERRY AND HEALTH PROFESSIONS BUILDING RENOVATION AND 141573
EXPANSION 141574

The amount reappropriated for the foregoing appropriation 141575
item C26676, Wherry and Health Professions Building 141576
Rehabilitation, is the unencumbered and unallotted balance as of 141577
June 30, 2016, in appropriation item C26676, Wherry and Health 141578
Professions Building Rehabilitation, plus the unencumbered and 141579
unallotted balance as of June 30, 2016, in appropriation item 141580
C26530, Medical Sciences Building Renovation and Expansion. 141581

MUNTZ HALL - BLUE ASH 141582

The amount reappropriated for the foregoing appropriation 141583
item C26678, Muntz Hall - Blue Ash, is the unencumbered and 141584
unallotted balance as of June 30, 2016, in appropriation item 141585
C26678, Muntz Hall - Blue Ash, plus the unencumbered and 141586
unallotted balance as of June 30, 2016, in appropriation items 141587

C26680, Muntz Hall Rehabilitation - Phase 1, and C26689, UCBA Walters Hall Roof. 141588
141589

Section 610.26. That existing Section 253.330 of Am. Sub. 141590
S.B. 260 of the 131st General Assembly is hereby repealed. 141591

Section 610.30. That Sections 203.10 and 207.290 of S.B. 310 141592
of the 131st General Assembly, as amended by Sub. H.B. 390 of the 141593
131st General Assembly, be amended to read as follows: 141594

Sec. 203.10. ADJ ADJUTANT GENERAL 141595

Army National Guard Service Contract Fund (Fund 3420) 141596

C74537 Renovation Projects - Federal Share \$ 7,100,000 141597

C74539 Renovations and Improvements - Federal \$ 15,000,000 141598

TOTAL Army National Guard Service Contract Fund \$ 22,100,000 141599

Administrative Building Fund (Fund 7026) 141600

C74528 Camp Perry Improvements \$ 2,250,000 141601

C74535 Renovations and Improvements \$ 5,100,000 141602

C74540 Aerial Port of Embarkation/Debarkation \$ 250,000 141603

TOTAL Administrative Building Fund \$ 7,600,000 141604

TOTAL ALL FUNDS \$ 29,700,000 141605

RENOVATIONS AND IMPROVEMENTS - FEDERAL 141606

The foregoing appropriation item C74539, Renovations and 141607

Improvements - Federal, shall be used to fund capital projects 141608

that are coded as receiving one hundred per cent federal support 141609

pursuant to the agreement support code identified in the 141610

Facilities Inventory and Support Plan between the Office of the 141611

Adjutant General and the Army National Guard. Notwithstanding 141612

section 131.35 of the Revised Code, if after the effective date of 141613

this section, additional federal funds are made available to the 141614

Adjutant General to carry out the Facilities Inventory Support 141615

Plan, the Adjutant General may request that the Director of Budget 141616

and Management authorize expenditures in excess of the amounts 141617
 appropriated to appropriation item C74539, Renovations and 141618
 Improvements - Federal. Upon approval of the Director of Budget 141619
 and Management the additional amounts are hereby appropriated. 141620
Notwithstanding section 126.14 of the Revised Code, if the 141621
Adjutant General is approved by the federal government to complete 141622
additional, unanticipated one hundred per cent federally funded 141623
projects after July 1, 2017, and before October 1, 2017, the 141624
appropriations for these additional projects may be released upon 141625
written approval of the Director of Budget and Management. 141626

AERIAL PORT OF EMBARKATION/DEBARKATION 141627

The foregoing appropriation item C74540, Aerial Port of 141628
 Embarkation/Debarkation, shall be used to acquire a cargo 141629
 facility, tarmac, and the surrounding property from the Western 141630
 Reserve Port Authority. 141631

Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE 141632

Higher Education Improvement Fund (Fund 7034) 141633

C32206 Adams County Satellite Campus \$ ~~2,000,000~~ 141634
3,000,000

C32208 Southern Gateway Economic Innovation \$ 1,000,000 141635
 Development Center

C32212 Clarksville Fire Training Center \$ 850,000 141636

C32213 Wilmington College Center for the \$ 1,500,000 141637
 Sciences and Agriculture

C32214 Hillsboro Hi-Tech Center \$ 25,000 141638

C32215 Hobart/Southern State Project \$ 35,000 141639

C32216 Wilmington Air Park Aviation \$ 3,000,000 141640
 Infrastructure Improvements

TOTAL Higher Education Improvement Fund \$ ~~8,410,000~~ 141641
9,410,000

TOTAL ALL FUNDS \$ ~~8,410,000~~ 141642

9,410,000

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~ 141643

~~Of the foregoing appropriation item C32216, Wilmington Air 141644
Park Aviation Infrastructure Improvements, \$450,000 shall be used 141645
to replace antenna equipment, \$1,274,800 shall be used for crack 141646
sealing, and \$1,275,200 shall be used for concrete repairs. 141647~~

Section 610.31. That existing Sections 203.10 and 207.290 of 141648
S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 141649
390 of the 131st General Assembly, are hereby repealed. 141650

Section 610.32. That Section 221.10 of S.B. 310 of the 131st 141651
General Assembly, as most recently amended by Am. Sub. H.B. 384 of 141652
the 131st General Assembly, be amended to read as follows: 141653

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 141654
SERVICES 141655

Mental Health Facilities Improvement Fund (Fund 7033) 141656

C58001 Community Assistance Projects \$ ~~12,000,000~~ 141657
32,600,000

C58007 Infrastructure Renovations \$ 21,310,000 141658

C58021 Providence House \$ 100,000 141659

C58024 Bellefaire Jewish Children's Home \$ 550,000 141660

C58026 Cocoon Emergency Shelter \$ 800,000 141661

C58028 Child Focus, Inc. \$ 415,000 141662

C58029 CHOICES for Victims of Domestic Violence \$ 500,000 141663
Campaign

C58030 Family Services of Northwest Ohio Adult \$ 100,000 141664
Crisis Stabilization Unit

C58031 Glenbeigh Hospital Multipurpose Building \$ 400,000 141665

C58032 OhioGuidestone Residential Treatment \$ 350,000 141666
Building Renovation

C58033	Salvation Army of Greater Cleveland Harbor Light Complex	\$	350,000	141667
C58034	Greenville East Main Street Recovery Center	\$	25,000	141668
C58035	Columbus Briggsdale Apartments - Phase II	\$	250,000	141669
C58036	The Buckeye Ranch, Inc.	\$	100,000	141670
C58037	Expansion of Lettuce Work	\$	250,000	141671
C58038	Ravenwood Mental Health Facility Expansion	\$	500,000	141672
C58039	Cincinnati Center for Addiction Treatment Expansion	\$	2,000,000	141673
C58040	Painesville Mental Health Services Agency	\$	200,000	141674
C58041	Tri-County Board of Recovery and Mental Health Services	\$	500,000	141675
C58042	McKinley Hall Renovation	\$	75,000	141676
C58043	Glenway Outpatient Opiate Facility	\$	200,000	141677
C58044	Alvis Women Community Reentry Project	\$	50,000	141678
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000	141679
C58046	Summer Entrepreneurial Experience and Knowledge	\$	100,000	141680
TOTAL Mental Health Facilities Improvement Fund		\$	41,375,000 <u>61,975,000</u>	141681
TOTAL ALL FUNDS		\$	41,375,000 <u>61,975,000</u>	141682

COMMUNITY ASSISTANCE PROJECTS 141683

The foregoing appropriation for the Department of Mental 141684
Health and Addiction Services, C58001, Community Assistance 141685
Projects, may be used for facilities constructed or to be 141686
constructed pursuant to Chapter 340., 5119., 5123., or 5126. of 141687
the Revised Code or the authority granted by section 154.20 of the 141688
Revised Code and the rules issued pursuant to those chapters and 141689
that section and shall be distributed by the Department of Mental 141690

Health and Addiction Services subject to Controlling Board approval.			141691
			141692
<u>Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery housing as defined in section 340.01 of the Revised Code.</u>			141693
			141694
			141695
<u>Of the foregoing appropriation item C58001, Community Assistance Projects, \$300,000 shall be used for the Providence House.</u>			141696
			141697
			141698
<u>Of the foregoing appropriation item C58001, Community Assistance Projects, \$300,000 shall be used for the Blessing House.</u>			141699
			141700
			141701
Section 610.33. That existing Section 221.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Am. Sub. H.B. 384 of the 131st General Assembly, is hereby repealed.			141702
			141703
			141704
Section 610.34. That Section 223.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Sub. H.B. 26 of the 132nd General Assembly, be amended to read as follows:			141705
			141706
			141707
Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES			141708
Wildlife Fund (Fund 7015)			141709
C725B0 Access Development	\$	13,600,000	141710
C725K9 Wildlife Area Building	\$	8,150,000	141711
Development/Renovations			
C725W0 MARCS Equipment	\$	1,866,087	141712
TOTAL Wildlife Fund	\$	23,616,087	141713
Administrative Building Fund (Fund 7026)			141714
C725D7 MARCS Equipment	\$	5,996,598	141715
C725N7 District Office Renovations	\$	3,000,000	141716
TOTAL Administrative Building Fund	\$	8,996,598	141717

Ohio Parks and Natural Resources Fund (Fund 7031)			141718
C72512	Land Acquisition	\$ 475,000	141719
C72549	DNR Facilities Development	\$ 1,500,000	141720
C725E1	Local Parks Projects Statewide	\$ 5,108,985	141721
C725E5	Project Planning	\$ 1,100,938	141722
C725K0	State Park Renovations/Upgrading	\$ 11,060,000	141723
C725M0	Dam Rehabilitation	\$ 2,550,000	141724
C725N5	Wastewater/Water Systems Upgrades	\$ 2,750,000	141725
C725N8	Operations Facilities Development	\$ 1,000,000	141726
TOTAL Ohio Parks and Natural Resources Fund		\$ 25,544,923	141727
Parks and Recreation Improvement Fund (Fund 7035)			141728
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 23,910,514	141729
C725B5	Buckeye Lake Dam Rehabilitation	\$ 61,546,960	141730
C725C4	Muskingum River Lock and Dam	\$ 3,750,000	141731
C725E2	Local Parks Projects	\$ 46,383,500	141732
		<u>47,283,500</u>	
C725E6	Project Planning	\$ 6,070,285	141733
C725R4	Dam Rehabilitation - Parks	\$ 55,425,000	141734
C725R5	Lake White State Park - Dam Rehabilitation	\$ 27,376,761	141735
C725U4	Water Quality Equipment and Projects	\$ 7,400,000	141736
TOTAL Parks and Recreation Improvement Fund		\$ 231,863,020	141737
		<u>232,763,020</u>	
Clean Ohio Trail Fund (Fund 7061)			141738
C72514	Clean Ohio Trail Fund	\$ 12,500,000	141739
TOTAL Clean Ohio Trail Fund		\$ 12,500,000	141740
Waterways Safety Fund (Fund 7086)			141741
C725A7	Cooperative Funding for Boating Facilities	\$ 16,750,000	141742
C725N9	Operations Facilities Development	\$ 2,300,000	141743
C725Z0	MARCS Equipment	\$ 1,511,165	141744
TOTAL Waterways Safety Fund		\$ 20,561,165	141745

TOTAL ALL FUNDS	\$ 323,081,793	141746
	<u>323,981,793</u>	
FEDERAL REIMBURSEMENT		141747
All reimbursements received from the federal government for		141748
any expenditures made pursuant to this section shall be deposited		141749
in the state treasury to the credit of the fund from which the		141750
expenditure originated.		141751
LOCAL PARKS PROJECTS		141752
Of the foregoing appropriation item C725E2, Local Parks		141753
Projects, an amount equal to two per cent of the projects listed		141754
may be used by the Department of Natural Resources for the		141755
administration of local projects, \$4,025,000 shall be used for the		141756
Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used		141757
for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for		141758
the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall		141759
be used for the Flats East Development, \$1,200,000 shall be used		141760
for the Harley Jones Rotary Memorial Amphitheater in Bryson Park,		141761
\$1,000,000 shall be used for the South Point Community Pool,		141762
\$1,000,000 shall be used for the Champion Mill Sports Complex		141763
Improvements, \$1,000,000 shall be used for the Bridge to Wendy		141764
Park, \$1,000,000 shall be used for the Franklin Park Conservatory,		141765
\$1,000,000 shall be used for the Worthington Pools Renovation,		141766
\$1,000,000 shall be used for the Lorain County Mill Creek		141767
Conservation and Flood Control, \$1,000,000 shall be used for the		141768
Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be		141769
used for the City of Canton Market Square Enhancement Project,		141770
\$1,000,000 shall be used for The Magnolia Flowering Mills/Stark		141771
County Park district, \$750,000 shall be used for the Gorge Dam		141772
Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000		141773
shall be used for the St. Henry Swimming Pool, \$500,000 shall be		141774
used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall		141775
be used for the West Chester Soccer Complex, \$500,000 shall be		141776

used for the Van Aken District Bicycle and Pedestrian Connections, 141777
\$500,000 shall be used for the Galloway Sports Complex, \$500,000 141778
shall be used for the Scioto Audubon Metro Park Pedestrian Bridge, 141779
\$500,000 shall be used for the Scioto River Park Development, 141780
\$500,000 shall be used for the Dream Field at Windsor Park 141781
Playground, \$500,000 shall be used for the Columbus Crew Practice 141782
Facility, \$500,000 shall be used for the Holmes County 141783
Agricultural Facility Improvements, \$500,000 shall be used for the 141784
City of Sylvania SOMO Project, \$500,000 shall be used for The 141785
White Rhinoceros Barn, \$500,000 shall be used for the Thornport 141786
Buckeye Lake Public Access and Park, \$500,000 shall be used for 141787
the Redskin Memorial Park Development, \$500,000 shall be used for 141788
the Warren County Sports Complex, \$406,000 shall be used for the 141789
Bryson Pool Improvements Splash Park, \$400,000 shall be used for 141790
the Cadiz Bike Trail/Public Infrastructure Connectivity Project, 141791
\$400,000 shall be used for the Cave Lake Dam Safety Modifications, 141792
\$400,000 shall be used for the Preble County Agricultural Facility 141793
Improvements, \$400,000 shall be used for the Nimisila Spillway and 141794
Bridge Demolition and Replacement, \$400,000 shall be used for the 141795
Green Central Park, \$350,000 shall be used for the Rocky River 141796
Bradstreets Landing Park, \$350,000 shall be used for the Little 141797
Miami Scenic Trail, \$350,000 shall be used for the East View Park 141798
Ball Diamonds and Field Improvements, \$300,000 shall be used for 141799
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 141800
the Columbiana County Agricultural Facility Improvements, \$300,000 141801
shall be used for the Bill Stanton Community Park Shoreline 141802
Enhancement, \$300,000 shall be used for the Chesapeake Community 141803
Building, \$300,000 shall be used for the Glenford Earthworks Phase 141804
III, \$300,000 shall be used for the Wilderness Center's Facility 141805
Enhancement Project, \$300,000 shall be used to support the Lake 141806
Metropolitan Housing Authority Chagrin Riverbank Stabilization 141807
Project, \$250,000 shall be used for the Carroll County Ohio FFA 141808
Camp Muskingum, \$250,000 shall be used for the Clinton County 141809

Agricultural Facility Improvements, \$250,000 shall be used for the 141810
Greenville Downtown Park, \$250,000 shall be used for the 141811
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 141812
Road Park, \$250,000 shall be used for the ~~Heritage Rail Trail~~ 141813
~~Extension Greener Property Recreational Facility in Hilliard,~~ 141814
\$250,000 shall be used for the Upper Arlington Shared-Use Path 141815
Expansion Projects, \$250,000 shall be used for the Tremont 141816
Road-Zollinger Road Shared-Use Path Connector, \$250,000 shall be 141817
used for the Hobson Freedom Park: Phase II, \$250,000 shall be used 141818
for the Blue Ash Summit Park, \$250,000 shall be used for the Pro 141819
Football Hall of Fame Comprehensive Master Study, \$250,000 shall 141820
be used for the Cascade Plaza Phase II, \$250,000 shall be used for 141821
the Richwood Lake Trail, \$250,000 shall be used for the Wren 141822
Community Building Shelter and Pavilion, \$250,000 shall be used 141823
for the Massillon Reservoir Dam Project in Stark County, \$250,000 141824
shall be used for the Union Township Recreational Facility, 141825
\$200,000 shall be used for the J.W. Denver Memorial Park, \$200,000 141826
shall be used for the Chippewa Creek Headwater Park, \$200,000 141827
shall be used for the City of Strongsville Recreation Center, 141828
\$200,000 shall be used for the Brewing Heritage Trail Segment 1, 141829
\$200,000 shall be used for the Cincinnati Mill Creek Flood 141830
Mitigation/Mill Creek Barrier Dam, \$200,000 shall be used for the 141831
Southern State Community College Pathway, \$200,000 shall be used 141832
for the Ernsthausen Recreation Center Splash Pad, \$200,000 shall 141833
be used for the Ohio University Proctorville Walking Path, 141834
\$200,000 shall be used for the Coldwater Recreation Space and 141835
Amphitheatre, \$200,000 shall be used for the Perry County Home 141836
Farm, \$200,000 shall be used for the Coppel Soccer Complex 141837
Improvements, \$200,000 shall be used for the Jungle Junction 141838
Indoor Playground, \$200,000 shall be used for the Shelby County 141839
Agricultural Facility Improvements, \$200,000 shall be used for the 141840
Middle Point Ballpark Improvements, \$175,000 shall be used for the 141841
Fairfield Township Metro Parks, \$170,000 shall be used for the 141842

Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000	141843
shall be used for the Columbus Topiary Park Improvements, \$150,000	141844
shall be used for the Gallipolis City Park, \$150,000 shall be used	141845
for the Cincinnati Ault Park, \$150,000 shall be used for the Green	141846
Township Hike/Bike Trail, \$150,000 shall be used for the Kenton	141847
Baseball Park Lighting Improvements, \$150,000 shall be used for	141848
the Kamp Dovetail, \$150,000 shall be used for the Avon Lake	141849
Veterans Park, \$150,000 shall be used for the Marion Tallgrass	141850
Trail, \$149,000 shall be used for the Ohio City Recreation	141851
Facility, \$125,000 shall be used for the Cleveland Cultural	141852
Gardens, \$125,000 shall be used for the Village of Fort Recovery	141853
Community Park, \$125,000 shall be used for the Delphos Community	141854
Pool and Splash Park, \$100,000 shall be used for the Auglaize	141855
County Agricultural Facility Improvements, \$100,000 shall be used	141856
for the Clarksville Upground Reservoir Safety Upgrades, <u>\$100,000</u>	141857
<u>shall be used to support the Grand River Park construction project</u>	141858
<u>in the Village of Grand River,</u> \$100,000 shall be used for the	141859
Little Hearts Big Smiles All Children's Playground, \$100,000 shall	141860
be used for The Wilds Educational Animal Display, \$80,000 shall be	141861
used for the Rockford Shane's Park Playground Equipment, \$75,000	141862
shall be used for the City of Parma Park Improvements, \$75,000	141863
shall be used for the Deerasic Park Whitetail Deer Museum and	141864
Educational Center, \$75,000 shall be used for the Stoll Lane Park	141865
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn	141866
Roof Replacement, \$67,500 shall be used for the Waddell Park	141867
Public Swimming Pool Renovation, \$60,000 shall be used for the	141868
Loveland McCoy Park Improvements, \$55,000 shall be used for the	141869
Columbia Township Community Natural Park, \$50,000 shall be used	141870
for the Columbiana County Beaver Creek Wildlife Education Center,	141871
\$50,000 shall be used for the restroom and storage facility	141872
project at Hicksville Park, \$50,000 shall be used for the City of	141873
Marion Ball Field Complex, \$50,000 shall be used for the City of	141874
Fremont Basketball Court Upgrades (Roger Young Park), \$50,000	141875

shall be used for the Upper Sandusky Bicentennial Park Project, 141876
\$45,000 shall be used for the Noble County Happy Time Pool, 141877
\$45,000 shall be used for the Lebanon Bike Park, \$40,000 shall be 141878
used for the Blanchester Playground, \$40,000 shall be used for the 141879
Beaver Park Sports Field, \$40,000 shall be used for the City of 141880
Tiffin City Park Upgrades, \$30,000 shall be used for the London 141881
Municipal Pool, \$20,000 shall be used for the Waverly Canal Park, 141882
and \$11,000 shall be used for the Washington Township Lake 141883
Stabilization Project. 141884

Section 610.35. That existing Section 223.10 of S.B. 310 of 141885
the 131st General Assembly, as most recently amended by Sub. H.B. 141886
26 of the 132nd General Assembly, is hereby repealed. 141887

Section 610.36. That Section 239.10 of S.B. 310 of the 131st 141888
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 141889
Assembly, be amended to read as follows: 141890

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 141891

Lottery Profits Education Fund (Fund 7017) 141892

C23014 Classroom Facilities Assistance Program \$ 50,000,000 141893
- Lottery Profits

TOTAL Lottery Profits Education Fund \$ 50,000,000 141894

Public School Building Fund (Fund 7021) 141895

C23001 Public School Buildings \$ 100,000,000 141896

TOTAL Public School Building Fund \$ 100,000,000 141897

Administrative Building Fund (Fund 7026) 141898

C23016 Energy Conservation Projects \$ 2,000,000 141899

C230E5 State Agency Planning/Assessment \$ 1,500,000 141900

TOTAL Administrative Building Fund \$ 3,500,000 141901

Cultural and Sports Facilities Building Fund (Fund 7030) 141902

C23023 OHS - Ohio History Center Exhibit \$ 1,000,000 141903

	Replacement		
C23024	OHS - Statewide Site Exhibit	\$ 750,000	141904
	Renovation		
C23025	OHS - Statewide Site Repairs	\$ 1,050,410	141905
C23028	OHS - Basic Renovations and Emergency Repairs	\$ 1,000,000	141906
C23030	OHS - Rankin House State Memorial	\$ 393,250	141907
C23031	OHS - Harding Home State Memorial	\$ 1,354,559	141908
C23032	OHS - Ohio Historical Center	\$ 1,007,370	141909
	Rehabilitation		
C23033	OHS - Stowe House State Memorial	\$ 1,028,500	141910
C23045	OHS - Lockington Locks	\$ 513,521	141911
	Stabilization		
C23051	Tecumseh Theater Opera House	\$ 50,000	141912
	Restoration		
C23057	OHS - Online Portal to Ohio's Heritage	\$ 850,000	141913
C23083	Stan Hywet Hall and Gardens Manor House	\$ 250,000	141914
C23098	Twin City Opera House	\$ 100,000	141915
C230AA	Cleveland Grays Armory Museum	\$ 350,000	141916
C230AB	Cleveland Music Hall	\$ 400,000	141917
C230AC	Cleveland Zoological Society	\$ 200,000	141918
C230AD	Saint Luke's Pointe	\$ 200,000	141919
C230AE	Variety Theatre	\$ 250,000	141920
C230AF	Fairview Park Bain Park Cabin	\$ 70,000	141921
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$ 150,000	141922
C230AH	Longtown Clemens Farmstead Museum	\$ 90,000	141923
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$ 125,000	141924
C230AK	Sandusky State Theatre	\$ 750,000	141925
C230AL	Fairfield Decorative Arts Center	\$ 60,000	141926

C230AM	General Sherman House Museum	\$	100,000	141927
C230AN	Villages of Millersport and Buckeye Lake	\$	250,000	141928
C230AP	Fayette County Museum	\$	25,000	141929
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000	141930
C230AR	COSI Building Exhibit Expansion	\$	5,000,000	141931
C230AS	Renovations of the Lincoln Theatre	\$	300,000	141932
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000	141933
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000	141934
C230AV	Veterans Memorial for Senecaville	\$	15,000	141935
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000	141936
C230AX	Cincinnati Shakespeare Company	\$	750,000	141937
C230AY	Ensemble Theatre Cincinnati	\$	100,000	141938
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000	141939
C230B1	Karamu House 2.0	\$	800,000	141940
C230BA	Riverbend and Taft Theater	\$	85,000	141941
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000	141942
C230BC	Native American Museum of Mariemont	\$	400,000	141943
C230BD	Hancock County Sports Hall of Fame	\$	15,000	141944
C230BE	Four Corners Heritage Center Historic Structure	\$	100,000	141945
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000	141946
C230BG	William Scott House	\$	110,000	141947
C230BH	Loudonville Opera House Renovations	\$	250,000	141948
C230BJ	Oak Hill Liberty Theatre	\$	100,000	141949
C230BK	Knox County Memorial Theatre	\$	150,000	141950

C230BL	Fairport Harbor Lighthouse Project	\$	200,000	141951
C230BM	Lake County History Center Rehab Project	\$	250,000	141952
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000	141953
C230BP	Weathervane Playhouse Renovations	\$	50,000	141954
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000	141955
C230BR	Amherst Historical Water Tower Project	\$	40,000	141956
C230BS	Elyria Pioneer Plaza	\$	75,000	141957
C230BT	LaGrange Township Historic Fire Station	\$	32,000	141958
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000	141959
C230BV	Downtown Toledo Music Hall	\$	400,000	141960
C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000	141961
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000	141962
C230BY	Homerville Community Center Expansion	\$	100,000	141963
C230BZ	Medina County Historical Society	\$	100,000	141964
C230CA	Fort Recovery Historical Society	\$	75,000	141965
C230CB	Boonshoft Museum of Discovery	\$	1,000,000	141966
C230CC	Dayton History Heritage Center of Regional Leadership	\$	1,500,000	141967
C230CD	Dayton Project M & M	\$	550,000	141968
C230CE	Trotwood Community Center	\$	250,000	141969
C230CF	Zanesville Community Theater	\$	75,000	141970
C230CG	John Paulding Historical Museum Expansion	\$	30,000	141971
C230CH	Mt. Perry Scenic Railroad Structure	\$	125,000	141972

	Renovations			
C230CJ	Perry County Opera House / Community Center	\$	50,000	141973
C230CK	Circleville Memorial Hall	\$	150,000	141974
C230CL	Everts Community & Arts Center	\$	200,000	141975
C230CM	Waverly Old Children's Home Renovation	\$	20,000	141976
C230CN	Garrettsville Buckeye Block Community Theatre	\$	700,000	141977
C230CP	Historic Hiram Hayden Auditorium	\$	375,000	141978
C230CR	Kent Stage Theater Restoration Project	\$	450,000	141979
C230CS	Mantua Township Historic Bell Tower	\$	140,000	141980
C230CT	Windham Veterans Memorial Plaque	\$	12,000	141981
C230CV	Majestic Theatre Renovation Project Phase II	\$	750,000	141982
C230CW	Seneca County Museum	\$	50,000	141983
C230CX	Arts In Stark	\$	355,000	141984
C230CY	City of Canton Central Plaza Memorial Statues	\$	100,000	141985
C230CZ	McKinley Presidential Museum	\$	135,000	141986
C230DA	Jackson North Park Amphitheater	\$	1,000,000	141987
C230DB	Five Oaks Historic Home	\$	350,000	141988
C230DC	Massillon Museum	\$	1,500,000	141989
C230DD	1893 Genoa Schoolhouse Restoration	\$	57,000	141990
C230DE	Melscheimer Schoolhouse Restoration	\$	15,000	141991
C230DF	Bud and Susie Rogers Garden	\$	400,000	141992
C230DG	The Courtyard at East Woods	\$	90,000	141993
C230DH	W.D. Packard Music Hall Elevator	\$	200,000	141994
C230DJ	Tuscarawas County Cultural Arts Center	\$	500,000	141995
C230DK	Zoar Bicentennial Village	\$	12,000	141996
C230DL	Marysville Avalon Theatre	\$	300,000	141997

	Renovations		
C230DM	Convoy Opera House	\$ 60,000	141998
C230DN	Van Wert Historical Society Museum	\$ 112,000	141999
C230DP	Wassenberg Art Center	\$ 175,000	142000
C230DR	Warren County Historical Society Handicap Entrance Project	\$ 190,000	142001
C230DS	Smithville Community Historical Society	\$ 50,000	142002
C230DT	Wayne County Buckeye Agricultural Museum & Education Center	\$ 400,000	142003
C230DU	Kister Water Mill and Education Center	\$ 200,000	142004
C230DV	Wayne Center for the Arts	\$ 150,000	142005
C230DW	West Liberty Town Hall Opera House	\$ 150,000	142006
C230DX	Medina City Parking Deck	\$ 1,000,000	142007
C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$ 250,000	142008
C230DZ	Columbus Zoo - Asia Quest	\$ 250,000	142009
C230EA	Cleveland Museum of Art	\$ 1,100,000	142010
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$ 160,000	142011
C230EC	Triumph of Flight	\$ 250,000	142012
C230ED	OHS - Historical Center/Ohio Village Buildings	\$ 300,000	142013
C230EG	Parma Heights Cassidy Theatre Cultural Center	\$ 50,000	142014
C230EH	Warren County Historical Society	\$ 116,000	142015
<u>C230EJ</u>	<u>James A. Garfield Monument</u>	<u>\$ 500,000</u>	142016
	<u>Maintenance</u>		
<u>C230EK</u>	<u>Ohio Soldiers and Sailors Orphans Home/Ohio Veterans Children's Home Chapel Restoration</u>	<u>\$ 150,000</u>	142017
C230H2	Cozad Bates House	\$ 70,000	142018

C230J4	Cleveland Museum of Natural History	\$	3,300,000	142019
C230K1	Historic Strand Theatre Renovation	\$	175,000	142020
C230K9	Washington Court House Auditorium	\$	100,000	142021
C230L5	CAPA's Renovations of the Palace Theatre	\$	250,000	142022
C230L7	Sauder Village Experience	\$	500,000	142023
C230L9	Ariel Theatre	\$	200,000	142024
C230M3	Geauga Lyric Theater Guild	\$	200,000	142025
C230M6	Cincinnati Art Museum	\$	750,000	142026
C230M8	Cincinnati Zoo	\$	1,750,000	142027
C230N1	Cincinnati Music Hall	\$	500,000	142028
C230N8	Steubenville Grand Theatre Restoration Project	\$	75,000	142029
C230N9	South Leroy Meeting House Restoration	\$	50,000	142030
C230P1	Fine Arts Association Facility Expansion/Renovation	\$	650,000	142031
C230Q1	Imagination Station	\$	200,000	142032
C230Q3	Columbus Zoo - Entry Village Guest Services Improvements	\$	500,000	142033
C230Q7	Butler Institute of American Art	\$	500,000	142034
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000	142035
C230Q9	Marion Palace Theatre	\$	100,000	142036
C230R1	Bradford Railway Museum	\$	75,000	142037
C230R7	Dayton Art Institute's Centennial - Preservation & Accessibility	\$	1,000,000	142038
C230T2	John Brown House and Grounds Restoration	\$	250,000	142039
C230T3	Hale Farm & Village Capital Improvement Project	\$	100,000	142040
C230U2	Folger Home of Avon Lake	\$	75,000	142041
C230U3	DeYor Performing Arts Center Heating and Cooling	\$	1,250,000	142042

C230W7	OHS - Lundy House Restoration	\$	409,370	142043
C230W8	OHS - Cedar Bog Improvements	\$	193,600	142044
C230W9	OHS - Hayes Center Improvements	\$	290,400	142045
C230X1	OHS - Site Energy Conservation	\$	239,580	142046
C230X2	OHS - Collections Storage Facility Object Evaluation	\$	400,000	142047
C230X5	OHS - State Archives Shelving	\$	3,000,000	142048
C230X6	OHS - Fort Ancient Earthworks	\$	219,440	142049
C230Y1	Meigs Township Veterans Monument	\$	5,000	142050
C230Y2	Serpent Mound	\$	50,000	142051
C230Y3	Allen County Museum	\$	100,000	142052
C230Y4	Schine's Theater Restoration	\$	300,000	142053
C230Y5	Hayesville Opera House	\$	20,000	142054
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$	100,000	142055
C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$	100,000	142056
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$	900,000	142057
C230Y9	Gaslight Theatre Building Renovation Project	\$	300,000	142058
C230Z1	Caroline Scott Harrison Statue	\$	75,000	142059
C230Z2	City of Trenton Amphitheatre Cover	\$	50,000	142060
C230Z3	Historic Batavia Armory	\$	300,000	142061
C230Z4	Columbiana County Bowstring Arch Bridge Rehabilitation	\$	200,000	142062
C230Z5	Coshocton Planetarium	\$	75,000	142063
C230Z6	Bedford Historical Society	\$	100,000	142064
C230Z7	Historical Society of Broadview Heights	\$	150,000	142065
C230Z8	Brooklyn John Frey Park	\$	90,000	142066
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	142067
TOTAL	Cultural and Sports Facilities Building	\$	63,431,000	142068

Fund		<u>64,081,000</u>	
School Building Program Assistance Fund (Fund 7032)			142069
C23002 School Building Program Assistance	\$	500,000,000	142070
TOTAL School Building Program Assistance Fund	\$	500,000,000	142071
TOTAL ALL FUNDS	\$	716,931,000	142072
		<u>717,581,000</u>	
STATE AGENCY PLANNING/ASSESSMENT			142073
The foregoing appropriation item C230E5, State Agency			142074
Planning/Assessment, shall be used by the Facilities Construction			142075
Commission to provide assistance to any state agency for			142076
assessment, capital planning, and maintenance management.			142077
SCHOOL BUILDING PROGRAM ASSISTANCE			142078
The foregoing appropriation item C23002, School Building			142079
Program Assistance, shall be used by the School Facilities			142080
Commission to provide funding to school districts that receive			142081
conditional approval from the Commission pursuant to Chapter 3318.			142082
of the Revised Code.			142083
Section 610.37. That existing Section 239.10 of S.B. 310 of			142084
the 131st General Assembly, as amended by Sub. H.B. 26 of the			142085
132nd General Assembly, is hereby repealed.			142086
Section 610.38. That Sections 125.13 and 327.270 of Am. Sub.			142087
H.B. 64 of the 131st General Assembly be amended to read as			142088
follows:			142089
Sec. 125.13. Sections 125.10, 125.11, and 125.12 of this act			142090
<u>Am. Sub. H.B. 64 of the 131st General Assembly</u> take effect January			142091
1, 2018 <u>July 1, 2017.</u>			142092
Sec. 327.270. NURSING FACILITY DEMONSTRATION PROJECT			142093
(A) As used in this section:			142094

(1) "Freestanding long-term care hospital" means a hospital 142095
to which all of the following apply: 142096

(a) It is a freestanding long-term care hospital as defined 142097
in 42 C.F.R. 412.23(e)(5). 142098

(b) It has a Medicaid provider agreement to provide inpatient 142099
hospital services. 142100

(c) Pursuant to rules adopted under section 5164.02 of the 142101
Revised Code, it is exempt from the all patient refined diagnosis 142102
related groups (APR-DRG) and prospective payment methodology the 142103
Department of Medicaid uses to determine Medicaid payment rates 142104
for inpatient services provided by other types of hospitals not 142105
also excluded from the methodology. 142106

(2) "Nursing facility," "nursing facility services," "nursing 142107
home," and "provider" have the same meanings as in section 5165.01 142108
of the Revised Code. 142109

(B) ~~Not later than thirty days after the effective date of~~ 142110
~~this section, the~~ The Department of Medicaid shall submit to the 142111
United States Secretary of Health and Human Services a request ~~for~~ 142112
~~a Medicaid Waiver to operate, beginning January 1, 2016, a~~ 142113
~~two-year~~ to extend until June 30, 2019, and modify the operation 142114
of the demonstration project authorized by this section under 142115
which Medicaid recipients receive nursing facility services in 142116
participating nursing facilities in lieu of hospital inpatient 142117
services in freestanding long-term care hospitals. 142118

(1) The Department shall select ~~four~~ six nursing facilities 142119
to participate in the demonstration project. To be selected for 142120
participation, a nursing facility must meet all of the following 142121
requirements: 142122

(a) The nursing facility's provider must hold the nursing 142123
facility out to the public as providing short-term rehabilitation 142124
services. 142125

(b) The nursing facility must have a hydrotherapy pool. 142126

(c) The nursing facility's Medicaid-certified capacity must 142127
include at least ten single-occupancy sleeping rooms that will be 142128
used for Medicaid recipients admitted to the nursing facility 142129
under the demonstration project. 142130

~~(d) The nursing facility must have been initially 142131
constructed, licensed as a nursing home, and certified as a 142132
nursing facility on or after January 1, 2010. 142133~~

(2) In selecting ~~four~~ six nursing facilities to participate 142134
in the demonstration project, the Department shall select one 142135
nursing facility located in Brown County, one located in Cuyahoga 142136
county County, one located in Franklin county County, one located 142137
in Hamilton county County, ~~and~~ one located in Lucas county County, 142138
and one located in Sandusky County. However, the Department may 142139
select a nursing facility located in another county if necessary 142140
to find ~~four~~ six nursing facilities that meet the requirements 142141
specified in division (B)(1) of this section. 142142

(C)(1) The provider of each participating nursing facility 142143
shall develop admission criteria that Medicaid recipients must 142144
meet to be admitted to the nursing facility under the 142145
demonstration project. The provider shall give the criteria to 142146
each hospital that is located within fifty miles of the nursing 142147
facility and routinely refers Medicaid patients to freestanding 142148
long-term care hospitals. A hospital that receives the criteria 142149
shall consider the criteria when determining where to refer a 142150
Medicaid recipient who needs the types of services freestanding 142151
long-term care hospitals provide. 142152

(2) A Medicaid recipient may refuse a referral to a 142153
participating nursing facility and instead seek admission to a 142154
freestanding long-term care hospital. If a Medicaid recipient 142155
seeks admission to a participating nursing facility under the 142156

demonstration project, the nursing facility's staff shall ensure 142157
that the recipient meets the nursing facility's criteria before 142158
admitting the recipient. 142159

(3) A participating nursing facility shall notify the 142160
Department each time it admits a Medicaid recipient under the 142161
demonstration project. A Medicaid recipient's admission to a 142162
participating nursing facility under the demonstration project is 142163
not subject to prior authorization from the Department or a 142164
designee of the Department. 142165

(D) Notwithstanding Chapter 5165. of the Revised Code, the 142166
Medicaid payment rate for nursing facility services that a 142167
Medicaid recipient receives from a participating nursing facility 142168
under the demonstration project shall not exceed the Medicaid 142169
payment rate for comparable hospital inpatient services provided 142170
by freestanding long-term care hospitals in effect at the time the 142171
nursing facility services are provided. 142172

(E) Not later than thirty days after the end of each quarter 142173
of the demonstration project, the provider of each participating 142174
nursing facility shall report to the Department all of the 142175
following information about each Medicaid recipient residing in 142176
the nursing facility under the demonstration project during the 142177
quarter: 142178

(1) The cost of the nursing facility services that the 142179
nursing facility provided to the recipient that quarter; 142180

(2) The number of days the recipient resided in the nursing 142181
facility that quarter; 142182

(3) The recipient's health outcomes; 142183

(4) The recipient's satisfaction with the nursing facility as 142184
reported to the nursing facility's staff; 142185

(5) All other information that the Department requires the 142186

providers to include in the reports. 142187

(F) Not later than three months after the demonstration 142188
project ends, the Department shall complete a report about it. The 142189
report shall include an analysis of the information submitted to 142190
the Department under division (E) of this section. The report also 142191
shall include recommendations about resuming operation of the 142192
demonstration project and selecting nursing facilities from 142193
additional counties to participate. The Department shall submit 142194
the report to all of the following: 142195

(1) The Governor; 142196

(2) In accordance with section 101.68 of the Revised Code, 142197
the General Assembly; 142198

(3) The Joint Medicaid Oversight Committee. 142199

Section 610.39. That existing Sections 125.13 and 327.270 of 142200
Am. Sub. H.B. 64 of the 131st General Assembly are hereby 142201
repealed. 142202

Section 610.40. That Sections 125.10 and 125.11 of Am. Sub. 142203
H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 142204
64 of the 131st General Assembly, be amended to read as follows: 142205

Sec. 125.10. ~~(A)~~ Sections 5168.01, 5168.02, 5168.03, 5168.04, 142206
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 142207
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 142208
repealed, effective October 16, ~~2017~~ 2019. 142209

~~(B) Notwithstanding the repeal by this act of section 5168.12 142210
of the Revised Code, any money remaining in the Legislative Budget 142211
Services Fund on the effective date of the repeal of that section 142212
shall be used solely for the purposes stated in then former 142213
section 5168.12 of the Revised Code. When all money in the 142214
Legislative Budget Services Fund has been spent after then former 142215~~

~~section 5168.12 of the Revised Code is repealed, the fund shall~~ 142216
~~cease to exist.~~ 142217

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 142218
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 142219
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 142220

Section 610.41. That existing Sections 125.10 and 125.11 of 142221
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 142222
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 142223

Section 610.50. That Section 2 of Am. Sub. S.B. 1 of the 142224
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 142225
131st General Assembly, be amended to read as follows: 142226

Sec. 2. (A) As used in this section: 142227

(1) "Institution" means any of the following: 142228

(a) A state institution of higher education, as defined in 142229
section 3345.011 of the Revised Code; 142230

(b) A private career school, as defined in section 3332.01 of 142231
the Revised Code; 142232

(c) A private, nonprofit institution in this state holding a 142233
certificate of authorization pursuant to Chapter 1713. of the 142234
Revised Code; 142235

(d) A private institution exempt from regulation under 142236
Chapter 3332. of the Revised Code as prescribed in section 142237
3333.046 of the Revised Code, if the program has a certificate of 142238
authorization pursuant to Chapter 1713. of the Revised Code; 142239

(e) A career-technical center, joint vocational school 142240
district, comprehensive career-technical center, or compact 142241
career-technical center offering adult training. 142242

(2) "Workforce training program" includes any of the	142243
following:	142244
(a) Courses, programs, or a degree from an institution;	142245
(b) Vocational education classes offered to adult learners;	142246
(c) <u>Non-Credit certificate programs that align with the</u>	142247
<u>state's in-demand jobs, as determined by the list of in-demand</u>	142248
<u>jobs posted to the web site of OhioMeansJobs.</u>	142249
(d) Any other training program designed to meet the special	142250
requirements of a particular employer.	142251
(B)(1) The OhioMeansJobs Workforce Development Revolving Loan	142252
Program is hereby established for the purpose of assisting with	142253
job growth and advancement through training and retraining. The	142254
Chancellor of Higher Education shall award funds to an institution	142255
that the institution shall use to award loans to participants in a	142256
workforce training program that is approved by the Chancellor and	142257
that is administered by the institution.	142258
(2) In awarding funds under this section, the Chancellor	142259
shall give a preference to an institution for a workforce training	142260
program in which the institution partners with a business that is	142261
willing to repay all or part of the loan on behalf of a program	142262
participant or with a business that also provides funding for the	142263
program, in comparison to a program that does not have such a	142264
partnership. The Chancellor shall consider a program that has	142265
employment opportunities in areas that are in demand, including,	142266
but not limited to, energy exploration.	142267
(3) The Chancellor also shall consider all of the following	142268
factors when determining whether to award funds under this section	142269
to an institution for a workforce training program, to the extent	142270
that these factors apply to the program:	142271
(a) The success rate of the workforce training program	142272

offered by the institution; 142273

(b) The cost of the workforce training program based upon a 142274
comparison of similar workforce training programs offered in this 142275
state; 142276

(c) The rate that the workforce training program participants 142277
obtain employment in the field in which they receive training 142278
under the program; 142279

(d) The willingness of the institution to assist a 142280
participant in paying for the costs of participating in the 142281
workforce training program; 142282

(e) The extent to which the program has demonstrated support 142283
from business partners. 142284

(4) After the initial funds are awarded to institutions under 142285
this section, the Chancellor, in awarding subsequent funds under 142286
this section, shall give greater weight to the factors listed in 142287
division (B)(3)(a) of this section in comparison to the other 142288
factors listed in division (B)(3) of this section, but shall not 142289
give that factor greater weight than the preference given in 142290
division (B)(2) of this section. 142291

(C) Funds shall be disbursed to successful applicants using 142292
moneys from the OhioMeansJobs Workforce Development Revolving Loan 142293
Fund established in section 6301.14 of the Revised Code. The 142294
Chancellor shall not award to an institution more than ~~one~~ two 142295
hundred fifty thousand dollars per workforce training program per 142296
year under this section. An institution receiving funds under this 142297
section shall establish, in consultation with the Department of 142298
Higher Education, eligibility requirements that a participant in 142299
the workforce training program for which the institution received 142300
the funds shall satisfy to receive a loan under this section, and 142301
the institution shall apply the loan proceeds to program costs for 142302
those participants who satisfy those requirements. A loan applied 142303

by an institution to program costs for a participant under this 142304
section shall not exceed ten thousand dollars per program in which 142305
the participant participates. 142306

(D) Except as provided in the rules adopted by the Treasurer 142307
of State pursuant to division (G) of this section, a loan to a 142308
program participant shall remain interest-free until six months 142309
after the date the participant successfully completes the 142310
workforce training program, if the participant also continues to 142311
reside in this state. Beginning on the earlier of the date that is 142312
six months after the individual completes the workforce training 142313
program for which the participant received a loan under this 142314
section, the date the individual terminates enrollment in the 142315
workforce training program without completion, or the date the 142316
participant ceases to reside in this state, the Treasurer of State 142317
shall assess a rate of interest of not more than four per cent per 142318
annum on any outstanding principal balance of that loan. The 142319
Treasurer of State shall not assess a zero per cent interest rate. 142320
The Treasurer of State shall establish a payment schedule not to 142321
exceed seven years after the date a participant successfully 142322
completes the workforce training program. 142323

(E) The Chancellor shall prescribe, by rule adopted in 142324
accordance with Chapter 119. of the Revised Code, procedures 142325
necessary to carry out this section, including all of the 142326
following: 142327

(1) Application procedures for funds under this section, 142328
which shall require an applicant to include a description of the 142329
workforce training program for which the institution intends to 142330
award loans and the number of individuals who will be 142331
participating in that program; 142332

(2) A method to determine the amount of funds awarded to an 142333
institution based on the costs of the workforce training program 142334
for which a program participant receives a loan and the number of 142335

individuals the institution estimates will participate in the program; 142336
142337

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section. 142338
142339

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund. 142340
142341
142342

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following: 142343
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142350

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan; 142351
142352

(2) Establish terms of repayment for a loan; 142353

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis; 142354
142355
142356
142357
142358

(4) Disburse funds to an institution. 142359

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this section. 142360
142361
142362
142363

(I) The loan servicing fee established pursuant to division (G)(1) of this section shall not exceed the actual cost of 142364
142365

servicing the loan. 142366

(J)(1) The Chancellor shall prepare a report outlining the 142367
amount each institution received under this section during the 142368
previous year, including the amount awarded to each individual 142369
workforce training program. 142370

(2) Beginning on July 1, 2014, and continuing every year 142371
thereafter for so long as the Chancellor awards funds under the 142372
Program, the Chancellor shall submit the report prepared in 142373
division (J)(1) of this section to the Governor, the Speaker and 142374
Minority Leader of the House of Representatives, and the President 142375
and Minority Leader of the Senate. 142376

Section 610.51. That existing Section 2 of Am. Sub. S.B. 1 of 142377
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 142378
131st General Assembly, is hereby repealed. 142379

Section 610.53. That Section 3 of Sub. S.B. 9 of the 130th 142380
General Assembly be amended to read as follows: 142381

Sec. 3. (A) During the period beginning on January 1, 2014, 142382
and expiring January 1, ~~2018~~ 2022, the operation of sections 142383
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 142384
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 142385
3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 142386
The suspension shall take effect in accordance with the following: 142387

(1) Carriers shall not be required to offer open enrollment 142388
coverage under the Ohio Open Enrollment Program on or after 142389
January 1, 2014. In addition, carriers shall not reinsure any 142390
insurance policies with the Ohio Health Reinsurance Program during 142391
the suspension of the Program on or after January 1, 2014. 142392

(2) Notwithstanding this section, the Board of Directors of 142393
the Ohio Health Reinsurance Program shall continue to have all of 142394

the authority and protection provided by sections 3924.07 to 142395
3924.14 of the Revised Code during the period beginning January 1, 142396
2014, and ending December 31, 2014, in order to wind up the 142397
affairs of the Ohio Health Reinsurance Program. This shall 142398
include, but is not limited to, the receipt, processing, and 142399
payment of all claims incurred on or before January 1, 2014, 142400
assessments needed to fund the wind up of the Program, the refund 142401
of any excess assessments, and the preparation of final audited 142402
financial statements and tax returns. 142403

(3) With respect to an open enrollment or conversion policy 142404
or contract issued prior to January 1, 2014, a carrier may 142405
terminate such policy or contract on or after January 1, 2014, if 142406
the carrier does both of the following: 142407

(a) Provides notice of termination to the policy or contract 142408
holder at the time the policy is issued or at least ninety days 142409
prior to the termination; 142410

(b) Offers the policy or contract holder the option to 142411
purchase other coverage offered by the insurer to be effective at 142412
the time of the termination. 142413

(4) Carriers shall not be required to include any option to 142414
convert coverage as required by sections 1751.16, 1751.17, and 142415
3923.122 of the Revised Code in any policy or contract issued on 142416
or after January 1, 2014. 142417

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, 142418
regarding the requirements related to health insurance coverage, 142419
~~do not take effect January 1, 2014, or~~ become ineffective prior to 142420
the expiration of the suspension on January 1, ~~2018~~ 2022, then 142421
sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 142422
3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 142423
3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in 142424
either their present form or as they are later amended, again 142425

become operational. 142426

Section 610.54. That existing Section 3 of Sub. S.B. 9 of the 142427
130th General Assembly is hereby repealed. 142428

Section 610.60. That Section 7 of Sub. H.B. 532 of the 129th 142429
General Assembly, as amended by Am. Sub. H.B. 64 of the 131st 142430
General Assembly, be amended to read as follows: 142431

Sec. 7. (A) This section applies only to a city school 142432
district that currently leases an athletic field to the governing 142433
authority of a chartered nonpublic school. 142434

(B) Notwithstanding sections 3313.41 and 3313.413 of the 142435
Revised Code, the board of education of a school district to which 142436
this section applies may offer for sale an athletic field that it 142437
owns in its corporate capacity to the chartered nonpublic school 142438
that is the current leaseholder of that property prior to offering 142439
that property for sale under the provisions of sections 3313.41 142440
and 3313.413 of the Revised Code. 142441

(C) This section shall expire on December 31, ~~2017~~ 2019. 142442

Section 610.61. That existing Section 7 of Sub. H.B. 532 of 142443
the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 142444
131st General Assembly, is hereby repealed. 142445

Section 610.70. That Section 227.10 of S.B. 310 of the 131st 142446
General Assembly be amended to read as follows: 142447

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 142448
Administrative Building Fund (Fund 7026) 142449
C76034 EMA Building System and Equipment \$ 300,000 142450
C76049 EMA Building Renovations and \$ 250,000 142451

	Improvements			
C76051	Fayette County MARCS Tower Project	\$	1,385,941	142452
C76052	Reading Flood Plain Study/Remediation	\$	200,000	142453
C76053	Summit Law Enforcement Training Center and Indoor Firing Range	\$	200,000	142454
C76054	Wayne County MARCS EMS Phase II	\$	600,000	142455
<u>C76055</u>	<u>Highland County MARCS Tower Project</u>	<u>\$</u>	<u>300,000</u>	142456
TOTAL Administrative Building Fund		\$	2,935,941	142457
			<u>3,235,941</u>	
Highway Safety Fund (Fund 7036)				142458
C76035	Alum Creek Facility Renovations and Upgrades	\$	1,200,000	142459
C76036	Shipley Building Renovations and Improvements	\$	1,500,000	142460
C76043	Minor Capital Projects	\$	2,500,000	142461
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	2,250,000	142462
C76045	OSHP Academy Renovations and Improvements	\$	1,250,000	142463
C76046	OSHP - K-9 Training Facility	\$	1,250,000	142464
TOTAL Highway Safety Fund		\$	9,950,000	142465
TOTAL ALL FUNDS		\$	12,885,941	142466
			<u>13,185,941</u>	

HIGHLAND COUNTY MARCS TOWER PROJECT 142467

The foregoing appropriation item C76055, Highland County 142468

MARCS Tower Project, shall be used for the purpose of providing 142469

end user radios for the Highland County MARCS Tower Project. 142470

Section 610.71. That existing Section 227.10 of S.B. 310 of 142471
the 131st General Assembly is hereby repealed. 142472

Section 610.80. That Sections 229.10 and 229.30 of S.B. 310 142473

of the 131st General Assembly be amended to read as follows: 142474

Sec. 229.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 142475

Adult Correctional Building Fund (Fund 7027) 142476

C50101 Community-Based Correctional Facilities \$ 20,287,590 142477

C50105 Water System/Plant Improvements \$ 7,500,000 142478

C50106 Industrial Equipment - Statewide \$ 4,602,109 142479

C50114 Community Residential Program \$ 2,000,000 142480

C50136 General Building Renovations \$ 116,461,868 142481

C501HE Ohio River Valley Jail Facility \$ 1,250,000 142482

TOTAL Adult Correctional Building Fund \$ ~~150,851,567~~ 142483

152,101,567

TOTAL ALL FUNDS \$ ~~150,851,567~~ 142484

152,101,567

Sec. 229.30. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 142486

The foregoing appropriation item C50114, Community 142487

Residential Program, may be used by the Department of 142488

Rehabilitation and Correction, pursuant to sections 5120.103 to 142489

5120.105 of the Revised Code, to provide for the construction or 142490

renovation of halfway house facilities for offenders eligible for 142491

community supervision by the Department of Rehabilitation and 142492

Correction. 142493

OHIO RIVER VALLEY JAIL FACILITY 142494

The foregoing appropriation item C501HE, Ohio River Valley 142495

Jail Facility, shall be used for the development of the Ohio River 142496

Valley Jail Facility to be located in Scioto county, including, 142497

but not limited to, the costs of construction, renovations, site 142498

development, capital equipment, and planning. 142499

Section 610.81. That existing Sections 229.10 and 229.30 of 142500

S.B. 310 of the 131st General Assembly are hereby repealed. 142501

Section 610.90. That Section 221.20 of S.B. 310 of the 131st 142502
General Assembly be amended to read as follows: 142503

Sec. 221.20. The Treasurer of State is hereby authorized to 142504
issue and sell in accordance with Section 2i of Article VIII, Ohio 142505
Constitution, and Chapter 154. of the Revised Code, particularly 142506
section 154.20 of the Revised Code, original obligations in an 142507
aggregate principal amount not to exceed ~~\$54,000,000~~ 75,000,000 in 142508
addition to the original issuance of obligations heretofore 142509
authorized by prior acts of the General Assembly. These authorized 142510
obligations shall be issued, subject to applicable constitutional 142511
and statutory limitations, as needed to provide sufficient moneys 142512
to the credit of the Mental Health Facilities Improvement Fund 142513
(Fund 7033) to pay costs of capital facilities as defined in 142514
section 154.01 of the Revised Code for mental hygiene and 142515
retardation. 142516

Section 610.91. That existing Section 221.20 of S.B. 310 of 142517
the 131st General Assembly is hereby repealed. 142518

Section 610.100. That Section 207.440 of S.B. 310 of the 142519
131st General Assembly be amended to read as follows: 142520

Sec. 207.440. The Ohio Public Facilities Commission is hereby 142521
authorized to issue and sell, in accordance with Section 2n of 142522
Article VIII, Ohio Constitution, and Chapter 151. and particularly 142523
sections 151.01 and 151.04 of the Revised Code, original 142524
obligations in an aggregate principal amount not to exceed 142525
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 142526
obligations heretofore authorized by prior acts of the General 142527
Assembly. These authorized obligations shall be issued, subject to 142528

applicable constitutional and statutory limitations, as needed to 142529
provide sufficient moneys to the credit of the Higher Education 142530
Improvement Fund (Fund 7034) and the Higher Education Improvement 142531
Taxable Fund (Fund 7024) to pay costs of capital facilities as 142532
defined in sections 151.01 and 151.04 of the Revised Code for 142533
state-supported and state-assisted institutions of higher 142534
education. 142535

Section 610.101. That existing Section 207.440 of S.B. 310 of 142536
the 131st General Assembly is hereby repealed. 142537

Section 610.110. That Sections 205.10, 205.20, and 812.50 of 142538
Sub. H.B. 26 of the 132nd General Assembly be amended to read as 142539
follows: 142540

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 142541

Highway Safety Fund Group 142542

5TM0 761401	Public Safety	\$	2,437,200	\$	2,441,300	142543
	Facilities Lease					
	Rental Bond Payments					
5TM0 762321	Operating Expense -	\$	102,654,677	\$	101,709,677	142544
	BMV					
5TM0 762636	Financial	\$	4,914,824	\$	4,914,824	142545
	Responsibility					
	Compliance					
5TM0 762637	Local Immobilization	\$	200,000	\$	200,000	142546
	Reimbursement					
5TM0 764321	Operating Expense -	\$	303,297,721	\$	311,395,776	142547
	Highway Patrol		<u>303,797,721</u>			
5TM0 764605	Motor Carrier	\$	2,981,040	\$	2,981,040	142548
	Enforcement Expenses					
5TM0 769636	Administrative	\$	43,133,359	\$	44,546,921	142549

		Expenses - Highway				
		Purposes				
8370	764602	Turnpike Policing	\$	11,905,872	\$	11,905,872 142550
83C0	764630	Contraband,	\$	1,122,894	\$	1,122,894 142551
		Forfeiture, and Other				
83F0	764657	Law Enforcement	\$	8,665,152	\$	8,665,152 142552
		Automated Data System				
83G0	764633	OMVI	\$	641,927	\$	641,927 142553
		Enforcement/Education				
83M0	765624	Operating - EMS	\$	4,035,127	\$	4,135,074 142554
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 142555
8400	764607	State Fair Security	\$	1,356,354	\$	1,356,354 142556
8400	764617	Security and	\$	12,155,202	\$	12,505,202 142557
		Investigations				
8400	764626	State Fairgrounds	\$	1,109,770	\$	1,109,770 142558
		Police Force				
8460	761625	Motorcycle Safety	\$	3,504,741	\$	3,544,104 142559
		Education				
8490	762627	Automated Title	\$	16,446,027	\$	16,446,027 142560
		Processing Board				
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000 142561
		Titles				
TOTAL	HSF Highway Safety Fund Group		\$	526,361,887	\$	535,421,914 142562
				<u>526,861,887</u>		
		Dedicated Purpose Fund Group				142563
5390	762614	Motor Vehicle Dealers	\$	140,000	\$	140,000 142564
		Board				
5B90	766632	Private Investigator	\$	1,722,610	\$	1,794,295 142565
		and Security Guard				
		Provider				
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000 142566
		and Alcohol				
		Monitoring				

5Y10 764695	State Highway Patrol	\$	134,000	\$	134,000	142567
	Continuing					
	Professional Training					
TOTAL DPF Dedicated Purpose Fund Group		\$	3,996,610	\$	4,068,295	142568
Fiduciary Fund Group						142569
5J90 761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	142570
5V10 762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	142571
TOTAL FID Fiduciary Fund Group		\$	4,200,000	\$	4,200,000	142572
Holding Account Fund Group						142573
R024 762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	142574
R052 762623	Security Deposits	\$	350,000	\$	350,000	142575
TOTAL HLD Holding Account Fund Group		\$	2,235,000	\$	2,235,000	142576
Federal Fund Group						142577
3DU0 762628	BMV Grants	\$	250,000	\$	0	142578
3GR0 764693	Highway Patrol Justice Contraband	\$	2,223,000	\$	2,232,000	142579
3GS0 764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	142580
3GU0 761610	Information and Education Grant	\$	300,000	\$	300,000	142581
3GU0 764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	142582
3GU0 764610	Highway Safety Programs Grant	\$	3,776,000	\$	3,850,000	142583
3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$	5,571,000	\$	5,710,000	142584
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	142585

3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	142586
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	42,741,000	\$	42,713,000	142587
TOTAL ALL BUDGET FUND GROUPS		\$	579,534,497	\$	588,638,209	142588
			<u>580,034,497</u>			

Sec. 205.20. MOTOR VEHICLE REGISTRATION 142590

The Director of Public Safety may deposit revenues to meet 142591
the cash needs of the Public Safety - Highway Purposes Fund (Fund 142592
5TM0) established in section 4501.06 of the Revised Code, obtained 142593
under section 4503.02 of the Revised Code, less all other 142594
available cash. Revenue deposited pursuant to this paragraph shall 142595
support in part appropriations for the administration and 142596
enforcement of laws relative to the operation and registration of 142597
motor vehicles, for payment of highway obligations and other 142598
statutory highway purposes. Notwithstanding section 4501.03 of the 142599
Revised Code, the revenues shall be paid into Fund 5TM0 before any 142600
revenues obtained pursuant to section 4503.02 of the Revised Code 142601
are paid into any other fund. The deposit of revenues to meet the 142602
aforementioned cash needs shall be in approximately equal amounts 142603
on a monthly basis or as otherwise approved by the Director of 142604
Budget and Management. Prior to July 1 of each fiscal year, the 142605
Director of Public Safety shall submit a plan to the Director of 142606
Budget and Management requesting approval of the anticipated 142607
revenue amounts to be deposited into Fund 5TM0 pursuant to this 142608
paragraph. If during the fiscal year changes to the plan as 142609
approved by the Director of Budget and Management are necessary, 142610
the Director of Public Safety shall submit a revised plan to the 142611
Director of Budget and Management for approval prior to any change 142612
in the deposit of revenues. 142613

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 142614

The foregoing appropriation item 761401, Public Safety 142615

Facilities Lease Rental Bond Payments, shall be used to meet all 142616
payments during the period July 1, 2017, through June 30, 2019, by 142617
the Department of Public Safety under the leases and agreements 142618
for facilities under Chapters 152. and 154. of the Revised Code. 142619
The appropriations are the source of funds pledged for bond 142620
service charges on related obligations issued under Chapters 152. 142621
and 154. of the Revised Code. 142622

CASH TRANSFERS - HIGHWAY PATROL 142623

Upon written request of the Director of Public Safety, the 142624
Director of Budget and Management may transfer cash from the State 142625
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 142626
to the Security, Investigations and Policing Fund (Fund 8400). 142627

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 142628
SHIPLEY UPGRADES 142629

Pursuant to a plan submitted by the Director of Public 142630
Safety, or as otherwise determined by the Director of Budget and 142631
Management, the Director of Budget and Management may make 142632
appropriate cash transfers on a pro-rata basis as approved by the 142633
Director of Budget and Management from other funds used by the 142634
Department of Public Safety, excluding the Public Safety Building 142635
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 142636
(Fund 5TM0) in order to reimburse expenditures for capital 142637
upgrades to the Shipley Building. 142638

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 142639
PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY 142640
PURPOSES FUND 142641

On July 1, 2017, or as soon as possible thereafter, the 142642
Director of Budget and Management shall transfer \$500,000 cash 142643
from the Controlling Board Emergency Purposes/Contingencies Fund 142644
(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund 142645
5TM0). 142646

<u>OPERATING EXPENSE - HIGHWAY PATROL</u>	142647
<u>Of the foregoing appropriation item 764321, Operating Expense</u>	142648
<u>- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by</u>	142649
<u>the Department of Public Safety to fund criminal laboratory case</u>	142650
<u>work primarily related to opioid or other criminal cases submitted</u>	142651
<u>to the Department of Public Safety.</u>	142652
COLLECTIVE BARGAINING INCREASES	142653
Notwithstanding division (D) of section 127.14 and division	142654
(B) of section 131.35 of the Revised Code, except for the General	142655
Revenue Fund, the Controlling Board may, upon the request of	142656
either the Director of Budget and Management, or the Department of	142657
Public Safety with the approval of the Director of Budget and	142658
Management, authorize expenditures in excess of appropriations and	142659
transfer appropriations, as necessary, for any fund used by the	142660
Department of Public Safety, to assist in paying the costs of	142661
increases in employee compensation that have occurred pursuant to	142662
collective bargaining agreements under Chapter 4117. of the	142663
Revised Code and, for exempt employees, under section 124.152 of	142664
the Revised Code. Any money approved for expenditure under this	142665
paragraph is hereby appropriated.	142666
CASH BALANCE FUND REVIEW	142667
The Director of Public Safety shall review the cash balances	142668
for each fund in the State Highway Safety Fund Group, and may	142669
submit a request in writing to the Director of Budget and	142670
Management to transfer amounts from any fund in the State Highway	142671
Safety Fund Group to the credit of the Public Safety - Highway	142672
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a	142673
request, the Director of Budget and Management may make	142674
appropriate transfers as requested by the Director of Public	142675
Safety or as otherwise determined by the Director of Budget and	142676
Management.	142677

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS	142678
Upon written request of the Director of Public Safety, the	142679
Director of Budget and Management may transfer up to \$2,000,000	142680
cash in each fiscal year from the Trauma and Emergency Medical	142681
Services Fund (Fund 83M0) to the Security, Investigations, and	142682
Policing Fund (Fund 8400).	142683
CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT	142684
FUND	142685
On July 1, 2017, or as soon as possible thereafter, the	142686
Director of Budget and Management shall transfer the cash balance	142687
in the Trauma and Emergency Medical Services Grants Fund (Fund	142688
83P0) to the Trauma and Emergency Medical Services Fund (Fund	142689
83M0). Upon completion of the transfer, Fund 83P0 is abolished.	142690
Sec. 812.50. Section 755.30 of this act is hereby repealed	142691
one year <u>two years</u> after the effective date of that section.	142692
Section 610.111. That existing Sections 205.10, 205.20, and	142693
812.50 of Sub. H.B. 26 of the 132nd General Assembly are hereby	142694
repealed.	142695
Section 620.10. That Section 7 of Am. Sub. H.B. 52 of the	142696
131st General Assembly is hereby repealed.	142697
Section 620.20. That section 745.20 of Sub. H.B. 26 of the	142698
132nd General Assembly is hereby repealed.	142699
Section 701.10. The following agencies are retained under	142700
division (D) of section 101.83 of the Revised Code and expire at	142701
the end of December 31, 2020:	142702
ABLE Account Program Advisory Board R.C. 113.56	142703
Ohio Healthier Buckeye Advisory Council R.C. 5101.91	142704

Underground Technical Committee R.C. 3781.34 142705

Section 701.20. The Ohio Constitutional Modernization 142706
Commission shall cease operations on or before July 1, 2017. 142707
Notwithstanding section 126.29 of the Revised Code, the Director 142708
of the Legislative Service Commission shall attend to any matters 142709
associated with winding up the affairs of the Ohio Constitutional 142710
Modernization Commission. 142711

Section 733.10. Notwithstanding division (O)(6)(a) of section 142712
3301.0711 of the Revised Code, as amended by this act, in 2017, 142713
the Department of Education shall not release as public records 142714
any questions and corresponding preferred answers from the English 142715
language arts and mathematics assessments prescribed under 142716
division (A) of section 3301.0710 of the Revised Code that were 142717
administered in the 2015-2016 school year. 142718

Section 733.13. The Department of Education shall prepare a 142719
report of the information maintained in the Education Management 142720
Information System that relates to persons at whom violent student 142721
behavior resulting in reported disciplinary actions was directed 142722
as required by division (B)(1)(o) of section 3301.0714 of the 142723
Revised Code, as amended by this act, for the first two school 142724
years following the effective date of this section. Not later than 142725
the first day of October that next succeeds the final day of the 142726
second school year following the effective date of this section, 142727
the Department shall submit the report prepared under this section 142728
to the President and Minority Leader of the Senate, Speaker and 142729
Minority Leader of the House of Representatives, and the 142730
chairpersons and ranking minority members of the standing 142731
committees on education of the Senate and House of 142732
Representatives. 142733

Section 733.20. The revisions by this act to section 3365.03 of the Revised Code shall first apply to students seeking to participate in the College Credit Plus program during the 2018-2019 school year. For participation during the 2017-2018 school year, students shall meet the eligibility requirements prescribed by section 3365.03 of the Revised Code, as it existed prior to the effective date of this section.

Section 733.40. Not later than July 1, 2018, the Department of Education, in consultation with the Department of Higher Education and the Governor's Office of Workforce Transformation, shall develop both of the following:

(A) A plan that permits and encourages school districts and chartered nonpublic schools to integrate academic content in subject areas for which the State Board of Education adopts standards under section 3301.079 of the Revised Code into other coursework so that students may earn simultaneous credit in accordance with division (I) of section 3313.603 of the Revised Code;

(B) Guidance to assist school districts and schools that choose to implement integrated coursework under division (I) of section 3313.603 of the Revised Code that includes guidance on appropriate licensure teachers must have to teach integrated coursework and guidance on appropriately integrating subject area content into course curriculum to ensure that students receive instruction in the academic content necessary to meet graduation requirements.

Section 733.50. The Chancellor of Higher Education, in consultation with the Director of the Governor's Office of Workforce Transformation and the Superintendent of Public Instruction, shall work with the business community and higher

education institutions to develop a program targeted at increasing 142764
the number of high school students in Ohio who pursue certificates 142765
or degrees in the field of advanced technology and cyber security. 142766

Section 733.60. Beginning with the 2017-2018 school year, the 142767
Ohio Teacher Residency Program established under section 3319.223 142768
of the Revised Code, as it existed prior to the effective date of 142769
this section, shall cease to exist. Any individual who is 142770
currently participating in the program shall not be required to 142771
complete the program or any component of the program. 142772
Additionally, the State Board of Education shall not require any 142773
applicant for a new educator license, or for renewal of any 142774
educator license, under section 3319.22 or 3319.26 of the Revised 142775
Code to complete the program or any component of the program as a 142776
condition for issuance of an educator license. 142777

Section 733.61. The county OSU Extension office serving 142778
Ashtabula County shall establish a pilot program through which it 142779
employs a food policy coordinator. The food policy coordinator 142780
shall be responsible for connecting local food producers with 142781
local consumers such as the Lake Erie Correctional Institution, 142782
hospitals, nursing homes, schools, and supermarkets. 142783

Section 733.63. The General Assembly finds that the Ohio FFA 142784
Association is an integral part of the organized instructional 142785
programs in career-technical agricultural education that prepare 142786
students for a wide range of careers in agriculture, agribusiness, 142787
and other agriculture-related occupations. 142788

Section 733.65. (A) The Superintendent of Public Instruction 142789
shall establish a workgroup on related services personnel. The 142790
purpose of the workgroup shall be to improve the coordination of 142791
state, school, and provider efforts to address the related 142792

services needs of students with disabilities.	142793
(B) The workgroup shall include the following members:	142794
(1) Employees of the Department of Education, the Department of Higher Education, and other state agencies that have a role in addressing the related services needs of students with disabilities;	142795 142796 142797 142798
(2) Representatives of interested parties, which shall include at least the following:	142799 142800
(a) The Ohio Speech-Language-Hearing Association;	142801
(b) The Ohio School Psychologists Association;	142802
(c) The Ohio Educational Service Center Association.	142803
(3) Representatives of school district superintendents, treasurers or business managers, and other school business officials.	142804 142805 142806
(C) The workgroup shall do all of the following:	142807
(1) Identify and evaluate causes and solutions for the shortage of related services personnel in the school setting, including evaluating the long-term sustainability of potential solutions;	142808 142809 142810 142811
(2) Establish short-term, medium-term, and long-term goals to address the shortage of related services personnel in the state and monitor progress on those goals;	142812 142813 142814
(3) Report, as needed, on the work and findings of the workgroup.	142815 142816
(D) The Department of Education shall provide administrative support to the workgroup.	142817 142818
(E) The workgroup shall cease to exist on June 30, 2019, unless the General Assembly authorizes its continuation.	142819 142820

(F) As used in this section, "related services" has the same meaning as in section 3323.01 of the Revised Code.

Section 733.67. Notwithstanding anything in the Revised Code to the contrary, this section shall apply only to students who are enrolled in a school district, community school, STEM school, or chartered nonpublic school and who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015. This section does not apply to any student who entered ninth grade for the first time prior to July 1, 2014, or to any student who entered ninth grade for the first time on or after July 1, 2015.

(A) In lieu of qualifying for high school graduation under section 3313.61 of the Revised Code, a student shall be eligible to receive a high school diploma if:

(1) The student takes all of the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code required for the student or takes the assessment prescribed under section 3313.619 of the Revised Code, as applicable;

(2) Retakes, at least once, any end-of-course examination in the area of English language arts or mathematics for which a student received an equivalent score of lower than "3";

(3) Completes the required units of instruction prescribed by the school district or school;

(4) Meets at least two of the following conditions:

(a) The student has an attendance rate of at least ninety-three per cent during the twelfth grade year.

(b) The student takes at least four full-year or equivalent courses during the twelfth grade year and has at least a grade point average of 2.5 on a 4.0 scale for the courses completed during the twelfth grade year.

(c) During the twelfth grade, the student completed a capstone project as defined by the district or school. 142851
142852

(d) During the twelfth grade, the student completed one hundred twenty hours of work in a community service role or in a position of employment, including internships, work study, co-ops, and apprenticeships as defined by the district or school. 142853
142854
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(e) The student earned three or more transcribed credit hours under the College Credit Plus program, established under Chapter 3365. of the Revised Code, at any time during high school. 142857
142858
142859

(f) The student passed an Advanced Placement or International Baccalaureate course, and received a score of three or higher on the corresponding Advanced Placement examination or a score of four or higher on the corresponding International Baccalaureate examination, at any time during high school. 142860
142861
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(g) The student earned at least a level three score on each of the "reading for information," "applied mathematics," and "locating information" components of the job skills assessment selected by the State Board of Education under division (G) of section 3301.0712 of the Revised Code, or a comparable score on similar components of an successor version of that assessment. 142865
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(h) The student obtained an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a group of credentials equal to at least three total points. 142871
142872
142873
142874

(i) The student satisfies the conditions required to receive an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code. 142875
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142877

(B) In lieu of qualifying for high school graduation under section 3313.61 of the Revised Code, a student shall be eligible to receive a high school diploma if: 142878
142879
142880

(1) The student takes all of the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code required for the student or takes the assessment prescribed under section 3313.619 of the Revised Code, as applicable;

(2) Completes the required units of instruction prescribed by the school district or school;

(3) Completes a career-technical training program approved by the Department of Education that includes at least four career-technical courses;

(4) Meets one of the following conditions:

(a) Attains a cumulative score of at least proficient on career-technical education assessments, or test modules, that are required for a career-technical education program;

(b) Obtains an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a group of credentials equal to at least twelve points;

(c) Demonstrates successful workplace participation, as evidenced by documented completion of two hundred fifty hours of workplace experience and evidence of regular, written, positive evaluations from the workplace employer or supervisor and a representative of the school district or school. The workplace participation shall be based on a written agreement signed by the student, a representative of the district or school, and an employer or supervisor.

(C) As used in this section, "community school" means any community school established under Chapter 3314. and "STEM school" means any science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

Section 737.10. All money received by the Director of

Environmental Protection under section 3751.05 of the Revised Code 142911
as that section existed prior to its amendment by this act shall 142912
remain in the Toxic Chemical Release Reporting Fund, to be used 142913
exclusively for purposes of implementing, administering, and 142914
enforcing Chapter 3751. of the Revised Code and rules adopted and 142915
orders issued under it. In addition, any money received by the 142916
Director after the act's effective date under section 3751.05 of 142917
the Revised Code for filing fees or late fees required to be paid 142918
under that section prior to the act's effective date shall be 142919
deposited in the Fund and used for those purposes. 142920

Section 737.21. (A) There is hereby created the Ohio Lead 142921
Legislative Study Group to study lead poisoning treatment and 142922
control issues and propose a plan to address those issues. The 142923
Study Group shall include all of the following participants: 142924

(1) The chairs of the committees of the House of 142925
Representatives and the Senate with a primary responsibility over 142926
health and education issues. Each chair may appoint a designee to 142927
serve in place of the chair at meetings of the Study Group. 142928

(2) The ranking minority members of the committees of the 142929
House of Representatives and the Senate with a primary 142930
responsibility over health and education issues. Each ranking 142931
minority member may appoint a designee to serve in place of the 142932
member at meetings of the Study Group. 142933

(3) A representative from each of the following 142934
organizations, appointed by the Governor: 142935

- (a) Coalition on Homelessness and Housing in Ohio; 142936
- (b) Cleveland Lead Safe Network; 142937
- (c) Marion County Public Health; 142938
- (d) Ohio Association of Realtors; 142939

(e) Ohio Children's Hospital Association;	142940
(f) Ohio Conference on Community Development;	142941
(g) Ohio Healthy Homes Network;	142942
(h) Ohio Poverty Law Center;	142943
(i) People Working Cooperatively;	142944
(j) Toledo Lead Poisoning Prevention Coalition;	142945
(k) A representative of the Ohio Department of Health.	142946
(B) The Governor shall make appointments to the Study Group	142947
not later than thirty days after the effective date of this	142948
section. The chair of the committee of the Senate with primary	142949
responsibility for education issues, or the chair's designee,	142950
shall serve as the initial chair of the Study Group. Not later	142951
than ninety days after the Group's first meeting, the Study Group	142952
shall elect a chair to serve for the remainder of the Study	142953
Group's mandate, and shall appoint ten additional members to the	142954
Study Group representing interested agencies and advocacy groups.	142955
(C) Not later than eighteen months after the effective date	142956
of this section, the Ohio Lead Legislative Study Group shall	142957
submit a report of its findings and recommendations to the Speaker	142958
and Minority Leader of the House of Representatives and the	142959
President and Minority Leader of the Senate.	142960
(D) Upon submission of the report, the Group shall cease to	142961
exist.	142962
Section 737.23. The Legislative Committee on Public Health	142963
Futures is re-established effective January 1, 2018. The Committee	142964
shall review relevant reports previously produced by similar	142965
public health futures committees in this state. The Legislative	142966
Committee shall review the effectiveness of recommendations from	142967
those reports that are being or that have been implemented. And,	142968

based on the knowledge and insight gained from its reviews, the 142969
Legislative Committee shall make legislative and fiscal policy 142970
recommendations that it believes would improve local public health 142971
services in Ohio. 142972

The Legislative Committee, not later than January 31, 2019, 142973
shall prepare a report that describes its review of the reports 142974
and its review of the recommendations that are being or that have 142975
been implemented, and that states and provides explanations of the 142976
Committee's new policy recommendations. 142977

The Legislative Committee shall transmit a copy of its report 142978
to the Governor, the President and Minority Leader of the Senate, 142979
and the Speaker and Minority Leader of the House of 142980
Representatives. Upon transmitting its report, the Legislative 142981
Committee ceases to exist. 142982

Each of the following associations shall appoint one 142983
individual to the Legislative Committee: the County Commissioners 142984
Association of Ohio, the Ohio Township Association, the Department 142985
of Health, the Ohio Public Health Association, the Ohio 142986
Environmental Health Association, the Ohio Boards of Health 142987
Association, the Ohio Municipal League, and the Ohio Hospital 142988
Association. The Association of Ohio Health Commissioners shall 142989
appoint two individuals to the Legislative Committee. The 142990
President and Minority Leader of the Senate each shall appoint two 142991
members to the Legislative Committee. The Speaker and Minority 142992
Leader of the House of Representatives shall appoint two members 142993
to the Legislative Committee. Of the two appointments made by each 142994
legislative leader, one shall be a member of the General Assembly 142995
from the appointing member's chamber. Appointments shall be made 142996
as soon as possible but not later than January 31, 2018. Vacancies 142997
on the Legislative Committee shall be filled in the same manner as 142998
the original appointment. 142999

As soon as all members have been appointed to the Legislative Committee, the President of the Senate shall fix a time and place for the Legislative Committee to hold its first meeting. At that meeting, the Legislative Committee shall elect from among its membership a chairperson, a vice-chairperson, and a secretary. The Director of Health shall provide the Legislative Committee with meeting and office space, equipment, and professional, technical, and clerical staff as are necessary to enable the Legislative Committee successfully to complete its work.

Section 749.20. (A) As used in this section:

(1) "Communications services" means any of the following:

(a) Telecommunications service, as defined in 47 U.S.C. 153(53);

(b) Cable service, as defined in 47 U.S.C. 522(6);

(c) Information service, as defined in 47 U.S.C. 153(24);

(d) Wireless service;

(e) Any other one-way or two-way communication service, including internet access service.

(2) "University" means the Ohio State University, Columbus, Ohio campus.

(3) "Utility agreement" means the agreement between the university and a special purpose vehicle selected pursuant to this section to operate, develop, equip, maintain, improve, control and increase the energy efficiency of the utility system.

(4) "Utility system" means the university-owned system for producing, transforming, or distributing any one or more of the following in order to serve the university's Columbus, Ohio campus and intended solely for consumption by that campus or the university's lessees: power, electricity, light, heat, gas, oil,

crude products, water, steam, waste, storm water not connected 143029
with highway drainage, or any other similar commodity. "Utility 143030
system" includes any building, structure, facility, in whole or in 143031
part, owned or leased by the university on real property; 143032

(a) Owned or leased by the university; and 143033

(b) Behind the meter of the public utility service provider 143034
serving the Columbus, Ohio campus of the university. 143035

(B) Beginning in calendar year 2017, the university, 143036
notwithstanding any law to the contrary, may enter into a utility 143037
agreement with a special purpose vehicle to operate, develop, 143038
equip, maintain, improve, control and increase the energy 143039
efficiency of the university's utility system. The utility 143040
agreement shall not permit the special purpose vehicle to take 143041
ownership of electricity or natural gas delivered by a public 143042
utility. The utility system shall not be used to provide or offer 143043
communications services. 143044

(C) The university shall issue a request for proposals for 143045
the management, maintenance, and improvement of the utility system 143046
and meeting certain energy use and sustainability requirements for 143047
the utility system. The request shall include any and all relevant 143048
information, including a general description of the project, the 143049
date by which proposals shall be submitted, information that shall 143050
be included in the proposal, selection criteria, and a timeline 143051
for selection. 143052

(D) In evaluating proposals, the university may consider any 143053
criteria that it considers appropriate, including, but not limited 143054
to, the following: 143055

(1) The technical ability of the special purpose vehicle 143056
based on its key personnel, corporate structure, organization, and 143057
staffing plan; 143058

(2) The financial ability of the special purpose vehicle 143059

based on its approach to financing, sources and uses of funds, and debt structuring; 143060
143061

(3) The energy conservation measures proposed by the special purpose vehicle. 143062
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(E) The university may evaluate and select a proposal, with or without negotiations, based on qualifications, best value, or both. 143064
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(F) After selection of the proposal, the university may enter into a utility agreement with the selected special purpose vehicle for a duration determined by the university, in exchange for fees or other consideration as determined by the university, and on other terms and conditions that the university determines are necessary or appropriate. 143067
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(G) Nothing in this section affects the university's right to accept or reject any or all proposals in whole or in part. 143073
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(H) Property owned by the university that is leased to the special purpose vehicle shall continue to be exempt from taxation so long as such property is used for the purpose of operating the utility system for the benefit of the Columbus, Ohio campus of the university and the university's lessees pursuant to the utility agreement. For purposes of any sales or use tax permitted to be levied under the Revised Code, the following shall be deemed sold to the university if, pursuant to the utility agreement, they are: 143075
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(1) Building and construction materials to be incorporated into the utility system; 143083
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(2) Materials related to energy conservation measures to be developed by the special purpose vehicle. 143085
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(I) To the extent the utility system serves only buildings, structures, and facilities located on property owned or leased by the university, the special purpose vehicle shall not be 143087
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considered any of the following:	143090
(1) A "public utility" for purposes of Chapter 4905. of the Revised Code;	143091 143092
(2) An "electric services company" for purposes of Chapter 4928. of the Revised Code;	143093 143094
(3) A "retail natural gas supplier" for purposes of Chapter 4929. of the Revised Code;	143095 143096
(4) An "electric supplier" for purposes of Chapter 4933. of the Revised Code.	143097 143098
(J) To the extent the utility system serves only the Columbus, Ohio campus of the university or the university's lessees, section 4928.08 of the Revised Code shall not apply to the university or the special purpose vehicle.	143099 143100 143101 143102
(K) The university shall not be considered a "public utility property lessor" for purposes of Chapter 5727. of the Revised Code.	143103 143104 143105
(L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153. of the Revised Code, and sections 3345.61 to 3345.66 of the Revised Code shall not apply to the following:	143106 143107 143108
(1) The university's evaluation or selection of, or contracting with, a special purpose vehicle;	143109 143110
(2) Performance of any of the following activities pursuant to the utility agreement, provided that the special purpose vehicle uses a best value or competitive selection process to identify the provider: design, demolition, project management, construction, repair, replacement, remodeling, renovation, reconstruction, enlargement, addition, alteration, painting, or structural or other improvements;	143111 143112 143113 143114 143115 143116 143117
(3) Heating, cooling, or ventilating plants and other equipment installed or materials supplied for any of the	143118 143119

activities specified in division (L)(2) of this section. 143120

Notwithstanding the foregoing, the special purpose vehicle is 143121
not required to engage in a best value or competitive selection of 143122
the energy conservation measure provider named in the utility 143123
agreement. 143124

(M) Notwithstanding division (Q) of section 3345.12 of the 143125
Revised Code, the university shall not be required to hold, 143126
invest, or use the proceeds of the utility agreement for the same 143127
purposes for which proceeds may be used under sections 3345.07, 143128
3345.11, and 3345.36 of the Revised Code. 143129

(N) For the sole purpose of determining the applicability of 143130
section 125.13 of the Revised Code, personal property related to 143131
the utility system that is sold or leased to a special purpose 143132
vehicle pursuant to a utility agreement shall not be considered 143133
excess or surplus supplies. Personal property to be sold to the 143134
special purpose vehicle does not include any installed components, 143135
in whole or in part, of the utility system. 143136

(O) The authority provided under this section shall terminate 143137
on the date that all obligations under a utility agreement between 143138
a special purpose vehicle and the university have been completed. 143139

(P) Nothing in this section shall be construed to permit: 143140

(1) The special purpose vehicle to take ownership of any 143141
utility services delivered to the Columbus, Ohio campus of the 143142
university by a public utility; or 143143

(2) The university or special purpose vehicle to sell 143144
electricity generated by the utility system to any customer 143145
outside of the utility system unless the university or the special 143146
purpose vehicle, as applicable, complies with state and federal 143147
laws and rules of the Public Utilities Commission of Ohio. 143148

(Q) Nothing in this section shall exempt the university from 143149

complying with all of the following:	143150
(1) Any applicable tariffs of the public utilities from which the Columbus, Ohio campus of the university receives utility services;	143151 143152 143153
(2) Any applicable rules of the Public Utilities Commission of Ohio;	143154 143155
(3) Any other applicable state or federal laws.	143156
(R) At all times during the utility agreement, the university shall be the customer of record for any public utility providing utility service to the Columbus, Ohio campus of the university.	143157 143158 143159
Section 751.10. (A) There is hereby created in the Department of Job and Family Services the Foster Care Advisory Group to advise and assist the Department in identifying and implementing best practices to recruit, retain, and support foster caregivers.	143160 143161 143162 143163
(B) The Group shall consist of at least twelve members. The members shall include, at a minimum:	143164 143165
(1) The Director of Job and Family Services, or the Director's designee;	143166 143167
(2) All of the following, to be appointed by the Director:	143168
(a) Four foster caregivers who each hold a valid foster home certificate issued under section 5103.03 of the Revised Code;	143169 143170
(b) Two representatives of two different public children services agencies;	143171 143172
(c) Two representatives of two different private child placing agencies or private noncustodial agencies;	143173 143174
(d) A representative of the Ohio Family Care Association;	143175
(e) A representative of the Ohio Association of Child Caring Agencies;	143176 143177

(f) A representative of the Public Children Services Association of Ohio.	143178 143179
(C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.	143180 143181
(D) There shall be two co-chairpersons of the Group. One co-chairperson shall be the Director, or the Director's designee, and one co-chairperson shall be appointed by members of the group.	143182 143183 143184
(E) The Group shall determine the frequency of meetings and any other administrative matters needed to perform its duties.	143185 143186
(F) Members shall serve without compensation, but shall be reimbursed for necessary expenses.	143187 143188
(G) The Group shall advise the Director on matters affecting foster caregivers. These matters include:	143189 143190
(1) Current certification requirements;	143191
(2) Options to streamline the certification requirements and process while maintaining quality, safety, and accountability;	143192 143193
(3) Additional supports foster caregivers need in order to best respond to children affected by parental drug use and how to deliver and sustain those supports;	143194 143195 143196
(4) Best practices for identifying and recruiting foster caregivers.	143197 143198
(H) Not later than May 1, 2018, the Group shall issue a report that addresses and makes recommendations regarding the matters in division (G) of this section. Copies of the report shall be provided to all of the following:	143199 143200 143201 143202
(1) The Director;	143203
(2) The Governor;	143204
(3) The Speaker and Minority Leader of the House of Representatives;	143205 143206

(4) The President and Minority Leader of the Senate.	143207
(I) Upon submission of the report, the group shall cease to exist.	143208 143209
Section 751.20. The Director of Job and Family Services, in collaboration with the Chancellor of Higher Education, shall do the following:	143210 143211 143212
(A) Convene a skills-based Supplemental Nutrition Assistance Program Employment and Training program planning committee to develop a plan for the expansion of the program, which shall at least include representatives of community colleges, local workforce development boards, and nonprofit organizations that provide employment and training services for low-income individuals;	143213 143214 143215 143216 143217 143218 143219
(B) Identify workforce development, adult basic education, and higher education programs and resources that could serve as potential providers of education, training, and support services;	143220 143221 143222
(C) Identify resources that could be reimbursed by funds from the United States Department of Agriculture and develop guidance on leveraging eligible state, local, and philanthropic resources to qualify for Supplemental Nutrition Assistance Program Employment and Training program federal match. The guidance shall include a description of the process to participate in the Supplemental Nutrition Assistance Program Employment and Training program, and a description of a system of tracking participant eligibility, enrollment, continued participation, and outcomes.	143223 143224 143225 143226 143227 143228 143229 143230 143231
(D) Incorporate the plan to expand a skills-based Supplemental Nutrition Assistance Program Employment and Training program into the annual state Supplemental Nutrition Assistance Program Employment and Training plan submitted to the United States Department of Agriculture.	143232 143233 143234 143235 143236

Section 753.20. (A) The Governor may execute a deed in the name of the state conveying to one or more purchasers, and to the purchaser or purchaser's heirs and assigns or successors and assigns, all of the state's and University's right, title, and interest in any or all parcels of real estate, held for the use and benefit of the University of Akron, described as follows:

Situated in the City of Akron, County of Summit and State of Ohio and being all of Lot Number 36 and Lot Number 37 of the FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 48, Pages 6 through 9, Summit County Records.

Also known as 465 Burning Tree Drive.

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and Loft 37: 6751600 (01-01669-04-004.000)

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and Inst. # 24252036 (Lot 37)

The foregoing legal description may be corrected or modified by the Department of Administrative Services as necessary in order to facilitate the recording of the deed or deeds.

(B) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels. The conveyance shall include the improvements and chattels situated on the real estate, and shall be subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(C) The University of Akron may use a sale process acceptable to the Board of Trustees of the University of Akron, including,

but not limited to, a sale by sealed bid auction or public 143267
auction, or through contracting for the services of a real estate 143268
broker selected by the University using the University's normal 143269
competitive selection process for vendors. 143270

(D) Consideration for conveyance of the real estate shall be 143271
a purchase price and any terms and conditions acceptable to the 143272
Board of Trustees of the University of Akron. 143273

(E) The purchaser or purchasers shall pay the costs of the 143274
conveyance, including recordation costs of the deed or deeds, 143275
closing and conveyance fees, including any surveys, title 143276
evidence, title insurance, transfer costs and fees, recording 143277
costs and fees, any taxes and other fees, assessments, and costs 143278
that may be imposed. 143279

(F) Upon adoption of a resolution by the Board of Trustees of 143280
the University of Akron specifically describing the parcel or 143281
parcels of real estate to be conveyed, the purchaser or purchasers 143282
of the real estate, the consideration paid or to be paid, and any 143283
terms and conditions, the Auditor of State, with the assistance of 143284
the Attorney General, shall prepare a deed or deeds to the real 143285
estate described in the resolution. The deed or deeds also shall 143286
contain any exceptions, reservations, or conditions and any right 143287
of reentry or reverter specified in the resolution. The deed or 143288
deeds shall be executed by the Governor in the name of the state, 143289
countersigned by the Secretary of State, sealed with the Great 143290
Seal of the State, presented in Office of the Auditor of State for 143291
recording, and delivered to the purchaser or purchasers. The 143292
purchaser or purchasers shall present the deed or deeds for 143293
recording in the Office of the Summit County Recorder. 143294

(G) The net proceeds of the sale of the real estate shall be 143295
paid to the University of Akron and deposited in the University of 143296
Akron's endowment account for purposes to be determined by the 143297
Board of Trustees of the University of Akron. 143298

(H) The Board of Trustees of the University of Akron may 143299
release any exceptions, reservations, or conditions or any right 143300
of reentry or reverter contained in any deed authorized under 143301
division (A) of this section without further need for legislation. 143302

(I) This section expires three years after its effective 143303
date. 143304

Section 753.30. (A) The Governor may execute a deed in the 143305
name of the state conveying to Cincinnati Center City Development 143306
Corporation, an Ohio nonprofit corporation, or a wholly owned 143307
subsidiary thereof, and to its successors and assigns, or to an 143308
alternate grantee or grantees as set forth below in division (C) 143309
of this section, all of the state's right, title, and interest in 143310
the following described real estate: 143311

A 0.9565 acre parcel known as Hamilton County Parcel No. 143312
075-0004-0162-00 located at 1112 Walnut Street, Cincinnati, Ohio, 143313
and further described as; 143314

All that lot of ground commencing at the northeast corner of 143315
North Canal and Walnut Streets in the City of Cincinnati, County 143316
of Hamilton and State of Ohio, running thence north on the east 143317
line of Walnut Street two hundred and thirty-two (232) feet more 143318
or less to Wilkymacky Alley; thence east in the south line of said 143319
Alley one hundred and eighty (180) feet more or less to Clay 143320
Street; thence south on the west side of Clay Street two hundred 143321
and thirty two feet, more or less to North Canal Street; thence 143322
west on North Canal Street one hundred and eighty (180) feet to 143323
Walnut Street, the place of beginning. 143324

Prior Instrument: Deed Book 4125, Page 696. 143325

The foregoing legal description may be corrected or modified 143326
by the Department of Administrative Services as necessary in order 143327
to facilitate the recording of the deed. 143328

(B)(1) The conveyance shall include the state's right, title, 143329
and interest in and to the improvements and chattels situated on 143330
the real estate, and is subject to all easements, covenants, 143331
conditions, and restrictions of record; all legal highways and 143332
public rights-of-way; zoning, building, and other laws, 143333
ordinances, restrictions, and regulations; and real estate taxes 143334
and assessments not yet due and payable. The real estate shall be 143335
conveyed in an "as-is, where-is, with all faults" condition. 143336

(2) The real estate shall be conveyed as an entire tract and 143337
not in parcels. 143338

(3) The deed or deeds may contain restrictions, exceptions, 143339
reservations, reversionary interests, or other terms and 143340
conditions the Board of Trustees of the University of Cincinnati 143341
determine to be in the best interest of the state. 143342

(4) Subsequent to the conveyance, any restrictions, 143343
exceptions, reservations, reversionary interests, or other terms 143344
and conditions contained in the deed may be released by the state 143345
or the Board of Trustees of the University of Cincinnati without 143346
the necessity of further legislation. 143347

(C) The terms of the conveyance of the state's interest in 143348
the real estate shall be as set forth in a real estate purchase 143349
agreement to be prepared by the Board of Trustees of the 143350
University of Cincinnati. If Cincinnati Center City Development 143351
Corporation, an Ohio nonprofit corporation, or a wholly owned 143352
subsidiary thereof, does not complete the purchase of the real 143353
estate within the time period provided in the real estate purchase 143354
agreement to be prepared by the Board of Trustees of the 143355
University of Cincinnati, the Board of Trustees of the University 143356
of Cincinnati may use any reasonable method of sale considered 143357
acceptable by the Board of Trustees of the University of 143358
Cincinnati to select an alternate grantee or grantees to complete 143359
the purchase not later than three years after the effective date 143360

of this section. All advertising costs, additional fees, and other 143361
costs incidental to the sale of the real estate to an alternate 143362
grantee or grantees shall be negotiated by the University of 143363
Cincinnati as specified in a real estate purchase agreement with 143364
the alternate grantee or grantees. 143365

(D) Consideration for conveyance of the real estate shall be 143366
an amount acceptable to the Board of Trustees of the University of 143367
Cincinnati. 143368

(E) Except as otherwise specified in this section, the 143369
grantee shall pay all costs associated with the purchase, closing, 143370
and conveyance, including surveys, title evidence, title 143371
insurance, transfer costs and fees, recording costs and fees, 143372
taxes, and any other fees, assessments, and costs that may be 143373
imposed. 143374

(F) The net proceeds of the sale of the state's interest 143375
shall be deposited into university accounts for purposes to be 143376
determined by the Board of Trustees of the University of 143377
Cincinnati. 143378

(G) Upon payment of the purchase price set forth in the real 143379
estate purchase agreement to be prepared by the Board of Trustees 143380
of the University of Cincinnati, the Auditor of State, with the 143381
assistance of the Attorney General, shall prepare a deed to the 143382
real estate. The deed shall state the consideration and shall be 143383
executed by the Governor in the name of the state, countersigned 143384
by the Secretary of State, sealed with the Great Seal of the 143385
State, presented in the Office of the Auditor of State for 143386
recording, and delivered to the grantee. The grantee shall present 143387
the deed for recording in the Office of the Hamilton County 143388
Recorder. 143389

(H) This section expires three years after its effective 143390
date. 143391

Section 753.31. (A) The Governor may execute one or more deeds in the name of the state conveying to a purchaser or purchasers, their heirs, successors, and assigns, to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:

Warren County, Lebanon

Begin at the southeast corner of lands now or formerly owned by Warren General Property (Warren County parcel number 11064000201) said corner also being on the north right-of-way line of State Route 63 (SR 63), thence northerly along the east line of said Warren General Property lands 2035 +/- feet to the northeast corner of said Warren General Property lands, thence westerly along the north line of said Warren General Property lands 2635 +/- feet to the easterly right-of-way of North Union Road, thence along the easterly right-of-way of North Union Road 3475 +/- feet to the southwest corner of lands now or formerly owned by Warren County Commissioners (Warren County parcel number 08313000040), thence easterly along the south line of said Commissioners lands and lands now or formerly owned by FRL Real Estate LLC (Warren County parcel number 08313000082) 2420 +/- feet to a point on the south line of said FRL Real Estate lands and the northwest corner of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence southerly along the west line of said Grand Communities LTD. lands 1400 +/- feet to a corner of Grand Communities LTD. lands, thence westerly along said Grand Communities LTD. lands 585 +/- feet to a corner of said Grand Communities LTD. lands, thence southerly along said Grand Communities LTD. lands extended 3685 +/- feet extended to a fence line that surrounds a wastewater treatment facility, thence westerly along the fence line 195 +/- feet to the southerly top of bank of Shaker Creek, thence southwesterly along the top of bank

270 +/- feet to a point, thence southerly 125 +/- feet to the 143424
north right-of-way line of State Route 63 (SR 63), thence westerly 143425
along the north right-of-way line of State Route 63 (SR 63) 750 143426
+/- feet to the beginning and containing 292 acres. 143427

Begin at the southwest corner of lands now or formerly owned 143428
by Warren County Commissioners (Warren County parcel number 143429
12364000010), said corner also being in the centerline of State 143430
Route 63 (SR 63), thence westerly with the center of State Route 143431
63 (SR 63) 1255 +/- feet to the extension of a fence line from the 143432
north that surrounds a wastewater treatment facility, thence 143433
northerly along the fence line 280 +/- feet to a fence corner, 143434
thence westerly along the fence line 205 +/- feet to a point where 143435
the extension of the west line of lands now or formerly owned by 143436
Grand Communities LTD. (Warren County parcel number 12362000190), 143437
thence northerly along said extended line 1870 +/- feet to a 143438
southwest corner of said Grand Communities LTD. lands, thence 143439
easterly along the south line of said Grand Communities, LTD. 143440
lands and the south line of lands now or formerly owned by Shaker 143441
Run Capital Funding (Warren County parcel number 12301000040), 143442
6030 feet to a point on the west line of lands now or formerly 143443
owned by Otterbein Lebanon LLC (Warren County parcel number 143444
12302000031), thence southerly along the west line of said 143445
Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a 143446
fence line from the west that surrounds a Department of 143447
Transportation Outpost facility, thence westerly along the fence 143448
line 310 +/- feet to a fence corner, thence southerly along the 143449
fence line 435 +/- feet to the centerline of State Route 63 (SR 143450
63), thence westerly along the centerline of State route 63 (SR 143451
63) 455 +/- feet to the southeast corner of lands now or formerly 143452
owned by Cincinnati Gas & Electric (Warren County parcel number 143453
12303000020), thence with the boundaries of the said Cincinnati 143454
Gas & Electric lands the following three (3) courses and 143455
distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- 143456

feet, (3) southerly 560 +/- feet to the centerline of State Route 143457
63 (SR 63), thence westerly along the centerline of State Route 63 143458
(SR 63) 2155 +/- feet to the extension of a fence line projected 143459
from the northeast, thence northeasterly along the fence line 675 143460
+/- feet to an angle point in the fence, thence northerly along 143461
the fence line 200 +/- feet to a fence corner, thence 143462
southwesterly along the fence line 320 +/- feet to a point on the 143463
north line of the above referenced Warren County Commissioners 143464
lands (Warren County parcel number 12364000010), thence with the 143465
boundaries of said County Commissioners lands the following two 143466
(2) courses and distances: (1) westerly 550 +/- feet, (2) 143467
southerly 435 +/- feet to the place of beginning containing 143468
approximately 273 acres. 143469

The foregoing legal descriptions may be corrected or modified 143470
by the Department of Administrative Services as necessary in order 143471
to facilitate the recording of the deed or deeds to define the 143472
description of the real estate identified as no longer obligatory 143473
by the state. 143474

(B)(1) The conveyance or conveyances include improvements and 143475
chattels situated on the real estate, and is or are subject to all 143476
easements, covenants, conditions, and restrictions of record; all 143477
legal highways and public rights-of-way; zoning, building, and 143478
other laws, ordinances, restrictions, and regulations; and real 143479
estate taxes and assessments not yet due and payable. The real 143480
estate shall be conveyed in "as-is, where-is, with all faults" 143481
condition. 143482

(2) The deed or deeds for the conveyance of the real estate 143483
may contain restrictions, covenants, exceptions, reservations, 143484
reversionary interests, and other terms and conditions the 143485
Director of Administrative Services determines to be in the best 143486
interest of the state. 143487

(3) Subsequent to the conveyance or conveyances, any 143488

restrictions, exceptions, reservations, reversionary interests, or 143489
other terms and conditions contained in the deed or deeds may be 143490
released by the state or the Department of Rehabilitation and 143491
Correction without the necessity of further legislation. 143492

(4) The deed or deeds shall contain restrictions prohibiting 143493
the purchaser or purchasers from occupying, using, developing, or 143494
selling the real estate if the occupation, use, development, or 143495
sale will interfere with the quiet enjoyment of neighboring 143496
state-owned land. 143497

(5) The real estate described in division (A) of this section 143498
shall be conveyed only if the Director of Administrative Services 143499
and the Director of Rehabilitation and Correction first have 143500
determined that the real estate is surplus real property no longer 143501
needed by the state and that the conveyance or conveyances are in 143502
the best interest of the state. 143503

(C)(1) The Director of Administrative Services and the 143504
Director of Rehabilitation and Correction shall offer the sale of 143505
the real estate in the manner described in division (C)(2) or 143506
(C)(3) of this section. 143507

(2) The Director of Administrative Services may offer the 143508
sale of the real estate described in division (A) to a purchaser 143509
or purchasers to be determined, through a negotiated real estate 143510
purchase agreement or agreements. 143511

Consideration for the conveyance of the real estate shall be 143512
at a price and at terms and conditions acceptable to the Director 143513
of Administrative Services and the Director of Rehabilitation and 143514
Correction. The consideration shall be paid at closing. 143515

(3) The Director of Administrative Services shall conduct a 143516
sale of the real estate by sealed bid auction or public auction, 143517
and the real estate shall be sold to the highest bidder at a price 143518
acceptable to the Director of Administrative Services and the 143519

Director of Rehabilitation and Correction. The Director of 143520
Administrative Services shall advertise the sealed bid auction or 143521
public auction by publication in a newspaper of general 143522
circulation in Warren County, once a week for three consecutive 143523
weeks before the date on which the sealed bids are to be opened or 143524
the public auction is to be held. The Director of Administrative 143525
Services shall notify the successful bidder in writing. The 143526
Director of Administrative Services may reject any or all bids. 143527

The purchaser or purchasers shall pay ten percent of the 143528
purchase price to the Director of Administrative Services not 143529
later than five business days after receiving the notice the bid 143530
has been accepted, and shall enter into a real estate purchase 143531
agreement, in the form prescribed by the Department of 143532
Administrative Services. Payment may be made by bank draft or 143533
certified check made payable to the Treasurer of State. The 143534
purchaser or purchasers shall submit the balance of the purchase 143535
price to the Director of Administrative Services not later than 143536
sixty days after receiving notice the bid has been accepted. A 143537
purchaser who does not complete the conditions of the sale as 143538
prescribed in this division shall forfeit as liquidated damages 143539
the ten percent of the purchase price paid to the state. If a 143540
purchaser fails to complete the purchase of the real estate, the 143541
Director of Administrative Services may accept the next highest 143542
bid, subject to the foregoing conditions. If the Director of 143543
Administrative Services rejects all bids, the Director may repeat 143544
the sealed bid auction or public auction. 143545

The Department of Rehabilitation and Correction shall pay 143546
advertising costs incident to the sale of the real estate. 143547

(D) The real estate described in division (A) of this section 143548
may be conveyed as an entire tract or as multiple parcels as 143549
determined by the Director of Administrative Services and the 143550
Director of Rehabilitation and Correction. The real estate 143551

described in division (A) of this section may be conveyed to a 143552
single purchaser or multiple purchasers as determined by the 143553
Director of Administrative Services and the Director of 143554
Rehabilitation and Correction. 143555

(E) Except as otherwise specified in this section, the 143556
purchaser or purchasers shall pay all costs associated with the 143557
purchase, closing, and conveyance of the real estate, including 143558
surveys, appraisals, title evidence, title insurance, transfer 143559
costs and fees, recording costs and fees, taxes, and any other 143560
fees, assessments, and costs that may be imposed. 143561

(F) The proceeds of the conveyance of facilities and interest 143562
in real estate sale or sales shall be deposited into the state 143563
treasury to the credit of the Adult and Juvenile Correctional 143564
Facilities Bond Retirement Fund in accordance with section 143565
5120.092 of the Revised Code. 143566

(G) Upon payment of the purchase price, the Auditor of State, 143567
with the assistance of the Attorney General, shall prepare a deed 143568
or deeds to the real estate described in division (A) of this 143569
section. The deed or deeds shall state the consideration and shall 143570
be executed by the Governor in the name of the state, 143571
countersigned by the Secretary of State, sealed with the Great 143572
Seal of the State, presented in the Office of the Auditor of State 143573
for recording, and delivered to the purchaser or purchasers. The 143574
purchaser or purchasers shall present the deed or deeds for 143575
recording in the office of the Warren County Recorder. 143576

(H) This section expires three years after its effective 143577
date. 143578

Section 753.40. (A) The Governor may execute one or more 143579
deeds in the name of the state conveying to a purchaser or 143580
purchasers, their heirs, successors, and assigns, to be determined 143581
in the manner provided in division (C) of this section, all of the 143582

state's right, title, and interest in the following described real estate: 143583
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Lorain County, Grafton 143585

Begin at the intersection of Capel Road and Island Road, 143586
thence, westerly, along the center of Capel Road, 5055 feet +/-, 143587
to the east line of the railroad, thence northeasterly, along the 143588
railroad, 4625 feet +/- to the southeast corner of Lorain County 143589
Parcel # 1100037000004, thence, easterly, along the south line 143590
said Lorain County Parcel # 1100037000004, 1295 feet +/-, to the 143591
center of Island Road, thence southerly along the center of Island 143592
Road, 2430 feet +/- to the beginning containing approximately 188 143593
acres. Being Lorain County Parcels: All of 1100043000004, All of 143594
1100043000003, All of 1100043000005, All of 1100044000003, All of 143595
1100037000002, All of 1100037000003, Part of 1100038000004 and 143596
Part of 1100038000000. 143597

Begin at the intersection of Avon-Belden Road (SR 83) and 143598
Capel Road, thence, northeasterly, along the center of Capel Road, 143599
385 feet +/- to an angle point in said road, thence, westerly, 143600
along said center of Capel Road, 3210 feet +/- to a point 20 feet 143601
west of a gravel drive, thence, southerly, and remaining 20 feet 143602
west of the gravel drive, 2635 feet +/- to a point, thence, 143603
westerly, and parallel to the centerline of Capel Road, 3545 feet 143604
+/- to the center of Avon-Belden Road (SR83), thence, northerly, 143605
along the center of Avon-Belden Road (SR83), 2325 feet +/- to the 143606
beginning containing approximately 198 acres. Being Lorain County 143607
Parcels: Part of 1100038000001, Part of 1100039000001, Part of 143608
1100039000002, Part of 1100042000001, All of 1100043000007 and All 143609
of 1100043000006. 143610

Begin at the intersection of Capel Road and Island Road, 143611
thence, southerly, along the center of Island Road, 4340 feet +/- 143612
to the northeast corner of Lorain County Parcel # 1100039000005, 143613

thence, westerly, along the north line of said Lorain County Parcel # 1100039000005, 264 feet +/- to the north west corner of said parcel, thence, southerly along the west line of said parcel, 82.5 feet +/- to the southwest corner of said parcel and on the north line of Lorain County Parcel # 1100040000003, thence along the north line of said Lorain County Parcel # 1100040000003 and extending into State of Ohio lands, 1540 feet +/- to a point, thence, northerly and running 20 feet west of a gravel drive, 4425 feet +/- to the center of Capel Road, thence, easterly, along the center of Capel Road, 350 feet +/- to the northwest corner of Lorain County Parcel # 1100038000003, thence southerly along the west line of said Parcel # 1100038000003, 522 feet +/-, to its southwest corner, thence westerly along the south line of said Parcel # 1100038000003, 245 feet +/- to its southeast corner, thence northerly, along the east line of said Parcel # 1100038000003, 522 feet to the center of Capel Road, thence, easterly, along the center of Capel Road, 1210 feet +/- to the beginning containing approximately 180 acres. Being Lorain County Parcels: Part of 1100038000004, Part of 1100039000001, Part of 1100039000002, Part of 1100039000003 and Part of 1100039000004.

Begin at the northwest corner of Lorain County Parcel # 1100041000003, said corner being in the centerline of Avon-Belden Road (SR 83), thence, northerly, along the center of said Avon-Belden Road (SR 83), 235 feet +/- to a point, said point also being on the extension of a fence line projected from the east, thence, easterly, on the extension of said fence line projected from the east, 4110 feet +/- to a point on the east line of Lorain County Parcel # 1100040000001, thence, southerly, along the said east line of Lorain County Parcel # 1100040000001 and the east line of Lorain County Parcel # 1100040000002 to the southeast corner of said Lorain County Parcel # 1100040000002, thence, westerly, along the south line of said Lorain County Parcel # 1100040000002, Lorain County Parcel # 1100041000003 and Lorain

County Parcel # 1100060000003, 4245 feet +/- to the center of 143647
Avon-Belden Road (SR 83), thence, northerly, along the center of 143648
said Avon-Belden Road (SR 83), 280 feet +/- to an angle point, 143649
thence continuing along the centerline said Avon-Belden Road (SR 143650
83), 1005 feet +/- to the beginning containing approximately 142 143651
acres. Being Lorain County Parcels: All of 1100060000003, All of 143652
1100041000003, All of 1100040000002, Part of 1100040000001 and 143653
Part of 1100041000002. 143654

The foregoing legal descriptions may be corrected or modified 143655
by the Department of Administrative Services as necessary in order 143656
to facilitate the recording of the deed or deeds to define the 143657
description of the real estate identified as no longer obligatory 143658
by the state. 143659

(B)(1) The conveyance or conveyances include improvements and 143660
chattels situated on the real estate, and is or are subject to all 143661
easements, covenants, conditions, and restrictions of record; all 143662
legal highways and public rights-of-way; zoning, building, and 143663
other laws, ordinances, restrictions, and regulations; and real 143664
estate taxes and assessments not yet due and payable. The real 143665
estate shall be conveyed in "as-is, where-is, with all faults" 143666
condition. 143667

(2) The deed or deeds for the conveyance of the real estate 143668
may contain restrictions, covenants, exceptions, reservations, 143669
reversionary interests, and other terms and conditions the 143670
Director of Administrative Services determines to be in the best 143671
interest of the state. 143672

(3) Subsequent to the conveyance or conveyances, any 143673
restrictions, exceptions, reservations, reversionary interests, or 143674
other terms and conditions contained in the deed or deeds may be 143675
released by the state or the Department of Rehabilitation and 143676
Correction without the necessity of further legislation. 143677

(4) The deed or deeds shall contain restrictions prohibiting the purchaser or purchasers from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance or conveyances are in the best interest of the state.

(C)(1) The Director of Administrative Services and the Director of Rehabilitation and Correction shall offer the sale of the real estate in the manner described in divisions (C)(2) or (C)(3) of this section.

(2) The Director of Administrative Services may offer the sale of the real estate to a purchaser or purchasers to be determined, through a negotiated real estate purchase agreement or agreements.

Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The consideration shall be paid at closing.

(3) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Lorain County, once a week for three consecutive

weeks before the date on which the sealed bids are to be opened or 143709
the public auction is to be held. The Director of Administrative 143710
Services shall notify the successful bidder in writing. The 143711
Director of Administrative Services may reject any or all bids. 143712

The purchaser or purchasers shall pay ten percent of the 143713
purchase price to the Director of Administrative Services not 143714
later than five business days after receiving the notice the bid 143715
has been accepted, and shall enter into a real estate purchase 143716
agreement, in the form prescribed by the Department of 143717
Administrative Services. Payment may be made by bank draft or 143718
certified check made payable to the Treasurer of State. The 143719
purchaser or purchasers shall submit the balance of the purchase 143720
price to the Director of Administrative Services not later than 143721
sixty days after receiving notice the bid has been accepted. A 143722
purchaser who does not complete the conditions of the sale as 143723
prescribed in this division shall forfeit as liquidated damages 143724
the ten percent of the purchase price paid to the state. If a 143725
purchaser fails to complete the purchase of the real estate, the 143726
Director of Administrative Services may accept the next highest 143727
bid, subject to the foregoing conditions. If the Director of 143728
Administrative Services rejects all bids, the Director may repeat 143729
the sealed bid auction or public auction, or may use an 143730
alternative sale process that is acceptable to the Director of 143731
Administrative Services and the Director of Rehabilitation and 143732
Correction. 143733

The Department of Rehabilitation and Correction shall pay 143734
advertising costs incident to the sale of the real estate. 143735

(D) The real estate described in division (A) of this section 143736
may be conveyed as an entire tract or as multiple parcels as 143737
determined by the Director of Administrative Services and the 143738
Director of Rehabilitation and Correction. The real estate 143739
described in division (A) of this section may be conveyed to a 143740

single purchaser or multiple purchasers as determined by the 143741
Director of Administrative Services and the Director of 143742
Rehabilitation and Correction. 143743

(E) Except as otherwise specified in this section, the 143744
purchaser or purchasers shall pay all costs associated with the 143745
purchase, closing, and conveyance of the real estate, including 143746
surveys, appraisals, title evidence, title insurance, transfer 143747
costs and fees, recording costs and fees, taxes, and any other 143748
fees, assessments, and costs that may be imposed. 143749

(F) The proceeds of the conveyance of facilities and interest 143750
in real estate sale or sales shall be deposited into the state 143751
treasury to the credit of the Adult and Juvenile Correctional 143752
Facilities Bond Retirement Fund in accordance with section 143753
5120.092 of the Revised Code. 143754

(G) Upon payment of the purchase price, the Auditor of State, 143755
with the assistance of the Attorney General, shall prepare a deed 143756
or deeds to the real estate described in division (A) of this 143757
section. The deed or deeds shall state the consideration and shall 143758
be executed by the Governor in the name of the state, 143759
countersigned by the Secretary of State, sealed with the Great 143760
Seal of the State, presented in the Office of the Auditor of State 143761
for recording, and delivered to the purchaser or purchasers. The 143762
purchaser or purchasers shall present the deed or deeds for 143763
recording in the office of the Lorain County Recorder. 143764

(H) This section expires three years after its effective 143765
date. 143766

Section 753.50. (A) The Governor may execute a deed in the 143767
name of the state conveying to the Mahoning County Mental Health 143768
and Recovery Board, and its heirs, and to its successors and 143769
assigns, or to an alternate purchaser, and the alternate 143770
purchaser's heirs, and to its successors and assigns, all of the 143771

state's right, title, and interest in the following described real estate: 143772
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Situated in the Township of Austintown, County of Mahoning, State of Ohio, and known as being a part of Austintown Township Great Lot No. 2 and being further bounded and described as follows: 143774
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Beginning at a point in the center line of County Line Road, at the northwest corner of a 44.15 acre parcel of land conveyed to Lillian Beazell by certificate of transfer from Albert J. Elias, deceased, recorded in Vol. 964, page 239, Mahoning County Records of Deeds; thence east along the center line of said County Line Road 405 feet, but to the Northwest corner of a 2 acre parcel now or formerly owned by M. and A. Markowsky; thence Southerly along the west line of said Markowsky land 412.50 feet to the southwest corner thereof; thence easterly along the southerly line of said Markowsky land and continuing on the same course along the southerly line of lands now or formerly owned by A. Piowarsky a total distance of 422.4 feet to the east line of lands of said Lillian Beazell; thence S. 01° 35' 38" E. 1457.48feet, but to the northerly right of way line of land for a highway conveyed by Lillian Beazell to the State of Ohio by deed recorded in Vol. 1070, Page 524, Mahoning County Deed Records; thence S. 43° 29' 58" W. 321 feet along said northerly right of way line; thence S. 48° 11' 53" W. 479.61 feet along said northerly right of way line; thence S. 53° 34' 21" W. along said northerly right of way line to its intersection with the south line of Great Lot 2; thence westerly along the south line of Great lot 2 a distance of approximately 15 feet, but to the Southwest corner of said lands acquired by Lillian Beazell by instrument recorded in Vol. 964, Page 239, Mahoning County Deed Records; thence north along the west line of said Beazell lands a distance of 2622.84 feet to the place of beginning and containing within said bounds approximately 143778
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37.75 acres of land. 143804

Excepting from the above described lands, the following: 143805

Situated in the Township of Austintown, County of Mahoning, 143806
State of Ohio, and known as being a part of Austintown Township 143807
Great Lot No. 2 and being further bounded and described as 143808
follows: 143809

Beginning at a point on the west line of lands of Lillian 143810
Beazell in Great Lot 2, (vol. 964, page 239) Mahoning County 143811
Records of Deeds 370.1 feet southerly of the center line of County 143812
line Road, also known as Ohltown-Girard Road; thence S. 47° 15 ½' 143813
E. 1128.8 feet to the westerly line of lands now or formerly owned 143814
by A. & F. Piowarsky; thence southerly along said westerly 143815
boundary line 81.9 feet to a point; thence parallel to and 60 feet 143816
southwesterly of the first mentioned course N. 47° 15 ½' W. 1128.8 143817
feet to a point on the westerly line of said Beazell land; thence 143818
northerly along said westerly line 81.9 feet to the place of 143819
beginning and containing 1.55 acres of land. 143820

Leaving 36.2 acres of land more or less subject however, to 143821
all legal highways and easements of record. 143822

Prior Deed Reference: Vol. 1362, Page 828, Mahoning County 143823
Records of Deeds 143824

Permanent Parcel Number: 48-087-0-008.00-0" 143825

(B) The Department of Administrative Services shall prepare a 143826
legal description of the real estate to be conveyed, as necessary, 143827
in order to facilitate the recording of the deed. 143828

(C) The conveyance includes improvements and chattels 143829
situated on the real estate, and is subject to all easements, 143830
covenants, conditions, and restrictions of record; all legal 143831
highways and public rights-of-way; zoning, building, and other 143832
laws, ordinances, restrictions, and regulations; and real estate 143833

taxes and assessments not yet due and payable. The real estate 143834
shall be conveyed in an "as-is, where-is, with all faults" 143835
condition. 143836

(D) Consideration for the conveyance of the real estate 143837
described in division (A) of this section is one dollar. 143838

(E) The real estate described in division (A) of this section 143839
shall be sold as an entire tract and not in parcels. 143840

(F) Except as otherwise specified in this section, the 143841
purchaser shall pay all costs associated with the purchase, 143842
closing, and conveyance of the real estate, including surveys, 143843
title evidence, title insurance, transfer costs and fees, 143844
recording costs and fees, taxes, and any other fees, assessments, 143845
and costs that may be imposed. 143846

The proceeds of the sale shall be deposited into the state 143847
treasury to the credit of the Mental Health Facilities Improvement 143848
Fund (Fund 7033) or another fund designated by the Director of 143849
Budget and Management. 143850

(G) Upon payment of the purchase price, the Auditor of State, 143851
with the assistance of the Attorney General, shall prepare a deed 143852
to the real estate described in division (A) of this section. The 143853
deed shall state the consideration and shall be executed by the 143854
Governor in the name of the state, countersigned by the Secretary 143855
of State, sealed with the Great Seal of the State, presented in 143856
the Office of the Auditor of State for recording, and delivered to 143857
the purchaser. The purchaser shall present the deed for recording 143858
in the Office of the Mahoning County Recorder. 143859

(H) This section expires three years after its effective 143860
date. 143861

Section 757.20. (A) Notwithstanding the requirements of 143862
division (C)(2) of section 5747.50 of the Revised Code, the Tax 143863

Commissioner shall reduce the total amount available for 143864
distribution to municipal corporations during the current month, 143865
as defined in that division, by one million dollars in each month 143866
of the period beginning with July 2017, and ending with December 143867
2017, before calculating the amount to be distributed to each 143868
municipal corporation. 143869

(B) On or before the tenth day of each month in the period 143870
beginning with July 2017 and ending with December 2017, the tax 143871
commissioner shall provide for payment to each county undivided 143872
local government fund of a supplement for townships. The 143873
commissioner shall determine the amounts paid to each fund as 143874
follows: 143875

(1) An amount equal to forty-one and sixty-seven 143876
one-hundredths per cent of one million dollars shall be divided 143877
among every county fund so that each township in the state 143878
receives an equal amount. 143879

(2) An amount equal to forty-one and sixty-seven 143880
one-hundredths per cent of one million dollars shall be divided 143881
among every county fund so that each township receives a 143882
proportionate share based on the proportion that the total 143883
township road miles in the township is of the total township road 143884
miles in all townships in the state. 143885

(C)(1) As used in this division, "qualifying village" means a 143886
village with a population of less than one thousand according to 143887
the most recent federal decennial census. 143888

(2) On or before the tenth day of each month in the period 143889
beginning with July 2017, and ending with December 2017, the tax 143890
commissioner shall provide for payment to each county undivided 143891
local government fund of a supplement for qualifying villages. The 143892
commissioner shall determine the amounts paid to each fund as 143893
follows: 143894

(a) An amount equal to eight and thirty-three one-hundredths 143895
per cent of one million dollars shall be divided among every 143896
county fund so that each qualifying village in the state receives 143897
an equal amount. 143898

(b) An amount equal to eight and thirty-three one-hundredths 143899
per cent of one million dollars shall be divided among every 143900
county fund so that each qualifying village receives a 143901
proportionate share based on the proportion that the total village 143902
road miles in the qualifying village is of the total village road 143903
miles in all qualifying villages in the state. 143904

(D) The tax commissioner shall separately identify to the 143905
county treasurer the amounts to be allocated to each township 143906
under divisions (B)(1) and (2) of this section and to each 143907
qualifying village under divisions (C)(2)(a) and (b) of this 143908
section. The treasurer shall transfer those amounts to townships 143909
and qualifying villages from the undivided local government fund. 143910

(E) There is hereby created in the state treasury the 143911
Targeting Addiction Assistance Fund. 143912

(F) Notwithstanding the requirement in division (C)(2) of 143913
section 5747.50 of the Revised Code, the amounts that would 143914
otherwise be distributed to municipal corporations pursuant to 143915
that division during each month of fiscal years 2018 and 2019 143916
shall be deposited in the state treasury to the credit of the 143917
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 143918
credited to Fund 5TZ0 shall be after any other reductions required 143919
by law to the amounts distributed to municipal corporations from 143920
the Local Government Fund under division (C) of section 5747.50 of 143921
the Revised Code and after the payments specified in divisions (A) 143922
to (D) of this section. 143923

(G) The Targeting Addiction Assistance Fund shall be used as 143924
follows: 143925

(1) In each fiscal year, \$1,000,000 shall be used by the Department of Health to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

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(2) In each fiscal year, \$10,000,000 shall be allocated by the Department of Rehabilitation and Correction as Probation Improvement and Incentive Grants to municipalities with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from GRF appropriation item 501407, Community Nonresidential Programs.

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(3) In each fiscal year, \$6,000,000 shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, acute substance use disorder stabilization centers. There shall be one center located in each state psychiatric hospital region. The Department of Mental Health and Addiction Services shall conduct an analysis of each acute substance use disorder stabilization center. Not later than June 30, 2019, the Department shall submit the findings of the analysis to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code.

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(4) In each fiscal year, \$150,000 shall be allocated by the Department of Job and Family Services to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided under this section.

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A children's crisis care facility that accepts funds provided 143958
under this section shall use the funds in accordance with section 143959
5103.13 of the Revised Code and the rules as defined in rule 143960
5101:2-9-36 of the Administrative Code. 143961

(5) In each fiscal year, \$500,000 shall be used by the 143962
Department of Medicaid, in consultation with the Department of Job 143963
and Family Services and the Department of Health, to develop a 143964
pilot program under which newborns who have neonatal abstinence 143965
syndrome are, after being medically stabilized at a hospital, 143966
transferred to a nonhospital, community facility that is located 143967
in Montgomery County and provides the newborns medical, 143968
pharmacological, and therapeutic services specified by the 143969
Department of Medicaid, the Department of Job and Family Services, 143970
and the Department of Health. The departments shall begin 143971
operation of the pilot program not later than ninety days after 143972
the effective date of this section and shall cease operation of 143973
the pilot program on July 1, 2018. Not later than ninety days 143974
after the date the pilot program ends, the Department of Medicaid, 143975
the Department of Job and Family Services, and the Department of 143976
Health shall jointly complete a report about the pilot program. 143977
The report shall include recommendations for making the pilot 143978
program statewide and part of the Medicaid program. The Department 143979
of Medicaid, the Department of Job and Family Services, and the 143980
Department of Health jointly shall submit the report to the 143981
General Assembly in accordance with section 101.68 of the Revised 143982
Code. 143983

(H) Boards of alcohol, drug addiction, and mental health 143984
services shall ensure that each acute substance use disorder 143985
stabilization center established and administered under division 143986
(G)(3) of this section complies with all of the following: 143987

(1) It admits individuals before and after the individuals 143988
receive treatment and care at hospital emergency departments or 143989

freestanding emergency departments.	143990
(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.	143991 143992
(3) It has a Medicaid provider agreement.	143993
(4) It is located in a building constructed for another purpose before the effective date of this section.	143994 143995
(5) It admits individuals who have been identified as needing the stabilization services provided by the center.	143996 143997
(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.	143998 143999 144000
(I) As used in this section:	144001
(1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	144002 144003
(2) "State or local correctional facility" means any of the following:	144004 144005
(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;	144006 144007
(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;	144008 144009
(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.	144010 144011
(3) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.	144012 144013 144014 144015
Section 757.40. In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of	144016 144017

the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2018-2019 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2018-2019 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits
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(All figures in
thousands of dollars)

	FY 2018	FY 2019	FY 2018	FY 2019	End of Biennium	
Tax Credit						
Job Creation Tax Credit*	\$100,000	\$100,000	\$105,000	\$100,000	\$885,000	
Job Retention Tax Credit	\$ 0	\$ 0	\$55,000	\$55,000	\$290,000	
Historic Preservation Tax	\$60,000	\$60,000	\$120,000	\$90,000	\$190,000	

Credit						144038
Motion	\$40,000	\$40,000	\$50,000	\$50,000	\$35,000	144039
Picture						
Tax						
Credit						144040
New	\$10,000	\$10,000	\$9,795	\$10,000	\$38,205	144041
Markets						
Tax						
Credit						144042
R&D Loan	\$4,500	\$4,500	\$4,500	\$4,000	\$30,000	144043
Tax						
Credit						144044
InvestOhio	\$12,500	\$12,500	\$18,000	\$15,000	\$42,000	144045
Tax						
Credit						144046
Estimate	\$227,000	\$227,000	\$362,295	\$324,000	\$1,510,205	144047
Total						

*The Job Creation Tax Credit (JCTC) estimate of credits outstanding is not just for tax credit certificates already issued, but also for the estimated potential value of certificates to be issued under the program through 2035 when looking at the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

Section 757.50. (A) The amendment by this act of section 5713.051 of the Revised Code clarifies the intent of the General

Assembly that the method described in section 5713.051 of the Revised Code for determining the true value in money of oil and gas reserves for property tax purposes continues to represent the only method for valuing oil and gas reserves for property tax purposes.

(B) The amendment by this act of section 5713.051 of the Revised Code applies to any addition of oil and gas reserves to the tax list and duplicate on or after the effective date of that amendment, including oil and gas reserves added to the tax list pursuant to section 319.35, 319.36, or 5713.20 of the Revised Code. The amendment by this act of section 5713.051 of the Revised Code applies to any taxes for oil and gas reserves charged by a county auditor or county treasurer, including taxes for oil and gas reserves charged under section 319.40 or 5713.20 of the Revised Code on or after the effective date of that amendment.

(C) Division (B) of this section applies without regard to the tax year or tax years to which the addition or charged taxes relate.

Section 757.60. The Department of Taxation shall study the feasibility of allowing taxpayers to file municipal income tax returns through the joint federal and state Modernized e-File (MeF) program. In conducting the study, the Department shall do both of the following:

(A) Estimate the cost to the state and to municipal corporations of accepting municipal income tax returns through the MeF program;

(B) Establish a timeline for the incorporation of municipal income tax filing into the MeF program.

Upon completion of the study, and not later than December 31, 2017, the Department shall submit copies of the study to the

President and Minority Leader of the Senate, the Speaker and 144088
Minority Leader of the House of Representatives, and the 144089
chairpersons of the House and Senate Ways and Means committees. 144090

Section 757.70. (A) As used in this section: 144091

(1) "Certificate owner" and "qualified rehabilitation 144092
expenditures" have the same meanings as in section 149.311 of the 144093
Revised Code. 144094

(2) "Taxpayer," "tax period," "excluded person," "combined 144095
taxpayer," and "consolidated elected taxpayer," have the same 144096
meanings as in section 5751.01 of the Revised Code. 144097

(3) "Pass-through entity" has the same meaning as in section 144098
5733.04 of the Revised Code. 144099

(B) A taxpayer that is the certificate owner of a 144100
rehabilitation tax credit certificate issued under section 149.311 144101
of the Revised Code may claim a credit against the tax levied by 144102
section 5751.02 of the Revised Code for tax periods ending on or 144103
before June 30, 2019, provided that the taxpayer is unable to 144104
claim the credit under section 5725.151, 5725.34, 5726.52, 144105
5729.17, or 5747.76 of the Revised Code. 144106

The credit shall equal the lesser of twenty-five per cent of 144107
the dollar amount of the qualified rehabilitation expenditures 144108
indicated on the certificate or five million dollars. The credit 144109
shall be claimed for the calendar year specified in the 144110
certificate and after the credits authorized in divisions (A)(1) 144111
to (4) of section 5751.98 of the Revised Code, but before the 144112
credits authorized in divisions (A)(5) to (7) of that section. 144113

If the credit allowed for any calendar year exceeds the tax 144114
otherwise due under section 5751.02 of the Revised Code, after 144115
allowing for any other credits preceding the credit in the order 144116
prescribed by this section, the excess shall be refunded to the 144117

taxpayer. However, if any amount of the credit is refunded, the 144118
sum of the amount refunded and the amount applied to reduce the 144119
tax otherwise due for that year shall not exceed three million 144120
dollars. The taxpayer may carry forward any balance of the credit 144121
in excess of the amount claimed for that year for not more than 144122
five calendar years after the calendar year specified in the 144123
certificate, and shall deduct any amount claimed in any such year 144124
from the amount claimed in an ensuing year. 144125

A person that is an excluded person may file a return under 144126
section 5751.051 of the Revised Code for the purpose of claiming 144127
the credit authorized in this section. 144128

If the certificate owner is a pass-through entity, the credit 144129
may not be allocated among the entity's owners in proportions or 144130
amounts as the owners mutually agree unless either the owners are 144131
part of the same combined or consolidated elected taxpayer as the 144132
pass-through entity or the director of development services issued 144133
the certificate in the name of the pass-through entity's owners in 144134
the agreed-upon proportions or amounts. If the credit is allocated 144135
among those owners, an owner may claim the credit authorized in 144136
this section only if that owner is a corporation or an association 144137
taxed as a corporation for federal income tax purposes and is not 144138
a corporation that has made an election under Subchapter S of 144139
Chapter 1 of Subtitle A of the Internal Revenue Code. 144140

The credit authorized in this section may be claimed only on 144141
the basis of a rehabilitation tax credit certificate with an 144142
effective date after December 31, 2013, but before June 30, 2019. 144143

A person claiming a credit under this section shall retain 144144
the rehabilitation tax credit certificate for four years following 144145
the end of the latest calendar year in which the credit was 144146
applied, and shall make the certificate available for inspection 144147
by the tax commissioner upon request. 144148

Section 757.80. One or more resolutions adopted by a board of 144149
county commissioners on or after the date this act becomes law and 144150
before the effective date of the enactment by this act of section 144151
5705.233 of the Revised Code are hereby ratified and shall be 144152
treated as though the resolution or resolutions were adopted after 144153
that date so long as the resolutions otherwise conform to the 144154
requirements of that section. Notwithstanding division (C) of 144155
section 5705.233 of the Revised Code, the board of elections of 144156
such a county shall accept such a resolution and make arrangements 144157
for the submission of the question proposed therein to the 144158
electors of the county at the general election to be held November 144159
7, 2017, if the resolution is certified by the board of county 144160
commissioners to the board of elections not later than seven days 144161
after the effective date of the enactment of that section. 144162

Section 757.90. The amendment by this act of section 5709.12 144163
of the Revised Code applies to tax year 2017 and thereafter and 144164
the tax years at issue in any application for exemption from 144165
taxation or any appeal from such an application pending before the 144166
Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, 144167
or the Supreme Court on the effective date of this section and to 144168
the property that is the subject of any such application or 144169
appeal. 144170

Section 757.100. The legislative authority of a county or 144171
transit authority shall not impose a tax levied under, or increase 144172
or decrease the rate of a tax levied under section 5739.021, 144173
5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised 144174
Code at or according to the one-tenth of one per cent rate 144175
increment authorized by the amendment by this act of sections 144176
5739.021, 5739.023, and 5739.026 of the Revised Code until July 1, 144177
2018, or the first day of any following calendar quarter. The rate 144178

at which such a tax may be imposed, increased, or decreased before 144179
July 1, 2018, shall be in the increments authorized under those 144180
sections as those sections existed before the effective date of 144181
that amendment. 144182

Section 757.110. (A) As used in this section: 144183

(1) "Qualifying delinquent taxes" means any tax levied under 144184
Chapters 4301., 4305., 5726., 5739., 5741., 5743., 5747., and 144185
5751. of the Revised Code, not including a tax levied under 144186
Chapter 5748. or under section 4301.421, 4301.424, 5739.08, 144187
5739.09, 5739.101, 5743.021, 5743.026, 5743.321, or 5743.324 of 144188
the Revised Code, which were due and payable from any person as of 144189
May 1, 2017, were unreported or underreported, and remain unpaid. 144190

(2) "Qualifying delinquent taxes" does not include any tax 144191
for which a notice of assessment or audit has been issued, for 144192
which a bill has been issued, which relates to a tax period that 144193
ends after the effective date of this section, or for which an 144194
audit has been conducted or is currently being conducted. 144195

(B) The Tax Commissioner shall establish and administer a tax 144196
amnesty program with respect to qualifying delinquent taxes. The 144197
program shall commence on January 1, 2018, and shall conclude on 144198
February 15, 2018. The Tax Commissioner shall issue forms and 144199
instructions and take other actions necessary to implement the 144200
program. The Tax Commissioner shall publicize the program so as to 144201
maximize public awareness and participation in the program. 144202

(C) During the program, if a person pays the full amount of 144203
qualifying delinquent taxes owed by that person and one-half of 144204
any interest that has accrued as a result of the person failing to 144205
pay those taxes in a timely fashion, the Tax Commissioner shall 144206
waive or abate all applicable penalties and one-half of any 144207
interest that accrued on the qualifying delinquent taxes. 144208

(D) The Tax Commissioner may require a person participating 144209
in the program to file returns or reports, including amended 144210
returns and reports, in connection with the person's payment of 144211
qualifying delinquent taxes. 144212

(E) A person who participates in the program and pays in full 144213
any outstanding qualifying delinquent tax and the interest payable 144214
on such tax in accordance with this section shall not be subject 144215
to any criminal prosecution or any civil action with respect to 144216
that tax, and no assessment shall thereafter be issued against 144217
that person with respect to that tax. 144218

(F) Taxes and interest collected under the program shall be 144219
considered as revenue arising from the tax to which the payment 144220
relates, and shall be distributed accordingly, except as otherwise 144221
provided in Section 512.140 of this act. 144222

Section 757.120. (A) All terms used in this section have the 144223
same meanings as in sections 5739.01 and 5741.01 of the Revised 144224
Code. As used in this section: 144225

(1) "Clothing" means all human wearing apparel suitable for 144226
general use. "Clothing" includes, but is not limited to, aprons, 144227
household and shop; athletic supporters; baby receiving blankets; 144228
bathing suits and caps; beach capes and coats; belts and 144229
suspenders; boots; coats and jackets; costumes; diapers, children 144230
and adult, including disposable diapers; ear muffs; footlets; 144231
formal wear; garters and garter belts; girdles; gloves and mittens 144232
for general use; hats and caps; hosiery; insoles for shoes; lab 144233
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 144234
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 144235
and stockings; steel-toed shoes; underwear; uniforms, athletic and 144236
nonathletic; and wedding apparel. "Clothing" does not include 144237
items purchased for use in a trade or business; clothing 144238
accessories or equipment; protective equipment; sports or 144239

recreational equipment; belt buckles sold separately; costume 144240
masks sold separately; patches and emblems sold separately; sewing 144241
equipment and supplies including, but not limited to, knitting 144242
needles, patterns, pins, scissors, sewing machines, sewing 144243
needles, tape measures, and thimbles; and sewing materials that 144244
become part of "clothing" including, but not limited to, buttons, 144245
fabric, lace, thread, yarn, and zippers. 144246

(2) "School supplies" means items commonly used by a student 144247
in a course of study. "School supplies" includes only the 144248
following items: binders; book bags; calculators; cellophane tape; 144249
blackboard chalk; compasses; composition books; crayons; erasers; 144250
folders, expandable, pocket, plastic, and manila; glue, paste, and 144251
paste sticks; highlighters; index cards; index card boxes; legal 144252
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 144253
notebook paper, copy paper, graph paper, tracing paper, manila 144254
paper, colored paper, poster board, and construction paper; pencil 144255
boxes and other school supply boxes; pencil sharpeners; pencils; 144256
pens; protractors; rulers; scissors; and writing tablets. "School 144257
supplies" does not include any item purchased for use in a trade 144258
or business. 144259

(3) "School instructional material" means written material 144260
commonly used by a student in a course of study as a reference and 144261
to learn the subject being taught. "School instructional material" 144262
includes only the following items: reference books, reference maps 144263
and globes, textbooks, and workbooks. "School instructional 144264
material" does not include any material purchased for use in a 144265
trade or business. 144266

(B) Taxes levied by or under sections 5739.02, 5739.021, 144267
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 144268
the Revised Code do not apply to the sale or storage, use, or 144269
other consumption of any of the following if the sale or purchase 144270
occurs on August 3, 4, or 5, 2018: 144271

(1) An item of clothing, the price of which is seventy-five dollars or less;	144272 144273
(2) An item of school supplies, the price of which is twenty dollars or less;	144274 144275
(3) An item of school instructional material, the price of which is twenty dollars or less.	144276 144277
(C) This section is repealed effective August 10, 2018.	144278
Section 757.130. (A) There is hereby created the Joint Committee on Ohio College Affordability composed of the following members:	144279 144280 144281
(1) Five members of the Senate, appointed by the President of the Senate, not more than three of whom may be members of the same political party;	144282 144283 144284
(2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives, not more than three of whom may be members of the same political party.	144285 144286 144287
(B) The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee within thirty days after the effective date of this act. The committee shall hold an initial meeting within sixty days after the effective date of this act and shall meet thereafter at the discretion of the committee members.	144288 144289 144290 144291 144292 144293
(C) The committee shall study and develop strategies to reduce the cost of attending colleges and universities in this state. As part of this process, the committee shall consult with the Chancellor of Higher Education and persons or organizations representing institutions of higher education.	144294 144295 144296 144297 144298
(D) The committee shall compile a report of its activities, findings, and recommendations and shall furnish a copy of the report to the Governor, President of the Senate, and Speaker of	144299 144300 144301

the House of Representatives not later than one year after the 144302
effective date of this act, at which time the committee shall 144303
dissolve by operation of law. 144304

Section 763.10. Not later than June 30, 2019, the governor's 144305
office of workforce transformation, in conjunction with the Ohio 144306
library council or its successor organization, may develop a brand 144307
for public libraries as "continuous learning centers" that serve 144308
as hubs for information about local in-demand jobs and relevant 144309
education and job training resources. 144310

Not later than June 30, 2019, the state library of Ohio shall 144311
strengthen the online education resources of the Ohio digital 144312
library to provide more accessible job training materials to adult 144313
learners. 144314

Section 803.10. (A) The member of the Ohio Facilities 144315
Construction Commission appointed by the Governor under division 144316
(B) of section 123.20 of the Revised Code as it existed prior to 144317
the amendments to that section made by this act shall serve the 144318
remainder of the member's term. Upon the expiration of the term, 144319
the Governor shall appoint a member to the Commission in the 144320
manner provided by section 123.20 of the Revised Code as amended 144321
by this act. 144322

(B) If the member serving the unexpired term under division 144323
(A) of this section is unable to fulfill the term, the Governor 144324
shall appoint a member to fill the vacancy in the manner provided 144325
by section 123.20 of the Revised Code as amended by this act. 144326

Section 803.20. EXCHANGE OF CERTAIN INFORMATION BETWEEN 144327
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 144328

Until the amendments to sections 191.04 and 191.06 of the 144329
Revised Code made by this act take effect in accordance with 144330

section 101.01 of this act, and notwithstanding any provision of 144331
the Revised Code to the contrary, the provisions in sections 144332
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 144333
through 2019. 144334

A portion of the foregoing appropriation items 651425, 144335
Medicaid Program Support-State, 651525, Medicaid/Health Care 144336
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 144337
Services-Payment Withholding, 651624, Medicaid Program 144338
Support-Federal, 651680, Health Care Grants-Federal, 651655, 144339
Medicaid Interagency Pass-Through, 651605, Resident Protection 144340
Fund, 651631, Money Follows the Person, 651656, Medicaid 144341
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 144342
Medicaid Services-Long Term Care, 651654, Medicaid Program 144343
Support, and 651649, Medicaid Services-HCAP, may be used to pay 144344
for services and costs associated with operating protocols adopted 144345
under sections 191.04 and 191.06 of the Revised Code. 144346

Section 803.30. Notwithstanding section 1123.01 of the 144347
Revised Code, as amended by this act, both of the following apply: 144348

(A) The appointed members who are serving on the Banking 144349
Commission as of the effective date of this section shall serve 144350
until the end of the term for which the member was appointed. The 144351
terms of office set forth in division (B) of that section and the 144352
qualifications for membership set forth in division (D) of that 144353
section shall first apply to the members appointed on or after the 144354
effective date of this section. 144355

(B) The Banking Commission shall, on the effective date of 144356
this section, additionally consist of the six members appointed to 144357
the Savings and Loan Associations and Savings Banks Board under 144358
section 1181.16 of the Revised Code. Each such member shall serve 144359
until the end of the term for which the member was appointed. 144360

Section 803.40. A certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued under Chapter 4731. of the Revised Code, as that chapter existed immediately prior to the effective date of this section, satisfies the requirements for licensure created by this act until the certificate is required to be renewed. Any renewal shall be in the form of a license issued under Chapter 4731. of the Revised Code.

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Section 803.50. The amendment by this act of section 3517.17 of the Revised Code applies to the first distribution to be made under that section after designations under section 5747.081 of the Revised Code for taxable years beginning in 2017 are available to the Tax Commissioner, and to every distribution thereafter.

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Section 803.100. (A) The amendment or enactment by this act of sections 113.061, 718.01, 718.02, 718.06, 718.60, 718.80, 718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 5703.371, 5703.50, 5703.57, 5703.70, and 5703.75 of the Revised Code applies to taxable years beginning on or after January 1, 2018.

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(B) In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation shall adopt, by ordinance or resolution, the provisions of sections 718.80, 718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, and 718.95 of the Revised Code on or before January 31, 2018. Such resolution or ordinance shall specify that the enactment of those provisions applies to taxable years beginning on or after January 1, 2018.

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(C) The amendment by this act of section 718.08 of the

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Revised Code applies to taxable years beginning on or after January 1, 2018.	144391 144392
(D) The amendment by this act of section 718.27 of the Revised Code applies on and after the effective date of this section.	144393 144394 144395
Section 803.110. The amendment by this act of sections 319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies to all settlements required under section 5731.46 of the Revised Code on and after the effective date of this section.	144396 144397 144398 144399
Section 803.120. The amendment by this act of sections 3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code applies on and after January 1, 2018.	144400 144401 144402
Section 803.140. The amendment by this act of sections 5739.01, 5739.02, 5739.033, 5739.10, and 5741.02 of the Revised Code, except for division (C) of section 5739.01 and division (B)(55) of section 5739.02 of the Revised Code, applies on and after October 1, 2017.	144403 144404 144405 144406 144407
Section 803.150. The amendment by this act of section 5739.30 of the Revised Code applies on and after January 1, 2018.	144408 144409
Section 803.180. The amendment by this act of sections 5743.03 and 5743.081 of the Revised Code applies on and after July 1, 2017.	144410 144411 144412
Section 803.210. The amendment or enactment by this act of sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 5747.51, and 5747.53 of the Revised Code applies to distributions made from the Local Government Fund on or after January 1, 2018.	144413 144414 144415 144416

Section 803.220. The amendment by this act of sections 144417
5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 of the Revised 144418
Code shall apply on and after October 1, 2017. 144419

Section 803.260. The amendment by this act of divisions 144420
(B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code 144421
is intended to be remedial in nature and to clarify existing law. 144422
Such amendments shall apply retrospectively to all cases pending 144423
on or transactions occurring on or after the effective date of the 144424
amendment of that section by Sub. H.B. 157 of the 127th General 144425
Assembly. 144426

Section 803.270. The amendment by this act of divisions (A), 144427
(C), (D), and (I) of section 122.17 of the Revised Code concerning 144428
qualifying work-from-home employees applies to applications 144429
submitted under division (C)(1) of that section on or after the 144430
effective date of this section. 144431

Section 803.280. The amendment by this act of section 307.283 144432
and division (A)(4) of section 5739.026 of the Revised Code 144433
applies to grants awarded by a community improvements board on or 144434
after the effective date of this section as long as the act's 144435
amendments concerning the use of the grant revenue, as defined in 144436
section 307.283 of the Revised Code, are not inconsistent with the 144437
board of county commissioner's resolution levying the tax or the 144438
ballot language approved by the electors of the county. 144439

Section 803.290. The amendment by this act of section 307.678 144440
and division (J) and the third paragraph of division (A)(1) of 144441
section 5739.09 of the Revised Code is intended to promote 144442
development of sites and facilities for and in support of 144443
industry, commerce, distribution, and research and development 144444
within tourism development districts established in this state, in 144445

furtherance of the public purposes established under section 2p of 144446
Article VIII, Ohio Constitution, and thereby to create and 144447
preserve jobs, enhance employment and educational opportunities, 144448
and improve the quality of life and the general and economic 144449
well-being of the people and businesses of this state, all to 144450
better ensure the public health, safety, and welfare of the people 144451
of this state, through cooperative efforts and activities by 144452
political subdivisions, port authorities, and other persons in 144453
furtherance of these purposes, including funding, financing, and 144454
construction activities consistent with the procedures authorized 144455
and established in that amendment pursuant to division (F) of 144456
section 2p of Article VIII, Ohio Constitution. Therefore, the 144457
amendment applies to projects and related work, including funding, 144458
financing, and construction activities or proceedings with respect 144459
to projects, commenced or to be commenced, as well as all work, 144460
activities, and proceedings with respect to projects occurring or 144461
to occur, after the effective date of that amendment. The 144462
amendment shall also apply, insofar as those amendments are 144463
applicable, to support or facilitate any project or related work, 144464
including funding, financing, and construction activities, or 144465
proceedings with respect to any project that is pending, in 144466
progress, or completed on such effective date, also to all such 144467
projects, work, activities, and proceedings, to any contracts or 144468
agreements made or performed, and to any securities or other 144469
obligations, to any credit enhancement facilities or related 144470
reimbursement obligations authorized or issued pursuant to those 144471
proceedings, and any such projects, work, activities, or 144472
proceedings pending, in progress or completed, any contracts or 144473
agreements made or performed, any credit enhancement facilities or 144474
related reimbursement obligations authorized, issued, or agreed, 144475
and any securities or other obligations authorized, sold, issued, 144476
delivered, or validated pursuant to those proceedings, all of 144477

which projects, work, activities, or proceedings shall be 144478
considered to have been taken, made or performed, authorized, 144479
issued and agreed, or authorized, sold, issued, delivered, and 144480
validated, in conformity with that amendment pursuant to section 144481
2p of Article VIII, Ohio Constitution, and other applicable 144482
provisions of the Ohio Constitution and the Revised Code. 144483

Section 803.300. (A) The amendment by this act of sections 144484
5595.03, 5595.06, and 5595.13 applies to regional transportation 144485
improvement projects to which any of the following applies: 144486

(1) The effective date of the cooperative agreement for the 144487
project is on or after the effective date of this section. 144488

(2) The cooperative agreement for the project is amended by 144489
the participating counties on or after the effective date of this 144490
section. 144491

(3) The governing board of the project receives revenue from 144492
the state, a political subdivision, or a taxing district under 144493
section 5595.06 of the Revised Code on or after the effective date 144494
of this section. 144495

(B) If the act's amendment of sections 5595.03, 5595.06, and 144496
5595.13 of the Revised Code conflicts with the cooperative 144497
agreement of a regional transportation improvement project 144498
described by division (A) of this section, the participating 144499
counties shall amend the cooperative agreement in the manner 144500
prescribed by division (D) of section 5595.03 of the Revised Code 144501
to comply with the act's amendment of those sections. 144502

Section 803.330. The amendment by this act of section 144503
4503.066 of the Revised Code shall apply to applications and forms 144504
due to the county auditor in tax year 2017 and thereafter. 144505

Section 803.340. The amendment by this act of section 5709.92 144506
of the Revised Code applies to payments to be made under that 144507
section in fiscal year 2018 and thereafter. 144508

Section 803.350. For each county, the amendment by this act 144509
of sections 5713.31, 5713.34, and 5715.01 of the Revised Code 144510
shall apply to the first tax year after tax year 2016 in which a 144511
sexennial appraisal or triennial update is performed for the 144512
county. 144513

Section 803.360. The amendment by this act of section 5747.70 144514
of the Revised Code applies to taxable years ending on or after 144515
the effective date of this act. 144516

Section 803.370. The amendment by this act of sections 144517
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 144518
to invoices dated on or after July 1, 2017. 144519

Section 803.380. The amendment by this act of section 5733.40 144520
of the Revised Code applies to taxable years beginning on or after 144521
January 1, 2017. 144522

Section 806.10. The items of law contained in this act, and 144523
their applications, are severable. If any item of law contained in 144524
this act, or if any application of any item of law contained in 144525
this act, is held invalid, the invalidity does not affect other 144526
items of law contained in this act and their applications that can 144527
be given effect without the invalid item of law or application. 144528

Section 809.10. An item of law, other than an amending, 144529
enacting, or repealing clause, that composes the whole or part of 144530
an uncodified section contained in this act has no effect after 144531
June 30, 2019, unless its context clearly indicates otherwise. 144532

Section 812.10. Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 3710.99 of the Revised Code take effect January 1, 2018.

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 4713.68, 4713.69, and 4723.05 of the Revised Code take effect on January 21, 2018.

Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 3301.0715, 4301.43, 5168.75, 5168.76, 5168.77, 5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 5168.86, 5743.01, 5743.03, 5743.081, 5743.51, 5743.62, and 5743.63 of the Revised Code.

The amendment by this act of section 5751.02 of the Revised Code takes effect July 1, 2017.	144563 144564
Sections of this act prefixed with section numbers in the 200s, 300s, and 400s.	144565 144566
Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39, 610.50, and 610.51 of this act.	144567 144568
Section 701.20 of this act.	144569
Section 757.20 of this act.	144570
Sections 803.180, 803.210, and 803.370 of this act.	144571
Sections or parts of sections that state that referenced sections in whole or in part are exempt from the referendum.	144572 144573
Section 812.40. (A) The repeal of sections 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 5115.23 and the amendment of sections 126.35, 131.23, 323.01, 323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 5747.122 of the Revised Code take effect on December 31, 2017.	144574 144575 144576 144577 144578 144579 144580 144581
(B) Notwithstanding the provisions of Chapter 5115. of the Revised Code, on and after the effective date of this section and until December 31, 2017, all of the following apply to the Disability Financial Assistance Program:	144582 144583 144584 144585
(1) Beginning July 1, 2017, the Department of Job and Family Services shall not accept any new application for disability financial assistance.	144586 144587 144588
(2) Before July 31, 2017, the Department shall notify the following individuals that benefits shall terminate on July 31, 2017:	144589 144590 144591

(a) Recipients who have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the federal Social Security Administration and who have received a denial of reconsideration from the Administration on or before July 1, 2017;

(b) Recipients who do not have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the Social Security Administration and who have received from the Administration on or before July 1, 2017, an initial denial of benefits or denial of reconsideration.

(3) Beginning on July 1, 2017, and ending on October 1, 2017, the Department shall provide disability financial assistance benefits only to recipients who have not received a denial of reconsideration from the Social Security Administration.

(4) After October 1, 2017, the Department shall provide disability financial assistance benefits only to recipients who have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the Social Security Administration and have not received a denial of reconsideration from the Administration.

(C) Until July 1, 2019, the Department, or the county department of job and family services at the request of the Department, may take any action described in former section 5115.23 of the Revised Code to recover erroneous payments, including instituting a civil action.

(D) Beginning December 31, 2017, the Executive Director of the Governor's Office of Health Transformation, in cooperation with the Directors of the Departments of Job and Family Services and Mental Health and Addiction Services, the Medicaid Director, and the Executive Director of the Opportunities for Ohioans with Disabilities Agency, shall ensure the establishment of a program

to do both of the following:	144623
(1) Refer adult Medicaid recipients who have been assessed to have health conditions to employment readiness or vocational rehabilitation services;	144624 144625 144626
(2) Assist adult Medicaid recipients who have been assessed to have disabling health conditions to expedite applications for Supplemental Security Income or Social Security Disability Insurance benefits.	144627 144628 144629 144630
Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	144631 144632 144633 144634 144635 144636 144637 144638
Section 105.41 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	144639 144640
Section 109.572 of the Revised Code as amended by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.	144641 144642
Section 135.143 of the Revised Code as amended by both Sub. H.B. 471 and Sub. H.B. 476 of the 131st General Assembly.	144643 144644
Section 135.63 of the Revised Code as amended by both Sub. H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly.	144645 144646
Section 2151.353 of the Revised Code as amended by both Sub. H.B. 50 and Sub. H.B. 158 of the 131st General Assembly.	144647 144648
Section 2151.417 of the Revised Code as amended by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	144649 144650
Section 2329.66 of the Revised Code as amended by both H.B.	144651

155 and Sub. S.B. 11 of the 131st General Assembly.	144652
Section 2929.20 of the Revised Code as amended by both Am.	144653
Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly.	144654
Section 3302.03 of the Revised Code as amended by both Am.	144655
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	144656
Section 3313.372 of the Revised Code as amended by both Am.	144657
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	144658
Section 3314.03 of the Revised Code as amended by Am. Sub.	144659
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	144660
General Assembly.	144661
Section 3318.37 of the Revised Code as amended by both Am.	144662
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	144663
Section 3326.11 of the Revised Code as amended by Am. Sub.	144664
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	144665
General Assembly.	144666
Section 3734.42 of the Revised Code as amended by both Sub.	144667
S.B. 294 and Sub. S.B. 302 of the 129th General Assembly.	144668
Section 3742.01 of the Revised Code as amended by both Am.	144669
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	144670
Section 3781.06 of the Revised Code as amended by both Sub.	144671
H.B. 276 and Am. Sub. H.B. 487 of the 129th General Assembly.	144672
Section 4301.62 of the Revised Code as amended by Sub. H.B.	144673
37, Sub. H.B. 47, Sub. H.B. 178, and Sub. H.B. 342, all of the	144674
131st General Assembly.	144675
Section 4725.09 of the Revised Code as amended by both Am.	144676
Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	144677
Section 4729.01 of the Revised Code as amended by Sub. H.B.	144678
216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the	144679
131st General Assembly.	144680

Section 4729.51 of the Revised Code as amended by both Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.	144681 144682
Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	144683 144684
Section 4731.22 of the Revised Code as amended by Sub. H.B. 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.	144685 144686 144687
Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.	144688 144689 144690
Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	144691 144692
Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	144693 144694
Section 5165.01 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	144695 144696
Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.	144697 144698
Section 5709.12 of the Revised Code as amended by Sub. H.B. 166, Sub. H.B. 182, and Am. Sub. H.B. 233, all of the 131st General Assembly.	144699 144700 144701
Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.	144702 144703
Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.	144704 144705
Section 815.20. Several sections of law in this act are amended more than once by this act. If the amendments are without reference to one another, they are to be harmonized and effect given to each amendment under division (B) of section 1.52 of the Revised Code. If, however, the amendments are irreconcilable and	144706 144707 144708 144709 144710

cannot be harmonized, they are to be construed under section 1.51 144711
of the Revised Code. 144712